



APRIL 10, 1997

Los Angeles County
Metropolitan
Transportation
Authority

One Gateway Plaza
Los Angeles, CA
90012

213.922.6000

Mailing Address:

P.O. Box 194
Los Angeles, CA 90053

TO: BOARD OF DIRECTORS

FROM: RODNEY J. DAWSON 

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

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 the 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 44 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 Fraud, Transit Police, and Rail Operations. The panel includes DBE law firms. The office of 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 42 law firms skilled in the field of Workers' Compensation to defend the MTA. The panel includes DBE law firms. The office of 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:

- the characteristics of the individual case
- credentials and performance of the law firms
- assignment rotation

PL/PD Legal Assignments for Second Quarter FY 96-97

During the quarter ending March 31, 1997, HCM assigned 118 lawsuits to the defense panel. Fifty one percent (51%) of the cases assigned were under the Municipal Court Flat Fee Program (Attachment 1).

HCM paid \$1,514,633 in legal fees for the quarter. Fees paid continue their downward trend compared to prior quarterly averages (Attachment 3).

WC Legal Assignments

During the quarter ending December 31, 1996, HCM assigned 87 cases to the WC defense panel. HCM paid \$578,309 in legal fees for the quarter (Attachment 2). Fees paid continue their downward trend compared to prior quarterly averages (Attachment 3).

Prepared by: NITA WELCH

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04/02/97

LACMTA PUBLIC LIABILITY (OPERATIONS) - DEFENSE PANEL CASES
 3rd Quarter Fiscal Year 1997
 January - March 1997

Attachment 1
 1 of 3

Defense Firms	Total Number of open cases through 12/31/96	Number of New Lawuits Assigned this Quarter		Total current MTA cases pending as of 03/31/97	Total fees paid for quarter ending 03/31/97
		FLAT	HOURLY		
Alien, Noah	24	3	0	20	\$47,574
Alkins & Evans	44	2	1	39	\$31,779
Barnett & Kislner	32	2	1	24	\$44,578
Blyona & Cohen	37	2	2	41	\$29,817
Bolton, Durni, Yates	25	2	1	20	\$47,414
Bonelli & Bonelli	13	3	1	14	\$19,191
Breidenbach, Buckley, Huchling, Halm	44	2	2	43	\$22,455
Chase, Rotchford, Drukker & Bogust	4	0	0	4	\$0
Cochran, Johnnie, Jr.	12	0	0	0	\$5,054
Cummins & White	3	0	0	3	\$2,450
Daniels, Baratta & Fine	33	1	2	31	\$39,113
DeBlanc & DeBlanc	29	2	1	25	\$16,950
Dolan, Michael & Associates	0	0	0	0	\$410
Engstrom, Lipscomb & Lack	16	0	0	12	\$7,091
Ford, Walker, Haggerty & Bahar	48	0	3	42	\$26,816
Franscell, Strickland, Roberts	10	2	1	13	\$13,169
Garcia, Erimmons & Maranga	19	3	0	21	\$23,545
Graves & King	7	0	1	7	\$32,698
Grey, York, Duff, Rattel	53	2	2	53	\$120,809
Greines, Martin & Stein	3	0	2	5	\$10,594
Sub-Total	456	26	20	417	\$541,679

04/02/97

LACMTA PUBLIC LIABILITY (OPERATIONS) - DEFENSE PANEL CASES
3rd Quarter Fiscal Year 1997
January - March 1997

Attachment 1
2 of 3

Defense Firms	Total Number of open cases through 12/31/96	Number of new lawsuits Assigned this Quarter		Total current MTA cases pending as of 03/31/97	Total fees Paid for quarter ending 03/31/97
		FLAT	HOURLY		
Hillsinger & Costanzo	24	0	0	23	\$28,474
Wie, McNeill & Wyatt	38	0	3	42	\$60,850
Kojima & Associates	9	0	0	7	\$2,400
Kyle, David & Associates	15	3	0	14	\$9,678
Lewis, D'Amato	29	2	2	30	\$33,291
Liebrman, Reiner	66	0	3	64	\$45,077
Lornax, Melanie E. & Associates	29	3	1	25	\$113,593
Manning, Marler, Wolfe	8	2	2	11	\$15,569
McHale & Connor	38	2	2	36	\$22,189
Messina, Lalafarian & Manning	30	1	2	29	\$109,480
Murchison & Curnining	45	3	1	45	\$49,787
Nowakoffan & Crumet	45	1	4	47	\$96,785
Ochoa & Silas	23	1	2	21	\$37,769
Rissman, Winer & Bizzan	26	2	2	26	\$99,260
Schell & DeLamer	49	1	1	27	\$10,728
Serritella & Paquette	4	0	0	4	\$0
Stroud & Associates	23	3	0	21	\$36,848
Suzuki & Ito	40	2	1	35	\$39,941
Sylvester & Oppenheim	5	0	2	6	\$3,807
Shah, Thever & Assoc.	11	3	0	13	\$10,434
Sub-Total	567	29	28	528	\$826,938

