

REQUEST FOR LEGAL SERVICES

D a t e: August 22, 2024
F r o m: Nohelani U'u-Hodgins, Chair
Government Relations, Ethics, and Transparency Committee

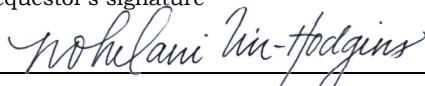
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Glen Pascual, Esq.

Subject: RESOLUTION 24-105, AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN CHELSIE EVANS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF TRE' PU'UWAILA'AHIAOLOPAKAAMELEHUANANI EVANS-DUMARAN, DECEASED, V. SCOTT MARTIN, CASE 2CCV-24-0000034 (GREAT-11(43))

Background Data: Please see revised Resolution 24-105, CD1. Please submit your response to GREAT.committee@mauicounty.us with a reference to GREAT-11(43).

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Chair	Contact Person <u>Kasie Apo Takayama or Megan Moniz</u> (Telephone Extension: 7665 and 7145, respectively)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 5, 2024
REASON: For posting on the September 13, 2024, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

great:ltr:011(43)acc01:mkm

Attachment

Resolution

No. 24-105, CD1

AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL ES&A, INC., A LAW CORPORATION, IN CHELSIE EVANS, INDIVIDUALLY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF TRE' PU'UWAILA'AHIAOLOPAKAAMELEHUANANI EVANS-DUMARAN, DECEASED, V. SCOTT MARTIN, ET AL., CIVIL 2CCV-24-0000034

WHEREAS, the Council alone is authorized to retain or employ special counsel by resolution adopted by two-thirds vote under Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended; 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 real necessity and it would be in the best interest of the County of Maui to retain ES&A, Inc., A Law Corporation ("Firm"), as special counsel to represent defendant Scott Martin, an employee of the Department of Fire and Public Safety, in Chelsie Evans, Individually and as the Personal Representative of the Estate of Tre' Pu'uwaila'ahiaolopakaamelehuanani Evans-Dumaran, Deceased, v. Scott Martin, et al., Civil 2CCV-24-0000034; and

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

WHEREAS, the Firm's conduct in this matter must 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 ratifies and authorizes the employment of ES&A, Inc., A Law Corporation, as special counsel to represent defendant Scott Martin, an employee of the Department of Fire and Public Safety, in Chelsie Evans, Individually and as the Personal Representative of the Estate of Tre' Pu'uwaila'ahiaolopakaamelehuanani Evans-Dumaran, Deceased, v. Scott Martin, et al., Civil 2CCV-24-0000034;

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2. That total compensation for the employment of ES&A, Inc., A Law Corporation, as special counsel must not exceed \$50,000;
3. That partner Anna Elento-Sneed, Esq. must provide the bulk of the legal services in this matter;
4. That the hourly rate for partners must not exceed \$375;
5. That the hourly rate for associates must not exceed \$300;
6. That the hourly rate for paralegal staff must not exceed \$140;
7. That the compensability of costs must be in a general accord with the intent of 28 U.S.C. § 1920;
8. That ES&A, Inc. 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 ES&A, Inc., 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;

Resolution No. 24-105, CD1

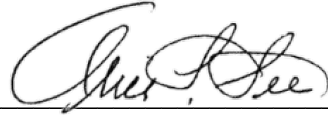
12. That in instances of travel, both inter-island and out-of-state travel includes travel on regular coach economy fare and must be pre-approved by the Department of the Corporation Counsel;
13. That the expenditures of additional funds or substantial changes to the responsibilities of the parties must require Council approval;
14. That the expenditures of additional funds or substantial changes to the ES&A, Inc. staff assigned to this matter in accordance with this Resolution require prior Council approval; and
15. That certified copies of this Resolution be transmitted to the Mayor, the Corporation Counsel, the Director of Finance, and ES&A, Inc., A Law Corporation.

APPROVED AS TO FORM AND LEGALITY:

Glen R. Pascual
Deputy Corporation Counsel
County of Maui

great:misc:011(43)areso01:mkm

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Greg A. See". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.