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**CITY OF RAMSEY
LEGAL SERVICES RFP**

Respectfully Submitted

By

HAWKINS & BAUMGARTNER, P.A.

**2140 Fourth Avenue North
Anoka, MN 55303
(763) 427-8877**

CONTACT: Scott C. Baumgartner (Lead Attorney)

April 5, 2013

**PROPOSAL OF
HAWKINS & BAUMGARTNER, P.A.
FOR THE CITY OF RAMSEY LEGAL SERVICES**

TO: The City of Ramsey, its City Council, and its City Administrator

DATE: April 5, 2013

Hawkins & Baumgartner, P.A. hereby respectfully submits its proposal to provide Civil and Prosecution Legal Services to the City of Ramsey.

Firm Background

Hawkins & Baumgartner, P.A. The firm originally consisted of two partners, William Hawkins and Scott Baumgartner, and associate Adam Dahlen. Mr. Hawkins has since retired, and Mr. Dahlen has relocated to Santa Barbara, California. Derek Archambault was hired as an associate in August of 2010 to replace Mr. Dahlen. Over 99% of the firm's business is related to the representation of municipal clients, which include the cities of Andover, Anoka, Elk River, and Oak Grove. Mr. Baumgartner oversees the entire operation of the firm, handles all of the firm's civil municipal work for the cities of Andover and Anoka, handles all of the city code compliance matters for Oak Grove, and coordinates with Mr. Archambault for the handling of the municipal criminal prosecution and litigation for the Cities of Andover, Elk River and Oak Grove. The emphasis of Mr. Archambault's work is on municipal criminal prosecution for the cities of Andover, Elk River and Oak Grove.

Individual Attorney Backgrounds and Qualifications

Scott C. Baumgartner. Mr. Baumgartner has been a resident of the City of Ramsey for over 14 years, is a Charter member of the Ramsey Rotary, Vice President of the Anoka-Ramsey Athletic Association, and has been practicing law for over 17 years. Prior to his municipal law practice, Mr. Baumgartner's practice consisted of civil litigation (involving real estate, contracts, personal injury, and worker's compensation) and criminal defense. Through his civil litigation practice, Mr. Baumgartner has been involved in several court trials, jury trials, mediations, arbitrations, and appeals before the Minnesota Court of Appeals. Mr. Baumgartner's municipal practice has included representing both Charter and Statutory Cities in the areas of condemnation law, subdivision and land development, abatement, Torrens proceedings, special assessment appeals, ordinance drafting and enforcement, and other civil matters. Mr. Baumgartner's criminal prosecution practice has encompassed all phases of the criminal process including complaint drafting, witness and officer interviews, handling contested motions, vehicle forfeiture proceedings, court trials and jury trials.

In February of 2010, Mr. Baumgartner was selected to serve on the Anoka County Violence Against Women Task Force Steering Committee and Domestic Abuse Case Expediting Subcommittee, representing the interests and concerns of the Anoka County city prosecutors, which he continues to serve on. Through this committee and subcommittee, Mr. Baumgartner's criminal jurisdictions of Andover and Oak Grove were selected as pilot cities for the

implementation of the Anoka County Domestic Assault Lethality Assessment Protocol program and the expediting of criminal domestic assault cases. As a result of the success of this pilot project, all Anoka County law enforcement agencies and prosecuting offices are now participating in both programs. In 2011, Mr. Baumgartner and the Sherburne County Attorney, Kathleen Heaney, began meeting to discuss the possibility of implementing the Domestic Assault Lethality Assessment Protocol program in Sherburne County. As a result of these meetings, this program has since been implemented by all law enforcement agencies in Sherburne County. Also in 2011, Mr. Baumgartner's office was selected to participate in a pilot project in Sherburne County relative to the new E-Charging project, whereby criminal complaints would be administered electronically. Mr. Baumgartner's office worked closely with the BCA to resolve issues associated with the new online charging system, which has now been implemented throughout Sherburne County.

