



AGENDA REPORT

Meeting Date: March 6, 2012
Item Number: H-14
To: Honorable Mayor & City Council
From: City Attorney
Subject: AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND THE LAW OFFICES OF HOLME ROBERTS & OWEN LLP FOR SPECIAL COUNSEL SERVICES RELATED TO INTELLECTUAL PROPERTY MATTERS

Attachments: Agreement

RECOMMENDATION

The City Attorney recommends that the City Council approve the amendment to an agreement with Holme Roberts & Owen LLP for legal services related to intellectual property matters.

INTRODUCTION

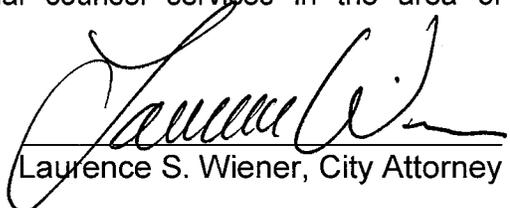
Holme Roberts & Owen LLP has merged with Bryan Cave LLP. This amendment to the City's legal services agreement with Holme Roberts and Owen changes the law firm's name to reflect the merger.

DISCUSSION

The City contracts with Holme Roberts and Owen for special counsel services in the area of intellectual property. To date, the City Attorney's Office has been very pleased with the services provided by Holme Roberts and Owen. In January 2012, Holme Roberts & Owen merged with the law firm of Bryan Cave, LLP. Bryan Cave is a well respected international law firm with experience and expertise in a broad range of matters. The amendment to the City's legal services agreement changes the name of Holme Roberts and Owen to reflect the merger, adds an additional attorney who is permitted to work on Beverly Hills matters, and allows the City Attorney to approve additional attorneys to work on Beverly Hills matters in the future, at the same billing rates. The principal lawyers representing the City and the rates charged by those lawyers remain unchanged.

FISCAL IMPACT

This Amendment will have no fiscal impact on the City. The annual budget for the City Attorney's Office anticipates a need for special counsel services in the area of intellectual property.


Laurence S. Wiener, City Attorney

Attachment 1

AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE
CITY OF BEVERLY HILLS AND HOLME ROBERTS &
OWEN LLP, FOR SPECIAL COUNSEL SERVICES RELATED
TO INTELLECTUAL PROPERTY MATTERS

This Amendment No. 1 is to that certain Agreement dated August 31, 2010 and identified as Contract No. 386-10 "(Agreement)", between the City of Beverly Hills, a Municipal Corporation (hereinafter "City") and the law firm of Holme Roberts & Owen, LLP (hereinafter "Attorney"), a copy of which is on file in the office of the City Clerk, for special counsel services related to intellectual property matters.

R E C I T A L S

A. City and Attorney entered into a written Agreement dated August 31, 2010 for special counsel services on intellectual property matters.

B. On January 1, 2012, Attorney merged with the law firm of Bryan Cave LLP and is now Bryan Cave/HRO LLP and/or Bryan Cave LLP. City desires to continue its agreement with Bryan Cave LLP and Bryan Cave LLP desires to continue to provide services under the Agreement.

C. City also desires to amend the Consideration provision of the Agreement to include additional authorized billers and their rates.

NOW, THEREFORE, the parties hereto do amend the Agreement as follows:

Section 1. The title of this Agreement shall be amended to read, "AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND BRYAN CAVE LLP, FOR SPECIAL COUNSEL SERVICES ON INTELLECTUAL PROPERTY MATTERS" and "Attorney" shall be amended to mean Bryan Cave LLP and/or Bryan Cave/HRO LLP.

Section 2. Section 2 of the Agreement, entitled "Consideration" shall be amended

to read as follows:

"Section 2. Consideration. For Attorney's services performed pursuant to this Agreement, City shall pay Attorney for the actual time of services rendered by Donald L. Samuels, partner, at the rate of \$350 per hour; for services rendered by Jill Chalmers, partner, at the rate of \$365 per hour; for services rendered by Katherine Keating, senior counsel at the rate of \$350 per hour; for services rendered by Samantha Sturgis, associate, at the rate of \$295 per hour; Judi Cope, paralegal, at the rate of \$140 per hour; and for services rendered by Dee Kerkow, trademark administrator, at the rate of \$125 per hour. The City Attorney may approve, in writing, services performed by other attorneys, paralegals and trademark administrators at these same rates based on their experience. Time shall be billed in increments of one tenth of one hour.

City shall reimburse Attorney for actual expenses reasonably incurred in the performance of legal services under this Agreement for court costs, services of process, messengers, deliveries, postage, and other similar services incidental to the performance of this Agreement. City shall not reimburse or pay Attorney for word processing, document preparation or clerical tasks. Computerized research shall be billed at Attorney's cost without additional mark-up. City and Attorney agree that Attorney shall be reimbursed no more than fifty cents (50¢) per page for facsimiles, with a maximum charge of Forty-Five Dollars (\$45.00) for any individual facsimile transmission, and no more than ten cents (10¢) per page for photocopies.

Attorney shall send a monthly statement for services rendered during the previous month and for expenses incurred on City's account. The monthly statement shall describe the nature of the work performed, the attorney performing the work and the time spent for each task as well as the nature of any fees and expenses incurred. Any expense over \$250 shall include the appropriate back-up documentation for that expense (i.e. invoice, receipt, etc.)."

Section 3. Except as amended by this Amendment No. 1, all terms and conditions set forth in the Agreement shall remain in full force and effect.

Executed on this ____ day of _____, 2012 at Beverly Hills, California.

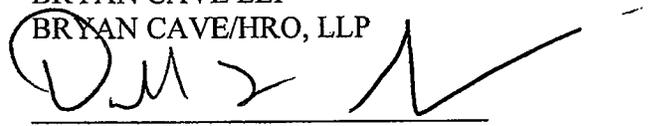
CITY OF BEVERLY HILLS,
A Municipal Corporation

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST

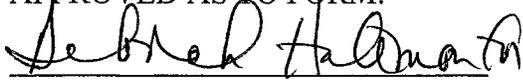
_____ (SEAL)
BYRON POPE
City Clerk

BRYAN CAVE LLP
BRYAN CAVE/HRO, LLP

A handwritten signature in black ink, appearing to read 'DLS', is written over a horizontal line. The signature is stylized and extends to the right of the line.

DONALD L. SAMUELS
Partner

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager



KARL KIRKMAN
Risk Manager