



City Council Agenda Item

City Council Meeting Date: July 2, 2024

TO: Honorable Mayor and City Councilmembers

FROM: Dean Albro, City Manager
d_albro@ci.lompoc.ca.us

SUBJECT: Approval of Legal Services Agreement for Legal Representation by Lewis Brisbois Bisgaard & Smith LLP in Police-Related Civil Litigation Defense

Recommendation:

Staff recommends the City Council approve and authorize the City Manager to sign the attached Engagement Letter with Lewis Brisbois Bisgaard & Smith LLP (Lewis Brisbois).

Background:

On May 6, 2024, the City was contacted by Dale K. Galipo who represents the family of Connor Amador (Attachment 1). While the letter received from Galipo did not meet the requirements of the Government Code for submission of a claim, it did put the City on notice that a claim would soon be received. Thereafter, on June 24, 2024, the City received four claims from Dale K. Galipo, representing "all heirs", Connor Amador, Jeffrey Amador, and Veronica Bennett.

The pending claim arises from the actions of the Lompoc Police Department on December 29, 2023, with respect to Connor Amador.

Discussion:

Lewis Brisbois' **Civil Rights & Police Litigation Defense Task Force** includes a multi-disciplinary, nationwide team of veteran, dedicated, and industry-leading police practices trial attorneys and appellate advocates who are highly experienced in all matters of federal and state civil rights and police litigation defense cases.

Their extensive experience runs the full gamut of law enforcement civil rights cases, including:

- Officer-involved shooting (OIS) incidents – both fatal and non-fatal
- SWAT deployments & tactical team incidents – both fatal and non-fatal
- Prone & restraint-related, alleged asphyxial death incidents
- TASER force incidents – both fatal and non-fatal
- K9 dog bite incidents
- Pepper/OC spray incidents

- Baton, impact weapon, & manual strike incidents
- Disputed causation of death police force incidents
- False arrest & unlawful detention incidents
- Jail/prison medical cases
- And many other 42 U.S.C. § 1983 and comparable state law police/civil rights cases.

Tony Sain, a partner at Lewis Brisbois, has agreed to undertake the City's representation in all police-related civil litigation matters beginning with the Amador claim. Mr. Sain is Vice Chair of the General Liability Practice and Co-Chair of the Civil Rights & Police Litigation Defense Task Force, and a member of the National Trial and Appellate Practices. He focuses his practice on high exposure, high-stakes, high-profile matters in a wide variety of catastrophic injury and wrongful death cases across a number of practice areas, including personal injury, tort litigation, as well as police civil rights and public entity defense. Throughout his career, Mr. Sain has served as lead trial attorney in multiple high-profile jury and administrative trials, consistently securing defense verdicts, complete dismissals of claims, and other favorable outcomes on behalf of his clients, as well as racking up an impressive number of wins as an appellate court advocate.

Fiscal Impact:

Compensation under the agreement will be billed at the rate of \$315/hour for partners; \$285/hour for associates; \$195/hour for law clerks; \$195/hour for paralegals. In addition, they may increase their rate annually by up to 10% upon giving the City 30 days' notice.

As litigation counsel for the City, in most matters, including the Amador claim, the attorneys' fees of Lewis Brisbois will be recoverable from the City's insurance carrier, once the City has expended in excess of \$100,000, which is the self-insured retention. Appropriations for anticipated retention costs are currently budgeted in the City's self-insurance fund and no additional appropriations are anticipated to be required.

Conclusion:

Bringing Lewis Brisbois on board will assist the City in defending itself against police-related litigation and claims.

Respectfully submitted,

Dean Albro, City Manager

Attachments: 1) Letter from Dale K. Galipo dated May 6, 2024
2) Letter of Engagement from Lewis Brisbois dated May 31, 2024