

MASTER COPY

RESPONSE TO THE REQUEST FOR PROPOSAL
FOR
WORKERS' COMPENSATION DEFENSE SERVICES
FOR
THE CITY OF CARSON

RFP # P17- 11

Submitted by:
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June 9, 2017

City of Carson
701 E. Carson Street
Carson, CA 90745
Attention: Mr. Kenneth C. Farfsing, City Manager

RE: Request for Proposal NO: P17-11

Dear Mr. Farfsing,

We are pleased to receive the City of Carson's "*Request for Proposal*". I appreciate the opportunity to present The Law Offices of Bradford & Barthel, LLP (B&B) proposal to partner with the City in the administration and defense of its workers' compensation claims.

As a large firm with years of experience and a solid infrastructure, we stand fully qualified to provide all services required by the City.

Qualifications:

- A. Equity Partners: B&B has ten (10) equity partners (Thomas W. Bradford, Donald Barthel, Mark Fletcher, Tahmeena Ahmed, Alec Bradford, Amir Adil, Jan Metheny, Fariba Jafary, Louis Larres, and Farai Kadzirange.
- B. Length of Partnership: B&B just celebrated our 20th Anniversary in January 2017 as a firm.
- C. Local Requirements: B&B has thirteen offices throughout CA. Our proposal considerations are to provide representation for you from our Los Angeles and Tarzana office(s) for workers' compensation defense and Ontario for subrogation/ civil.
- D. Brief History: Bradford & Barthel was established in 1997 by Thomas Bradford and Donald Barthel, Bradford & Barthel, LLP and quickly became a highly aggressive law firm specializing in workers' compensation defense and related subrogation issues. Bradford & Barthel's reputation for efficient, cost-effective defense of claims, coupled with successes at recruiting similarly minded legal professionals who understand our clients' needs for responsiveness and creative solutions to problems, led to significant growth. Despite this expansion, we have never lost sight of the fact that our success is a direct result of our personal attention to the client and the client's objectives, as well as anticipating legal issues before they become problems.

At present, our 95 plus attorneys represent defendants in workers' compensation matters at every WCAB in California and appear statewide on related civil and collectively bargained workers' compensation / Alternative Dispute Resolution matters. With offices in Anaheim, Fresno, Los Angeles, Oakland, Ontario, Redding, Sacramento, San Diego, San Jose, Salinas, Santa Rosa, Tarzana and Ventura, our

clients include insurance carriers, self-administered employers, third party administrators, public entities (including school districts and municipalities) uninsured employers and individuals.

Other than the growth over the years, we have undergone no significant developments (change of ownership, restructuring, etc)

- E. Legal Proceedings: B&B has no officers or shareholders. Its partners, employees and principals have not been to any litigation or legal proceedings as a defendant relating to B&B's services.
- F. Gender/ Ethnicity Make-Up; Affirmative Action Policies: The firm's 48 partners (Equity & Non-Equity) include 16 woman and 32 men. The partnership base includes several non-whites. Bradford and Barthel is committed to providing equal opportunity in all areas of employment to all people, regardless of race, color, sex, national origin, age, marital status, religion, ancestry, medical condition, disability, political affiliation, sexual orientation, and/ or other factors not directly related to the duties of the position involved.
- G. Public Entity Work: B&B has had the pleasure of representing numerous municipalities and public entities including Burbank, Corona, Laguna Beach, Newport Beach, San Diego, San Bernardino, and school districts, many of whom mandate settlement approval by a city council, board of supervisors, etc. We have encountered no difficulties with such arrangements. So long as the oversight board/ committee is provided sufficient notice of settlement negotiations and major changes relating to case valuation, approval has generally been easily achieved.
- H. Certification: None of the Bradford and Barthel, LLP professional and/ or licensed staff is presently disbarred, suspended, proposed for disbarment, suspension or discipline before any court, licensing authority or administrative law tribunal.
- I. Client-Driven Environment and Mission Statement: As indicated above, B&B was established in 1997 and quickly became known as a highly aggressive law firm specializing in workers' compensation defense and related subrogation issues. Our reputation for efficient, cost effective defense of claims, coupled with successes at recruiting similarly minded legal professionals who understand our clients' needs for responsiveness and creative solutions to problems is the guiding principle to ensure client satisfactions. Our success is a direct result of our personal attention to the client and the client's objectives, as well as anticipating legal issues before they become problems.

The below best describes our mission statement:

Mission Statement

Bradford & Barthel, LLP, promises to be our clients' most valued partner in defending all aspects of workers' compensation claims and related matters. By focusing our expertise on the workers' compensation industry and by providing responsive legal

services and cost-effective business advice, we ensure continued growth based on word-of-mouth recommendations from satisfied clients throughout the industry.

