



MAYOR AND COUNCIL COMMUNICATION

DATE: 1/5/16
REGULAR
ITEM #: 11
MOTION

AGENDA ITEM: Appoint City Attorney - Prosecution
SUBMITTED BY: Clark Schroeder
THROUGH: Clark Schroeder
REVIEWED BY: Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemStaff
- Report/Presentation.....Staff
- Questions from Council to Staff Mayor Facilitates
- Public Input, if Appropriate Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT APPONTMENT OF PROSECUTION CITY ATTORNEY

SUMMARY AND ACTION REQUESTED:

Appointment of Prosecution City Attorney needs to be done with an effective start date of 1/6/16

BACKGROUND AND STAFF REPORT: A RFP was sent out requesting services for a City Attorney and Prosecution Services. The city received 3 responses, two for City Attorney and one for Prosecution Attorney. The single response for Prosecution services was Eckberg and Lammers. Interviews were had with council and council has the proposals detailing services and costs. Council is encouraged to pick Eckberg and Lammers for Prosecution City Attorney.

RECOMMENDATION:

Staff recommend appointing Eckberg Lammers as Prosecution Attorney.

ATTACHMENT(S): *Proposal for Legal Services from Eckberg Lammers*



City of Lake Elmo
December 14, 2015

**Response to Request for Proposals for
Criminal Prosecutorial Legal Services**

Submitted By:
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P
1809 Northwestern Avenue
Stillwater, Minnesota 55082
Telephone: (651) 439-2878

TABLE OF CONTENTS

GENERAL INFORMATION	1
INTRODUCTION	1
BACKGROUND HISTORY; NUMBER OF ATTORNEYS EMPLOYED	1
RESUMES AND FURTHER INFORMATION ON ATTORNEY ASSIGNED TO CITY	1, 2
ATTORNEYS KNOWLEDGEABLE IN MUNICIPAL LAW	2, 3
PRIMARY OFFICE LOCATION	3
PARALEGALS AND SUPPORT PERSONNEL	3
TECHNOLOGY AND RESEARCH CAPABILITIES	3, 4
CITY WORKLOAD – SCOPE OF SERVICES	7, 8
MALPRACTICE INSURANCE COVERAGE	4, 5
KNOWLEDGE AND EXPERIENCE	5, 6, 7
ATTORNEY QUALIFICATIONS	6, 7, 8
MUNICIPAL LAW EXPERIENCE	7, 8
REFERENCES	9, 10
FEEES	12, 13
OPTION A: RETAINER + HOURLY FEES	12
OPTION B: HOURLY FEES	12
CONFLICTS OF INTEREST	10, 11
CITY/CITY ATTORNEY RELATIONSHIP	11
CONFLICT PROCEDURES	10, 11
CONCLUSION	13

GENERAL INFORMATION

Brief History of Firm

Our law firm of Eckberg Lammers (officially Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.) was established by Lyle Eckberg, who began the practice of law in 1946. Since its founding, we have served as civil, prosecuting, and special counsel for numerous municipalities throughout the State of Minnesota. Our firm has grown at a relatively constant rate in employees and revenues in the past 65-plus years, and currently operates as a professional limited liability partnership under the laws of the State of Minnesota. Our main office is located in Stillwater, Minnesota.

In addition to our firm's significant representation of municipal and public sector clients, we maintain a general practice, representing both businesses and individuals. We have found that these varied practice areas provide greater depth in the legal services we provide to our municipal clients.

Number of Attorneys; Areas of Practice

Eckberg Lammers currently employs 16 attorneys.

Rebecca S. Christensen	Criminal Prosecution , Municipal Law
Thomas J. Weidner	Criminal Prosecution , Civil Litigation
Joe Van Thomme	Criminal Prosecution , Municipal Law
Thomas L. Lehmann	Criminal Prosecution , Municipal Law, Civil Litigation
Mark J. Vierling	Municipal Law, Civil Litigation, Family Law, Estate Planning
Sean P. Stokes	Family Law, Criminal Defense
Nicholas J. Vivian	Municipal Law, Banking and Finance, Business Organization
Shannon H. Enright	Estate Planning, Trust and Probate
Andrew J. Pratt	Municipal Law, Public Finance, Real Estate
Kevin S. Sandstrom	Municipal Law, Civil Litigation, Workers' Compensation
Daniel P. Bakken	Banking and Finance, Civil Litigation, Business Organization
Amanda E. Prutzman	Civil Litigation, Banking and Finance
Lida Bannink	Business and Individual Law
Katie Kranz	Business and Individual Law
Michael L. McCain	Municipal Law, Labor and Employment, Bus. Organization
Ben M. Klocke	Banking and Finance, Business Organization

The following attorneys are criminal prosecutors:

We take a team approach to municipal prosecution. Our team consists of two full time prosecutors, two prosecutors that devote a major portion of their practice to prosecution and three full time support staff.

