

FEE AND PRICING SCHEDULE

CITY OF COCOA BEACH, FLORIDA

REQUEST FOR PROPOSAL # CB 17-005

**CITY ATTORNEY
PROFESSIONAL LEGAL SERVICES**

BY



Contact Person: Wade C. Vose, Esquire
Vose Law Firm LLP
324 W. Morse Blvd.
Winter Park, FL 32789
Phone: 407-645-3735
Toll-Free: 1-866-789-VOSE
Fax - 407-628-5670
E-mail: wvose@voselaw.com
Web: www.voselaw.com

Dated: April 24, 2017



Fee Proposal

The fees to be charged by the Vose Law Firm will result in dramatically lower legal fees for the City of Cocoa Beach. In addition, if the all-inclusive fee proposal is chosen, the City will enjoy budgetary certainty while saving over \$100,000 per year.

The Vose Law Firm reviewed the Cocoa Beach City Attorney billing for 23 months, (February, 2015 through December, 2016) and observed that, on average, a total of just over \$30,000 per month was billed, including all general legal services, special projects and litigation.

The current City Attorney agreement provides for a fixed fee of \$10,000 per month for up to 50 hours of general legal services work, [which reflects a fee of \$200 per hour, regardless of who does the work] exclusive of litigation and special projects, with time in excess of 50 hours billed hourly. The average monthly charges by the current City Attorney for "excess" hours over 50 was \$10,240, which made a total average of \$20,240 charged for general legal services each month, exclusive of litigation and special projects.

The hourly fee rates that are being charged by the current City Attorney for "excess" general legal services and for litigation and special projects have been increasing 4% per year (per the terms of the existing City Attorney Agreement). Therefore, currently Skip Fowler is now charging \$233 per hour for litigation and special projects and \$198 per "excess" hour for general legal services. Currently Marsha Segal-George and Mary Sneed are currently charging \$216 per hour for litigation and special projects, and \$184 per "excess" hour for general legal services.

This information, which generally indicates the quantity of legal work that is required by the City of Cocoa Beach, was taken into account in making the following fee proposals.

The Vose Law Firm fee proposal is based on a blended rate of \$150 per hour for attorney time for attorneys who have practiced more than ten (10) years, and \$120 per hour for those attorneys who have practiced ten (10) years or less.

Option "A" - Fixed retainer for General legal services, not including litigation

General legal services, *not including* litigation, would be provided for a monthly retainer amount of \$7,500 for the first 50 attorney hours of general legal services

provided. For general legal services work in excess of 50 attorney hours, and for litigation work, attorneys who have practiced for ten (10) years or more would be billed at \$150 per hour, attorneys who have practiced for less than ten (10) years would be billed at \$120 per hour, and paralegals would be billed at \$75 per hour. The general legal services would include all work other than court or administrative litigation. Per the terms set forth in the RFP, negotiation of union contracts and other labor matters, bond/loan counsel, counsel for red light photo matters, insurance defense, and pension board representation are not included.

Out of pocket costs would be charged at cost, with no mark-up or multiplier. There would be no separately billed copying charges unless copies are made through a third party copying firm and preauthorized by the City Manager. There would be no charge for travel time, and no charge for Westlaw or Lexis fees. No “overhead factor” would be charged.

This method of billing is not recommended since it would tend to inhibit the frequent consulting with the City Attorney when such consultation could avoid problems and pitfalls in the future, and could actually result in even higher legal fees.

Option “B” – Hourly fees for all work without a retainer

Legal services by attorneys who have practiced for ten (10) years or more would be billed at \$150 per hour, attorneys who have practiced for less than ten (10) years would be billed at \$120 per hour, and paralegals would be billed at \$75 per hour.

Out of pocket costs would be charged at cost, with no mark-up or multiplier. There would be no separately billed copying charges unless copies are made through a third party copying firm and preauthorized by the City Manager. There would be no charge for travel time, and no charge for Westlaw or Lexis fees. No “overhead factor” would be charged.

This method of billing is not recommended since it would tend to inhibit the frequent consulting with the City Attorney when such consultation could avoid problems and pitfalls in the future, and could actually result in even higher legal fees.

Option “C” – Proposer’s Choice – Recommended Choice

General legal services, *including* litigation, would be provided for a monthly retainer amount of \$21,500, which would save the City of Cocoa Beach approximately \$100,000 per year over its existing contract, and at the same time result in budgetary certainty. Per the terms set forth in the RFP, negotiation of union contracts and other labor matters, bond/loan counsel, counsel for red light photo matters, insurance defense, and pension board representation are not included.

Out of pocket costs would be charged at cost, with no mark-up or multiplier.

There would be no separately billed copying charges unless copies are made through a third party copying firm and preauthorized by the City Manager. There would be no charge for travel time, and no charge for Westlaw or Lexis fees. No "overhead factor" would be charged.

This option is strongly recommended as it results in budgetary certainty, and results in no impediment to bringing in the City Attorney at the very beginning of every issue/project, thereby ensuring legal oversight as to all City matters, and prevents concerns about calling the City Attorney and being "on the clock". In this way, elected officials and City staff can take full advantage of the comprehensive legal services provided by this option. **This option would result in a savings of over \$100,000 per year over current legal expenses.**

Other Fee Arrangement

The Vose Law Firm is open to any other reasonable fee arrangement that may be proposed by or negotiated with the City, whether those arrangements are made initially, before the contract is awarded, or later, after our firm and the City have worked together for a period of time. Over the years, our firm has had a wide variety of fee arrangements with local governments, and those arrangements have typically been negotiated based upon the particular needs and desires of the local government officials involved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade C. Vose", followed by a period.

Wade C. Vose
Managing Partner, Vose Law Firm LLP