

**FOREST PRESERVE DISTRICT OF COOK COUNTY**  
**BILLING GUIDELINES FOR OUTSIDE COUNSEL**

TABLE OF CONTENTS

ROLE OF LEGAL DEPARTMENT ..... 3  
FILINGS ..... 4  
INITIAL CASE ANALYSIS AND BUDGET ..... 5  
UPDATED CASE SUMMARIES: ..... 6  
UPDATED CASE BUDGET: ..... 6  
LITIGATION STAFFING ..... 7  
DISCOVERY ..... 7  
EXTENSIONS OF TIME ..... 7  
CIVILITY ..... 8  
LITIGATION RESOLUTION ..... 8  
BILLING STATEMENTS: TIME, COSTS & DISBURSEMENTS ..... 10  
RATE ADJUSTMENTS ..... 12

APPENDIX

WORKERS' COMPENSATION:

SETTLEMENT RECOMMENDATION ..... 13

WORKERS' COMPENSATION:

RECOMMENDATION ON ARBITRATOR DECISION ..... 15

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

***"The mission of the Forest Preserve District of Cook County is to acquire, restore and manage lands for the purpose of protecting and preserving public open space with its natural wonders, significant prairies, forests, wetlands, rivers, streams and other landscapes with all of its associated wildlife, in a natural state for the education, pleasure and recreation of the public, now and in the future."***

The Forest Preserve District of Cook County (the "District") is a special district of government created by the Cook County Forest Preserve District Act (70 ILCS Section 810/0.01 *et seq*). The District is governed by the Board of Commissioners which is headed by the President. By statute, those individuals elected as Commissioners of Cook County and as President of the Board of Commissioners of Cook County are also elected to fill those respective roles for the District; however, the District is a separate unit of local government from the County of Cook.

As a unit of local government, the District has an obligation to the citizens of Cook County to ensure that professional services rendered are of the highest level of competence and are cost-effective. In addition, funds saved on legal services can contribute directly to the fulfillment of the District's mission. The District has an obligation to responsibly steward the public's tax dollars.

Toward that end, Forest Preserve District Ordinance No. 21-0270 authorizes the Legal Department to propound Billing Guidelines for Outside Counsel. These guidelines are intended to set forth fundamental aspects of the relationship between the District and Outside Counsel ("Counsel") and to assist the Legal Department in efficiently managing professional services; they are therefore incorporated into and considered a material part of the District's contract with Counsel. Upon acceptance of an assignment to any matter on behalf of the District, Counsel acknowledges receipt of these guidelines and Ordinance No. 21-0270.

These guidelines supersede any previously issued guidelines and are effective for all work performed beginning immediately unless exceptions are approved in writing. All outside firm attorneys, support personnel or third-party vendors also participating in assigned matters (e.g., timekeepers, billing staff who create invoices) will be expected to know and strictly adhere to these guidelines. However, nothing in these guidelines is intended to restrict Counsel's exercise of independent professional judgment or duties as an advocate in rendering legal services to the District or to otherwise interfere with any ethical directive governing the conduct of Counsel.

The District reserves the right to amend these guidelines at any time, providing written notification to Counsel within 45 days of any substantive changes becoming effective.

## **ROLE OF LEGAL DEPARTMENT**

The Legal Department, with oversight by the Finance Subcommittee on Litigation of the Forest Preserve District of Cook County Board of Commissioners ("the Litigation Subcommittee") remains responsible for managing matters referred to Counsel. At the time of retention, Counsel shall be selected from among the pool of outside counsel in a manner determined by the Chief Attorney. Counsel will receive an

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

engagement agreement, a copy of these guidelines, a sample budget worksheet, and a copy of Ordinance No. 21-0270 at the time of retention.