All defense firms are not alike. Bradford and Barthel, LLP differentiates itself from the competition:

Partnering With Our Clients

Reliability:

With over two centuries' combined workers' compensation experience, our attorneys know and understand workers' compensation defense, including subrogation, fraud prosecution and reimbursement. We have the "know how" to vigorously defend against any workers' compensation claim

Reputation:

The judges and the applicant's bar know Bradford and Barthel's reputation as tenacious defense counsel. With offices throughout California, we regularly appear at every venue throughout the state. This ensures that we provide our clients the advantages of "local counsel" no matter where the case is venue.

Responsiveness:

We understand that our clients need practical, fast, responsive, cost-effective legal input. Thus, we resolve to return phone calls in less than twenty-four hours, listen to our clients' concerns, keep them fully informed, and ensure that each case is resolved swiftly and efficiently.

Partnering With Our Employees

Resources:

Recognizing that our people make the difference and are our most important resource, we dedicate ourselves to continually attracting, developing and retaining exceptional and diverse professionals. Bradford & Barthel pledges to encourage every employee to develop his or her full potential, and in turn, promises to acknowledge each individual's unique contributions via a collegial, ethical working environmental and highly competitive compensative and benefit program.

- J. Philosophy/Approach-Providing Comprehensive Litigation Services: B&B is well equipped to effectively and efficiently defend private and public employers on all workplace issues. With our combination of experience, sensitivity and accessibility, clients have the assurance that they are receiving expeditious and economical customized solutions to their legal needs. We are extremely cognizant of our clients Special Handling Instructions for settlement protocols. With years of workers' compensation experience, we know and understand workers' compensation defense, including subrogation, AMA Guides/ Impairment Rating technology, employment law, appeals, large loss, provider fraud and reimbursement.

- K. Communication & Development: Bradford and Barthel as an organization has developed a culture of consistent evolution and made the strategic investments on internal and external process innovation to move ahead to position ourselves to be number one in the workers' compensation defense market place. Our attorneys receive currently law updates from LexisNexis, WorkComp Central, CWCR, WC Executive, DWC / DIR and others as soon as this information is dispersed from the source. They maintain current MCLE course curriculum, attend various industry related seminars when available. Our attorneys view all internal webinars and often participate in client training that we offer to our clients as part of Bradford and Barthel University. Please see our website at : <https://www.bradfordbarthel.com/webinars/>
- L. List of Clients- See Exhibit C
- M. Compliance Audits: Bradford and Barthel Managing Attorneys and Director of Audit / Marketing conducts internal audits of attorneys work product to ensure that all files comply with internal performance standards, laws/ regulations and statutes and case law. A weekly management report is generated to senior management/ partners detailing 39/60/90 day reporting on all open files in the office. This report is broken down by attorney, assures timeliness of diary maintenance, issuance of the Initial First Report, and the like. This ensures that no one "drops the ball". An internal audit of every bill is conducted by highly trained and experienced billing staff in our Billing Department. Any questionable bill such as unusually high charge, possible duplicative bill, incorrect billing code, are referred to local managing attorney for a review and second look by the timekeeper. We also assist our clients in preparing for their state audits (DWC Audit Unit) and recommend strategies to successfully pass PAR, to discuss points of disagreement with the auditors and to assist in any audit Appeals.
- N. Litigation Management: We utilize the Merus Case Management which is a cloud-based legal practice management system to manage cases, documents and billing. We utilize the workflow engines to set automated deadlines for Initial First Reports, diary management, etc. These items can easily be triggered for the attorney/ managing attorney / secretary to monitor.
- O. Calendar Conflict Resolution: Calendar conflicts are managed on a weekly basis at the Calendar Meetings with the Managing Attorney/ Office Manager and Attorneys. If there is a conflict, the Special Account Instructions are checked to see what the requirements are. If the Claims Professional is to be contacted by phone/ email/ letter, they are contacted about the conflict. If it is on a dedicated panel in which only panel attorneys can be used, then we will assign another panel attorney. If we have another attorney at the WCAB at the same time, we will get the Claim Professionals approval to utilize that attorney for cost/ efficiency standpoint. We understand that even with the best planning and programs, clients have emergencies. When a client has a last minute appearance, a local B&B attorney is always available to defend the client's interest. Given B&B's state wide presence, we are just minutes away from any last minute assignment!