Rebecca S. Christensen

- Criminal Prosecution: 100% of her practice devoted to criminal prosecution; law enforcement liaison for civil and criminal actions, including municipal code enforcement.
- Area of Focus: law enforcement training, Twin City Organized Retail Crime Alliance (TCORCA); Tubman Family Alliance, prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing.
- Prosecution Experience: more than seven years in municipal prosecution.

Joe Van Thomme

- Criminal Prosecution: 100% of his practice devoted to criminal prosecution; prosecutes at all arraignment, pretrial, omnibus, contested/evidentiary hearings and jury trials.
- Area of Focus: law enforcement training; vehicle forfeitures; appeals; prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; civil and criminal municipal code enforcement.
- Prosecution Experience: more than five years in municipal prosecution.

Thomas J. Weidner

- Criminal Prosecution: Supervising Partner of prosecution department; continues to devote 20% of practice to court appearances.
- Area of Focus: law enforcement training; law enforcement and community policy and protocol development; trial skills development; prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing training for building officials and property managers.
- Prosecution Experience: more than 25 years in municipal prosecution.

Thomas R. Lehmann

- Criminal Prosecution: lead prosecutor for the Cities of Mendota and Lilydale.
- Area of Focus: prosecutes at all arraignment, pretrial, omnibus hearings and jury trials; municipal code enforcement and Crime Free Multi-Housing; municipal nuisance issues; works with school districts on issues related to school policies and procedures for interaction between students and law enforcement.
- Prosecution Experience: more than 25 years in municipal prosecution

Support Personnel: Knowledge, Skills, Abilities and Expertise

The firm employs more than 23 support staff consisting of paralegals, legal assistants, law clerks, administrative and receptionist employees. The firm has a loyal, stable staff base that has steadily grown with the firm. All positions are filled with experienced employees who possess the knowledge and depth necessary to meet the needs of the firm's municipal clients.

Our criminal prosecution department has one full-time paralegal, Rachel Seely, and two full-time prosecution assistants, Jessica Mertz, and Emma Hause.

Our support personnel coordinates case scheduling, organization, pre-trial and trial discovery compliance, victim/witness coordination, officer court appearance notifications, technical support and conflict searches.

Eckberg Lammers also employs a fulltime office administrator to attend to day-to-day business along with two bookkeepers, nine paralegals, eight legal assistants and two receptionists.

Due to the extensive breadth and depth of criminal prosecution experience within our firm, no staffing changes are proposed should the firm be awarded the criminal prosecution contract. Simply stated, we will have no problem handling the volume of work associated with providing comprehensive criminal prosecution services of the City of Lake Elmo based upon the strength of the infrastructure already in place.

Eckberg Lammers views its municipal representation as a collective, and not an individual, effort. Therefore every attorney and member of the support staff that is knowledgeable in municipal law will likely assist in the City's legal representation at one time or another.

Office Locations

Our Firm's primary office is located at 1809 Northwestern Avenue in Stillwater. Our Firm's main office number is (651) 439-2878, and its main fax number is (651) 439-2923. Direct phone numbers and email addresses for the attorneys proposed to work with the City are listed on each attorney's Statement of Qualification attached to this Response. Eckberg Lammers also maintains an office in Hudson, Wisconsin, at 430 Second Street, and in New Richmond, Wisconsin, at 105 South Knowles Avenue. All attorneys proposed to work with the City are located at the main Stillwater office.

Use of Technology and Research Capabilities

Our prosecution department maintains a case management system separate from the rest of our firm for both privacy and efficiency. The computer systems used by our prosecutors and staff provide maximum security and systems control. We maintain "paperless" files which allow all our prosecutors and staff to access case files from any location, whether we are in court or at a police department. All attorneys have secure, remote laptop and smart-phone access to case file documents.

