



APRIL 29, 1996

**TO: BOARD OF DIRECTORS**

**FROM: RONNY GOLDSMITH** *RG*

**SUBJECT: PUBLIC LIABILITY PROPERTY DAMAGE AND  
WORKERS' COMPENSATION DEFENSE PANEL  
LEGAL ASSIGNMENTS AND PAYMENTS  
UNDER THE HERTZ CLAIM  
MANAGEMENT CONTRACTS**

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**ISSUE**

Receive and file report

**BACKGROUND**

On August 23, 1995, the Board of Directors requested quarterly reports on the assignments and payments made to law firms retained by Third Party Administrator (TPA), Hertz Claim Management (HCM) to defend the MTA against operations-related Public Liability/Property Damage (PL/PD) Lawsuits. The first report was presented to the Board on September 27, 1995. To provide a complete picture of Operations Risk Management legal assignments, this report also includes Workers' Compensation assignments and payments made by HCM.

**OPERATIONS LITIGATION PROGRAMS**

Public Liability/ Property Damage

HCM's contract for administration of PL/PD claims include the responsibility for litigation management of all PL/PD lawsuits. HCM utilizes a legal panel of 42 law firms to defend the MTA. The panel includes law firms skilled in the defense of auto/general liability lawsuits as well as several specialty sub panels for the areas of Claims, Fraud, Transit Police Defense and Rail Operations. The panel includes DBE law firms. The office of the County Counsel participates in the oversight of all appeals and writs and in the supervision of law firms utilized for appellate work.

Workers' Compensation

HCM's contract for administration of WC claims includes the responsibility for litigation management of all WC litigation. HCM utilizes a legal panel of 39 law firms skilled in the field of Workers' Compensation to defend the MTA. The panel includes DBE law firms. The office of the County Counsel participates in the oversight of all appeals and writs.

### Assignment Of PL/PD Lawsuits and WC Litigation

Assignment of cases to law firms is based upon a variety of factors, including:

- o The characteristics of the individual case
- o The credentials and performance of the law firms
- o Assignment rotation

### PL/PD Legal Assignments for Third Quarter FY 95-96

During the quarter ending March 31, 1996, HCM assigned 157 lawsuits to the defense panel. Fifty four percent (54%) of the cases assigned were under the Municipal Court Flat Fee Program (Attachment A).

HCM paid \$1,724,156 in legal fees for the quarter. Fees were consistent with the historical quarterly average (Attachment C).

### WC Legal Assignments

During the quarter ending March 31, 1996, HCM assigned 66 cases to the WC defense panel. HCM paid \$592,815 in legal fees for the quarter (Attachment B). Fees paid continue their downward trend compared to prior quarterly averages. (Attachment C).

Prepared by: BARBARA LORENZO

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LACMTA PUBLIC LIABILITY (OPERATIONS) – DEFENSE PANEL CASES  
3rd Quarter Fiscal Year 1996  
January – March 1996

Defense Firms	Total Number of open cases through 12/31/95	Number of New Lawsuits Assigned this Quarter		Total current MTA cases pending as of 03/31/96	Total fees paid for quarter ending 03/31/96
		FLAT	HOURLY		
Allen, Noah	25	3	0	24	\$33,389
Atkins & Evans	33	3	2	37	\$52,671
Bennett & Kistner	28	3	2	32	\$52,070
Bivona & Cohen	31	3	1	33	\$41,682
Bolton, Dunn, Yates	37	3	1	25	\$47,034
Bonelli & Bonelli	18	3	1	17	\$18,338
Breidenbach, Buckley, Huchting, Halm	44	3	1	42	\$56,218
e Chase, Rotchford, Drukker & Bogust	2	0	3	4	\$9,818
Cochran, Johnnie, Jr.	39	2	1	42	\$20,468
e Cummins & White	5	0	1	3	\$48
Daniels, Baratta & Fine	30	4	1	31	\$43,357
DeBlanc & DeBlanc	33	3	1	30	\$4,800
b*** Dolan, Michael & Associates	0	0	0	0	\$2,784
** Engstrom, Lipscomb & Lack	40	0	0	37	\$57,015
b Ford, Walker, Haggerty & Behar	66	0	6	65	\$91,682
d Franscell, Strickland, Roberts	6	0	1	5	\$67,849
Garcia, Emmons & Maranga	21	3	1	23	\$29,381
d* Graves & King	7	0	1	8	\$17,237
i Gray, York, Duffy, Rattet	48	3	3	48	\$99,053
g Greines, Martin & Stein	1	0	0	1	\$7,262
<b>Sub-Total</b>	<b>514</b>	<b>36</b>	<b>27</b>	<b>507</b>	<b>\$752,156</b>

04/18/96

LACMTA PUBLIC LIABILITY (OPERATIONS) – DEFENSE PANEL CASES  
 3rd Quarter Fiscal Year 1996  
 January – March 1996

Defense Firms	Total Number of open cases through 12/31/95	Number of new Lawsuits Assigned this Quarter		Total current MTA cases pending as of 03/31/96	Total fees Paid for quarter ending 03/31/96	
		FLAT	HOURLY			
	Hillsinger & Costanzo	29	2	1	32	\$58,321
b	Ivie, McNeill & Wyatt	46	0	7	46	\$64,795
c	Kojima & Associates	19	3	0	19	\$8,200
	Kyle, David & Associates	14	3	1	14	\$16,700
	Lewis, D'Amato	28	3	1	25	\$42,332
b	Liebman, Reiner	76	0	4	72	\$59,536
	Lomax, Melanie E. & Associates	22	2	2	21	\$45,805
	Manning, Marder, Wolfe	0	0	0	0	\$0
	McHale & Connor	47	2	2	36	\$36,583
	Messina, Lalafarian & Manning	31	2	3	30	\$65,830
	Murchison & Cumming	41	3	2	44	\$65,886
	Nouskajian & Cranert	41	2	3	46	\$110,837
	Ochoa & Sillas	37	4	1	42	\$31,654
i	Rissman, Winer & Blozan	37	3	4	27	\$112,299
l	Schell & Delamer	47	3	3	53	\$12,900
d	Serritella & Paquette	4	0	0	4	\$0
	Stroud & Associates	30	3	1	29	\$51,994
	Suzuki & Ito	34	2	1	34	\$25,823
	Veatch, Carlson	41	2	3	34	\$54,257
	<b>Sub - Total</b>	<b>624</b>	<b>39</b>	<b>39</b>	<b>608</b>	<b>\$863,752</b>