Counsel is required to discuss the issues, tactics and strategy of litigation and other matters with the Chief Attorney or designated staff attorney ("Responsible Attorney"). Counsel will be informed of the Responsible Attorney's official District contact information upon execution of the engagement agreement. Counsel will have primary responsibility for handling assigned matters in accordance with these guidelines and shall be responsible for knowing the applicable court's local rules including the assigned judge's standing order or procedures, complying with all court deadlines or other dates, responding promptly to discovery and correspondence, and proper handling of the assigned matter before the tribunal. However, the District, through its Chief Attorney or Responsible Attorney, remains responsible for making all significant informed decisions in those matters. Counsel and the Legal Department will work closely to manage an efficient and cost-effective resolution to all contested matters.

The District does not authorize Counsel to comment publicly on District matters or to issue any statements or press releases in connection with any matter of engagement for the District, without the express advance consent of the District. Counsel should refer all media inquiries to the Chief Attorney.

It is important that Counsel always consult the Responsible Attorney prior to direct communication with other District personnel. This is necessary to ensure that the individuals presented for depositions or other functions are appropriately selected and prepared. It is essential that any affidavits or other documentation to be signed by employees of the District be provided to the Responsible Attorney well in advance of the filing date. Similarly, the production of any District documents should be coordinated by the Responsible Attorney and support staff from the Legal Department.

Counsel is expected to provide the Legal Department with drafts of significant correspondence, briefs, motions, and pleadings sufficiently in advance of electronic filing or mailing to permit meaningful review. Unless otherwise directed, Counsel should also forward to the Responsible Attorney copies of all correspondence and other written communications with third parties or District personnel, any research memoranda and other work product. From time-to-time, it may be appropriate for the Responsible Attorney to enter an appearance in assigned matters in order to facilitate information sharing or for another strategic purpose. Counsel shall nonetheless act as lead attorney in all matters so engaged. Motions must always be discussed with the Responsible Attorney prior to filing and subsequent to any merits hearing. Similarly, Counsel should consult with the Responsible Attorney prior to undertaking any research project expected to expend greater than four (4) hours. Counsel may not invest time in motions which are strategic in nature prior to obtaining approval from the Responsible Attorney. This protects both the District and Counsel.

## **FILINGS**

As a local governmental unit, the Forest Preserve District is exempted from filing and appearance fees in the circuit court. When making filings on behalf of the District, be sure to properly select a filing fee waiver or inform personnel at the Clerk of the Circuit Court's Office that the matter involves the Forest Preserve District. When filing an initial appearance in a matter, the Circuit Clerk's office requires a Fee Exempt

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

Agency Cover Sheet to be filed contemporaneously, indicating the District's fee exemption as a Cook County department or agency (although the District is its own special unit of government). We are unable to reimburse fees which should have been exempted. The Fee Exemption Cover Sheet form required by the Circuit Court can be obtained on-line at the Clerk's website.

As the Forest Preserve District is its own unit of government, please note that Cook County is a separate entity and its own party in litigation. Cook County is often inappropriately named by plaintiffs' counsel in matters directed against the Forest Preserve District. Counsel should never appear on behalf of, or file any document on behalf of, Cook County unless expressly authorized by both the Forest Preserve District and Cook County. We are unable to pay for time spent on any task performed on behalf of Cook County, including time spent to rectify an improperly filed appearance.

### **INITIAL CASE ANALYSIS AND BUDGET**

The District is primarily interested in the quality of representation; however, this goal must be achieved in a cost-efficient manner. Further, due to the budget process required of local governments, the District must be able to project the costs of litigation and outside representation as part of its budgeting process. The District also seeks to balance the cost of litigation with the potential damages associated with a case. For all these reasons, the District requires a written initial case analysis summarizing the facts and law of the case and an initial litigation budget, consisting of estimates of both damages exposure and litigation expenses. In addition to the initial case analysis and budget, the District requires Counsel to present quarterly updated summaries and budgets throughout the case.

