



## City Attorney's Office

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**TO:** Mayor Campbell and Members of the City Council

**FROM:** Judy Parks, Acting City Attorney

**DATE:** March 1, 2013

**SUBJECT:** City Prosecutions – Authority for Retained Outside Counsel to Assume City Prosecution Duties

As most of you are probably aware, the staff in the Legal Department is again going to be changing significantly in the near future. Kristine Stone, the Assistant City Attorney who joined our staff three and one-half years ago, has recently accepted the position of City Attorney of Bettendorf, Iowa. She will be assuming that post on April 1.

Kristine's work here includes handling all of the criminal and infraction prosecutions. However, since this caseload is continual and time sensitive, it would very difficult for me to undertake that additional work with the present staffing. The proposed temporary resolution of this challenge is to authorize the prosecutions to be done on the City's behalf by Dorsey and Whitney, the Des Moines firm who was retained on a standby basis shortly after Doug Marek left.

You may recall that Dorsey and Whitney had approached us in 2010 with the offer to do prosecutor services on a *pro bono* basis as part of the firm's commitment to participating in programs that serve the public interest. Our experience with them on that occasion was beneficial to both parties, providing their attorneys with prosecution and litigation experience while assisting us in meeting staffing needs over the time Kristine was on maternity leave. That positive experience makes them a logical and appropriate choice for our current situation.

I have discussed this proposal with Ed McIntosh and Bill Miller, partner/attorneys at the Dorsey firm, and they are willing to undertake this function. It is anticipated that the same 3 attorneys who did the cases several years ago will again be assisting us. We have also spoken with the District Associate Court and the Clerk of Court about this proposal, both to make them aware of the different faces they will be seeing and to address logistical issues. All believe that a smooth transition can be made and utilized for as long as our staffing makes it necessary. I am requesting authorization to use up to \$10,000.00 of the \$50,000.00 you have allocated for their services.