

# **ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

## **RESOLUTION 2021 - 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 Administrator/Executive Director's Office by September 28, 2018; and

**WHEREAS**, the ACMJIF received eighteen (18) timely responses to the General Liability RFQ and all of those responses were referred to the ACMJIF Claims Review Committee for evaluation. One (1) response was received from Louis Cappelli, Jr. Esquire of Florio Perrucci Steinhardt & Cappelli, LLC after the deadline of September 28, 2018 at 11:00 AM and was not considered; and

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

**WHEREAS**, the ACMJIF Claims Review Committee reviewed and evaluated all of the responses that were received to the RFQ, and after each member of the Committee individually completed the evaluation process, the scores were tallied and the Claims Review Committee discussed the responses and determined that certain firms were recommended to be awarded Contracts for 2019; and

**WHEREAS**, those recommendations were presented to the Executive Committee of the ACMJIF at their regular meetings on January 16, 2019 and on January 15, 2020 and through Resolutions 2019-04 and 2020-4, the Executive Committee awarded Contracts in 2019 and 2020 in accordance with the recommendations of the Claims Review Committee; and

**WHEREAS**, the Executive Committee has determined that the same Contracts should be awarded for 2021, which is the third year of the 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 20, 2021, that the following Law Firms and Attorneys are hereby designated as Assigned Defense Counsel and

## **ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

Approved Associates for the Atlantic County Municipal Joint Insurance Fund and each firm shall be awarded a Contract for 2021 under the "Fair and Open" process:

### **General Liability Claims:**

1. Barker, Gelfand & James, P.C. with A. Michael Barker, Esquire, Todd J. Gelfand, Esquire, Vanessa E. James, Esquire and Jeffrey Sarvas, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; Greg DiLorenzo, Esquire and William T. Rozell, Esquire as Approved Associates at a rate of \$135.00 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 \$165.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
3. Birchmeier & Powell, LLC with James R. Birchmeier, Esquire, Erin R. Thompson, Esquire and Edward N. Romanik, Esquire as Assigned Defense Counsel at a rate of \$165.00 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 \$165.00 per hour of attorney time and a Paralegal rate of \$75.00 per hour.
5. Reynolds & Horn, P.C. with Thomas B. Reynolds, Esquire and Steven M. Horn, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
6. Madden & Madden, P.A. with Michael P. Madden, Esquire, Patrick Joseph Madden, Esquire, John-Paul Madden, Esquire, Matthew Madden, Esquire, Timothy R. Bieg, Esquire, Michael V. Madden, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; Regina M. Phillips, Esquire and Mark W. Strasle, Esquire as Approved Associates at a rate of \$135.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
7. Craig Annin Baxter LLP with Robert A. Baxter, Esquire, Timothy E. Annin, Esquire, John C. Grady, Esquire, Jeffrey S. Craig, Esquire and Paul D. Kelly, Esquire as Assigned Defense Counsel at a rate of \$165.00 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 \$140.00 per hour of attorney time; Samuel A. Scimeca, Jr., Esquire as an Approved Associate at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 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 \$140.00 per hour of attorney time; Elizabeth Tomasso Mosteller, Esquire, Megan C. Davis, Esquire and Caitlin K. Carroll, Esquire as Approved Associates at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a



## **ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

maximum of \$70.00 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.

This Resolution was duly adopted by the Atlantic County Municipal Joint Insurance Fund  
at a public meeting held on January 20, 2021.

### **ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

By: \_\_\_\_\_

CHAIRPERSON

Attest: \_\_\_\_\_

SECRETARY

Dated: \_\_\_\_\_