

CLEVELAND PUBLIC LIBRARY

Finance Committee

January 17, 2023

**RESOLUTION AUTHORIZING PAYMENT OF INSURER'S PANEL RATE TO
OGLETREE DEAKINS FOR EMPLOYMENT MATTERS**

WHEREAS, On 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 at specified hourly rates for Partners, Of Counsel, Associates, and Paralegals; and

WHEREAS, On November 15, 2018, this Board authorized the Library to engage the services of Ogletree for labor and employment 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; and

WHEREAS, On February 18, 2021, this Board authorized an amendment to the Library's engagement agreement with Ogletree in order to revise the hourly rates of compensation that the Library pays for legal advice and representation from Ogletree, to consist of hourly rates of \$316.25 for Partners, \$224.25 for Of Counsel, \$172.50 for Associates, and \$149.50 for Paralegals; and

WHEREAS, The engagement agreement with Ogletree setting the above hourly rates provides that if any litigation covered by the Library's Employment Practices Liability Insurance ("EPLI") policy arises, Ogletree will negotiate the hourly rates on a case-by-case basis with the Library and the Library's EPLI policy insurance carrier; and

WHEREAS, The Library is very satisfied with the high quality of legal advice and services it receives from Ogletree and wishes to continue its attorney-client relationship with Ogletree on an as-needed basis; and

WHEREAS, The Library's EPLI policy insurer, Chubb, sets forth a specific hourly "panel rate" for compensation of legal counsel retained to defend insureds such as the Library under the EPLI policy, and it is necessary to seek authorization from the Board of Library Trustees for the Library to pay the "panel rate" of \$345 for Shareholders, \$275 for Associates, and \$105 for Paralegals for legal work associated with matters covered by the Library's EPLI policy; now therefore be it

EXHIBIT 7

RESOLVED, That the Board of Library Trustees authorizes the Cleveland Public Library to pay the hourly “panel rate” amounts specified by its insurer, Chubb, and negotiated with Ogletree, Deakins, Nash, Smoak & Stewart P.C. on an as-needed basis to provide labor and employment legal advice and representation for any litigation covered by the Library’s Employment Practices Liability Insurance policy, which expenditures shall be charged to the General Fund account 11400053-53710 (Professional Services), and requires that the Fiscal Officer continue to provide a report to the Board of Library Trustees of fees paid to Ogletree on a quarterly basis.