P. Firm Wide Turn-Over Ratio: Bradford and Barthel turnover ratio:

Turnover Rate	2016	2015	2014
Firm Wide	18.5%	23.4%	20.7%

Q. Hearing Report time frame requirement: Bradford and Barthel's requirement for Hearing Reports is 10 Days.

R. Proposed Attorney to handle Subrogation/ Civil: See Exhibit D
Patrick V. Fitzpatrick (ONT office)

S. Proposed Attorneys to handle the City's files for Workers Compensation: See Exhibit E
Harry S. Chahal (LA office)

T. Proposed Attorney in to handle Workers' Compensation: - See Exhibit F
George P. Markos (TAZ office)

U. Proposed Attorneys CV/ Bar/Ed/ Years of Experience - See Exhibit A

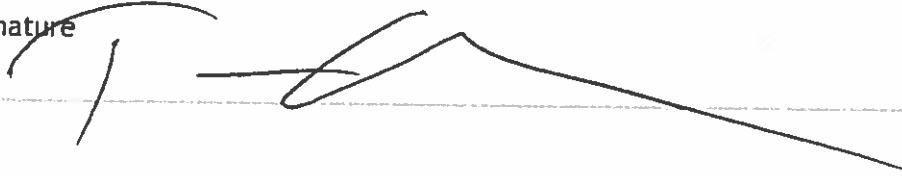
V. Proposed Attorneys Hourly Rates, Office Locations, Venue, Caseload: See Exhibit B

W. We do not contract with outside Defense firms.

X. Certificates of Insurance: See Exhibits H

- Y. Individual with signature authority to bind proposal: Thomas W. Bradford, Founder, of The Law Offices of Bradford and Barthel shall have authority to bind the proposal during the period of time in which the City is evaluating the Proposal.

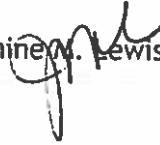
Signature



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Respectfully submitted,

Jeannine W. Lewis



Bradford and Barthel, LLP, Attorney Curriculum Vitae Information - Exhibit A

<u>Attorney</u>	<u>Bar No.</u>	<u>CV</u>	<u>Legal Training</u>	<u>Education</u>	<u>Years of Experience</u>
Harry S. Chahal Associate	254439	Attached	USC Law School Los Angeles, CA	Univ. of CA Irvine, CA	10 years
George P. Markos Partner	134591	Attached	University of LaVerne COL Ontario, CA	CAL St. Univ Northridge, CA	29 years
Peter V. Fitzpatrick Partner	164953	Attached	Glendale Univ COL Glendale, CA	Univ. of Mass Amherst, MA	24 years

Bradford and Barthel, LLP, Attorney Rate, Location, Venue, Caseload - Exhibit B

<u>Attorney</u>	<u>Hourly Rate</u>	<u>Office Location</u>	<u>WCAB Venues</u>	<u>Caseload</u>
Harry S. Chahal Associate	\$160.00	Bradford & Barthel 5757 W. Century Blvd. Suite 660 Los Angeles, CA 90045 310) 981-5004 office 310) 348-8195 fax 714) 343-4084 cell hchahal@bradfordbarthel.com	MDR, LAO	82
George P. Markos Partner	\$165.00	Bradford & Barthel 18801 Ventura Blvd Suite 200 Tarzana, CA 91356 818) 654-0411 office 818) 654-0412 fax 818) 219-9274 cell gmarkos@bradfordbarthel.com	MDR, LAO VN	71
Peter V. Fitzpatrick Partner	\$165.00	Bradford & Barthel 3270 Inland Empire Blvd Suite 200 Ontario, CA 91764 909) 476-0552 office 909) 476-0554 fax 909) 319-0994 pfitzpatrick@bradfordbarthel.com	CIVIL	92

Client List- Exhibit C

City of Burbank	275 E. Olive Avenue, Burbank 91502	818-238-5010	T. Pierce		
City of Concord	1950 Parkside Drive, Concord 94519	925-671-3144	J. Malberty		
City of Corona	400 S. Victoria, Corona 92882	951-736-2499	A. Rich		
City of Fountain Falley	10200 Slater Ave, Fountain Valley 92709	714-593-4507	A. DeForest		
City of Fresno	2600 Fresno St, Fresno, 93721	559-621-6903	C. Connelly		
City of Gardena	1700 W. 162nd St, Gardena 90247	310-217-9516	M. Simonell		
City of Irvine	1 Civic Center Plaza, Irvine 92606	949-724-6079	L. Thompson		
City of Laguna	505 Forest Avenue, Laguna Beach 92651	949-497-0311	B. Salvini		
City of Montclair	5111 Benito St, Montclair 91762	909-625-9418	D. Parker		
City of Moreno Valley	14177 Frederick St., Moreno Valley 93552	951-413-3048	K. Schmitz		
City of Newport Beach	100 Civic Center Dr., Newport Beach 92660	949-644-3307	C. Anderson		
City of Oakland	150 Frank H. Ogawa Plaza, Oakland 94612	510-238-7165	D. Grant		
City of Oceanside	300 N. E. B St, Oceanside 92054	760-435-3504	P. Nunez		
City of Riverside	3900 Main St., Riverside 92522	951-826-5559	S. Tustin		
City of Sacramento	915 I Street, Sacramento 95814	916-808-8216	R. Marconi		
City of Salinas	200 Lincoln Avenue, Salinas 93901	831-758-7256	C. Calihan		
City of San Diego	1200 Third Avenue, San Diego 92101	619-533-6107	E. Montoya		
City of San Jose	200 E. Santa Clara St, San Jose 95113	408-975-1418	A. Hills		
City of Stockton	22 E. Weber Avenue, Stockton 95202	707-421-7333	E. Gato		
City of Walnut Creek	1666 N. Main Street, Walnut Creek 94596	925-256-3515	M. Anderson		
Contra Costa County Schools	550 Ellinwood Way, Pleasant Hill 94523	866-922-2744	M. Clark		

