

**RESOLUTION NO. 2018-03**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PUBLIC AGENCY RISK SHARING  
AUTHORITY OF CALIFORNIA ESTABLISHING  
CRITERIA FOR DEFENSE COUNSEL PANEL FOR  
THE WORKERS' COMPENSATION PROGRAM**

**WHEREAS**, the Public Agency Risk Sharing Authority of California, herein referred to as PARSAC, is a Joint Powers Authority organized and existing in accordance with the laws of the State of California, and;

**WHEREAS**, one of PARSAC's functions is to operate a workers' compensation risk sharing pool for its members, and;

**WHEREAS**, PARSAC and its members will retain defense counsel to provide defense against litigated workers' compensation claims, and;

**WHEREAS**, PARSAC shall have the right and duty to participate in the defense of any claim or suit against a member if the final judgment or settlement is likely to result in an ultimate net loss exceeding a member's self-insured retention, and;

**WHEREAS**, the geographic diversity and wide variability of members' self-insured retentions can result in inconsistent litigation management, reporting, administration, and defense costs, and;

**WHEREAS**, it is the desire of the Board of Directors to develop a formal defense attorney panel to ensure professional, competent, and cost-effective handling of defense litigation of cases that affect PARSAC;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors as follows:

- A. The defense panel shall include all firms listed in the attached Exhibit A, which may only be amended by Board action.
- B. Law firms must meet and agree to the following provisions before PARSAC will consider their inclusion on the panel:
  1. The firm must have demonstrated success representing public entities and specific expertise in the workers' compensation arena;
  2. Attorneys must have no less than 5 years litigation practice which includes substantial and significant experience in public entity defense to be eligible for case assignment;

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3. The firm shall provide a resume setting forth the experience of the individual attorneys that would be assigned to cases and their areas of expertise;
  4. The firm must agree to the maximum hourly rates outlined in the attached Fee Schedule (Exhibit B), unless specialized legal representation is necessary, which requires prior approval from PARSAC. The maximum hourly rate will be reviewed on a bi-annual basis.
  5. The firm must agree to abide by the policies and procedures established by PARSAC for the handling of litigation.
  6. The firm must evidence general liability, automobile liability, workers' compensation, and professional liability insurance. The policy limits must not be less than \$1,000,000 per occurrence and PARSAC its officials, officers, employees and agents, with the exception of workers' compensation and professional liability, must be named additional insured.
- C. The General Manager and Officers may appoint a particular attorney or law firm other than panel counsel when specialized, unforeseen defense is required. The law firm or attorney shall comply with conditions 1 -6 above.
- D. PARSAC will assign defense counsel for Members with a zero SIR, in collaboration with the Member.


Members with an SIR may assign cases to firms listed on the Panel. Nothing in this resolution shall be construed to limit the right of the member entity to retain its own defense counsel to represent the member entity in any litigation. Except where prior approval has been given, the member is responsible for amounts in excess of the maximum hourly rates, which shall not reduce the member's self-insured retention obligation.

Effective Date. This Resolution shall replace Resolution 2017-05, effective November 30, 2017.

ADOPTED this 31<sup>st</sup> day of May 2018.

ATTEST:

  
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Joanne Rennie, PARSAC Board Secretary

  
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John Gillison, President  
PARSAC Board of Directors

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**EXHIBIT A**

**Workers' Compensation Defense Panel Approved Firm List**

Law Offices of C. Robert Bakke  
Barbara L. Kiely, Attorney at Law  
Joe Montgomery, Hanna Brophy  
Joseph T. Todoroff, II, Hanna Brophy  
Lenahan Lee Slater & Pearse

Richard, Thorson, Graves & Royer  
Wall McCormick Baroldi Green & Dugan  
Boone T. White, Witzig Hanna Sanders  
Robert A. Sanders, Witzig Hanna Sanders

*Amended May 31, 2018*  
*Amended November 30, 2017*  
*Amended May 25, 2017*  
*Adopted May 31, 2012*  
*Amended May 30, 2013*  
*Amended December 4, 2014*

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**EXHIBIT B**

**Maximum Fee Schedule**

<i>Legal Staff</i>	<i>Maximum Rate</i>
Partners	\$175
Associates	\$145
Paralegals	\$75