The initial case analysis should be provided by Counsel to the Responsible Attorney within thirty (30) days after a matter is referred to Counsel by the Legal Department. The initial case analysis will consist of, as applicable: (I) a summary of the substantive allegations of the Complaint; (II) a brief venue analysis, including information regarding the assigned judge and likely jury pool; (III) a summary of Counsel's preliminary factual investigation into the matter; (IV) a description of Counsel's litigation strategy; (V) an analysis of potential damages exposure (if available); (VI) a settlement value analysis; (VII) an analysis of potential liability including the likelihood of recovering from third parties; and (VIII) a proposed initial budget. Any cases involving fee-shifting provisions (e.g., fees under 42 USC § 1988) should be identified in the initial case analysis.

Counsel or the Responsible Attorney should schedule a meeting to discuss the facts of the case, the theory of defense and the initial budget. Counsel should coordinate with the Responsible Attorney about obtaining documents and interviewing District employees to assist in Counsel's preliminary factual investigation. The initial case analysis should identify the associate(s) and partner assigned to the case, along with their contact information. This initial case analysis and budget satisfies Counsel's obligations to submit a case summary and budget under Section (D)(1)(a) of the District's Ordinance on Outside Counsel Retention and Fees.

Initial strategy meetings are encouraged. This provides the Legal Department and Counsel with an opportunity to compare notes and share information. The Legal Department may be able to provide Counsel with information or precedents which may help in handling the case in an efficient and cost-

#### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

effective manner. For example, if there is a case in which an immunity applies to the District as a governmental entity, the Legal Department can share with Counsel any prior cases and experience having to do with this issue.

Obviously, the amount of detail required in a budget is dependent upon the exposure of the District to liability or significant costs. To the extent possible, a litigation budget should be broken down by investigation, discovery, dispositive motion, and trial phases. As appropriate, the Chief Attorney or Responsible Attorney may request a budget that includes the anticipated cost of appeal. On the other hand, budgets for Workers' Compensation matters and administrative matters may be simplified.

A Sample Litigation Budget spreadsheet will be sent to Counsel at the time of retention. Counsel is encouraged to use this budget spreadsheet. The initial Budget and updates shall include projected attorneys' fees and expenses including, but not limited to, costs associated with the use of third party vendors or experts. The Chief Attorney or Responsible Attorney may request a more detailed Budget.

#### **UPDATED CASE SUMMARIES:**

No later than ninety (90) days after the initial case analysis, and at least Quarterly thereafter, Counsel shall submit to the Responsible Attorney an Updated Case Summary. The scope and detail of Updated Case Summaries may vary, depending upon the complexity of the matter and litigation activities completed at the time of the report. All Updated Case Summaries and budgets shall constitute privileged and confidential attorney-client communications.

The Updated Case Summary shall set forth:

- Status of discovery, including deposition summaries
- Major activities completed to date
- Other significant developments in the case
- Major case activities anticipated for the successful defense or prosecution of the case
- Evaluation of the strength of the case including assessment of potential liability, damages exposure and any accounting of special damages
- Counsel's recommendations regarding any alterations of strategy or settlement including the need for expert retention or independent medical examinations
- Court-ordered case management dates, including any pending briefing schedule(s)
- Expected judgment or completion date
- Assessment of the probable outcome of the litigation

#### **UPDATED CASE BUDGET:**

Updated Case Budgets shall include an estimate of legal fees and expenses through the time of judgment or other completion and shall allocate the fees and expenses associated with each phase (Investigation, Initial Pleadings, Discovery, Dispositive Motions, Trial). Counsel shall report unusually expensive activities to the Legal Department in a timely manner. In addition, the Updated Case Budget should identify the

#### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

year the fees and expenses are anticipated to be incurred.

While the case analysis and budget may change as the litigation progresses, Counsel should nonetheless report to the Responsible Attorney any major deviation that would significantly expand the planned activities set forth in the most recent case analysis or that would materially increase the budget.