IACMTA OPERATIONS WORKERS' COMPENSATION - DEFENSE PANEL CASES  
3rd Quarter Fiscal Year 1996  
January 1996 - March 1996

Defense Firms	Total number of open cases through 12/31/95	Number of new cases Assigned this quarter	Total current MTA cases pending as of 03/31/96	Total fees paid for quarter ending 03/31/96
Allen, Rhodes & Sobelsohn	19	0	17	\$10,616.55
* Bolden & Martin	33	5	45	\$25,411.28
Bralley, Bentley & Wilson	3	0	3	\$550.00
Clopton, Penny & Brenner	15	0	15	\$7,479.03
* Doris Nistler	88	6	92	\$73,237.66
b Falk & Hamblin	1	0	2	\$2,183.86
* Gary Robert	14	1	11	\$19,132.47
Gillette, Loof, Langton & Hagner	9	0	8	\$6,675.00
*b Godfrey & Sherlin	38	4	41	\$19,364.90
Goldstein, Gurvitz & Silver	26	0	25	\$17,320.50
Grancell, Lebovitz & Stander	16	0	16	\$12,580.75
Graves, Roberson & Bourassa	1	0	1	\$1,133.00
b Harrison, Eichenber & Murphy	1	0	1	\$47.50
* Hopper & Holmes	48	4	50	\$31,702.19
b Ingber, McCorbick & Silveril	2	0	2	\$1,356.96
a Jacobs & Solomon	65	4	68	\$55,546.09
Johnson, Rifenbark & Wylie	17	1	17	\$12,348.76
Jones, Nelson, Screeton & Russell	36	1	34	\$21,396.77
a Kegel, Tobin & Truce	20	3	24	\$19,868.17
b L. Tobin & Associates	8	0	7	\$15,831.17
<b>Sub - Total</b>	<b>460</b>	<b>29</b>	<b>479</b>	<b>\$353,782.41</b>

LACMTA OPERATIONS WORKERS' COMPENSATION - DEFENSE PANEL CASES  
3rd Quarter Fiscal Year 1996  
January 1996 - March 1996

Defense Firms		Total number of open cases through 12/31/95	Number of new cases Assigned this quarter	Total current MTA cases pending as of 03/31/96	Total fees paid for quarter ending 03/31/96
e, b	Law Plus (Russell Siegel, Esq)	N/A	10	N/A	\$900.00
	Liebman, Reiner & Walsh	12	0	10	\$13,342.67
*b	Linda T. Hilsen	N/A	5	N/A	\$0.00
b	McNeil, Callopy, Bather & Ross	2	0	2	\$517.26
	Miller & Folse	2	0	2	\$3,985.34
	Morrow, Scuria, Golenor and Salisbury	10	0	7	\$5,670.23
*	Ochoa & Sillas	46	0	44	\$20,874.50
*b	Paul Salcedo & Associates	N/A	3	3	\$0.00
*	Rissman, Winer & Blozan	12	2	14	\$7,627.90
*b	Robin, Carmack & Gonla	N/A	4	4	\$2,694.00
	Sacks, Rivera & Zolonz	52	3	51	\$35,128.97
*	Samuelson, Gonzalez, Valenzuela...	15	1	16	\$13,341.74
*a	Sandra Stern	N/A	0	N/A	\$13,062.10
*	Sosa, Perez & Associates	48	2	47	\$36,508.70
	Stockwell, Harris, Anderson....	15	0	13	\$6,270.88
*	Suzuki & Ito	14	3	16	\$4,850.00
a	Tobin, Lucks & Goldman	67	4	66	\$36,899.57
*	Wilson & Becks	15	0	13	\$4,036.90
	Zonni, Ginocchio & Taylor	49	0	43	\$33,321.59
	Sub - Total	359	37	351	\$239,032.35
	<b>GRAND TOTAL</b>	<b>819</b>	<b>66</b>	<b>830</b>	<b>\$592,814.76</b>

\*DBE/WBE Firm

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a Approved Law Firm for 132a and S&W Issues  
b New firm name as a result from merger

c Defunct firm name as a result from merger e Performs depositions or 1-shot appearances only  
d No longer on MTA panel - cases distributed to remaining panel

ATTACHMENT C

**PL/PD LEGAL ASSIGNMENTS AND PAYMENTS**

<u>Contract Year</u>	<u>Average Legal Assignments per Quarter</u>	<u>Average Legal Fees Paid per Quarter</u>
1993-1994	178	\$2,565,510
1994-1995	155	\$2,096,486
1995-1996	137	\$2,045,975*

\*includes fees for one catastrophic injury trial

**WC LEGAL ASSIGNMENTS AND PAYMENTS**

<u>Contract Year</u>	<u>Average Legal Assignments per Quarter</u>	<u>Average Legal Fees Paid per Quarter</u>
1993-1994	24	\$ 848,067
1994-1995	56	\$ 750,966
1995-1996	44	\$ 643,154