Education:

St. Cloud State University, St. Cloud, Minnesota, B.S. 1988, Major: Criminal Justice
William Mitchell College of Law, St. Paul, Minnesota, J.D. 1994

Professional Chronology:

Admitted to Minnesota Bar 1995
General practice of law, 1995 - 2006
Assistant City Attorney, City of Anoka, 2006 - 2007
Assistant City Attorney and Prosecuting Attorney, City of Andover, 2006 - 2007
Assistant City Attorney and Prosecuting Attorney, City of Lino Lakes, 2006 - 2007
City Attorney, City of Lino Lakes, 2007 - 2009
Prosecuting Attorney, City of Lino Lakes, 2007 - 2008
City Attorney, City of Anoka, 2007 to present
City Attorney and Prosecuting Attorney, City of Andover, 2007 to present
Prosecuting Attorney, City of Elk River, 2007 to present
Prosecuting Attorney, City of Oak Grove, 2009 to present

Professional Affiliations:

American Bar Association
Minnesota State Bar Association
Anoka County Bar Association
Anoka County Prosecutor Association
Minnesota City Attorney List Serve
Member of PATROL (Minnesota's Police Accredited Training Online program)

Attorney ID:

0253820

Derek T. Archambault. Mr. Archambault is a 2009 graduate from the University of St. Thomas School of Law, where he made the Dean's List (top 15%), received the Dean's Award in Domestic Violence and Advanced Trial Advocacy, and was selected to compete on two St. Thomas interscholastic moot court teams and competed in the New York City Bar Moot Court Competition in Iowa City, IA and the McGee Civil Rights Moot Court Competition in Minneapolis, MN. Also during law school, Mr. Archambault interned for the Honorable Paulette K. Flynn, 2nd Judicial District Court Judge; was Vice-Chairperson of the Board of Advocates at the University of St. Thomas School of Law; Served as a Case Resolution Expediter for the Anoka County Attorney's Office where he served as a liaison between prosecutors and defense attorneys in felony plea negotiations and developed and implemented an inmate housing efficiency program; and was a Criminal Division Law Clerk with the Anoka County Attorney's Office from June of 2007 through July of 2009 where he made routine court appearances on felony level cases and handled all aspects of misdemeanor and gross misdemeanor prosecutions. Following graduation, Mr. Archambault served as a Judicial Law Clerk, Third Judicial District, in Austin, Minnesota from September of 2009 until he was hired by Hawkins & Baumgartner, P.A. in August of 2010. Upon being hired, Mr. Archambault immediately began handling and specializing in criminal prosecutions, which has encompassed all phases of the criminal process including complaint drafting, witness and officer interviews, handling contested motions, court trials, jury trials, and appellate practice.

Education:

University of St. Thomas, St. Paul, Minnesota, B.A. 2006, Political Science; B.A. 2006
Communication Studies
University of St. Thomas School of Law, Minneapolis, Minnesota, J.D. 2009

Professional Chronology:

Admitted to Minnesota Bar 2009
Certified Student Attorney, Criminal Division - Anoka County Attorney's Office 2007-
2009
Judicial Law Clerk, Third Judicial District, September 2009 - August 2010
Prosecuting Attorney, Cities of Andover, Oak Grove and Elk River, 2010 to present

Professional Affiliations:

Minnesota State Bar Association
Anoka County Bar Association
Anoka County Prosecutor Association
Minnesota City Attorney List Serve
DWI Prosecutor List Serve
Mentor for the University of St. Thomas School of Law Externship Program
University of St. Thomas School of Law Moot Court and Mock Trial Judge

Attorney ID:

0389905

Statements Of Any Malpractice Claims And/Or Ethics Complaints

None of the attorneys have ever been sued by a city, or other clients for malpractice. In the interest of full disclosure, an ethics complaint was alleged against me in February of this year. The allegations stem from a criminal case in 2008, five years ago. According to the allegations, the defendant in that case claims that her then attorney would not meet with her to discuss her case, would not show her the police reports, was unprepared for trial, and made inappropriate comments to her over her unwillingness to plead guilty. At the time of this case, however, I was the prosecutor, and not her attorney. She was, in fact, represented by the public defender's office throughout the case. In fact, I never even appeared at a hearing involving the complainant as another attorney from our office had made these court appearances. It appears that the complainant has confused me with her court appointed attorney. Apparently, the only reason she had my name, and perhaps mistook me as her attorney, is because one of the court notices, which list the attorneys for the state and defense on it, included my name as it was my firm prosecuting at the time. Upon receiving the complaint, I immediately prepared a response to the allegations and forwarded it to the attorney assigned to investigate these allegations. During a recent telephone conversation with this attorney, I was informed that she too believes the complainant has mistaken me for her public defender attorney and informed me this matter would most likely be dismissed as unfounded. This is the only time in my 17 plus years as an attorney that I have ever had any complaint such as this lodged against me.

