

ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

RESOLUTION 2023 - 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 on behalf of the Member Municipalities; and

WHEREAS, the ACMJIF, under the "Fair and Open" process, issued Requests for Qualifications (RFQs) on August 13, 2021 for three (3), one (1) year Contracts for Assigned Defense Counsel for General Liability matters and for Workers' Compensation matters, and the responses to the RFQs were required to be provided to the Fund Administrator's Office by September 17, 2021; and

WHEREAS, the Fund Administrator for the ACMJIF received twenty-two (22) timely responses to the General Liability RFQ, and all of those responses were referred to the Fund Solicitor and the ACMJIF Claims Review Committee for evaluation; and

WHEREAS, the Fund Administrator for the ACMJIF received twelve (12) timely responses to the Workers' Compensation RFQ, and all of those responses were referred to the Fund Solicitor and 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 RFQs, and after members of the Claims Review Committee individually completed the evaluation process, the scores were tallied by the Fund Solicitor, the Fund Solicitor provided his recommendations and the Claims Review Committee then determined that certain firms were to be recommended to be awarded Contracts for 2022; and

WHEREAS, those recommendations were presented to the Executive Committee of the ACMJIF at their regular meeting on December 15, 2021 and the Executive Committee determined that the recommendations of the Claims Review Committee should be accepted and the recommended firms were awarded Contracts for 2022 through Resolution 2022-4 on January 19, 2022; and

WHEREAS, the Executive Committee has determined that the same Contracts should be awarded for 2023, which is the second year of the three (3) one (1) year Contracts.

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Esquire, William F. Cook, Esquire and Gina Roswell, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Therese M. Taraschi, Esquire, Andrew S. Brown, Esquire and Sean P. O'Brien, Esquire as Approved Associates at a rate of \$155.00 per hour of attorney time; and a Paralegal rate of \$90.00 per hour.

10. Blaney Donohue Karavan & Weinberg, P.C. with William G. Blaney, Esquire, Michael J. Donohue, Esquire and Kyle Weinberg, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Frank Guaracini, Esquire and John Dominy, Esquire as Approved Associates at a rate of \$155.00 per hour of attorney time; and a Paralegal rate of \$90.00 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, Joseph A. Vastano, Jr., Esquire and Theresa Garvin-Keyser, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$140.00 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 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 \$140.00 per hour for Occupational cases.

3. Capehart Scatchard, P.A. with John H. Geaney, Esquire, Prudence M. Higbee, Esquire, Michael L. Bileci, Esquire and Dana M. Gayeski, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$140.00 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 the assignment of Assigned Defense Counsel to defend specific General Liability and Workers' Compensation claims on behalf of the Member Municipalities and their Employees shall be made by the Fund Solicitor and Claims Administrator for the Atlantic County Municipal Joint Insurance Fund, and the Fund Solicitor shall supervise and coordinate the handling of these matters in accordance with the Litigation Management Guidelines of the Atlantic County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the prior assignments of Assigned Defense Counsel to defend these claims that were previously made in accordance with prior Resolutions of the Atlantic County Municipal Joint Insurance Fund 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 handling of these matters and to reassign the defense of these matters where it is deemed to be appropriate.

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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 18, 2023.

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By: 
CHAIRPERSON

Attest: 
SECRETARY

Dated: 1/18/2023