Our attorneys utilize laptop computers for all court appearances, which allows for efficient e-mail communication and research capability, including immediate access to Minnesota Department of Public safety records, MNCIS and Westlaw. This practice facilitates consistent and efficient communication and work product.

Eckberg Lammers transitioned from a “paper library” to an electronic library approximately 20 years ago. Our firm contracts with Westlaw to provide each of our attorneys with instant access to a number of Westlaw libraries; including Court of Appeals reported and unreported decisions, Minnesota Statutes Annotated, Attorney General Opinions, and more. Having Westlaw Next access facilitates our firm’s attorneys to perform instant, automated searches necessary to obtain the information needed expeditiously and thoroughly.

In addition to this automated library, each attorney has access to the hard bound, Minnesota Statutes in their office together with the soft cover West’s Minnesota Criminal Law Handbooks. Eckberg Lammers also maintains a set of Minnesota Statutes Annotated, *McQuillin on Municipal Corporations*, and a number of other municipal prosecution publications and treatises that are relevant and necessary. Our attorneys subscribe to instant reporting services and attorney list-serves provided by the League of Minnesota Cities and the Minnesota State Bar Association. These services allow for timely peer discussion of criminal prosecution matters and distribute all Minnesota Court of Appeals and Minnesota Supreme Court decisions as they are reported.

Eckberg Lammers has been a pioneer in the use of technology among its peers in the criminal prosecution field. Our firm’s prosecution department was a part of Washington County’s initial Beta test group for e-charging and e-filing, we have been e-charging criminal complaints since 2010. Our firm partnered with the Anoka County Sheriff’s Office to make the City of East Bethel the first municipality in Anoka County for which the Sheriff’s Office completed e-charging. We worked with Rice County Court Administration to prepare the court for filing. Our firm has realized substantial efficiencies for its prosecution clients in Dakota, Washington, Rice and Anoka Counties through this process. Our firm works with its municipal clients to ensure that all e-charging requirements established by the State of Minnesota and the Bureau of Criminal Apprehension are followed, and our prosecutors will continue to use the most up-to-date technology while working with the City of Lake Elmo for e-charging all eligible criminal complaints.

Malpractice Claims

Our Firm, nor its attorneys, have had any sanctions imposed, findings of neglect, or related disciplinary actions taken against it by the Minnesota Lawyers Professional Responsibility Board, the Minnesota State Bar Association, or any other malpractice claims asserted. There is one action pending or currently under review by the State Ethics Board regarding the action stated below.

Our Firm has never been sued by a client or a non-client municipality. There have been no malpractice claims filed against the Firm in the last 20 years. For the few malpractice claims that were filed more than 20 years ago, no claim proceeded to trial and the Firm was not liable for any alleged malpractice.

Felony Convictions

None of the attorneys at Eckberg Lammers have been convicted of a felony-level offense.

Prosecutorial Misconduct

In 2014, a criminal defendant filed a prosecutorial misconduct case against our firm and its attorneys. The case was dismissed based upon a failure to state a claim for which relief may be granted. The defendant has appealed the ruling; however that appeal has not yet been heard by the Appellate Court.

Statement of Municipal Billings

The percentage of Municipal billings as part of our firms overall billing for 2014 was 17.4% and 2015 is 22.9%, percentage based on the first eleven months of 2015.

Malpractice Insurance Coverage

Our Firm's professional liability carrier is Minnesota Lawyers Mutual. The insurance policy contains limits of liability of \$3,000,000 per claim and \$5,000,000 in the aggregate.

Statement of Civil Rights Compliance

Eckberg Lammers observes all federal and state mandated employment practices. Our Firm also observes all civil rights and human rights laws.

Attorney Qualifications: Your Prosecution Team

Eckberg Lammers offers a unique, team approach to municipal prosecution. We have four experienced municipal attorneys who will provide comprehensive prosecution services to the City of Lake Elmo. This structure allows for competent, efficient prosecution services inside the courtroom and out. Given our team approach one or more of our experienced prosecutors and/or staff will be available to provide timely assistance.

Eckberg Lammers believes that each case requires an experienced attorney's attention, so that a measured response is consistently provided. We understand that prosecution is not a "one size fits all" proposition. Our attorneys are skilled negotiators as it relates to resolving criminal cases prior to trial and will do so when appropriate, always with public safety and the goals of the City in mind. When cases cannot be resolved, our attorneys are confident litigators before a judge or jury.

