

Derek P. Cole
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REPLY TO:
 ROSEVILLE ONTARIO

July 22, 2021

VIA E-MAIL AND U.S. MAIL
scottc@mendocinocounty.org

Charlotte E. Scott
Assistant County Counsel
Mendocino County Counsel
501 Low Gap Road, Room 1030
Ukiah, CA 95482

Re: Proposal for Counsel Services

Dear Ms. Scott:

Thank you for requesting that Cole Huber LLP provide you this proposal regarding potential conflict services our office may provide to the Mendocino County Sheriff's Office. Below we describe our qualifications and experience concerning the matters that may be referred to our office, provide biographies for our proposed attorney team, and specify our proposed compensation terms.

OUR FIRM'S QUALIFICATIONS

Cole Huber LLP has the unique experience necessary to provide potential conflict legal services to the Sheriff's Office. Our firm specializes in municipal law; we have served as county counsel, city attorney, and general counsel to a number of local agencies. In this capacity, we have regularly advised clients regarding County administration and law enforcement matters. We are well familiar with record-keeping requirements of County agencies, including law enforcement agencies, and related legal requirements concerning agency records.

Our firm is particularly specialized in advising and representing counties. As noted below, attorney Derek Cole served as a contract county-counsel for more than five years. Our firm is currently representing the Counties of Marin, Riverside, San Bernardino, San Joaquin, and Sacramento in a broad range of litigation matters. In recent years, we also provided legal services to your Office, when Kit Elliott served as County Counsel; we represented the Mendocino Air Quality Management District in an enforcement matter; and we are presently representing the Mendocino Council of Governments in a CEQA lawsuit.

PROPOSED LITIGATION TEAM

If any conflict matter is preferred to our office, we propose the following attorney team to staff such matter(s).

Ronald J. Scholar, California Bar No. 187948, admitted 1997, is a partner of Cole Huber LLP. Mr. Scholar's expertise is in litigating on behalf of, providing advice and counsel to, and conducting investigations for public agencies. A skilled trial attorney, Mr. Scholar is experienced in a wide range of litigation matters, including federal and state civil rights, Section 1983, employment law, dangerous conditions of public property, including claims of wrongful death, general liability, as well as contract and business disputes. Mr. Scholar has brought 14 cases to verdict.

Mr. Scholar dedicates the same focus and attention to detail in his trial practice to advising public agency clients as he assists them in navigating complex laws and regulations and conducting investigations, all with an eye toward avoiding costly disputes. He is adept in matters involving access to public records, open meeting requirements, employee investigations, law enforcement, discipline and arbitration, discrimination and harassment in the workplace, employee privacy, and the use of social media and technology in the workplace.

Mr. Scholar joined Cole Huber LLP after 11 years with one of Sacramento's largest law firms where he was a shareholder and represented numerous public agency clients in employment, liability, law enforcement, and litigation matters. From 1998 to 2005, Mr. Scholar was a partner at a small law firm where he specialized in representing public entities in all manners of litigation, including Section 1983, law enforcement, and employment matters. Prior to that, Mr. Scholar was a Public Defender in Atlanta, Georgia, where he represented indigent defendants in felony criminal matters at trial and on appeal.

In 2016, Mr. Scholar was named to Sacramento Magazine's Top Lawyers List. He also enjoys the privilege of serving on the Presiding Judge's Civil Advisory Committee for Sacramento County Superior Court. A founding member of the Sacramento County Bar Association's Civil Litigation Section, Mr. Scholar has also served as one of its Board Members and its Chairperson. Mr. Scholar also serves as a Lecturer at the University of California, Davis School of Law, where he teaches Trial Practice and is also a Mock Trial Competition Team Coach.

Mr. Scholar graduated from Santa Clara University School of Law in 1993. At Santa Clara, Mr. Scholar was an Emery Scholarship recipient, a member of the Moot Court Honors Board, and a participant in nationwide Moot Court Competitions. Prior to attending law school, he graduated with honors from the University of California, Santa Barbara in 1990 with a Bachelor of Arts degree in Sociology.

Derek P. Cole, Bar No. 204250, admitted 1999, is a co-founder of Cole Huber LLP, and focuses his practice on municipal law and litigation. He is currently the City Attorney to the Cities of Oakley and Sutter Creek and previously served as Interim City Attorney in Antioch and as City Attorney in Angels Camp. He also served as County Counsel to Trinity County from 2008 to 2013. Mr. Cole has represented cities and counties in all types of litigation matters. He has defended public agency clients in bench and jury trials, writ proceedings, arbitrations, and many types of administrative proceedings.

The subjects of the litigation matters Mr. Cole has handled are broad and include property taxation, public records, agency contracts, interagency obligations, elections, land use, CEQA, cannabis regulation, emergency medical services, and code enforcement. Mr. Cole has significant experience in Section 1983 cases not involving law enforcement matters, particularly as to constitutional claims concerning due process, equal protection, and related constitutional theories. He also has ample experience litigating cases involving claims of inverse condemnation.

Mr. Cole is active in the City Attorneys' Department of the League of California Cities. He has served on the Department's Attorney Succession and Development and Nominating Committees and has recently completed service as the Chair of the Municipal Law Handbook Committee. Previously, Mr. Cole was a member of the Department's Legal Advocacy Committee. He regularly authors amicus briefs on behalf of the League, California State Association of Counties, and other local government organizations.

Mr. Cole was selected to the Northern California "Super Lawyers" list from 2015 to 2021; was named as a "Top Lawyer" in Sacramento magazine from 2015 to 2020; and was honored by the Sacramento Business Journal with "Best of the Bar" awards in 2014, 2016, and 2018.

Mr. Cole graduated with distinction from the University of the Pacific, McGeorge School of Law in 1999. At McGeorge, Mr. Cole was admitted to the Order of the Coif, Order of Barristers, and Traynor Honor Society. He was also a member of the Editorial Board of the *McGeorge Law Review* and published two student comments in that journal. Prior to attending law school, Mr. Cole graduated from the University of California at Santa Barbara in 1996 with a Bachelor of Arts degree in Law and Society.

COMPENSATION

If the County retains our firm, we would request the following terms of compensation:

Attorneys: \$250 per hour

Paralegals: \$120 per hour

In addition to a monthly retainer or hourly rates, we would bill to recover certain costs associated with our services or advanced on the City's behalf. These costs include:

Extraordinary postage or overnight delivery costs	Actual Cost
Court filing fees	Actual Cost
Attorney services (includes service of process fees, arbitrators, and mediators)	Actual Cost

Messenger services	Actual Cost
Westlaw, CaseLogistix, and Case Notebook service fees	Prorated so the County would pay its proportionate share
FedEx, OnTrac Overnight, or other one-day delivery services	Actual Cost
Parking and toll fees	Actual Cost
Duplication/reproduction fees	Actual Cost
Lodging and travel (subject to advance client approval)	Actual Cost
Any other expense not listed above that becomes necessary for the successful resolution of a client matter	Actual Cost

CONCLUSION

Thank you for considering our firm to provide the County legal services regarding the potential conflict matters. Please do not hesitate to contact me should you have any questions about this proposal.

Sincerely,



Ronald J. Scholar
COLE HUBER LLP

Sincerely,



Derek P. Cole
COLE HUBER LLP

RJS/DPC/kgm