

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

Resolution No. 2024-04

**A RESOLUTION AWARDING CONTRACTS TO ASSIGNED DEFENSE COUNSEL
AND APPROVED ASSOCIATES**

WHEREAS, the Burlington County Municipal Joint Insurance Fund (BURLCOJIF) has been organized pursuant to *N.J.S.A. 40A:10-36 et. seq.*; and

WHEREAS, the Fund Commissioners of the Burlington County Municipal Joint Insurance Fund find that it is necessary and appropriate to obtain certain legal services so that the claims filed against the Member Municipalities of the Burlington County Municipal Joint Insurance Fund, and for which the Burlington County Municipal Joint Insurance Fund is obligated to provide a legal defense on behalf of the Member Municipalities; and

WHEREAS, the BURLCOJIF, under the "Fair and Open" process, issued Requests for Qualifications (RFQs) on August 13, 2021 for three (3), one (1) year Contracts for Assigned Defense Counsel for General Liability matters and for Workers' Compensation matters, and the responses to the RFQs were required to be provided to the Fund Administrator's Office by September 17, 2021; and

WHEREAS, the Fund Administrator for the BURLCOJIF received fifteen (15) timely responses to the General Liability RFQ, and all of those responses were referred to the Fund Solicitor and the BURLCOJIF Finance Committee for evaluation; and

WHEREAS, the Fund Administrator for the BURLCOJIF received nine (9) timely responses to the Workers' Compensation RFQ, and all of those responses were referred to the Fund Solicitor and the BURLCOJIF Finance Committee for evaluation; and

WHEREAS, the BURLCOJIF Finance Committee reviewed and evaluated all of the responses that were received to the RFQs, and after members of the Finance Committee individually completed the evaluation process, the scores were tallied by the Fund Solicitor, the Fund Solicitor provided his recommendations and the Finance Committee then determined that certain firms were to be recommended to be awarded Contracts for 2022; and

WHEREAS, those recommendations were presented to the Executive Committee of the BURLCOJIF at their regular meeting on December 21, 2021 and the Executive Committee determined that the recommendations of the Finance Committee should be accepted and the recommended firms were awarded Contracts for 2022 through Resolution 2022-4 on January 18, 2022; and

WHEREAS, the Executive Committee had determined that the same Contracts should be awarded for 2023 through Resolution 2023-4 on January 17, 2023, which was the second year of the three (3) one (1) year Contracts; and

WHEREAS, the Executive Committee has determined that the same Contracts should be awarded for 2024, which is the third year of the three (3) one (1) year Contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Burlington County Municipal Joint Insurance Fund assembled in a public session on January 19, 2024, that the following Law Firms and Attorneys are hereby designated as Assigned Defense Counsel and Approved Associates for the Burlington County Municipal Joint Insurance Fund for General Liability matters and for Workers' Compensation matters, and each firm shall be awarded a Contract for 2024 under the "Fair and Open" process:

General Liability Claims:

1. Marshall Dennehey, P.C. with Matthew J. Behr, Esquire and Ashley L. Toth, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Parker J. Hall, III, Esquire as an Approved Associate at a rate of \$155.00 per hour of attorney time and a Paralegal rate of \$90.00 per hour.

2. Raymond, Coleman, Heinold & Norman, LLP with Douglas L. Heinold, Esquire and Stephen E. Raymond, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Crosley L. Gagnon, Esquire as an Approved Associate at a rate of \$155.00 per hour of attorney time and a Paralegal rate of \$90.00 per hour.

3. Capehart Scatchard with Betsy G. Ramos, Esquire, Christopher J. Carlson, Esquire, Michelle L. Corea, Esquire, Samantha Dev, Esquire, Cameron R. Morgan, Esquire, Charles F. Holmgren, Esquire, Voris J. Tejada, Jr., Esquire and Edward F. Kuhn, III, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Paige A. Joffe, Esquire and Patrick J. Graham, Esquire as Approved Associates at a rate of \$155.00 per hour of attorney time and a Paralegal rate of \$90.00 per hour.

5. Madden & Madden, P.A. with Michael P. Madden, Esquire, John-Paul Madden, Esquire, Matthew Madden, Esquire, Timothy R. Bieg, Esquire, Michael V. Madden, Esquire and Regina M. Phillips, Esquire as Assigned Defense Counsel at a rate of \$170.00 per hour of attorney time; Mark W. Strasle, Esquire, Robin J. Gottilla, Esquire and David E. Madden, Esquire as Approved Associates at a rate of \$155.00 per hour of attorney time; and a Paralegal rate of \$90.00 per hour.

Workers' Compensation Claims:

1. Pietras, Saracino, Smith & Meeks, LLP, with James G. Pietras, Esquire; Christopher J. Saracino, Esquire, Benjamin F. Smith, Esquire, Jody L. Meeks, Esquire, Joseph A. Vastano, Jr., Esquire and Theresa Garvin-Keyser, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; Alison Saracino, Esquire as an Approved Associate at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$140.00 per hour for Occupational cases.

2. Affanato Marut, LLC with Michael S. Affanato, Esquire and Michelle K. Marut, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; Elizabeth Tomasso Mosteller, Esquire and Caitlin K. Carroll, Esquire as Approved Associates at a rate of \$115.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$140.00 per hour for Occupational cases.

3. Capehart & Scatchard, P.A. with John H. Geaney, Esquire, Claire Y. Ringel, Esquire, Melissa Bialos Floyd, Esquire, Michael L. Bileci, Esquire and Dana M. Gayeski, Esquire as Assigned Defense Counsel at a rate of \$140.00 per hour of attorney time; a Paralegal rate of \$75.00 per hour; a maximum of \$70.00 per court appearance; and \$140.00 per hour for Occupational cases.

Note that the above rates include all reasonable office expenses (e.g.) postage, faxes, telephone, copies, etc., and in conformance with the Litigation Management Guidelines.

BE IT FURTHER RESOLVED that the assignment of Assigned Defense Counsel to defend specific General Liability and Workers' Compensation claims on behalf of the Member Municipalities and their Employees shall be made by the Fund Solicitor and Claims Administrator for the Burlington County Municipal Joint Insurance Fund, and the Fund Solicitor shall supervise and coordinate the handling of these matters in accordance with the Litigation Management Guidelines of the Burlington County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED that the prior assignments of Assigned Defense Counsel to defend these claims that were previously made in accordance with prior Resolutions of the Burlington County Municipal Joint Insurance Fund shall continue with the Assigned Defense Counsel so assigned, subject to the authorization of the Fund Solicitor for the Burlington County Municipal Joint Insurance Fund to supervise the handling of these matters and to reassign the defense of these matters where it is deemed to be appropriate.

BE IT FURTHER RESOLVED that the rates of compensation in the Litigation Management Guidelines of the Burlington County Municipal Joint Insurance Fund are hereby amended to comply with the rates set forth in this Resolution.

BE IT FURTHER RESOLVED that this contract is being awarded following a "Fair and Open" process pursuant to NJSA 19:44A-20.1 et. seq.

BE IT FURTHER RESOLVED that the Fund Chairman and Secretary are hereby authorized to execute the Contracts with the Assigned Defense Counsel Law Firms to provide Legal Services to the Fund.

BE IT FURTHER RESOLVED that the copies of this Resolution shall be provided to the Executive Director, Fund Solicitor, and Claims Administrator of the Burlington County Municipal Joint Insurance Fund and those herein appointed for their information and attention..

This Resolution was duly adopted by the Burlington County Municipal Joint Insurance Fund at a public meeting held on January 16, 2024.

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Attest:  By: 

Date: 1/23/24