Rebecca Christensen is a prosecutor for our firm's prosecution clients. Like the other prosecutors, Rebecca has taken on prosecution assignments for other municipalities as a conflict prosecutor, namely in the Cities of Forest Lake, Cottage Grove, Scandia, and West St. Paul.

Rebecca has more than seven years of experience as a municipal prosecutor at the law firms of Eckberg Lammers and Grannis & Hauge, P.A. At Grannis & Hauge, Rebecca prosecuted for the Cities of Eagan and Mendota Heights for five years.

Rebecca is actively involved in the Tubman Alliance Systems and Service Integration Think Tank, which is a board that facilitates discussions and policy implementation regarding current policies and procedures as they relate to the protection of domestic abuse victims and sentencing structures designed to reduce domestic abuse recidivism.

Rebecca is an active member of the Twin Cities Organized Retail Crime Alliance (TCORCA), which is a collaboration of law enforcement, prosecutors and asset protection representatives from area retailers who work collaboratively to combine resources in an effort to improve the sharing of information on chronic offenders. Rebecca attends quarterly and annual trainings and conferences with the organization. This organization crosses jurisdictional lines and works in partnership to identify and criminally prosecute repeat offenders.

Joe Van Thomme will also provide prosecution services to the City. Joe joined our firm in March 2014, after spending more than four years at an Anoka County firm as a lead prosecutor. At that firm, Joe was lead prosecutor for the Cities of Ramsey, Bethel and Nowthen, and also represented the Town of Linwood on civil municipal matters.

Since joining Eckberg Lammers, Joe prosecutes for all of our firms prosecution clients. Joe actively advises municipalities and their police agencies on vehicle forfeitures, administrative law and is actively involved in criminal and civil ordinance enforcement issues.

Joe has been on the Minnesota State Bar Association's Criminal Law Section for the past six years. In 2013, Joe was elected Chair of that organization, which has several hundred members and a focus on training criminal law lawyers and monitoring changes in the law.

Joe regularly coordinates trainings and educational materials for both lawyers and police agencies, and is the primary author of the firm's "Ask Your Prosecutor" newsletter. The newsletter is distributed on a monthly basis to 22 law enforcement agencies and municipalities and covers substantive and timely topics related to law enforcement and prosecution. Joe also prepares and distributes case law updates to all agencies, when relevant.

Joe is an educator and coach for law students in the Advocacy and Moot Court program at Hamline University School of Law.

Thomas J. Weidner will also provide prosecution services to the City. Tom has led the prosecution team for more than 20 years. He has served as the Supervising prosecutor for the Cities of Woodbury, Northfield, Faribault, Bayport, Oak Park Heights, Grant, Lake St. Croix Beach, Mahtomedi, Lakeland, St. Mary's Point, Hugo, Marine on St. Croix and Lake Elmo.

Tom has also served as a special prosecutor in conflict situations for the Cities of Stillwater, Maplewood, Forest Lake, Cottage Grove, Oakdale and St. Paul Park. Tom has extensive trial experience. In addition to his substantial prosecution duties, Tom maintains a private practice in civil litigation.

Tom has focused on the development and implementation of the use of technology in prosecution. By innovating "paperless" file systems, electronic scheduling and the transfer of electronic reports and evidence, our firm has been able to offer more effective prosecution services at a lower cost to our municipal clients and correspondingly reduced the pressure on police staff resources.

Thomas R. Lehmann will also provide prosecution services to the City. Tom has been a prosecutor for over 25 years and is currently the chief prosecutor for the Cities of Lilydale and Mendota. Before beginning his own law firm, Tom prosecuted for the Cities of South St. Paul, West St. Paul, Inver Grove Heights and Sunfish Lake. Tom has also taken on numerous prosecution assignments for other municipalities as a special counsel during conflicts, including the Cities of Eagan, Mendota Heights, South St. Paul, Inver Grove Heights, West St. Paul and Wayzata. On the civil side of his municipal practice, Tom is the City Attorney for the Cities of Mendota Heights and Mendota, and Lilydale.

Statements of Qualification for Rebecca Christensen, Tom Weidner, Joe Van Thomme and Thomas Lehmann are attached to the end of this Response. All attorneys proposed to provide prosecution services to the City are fulltime Eckberg Lammers employees.

