

Resolution

No. 25-109

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL
MARR JONES & WANG, LLLP, IN PRE-LITIGATION NEGOTIATIONS
REGARDING ALLEGATIONS MADE BY LEO CAIRES, A
FORMER COUNTY OF MAUI EMPLOYEE.

WHEREAS, the Council alone is authorized to retain or employee special counsel by resolution adopted by two-thirds vote; and

WHEREAS, the Council finds that, to avoid the presence or appearance of a conflict of interest, and to the extent consistent with the Hawai'i Rules of Professional Conduct, there is a necessity and it would be in the best interest of the County of Maui to retain the firm of Marr Jones & Wang, LLLP ("Firm"), as special counsel to represent defendant the County of Maui, in pre-litigation negotiations regarding allegations made by Leo Caires, a former County of Maui employee; and

WHEREAS, the Firm as special counsel must take all possible steps to minimize the level of attorney's fees and costs; and

WHEREAS, the Firm's conduct in this matter shall reflect the understanding that the County of Maui is a public entity that has obligations, concerns, and interests that may extend beyond those of a similarly situated private litigant; now therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby authorizes the employment of Marr Jones & Wang, LLLP, as special counsel to represent defendant the County of Maui, in pre-litigation negotiations regarding allegations made by Leo Caires, a former County of Maui employee;
2. That total compensation for the employment of Marr Jones & Wang, LLLP, as special counsel shall not exceed \$350,000;
3. That partner Richard Rand, Esq. shall provide the bulk of the legal services in this matter;
4. That the hourly rate for partners shall not exceed \$540;

Resolution No. 25-109

5. That the hourly rate for associates shall not exceed \$345;
6. That the hourly rate for paralegal staff shall not exceed \$230;
7. That the compensability of costs shall be in a general accord with the intent of 28 U.S.C. § 1920;
8. That Marr Jones & Wang, LLP, must initially prepare and present to Council following approval of this resolution an initial case assessment and litigation costs assessment to include settlement options;
9. That all invoices presented by Marr Jones & Wang, LLP, to the County of Maui for payment in this matter must identify each task performed, by whom, when, and over what duration of time without any block billing entries;
10. That compensable costs include: (a) fees for printing and witnesses; (b) fees of the clerk and marshal; (c) fees of the court reporter for necessary transcripts; (d) docket fees; (e) compensation of court-appointed experts and interpreters; and (f) travel related expenses when pre-approved by the Department of the Corporation Counsel;
11. That non-compensable costs include: (a) telephone calls; (b) facsimile charges; (c) postal charges; (d) messenger charges; (e) fees for computerized legal research; (f) travel related expenses not pre-approved by the Department of the Corporation Counsel, (g) investigative expenses; and (h) all other costs reasonably considered part of a law firm's overhead;
12. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Corporation Counsel;
13. That the expenditures of additional funds or substantial changes to the responsibilities of the parties shall require Council approval;

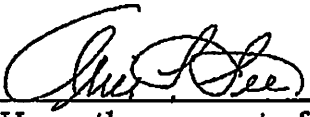
14. That the expenditures of additional funds or substantial changes to the Marr Jones & Wang, LLLP's staff assigned to this matter in accordance with this resolution requires prior Council approval; and
15. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance, and Marr Jones & Wang, LLLP.

APPROVED AS TO FORM AND LEGALITY:



VICTORIA J. TAKAYESU
Corporation Counsel
County of Maui

INTRODUCED BY:



Upon the request of the Mayor.