

## **SUMMARY STATEMENT**

**ITEM NO.: DRPA-17-086**

**SUBJECT: Amendment to List of Qualified Law Firms to Provide Legal Services to DRPA and PATCO**

**COMMITTEE:**

**Finance**

**COMMITTEE MEETING DATE:**

**October 4, 2017**

**BOARD ACTION DATE:**

**October 18, 2017**

**PROPOSAL:**

**That the Board of Commissioners of the Delaware River Port Authority adopt a resolution amending the list of law firms qualified to provide legal services to DRPA and PATCO.**

**PURPOSE:**

**To amend the DRPA and PATCO list of qualified law firms to be used by DRPA and PATCO.**

**BACKGROUND:**

**In Fall of 2015, DRPA advertised a Request for Qualification for Legal Services (“RFQ”) seeking “law firms, partnerships, legal limited liability corporations, and/or individual attorneys to provide legal services to DRPA and PATCO” in certain areas of practice. Responding firms were advised that one of the areas we would consider in evaluating the firm’s submissions was: “The inclusion of women and or minority attorneys within the proposing firm or partnership and the inclusion of qualified minority and or women as part of the team that would actually perform work for DRPA.” Forty-nine (49) firms submitted Statements of Qualification. After review by a panel consisting of General Counsel Raymond J. Santarelli, then Deputy General Counsel Kristen K. Mayock, Deputy General Counsel Stephen M. Holden, Chief Engineer Michael Venuto, and then Government Relations Manager Mark Lopez, a list of thirty-nine (39) law firms was presented to the Finance Committee and the Board for consideration. The Finance Committee approved the list on February 10, 2016 and the Board adopted the current list of counsel on February 17, 2016. The duration of that list is for a three (3) year term.**

**After completing year one, the Office of General Counsel reviewed the list to evaluate the progress of DRPA and PATCO’s diversity commitment and goals. While largely progressing towards our goals of inclusion, we intend to continue furthering those goals, increasing and enhancing the professional participation of women and minorities in the outside counsel team that represents and provides legal services for the DRPA and PATCO.**

**The Office of General Counsel worked with Deputy CEO Maria J. Wing, CAO Toni P. Brown and the Office of Business Development & Equal Opportunity to set up an outreach event to remind current partners of the**

diversity commitment and to provide additional opportunity to others to participate with the DRPA and PATCO.

On June 15, 2017, DRPA hosted a “**First Diversity Outreach Event for Legal Services**” at One Port Center as an outreach to law firms, partnerships, legal limited liability corporations, and/or individual attorneys to provide legal services to DRPA and PATCO. This was modeled after similar events the Engineering Department previously hosted. In addition to counsel currently on our list, the outreach event was advertised through the Barrister’s Association of Philadelphia, the Hispanic Bar Association, Asian Pacific American Bar Association of Pennsylvania, and diversity committees of neighboring bar associations. All firms attending the event received a copy of a Request for Qualification. The RFQ provided opportunity for firms to submit their qualifications and, if determined qualified, to be presented to the Finance Committee and the full Board for addition to the DRPA and PATCO list of qualified counsel, which expires in February 2019.

A Review Panel was formed, consisting of General Counsel Raymond J. Santarelli, Deputies General Counsel Stephen M. Holden and Narisa Sasitorn, Deputy Chief Executive Officer Maria J. Wing, and EEO Specialist Erin M. Watterson from the DRPA’s Office of Business Development & Equal Opportunity. Fifteen (15) firms not previously on the list of qualified law firms submitted responses to the RFQ. The Panel reviewed the submissions, and developed the attached list of eleven (11) law firms recommended for addition to the list of qualified counsel. Inclusion on this list does not guarantee that a particular firm will be assigned legal work; that decision will depend on the legal needs of the DRPA and decisions made by DRPA General Counsel. In addition, prior to assigning work to any firm on the list, DRPA staff will assure that the firm has submitted all required certifications. Compensation for legal work will be at rates set forth herein, or determined on a case-by-case basis by the General Counsel, after consultation with the Chief Executive Officer and approval of Board Chair and Vice Chair.