LACMTA OPERATIONS WORKERS' COMPENSATION - DEFENSE PANEL CASES
3rd Quarter Fiscal Year 1997
January 1997 - March 1997

Defense Firm	Total number of open cases through 12/30/96	Number of new cases Assigned this quarter	Total current MTA cases pending as of 03/31/97	Total fees paid for quarter ending 03/31/97
Allen, Rhodes, Sobelsohn & Johnson	10	0	9	\$6,630.90
Bolden & Marlin	43	4	37	\$28,036.82
Bralley, Bartley & Wilson	3	0	3	\$575.55
Clopton, Penny & Bernier	12	0	11	\$4,129.50
Doris Nisler	0	N/A	N/A	\$0.00
Falk & Hamblin	1	0	1	\$2,237.70
Gary Robert	20	4	22	\$35,023.83
Norman L. Gillette, Law Offices	2	0	2	\$167.50
W. Peter Godfrey	41	2	37	\$44,607.50
Goldstein, Gurvitz & Silver	23	4	24	\$21,306.15
Granelli, Lebowitz & Stander	16	5	18	\$16,283.90
Graves, Robertson & Bourassa	1	0	1	\$374.00
Harrison, Eichtenber & Murphy	1	0	1	\$1,638.75
*b, a Unda T. Hillson	10	6	13	\$9,870.10
Hopper & Holmes	61	4	58	\$36,392.86
Ingher, McCorkick & Silver	1	0	1	\$4,168.09
Jacobs & Solomon	59	4	58	\$54,502.80
Johnson, Rifenbark & Wylie	20	2	21	\$11,243.04
Jones, Nelson, Sweeney & Russell	27	0	27	\$13,351.39
Kegel, Tobin & Truce	31	6	32	\$30,224.94
L. Tobin & Associates	7	0	7	\$5,509.50
Langton, Kazer & Block	3	0	2	\$3,833.80
b, e Law Plus (Russell Siengel, Esq)	13	6	18	\$1,990.00
Sub Total	405	47	403	\$330,508.54

LACMTA OPERATIONS WORKERS' COMPENSATION - DEFENSE PANEL CASES
5th Quarter Fiscal Year 1997
January 1997 - March 1997

Defense Firm	Total number of open cases through 12/30/96	Number of new cases Assigned this quarter	Total current MTA cases pending as of 03/31/97	Total fees paid for quarter ending 03/31/97
Liebrman, Heiner & Walsh	8	0	8	\$3,920.05
McNeill, Callopy, Butler & Ross	2	0	2	\$1,510.92
Miller & Foise	6	4	10	\$5,482.52
Barbara Minkoff	6	3	8	\$2,671.65
Morrow, Scurla, Golencor and Salisbury	9	0	9	\$4,883.40
Ochoa & Sillas	31	4	30	\$22,435.07
Rissman, Winer & Blozan	17	2	19	\$7,472.45
Roblin, Carmack & Gloria	10	2	12	\$7,906.00
Sacks, Rivera & Zolonz	44	4	37	\$39,127.17
Paul Salcedo & Associates	12	4	15	\$14,983.11
Samuelsen, Gonzalez, Valenzuela	19	3	22	\$9,831.44
Sandra Stern	2	1	2	\$3,022.40
Stockwell, Harris, Anderson	11	1	12	\$4,627.75
Soed, Perez & Associates	57	3	98	\$32,934.65
Suzuki & Ito	28	2	26	\$9,326.00
Taylor, Fabiano & Dickinson	10	1	11	\$10,232.40
Tobin, Lucks & Goldman	60	6	65	\$41,767.50
Wilson & Becke	11	0	10	\$1,949.30
Zornil, Girocchio & Taylor	29	0	27	\$22,716.32
Sub Total	943	40	955	\$247,801.10
GHAND TOTAL	748	87	758	\$578,309.44

*DBM/BE Firm

a Approved Law Firm for 152a and S&W Issues

b New Firm name as a result from merger/dissociation

c Defunct firm name as a result from dissociation

d No longer on MTA panel - cases distributed to remaining panel

e Includes performances of 1 - that depositions or appearances

f Handles STU Issues

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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	\$2,010,299*
1996-1997	126	\$1,657,593

*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	49	\$627,909
1996-1997	87**	\$549,043

**First quarter assignments included 55 existing cases from a law firm which moved out of state and no longer handles MTA cases.