



**REGIONAL TRANSPORTATION COMMISSION**

*Public Transportation • Streets and Highways • Planning*

February 17, 2012

**AGENDA ITEM 8.4**

**TO:** Regional Transportation Commission

**FROM:** John P. Fowler  
Woodburn and Wedge  
General Counsel

  
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Lee G. Gibson, AICP  
Executive Director

**SUBJECT: General Counsel's Report to the Board**

**RECOMMENDATION**

Acknowledge receipt of General Counsel's Report for September, October, November and December 2011.

**SUMMARY**

Woodburn and Wedge's total fees and costs charged to the RTC for the months of February 2011 through December 2011 was \$232,125.07 for an average of \$21,102.55 per month. The RTC's total outside legal expenses for fiscal year 2011 (12 months ending June 30, 2011) was \$507,953 according to figures obtained from the Finance Department.

**FISCAL IMPACT**

Funding for this item is included in the approved FY 2012 budget, and there is no additional cost in connection with this agenda item.

**PREVIOUS ACTIONS BY BOARD**

Woodburn and Wedge's previous reports to this Commission covered the months of February through April and May through August of 2011.



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—  
WILLIAM K. WOODBURN (1910-1989)  
VIRGIL H. WEDGE (1912-2000)  
CASEY W. VLAUTIN (1938-2000)  
JAMES J. HALLEY (1937-2007)

February 10, 2012

Regional Transportation Commission  
of Washoe County  
Board of Commissioners  
2050 Villanova  
Reno, NV 89502

Re: Periodic Report from General Counsel, Woodburn and Wedge  
Covering the Months September, October, November and December 2011

Ladies and Gentlemen:

Attached to this letter are two charts, one showing the Summary of Fees/Costs for the months of September, October, November and December 2011, and the second chart showing all outside counsel expenditures for fiscal years 2007 through 2011 (ending June 30 of each year) and those figures for July through December of calendar year 2011. Pursuant to Section A.2 of the Agreement for Professional Services between this firm and the RTC, this firm sends to the Board periodic reports describing the services this firm has provided and the categories into which those services fall. The categories on the accompanying chart are the same as on the General Counsel's report rendered in September 2011.

Continuing trends on previous reports, personal injury and other litigation is not a particularly large portion of the fees this firm has charged the RTC. The biggest percentage months were November, 2011 and December, 2011 but the dollar amounts are still quite small. As noted before, the RTC no longer indemnifies its fixed route bus operator for personal injury cases. We look forward to this personal injury litigation category showing a steady decline over the next year or two.

Under the category "New Legislation," we see that the amount of legal efforts spent in dealing with the statutory changes made by the 2011 legislature is declining, as would be expected. The 2011 legislature made some statutory changes that could be charitably described as "inartful" in their wording. We hope these kinds of problems can be ameliorated in the next legislature by having the RTC's from both ends of the state and other governmental units work more closely together with the legislature to further refine Nevada's procurement statutes.

Advising the RTC as to contractual matters remains a fairly small percentage of the time this firm spends in servicing the RTC. "General Administration" commands and probably will command by far the largest percentage of efforts. This is a category that is hard to break down. The time spent in one or two months on a particular subject matter may dominate the legal work for those months but disappear thereafter. An example would be the time and effort expended on assisting the negotiations for the Rosewood Lakes settlement agreement. This firm spent quite a bit of time in November and December of 2011 and in January, 2012 on that subject matter. Now that the agreement is in place, we should not see any further expenditures on that subject matter.

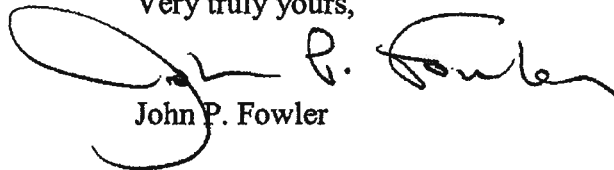
Finally, with respect to the Woodburn and Wedge charges, I note again that no condemnation lawsuits have been filed. Litigating a condemnation case could be quite expensive and the effort spent in carefully negotiating differences between the RTC and property owners is paid back by avoiding the cost of litigation.