## **LITIGATION STAFFING**

Sound judgment in staffing District matters is necessary to provide high quality representation without unnecessary expense. In an ordinary case, one attorney should conduct depositions, attend motion hearings, settlement conferences, and strategy meetings. If additional attorneys are involved on a file, it should be done with a view toward efficient and cost-effective handling of a matter. The District expects the presence and active participation of the partner or most senior attorney when required; however, when appropriate, work may be delegated to lawyers or legal assistants with lower hourly rates who have subject matter expertise and experience appropriate for the task. Where practical, the amount of effort by level within Counsel's office should be broken down and made part of the initial Budget.

The District expects that all staffing appointments and changes will be discussed with the Responsible Attorney in advance. The District expects Counsel to limit conferences among firm lawyers and multiple-lawyer attendance at meetings to those that are necessary and appropriate. Time spent training junior staff should not be billed to the District. The District reserves the right to reduce or reject time entries reflecting unnecessary or excessive intra-firm conferences. Costs associated with the reassignment of the case from personnel familiar with the case to others within Counsel's firm due to staff departures or other reasons will not be authorized for payment by the District.

## **DISCOVERY**

Because the discovery phase of litigation is the most time consuming, it is also the most expensive. When contemplating discovery, Counsel and the Responsible Attorney should reach an accord as to the purpose of discovery and the best means for achieving that purpose. Each deposition should be identified, together with its purpose and strategy for achieving that purpose.

In many cases, District personnel are likely to be witnesses. Early interviews of those persons are recommended, since memories fade and personnel resign, retire or are terminated and sometimes become hostile. Do not assume that District staff are familiar with the litigation process or have ever been deposed. Make sure they are adequately prepared.

## **EXTENSIONS OF TIME**

Counsel need not seek authorization from the Responsible Attorney to file for an appropriate extension of time to file responsive pleadings in order to adequately investigate the facts and devise responsive pleading strategy. In general, the District has a significant interest in the expeditious resolution of cases brought against it. However, over the course of litigation, the District is cognizant that principles of comity

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

and professional courtesy may result in Counsel's agreement to extensions of deadlines or briefing schedules. Please keep the Responsible Attorney apprised on material alterations to significant deadlines, or case management or brief scheduling orders.

## **CIVILITY**

Counsel representing the District carry with them the imprimatur of the District and must represent the District's core values and ideals. The District expects zealous advocacy on the part of its retained Counsel. The District is also aware that Illinois and Federal Courts have placed an emphasis on civility within the legal profession. The District is aware that in our adversarial legal system, there are times when zealous advocacy may require passionate argument. However, the District will not incur expense or increased liability as a result of incivility due to the District's retained Counsel. The District will reduce billing entries that are fairly traceable to mere personality conflicts between Counsel and opposing counsel. In the event of issues regarding the civility of a lawyer participating in any side of the litigation, please advise the Responsible Attorney as soon as possible so that steps can be taken to reduce expense and potential conflict.

## **LITIGATION RESOLUTION**

**Alternative Dispute Resolution (ADR).** Counsel should inform the Responsible Attorney of any Court-mandated arbitration, pre-trial, or mediation as soon as possible. If Counsel independently believes that alternative dispute resolution, such as arbitration or mediation is appropriate, Counsel shall inform the Responsible Attorney of the costs and benefits of the proposed ADR method. The ADR recommendation can then be forwarded to the Chief Attorney for consideration.

**Settlement.** Counsel shall communicate all settlement proposals to the Responsible Attorney in a timely manner. If a tentative agreement in principle can be reached with the opposing party, Counsel must then submit a written recommendation to the Responsible Attorney and Chief Attorney. This recommendation will be presented to the Finance Subcommittee on Litigation for personal injury and other litigation matters or to the Subcommittee for Workers' Compensation matters. If approved at the committee level, proposed settlements then proceed to the Finance Committee and the full board. During this process, you may be expected to attend the Subcommittee meeting, unless otherwise instructed by the Responsible Attorney. When discussing settlements with an opposing attorney, be sure to emphasize that all settlements outside the District's pre-approved independent settlement authority, described below, are subject to the approval of the Board of Commissioners.

