

LAW OFFICES
ROETHE KROHN POPE LLP

*Wisconsin Lawyers
Expert Advisers. Serving You.*

JOHN T. ROETHE (1911-1975)

JEFFREY T. ROETHE
ROBERT G. KROHN *
* Certified Civil Trial Specialist by
National Board of Trial Advocacy
DALE E. POPE
MATTHEW T. ROETHE
NICHOLAS J. PROBST

Of Counsel:
KENNETH H. BUHROW
ANDERS BIRKELAND

May 18, 2009

LAURIE SULLIVAN
FINANCE DIRECTOR
CITY OF STOUGHTON
381 E MAIN STREET
STOUGHTON WI 53589

RE: Addendum to City of Stoughton Attorney RFP April 2009

Dear Ms. Sullivan:

Mayor Jim Griffin requested clarification and additional information from all legal firms that submitted proposals for the City Attorney position. The addendum requested four additional items. Please consider this letter a response to Mayor Griffin's letter and the Addendum to City of Stoughton Attorney RFP.

1. ANNUAL PROPOSED COST

When our firm calculated the initial proposal, the monthly retainer amount was based upon the number of hours our firm has submitted to the City of Stoughton for the past six months. Our billable rate is based upon the standard rate of \$120.00 per hour for attorney time and \$60.00 per hour for paralegal time.

We still intend to have a standard billable rate of \$120.00 per hour. However, the addendum stated that the attorney cost should be based on 650 average annual hours. Based upon 650 average annual hours, we hereby revise our proposal so that our monthly retainer would be \$6,500.00. The annual proposed cost to the City of Stoughton would be as follows:

July 1, 2009 to December 31, 2009, annual cost would be \$39,000.00;
January 1, 2010 to December 31, 2010, annual cost would be \$78,000.00;
January 1, 2011 to December 31, 2011, annual cost would be \$78,000.00;
January 1, 2012 to December 31, 2012, annual cost would be \$78,000.00.

If the City would prefer a flat rate, we propose \$6,500.00 per month as a flat fee. If the City would prefer an hourly rate, we propose \$120.00 per hour for attorney time and \$60.00 per hour for paralegal time. Our retainer would include mileage, postage, copying charges, facsimile costs and long distance phone calls. Direct costs, such as filing fees and service of process fees, would not be included with the retainer.

Litigation hours would still be governed by our original proposal. Said proposal stated that 25 hours of litigation in 2009 and 50 hours of litigation in 2010, 2011 and 2012 would be included with the retainer. Litigation exceeding this amount would be billed at \$175.00 per hour. Since our firm has not exceeded this litigation amount in the past ten years, we do not anticipate any additional litigation costs to the City of Stoughton.

Laurie Sullivan, Finance Director
City of Stoughton
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2. CONFLICTS OF INTEREST

Our firm has had only a handful of conflicts of interest with the City in the past ten years. We avoid conflicts by never taking any case that may have an adverse impact on the City. We do not represent criminal defendants or traffic defendants that would involve testimony from Stoughton police officers.

If our firm had a conflict of interest with the City of Stoughton, we would assist the City in locating a law firm. If the conflict involved a municipal court case, we would ask local attorneys if they could act as a special prosecutor. If the conflict involved a larger matter, we could assist the City by interviewing other firms in order to determine which firm would be the most efficient choice.

3. TRANSITION

Matt and Jeff Roethe will continue to provide legal services to the Mayor, City Council and department heads and staff. Nick Probst will continue to prosecute the municipal court cases. Since our firm is the current City Attorney, there would be no need for a transition. The City would save time and money instead of incurring transition costs learning the City's policies and procedures.

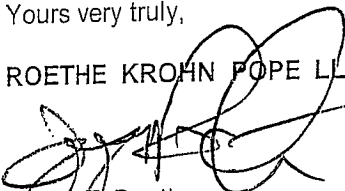
4. CONTRACT FORM

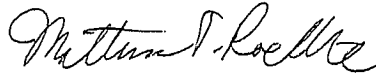
We have included the contract our firm has with the City of Edgerton. Our firm receives an annual Cost of Living Adjustment from the Edgerton City Council. Our current monthly retainer is \$1,957.00.

Thank you for your assistance in this matter. If you have any questions, please call us at (608) 884-3391.

