

# **PROPOSAL**

**IN RESPONSE TO  
REQUEST FOR PROPOSALS - LEGAL SERVICES  
ISSUED BY THE  
CITY OF STOUGHTON, WISCONSIN  
APRIL 2009**

**Prepared by:**

**MURPHY DESMOND S.C.**

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27 April 2009

**VIA HAND-DELIVERY &  
E-MAIL lsullivan@ci.stoughton.wi.us**

City of Stoughton  
Attn: Laurie Sullivan  
Finance Director  
381 East Main Street  
Stoughton, WI 53589

Re: Proposal In Response to Request for Proposals – Legal Services  
To: City of Stoughton, Wisconsin  
From: Murphy Desmond S.C.

Dear Ms. Sullivan:

The law firm of Murphy Desmond S.C. (“Murphy Desmond”) thanks you for your consideration of its proposal to serve as municipal counsel to the City of Stoughton. As you will see from this Proposal In Response to the City of Stoughton’s Request for Proposals – Legal Services (“RFP”), setting forth Murphy Desmond’s breadth and scope of services, experience and proposed alternative billing arrangements, Murphy Desmond is well qualified and experienced in providing quality services to municipal clients.

Murphy Desmond looks forward to further demonstrating its qualifications to serve as municipal counsel and hopes to be selected as such accordingly. Should you, Mayor Griffin or the Common Council have any questions, or require further information, please do not hesitate to contact me. Thank you again for this opportunity and your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to be "Stephen C. Werner, Jr.", written over a horizontal line.

Stephen C. Werner, Jr.

SCW:jlh  
080155  
Sullivan lt  
Encl.

## I. INTRODUCTION

This document is Murphy Desmond S.C.'s proposal to provide legal services to the City of Stoughton, Wisconsin submitted in response to the Request for Proposals – Legal Services issued by the City dated April 2009. This Proposal sets forth in detail the following information: (a) Murphy Desmond's firm profile, history, and a list of the attorneys and principals within the firm; (b) The primary attorneys who will be responsible for providing legal services to the City; (c) a listing of all current municipal government clients, including the names and telephone numbers of the client contact; (d) biographies for Matthew J. Fleming, primary counsel for the City, Sarah Eagle-Kjome who will provide the primary municipal court prosecution services, and other key members of our Municipal Law Practice Group likely to provide support; and (e) Murphy Desmond's interest in providing legal services on an hourly rate basis or based upon a combination of an annual fixed fee retainer amount and an hourly rate basis, whatever the preference and pleasure of the Common Council.

*Please feel free to contact us if you have any questions or require further information to assist in the City's selection of legal counsel.*

## II. FIRM HISTORY AND PROFILE

### *History*

Murphy Desmond was founded in 1931 by lawyers with an unwavering belief in the principles of legal excellence, reliable client service, and community involvement. Those values remain at the core of our firm as we work to anticipate the needs of our clients and exceed their expectations. Murphy Desmond is proud of its long-standing tradition of professional service and innovation. For over 70 years clients have sought our legal guidance and advice. Our clients value us for our responsiveness to their legal needs and our creative solutions to their unique problems. Murphy Desmond remains dedicated to the same principles and ethical standards of our founders.

### *Profile*

With over 50 attorneys supported by an experienced staff of legal professionals, Murphy Desmond is a full service law firm that provides clients with multi-faceted legal services and advice. Murphy Desmond approaches each client's legal challenge(s) as if it were our own, while

providing timely and innovative solutions in the areas of municipal law, business law, real estate law, construction law, labor and employment law, litigation, intellectual property law, as well as other legal areas. Our municipal law practice is well-recognized in the State of Wisconsin.

Murphy Desmond's highest priority is providing effective, accessible and cost effective service. Murphy Desmond works with counties, towns, villages, cities and statutory special districts to anticipate and resolve issues expeditiously. We serve as both general counsel and special counsel capable of handling any municipality's legal needs. Our attorneys have extensive experience with public utilities law, municipal prosecutions, public records law, land use regulations, annexations, condemnations, special assessments, open meetings and public records law and public safety issues, as well as with litigation involving any of these concerns. Whether drafting or reviewing ordinances or development agreements, negotiating inter-municipal agreements, or handling labor and employment law issues, our expertise is dependable and complete. From defending against municipal tort claims to resolving environmental disputes, Murphy Desmond provides comprehensive leadership in dealing with the concerns of our municipal clients.

