



**MINUTES
CARSON CITY COUNCIL
SPECIAL MEETING
MARCH 29, 2018**

9:00 A.M.

**CARSON CITY HALL
HELEN KAWAGOE COUNCIL CHAMBERS
701 EAST CARSON STREET
CARSON, CA 90745**

CALL TO ORDER:

The meeting was called to order at 9:10 A.M., by Mayor Albert Robles in the Helen Kawagoe Council Chambers, Carson City Hall, located at 701 E. Carson Street, Carson, California 90745.

ROLL CALL: City Clerk Donesia Gause-Aldana noted the following:

Council Members Present: Mayor Albert Robles, Mayor Pro Tem Jawane Hilton, Council Member Cedric Hicks, and Council Member Elito Santarina (Entered at 9:11 A.M.)

Council Members Absent: Council Member Lula Davis-Holmes

Other Elected Officials Present: Donesia Gause, City Clerk

Also Present:

Kenneth C. Farfsing, City Manager; and Glenn Turner, Computer Systems Support Technician

ORAL COMMUNICATIONS FOR MATTERS LISTED ON THE AGENDA (MEMBERS OF THE PUBLIC)

There were no persons wishing to speak.

DISCUSSION: (Item 1)

Item No. 1. CONSIDER PUBLIC CONSULTANT INTERVIEWS OF LAW FIRMS FOR WORKERS COMPENSATION SERVICES (CITY COUNCIL)

Recommendation:

CONDUCT interviews of the applicants for Worker's Compensation City Attorney.

Mayor Robles stated that he and the Council Members would be asking each firm eight prepared questions.

BARRAGAN & SATZMAN LLP interview began at 9:17 A.M.

Guadalupe Barragan and Hilary Satzman provided a brief introduction of their firm and firm's mission.

- How has your firm's strategy changed towards litigation post SB 863 workers' compensation reform?

Ms. Barragan discussed the impacts of SB 863.

- What is your position on using Agreed Medical Evaluators (AME)?

Both Ms. Barragan and Saltzman are against AME's unless absolutely necessary.

- What is your firm's approach toward exaggerated claims or malingerers?

Ms. Barragan explained their process of handling malingerers. Ms. Saltzman reiterated comments made by Ms. Barragan

- How does your firm approach handling politically sensitive claims?

Ms. Barragan noted no information is provided unless given permission or without first being discussed with their clients.

- What is your client retention rate?

Ms. Barragan stated there are two big clients who have been with them for over a decade. Another client on SB 863 claims. They are a small firm with five clients. No contracts with a municipality.

- What is your experience in settlement analysis to City Councils in closed sessions and requested authority?

They have made presentations to clients on multiple occasions via telephone or in person on status of cases.

- How many files does each attorney have?

They work as a team on all cases with an estimated 65 cases.

- What is your firm's approach to recommending settlement or going to trial?

Ms. Barragan explained their settlement approach. Ms. Saltzman added comments.

Mayor Robles inquired about proposed rates.

Ms. Barragan and Saltzman clarified their rate proposal.

(Mayor Pro Tem Hilton exited the meeting at 9:37 A.M. and reentered the meeting at 9:38 A.M.)

Mayor Robles inquired about the distance between their firm from City Hall?

Ms. Saltzman noted it will take an hour in travel time.

Mayor Robles inquired about cost for travel time.

Ms. Barragan noted no cost associated with travel time.

Ms. Saltzman inquired about a firm that handles liaison between disability and pension claims.

City Manager Farfsing noted Human Resources will handle.

Interview of BARRAGAN & SATZMAN LLP concluded at 9:41 A.M.

BLACK AND ROSE LLP interview began at 9:41 A.M.

Partners Jim Black, Brent Rose and Ab Diallo

Mr. Black introduced the firm, gave his location and mentioned some of his clients.

- How has your firm's strategy changed towards litigation post SB 863 workers' compensation reform?

Mr. Black stated the firm's strategy.

Mayor Robles inquired whether the firm has a strategy for changing the law.

Mr. Rose offered an explanation for strategy. Mr. Diallo offered additional comments.

- What is your position on using Agreed Medical Evaluators (AME)?

Mr. Rose offered comments on the firm's position of using AME's.

- What is your firm's approach toward exaggerated claims or malingerers?

Mr. Black noted the firm would pursue fraud cases whenever possible. Bottom line, the firm takes a strong approach.

- How does your firm approach handling politically sensitive claims?

