

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

RESOLUTION 2017 - 04

A RESOLUTION AWARDING CONTRACTS TO ASSIGNED DEFENSE COUNSEL AND APPROVED ASSOCIATES.

WHEREAS, the Atlantic County Municipal Joint Insurance Fund (ACMJIF) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Fund Commissioners of the Atlantic County Municipal Joint Insurance Fund find that it is necessary and appropriate to obtain certain legal services so that the claims filed against the member municipalities of the Atlantic County Municipal Joint Insurance Fund and for which the Atlantic County Municipal Joint Insurance Fund is obligated to provide a legal defense may be properly defended; and

WHEREAS, the ACMJIF, under the "Fair and Open" process, advertised a Request for Qualifications (RFQ) for three (3) one (1) year Contracts for Assigned Defense Counsel, and the responses to the RFQ were to be submitted to the Executive Director's Office by November 20, 2015; and

WHEREAS, the ACMJIF received eighteen (18) responses to the General Liability RFQ and nine (9) responses to the Workers' Compensation RFQ and all responses were referred to the ACMJIF Claims Review Committee for evaluation; and

WHEREAS, on December 10, 2015, the ACMJIF Claims Review Committee reviewed and evaluated all responses that were received to the RFQ, and after each member of the Committee individually completed the evaluation process, the Claims Review Committee discussed the responses and determined that certain firms were recommended to be awarded Contracts for 2016; and

WHEREAS, those recommendations were presented to the Executive Committee of the ACMJIF at their regular meeting on December 16, 2015, and the Executive Committee authorized the Fund Solicitor to prepare a Resolution awarding the Contracts in accordance with the recommendation of the Claims Review Committee, and on January 20, 2016, Resolution #2016-4 was adopted Awarding Contracts to Assigned Defense Counsel and Approved Associates; and

WHEREAS, the ACMJIF Claims Review Committee and the Executive Committee have recommended that Contracts be awarded to the same firms for 2017, which shall be the second Contract for one (1) year under the RFQ which authorized three (3), one (1) year Contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Atlantic County Municipal Joint Insurance Fund assembled in a public session on January 18, 2017, that the following Law Firms and Attorneys are hereby designated as Assigned Defense Counsel and Approved Associates for the Atlantic County Municipal Joint Insurance Fund and each firm shall be awarded a Contract for 2017 under the "Fair and Open" process:

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General Liability Claims:

1. Barker, Gelfand & James, P.C. with A. Michael Barker, Esquire, Todd J. Gelfand, Esquire, and Vanessa E. James, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; Jeffrey Sarvas, Esquire, Greg DiLorenzo, Esquire and William T. Rozell, Esquire as Approved Associates at a rate of \$125.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
2. The Law Offices Thomas G. Smith, P.C. with Thomas G. Smith, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
3. Birchmeier & Powell, LLC with James R. Birchmeier, Esquire and Erin R. Thompson, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; Edward N. Romanik, Esquire as an Approved Associate at a rate of \$125.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
4. Gemmel, Todd & Merenich, P.A. with Molly Todd Merenich, Esquire and Robert Merenich, Esquire, as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time and a Paralegal rate of \$75.00 per hour.
5. Youngblood, Franklin, Sampoli & Coombs, P.A. with L. Patricia Sampoli, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; Stephanie Albrecht-Pedrick, Esquire as an Approved Associate at a rate of \$125.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
6. Reynolds & Horn, P.C. with Thomas B. Reynolds, Esquire and Steven M. Horn, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; John J. Bannan, Esquire as an Approved Associate at a rate of \$125.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
7. Madden & Madden, P.A. with Michael P. Madden, Esquire, Patrick Joseph Madden, Esquire, John-Paul Madden, Esquire, Timothy R. Bieg, Esquire, Michael V. Madden, Esquire as Assigned Defense Counsel at a rate of \$150.00 per hour of attorney time; Regina M. Phillips, Esquire as an Approved Associate at a rate of \$125.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.

Workers' Compensation Claims:

1. Pietras, Saracino, Smith & Meeks, LLP, with James G. Pietras, Esquire; Christopher J. Saracino, Esquire, Benjamin F. Smith, Esquire, Jody L. Meeks, Esquire and Joseph A. Vastano, Jr., Esquire as Assigned Defense Counsel at a rate of \$135.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$65.00 per court appearance; and \$115.00 per hour for Occupational cases.
2. Affanato Marut, LLC with Michael S. Affanato, Esquire and Michelle K. Marut, Esquire as Assigned Defense Counsel at a rate of \$135.00 per hour of attorney time; Elizabeth Tomasso

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Mosteller, Esquire and Megan C. Davis, Esquire as Approved Associates at a rate of \$110.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$65.00 per court appearance; and \$115.00 per hour for Occupational cases.

3. Cooper Levenson with Kenneth J. Sylvester, Esquire and James P. Paoli, Esquire as Assigned Defense Counsel at a rate of \$135.00 per hour of attorney time; Lindsay Byrne, Esquire and Karen Vincent, Esquire as Approved Associates at a rate of \$110.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$65.00 per court appearance; and \$115.00 per hour for Occupational cases.

Note that the above rates include all reasonable office expenses (e.g.) postage, faxes, telephone, copies, etc., and in conformance with the Litigation Management Guidelines.

BE IT FURTHER RESOLVED that assignment of specific claims for defense of General Liability and Workers' Compensation claims shall be made by the Fund Solicitor and Claims Administrator for the Atlantic County Municipal Joint Insurance Fund, and they shall supervise and coordinate the defense of these matters in accordance with the Litigation Management Guidelines of the Atlantic County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the assignment of cases for defense made in accordance with prior Resolutions of the Atlantic County Municipal Joint Insurance Funds shall continue with the Assigned Defense Counsel so assigned, subject to the authorization of the Fund Solicitor for the Atlantic County Municipal Joint Insurance Fund to supervise the defense of these matters and to reassign the defense matters where appropriate.

BE IT FURTHER RESOLVED that the rates of compensation in the Litigation Management Guidelines of the Atlantic County Municipal Joint Insurance Fund are hereby amended to comply with the rates set forth in this Resolution.

BE IT FURTHER RESOLVED that this contract is being awarded following a "Fair and Open" process pursuant to NJSA 19:44A-20.1 et. seq.

BE IT FURTHER RESOLVED that the Fund Chairman and Secretary are hereby authorized to execute the Contracts with the Assigned Defense Counsel Law Firms to provide Legal Services to the Fund.

BE IT FURTHER RESOLVED that the copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, and Claims Administrator of the Atlantic County Municipal Joint Insurance Fund and those herein appointed for their information and attention.

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This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund
at a public meeting held on January 18, 2017.

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Attest: *Constance A. Mellon* By: *Doug R. Somers*

Dated: *1-18-2017*