Other specific areas of legal practice Murphy Desmond addresses include, but are not limited to:

- Real Estate, Land Use and Construction law
- Employment and Labor Law
- Administrative/Regulatory Law and Government Relations (e.g., addressing issues involving state agencies such as the Department of Natural Resources, Public Service Commission and Department of Workforce Development)
- Business Law
- Health law
- General Litigation
- Intellectual Property Law (e.g., copyright, trademark and patent law)
- Creditors' Rights, Business Bankruptcy and Commercial Litigation

Murphy Desmond offers an exceptional breadth of municipal services and experience to our clients. Our municipal law practice group has over 150 years of collective experience

representing counties, towns, villages, cities, statutory special districts and utilities. Our experience representing local governments is varied and wide ranging. It includes urbanizing cities such as the City of Middleton, moderately populated, but growing villages such as the Village of McFarland, and rural townships such as the Town of Dekorra. Our attorneys have extensive experience with municipal prosecutions, public records law, land use regulations, annexations, eminent domain, special assessments, open meetings law and public safety issues, as well as with litigation involving any of these concerns. Combining this experience with the breadth and experience of the firm as a whole, however, is what truly makes Murphy Desmond uniquely qualified to represent municipal clients. We are able to offer our municipal clients direct access to specialized expertise in a variety of areas to provide maximum results.

**III. ATTORNEYS PRIMARILY RESPONSIBLE FOR PROVIDING LEGAL SERVICES**

Matthew J. Fleming will be the City’s primary legal counsel and have primary responsibility for all legal services provided. Sarah Eagle-Kjome will be the primary attorney handling municipal court prosecutions. Although the City of Stoughton will work with Mr. Fleming and Ms. Eagle-Kjome the vast majority of the time, the City will have functional access to the entire knowledge base of our firm’s Municipal Law Group and the firm as a whole. We encourage a collaborative and cooperative environment that permits our attorneys to access our collective knowledge base to maximize the benefit to our clients. This is especially valuable to our local governmental clients given the breadth of knowledge required for effective general governmental representation. It also permits us, on the whole, to significantly reduce attorney hours spent on research and provide services in a cost effective and efficient manner; something our municipal clients greatly appreciate.

As the primary attorney for the City, Mr. Fleming will make decisions about whether to assign matters to other attorneys in the firm, to coordinate services and address any issues relating to the attorney-client relationship. Furthermore, it has been our experience that as relationships with clients develop and evolve, depending upon a variety of factors, more direct lines of communication often develop between the client and other Murphy Desmond attorneys when dealing with certain issues. So while it is important to keep close track of assignments and

responsibilities, we have no problem accommodating a significant degree of flexibility in how we work with municipalities based upon its desires.

**IV. LIST OF MURPHY DESMOND ATTORNEYS AND PRINCIPALS**

The following is a list of all of Murphy Desmond’s attorneys, as well as principals. We are happy to provide specific biographies for each attorney upon request. (Principals are shown in *italics*.)