County of Riverside	3900 Main Street, Riverside 92522	951-826-5750	B. Mason
County of Sacramento	PO Box 276130 SAC 95827	916-876-5251	D. Currie
County of San Bernardino	222 W. Hospitality Lane, San Bern 92415	909-386-8655	N. Rice



Peter V. Fitzpatrick- Proposed
Subrogation/ Civil Attorney

Bradford & Barthel
For
City of Carson

Exhibit D

- Bio
- CV
- Ways to Proceed on a Subro case
- Example of Mediation Brief
- Example of ADR Take Nothing



Law Offices of

Bradford & Barthel, LLP



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[Home](#) » [Peter V. Fitzpatrick, Esq.](#)

Peter V. Fitzpatrick, Esq.

Peter V. Fitzpatrick attended the University of Massachusetts at Amherst where he received his Bachelor of Arts degree in Political Science. He received his Juris Doctorate from Glendale University College of Law in Glendale, California.

Thereafter, Mr. Fitzpatrick worked as a staff attorney for the Los Angeles County Superior Court. While working for superior court judges, he became intimately familiar with procedural and substantive civil litigation.

In private practice, he has extensive experience with subrogation, personal injury law, municipality defense, employment law, and medical malpractice defense.

Prior to his legal career, Mr. Fitzpatrick was a firefighter stationed in Santa Barbara, California. His love of the outdoors remains—he is an avid hiker, golfer, and dirt bike rider.

[Click to view CV](#)

Partner – Ontario Office

Area of Practice

Subrogation, Personal Injury,
Municipality Defense, Medical
Malpractice, Employment Law

Office Location

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Ontario, California 91764
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E-mail:

pfitzpatrick@bradfordbarthel.com

vCard:



Outstanding Achievements (take nothing, awards, fraud convictions, and petitions for credit reimbursement)

- May 4, 2015 – In re: Edda Almasin

*Photo courtesy of Ines White,
The Cookie Interpreter, (888) 414-3837*



Links

[Helpful Links](#)[WCAB Info](#)[E-Docs](#)[Trial Victories](#)



Curriculum Vitae

Peter V. Fitzpatrick, Esq.

Education

- 1991 **Glendale University College of Law (California)**
Juris Doctor
- 1980 **University of Massachusetts**
Bachelor of Arts (Political Science)

Areas of Practice

Personal Injury, Municipality Defense, Employment Law, Medical Malpractice,
Workers' Compensation Insurance Defense, Subrogation

Workers' Compensation Defense

- 2009-present **Bradford & Barthel, LLP (Ontario)**
Partner
- 2005-2009 *Associate Attorney*

Subrogation/Employment Law

- 2009-present **Bradford & Barthel, LLP (Ontario)**
Partner
- 2005-2009 *Associate Attorney*

Other Legal Background

- 2002-2004 **Law Offices of Michael Thomas**
Associate Attorney
- 1999-2001 **Brandon & Hilton**
Associate Attorney
- 1993-1999 **Los Angeles County Superior Court**
Staff Attorney

Memberships

- 1993 **State Bar of California**

Peter V. Fitzpatrick
Ways to Proceed on Subro
City of Carson
June 2017

Ok, there are three ways to proceed with a subrogation case:

First, file a complaint where the carrier is the moving party (plaintiff). If we later find out the injured worker has filed a complaint we will move to consolidate the actions. Whenever we file a complaint we also file a Notice of Pending Action pursuant to Labor Code section 3853 so that the injured worker is aware of our complaint and can join the action. The action must be filed within two years of the date of injury.

Next, we can file a Complaint in Intervention when the injured worker has already filed a Complaint. A Complaint in Intervention can be filed at any time prior to settlement or trial.

Finally, we can file a Notice of Lien only. The lien must be filed in an ongoing civil case at any time prior to settlement or judgment in that case. Liens are generally filed when the third party liability is minimal, the lien itself is small, and there is employer negligence.

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