|                 |                            |            |
|-----------------|----------------------------|------------|
| <b>SUMMARY:</b> | <b>Amount:</b>             | <b>N/A</b> |
|                 | <b>Source of Funds:</b>    | <b>N/A</b> |
|                 | <b>Capital Project #:</b>  | <b>N/A</b> |
|                 | <b>Operating Budget:</b>   | <b>N/A</b> |
|                 | <b>Master Plan Status:</b> | <b>N/A</b> |
|                 | <b>Other Fund Sources:</b> | <b>N/A</b> |

**RESOLUTION**

**RESOLVED:** That the Board of Commissioners of the Delaware River Port Authority hereby adopts the amended list of law firms qualified to provide legal services to DRPA and PATCO for the term expressed therein (Attachment A); and be it further

**RESOLVED:** That assignment of work will depend on actual legal needs and will be made by the General Counsel following appropriate consultation; and be it further

**RESOLVED:** That Compensation for legal work will be at rates set forth herein, or as determined on a case-by-case basis by the General Counsel, after consultation with the Chief Executive Officer and approval of Chair and Vice Chair; and be it further

**RESOLVED:** That law firms identified on the attached may serve as counsel and are hereby approved to provide legal services to the DRPA and PATCO during the term of the list and as directed by the General Counsel. Counsel on any issuance of DRPA debt, selected by the General Counsel, after consultation with the Chief Financial Officer, will be paid a negotiated fee from the proceeds of the debt issue for which they are engaged. Counsel who provides services in the area of bond, finance and tax outside of a specific debt issuance will be compensated at an hourly rate as determined by the General Counsel, after consultation with the Chief Executive Officer and approval of Board Chair and Vice Chair.

|                 |                            |     |
|-----------------|----------------------------|-----|
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|                 | <b>Source of Funds:</b>    | N/A |
|                 | <b>Capital Project #:</b>  | N/A |
|                 | <b>Operating Budget:</b>   | N/A |
|                 | <b>Master Plan Status:</b> | N/A |
|                 | <b>Other Fund Sources:</b> | N/A |

**ATTACHMENT A**

**LIST OF QUALIFIED LAW FIRMS WITH RATES AND GUIDELINES**

**DRPA and PATCO Approved Law Firms Through February 2019 (as amended 10/2017).  
All law firms must comply with DRPA Political Contribution Certification Requirement prior to being  
awarded any legal work.**

| <b>Firm</b>                           | <b>Contact Person</b> | <b>Mailing Address</b>   | <b>Board<br/>Action<br/>Date</b> |
|---------------------------------------|-----------------------|--|----------------------------------|
| Ahmad Zaffarese                       | Wadud Ahmad           | One South Broad St., Suite<br>1810<br>Philadelphia, PA 19107       | 2/2016                           |
| Archer & Greiner                      | Christopher R. Gibson | P.O. Box 3000<br>Haddonfield, NJ 0803-0968                         | 2/2016                           |
| Ballard Spahr                         | Kevin R. Cunningham   | 1735 Market Street, 51st Fl.<br>Philadelphia, PA 19103             | 2/2016                           |
| Bennett Bricklin Saltzburg            | Kevin M. Blake        | 1601 Market Street, 16 <sup>th</sup> Fl.<br>Philadelphia, PA 19103 | 2/2016                           |
| Brown & Connery                       | William M. Tambussi   | P.O. Box 539<br>Westmont, NJ 08108                                 | 2/2016                           |
| Burns White                           | Jeffrey S. Adler      | 1001 Conshohocken State<br>Rd<br>W. Conshohocken, PA<br>19428      | 2/2016                           |
| Capehart Scatchard                    | Glen R. Paulsen       | 142 West State Street<br>Trenton, NJ 08608                         | 2/2016                           |
| Cooper Levenson                       | Kenneth Calemno, Jr.  | 1125 Atlantic Avenue<br>Atlantic City, NJ 08401                    | 2/2016                           |
| Cozen O'Connor                        | Peter J. Fontaine     | 1650 Market St, Suite 2800<br>Philadelphia, PA 19103               | 2/2016                           |
| Deasey Mahoney & Valentini            | Carla Maresca         | 1601 Market St., Suite 3400<br>Philadelphia, PA 19103              | 2/2016                           |
| Dilworth Paxson                       | Michael Tierney       | 1500 Market St., Ste 3500E<br>Philadelphia, PA 19102               | 2/2016                           |
| Drinker Biddle & Reath                | Kenneth A. Murphy     | One Logan Square, Ste<br>2000<br>Philadelphia, PA 19103            | 2/2016                           |
| Duane Morris                          | Alan C. Kessler       | 30 South 17 <sup>th</sup> Street<br>Philadelphia, PA 19103         | 2/2016                           |
| Elliott Greenleaf                     | John P. Elliott       | 925 Harvest Drive, Suite<br>300<br>Blue Bell, PA 19422             | 2/2016                           |
| Florio Perrucci Steinhardt &<br>Fader | Louis Cappelli, Jr.   | 1010 Kings Hwy, Bldg 2<br>Cherry Hill, NJ 08034                    | 2/2016                           |
| Gawthrop Greenwood                    | Sandra L. Knapp       | 17 East Gay Street, Ste 100<br>West Chester, PA 19390              | 2/2016                           |
| Genova Burns                          | James Bucci           | 2 Riverside Dr, Suite 502<br>Camden, NJ 08103                      | 2/2016                           |
| Jackson Lewis                         | Michael S. Friedman   | 1601 Cherry St, Suite 1350<br>Philadelphia, PA 19102               | 2/2016                           |

