

Jonathan Wittwer
William P. Parkin
Ryan D. Moroney

WITTWER & PARKIN, LLP
147 SOUTH RIVER STREET, SUITE 221
SANTA CRUZ, CALIFORNIA 95060
TELEPHONE: (831) 429-4055
FACSIMILE: (831) 429-4057
E-MAIL: office@wittwerparkin.com

OF COUNSEL
Gary A. Patton

TO: Board of Directors of the Santa Clara County Open Space Authority
FROM: William P. Parkin, Authority General Counsel
DATE: April 16, 2010 (Agenda Date: April 22, 2010)
RE: Amendment to Contract with Legal Counsel

Background: The Open Space Authority’s Legal Services Agreement with the law firm of Wittwer & Parkin, LLP has the following rate structure:

Partners	\$230.00
Associates	\$145.00
Paralegal	\$95.00

While Wittwer & Parkin, LLP has served as counsel for the Authority since July 2002, the current rate structure has been in effect for nearly four years beginning July 1, 2006. A discount was given to the Authority as these rates were below the standard hourly rates for government agency work in 2006. Moreover, Wittwer & Parkin agreed to additional accommodations concerning travel time that deviate from the firm’s normal billing practices. These accommodations have been in effect since 2002.

Request for Rate Increase: In the nearly four years since the current rate structure was approved, the standard rates of Wittwer & Parkin have risen due to increases in overhead costs. The current standard governmental rates for similar services are as follows:

Partner	\$285.00
Associate	\$175.00
Paralegal	\$100.00

Board of Directors
Re: Amendment to Contract
April 16, 2010
Page 2

Non-governmental rates are significantly higher (\$400.00 for Partner, \$275.00 for Associate, and \$110.00 for paralegal).

The firm is committed to serving the Authority and is willing to continue to offer a discount below the current standard governmental rates. The following rates are proposed:

Partner	\$260.00
Associate	\$165.00

Paralegal rates would remain at \$95.00. Gary Patton's time would be charged at the partner rate given his breadth of experience which is equal to that of Partner. Thus, the rate is now denoted as "Partner or Senior Attorney" as shown in the attached resolution.

Wittwer & Parkin appreciates the Board's consideration of this request. Please feel free to contact me with any questions.

Attachment-Resolution