The District's Board has granted the Legal Department limited independent settlement authority up to \$30,000 for non-workers' compensation litigation matters without first receiving approval from the Litigation Subcommittee. All Workers' Compensation settlements must be approved by the Workers' Compensation Subcommittee, regardless of value.

These procedures obviously do not allow for "eve of trial" settlements. Please allow sufficient time for orderly consideration and approval of proposed settlements.

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

The settlement recommendation letter from Counsel must include the following information:

**A. Personal Injury and General Litigation.**

- (a) facts, including date of injury if applicable;
- (b) issues and questions of fact;
- (c) resolution of any available tort immunity defenses and discussion of other defenses available;
- (d) special damages, including medical expenses, lost wages and property damage, and attorneys' fees;
- (e) type and extent of injuries with discussion of permanency, if applicable;
- (f) the plaintiff's settlement demand;
- (g) Counsel's fees incurred to date (billed and unbilled); and
- (h) estimated costs of trial.

**B. Workers' Compensation.**

In Workers' Compensation cases, a standardized Settlement Recommendation form has been developed. A copy of the Form is attached. This form must be completed by Counsel and forwarded to the Responsible Attorney. In addition, when a decision of an arbitrator has been rendered, there is a form for Recommendation on Arbitrator Decision which must be submitted by Counsel to the Responsible Attorney. A copy of this form is also attached hereto.

**Permission to Try:** Counsel shall obtain the approval of the Chief Attorney and the Litigation Subcommittee prior to taking a matter to trial. When Counsel recommends that a civil matter proceed to trial, then Counsel shall provide a revised Case Summary and recommendation to the Responsible Attorney. This recommendation shall include estimates of the likelihood of an adverse verdict, updated trial budget, estimated trial length, and an analysis of the applicable jury pool. Counsel shall be prepared to present this recommendation at a meeting of the Litigation Subcommittee. The Legal Department will arrange to place requests for permission to try cases on the agenda of the Litigation Subcommittee. In cases filed in Cook County, permission to try must be obtained as near as practicable to the trial certification date.

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

**Appeals:** The Responsible Attorney and Counsel must promptly notify the Litigation Subcommittee of any final and appealable ruling in civil matters. As circumstances warrant, the Chief Attorney and Counsel must notify the Litigation Subcommittee before pursuing an appeal. Counsel shall take all steps necessary to protect the interests and preserve the appeal rights of the parties they represent pending a decision to appeal, including the filing of an appropriate motion to reconsider, post-trial motions or a notice of appeal when necessary. In the event of any appeal taken before approval by the Litigation Subcommittee, the decision to continue proceeding with the appeal must be approved at the next available Litigation Subcommittee meeting.

## **BILLING STATEMENTS: TIME, COSTS & DISBURSEMENTS**

As part of our effort to control costs of representation, the District has limited the hourly rate to be paid to outside attorneys and support staff as follows:

Partner Hourly Rate:	Not to exceed \$290
Associate Hourly Rate:	Not to exceed \$185.00
Paralegal/Law Clerk Hourly Rate:	Not to exceed \$90.00

Each person performing chargeable services should contemporaneously record on a daily basis, to the nearest 1/10th (0.1) of an hour, the time spent in connection with each District matter, describing the work performed in detail. For example, a telephone or video conference or meeting should list the name of the attorney, other participants, the actual time spent and a very brief description of the topic. The billing statement must contain the name of each partner, associate or paralegal with time shown, the hourly rate of each and summary totals for each individual. Counsel can complete many routine tasks (e.g. telephone calls, emails, letters, etc.) in less than 6 minutes. Accordingly, the only acceptable minimum billing time charge is 1/10th of an hour (0.1). For tasks exceeding 6 minutes, Outside Counsel should only bill the District for the actual time spent rendering the service to the nearest .10 of an hour.

