

AGENDA



Recommendation for Council Action

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| Austin City Council | Item ID | 55636 | Agenda Number | 5. |
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| Meeting Date: | 3/3/2016 | Department: | Legal |
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Subject

Authorize execution of an amendment of a legal services agreement with Thompson and Knight for legal representation in Hopkins v. City of Austin et al, Travis County District Court Cause Nos. D-1-GN-15-001711, D-1-GN-15-003115, D-1-GN-15-000927, and D-1-GN-15-004618, including appeals to the Third Court of Appeals. The amount of the increase is \$110,000. This increase would bring the total amount of the professional services contract to \$308,000.

Amount and Source of Funding

Funding is available in the Fiscal Year 2015-2016 liability reserve fund.

Fiscal Note

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| Purchasing Language: | |
| Prior Council Action: | |
| For More Information: | Meghan Riley, Litigation Division Chief, 512-974-2458 |
| Council Committee, Boards and Commission Action: | |
| MBE / WBE: | |
| Related Items: | |

Additional Backup Information

Since March of 2015, former City of Austin Police Officer Germaine Hopkins has filed or threatened to file over 15 lawsuits or appeals of district court decisions against the City of Austin or City of Austin or City personnel. In house legal counsel is handling four of the lawsuits. The remaining lawsuits are brought against the City, City officials, numerous City employees, including the entire law department and the County Attorney since Plaintiff was dismissed from the Austin Police Department. The City enlisted the legal services of Jim Cousar with Thompson and Knight who has specific expertise and experience with litigation under the Public Information Act. The lawsuits generally relate to the handling of Plaintiff's PIRs by the City and City personnel. Plaintiff has also filed numerous complaints against City employees with agencies and prosecutors, including the Texas Secretary of State and the Travis County Attorney. Plaintiff has filed or attempted to file complaints against the City's in-house and outside counsel with the State Bar of Texas. After thirteen of the 40 City defendants were dismissed by actions of the trial court, the Plaintiff filed four separate appellate actions in the Third Court of Appeals and has already noticed an additional appeal on the remaining claims. The City does not yet have a final judgment dismissing the remaining claims because each time a Travis County District Court Judge rules, Plaintiff files a Motion to have the judge removed from the case. The extra proceedings in addressing the recusal requests and multiple appeals created unanticipated legal work.