- |                                   |                               |
|-----------------------------------|-------------------------------|
| Jeffrey J. Bartzén                | Michael R. Bauer              |
| <i>Lawrence E. Bechler</i>        | <i>Stephen C. Beilke</i>      |
| Jonathan P. Bruni                 | Charles G. Center             |
| Edward A. Corcoran                | Swapna V. Deshpande           |
| Christopher J. Dodge              | Daniel I. Droege, Jr.         |
| Sara Eagle-Kjome                  | <i>Matthew J. Fleming</i>     |
| <i>Catherine J. Furay</i>         | Debbie Garten                 |
| Howard Goldberg                   | Steven E. Grimm               |
| <i>Vernon J. Jesse</i>            | <i>John A. Kassner</i>        |
| Warren P. Kraft                   | <i>Jennifer M. Krueger</i>    |
| <i>Robert J. Lightfoot II</i>     | <i>Daniel J. Lipman</i>       |
| Jessica J. Marquez-Anchondo       | Scott K. McCarthy             |
| David Minko                       | Matthew D. Moeser             |
| <i>Stephen L. Morgan</i>          | William E. Morgan             |
| William F. Mundt                  | <i>Brittany S. Ogden</i>      |
| Erin R. Ogden                     | Thomas O. Olson               |
| <i>Robert A. Pasch</i>            | Marinus (Rick) J.W. Petri     |
| Richard W. Pitzner                | William J. Rameker            |
| Christopher G. Rendall            | <i>Gregory P. Seibold</i>     |
| Arielle Silver Karsh              | Scott J. Smith                |
| <i>James D. Sweet</i>             | Margery M. Tibbetts           |
| Daniele St. Marie Thompson        | <i>Ronald M. Trachtenberg</i> |
| <i>Stephen R. Tumbush</i>         | <i>Tim R. Valentyn</i>        |
| Michael R. Vaughan                | Harvey L. Wendel              |
| Stephen C. Werner Jr.             | Bryan D. Woods                |
| <i>Jane F. (Ginger) Zimmerman</i> |                               |

**V. PROPOSED BILLING ARRANGEMENT AND SCOPE OF SERVICES**

Based upon our review of the Request and our own experience we would propose to provide services to the City on an hourly basis. However, if the City prefers to continue engaging

legal counsel on a retainer basis, or a combination of a retainer and an hourly rate basis, we are willing to accommodate the City and have provided such an alternative proposal below. While we recognize and appreciate the degree of certainty a fixed retainer provides, we believe a fixed annual retainer arrangement at the outset of the relationship could represent a significant financial risk for both parties until such time as the full scope of the City's needs are more fully understood, and caution the City to consider this issue very carefully.

The alternatives presented are representative of the arrangements we have used. Nonetheless, a firm with as diverse a client base as ours is conditioned to be flexible in our terms in order to meet our clients' respective needs. Thus, while we believe our proposal to be competitive, fair and reasonable, virtually any term proposed herein may be subject to further clarification or negotiation.

### ***ALTERNATIVE # 1***

#### ***Hourly Rate Basis***

- Hourly Rate

***General Legal Services.*** Murphy Desmond proposes that the City pay Murphy Desmond for providing "General Legal Services" (as defined below) on an hourly basis. Thus, statements for legal services will be the product of the hours worked multiplied by the hourly rates for the attorneys who did the work. Our schedule of hourly rates for attorneys and other members of the professional staff is generally based on years of experience, specialization in training and practice, and level of professional attainment. Mr. Fleming's hourly rate will be \$150.00 for 2009 and 2010 for all General Legal Services (as defined below). This rate shall increase as of January 1, 2011 and 2012 by the increase in the Consumer Price Index for that year rounded up to the nearest dollar. Except as may be specified herein, no other attorney shall be billed at a rate higher than this rate for these services without the written consent of the City.

***Other Services Outside Scope of General Legal Services.*** For any civil litigation other than as described in the General Legal Services or services clearly outside the scope of General Legal Services, the following hourly rates shall apply:

Matthew J. Fleming	\$210
Sara Eagle-Kjome	\$200
William E. Morgan	\$210
Lawrence E. Bechler	\$250
Jonathan P. Bruni	\$220
Warren P. Kraft	\$250

These rates shall increase on January 1, 2011 and 2012 by the Consumer Price Index for that year rounded up to the nearest dollar. No other Murphy Desmond attorney shall be billed at a rate higher than Mr. Bechler’s and Mr. Kraft’s rate without the express written consent of the City.

***Municipal Court Prosecutions.*** For municipal court prosecutions, rates shall be as follows:

Matthew J. Fleming	\$140
Sara Eagle-Kjome	\$135

No other Murphy Desmond attorney shall be billed at a rate higher than Mr. Fleming’s rate without the express written consent of the City.

