

RESOLUTION NO. 11-2004

A RESOLUTION OF THE TOWN COMMISSION FOR THE TOWN OF SURFSIDE, FLORIDA, APPROVING AN AGREEMENT WITH HOULIHAN & PARTNERS, P.A. TO APPEAR AS CO-COUNSEL AND REPRESENT THE TOWN IN THE CASE CAPTIONED YOUNG ISRAEL OF BAL HARBOUR, INC. V. TOWN OF SURFSIDE CASE NO: 10-CV-24392 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Commission of the Town of Surfside, Florida (“TOWN”) wishes to enter into a retainer agreement with Houlihan & Partners, P.A. to appear as co-counsel with Weiss Serota and represent the Town in the United States District Court for the Southern District of Florida in the litigation captioned Young Israel of Bal Harbour v. Town of Surfside; and

WHEREAS, the Town Commission believes that it is in the best interest of the Town to enter into this agreement attached as Exhibit “A” inasmuch as Senior Partner, Gerald J. Houlihan is a seasoned trial attorney, former federal prosecutor and Chief Assistant U.S. Attorney for the Southern District of Florida and lead counsel in more than 95 complex jury trials, including extensive experience in discrimination cases, complex commercial matters, and planning and zoning matters.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above and foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Authorization. The Town Commission hereby authorizes the execution of the retainer agreement attached hereto as Exhibit “A” on the terms contained therein and authorizes the Town Attorney and Town Manager to do all things necessary to effectuate this Agreement.

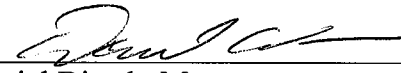
Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED and **ADOPTED** on this 18 day of January 2011.

Motion by Commissioner Kopelman, second by Commissioner Karukin

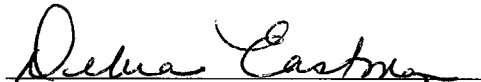
FINAL VOTE ON ADOPTION

Commissioner Michael Karukin	<u>Yes</u>
Commissioner Edward Kopelman	<u>Yes</u>
Commissioner Marta Olchyk	<u>No</u>
Vice Mayor Joseph Graubart	<u>Yes</u>
Mayor Daniel Dietch	<u>Yes</u>




Daniel Dietch, Mayor

ATTEST:



Debra E. Eastman, MMC
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**



Lynn M. Dannheisser, Town Attorney

HOULIHAN & PARTNERS

A Professional Association of
Trial Attorneys and Counselors At Law

Gerald J. Houlihan
305-460-4091

January 11, 2011

Lynn M. Dannheisser, Town Attorney
Town of Surfside
9293 Harding Avenue
Surfside, Florida 33154

RE: Young Israel of Bal Harbor, Inc. v. Town of Surfside
Case No.: 10 – 24392 – JORDAN/McAliley
United States District Court, Southern District of Florida

Dear Lynn:

You have requested that Houlihan & Partners, P.A. represent the Town of Surfside in the referenced matter. In addition, I know the Town has also retained the services of the Weiss Serota law firm to also assist you in the case. Pursuant to this letter, we will accept the engagement. You have my assurance that I will work with the other lawyers in this case to help provide excellent and cost-effective legal services to the Town of Surfside.

As your attorney, I will supervise this important legal matter. Accordingly, I will always be in a position to address and resolve any concern you may have. While we cannot guarantee a particular result for you, we can assure our best efforts, talent and good judgment will be used in pursuing your goals, and a favorable result, within the confines of the facts and the law. As you might expect, we are confident in our ability to provide exceptional legal services.

You should be aware that, generally, especially at the beginning of our representation, there is a need to expend substantial time and effort on your case. It is at this time that we determine the goals of the representation and we are required to research our strategy and defenses and determine the facts and issues important to your matter.

Our fees are calculated to insure a fair compensation for our legal services. Accordingly, consistent with the Code of Professional Responsibility, our goal is to bill for the reasonable value of the legal services rendered on your behalf. Given the nature of legal problems, the ultimate amount of legal fees and costs are difficult to estimate at this time. Nevertheless, we are careful to expend only those efforts necessary to achieve the goals and strategy you have established for our representation. To the extent that you have a question about this, please talk to me.

Generally, our fees are based on our normal hourly rates that vary from lawyer to lawyer depending upon experience and expertise. As required, other legal professionals, including partners,

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Telephone: (305) 460-4091 · Facsimile (305) 397-0955

Email: Houlihan@houlihanlaw.com

associates, law clerks and paralegals may assist the attorney responsible for your case. I will be the attorney responsible for your matter and I will supervise those working on the case. However, because of the importance and sophistication of the case, I will be personally involved in every aspect of this case. My fees are regularly billed at \$500 per hour. However, as a courtesy to the Town of Surfside, we have reduced my rates to \$250 per hour. Our associates will be billed at the rate of \$200 per hour and the regular rate for law clerk and paralegal time will be \$90 per hour. If you need a further explanation, please talk to me.

As is our practice, you will be billed on a monthly basis with the expectation that our fees will be promptly paid. Our invoice will reflect the work performed and the time expended by each billing professional. This is our regular billing format. At our option, if not paid within 30 days, interest at the legal rate will be charged. If you find a problem with our billing, you should immediately discuss it with me so the issue can be amicably resolved. We will always attempt to avoid collection litigation. However, if instituted, the prevailing party will be entitled to reasonable attorney fees, interest and costs for the litigation.

In addition to legal fees, our bill will include costs and charges customarily incurred by the law firm on behalf of the client. These expenses may include filing fees, deposition expenses, travel expenses, courier charges, long distance telephone charges, photocopies, postage, computer assisted research charges, court costs, witness fees and expenses, investigation costs, and other incidental expenses appropriate to your case. These fees are billed at actual cost. In contrast, you will be billed \$.20 per copy for copy costs and outgoing facsimile charges are billed at \$.50 per page.

We trust these arrangements meet with your approval. If so, please sign this letter and fax it back to me immediately. Of course, please keep a copy is for your records. Please call me if you have any questions.

Very truly yours,



Gerald J. Houlthian

GJH/pk

Date: January __, 2011

Lynn M. Dannheisser
Town Attorney, Town of Surfside