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|--|-------------------------------|--|----------------------------------|
| <b>Kleinbard</b>                       | <b>George R. Burrell</b>      | <b>1650 Market St, 46<sup>th</sup> Fl.<br/>Philadelphia, PA 19103</b>            | <b>2/2016</b>                    |
| <b>Lamb McErlane</b>                   | <b>Joel L. Frank</b>          | <b>24 E. Market St.<br/>West Chester, PA 19381</b>                               | <b>2/2016</b>                    |
| <b>Lauletta Birnbaum</b>               | <b>Gregory A. Lomax</b>       | <b>591 Mantua Blvd.<br/>Sewell, NJ 08080</b>                                     | <b>2/2016</b>                    |
| <b>Long Marmero</b>                    | <b>Douglas Long</b>           | <b>44 Euclid Street<br/>Woodbury, NJ 08096</b>                                   | <b>2/2016</b>                    |
| <b>Mattioni</b>                        | <b>Michael Mattioni</b>       | <b>399 Market St, Suite 200<br/>Philadelphia, PA 19106</b>                       | <b>2/2016</b>                    |
| <b>Mattleman Weinroth &amp; Miller</b> | <b>Michael R. Mignogna</b>    | <b>401 Route 70 East, Suite<br/>100<br/>Cherry Hill, NJ 08034</b>                | <b>2/2016</b>                    |
| <b>McCann &amp; Duffy</b>              | <b>Patricia S. Duffy</b>      | <b>128 Pottstown Pike<br/>Chester Springs, PS 19425</b>                          | <b>2/2016</b>                    |
| <b>Montgomery McCracken</b>            | <b>Paul H. Zoubek</b>         | <b>457 Haddonfield Rd, Suite<br/>600<br/>Cherry Hill, NJ 08002</b>               | <b>2/2016</b>                    |
| <b>Naples Law</b>                      | <b>Bethann R. Naples</b>      | <b>1515 Market St., Suite 1200<br/>Philadelphia, PA 19102</b>                    | <b>2/2016</b>                    |
| <b>Obermayer</b>                       | <b>Louis Kupperman</b>        | <b>1617 JFK Blvd., 19<sup>th</sup> Fl.<br/>Philadelphia, PA 19103</b>            | <b>2/2016</b>                    |
| <b>Parker McCay</b>                    | <b>Philip A. Norcross</b>     | <b>9000 Midatlantic Dr.,<br/>Suite 300<br/>Mt. Laurel, NJ 08054</b>              | <b>2/2016</b>                    |
| <b>Raffaele &amp; Puppio</b>           | <b>Michael V. Puppio, Jr.</b> | <b>19 West Third St.<br/>Media, PA 19063</b>                                     | <b>2/2016</b>                    |
| <b>Rubin Fortunato</b>                 | <b>Wendy R. Hughes</b>        | <b>10 South Leopard Road<br/>Paoli, PA 19301</b>                                 | <b>2/2016</b>                    |
| <b>Shaff &amp; Young</b>               | <b>Barbara L. Young</b>       | <b>One So. Broad St., Suite<br/>1650<br/>Philadelphia, PA 19107</b>              | <b>2/2016</b>                    |
| <b>Stevens &amp; Lee</b>               | <b>William J. Payne</b>       | <b>620 Freedom Business Ctr.<br/>King of Prussia, PA 19406</b>                   | <b>2/2016</b>                    |
| <b>Stradley Ronon</b>                  | <b>William R. Sasso</b>       | <b>2005 Market St., Suite 2600<br/>Philadelphia, PA 19103</b>                    | <b>2/2016</b>                    |
| <b>Swartz Campbell</b>                 | <b>Michael A. Cognetti</b>    | <b>50 S. 16<sup>th</sup> St., 28<sup>th</sup> Fl.<br/>Philadelphia, PA 19102</b> | <b>2/2016</b>                    |
| <b>Weber Gallagher</b>                 | <b>Paul M. Fires</b>          | <b>2000 Market St., Suite 1300<br/>Philadelphia, PA 19103</b>                    | <b>2/2016</b>                    |
| <b>Weir &amp; Partners</b>             | <b>John C. Eastlack</b>       | <b>457 Haddonfield Road<br/>Cherry Hill, NJ 08002</b>                            | <b>2/2016</b>                    |