Vague, general and generic activity descriptions are not appropriate. Any correspondence, pleading, and other document that is prepared or reviewed must be distinctly identified and described. Counsel must specifically identify the individual or entity to whom correspondence is directed or from whom it is received as well as its purpose. Similarly, Counsel must specifically identify the individual or entity to whom they have spoken in any telephone conference. Outside Counsel must thoroughly describe any issue(s) requiring legal research time. Counsel is reminded, however, that invoices may be disclosed pursuant to Illinois' Freedom of Information Act, 5 ILCS 140/1 *et seq.* Although the Legal Department will endeavor to redact privileged information before releasing invoices to the public, Counsel should avoid the inclusion of privileged matters in invoices to the extent practicable and consistent with the need to fully inform the Responsible Attorney of its activities and to allow the Responsible Attorney to evaluate the reasonableness of billing narratives.

Intra-firm conferences that deal with substantive issues pertaining to the assigned matter are reimbursable when Counsel provides a thorough description of the purpose of the conference and personnel in attendance. Duplicate charges for intra-firm conferences between attorneys should not be billed to the District – only time spent by the most senior attorney in attendance should be billed.

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

Counsel should not charge the District for routine research. Counsel is expected to be familiar with the basic substantive law at issue in the matter for which the firm has been retained. The District expects that Counsel will use paralegals or junior associates for research matters and avoid having partners or senior associates devote extensive time to research. The District will reimburse Counsel for actual costs of computerized research services such as Lexis or Westlaw, providing the charges are fully documented and substantiated when submitted.

Billing on each file may be on a monthly, but no less frequently than quarterly, basis unless the charges for a are less than \$500.00, in which case such charges should be held until the next billing period. Counsel should inform their billing department of this requirement. Bills must clearly separate the charges for individual District matters since bills are processed for each case, not each firm.

The District endeavors for its billing practices to be as paperless as possible. All bills are to be submitted directly to the Legal Department electronically in .pdf format, care of the Responsible Attorney, for verification of services and reasonableness of charges. The District expects the invoices received have already been reviewed by the partner responsible for the matter for compliance with our Billing Guidelines and for reasonableness in view of the circumstances of the matter. For example, if a junior attorney spent an inordinately long time preparing a research memo, or a deposition outline, compared to the import of the item, then we expect that the partner for the matter will already have adjusted the time billed to reflect an appropriate charge under the circumstances, before sending the invoice to the District.

Counsel should assign tasks appropriate to the magnitude of the matter and the efficiency required for a timely, cost effective, quality work product. When a senior lawyer can handle an assignment most efficiently (based on skill and experience), the District expects that attorney to complete the assignment. Work suitable to more junior attorneys should be delegated. Attorneys should never bill to perform tasks that could be effectively handled by support personnel. If the Responsible Attorney determines, after consultation with Counsel, that staffing on a matter is inappropriate for particular tasks performed, the hourly rate charged may, in the Responsible Attorney or the Chief Attorney's discretion, be reduced to a rate consistent with that of a less experienced or qualified professional. Similarly, if the Responsible Attorney or Chief Attorney determines that excessive time was spent on a particular task, the time billed may be reduced at their discretion.

If a budget has been established for a matter in litigation or for another significant project, an analysis of performance to budget should be completed and submitted with your bill. If the actual fees and expenses to date exceed the proportion of the budgeted amount completed to date, you should also include a detailed statement of explanation.

The District expects Counsel to take reasonable steps to minimize the amount of costs and disbursements charged to District matters, consistent with applicable time and responsiveness constraints. **The District will reimburse Counsel for expenses of reasonable photocopying at actual cost, but not to exceed 10 cents per copy.** The billing statement should reflect the number of copies made. The use of messengers, when necessary, will be reimbursed at the actual cost of a third-party vendor. When an in-house

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

messenger is used, only the actual cost of transportation will be paid. Further, correspondence and documents should not be sent by messenger or overnight courier service instead of by e-mail or regular U. S. mail unless there is a genuine need for such expedited hard copy delivery.