Current and Previous Municipal Law Experience

Eckberg Lammers has historically maintained a significant focus in municipal and public-sector practice and, since its inception, has been one of the leading municipal law firms in the Twin Cities Metropolitan Area and beyond. Our firm currently serves as criminal prosecutors to the following cities:

- City of Woodbury
- City of Mendota
- City of Lilydale
- City of Northfield
- City of Faribault
- City of Mahtomedi
- City of Oak Park Heights
- City of Grant
- City of Bayport

- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of East Bethel

Our law firm currently serves as civil municipal general counsel to the following cities:

- City of Woodbury
- City of Mendota
- City of Lilydale
- City of East Bethel
- City of Mendota Heights
- City of Wyoming
- City of Oak Park Heights
- City of Grant
- City of Scandia
- City of Bayport
- City of Montrose
- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of New Richmond, WI

Additionally, in past years, our firm or its attorneys have prosecuted for or provided special services in conflicts of interest and other circumstances to the following communities:

- City of West St. Paul
- City of South St. Paul
- City of Eagan
- City of Mendota Heights
- City of Stillwater
- City of Maplewood
- City of White Bear Lake
- City of Otsego
- City of Cottage Grove
- City of Scandia
- City of Forest Lake
- City of Golden Valley
- City of Lake Elmo
- City of Hugo
- City of Lakeland

Our Firm has not stopped representing any municipality in the last three years. The following are cities the Firm began representing in the last years:

- City of Scandia, 2012

- City of Montrose, 2013
- City of Northfield, 2014
- City of Faribault, 2015

Criminal Prosecution References

City of Woodbury: Lee Vague, Chief of Police
 Woodbury City Hall
 8301 Valley Creek Road
 Woodbury, Minnesota 55125
 (651) 714-3500
 lvague@ci.woodbury.mn.us

City of Oak Park Heights: Brian DeRosier, Chief of Police
 P.O. Box 2007
 Stillwater, Minnesota 55082-2007
 (651) 439-4723
 bwderos@cityfoakparkheights.com

City of Bayport: Laura Eastman, Chief of Police
 Bayport City Hall
 294 Third Street North
 Bayport, Minnesota 55003
 (651) 275-4404
 leastman@ci.bayport.mn.us

City of Mendota: Mike Aschenbrener, Chief of Police
 1101 Victoria Curve
 Mendota Heights, Minnesota 55118
 (651) 452-1366
 mikea@mendota-heights.com

City of Northfield: Monte Nelson, Chief of Police
 1615 Riverview Drive
 Northfield, Minnesota 55057
 (507) 663-9301
 monte.nelson@ci.northfield.mn.us

City of Faribault: Andy Bohlen, Chief of Police
 25 NW 4th Street
 Faribault, MN 55021
 (507) 334-0920
 abohlen@ci.faribault.mn.us

Washington County Sheriff's Office: William Hutton, Sheriff
15015 62nd St. N.
Stillwater, MN 55082
P.O. Box 3801
(651) 430-7601
William.hutton@co.washington.mn.us

Responsibilities to the City

Our primary responsibility to the City is to provide effective, high-quality prosecution services of petty misdemeanor, misdemeanor and gross misdemeanor violations related to criminal, traffic, vehicle forfeiture, appeals and City Code violations as well as provide relevant, related legal advice. Our prosecutors will attend all court appearances as scheduled in district court, and will draft complaints, schedule officer appearances, provide training and education to law enforcement, staff and zoning enforcement actions.

Our prosecution team will provide monthly case law updates by way of a monthly newsletter to distribute to the City in an effort to keep all parties fully informed and up-to-date on criminal law and procedure issues. Our prosecutors place an emphasis on law enforcement input when making charging decisions and will communicate directly with officers and personnel regarding charging decisions along with the City, as appropriate. This practice has proven to strengthen the partnership and effectiveness of the prosecutor and the City.

Our prosecution team strives to make ourselves available when issues may arise. Our prosecutors are available to law enforcement and personnel by cell phone and email at all times and make it a priority to respond promptly. Each prosecutor has 24/7 mobile phone access and are readily accessible to law enforcement agents and City personnel, as needed. We encourage City staff and law enforcement to contact us with any questions that arise, as they arise. We frequently receive questions relating to code enforcement, statute interpretation, Rules of Criminal Procedure, process and policy, along with requests for case updates and trial prep questions from our agencies.

