



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

Item Creation Date: 1/4/2024

LGL-Beck Redden LLP, Legal Services: Increase Maximum Spending Amount

Agenda Item#:

Summary:

AN ORDINANCE AMENDING ORDINANCE NO. 2021-0326 TO INCREASE THE MAXIMUM CONTRACT AMOUNT FOR AN AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF HOUSTON ("CITY") AND BECK REDDEN LLP RELATING TO A CONSOLIDATED LAWSUIT FILED AGAINST THE CITY AND AGAINST ART ACEVEDO, IN HIS OFFICIAL CAPACITY OF HOUSTON POLICE CHIEF; CONTAINING PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

Background:

City Council previously approved an ordinance approving and authorizing a professional services agreement between Beck Redden LLP (the "Firm") and the City of Houston providing a maximum contract amount of \$1,250,637.50 to represent the City, and Police Chief Art Acevedo in his official capacity in the consolidated lawsuit styled: 4:21-CV-00270; *Clifford Tuttle, Jr. as Representative of the Estate of Dennis W. Tuttle, Deceased, et al v. City of Houston et al.* in the United States District Court for the Southern District of Texas, Houston Division, and any other related litigations later mutually agreed upon by the Parties in writing and subject to allocated funds remaining in the Agreement.

The City recommends amending the ordinance to increase the maximum contract amount by \$1,700,000.00. The initial contract amount of \$1,250,637.50 was for Phase 1 of the litigation. Phase 1 was to include the legal services up to and including filing a Motion for Summary Judgment to dismiss the City and Acevedo from the consolidated lawsuit. Phase 2 was to include subsequent services leading up to and including trial preparation and trial.

Phase 1 has presented unexpected challenges as the parties and the district court attempted to balance the swift resolution of the case and the individual officers' assertions of qualified immunity in their Rule 12(b)(6) motions to dismiss against the Fifth Amendment self-incrimination implications arising from the fact that multiple defendants remain under indictment for conduct arising from and/or related to this incident. But during this time, the Firm diligently produced significant volumes of materials, including more than 70,000 pages of documents, videos, and other evidence, a greater volume of materials than was anticipated.

In August of 2023, after the United States Court of Appeals for the Fifth Circuit remanded the remaining claims to the district court, the litigation moved forward without further delay. The Federal Rules of Civil Procedure limit the number of oral depositions that may be taken by each side (plaintiffs collectively vs. defendants collectively) to 10. The district court authorized plaintiffs to take 24 depositions. Many of those 24 witnesses are current and former employees of the City. The Firm was not only required to attend the depositions, but also prepare the witnesses for those depositions. And while it would customarily take 9 to 12 months to complete that number of fact witness depositions, the court entered what it described as an "aggressive" scheduling order that required all fact depositions to be completed in just 5 months and expert discovery to be completed just two months later.


The additional funding will increase the maximum contract amount from \$1,250,637.50 to \$2,950,637.50. This additional funding is expected to cover expenses to complete the remainder of Phase 1 as well as Phase 2 services, if needed.

The City Attorney recommends engaging the Firm to represent the City's interests because the Firm and its attorneys are pre-eminent in their representation of governmental entities in complex litigation, having successfully handled other high-stakes section 1983 litigation like the consolidated lawsuit.

M/WBE Participation: The Office of Business Opportunity approved a 24% M/WBE participation goal for the Agreement. To date, the Firm achieved 21.75% participation, met by the certified firm of Al Odom P.C. Mr. Odom was called to trial in another matter early in the fall and was unable to participate in some depositions due to scheduling conflicts. However, Mr. Odom has had meaningful opportunities to take and defend key depositions including taking the depositions of the plaintiffs. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

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.

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Arturo G. Michel, City Attorney

Prior Council Action:

Ordinance No. 2021-0326 (passed April 28, 2021)

Amount and Source of Funding:

Estimated Spending Authority			
Department	FY 2024	Out Years	Total
Legal	\$900,000	\$800,000	\$1,700,000.00

Amount and Source of Funding:

\$1,700,000.00 - Property and Casualty Fund (1004)

Contact Information:

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Contracts

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ATTACHMENTS:

Description

Fully Executed Contract for Beck Redden

Ownership Information

SRO

ORD No. 2021-326

RCA Budget Funding Information Request

Fund Reservation Form

SAP

Type

Backup Material

Backup Material

Backup Material

Backup Material

Financial Information

Financial Information

Financial Information