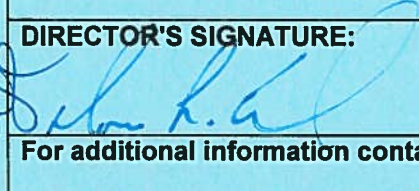


TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an ordinance authorizing an Agreement for Professional Services between the City of Houston and Bancroft PLLC.	Category #	Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Donna Edmundson, City Attorney	Origination Date 12/11/15		Agenda Date
DIRECTOR'S SIGNATURE: 	Council District affected: All		
For additional information contact: Robert Higgason, Sr. Assistant City Attorney (832) 393-6481	Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) That Council approve an ordinance authorizing a contract ("Agreement for Professional Services") between the City of Houston and Bancroft PLLC for Professional Services relating to an appeal entitled <i>City of Houston v. Zamora</i> , in the Supreme Court of the United States, on appeal from <i>Zamora v. City of Houston</i> , No. 14-20125 in the United States Court of Appeals for the Fifth Circuit.			
Amount and Source of Funding: \$176,000 – Property & Casualty (1004)			
SPECIFIC EXPLANATION: <p>The firm Bancroft PLLC, and more specifically the firm's partner Paul D. Clement, shall provide legal services related to an appeal entitled <i>City of Houston v. Christopher Zamora</i>, in the Supreme Court of the United States, on petition for certiorari from <i>Christopher Zamora v. City of Houston</i>, No. 14-20125 in the United States Court of Appeals for the Fifth Circuit.</p> <p>Zamora sued the City under Title VII for retaliation after he was disciplined for untruthfulness. The Legal Department feels that it is in the best interest of the City to appeal this case to the US Supreme Court because the precedent set by the Fifth Circuit Court of Appeals exposes the City to further liability in employee lawsuits that previously could not have been anticipated. There appears to be no mechanism internal to the City that could provide an adequate safeguard against such exposure. Appeals to the US Supreme Court are a highly specialized area of practice, and the involvement of an elite Supreme Court advocate increases the likelihood of success. The City Attorney considers that this exposure justifies the expense of engaging outside counsel with extensive experience and expertise in US Supreme Court practice.</p> <p>The Legal Department proposes to engage Paul D. Clement of Bancroft PLLC, a Washington, DC law firm, as outside counsel in this matter. Mr. Clement is a former US Solicitor General who has argued over 75 cases in the US Supreme Court and is widely considered to be one of the top Supreme Court advocates in the country.</p> <p>Legal services to be provided by Mr. Clement and his firm include the review of the record on appeal and the briefs and related documents filed in the Fifth Circuit, preparation and filing of a petition for writ of certiorari, reply in support of certiorari, briefs on the merits, coordination of amicus support, review and response to any briefing by the current solicitor general if the court calls for the views of the solicitor general, and oral argument.</p> <p>The Legal Department requests authorization of a proposed initial fee of \$175,000 plus \$1000.00 for reimbursable travel costs at the cert petition stage. If certiorari is granted, the Legal Department will be seeking additional funding.</p> <p>M/WBE zero-percentage goal document approved by the Office of Business Opportunity.</p>			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	