

**City of Oakland
Office of the City Attorney**

Effective Date: July 2011
Revised: September 2014
Revised August 2015

Subject: Outside Counsel Selection Protocol

The City Attorney's Office has a list of attorneys and law firms that have responded to the Office's Request for Qualifications ("RFQ") that asked attorneys and firms to submit their qualifications to provide services in each of the practice areas in which we regularly require services. After reviewing the RFQ responses, the Office identified and advised the qualified firms that they are on our list of pre-qualified firms.

The purpose of the RFQ is to have the opportunity to view the universe of attorneys that practice in an area, compare their skills, prices and expertise. The RFQ also spreads work around the community and assures that we are retaining a diverse universe of firms and assisting local firms in securing work from the City. The RFQ process also makes the process more competitive and open.

Practice areas include but are not limited to: administrative law, appeals, affordable housing, arbitrations – police discipline, arbitrations – civilian discipline and sworn fire personnel, banking, bankruptcy, citizens police review, 42 United States Code Section 1983 actions, ethics, elections, criminal law, eminent domain, employment, labor, engineering, construction, environmental, bonds, assessments, gang injunctions, civil litigation, insurance coverage, intellectual property, land use, CEQA, maritime and tidelands, medical cannabis, fire fighter litigation, police litigation, procurement, professional sports stadiums, public ethics, public nuisance, real property, redevelopment, rent control and tax.

The RFQ is ongoing so that additional firms can submit responses at any time.

Each time the Office needs to retain a firm/attorney for a new matter, the assigned Deputy City Attorney shall follow the following procedure:

1. Review the responses to the RFQ for the firms on the pre-qualified list that submitted qualifications for the particular practice area.
2. Select not less than three firms/attorneys from the list based on their qualifications and consideration of the firms' diversity and whether the firms are local (Oakland-based).
3. Contact the three firms and find out (1) the rate they will charge for the work, (2) the proposed not to exceed amount from each of the three firms, and (3) the attorney(s) who will be assigned to the matter.

4. Make a recommendation to the appropriate Chief Assistant City Attorney noting the firm's diversity and whether it is local.
5. Chief Assistant makes a recommendation to the City Attorney.
6. City Attorney approves.

The key criteria in selecting outside counsel are expertise, quality of work and cost.

In scheduling of closed session discussion of a matter assigned to outside counsel, the assigned Deputy City Attorney shall inform the Assistant City Attorney (Advisory) that an outside counsel is assigned to a matter. Reports to City Council on a matter assigned to outside counsel shall inform the City Council that outside counsel is assigned. Reports concerning a strategic decision – e.g. appeal – that the City Council needs to decide shall include the cost of outside counsel on the matter.