- Costs

As a courtesy, and as part of our proposed hourly rate, Murphy Desmond **will not charge** the City for routine and internally generated photocopies, telephone calls, facsimiles, standard postage or mileage, except in unusual circumstances with the consent of the City. However, we will charge the City for actual overnight or other courier expenses or externally generated photocopy expenses incurred.

- Scope of General Legal Services

For purposes of this Proposal “General Legal Services” shall include and consist of preparing for and attending regular Common Council meetings, drafting legal opinions, reviewing and drafting municipal ordinances (except recodifications), legal research projects unrelated to special matters, collection matters, reviewing real estate matters, and rendering of oral advice on all legal questions presented to Murphy Desmond by the City.

- Services Outside Scope of General Legal Services

For purposes of this Proposal services clearly outside the scope of General Legal Services shall consist of civil litigation, matters properly charged to special funds, including services to City utilities, City tax incremental districts, special assessment projects, appeals from municipal court decisions, issuance of municipal bonds and industrial development revenue bonds, services for community development authorities and similar separate funds and entities. Murphy Desmond shall also charge on an hourly basis for any reviews of development proposals by persons or firms seeking City review. Typically, the City would then recover these costs from the developer whose project caused the need for those services. Such projects include, but are not limited to, land development projects (including subdivisions, condominium developments and planned unit development projects). The City shall pay Murphy Desmond monthly for all such services rendered, and shall be responsible for obtaining reimbursement of such costs from said developers.

*ALTERNATIVE # 2*

*Combination of Retainer Fee and Hourly Rate*

Based upon the information we have reviewed, it is our understanding that legal services provided to the City have historically been calculated on a monthly retainer fee basis for general legal work and on an hourly basis with respect to specified services outside of the standard retainer arrangement, and that the City may have a preference to maintain such a billing arrangement. While Murphy Desmond typically invoices nearly all of its municipal clients on an hourly basis, Murphy Desmond is willing to provide legal services to the City in return for the payment of both a retainer fee for General Legal Services (as defined above) and municipal court prosecutions, and for payment of an hourly rate for legal services provided outside of the standard retainer arrangement.

- Annual Retainer Fee Amount

Murphy Desmond proposes that the City pay **the sum of \$45,000.00 for the year 2009 (commencing on July 1 and ending on December 31) and the sum of \$90,000.00 for the year 2010**, payable in installments of \$7,500.00 per month, for General Legal

Services (as defined above) and municipal prosecution services. This annual retainer amount shall increase as of January 1, 2011 and 2012 by the increase in the Consumer Price Index for that year rounded up to the nearest dollar.

- Hourly Rate Basis

In addition to the fixed annual retainer, Murphy Desmond also proposes that the City shall pay Murphy Desmond on an hourly basis for services not covered by the retainer arrangement in the same manner and at the same rates as described above for such services in the hourly rate alternative.

- Reimbursement of Retainer

The aforementioned retainer amount(s) assume approximately 650 hours of General Legal Services and municipal court prosecution services provided by Murphy Desmond annually during the term of our engagement by the City. However, if, as of January 1 each year the total number of hours worked by Murphy Desmond are *less than 600 hours*, Murphy Desmond shall reimburse the City in an amount equal to the difference between the actual hours worked and 600 hours multiplied by the then current average hourly rate calculated by dividing the City's annual retainer by 650 hours. Should the total hours worked by Murphy Desmond exceed 700 hours, the City shall pay Murphy Desmond for each hour worked *in excess of 700 hours* at the then current average hourly rate. All such additional payments or reimbursements shall be paid by January 31 of the following year. For 2009 or if the attorney-client relationship should be terminated mid-year, time shall be prorated and reimbursements or additional payments shall be calculated accordingly.

- Costs

As a courtesy, and as part of our proposed retainer amount, Murphy Desmond **will not charge** the City for internally generated photocopies, telephone calls, facsimiles, standard postage or mileage, except in unusual circumstances with the consent of the City. However, we will charge the City for actual overnight or other courier expenses or externally generated photocopy expenses incurred.

