



INTEROFFICE MEMORANDUM

TO: MAYOR AND COUNCIL

FROM: BARRY R. LEWIS, JR., TOWNSHIP MANAGER

SUBJECT: APPOINTMENT OF SPECIAL COUNSEL

DATE: AUGUST 2, 2019

CC: GLENN TURTLETAUB, TOWNSHIP CLERK

CCM # 2019-7

*** CONFIDENTIAL ***

ATTORNEY CLIENT PRIVILEGED – CONSULTATIVE AND DELIBERATIVE

All,

As you are aware, the Township recently solicited proposals for Special Counsel from law firms to be utilized when and on such specialized matters as is deemed appropriate. The responses were due this morning and we received proposals from five different law firms. The RFP specifically identified specialties or niche areas of the law for which firms could propose services, based upon demonstrated expertise and experience. The specific areas identified included eminent domain, tax appeals, Redevelopment under the LRHL, and environmental law. These specifically identified areas were based on realistic potential and existing areas of need for the Township. The RFP also invited firms to propose other specialty areas that they may believed might be relevant to the Township.

I have reviewed the proposals submitted by the five firms (listed alphabetically below). Initially, all five firms appear to meet the minimum requirements (lead attorney at least 10 years,

no disbarments or disciplinary history, malpractice insurance, etc.). All of the firms quoted attorney hourly rates in the “typical” municipal range of \$150 to \$175 per hour, so that financial considerations are not really an issue with selection. With respect to the substantive responses and specialty areas of law proposed, I offer the following:

1. Antoine Law Firm, Newark, NJ

The firm is a sole practitioner, who uses an independent contractor for paralegal and clerical services. The specialty areas proposed do include eminent domain. However, the other areas proposed include personal injury and civil rights litigation (for which our JIF would provide legal services), employment and discrimination litigation (for which we already have Special Labor Counsel) and general contract and commercial litigation.

2. Antonelli Kantor, P.C., Union, NJ

This is a nine attorney firm in Union, NJ. The submittal indicates considerable public sector and municipal representation experience and the proposed attorney demonstrates experience in three of the specifically identified areas, namely eminent domain, tax appeals and redevelopment law. The firm demonstrates the overall resources and expertise to meet the Township’s currently anticipated potential special counsel needs.

3. Cleary Giacobbe Alfieri Jacobs, LLC – Oakland, NJ

This is a thirty-five attorney firm with offices in Matawan, Oakland and Somerville. The proposal specifically identifies four practice areas. The first is “Public Law Practice”, which appears to be general and in line with Township Counsel’s responsibilities. The second area is “Labor and Employment Practice, for which the Township already has retained Special Labor Counsel. The third area is listed simply as “Litigation”, and the narrative principally describes employment litigation. The fourth and final area listed is “Education Law” for which the Township would have no need.

4. Florio Kenny Raval, LLP – Lyndhurst, NJ

This is a ten attorney firm in Lyndhurst. The proposal appears to be a generic firm resume, which includes the resumes of the attorneys, a list of clients and court cases, with no substantive description of the nature of services to those clients or the subjects of the court cases. The proposal fails to specifically identify any practice areas for which the firm is proposing special counsel services and for which they demonstrate experience and expertise and is largely unresponsive to the specific requests of the RFP.

5. Post Polak, P.A. – Roseland, NJ

This is a twenty attorney firm in Roseland. The proposal demonstrates considerable public sector representation and is responsive to and proposes Special Counsel services for all requested areas and demonstrates the requisite experience and expertise. However, a principal of the firm is the executive director of the Essex County Improvement Authority (from which the BOE recently obtaining financing and from who the Township may in the future) which creates a potential conflict. More importantly, this firm serves as Village Counsel to the Township of South Orange Village. South Orange has recently joined the our West Essex Shared Services working group (now including 9 municipalities) and has expressed serious interest in my efforts to host a regional public safety dispatch center as well as our efforts to form a regional Animal Control service. If, as I hope, those efforts proceed to actual agreements, they will necessarily involve contracts and other legal relationships between all involved municipalities, which would also create conflict with Post Polak serving as South Orange Village Counsel and Livingston Special Counsel.

Based upon my review of the five proposals as explained above, the only fully responsive proposals that offered services in our projected areas of need were Antonelli Kantor, P.C. and Post Polak, P.A.. However, based upon the very real potential for conflicts for Post Polak, coupled with the lack of any apparent potential conflicts for Antonelli Kantor, it is my recommendation that we select Antonelli Kantor as Special Counsel and utilize for such matters as may arise and for which they are qualified to provide expertise.