Support Personnel

Support personnel for providing legal services to the City of Ramsey will include the firm's paralegal, Holly Provo. Ms. Provo holds college degrees in paralegal studies and criminal justice and has been working as a paralegal for over seventeen (17) years. Ms. Provo has extensive experience in all aspects of civil and municipal law, including drafting agreements and resolutions, preparation of civil complaints and documents, and file preparation for hearings and trials. In addition, she possesses extensive experience in criminal prosecution, including the drafting of numerous criminal complaints, interviewing victims/witnesses, file preparation for hearings and trials, responding to discovery demands, and interaction with the law enforcement agencies, probation services and court administration of the cities served by the firm. Ms. Provo is also well versed in the use of E-Charging for the electronic preparation and filing of criminal complaints and she has received all security clearances required to participate in the E-Charging program through the BCA. Ms. Provo's knowledge and experience in utilizing electronic discovery, record and report requesting and E-Charging, has resulted in increased efficiencies within the firm.

While we are confident that we currently have sufficient staffing to meet the needs of the City of Ramsey, in the event we are awarded the Civil and Prosecution contract, discussions will be had, and additional staffing decisions will be made, to assure that the City of Ramsey receives the highest level of service possible.

Office Location

Our office is conveniently located across the street from the Anoka County Courthouse, providing quick access to the courts and court administration for special court appearances, filings, review of court files, and recording of documents.

As previously mentioned, Mr. Baumgartner lives in Ramsey within minutes of Ramsey City Hall. This will facilitate the furnishing of any City Hall office time, the attendance at City Council meetings, and other Commission/Board meetings of the City that may be required.

Legal Library, Research, and Technological Capabilities

Our firm has subscriptions to Minnesota State Statutes, all Minnesota and Court of Appeals decisions, and is a member of the Minnesota City Attorney List Service and DWI Prosecutor List Serve. Our onsite library contains, among other items, current and up to date publications of Minnesota State Statutes and criminal rules and procedures publications. We also make use of the Anoka County Law Library for any additional publications we may feel are pertinent to our practice.

Technologically, our office is equipped with Microsoft Office software, laser jet printers and state of the art copiers, scanners, and fax machines, and a Digital Imaging System (Copier, Printer, Scanner, and Fax Machine). We have complete computer capabilities for all attorneys and support staff, including laptops, with individual e-mail addresses; access to our server files via any remote computer allowing for the retrieval and editing of any document on the server; and access to high speed internet, with computer links to various legal databases, including:

Minnesota Court Information System (MNCIS)

A government account providing statewide access to:

- Criminal Case Records
- Civil, Family, and Probate Records
- Judgment Searches
- Court Calendars

Minnesota Driver and Vehicle Services Division (DVS)

A government account providing immediate internet access to driver license and motor vehicle records.

Fast Case

- Case law for federal courts and all 50 states
 - o 50 states back to 1950 or before
 - o Minnesota cases back to 1874
 - o All U.S. Supreme Court cases back to 1 U.S. 1 (1754)
 - o All Federal Circuits back to 1 F.2d 1 (1924)
 - o Opinions of U.S. District, Bankruptcy and Tax Courts
- Federal and state statutes, regulations, court rules and constitutions
- Public records
- Federal filings
- Minnesota State District Court Opinions
- Authority checks and more

Minnesota State Law Library

- Appellate Court Opinions
- Full Text Search cases from 1996 forward
- Minnesota Statutes
- Ordinances (City and County)
- Minnesota Appellate Court Briefs

League of Minnesota Cities

- Handbook for Minnesota Cities
- HR Reference Manual
- Information memos-Governing and Managing
- Information memos- HR and Benefits
- Information memos-Risk Management
- Legislative and Policy Analysis Information
- Models
- Reports
- League Training Handouts

Minnesota Statutes

- Statutes, Laws, Rules

United States Code

Minnesota Trial Court Public Access

- Criminal Case Records
- Civil, Family, and Probate Records
- Judgment Searches
- Court Calendars

In addition to the foregoing, our office is equipped with secured computer technology and has been granted BCA security clearance for E-Charging (electronic preparation) of Criminal Complaints, which we have been doing for over a year now.