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|---|--|---|----------------------------------|
| <b>Zarwin Baum</b>                                      | <b>Darwin R. Beauvais</b>                    | <b>1818 Market St., 13<sup>th</sup> Fl.<br/>Philadelphia, PA 19103</b>  | <b>2/2016</b>                    |
| <b>Zeller &amp; Wieliczko</b>                           | <b>Matthew B. Wieliczko</b>                  | <b>120 Haddontowne Court<br/>Cherry Hill, NJ 08034</b>  | <b>2/2016</b>                    |
| <b>Adelson, Testan, Bruno, Novell &amp;<br/>Jimenez</b> | <b>Holly M. Zeits<br/>Hillary S. Cornell</b> | <b>1650 Market Street, Suite<br/>3600<br/>Philadelphia, PA 19103</b>  | <b>10/2017</b>                   |
| <b>Aegis &amp; Powell</b>                               | <b>Nigel S. Scott</b>                        | <b>1500 Walnut Street, Suite<br/>700<br/>Philadelphia, PA 19102</b>   | <b>10/2017</b>                   |
| <b>The Axelrod Firm, PC</b>                             | <b>Sheryl L. Axelrod</b>                     | <b>The Beasley Building<br/>1125 Walnut Street<br/>Philadelphia, PA 19107</b>                                 | <b>10/2017</b>                   |
| <b>Brown McGarry Nimeroff, LLC</b>                      | <b>Jami B. Nimeroff</b>                      | <b>2001 Market Street<br/>Suite 3420<br/>Philadelphia, PA 19103</b>   | <b>10/2017</b>                   |
| <b>Fineman Krekstrin &amp; Harris,<br/>P.C.</b>         | <b>S. David Fineman</b>                      | <b>Ten Penn Center<br/>1801 Market Street, Suite<br/>1100<br/>Philadelphia, PA 19103</b>                      | <b>10/2017</b>                   |
| <b>Griesing Law, LLC</b>                                | <b>Francine Friedman Griesing</b>            | <b>1717 Arch Street, Suite<br/>3630<br/>Philadelphia, PA 19103</b>  | <b>10/2017</b>                   |
| <b>Harrington &amp; Associates, P.C.</b>                | <b>Catherine N. Harrington</b>               | <b>Ten Penn Center<br/>1801 Market Street, Suite<br/>700<br/>Philadelphia, PA 19103</b>                       | <b>10/2017</b>                   |
| <b>Kang Haggerty &amp; Fetbroyt, LLC</b>                | <b>Edward T. Kang</b>                        | <b>123 S. Broad Street, Suite<br/>1607<br/>Philadelphia, PA 19109</b>   | <b>10/2017</b>                   |
| <b>Merkin Shotland</b>                                  | <b>Stacey M. Merkin</b>                      | <b>The Bourse<br/>111 S. Independence Mall<br/>East, Ste. 945<br/>Philadelphia, PA 19106</b>                  | <b>10/2017</b>                   |
| <b>McDonnell &amp; Associates</b>                       | <b>Courtney Seda McDowell</b>                | <b>Metropolitan Business<br/>Center<br/>860 1<sup>st</sup> Avenue, Suite 5B<br/>King of Prussia, PA 19406</b> | <b>10/2017</b>                   |
| <b>Wilson Elser</b>                                     | <b>Syreeta Moore<br/>Heather Austin</b>      | <b>Two Commerce Square<br/>2001 Market Street, Suite<br/>3100<br/>Philadelphia, PA 19103</b>                  | <b>10/2017</b>                   |