## VI. ATTORNEY BIOGRAPHIES

### *Primary Attorneys*

#### MATTHEW J. FLEMING

Mr. Fleming, a 1998 graduate of the University of Wisconsin Law School, is a shareholder with Murphy Desmond and is co-chair of Murphy Desmond's Municipal Law Practice Group. He is active in representing all of Murphy Desmond's municipal clients on a wide range of municipal law issues, including ordinance drafting, land use and zoning issues, building code enforcement, alcohol and other licensing issues, open meetings and public records law, employment issues, eminent domain, property assessment and taxation. Mr. Fleming has extensive prosecutorial experience which began before graduating law school as an intern in the Brown County District Attorney's office, where he later served as Special Prosecutor. Before joining Murphy Desmond, Mr. Fleming served for two years as Assistant City Attorney for the City of La Crosse. Mr. Fleming continues to act as the municipal court prosecutor for the Village of McFarland and the Town of Windsor.

Mr. Fleming has been named a "Rising Star" in the field of Municipal Law by *Wisconsin Super Lawyers & Rising Stars Magazine* in 2006 and 2007. He has given several Continuing Legal Education lectures on topics relating to local government law through Lorman, National Business Institute and the State Bar of Wisconsin, including Open Meetings and Public Records Law, Building Code Enforcement, and Property Tax Assessment. Mr. Fleming has also served as a guest lecturer at the University of Wisconsin Law School on Local Government Administrative Practice in the Spring 2009 semester in has been invited to return in the Spring 2010.

#### SARA EAGLE-KJOME

Sara Eagle-Kjome represents clients in various litigation matters and has broad experience in the areas of criminal and civil ordinance violations before municipal courts, circuit

courts and the Wisconsin Court of Appeals. Ms. Eagle-Kjome is also well-versed in the area of law surrounding operating while intoxicated violations. Ms. Eagle-Kjome has been named a "Rising Star" in the field of family law by *Wisconsin Super Lawyers & Rising Stars Magazine* in 2008.

*Supporting Attorneys*

**LAWRENCE E. BECHLER**

Mr. Bechler is co-chair of Murphy Desmond's Municipal Law Group. He has been in practice since graduating from the University of Wisconsin Law School in 1977. His practice emphasis is in municipal law, and he currently is the primary general counsel to each of Murphy Desmond's general municipal clients other than Iowa County (not including those designated as Labor Clients). He also represents special purpose districts and utilities, as well as providing special counsel services to other municipalities.

Mr. Bechler served on the Joint Legislative Council's Special Committee on Recodification of Town Highway Statutes. He is a member of the International Municipal Lawyers Association, and has taught in the general practice course at UW Law School. He is the current Chairperson of the State Bar of Wisconsin's Administrative and Local Government Section Board of Directors.

Mr. Bechler's past services include acting as Assistant City Attorney for the City of Stoughton between 1983 and 1989. During that time, he was the prosecutor for the City municipal court, conducted civil litigation on behalf of the City, advised the City Council and then-Mayor Cooper, and worked on many redevelopment projects for the City.

Mr. Bechler is currently designated one of the *Best Lawyers in America* and a Wisconsin *Super Lawyer*. He has also authored several publications including: "The Importance of the Recent Recodification of Town Highway Law", Administrative & Local Government News No. 58 (October 2004); "2005 Wis. Act 81 and Elimination of Nonconforming Uses," Administrative & Local Government News No. 61 (April 2006) and "Supreme Court Defines Special Assessment Standards," Administrative and Local Government News No. 62 (December 2006).

In addition to teaching at the University of Wisconsin Law School, he has given numerous additional Continuing Legal Education lectures on municipal law topics, including Property Tax Law through the National Business Institute and Impact Fees, before the Wisconsin Municipal Attorneys Institute.

**WILLIAM E. MORGAN**

Mr. Morgan is a 1992 graduate of the University of Wisconsin Law School and has just recently joined Murphy Desmond after having spent the last 11 years as the Corporation Counsel for Green County (pop. 33,647 – 2000 census). Prior to that, he was the Assistant Corporation Counsel for Barron County (pop. 44,693 – 2000 census). His practice emphasizes municipal litigation and labor and employment law in the public sector and he has worked closely with local elected and appointed officials at all levels of government.