Unless otherwise agreed, the District will **NOT** reimburse Counsel for the following general overhead expenses since we consider them to be covered in your hourly rates fees: costs of administrative services (both during regular work hours and overtime); taxi or rideshare fares home for staff working late; costs of related overtime meals and transportation; word processing; telephone calls; facsimile transmissions (other than the cost of associated long distance phone calls); other staff services; standard office supplies; equipment or software acquisitions.

Billings for third party services retained by Counsel on the District's behalf should be coordinated with the Responsible Attorney in advance when the anticipated disbursement is significant in amount, e.g., in excess of \$500.00. To minimize processing and paperwork, the District requests that such costs be paid directly by Counsel and submitted to the Responsible Attorney for approval as a reimbursement together with the next billing statement. If the amount is very large, Counsel may make arrangements with the Legal Department for direct payment.

## **RATE ADJUSTMENTS**

The District's rates for outside counsel are currently set by Ordinance. Absent approval from the Board of Commissioners, the District may not exceed the maximum rates prescribed by Ordinance (hereinafter, "Maximum Rates"). These rates represent the absolute maximum that the District can pay without additional approval from the Litigation Subcommittee. Most matters are significantly below these rates. New matters will be engaged at rates that are cost-competitive.

For those firms retained prior to September 1, 2021 and selected pursuant to RFQ 20-60-005335, the Chief Attorney will review, on a case-by-case basis, requests for a rate increase (generally not to exceed 25%). This review will be conducted on a fair and equitable basis and a decision reached based on performance, litigation outcomes, cost-efficiency, market rates for local government representation in the Chicago area, and demonstrated need. Counsel's request for a rate increase should highlight these factors. If the proposed rate increase does not exceed the Maximum Rates and the Chief Attorney agrees with the proposed rate, then the Chief Attorney will, at his or her sole discretion, approve and communicate such approval to the Counsel. Firms retained prior to September 1, 2021 and previously selected pursuant to RFQ 20-60-005335 must request a rate increase by 12/1/2021. No additional requests for rate increases will be approved after such time for the life of the RFQ pool.

### **FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

**WORKERS' COMPENSATION  
SETTLEMENT RECOMMENDATION**

PETITIONER:

SETTLEMENT AMOUNT:

PETITIONER'S ATTORNEY:

ATTORNEY FOR THE DISTRICT:

CASE NUMBER:

DATE OF ACCIDENT:

PETITIONER'S AGE:

DEPARTMENT:

JOB DESCRIPTION:

DATE OF HIRE:

EMPLOYMENT STATUS:

ACCIDENT DESCRIPTION:

ACCIDENT LOCATION:

WITNESSES:

NATURE OF INJURY:

PRE-EXISTING OR INTERVENING INJURIES:

MEDICAL EVIDENCE:

Treating Physicians:

Independent medical examination:

Date Performed:

Physician's Name:

Findings:

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

COMPENSATION:

TTD Rate:  
TTD Paid:  
AWW:  
PPD Rate:  
Dates Off work:  
Return to Work Date:

MEDICAL EXPENSES:

Q-DEX COMPARISON:

THIRD PARTY LITIGATION:

REASONS FOR SETTLING:

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93

**WORKERS' COMPENSATION  
RECOMMENDATION ON ARBITRATOR DECISION**

PETITIONER:

DECISION AMOUNT:

PETITIONER'S ATTORNEY:

ATTORNEY FOR THE DISTRICT:

CASE NUMBER:

DATE OF ACCIDENT:

PETITIONER'S AGE:

DEPARTMENT:

JOB DESCRIPTION:

DATE OF HIRE:

EMPLOYMENT STATUS:

ACCIDENT DESCRIPTION:

ACCIDENT LOCATION:

NATURE OF INJURY:

DECISION:

REASONS FOR SATISFYING OR APPEALING DECISION WITH RECOMMENDATION:

**FPDCC Outside Counsel Guidelines**

Cur. Rev. 10-21

Rev. 07-08; Rev. 07-03; Rev. 04-95; Rev. 01-95; Rev. 12-93