Several of the benefits to having a team of four prosecutors include: one prosecutor is typically in the office, available to answer questions and resolve issues while the other prosecutors are in court and less available; and when a prosecutor is unavailable due to illness, vacation or trial others provide seamless representation.

Conflict of Interest

Eckberg Lammers has no conflicts of interest with providing the City of Lake Elmo comprehensive prosecution services.

The potential for conflicts of interest always exists. The firm maintains a conflict protocol and client registry as required under existing ethics standards for that purpose. In the event a conflict presents itself, the firm would promptly notify the affected parties as we are professionally required to do, and we would assist in making the necessary referral and transition the file to other counsel in an efficient manner.

City/City Attorney Relationship

Civil and criminal representation has long been a major emphasis at Eckberg Lammers. Our Firm's municipal attorneys pride themselves on taking a collaborative approach with City staff, law enforcement and public officials, and always put a priority on responding to all inquiries. Additionally, our Firm consistently takes a proactive approach to representation, alerting its municipal clients to legal trends on the horizon so each municipality can structure its affairs accordingly. Our Firm's civil and criminal attorneys are therefore available outside of business hours and are willing to spend additional time as is necessary to fully serve the needs of the City. It is our policy that all phone calls and email inquiries from City staff and officials are returned the same business day, or immediately on the next business day (if the inquiry is received late in the day or after business hours). All attorneys are available to the City by office phone, cellular phone, e-mail and facsimile transmission. Recorded voice messaging or the opportunity to speak to support staff and leave a personal message with a live person is provided as well. Our Firm has regular office hours from 8:00 a.m. until 5:00 p.m. The prosecution department opens at 7:00 a.m.

Communication is critical to establishing essential relationships between law enforcement, staff and personnel. We excel at ensuring communication is timely, clear and directed to the appropriate person. Tasks are coordinated in a manner which sets response parameters and timelines. Eckberg Lammers consistently strives to provide clear and comprehensive communication, and follow up is made to ensure that work product is received, understood and timely applied.

Our prosecution case management software is LENS. This same program is utilized by the Washington County Attorney's Office. This system affords us maximum flexibility on file storage and retrieval as well as calendaring, electronic reminders, conflict management and off-site access. Microsoft Outlook and email systems are state-of-the-art and interface within LENS and Ms. Piggy and mobile phones for trial and case management. Within this case management system, the Firm tracks each project and matter with a step-by-step "to do" list allowing deadlines to be established and met.

Our Firm's computer systems are used by attorneys and staff daily on and off-site for work, yet provide maximum security and systems control. All attorneys have laptop access and smart-phone access to email documents as needed. We share, edits and finalizes documents with our municipal clients on a daily basis. Our prosecutors consistently delivering such timely communication and work product is a source of pride for Eckberg Lammers.

Criminal Prosecution Fees

We propose a monthly flat fee retainer that encompasses all of the proposed prosecution services. The firm will prosecute all matters outlined in the Request for Proposals within the monthly retainer fee described below. The only matter excluded from the retainer is criminal appellate work, which is not included in the retainer and will be billed hourly, as described in the table below. As such, the City of Lake Elmo can be assured that the flat fee retainer will be the total bill in most months (supplemented by hard costs described below).

	2016	2017	2018	2019	2020
Retainer Fee (monthly amount)	\$42,000	\$43,260	\$44,550	\$45,800	\$48,000
Hourly – Attorneys*	\$185	\$185	\$200	\$200	\$205
Hourly -- Paralegals	\$90	\$90	\$100	\$100	\$110
Hourly -- Law Clerks	\$90	\$90	\$90	\$90	\$90

* The hourly rates for all attorneys will be the same.

Miscellaneous Billing Matters

As described throughout this Response, Eckberg Lammers will provide prosecution services to the City at a convenient, cost-effective monthly flat fee. Accordingly, the efficiency and savings generated by this arrangement will be passed on to the City by eliminating the need for a redundant monthly billing summary of the services provided within the flat fee.

In the event that there are additional costs to be billed to the City beyond the monthly retainer, the firm will provide the City with a detailed summary of those costs. Legal assistant and secretary services are never charged. Minimum hourly billing for appeals will be in increments of .10 hours.