Yours very truly,

ROETHE KROHN POPE LLP


Jeffrey T. Roethe
E-Mail: jtroethe@charter.net


Matthew T. Roethe
E-Mail: mtroethe@charter.net

Reply to 24 N. Henry Street, PO Box 151, Edgerton, WI 53534, PH: 608-884-3391 FAX: 608-884-7018

321 E. Milwaukee Street, Janesville, WI 53545, PH: 608-756--9710 FAX: 608-756-9720

508 Campus Street, Ste. 101, Milton, WI 53563, PH: 608-868-4346 FAX: 608-868-4348

CITY OF EDGERTON

Roethe, Krohn, Pope, McCarthy & Haas, LLP
CITY ATTORNEY
(608) 884-3391
FAX: (608) 884-7018

24 NORTH HENRY STREET
POST OFFICE BOX 151
EDGERTON, WI 53534



WISCONSIN

April 17, 2001

ADMINISTRATOR RAMONA FLANIGAN
CITY OF EDGERTON
12 ALBION ST
EDGERTON WI 53534

RE: Retainer Agreement with our Firm as City Attorney

Dear Mona:

Enclosed is our most recent retainer agreement. The firm currently receives \$1,672.35 per month and the hourly rate for the extras that are not included in the retainer agreement are billed at an hourly rate of \$95.00 per hour. That agreement was approved by the Finance Committee and the Common Council at the budgetary hearings in November and December of 1998.

The other retainer agreements have been in essentially the same form since our original hiring in 1979.

Respectfully submitted,

ROETHE, KROHN, POPE, MCCARTHY & HAAS, LLP

Jeffrey T. Roethe
City Attorney

kp
enc.

CITY OF EDGERTON

Roethke, Krohn & Pope
CITY ATTORNEY
(608) 884-3391
FAX: (608) 884-7018



WISCONSIN

24 NORTH HENRY STREET
POST OFFICE BOX 151
EDGERTON, WI 53534

COPY

November 13, 1998

ALDERPERSON KEN HAAGENSEN
117 YORK RD #4
EDGERTON WI 53534

ALDERPERSON CHRIS LUND
314 TERRACE COURT
EDGERTON WI 53534

ALDERPERSON WAYNE ACHTERBERG
302 QUIGLEY ST
EDGERTON WI 53534

RE: Retainer Agreement

Dear Friends:

I know that you are now working on the budget for the City.

It has been three years since the City Attorney's fees have been increased. As you know, all of the secretarial help for our office is absorbed as a part of the retainer.

We would request that the retainer be increased from \$1,372.35 to \$1,672.35, and that the hourly rate be increased from \$75.00 to \$95.00 per hour.

As you know, the hourly rate paid for outside counsel and planning and accounting personnel greatly exceeds the fee that we have been charging.

Please advise me if you desire a member of our law firm to appear before the Finance Committee.

The items covered under this retainer agreement are as follows:

1. Attending all regularly scheduled City Council meetings.
2. Office conferences and telephone conferences with the Mayor, Administrator, Alderpersons and Department Heads concerning City business that is not a special exception to the Retainer Agreement.

Finance Committee Members
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3. Drafting Ordinances and miscellaneous correspondence.
4. Prosecution on traffic and other ordinance violations required in the Municipal Court for the City.
5. Attending all League of Municipalities seminars, schooling, meetings and conferences without any reimbursement from the City. Meals, lodging, tuition and transportation, etc.
6. Providing a municipal law library that is used by our office and periodically by other City officials without additional expense to the City.

The items that are not included in the Retainer Agreement, which would be billed at an hourly rate of \$95.00 per hour, are as follows:

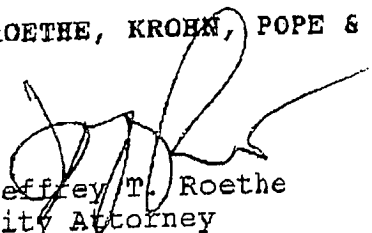
1. Preparation for trials and attending trials of criminal and civil matters in which the City is either the plaintiff or the defendant and the case is scheduled in a court other than the Municipal Court for the City of Edgerton.
2. Time spent on labor negotiations.
3. Time spent on legal opinions and the purchase and sale of property.
4. Time spent in enforcement proceedings such as Building Inspector complaints, attending Board of Zoning Appeals and attending special Council meetings or special Committee meetings where our representation has been requested by the presiding officer.
5. Special projects that require substantial additional time over and above the normal office duties.
6. Conferences with defendants and citizens when referred by Municipal Judge. Interviewing police officers, witnesses, victims and handling complaints in re traffic and ordinance cases that are presented to the Municipal Court.

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If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

ROETHE, KROHN, POPE & MCCARTHY, LLP



Jeffrey T. Roethe
City Attorney

kp
pc Administrator Ramona Flanigan