Mr. Morgan's municipal experience is broad and includes the drafting and enforcement of zoning and land use codes; drafting of general ordinances and resolutions; dealing with open meetings and public records issues; labor relations and bargaining, including grievance arbitration; and municipal collections. He has worked with and represented elected officials, boards and committees at all levels of government and understands the particular needs of local government bodies.

**JONATHAN P. BRUNI**

Mr. Bruni has practiced law in South Central Wisconsin since 1989. Mr. Bruni's practice emphasizes municipal, business, and real estate, as well as civil litigation related to those areas of law.

Mr. Bruni has had substantial experience representing municipal clients on a wide variety of issues including prosecution, police and fire commissions, labor employment and disciplinary issues, contracts, ordinance and resolution drafting, land use, joint fire district issues, and tax incremental financing districts. Mr. Bruni served as attorney for the City of Monroe beginning in 1989, and subsequently represented the Village of Black Earth, Village of Mazomanie, and the

Village of Arena, as well as joint fire districts, and other municipalities prior to joining Murphy Desmond.

**WARREN P. KRAFT**

A 1982 graduate of Marquette Law School, Mr. Kraft served 24 years in the public sector with the City of Oshkosh (the last 16 as City Attorney). He is currently with Murphy Desmond in an of counsel capacity also working for the City of West Bend as Director of Human Services. Mr. Kraft continues, however, to practice all aspects of municipal law. Nationally recognized for his municipal service and expertise, he was awarded the prestigious and distinguished designation as a FELLOW of Local Government Law in 2006 by the International Municipal Attorneys Association, where he serves as an officer and annual conference speaker. Mr. Kraft is a frequent presenter at local, state and national conferences, including the Municipal Attorneys Institute, the Community Developers Conference, the Building Inspectors Annual Meetings, and the Wisconsin Property Assessors Association. He has written for *State & Local Law News*, a publication of the American Bar Association.

**VII. LIST OF CURRENT MUNICIPAL GOVERNMENT CLIENTS AND  
PUBLISHED CASES**

*Municipal Government Clients and References*

**City of Middleton**

Michael K. Davis, City Administrator  
(608) 827-1050

**Green County (Labor Counsel)**

Mike Doyle, County Clerk  
(608) 328-9430

**Crawford County (Labor Counsel)**

**Office of the County Clerk**

Janet Geisler  
225 N. Beaumont Road  
Prairie du Chien, WI 53821

**Iowa County**

Randy Terronez, County Administrator  
(608) 935-0318

**Village of New Glarus**

Nic Owen, Village Administrator  
(608) 527-5971

**Village of McFarland**

Donald R. Peterson, Village Administrator  
(608) 838-3153

**Town of Windsor**

Tina Butteris, Clerk/Treasurer  
(608) 846-3854

**Town of Dekorra**

Fred Teitgen, Immediate past-Town Chairperson  
(608) 635-2014

**Town of Lodi**

Roger Wetzel, Immediate past-Town Chairperson  
(608) 592-4868

**Town of Oregon**

Denise Arnold, Town Clerk  
(608) 835-3200

**Town of Ledgeview**

Sarah Burdette, Town Administrator/Clerk  
(920) 336-3360

**Town of Onalaska**

Dave Paudler, Town Chair  
(608) 790-2800

*Published Cases*

*Where Murphy Desmond has Represented Municipal Clients*

*Kegonsa Joint Sanitary District v. City of Stoughton*, 87 Wis. 2d 131, 274 N.W.2d 598 (1979) (construction of new sewage treatment facility);

*Doughtie v. City of Stoughton*, 39 B.R. 950 (Bankr. W.D. Wis. 1984) (utility bill collection in Bankruptcy Court);

Voss v. City of Middleton, 156 Wis. 2d 265, 456 N.W.2d 632 (Ct. App. 1990) (street vacation);

Community Newspapers, Inc. v. City of West Allis, 156 Wis.2d 350, 456 N.W.2d 646 (Ct. App. 1990) (newspaper contract invalidated);

Madison v. Baumann, 155 Wis. 2d 338, 455 N.W.2d 647 (Ct. App. 1990) (constitutionality of noise ordinance);