Hard Costs

The following charges are passed through at cost:

- Courier or Delivery Charges
- Process Server Fees
- Court Reporter Transcription Fees
- Postage

As part of the firm's comprehensive flat fee prosecution services, no charges are ever imposed for phone calls. The firm encourages City staff, law enforcement and personnel to contact any of our prosecuting attorneys without the budgetary concerns. If a phone call evolves into a project or work item, that item will be covered by the flat fee

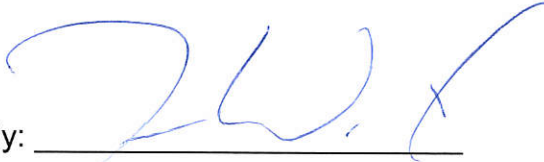
retainer agreement. The firm has found this approach to be welcomed by cities, as it provides for unfettered legal advice without imposing financial pressure on the city.

CONCLUSION

The breadth and depth of our firm's longstanding experience in representing municipal clients makes Eckberg Lammers uniquely qualified to provide superior, cost-effective prosecution services to the City of Lake Elmo. Our firm has demonstrated an ability and willingness to maintain close, effective working relationships with its municipal clients. We have enjoyed tremendous success prosecuting for cities of all sizes due to its strong infrastructure and skilled, capable attorneys. The commitment of the prosecution team and support staff to our clients allow us to deliver the services requested. We welcome the opportunity to provide comprehensive criminal prosecution services to the City of Lake Elmo.

Respectfully submitted this 14th day of December, 2015.

**ECKBERG, LAMMERS, BRIGGS, WOLFF
& VIERLING, P.L.L.P**

By: 
Thomas Weidner



STATEMENT OF QUALIFICATION



Rebecca S. Christensen
Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2131
rchristensen@eckbergammers.com

Education

- Bachelor of Arts, *Cum Laude*, 2004
University of St. Thomas, Saint Paul, Minnesota
- Juris Doctor, 2007
William Mitchell College of Law, Saint Paul, Minnesota

Professional Experience

Prior to joining Eckberg Lammers in 2012, Ms. Christensen was an attorney and lead prosecutor for another suburban municipal law firm. Ms. Christensen handles all aspects of criminal prosecution activity for the cities of Woodbury, Oak Park Heights, Bayport, East Bethel, Grant, Faribault and Northfield, Minnesota. As part of this comprehensive practice, Ms. Christensen provides law enforcement training and is the primary liaison to law enforcement agencies, maintaining open and constant communication with police chiefs, police officers and city staff. This ensures that all parties are involved in each phase of the criminal case from the initial charging decisions, through contested evidentiary and probable cause hearings, probation violations and jury trial verdicts.

Practice Areas

- Criminal Prosecution
- Municipal Law

Professional Organizations

- Minnesota State Bar Association, Anoka County Prosecutors Association, 19th District Bar Association, Minnesota Women Lawyers – Washington County, Rice County Bar Association, Tubman Alliance Systems and Service Integration Think Tank, Twin Cities Organized Retail Crime Association



STATEMENT OF QUALIFICATION



Joe D. Van Thomme

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2106
jvanthomme@eckbergammers.com

Education

- Bachelor of Arts, 2006
University of Minnesota, Minneapolis, MN
- Juris Doctor, 2009
Hamline University School of Law, St. Paul, MN

Professional Experience

Mr. Van Thomme specializes in criminal prosecution for the Cities of East Bethel, Woodbury, Northfield, Faribault, Bayport, Oak Park Heights and several other suburban and exurban communities. Mr. Van Thomme handles everything from initial charging to trial and verdict, along with contested evidentiary hearings and probation violations. Mr. Van Thomme is also a court-appointed attorney in Anoka County representing parents in child protection and termination of parental rights matters. Finally, Mr. Van Thomme works in civil municipal areas as an assistant attorney, advising cities regarding vehicle forfeitures, administrative law and ordinance enforcement issues.

Mr. Van Thomme joined Eckberg Lammers in March 2014. He was selected as an "Up and Coming Attorney" by *Minnesota Lawyer* in 2013.