Mr. Diallo explained the firm's approach in handling sensitive claims, referring to experience with the School District. Mr. Rose offered additional comments. Mr. Black offered more comments to the question.

- What is your client retention rate?

Mr. Black noted their retention rate is at 100%. He noted one instance where they were subbed out and the reason.

Mayor Pro Tem Hilton inquired if they have any municipality clients?

Mr. Black stated No.

- What is your experience in settlement analysis to City Councils in closed sessions and requested authority?

Mr. Black provided their experience with the School Board in closed session and offering settlement analysis. Mr. Rose offered additional comments.

- How many files does each attorney have?

Mr. Rose stated that there were 70 to 80 accounts per attorney. Mr. Black noted the firm keeps the case load to a manageable level.

- What is your firm's approach to recommending settlement or going to trial?

Mr. Diallo stated the firm's approach is a cost/benefit analysis with recommending settlement versus going to trial.

Mayor Robles inquired about the firm's subrogation attorney rates that were proposed.

He stated the rates are higher than other proposals. Mr. Rose offered clarification on subrogation rates. Mr. Black offered additional comments.

Mayor Robles inquired about firm billing for travel.

Mr. Black stated the firm does not bill for travel time for City Council meetings. Mr. Rose offered additional comments.

Mr. Black offered concluding comments. Mr. Diallo offered additional comments referring to the firm's reputation on professionalism and client retention.

(Mayor Pro Tem Hilton exited the meeting at 10:02 A.M. and reentered the meeting at 10:03 A.M.)

(Council Member Santarina exited the meeting at 10:04 A.M. and reentered the meeting at 10:05 A.M.)

Interview of BLACK AND ROSE LLP concluded at 10:05 A.M.

DABBAH, HADDAD, SULEIMAN interview began at 10:05 A.M.

Attorney's Dabbah, Haddad and Suleiman introduced themselves and the firm to the City Council.

- How has your firm's strategy changed towards litigation post SB 863 workers' compensation reform?

Mr. Dabbah spoke about how SB 863 has affected the firm's strategy and procedural changes for the firm.

Mayor Robles inquired if firm has any proposals on how to improve post SB 863.

Mr. Haddad offered the firm's approach.

- What is your position on using Agreed Medical Evaluators (AME)?

Mr. Dabbah stated the firm's position on using AME's.

- What is your firm's approach toward exaggerated claims or malingerers?

Mr. Suleiman provided a brief statement on the firm's approach when dealing with fraudulent claims. Mr. Dabbah offered additional comments.

Council Member Santarina stated he liked the firm's response with handling fraudulent claims.

- How does your firm's approach handling politically sensitive claims?

Mr. Dabbah stated they must engage the client and others to be able to identify whether a case is politically sensitive. He offered an example. Mr. Suleiman offered additional comments.

- What is your client retention rate?

Mr. Dabbah explained that most of their clients have been with their firm for over a decade.

- What is your experience in settlement analysis to City Councils in closed sessions and requested authority?

Mr. Suleiman stated they have a long history of providing settlement analysis via verbally or by presentation. Mr. Dabbah offered additional comments.

- How many files does each attorney have?

Mr. Suleiman stated the firm's approach that their attorneys have a low case load, citing the importance of case readiness.

Council Member Santarina asked the firm to explain their collaboration efforts.

Mr. Dabbah stated all aspects are vetted through the partners prior to communicating with clients. He explained the training approach.

- What is your firm's approach to recommending settlement or going to trial?

Mr. Haddad offered the firm's strategy for recommending settlement versus going to trial. Mr. Dabbah offered additional comments.

Mayor Robles inquired about the firm billing travel time for attending City Council meetings.

Mr. Haddad noted the firm will not bill for travel.

Mr. Haddad offered closing statements and thanked the City Council for the opportunity to present their firm. Mr. Suleiman offered additional comments. Mr. Dabbah concluded the interview with final statements.

Interview of DABBAH, HADDAD SULEIMAN concluded at: 10:40 A.M.

(Mayor Robles exited the meeting at 10:40 A.M.)

(Council Member Hicks exited the meeting at 10:41 A.M.)

(Mayor Robles and Council Member Hicks reentered the meeting at 10:42 A.M.)

LAW OFFICES OF MULLEN & FILIPPI interview began at 10:42 A.M.

Christopher Morrow, Managing Senior Partner, offered opening statements and introduced the firm to the City Council.

- How has your firm's strategy changed towards litigation post SB 863 workers' compensation reform?

Mr. Morrow stated the firm's strategy post SB 863, citing using less AME's.