Madison v. Baumann, 162 Wis. 2d 660, 470 N.W.2d 296 (1991) (constitutionality of noise ordinance);

Voss v. City of Middleton, 162 Wis. 2d 737, 470 N.W.2d 625 (1991) (street vacation);

Smart v. Dane County Bd. of Adjustment, 177 Wis. 2d 445, 501 N.W. 782 (1993) (defended County's decision on behalf of private client);

Madison v. Kopp, 188 Wis. 2d 680, 524 N.W.2d 635 (1994) (prosecution);

Pederson v. Town Board of Windsor, 191 Wis. 2d 664, 530 N.W.2d 427 (Ct. App. 1995) (subdivision);

Manthe v. Town Board of Windsor, 204 Wis. 2d 546, 555 N.W.2d 167 (Ct. App. 1996) (subdivision review procedure);

Town of Delavan v. City of Delavan, 160 Wis. 2d 403, 466 N.W.2d 227 (Ct. App. 1991) (annexation);

KW Holdings, L.L.C. v. Town of Windsor, 2003 WI App. 9, 258 Wis.2d 357, 656 N.W.2d 752 (subdivision/annexation);

Town of Windsor v. Village of DeForest, 2003 WI App. 114, 265 Wis.2d 591, 666 N.W.2d 31 (annexation); and

State ex. rel Herro v. Village of McFarland, 2007 WI App. 172, 737 N.W. 2d 55 (open meetings law).

## **IX. CONCLUSION**

We believe there are several important factors to consider in choosing legal representation. The basic qualities the City should look for, however, in choosing legal representation are not fundamentally different than the qualities it should look for in any position – competence, judgment, rapport and value.

The firm selected must, first and foremost, have the necessary experience to do the job. Local government practice is a very broad discipline and encompasses many practice areas. An attorney needs a broad base of knowledge to do the job well. Such knowledge is gained only through experience.

Experience however, is not only important with reference to knowledge of specific legal issues. It is also vitally important to develop the judgment and understanding necessary to serve a governmental body. It is important to choose an attorney that has proven that he or she can operate in the spotlight of public scrutiny to provide sound legal advice unbiased by, although not necessarily insensitive to, the surrounding political climate. A municipal attorney must be mindful of how legal advice can shape policy and ensure that policy makers, not the attorney, are making policy. At the same time, a municipal attorney cannot ignore that part of being a good counselor necessarily involves discussing and giving advice about policy.

The City should also look for a firm with a proven track record of understanding how to build and maintain relationships. A successful attorney-client relationship is built upon trust, which in turn is based upon knowledge, experience, good communication, understanding and rapport. To put it simply, you need to choose knowledgeable people with whom you can work comfortably and develop the bond of trust.

Finally, the City must look for value. Valuing legal services is inherently difficult and inexact. Measurement of value can still be elusive since, for instance, one may never know what lawsuits were avoided because of a skillfully worded clause in an ordinance or contract. Direct comparison of rates, while necessary, is a poor measure of value standing alone. An attorney whose rates are lower by a quarter, but takes twice as long to find the answer or simply bills twice as much time, is no bargain at all. The bargain becomes worse still if the answer is wrong.

We hope the City of Stoughton will agree that Murphy Desmond exemplifies the qualities the City is looking for in hiring general counsel. While there will be, no doubt, several qualified applicants, we believe it is unlikely that any other applicant can match Murphy Desmond's proven skill, experience, judgment, depth, goodwill and value.

The best evidence that Murphy Desmond will prove to be a valuable, trusted and responsive advisor and advocate for the City of Stoughton, is our longstanding relationships with our existing municipal clients. Most of our municipal client relationships exceed ten (10) years.

Some, such as the Village of McFarland, Town of Windsor and Town of Lodi have been clients of the firm for approximately sixteen (16) years. Some clients go further back still in their relationships with certain of our attorneys prior to joining Murphy Desmond. We have withstood the test of time. Even though officers and employees have changed over the years, we have been able to maintain a high level of trust and client satisfaction in the eyes of those who continue to choose Murphy Desmond to provide legal services to their communities.