



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/19/2023

ALL

Item Creation Date: 12/4/2023

LGL- Compromise, Settlement and Release Agreement- Jackson Lewis, P.C.

Agenda Item#: 25.

Background:

Summary:

An ordinance approving and authorizing a Compromise, Settlement and Release Agreement between the City of Houston and Jackson Lewis, P.C. for professional legal and consulting services and providing a settlement amount.

Background:

The City Attorney recommends that City Council adopt an ordinance approving and authorizing the resolution of a dispute with Jackson Lewis, PC ("Jackson Lewis"), under which the City will pay Jackson Lewis \$129,113.44 and settle all claims associated with invoices for legal services performed from January 20, 2023, through November 1, 2023.

On January 20, 2023, Jackson Lewis was retained under Purchase Order No. 4500385809-0 with a cap of \$50,000 to assist the legal department with three active employment discrimination lawsuits during a period when the Labor Employment and Civil Service Section ("LECS") of the Legal Department was drastically short staffed. Traditionally, MWBE has not been required in matters under \$50,000, and so no MWBE goal was obtained.

Jackson Lewis was able to successfully position two of the lawsuits (*Graham* and *Guzman*) so that LECS could take over once additional attorneys were hired. The third lawsuit (*Ortiz v. City of Houston*, Case No. 4:19cv02488, in the U.S. District Court for the Southern District of Texas) was more complicated, involving wage claims and allegations of gender discrimination against the Houston Fire Department. Under the court's scheduling order, *Ortiz* quickly required extensive depositions as well as the drafting of a summary judgment motion, which was best handled by counsel who was already familiar with the case. As such, the \$50,000 purchase order cap was exceeded due to work done on the three suits. Jackson Lewis stopped all work on *Graham* and *Guzman* effective May 4, 2023, and all fees and costs incurred prior to that date have been paid under the purchase order. However, due to the active status of *Ortiz*, Jackson Lewis continued to handle that lawsuit after reaching the purchase order cap.

Jackson Lewis settled *Ortiz* prior to trial, thus saving the City from incurring additional attorney fees and costs. The *Ortiz* settlement was approved by City Council on November 1, 2023, under Ordinance No. 2023-917. The legal department now seeks to settle the unpaid attorney's fees and costs incurred by Jackson Lewis in defending the *Ortiz* case.

Fiscal Note:

Funding for this item is included in the FY24 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Estimated Spending Authority			
Department	Current FY	Out Year	Total
Legal	\$129,113.44	\$0	\$129,113.44

DocuSigned by:

Arturo G. Michel, City Attorney

Prior Council Action:

N/A

Amount and Source of Funding:

\$129,113.44

Property and Casualty Fund

Fund No.: 1004

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