

Executive Summary

Board of Governors Meeting, December 16, 2020

Legal Services Agreement - Bush Ross, P.A.

Citizens is requesting approval of a previously executed Legal Services Agreement with Bush Ross, P.A. Bush Ross provides legal services on civil litigation matters. Board approval is requested after determining that contract spend is likely to exceed \$100,000.

History

Citizens is involved in specific and unique corporate litigation (non-claims related) from time to time. We use outside counsel that are matched with their specific backgrounds and expertise and the issues presented in the corporate litigation.

Citizens selects law firms under two methods. We have procured counsel in the past by specific subject matter areas via competitive solicitations. Additionally, the Florida Statutes provide a statutory exemption from competitive solicitation under s. 287.057 (3) (e) and s. 627.351 (6), F.S. for legal services.

Citizens executed this legal services contract with Bush Ross in October 2019. The contract was procured pursuant to the statutory exemption from competitive solicitations for legal services contracts.

This contract includes representation in two specific civil litigation matters. The first matter is the case of Connolly vs Kane Furniture Corporation, Shearon Campbell, HHC USA Corporation and Citizens Property Insurance Corporation filed in Pinellas County Circuit Court. The issue alleged against Citizens was spoliation of evidence after a dwelling fire. The case has been dropped against Citizens ending in a favorable result, as the Plaintiff learned subsequently to filing the complaint that Citizens relinquished control of the home's contents to the Plaintiff.

The second matter is the case of Citizens Property Insurance Corporation v Scott Thomas filed in Broward County Circuit Court. This case, brought by Citizens, seeks legal action against a public adjuster for numerous instances of obstruction in claims alternative dispute resolution process involving the appraisal process on numerous claims.

Citizens selected Bush Ross after interviewing and discussing the legal issues with the Bush Ross legal team. The extent and duration of the litigation was not known at the time of contracting. Since all Citizens contracts that are expected to reach the \$100,000 level require Board approval, it was decided that the contract should be brought to the Board for approval prior to it reaching the \$100,000 threshold. Corporate legal services are budgeted annually, and these legal expenses will be absorbed within the Corporate legal outside law firm budget.

Recommendation

Staff proposes that the Board of Governors:

- a) Ratify the Legal Services Agreement with Bush Ross, P.A. for the duration of matters assigned and for an amount not to exceed \$250,000, as set forth in this Action Item
- b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.

ACTION ITEM

Board of Governors Meeting, December 16, 2020

- Contract – New
 Contract – Amendment of Contract Terms
 Contract – Additional Spend
- Committee or Board Minutes
 Product Changes
 Other Existing Contract

Contract ID	Legal Services Agreement Contract Number, 19-19-5012-00 Bush Ross, P.A.
Budgeted Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No These costs for 2021 are included in the 2021 budget.
Procurement Method	This law firm has been selected to provide consultative legal services to complete necessary and ongoing corporate legal litigation representation and for this reason the statutory exemption from competitive solicitation under s. 287.057 (3) (e) and s. 627.351 (6), F. S. was utilized.
Contract Amount	Not to exceed \$250,000.
Contract Term(s)	Until the end of the matters identified for the legal services being rendered.
Purpose/Scope	Purpose: This Action Item seeks Board ratification to contract for legal services with Bush Ross, P.A. Scope: Corporate Legal Services has entered into a contract with the Bush Ross, P.A. to represent Citizens in corporate legal litigation matters. This contract was executed in October 2019. The cost of legal services under this contract is expected to exceed \$100,000 over the life of the contract.
Board Recommendation	Staff proposes that the Board of Governors: <ul style="list-style-type: none">a) Ratify the Legal Services Agreement with Bush Ross, P.A. for the duration of matters assigned and for an amount not to exceed \$250,000, as set forth in this Action Item;b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.
CONTACTS	Dan Sumner, General Counsel and Chief Legal Officer Vendor Contact: Carter Anderson, Bush Ross, P.A.