

CLEVELAND PUBLIC LIBRARY

Board Meeting

November 15, 2018

**RESOLUTION TO RETAIN LEGAL SERVICES FROM OGLETREE DEAKINS FOR
LABOR AND EMPLOYMENT LITIGATION MATTERS**

WHEREAS, October 18, 2012, the Board of Trustees of the Cleveland Public Library authorized the Library to engage the services of Ogletree, Deakins, Nash, Smoak & Stewart P.C. ("Ogletree") to provide labor and employment legal advice and services on an as-needed basis, and to represent the Library in EEOC complaints not-to-exceed \$50,000 for each matter, at the hourly rates set forth in the 2012 Resolution; and

WHEREAS, Since 2012, the Library's Public Officials and Employment Practices Liability Insurance policy has changed, and the deductible for each alleged employment practices violation has increased from \$50,000 to \$100,000 Dollars; and

WHEREAS, Ogletree is currently representing the Library in labor and employment litigation matters including arbitrations, and a lawsuit filed in court for which the Library will be responsible to pay the deductible before insurance will cover the Library's defense costs; and

WHEREAS, Ogletree continues to provide high quality legal services to the Library at a discounted hourly rate of \$275 for Partners, \$195 for Of Counsel, \$150 for Associates, and \$130.00 for Paralegal services and is willing to continue to offer the Library these discounted rates. In light of the increase in the Library's insurance deductible, the Chief Legal Officer requests that this Board authorize the Library to retain Ogletree in employment and labor litigation matters, including EEOC and OCRC claims, court actions, labor arbitrations, and other administrative actions, in an amount up to \$100,000, plus related expenses and litigation support services not covered by insurance such as court reporters, document retrieval, assembly and delivery, and expert witness fees; now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Cleveland Public Library to engage the services of Ogletree, Deakins, Nash, Smoak & Stewart P.C for litigation matters as described in this Resolution in an amount not-to-exceed \$100,000 for each matter, plus related expenses and litigation support services which are not covered by insurance as described in this Resolution, which expenditures shall be charged to the General Fund Account 11400053-53710 (Professional Services), and to execute such other instruments or documents as may be necessary or appropriate to effectuate the terms of this Resolution, subject to the approval of the Chief Legal Officer.