City/City Attorney Relationship

Our firm's approach to the relationship with our clients has always focused upon providing prompt and efficient representation of our clients' interests. We are a local law firm with extensive contacts and knowledge of the political and judicial systems in Anoka County. Our emphasis has always been on providing prompt, well-reasoned legal analysis and opinions to our clients. Our goal is to make our municipal clients fully aware of their legal options in order to make informed public policy decisions. Once such decisions have been made, our goal is to vigorously execute and enforce these policies if legal action becomes necessary. Our firm also enjoys its relationship with the various municipal staff members, and works well with them to quickly address and resolve issues that may arise before they become problems.

With respect to providing prosecutorial services to our clients, we realize that not only does the City rely upon our representation to adequately protect its citizens and see that justice is served, but so do the law enforcement agencies who expect that the fruits of their labors will not be soured by poor, inefficient prosecution. Our firm enjoys its relationship with the various law enforcement agencies and perceives one of its roles as being an active participant with these agencies in advancing the safety and well-being of the citizens in the community. Our firm also has an excellent working relationship with the Alexandra House, which better enables us to prosecute domestic related crimes, while being cognizant of the victim's desires relative to dispositions of the case.

Relative to the inquiry regarding response times, our firm is small enough to be personal, yet large enough to handle all of the City's municipal and prosecution needs. The collaborative experience and positive working relationships within our firm affords us the opportunity of quick turn-around time on projects and in response to inquiries. We pride ourselves on our availability to City Council and Staff for questions and input. Both of our attorneys have e-mail accessibility on their cellular phones, and at home, allowing for 24 hour communication possibilities. This accessibility further sustains our ability to meet the response times described in the RFP, which appear reasonable and quite accomplishable. A direction or inquiry from the City Council (or a member of the Council), the City Administrator, or a Department Head would be responded to the same day. If for some reason that is not possible, the inquiring party would be so notified by a member of our staff and informed when a response will be received.

Relative to the request to describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation, we believe that prompt completion of assignments is the best means of status reporting. If the City Council deems it appropriate, City Council agenda scheduling could include City Attorney reports on at least a monthly basis as well as dictating project completion deadlines. In addition, the lead attorney will be available at each City Council meeting to answer questions in regard to the status of projects, and will always be available by telephone or e-mail to answer questions.

Clients/Conflicts of Interest

Public clients currently represented include the following:

Andover – civil and prosecutorial services

- City Council meetings are at 7:00 p.m. on the 1st and 3rd Tuesdays of each month.
- City Department Head meetings are at 8:30 a.m. on the 1st and 3rd Tuesdays of each month.

Anoka – civil services

- City Council meetings are at 7:00 p.m. on the 1st and 3rd Mondays of each month.
- City Department Head meetings are at 10:00 a.m. on Tuesdays of each month.

Elk River – prosecutorial and limited civil services

Oak Grove – prosecutorial and limited civil services

To the best of our knowledge, we do not have any client whose representation would conflict with our ability to provide legal services to the City of Ramsey. We have represented municipalities that border upon one another and have not been involved in a conflict of interest with any of those communities. In the event there ever would be a conflict, we would either seek an express waiver of the conflict, pursuant to Rule 1.7 of the Rules of Professional Conduct, or assist in obtaining temporary, competent, and independent legal counsel to resolve the issue.

Compensation

Civil Legal Compensation

We would propose to charge a monthly retainer of \$4,500.00 per month. The services to be provided for the retainer would include those set forth in the RFP, any other similar services the City deems necessary for proper representation of its interests, and up to 10 hours of services related to administrative hearings, eminent domain proceedings and civil proceedings per month. Any hours in excess of 10 hours per month would be billed at \$100.00 per month.