**Rates/Guidelines:**

- 1. Legal Counsel's regular rate for general and personal injury matters (excluding Workers' Compensation or other matters specifically approved at a different rate) shall be a blended rate for all attorneys at \$225/hr.**
- 2. Legal Counsel for Workers' Compensation matters shall be paid a blended rate for all attorneys at \$175/hr.**
- 3. Paralegal personnel shall be paid an hourly rate at \$100/hr.**
- 4. The Authority does not pay for the services of clerical/secretarial personnel.**
- 5. The Authority does not pay for travel expenses to and/or from meetings at the Authority's premises, including but not limited to attorney's travel time, mileage and tolls.**
- 6. The Authority requires advance notice and approval for all expenses in excess of \$500.00.**
- 7. The Authority must approve the retention of any expert witnesses or consultants.**
- 8. The Authority shall not pay the costs of on-line legal research without prior approval.**
- 9. All expenses must be documented and reasonable.**
- 10. Except under extraordinary circumstances, no more than one attorney shall attend a meeting, deposition, court appearance or similar proceeding without prior approval.**
- 11. With their monthly invoice, each law firm shall prepare and complete the "Monthly Diversity Commitment Log," in the form attached hereto (which DRPA and PATCO reserve the right to revise from time to time). Electronic copies of the Diversity Commitment Log shall be provided upon request.**



**Monthly Legal Diversity Commitment Log**

**Report Month:** \_\_\_\_\_

| Law Firm          |                                       |              |               |                                 |       |      |
|-------------------|---------------------------------------|--------------|---------------|---------------------------------|-------|------|
| Legal Matter      |                                       |              |               |                                 |       |      |
|                   |                                       |              |               | Check the Appropriate Category: |       |      |
| Name of Paralegal | General Description of Work Performed | Hours Worked | Amount Billed | Minority* (Identify)            | Woman | Both |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |
|                   |                                       |              |               |                                 |       |      |

**Law Firm:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DRPA Staff Received:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\* Use the abbreviation code below to identify a minority group for each listed employee.**

| <b>Ethnicity and Race Categories</b>                                      | <b>Abbreviation</b> | <b>Descriptions</b>  |
|---|---------------------|--|
| <b>Hispanic or Latino</b>   | <b>H</b>            | <b>A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.</b>   |
| <b>Black or African-American (Not Hispanic or Latino)</b>                 | <b>AA</b>           | <b>A person having origins in any of the black racial groups of Africa.</b>  |
| <b>Asian (Not Hispanic or Latino)</b>                                     | <b>AS</b>           | <b>A person with origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</b> |
| <b>Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)</b> | <b>NH</b>           | <b>A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</b>   |
| <b>American Indian or Alaskan Native (Not Hispanic or Latino)</b>         | <b>AI</b>           | <b>A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.</b>   |
| <b>Two or More Races (Not Hispanic or Latino)</b>                         | <b>TW</b>           | <b>All persons who identify with more than one of the above five races.</b>  |



**Monthly Legal Diversity Commitment Log**

**Report Month:** \_\_\_\_\_

| Law Firm         |                  |                                       |  |  |              |                                 |                           |       |  |
|------------------|------------------|---------------------------------------|--|--|--------------|---------------------------------|---------------------------|-------|--|
| Legal Matter     |                  |                                       |  |  |              |                                 |                           |       |  |
|                  | Choose One:      |                                       |  |  |              | Check the Appropriate Category: |                           |       |  |
| Name of Attorney | Attorney Partner | General Description of Work Performed |  |  | Hours Worked | Amount Billed                   | Minority* (Identify) Both | Woman |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |
|                  |                  |                                       |  |  |              |                                 |                           |       |  |

**Law Firm:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DRPA Staff Received:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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| <b>Asian (Not Hispanic or Latino)</b>                                     | <b>AS</b>           | <b>A person with origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</b> |
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| <b>American Indian or Alaskan Native (Not Hispanic or Latino)</b>         | <b>AI</b>           | <b>A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.</b>   |
| <b>Two or More Races (Not Hispanic or Latino)</b>                         | <b>TW</b>           | <b>All persons who identify with more than one of the above five races.</b>  |