Mayor Robles inquired if the firm has any proposals for improving SB 863 approach.

Mr. Morrow stated that it was about knowing who is who and eliminating the lien claimants.

- What is your position on using Agreed Medical Evaluators (AME)?

Mr. Morrow noted that it is rare his firm would use an AME.

- What is your firm's approach toward exaggerated claims or malingerers?

Mr. Morrow noted the firm's strategy.

- How does your firm's approach handling politically sensitive claims?

Mr. Morrow believes transparency is key. He stated the approach is real world instances with matching clients with the right attorney.

- What is your client retention rate?

Mr. Morrow stated the firm has captive clients because they are a statewide firm with an office close to every board. He noted his firm does not bill for travel time.

- What is your experience in settlement analysis to City Council in closed sessions and requested authority?

Mr. Morrow noted he does not have any City Council clients but does have school board clients. He noted examples of his approach with settlement analysis and presentations to Board members. He noted that preparation is essential.

- How many files does each attorney have?

Mr. Morrow noted that the attorneys have approximately 70-85 cases. He stated having more than that will prevent the attorney from knowing the cases intimately. He also stated the firm has an automated system that indicates cases that has not had any activity. This type of reporting system allows the firm to know who is doing what.

- What is your firm's approach to recommending settlement or going to trial?

Mr. Morrow noted the firm's approach at recommending settlement versus going to trial.

Mayor Robles inquired about billing travel times for attending City Council meeting.

Mr. Morrow noted the firm will not bill travel time.

(Council Member Santarina exited the meeting at 11:06 A.M. and reentered the meeting at 11:07 A.M.)

Mayor Robles inquired about subrogation rates proposed by the firm.

Mr. Morrow noted that rates can be negotiated. The subrogation attorney is good and experienced.

Mr. Morrow offered closing statements.

Interview of LAW OFFICES OF MULLEN & FILIPPI LLP concluded at: 11:11 A.M.

MICHAEL BARNARD LAW OFFICES began at 11:12 A.M.

Michael Barnard offered opening statements and introduced his firm. He is a sole practitioner who represents entities who are self-insured.

- How has your firm's strategy changed towards litigation post SB 863 workers' compensation reform?

Mr. Barnard stated the firm's strategy has not changed as much, noting that the firm has always endeavored to learn as much about the claimant as possible which is how they mitigate the case.

Mayor Robles inquired whether the firm has recommendation to improve the worker's compensation system. Mr. Barnard stated that a barrier for non-meritorious claims may eliminate the amount of claims.

- What is your position on using Agreed Medical Evaluators (AME)?

Mr. Barnard stated certain claims require AME's and other instances where it is in the best interest of the client to take a different approach.

- What is your firm's approach toward exaggerated claims or malingerers?

Mr. Barnard stated the firm's strategy.

- How does your firm's approach handling politically sensitive claims?

Mr. Barnard gave an example of a politically sensitive case he experienced and noted his approach with handling politically sensitive cases.

- What is your client retention rate?

Mr. Barnard stated he has been able to retain all of his clients for over 11 years, citing good working relationships. He also has municipal clients.

- What is your experience in settlement analysis to City Councils in closed sessions and requested authority?

Mr. Barnard stated he has extensive experience providing analysis to City Councils and identifying their needs to assist with their understanding of their cases.

- How many files does each attorney have?

Mr. Barnard noted the firm has approximately over 200 files. He has an additional attorney and a paralegal in his firm. He is expecting to hire two additional associates. He noted the attorney's collaborative approach with all cases.

- What is your firm's approach to recommending settlement or going to trial?

Mr. Barnard stated establishing the case exposure determines whether he would recommend settlement versus going to trial.

Mayor Robles inquired if the firm will bill for travel time to attend Closed Session City Council meetings.

Mr. Barnard stated the firm will not bill for travel time.

Mr. Barnard offered closing statements.

Interview of MICHAEL BARNARD LAW OFFICES concluded at 11:29 A.M.

ORAL COMMUNICATIONS (COUNCIL MEMBERS)

City Manager Farfsing noted the City Council will consider appointing a firm during the City Council meeting on Tuesday, April 3, 2018.

Mayor Pro Tem Hilton offered condolences to Assistant City Manager Raymond for the loss of his mother.

ADJOURNMENT

The meeting was adjourned at 11:30 A.M. by Mayor Robles.

Mayor Albert Robles

ATTEST:

City Clerk Donesia Gause-Aldana