Practice Areas

- Municipal Law – Criminal Prosecution
- Municipal Law – Civil Representation
- General Civil Litigation

Professional Organizations

- Minnesota State Bar Association, Washington County Bar Association, 19th District Bar Association, Hennepin County Bar Association



STATEMENT OF QUALIFICATION



Thomas J. Weidner

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2119
tweidner@eckbergammers.com

Education

- Bachelor of Arts, 1985
Augsburg College, Minneapolis, MN
- Juris Doctor, January 1990
William Mitchell College of Law, St. Paul, MN

Professional Experience

Mr. Weidner joined the firm in 1990 and concentrated his practice in the areas of criminal prosecution services and civil litigation. Mr. Weidner serves as a prosecutor for the Cities of Woodbury, Faribault, Bayport, Grant, Lake St. Croix Beach, Mahtomedi, and St. Mary's Point. Mr. Weidner also has a unique perspective on various municipal issues, as a member of the Stillwater City Council. Mr. Weidner's litigation practice is concentrated primarily in the areas of plaintiffs' negligence and liability cases.

Practice Areas

- Criminal Prosecution
- Civil Litigation

Professional Organizations

- Board of Governors Minnesota State Bar Association 1997-2004
- Ethics Committee Member 19th District Bar Association 1999-2005
- Past President, 19th District Bar Association
- Former President of the American Heart Association, St. Croix Valley Division
- Member of the Washington County City Prosecutors Association
- President of the Stillwater Community Foundation
- Member of the Minnesota Trial Lawyers Association
- Member of the City of Stillwater City Council 1997-2000
- Washington County Sentence to Service Advisory Board 2000-present
- Washington County Bar Association, 19th District Bar Association



STATEMENT OF QUALIFICATION



Thomas R. Lehmann

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

1809 Northwestern Avenue
Stillwater, MN 55082
Direct Dial: 651-351-2133
tlehmann@eckbergammers.com

Education

- Bachelor of Science, *Cum Laude*, 1984
Concordia College, Moorhead, Minnesota
- Juris Doctor, 1987
William Mitchell College of Law, Saint Paul, Minnesota

Professional Experience

Mr. Lehmann's diverse practice includes representing municipalities, businesses and individuals. Since 1989, Mr. Lehmann has served as City Attorney for the City of Mendota. Mr. Lehmann also serves as the city prosecutor and assistant civil attorney for the City of Lilydale, and recently was appointed as the City Attorney for the City of Mendota Heights. Mr. Lehmann has worked for suburban municipal-focused law firms in the past, and owned his own firm, Lehmann & Lutter, for many years. Mr. Lehmann joined Eckberg Lammers in January 2013.

Practice Areas

- Municipal Law – General Municipal, Ordinances/Resolutions, Contracts, Trial Activity
- Business and Commercial Law
- Business Transactions/Business Litigation
- Employment Law
- Real Estate
- Wills and Trusts/Family Law

Professional Organizations

- Chairman, Stillwater Public Schools, Minnesota State Bar Association, Minnesota Association for Justice



MINNESOTA LAWYERS MUTUAL

INSURANCE COMPANY

DECLARATIONS

Policy Number **2184 32**

333 South Seventh Street, Suite 2200; Minneapolis, MN 55402

(612) 341-4530 (800) 422-1370 fax (800) 305-1510

**LAWYERS PROFESSIONAL LIABILITY POLICY
(THIS IS A CLAIMS-MADE POLICY – READ CAREFULLY)**

Item 1.
 Named Insured:
 Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP
 Attorney's Title of Stillwater
 Office Address:
 1809 Northwestern Ave S
 Stillwater, MN 55082

Item 2.
 Policy Period: 9/12/2015 to 9/12/2016
 (the Effective Date) (the Expiration Date)
 12:01 A. M., standard time at the address of the Named Insured stated herein

Item 3.
 Limits of Liability: \$3,000,000.00 Per Claim
 \$5,000,000.00 Aggregate

Item 4.
 Deductible Amount: \$10,000.00 Per Claim

Item 5.
 Total Number of Lawyers: 17 Total Premium: \$46,492.00

Item 6.
 Applicable Forms and Endorsements:
 MLM-019 (11-13) Prior Acts Retroactive Date, MLM-032 (11-13) Minnesota Changes, MLM-048 (11-13) Specific Entity Exclusion, MLM-064 (11-13) Individual Prior Acts Exclusion, MLM-2000 (11-13) Policy Form

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

John J. Bowden, Secretary

Kristina Simmons, Authorized Agent

Paul M. Ablan, President