

RESOLUTION NO. 2020-5

**A RESOLUTION AWARDING CONTRACTS TO ASSIGNED DEFENSE COUNSEL
AND APPROVED ASSOCIATES**

WHEREAS, the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund (TRICOJIF) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Fund Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund find that it is necessary and appropriate to obtain certain legal services so that the claims filed against the member municipalities of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund and for which the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund is obligated to provide a legal defense may be properly defended; and

WHEREAS, the TRICOJIF, under the "Fair and Open" process, advertised a Request for Qualifications (RFQ) for three (3) one (1) year Contracts for Assigned Defense Counsel, and the responses to the RFQ were to be submitted to the Executive Director's Office by September 28, 2018; and

WHEREAS, the TRICOJIF received twenty-three (23) responses to the General Liability RFQ; however, the responses from Louis Cappelli, Jr., Esquire of Florio Perrucci Steinhardt & Cappelli, LLC and Michael E. Benson, Esquire of Buonadonna & Benson, P.C. were received after the deadline. There were nine (9) responses received to the Workers' Compensation RFQ. All of the responses were referred to the TRICOJIF Executive Claims Review Committee for evaluation with the exception of the late submissions; and

WHEREAS, the TRICOJIF Executive Claims Review Committee reviewed and evaluated all responses that were received to the RFQ, and after each member of the Committee individually completed the evaluation process, the Executive Claims Review Committee discussed the responses and determined that certain firms were recommended to be awarded Contracts for 2019; and

WHEREAS, those recommendations were presented to the Executive Committee of the TRICOJIF at their regular meeting on January 28, 2019, and through Resolution 2019-05, the Executive Committee awarded Contracts in accordance with the recommendations of the Executive Claims Review Committee; and

WHEREAS, the Executive Committee has determined that the same Contracts should be awarded for 2020, which is the second year of the three (3) one (1) year Contracts; and

WHEREAS, the Executive Committee of the TRICOJIF at their regular meeting on January 28, 2019, and through Resolution 2019-17, also awarded a Contract under the "Non-Fair and Open" process to the law firm of Buonadonna & Benson, P.C. for the handling of General Liability matters, and the Executive Committee has determined that a Contract for 2020 should be awarded to that firm under the "Non-Fair and Open" process.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund assembled in a public session on January 27, 2020, that the following Law Firms and Attorneys are hereby designated as Assigned Defense Counsel and Approved Associates for the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund and each firm shall be awarded a Contract for 2020 under the "Fair and Open" process (except for the award to Buonadonna & Benson, P.C. which is under the "Non-Fair and Open" process):

General Liability Claims:

1. Barker, Gelfand & James, P.C. with A. Michael Barker, Esquire, Todd J. Gelfand, Esquire, Vanessa E. James, Esquire and Jeffrey Sarvas, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; Greg DiLorenzo, Esquire and William T. Rozell, Esquire as Approved Associates at a rate of \$135.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
2. Craig, Annin & Baxter, LLP with Robert A. Baxter, Esquire, Timothy E. Annin, Esquire, John C. Grady, Esquire, Jeffrey S. Craig, Esquire and Paul D. Kelly, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
3. Birchmeier & Powell, LLC with James R. Birchmeier, Esquire, Erin R. Thompson, Esquire and Edward N. Romanik, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
4. Madden & Madden, P.A. with Michael P. Madden, Esquire, Patrick Joseph Madden, Esquire, John-Paul Madden, Esquire, Matthew Madden, Esquire, Timothy R. Bieg, Esquire, and Michael V. Madden, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; Regina M. Phillips, Esquire and Mark W. Strasle, Esquire as Approved Associates at a rate of \$135.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
5. Brown & Connery, LLP with Joseph M. Nardi, III, Esquire, William M. Tambussi, Esquire, Christine P. O'Hearn, Esquire and William F. Cook, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time; Gina M. Roswell, Esquire as an Approved Associate at a rate of \$135.00 per hour of attorney time; and a Paralegal rate of \$75.00 per hour.
6. Buonadonna & Benson, P.C. with Michael E. Benson, Esquire as Assigned Defense Counsel at a rate of \$165.00 per hour of attorney time and Paralegal time of \$75.00 per hour (previously awarded a Contract in 2019 as "Non-Fair and Open" and being awarded a Contract in 2020 as "Non-Fair and Open").

Workers' Compensation Claims:

1. Pietras, Saracino, Smith & Meeks, LLP, with James G. Pietras, Esquire; Christopher J. Saracino, Esquire, Benjamin F. Smith, Esquire, Jody L. Meeks, Esquire and Joseph A. Vastano, Jr., Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; Samuel A. Scimeca, Jr., Esquire as an Approved Associate at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$115.00 per hour for Occupational cases.

2. Affanato Marut, LLC with Michael S. Affanato, Esquire and Michelle K. Marut, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; Elizabeth Tomasso Mosteller, Esquire, Megan C. Davis, Esquire and Caitlin K. Carroll, Esquire as Approved Associates at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$115.00 per hour for Occupational cases.

3. Capehart & Scatchard, P.A. with John H. Geaney, Esquire, Prudence M. Higbee, Esquire, Michael L. Bileci, Esquire, Claire Y. Ringel, Esquire, Ian G. Zolty, Esquire, Dana M. Gayeski, Esquire and Andrea L. Schlafer, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$115.00 per hour for Occupational cases.

Note that the above rates include all reasonable office expenses (e.g.) postage, faxes, telephone, copies, etc., and in conformance with the Litigation Management Guidelines.

BE IT FURTHER RESOLVED that the assignment of specific claims for defense of General Liability and Workers' Compensation claims shall be made by the Fund Solicitor and Claims Administrator for the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund, and they shall supervise and coordinate the defense of these matters in accordance with the Litigation Management Guidelines of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the assignment of cases for defense made in accordance with prior Resolutions of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund shall continue with the Assigned Defense Counsel so assigned, subject to the authorization of the Fund Solicitor for the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund to supervise the defense of these matters and to reassign the defense matters where appropriate.

BE IT FURTHER RESOLVED that the rates of compensation in the Litigation Management Guidelines of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund are hereby amended to comply with the rates set forth in this Resolution.

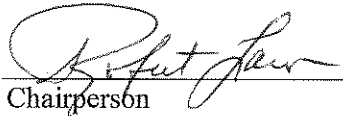
BE IT FURTHER RESOLVED that this contract is being awarded following a "Fair and Open" process pursuant to NJSA 19:44A-20.1 et. seq. except for the Contract to Buonadonna & Benson, P.C. which is being awarded under the "Non-Fair and Open" process.

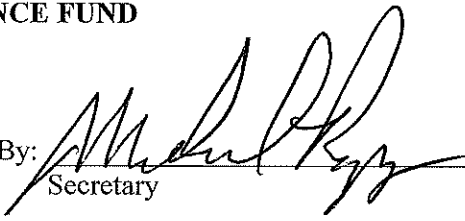
BE IT FURTHER RESOLVED that the Fund Chairman and Secretary are hereby authorized to execute the Contracts with the Assigned Defense Counsel Law Firms to provide Legal Services to the Fund.

BE IT FURTHER RESOLVED that the copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, and Claims Administrator of the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund and those herein appointed for their information and attention.

This Resolution was duly adopted by the Gloucester Salem Cumberland Counties Municipal Joint Insurance Fund at a public meeting held on January 27, 2020.

**GLOUCESTER SALEM CUMBERLAND COUNTIES MUNICIPAL
JOINT INSURANCE FUND**

Attest: 
Chairperson

By: 
Secretary

Date: Jan. 27, 2020