The chart from the Finance Department showing outside counsel expenditures for a number of fiscal years shows the amounts paid during those fiscal years to the law firms listed. Please note that the figures for Woodburn and Wedge for fiscal year 2011 and July through December of fiscal year 2012 show only those amounts actually paid during those time periods, not the amounts accrued. Some of the larger totals for law firms in fiscal year 2011 are the result of large legal matters, all of which have been concluded during calendar year 2011. Those include the large amounts paid to the Erickson Thorpe firm, which represented the RTC in the Johnson v. RTC (Meadowood Mall) case and the Perry Spann firm, which represented Meadowood Mall in that same case. Remember, the RTC was obligated to pay Meadowood Mall's legal expenses in that case.

The Thompson Coburn firm drafted and negotiated the MV Transportation contract in 2010 and 2011. The Parsons Behle firm represented the RTC in a number of matters, including the International Laborer's Union v. RTC litigation over the award of a road maintenance contract to Spanish Springs Construction.

I look forward to any comments and suggestions you have about the contents of these periodic reports. I stand ready to answer any questions you may have.

Very truly yours,



John P. Fowler

JPF:jan  
Enclosures  
cc: Lee Gibson

**RTC SUMMARY OF FEES/COSTS**  
**(September-December 2011)**

September 2011

Contracts	General Administration	Personal Injury	Condemnation	Other Litigation	New Legislation	Real Property	Impact Fees	Total
\$ 1,395.00 4.02%	\$ 18,913.26 54.49%	\$ 3,731.19 10.76%	\$ 67.50 0.20	\$ 225.00 0.60%	\$ 4,461.00 12.86%	\$ 5,921.50 17.06%		\$ 34,714.45 100%

October 2011

Contracts	General Administration	Personal Injury	Condemnation	Other Litigation	New Legislation	Real Property	Impact Fees	Total
\$ 225.00 0.91%	\$ 18,784.50 76.19%	\$ 4,050.00 16.43%	\$ 0	\$ 1,215.00 4.93%	\$ 225.00 0.91%	\$ 157.50 0.63%	\$ 0	\$ 24,657.00 100%

November 2011

Contracts	General Administration	Personal Injury	Condemnation	Other Litigation	New Legislation	Real Property	Impact Fees	Total
\$ 3,105.00 16.79%	\$ 6,435.00 34.79%	\$ 5,152.50 27.86%	\$ 0	\$ 112.50 0.61%	\$ 315.00 1.70%	\$ 2,880.00 15.57%	\$ 495.00 2.68%	\$ 18,495.00 100%

December 2011

Contracts	General Administration	Personal Injury	Condemnation	Other Litigation	New Legislation	Real Property	Impact Fees	Total
\$ 1,057.50 7.60%	\$ 8,252.50 59.27%	\$ 4,477.50 32.16%	\$ 0	\$ 0	\$ 0	\$ 135.00 0.97%	\$ 0	\$ 13,922.50 100%

**REGIONAL TRANSPORTATION COMMISSION**  
**OUTSIDE COUNSEL EXPENDITURES**  
**PER FISCAL YEAR**

	2007	2008	2009	2010	2011	2012	Total by Firm
	Total	Total	Total	Total	Total	Jul - Dec Total	
Atkinson-Baker	687	-	-	-	-	-	687
Drinkwater Law Offices	20,721	38,944	21,570	25,163	2,333	-	108,980
Erickson, Thorpe & Swainston	44,666	2,745	7,791	26,469	121,546	28,521	231,738
Hale, Lane, Peek, & Dennison	149,291	2,001	-	-	-	-	151,293
Holland & Hart	-	-	6,159	37,675	90,687	17,542	152,062
Lewis & Roca	-	-	38,523	39,442	497	668	79,131
Littler Mendelson	18,684	40,656	1,439	-	-	6,744	67,522
Michael B. McDonald	1,224	3,043	3,730	1,071	-	-	9,068
Parsons, Behle & Latimer	783	55,205	111,515	609	22,090	47,527	237,729
Perry, Spann, & Westbrook	-	-	-	27,007	45,563	22,968	95,538
Steven H. Hess, Esq.	-	1,500	-	-	-	-	1,500
Theodore Gamboa	4,245	-	-	-	-	-	4,245
Thompson Coburn	-	-	-	23,762	152,191	64,329	240,281
Wilcher, Albert & Associates	-	-	-	5,085	-	-	5,085
Woodburn & Wedge	10,198	12,785	14,360	4,527	73,047	132,445	247,361
<b>TOTAL</b>	<b>250,499</b>	<b>156,878</b>	<b>205,086</b>	<b>190,811</b>	<b>507,953</b>	<b>320,993</b>	<b>1,632,220</b>