Criminal Legal Compensation

We would propose to charge a monthly retainer of \$5,500.00 per month. This retainer would include representing and prosecuting all petty misdemeanor, misdemeanor and gross misdemeanor offenses within the City's jurisdiction, including: scheduling, coordinating officer appearances, reviewing all criminal cases presented for purposes of prosecution, determining technical compliance with the criminal code and other state statutes, drafting complaints, making recommendations to the Court for alternatives to prosecution where appropriate, acting as a resource to the Ramsey Police Department in the development of criminal cases, and providing training sessions for enforcement staff as needed. While it is not anticipated there would be any Criminal Appeals to any Minnesota or Federal Appeals Court in connection with our prosecution for the City of Ramsey, in the unlikely event there would be, we propose to bill at an hourly rate of \$95.00 per hour for attorney's time and \$45.00 per hour for paralegal time associated with such cases. In addition, if it is the Ramsey Police Department's practice to forfeit vehicles and money associated with those crimes for which said items may be forfeited, we will process and present forfeiture cases on behalf of the Ramsey Police Department. Payment for our services related to forfeitures shall be in accordance with Minnesota State Statutes, which is essentially a set, statutory percentage based upon the amount recovered from the sale of a forfeited vehicle or the amount of cash forfeited in the case of narcotic charges.

We bill monthly, usually within seven days following the end of the month. Our billing system is computerized and very flexible if you wish us to adapt to any format that the City desires. We would also be willing to consider any other alternative billing arrangements the City would like to suggest.

Reimbursable Costs

Itemized fees:	
Photocopying Charges	No Charge
Travel Time	No Charge for Local Travel
Fax Charges	No Charge
Phone Charges	No Charge
Other Possible Charges: 1. Filing Fees; 2. Document Recording Fees; 3. Brief Printing Costs; 4. Deposition Fees; 5. Process Service Fees; 6. Other costs incurred for our services.	We bill our clients only the costs we incur for these services.

Professional References

We would offer the following references relative to our Civil Legal Services:

Jim Dickinson
City Administrator
City of Andover
1685 Crosstown Boulevard NW
Andover, MN 55304
(763) 755-5110

Tim Cruikshank
City Manager
City of Anoka
2015 First Avenue North
Anoka, MN 55303
(763) 576-2711

David L. Carlberg
Director – Community Development
City of Andover
1685 Crosstown Blvd. NW
Andover, MN 55304
(763) 767-5140

Carolyn Braun
Planning Director
City of Anoka
2015 First Avenue North
Anoka, MN 55303 - 2270
(763) 576-2722

David D. Berkowitz
Director of Public Works/
City Engineer
City of Andover
1685 Crosstown Blvd. NW
Andover, MN 55304
(763) 767-5133

We would offer the following references relative to our Prosecution Legal Services:

Brad Rolfe
Chief of Police
Elk River Police Department
13077 Orono Parkway
Elk River, MN 55330
(763) 635-1201

Tom Wells
Chief Deputy
Anoka County Sheriff's Office
13301 Hanson Blvd. NW
Andover, MN 55304
Phone: (763) 323-5033

The Honorable Barry A. Sullivan
Judge of District Court
Tenth Judicial District
Anoka County Courthouse
325 East Main Street
Anoka, MN 55303
(763) 323-6026

Scott Knealing
Investigator
Anoka County Sheriff's Office
13301 Hanson Blvd. NW
Andover, MN 55304
Phone: (763) 754-4522

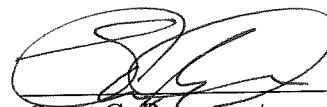
Additional Considerations

As a resident of Ramsey with significant community ties, I feel I have an additional vested interest in the future growth and betterment of our community, of which I would very much like to be a part. In addition, since our firm shares the same office building with Randall & Goodrich, who currently provide these services for the City of Ramsey, should our firm be awarded the contract for these services, our close proximity and excellent relationship with Randall & Goodrich would assure a smooth transition of files so as to prevent any decrease in the level of service.

We appreciate the opportunity to submit this proposal for your consideration and welcome any questions and an opportunity to meet with the City Council to further explore the possibility of serving as the City Attorney and/or Prosecuting Attorney for the City of Ramsey. Please feel free to contact me if you desire any additional information concerning our proposal. Thank you for your consideration.

Respectfully submitted,

HAWKINS AND BAUMGARTNER, P.A.



Scott C. Baumgartner