



Agenda Submittal

Agenda #: 3 **Status:** Approved
Type: Contract **Department:** County Counsel
File #: 19-752 **Contact:** Bernadette S. Curry, 784-6151
Agenda date: 10/1/2019 **Final action:** 10/1/2019
Title: Approve 2 contracts with Thomson Reuters (dba West Publishing Corporation) in amounts not to exceed \$102,627 for a Prolaw Software License Agreement for the term October 1, 2019 through June 30, 2020, and \$111,446 for Westlaw online legal research services for the term of October 1, 2019 through December 31, 2022; Authorize the County Administrator to execute the contracts; and Approve an Appropriation Transfer Request (ATR) in the amount of \$123,635 to recognize unanticipated litigation revenue (4/5 vote required)
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Prolaw Agreement, 2. B - Westlaw Agreement, 3. Adopted Agreement - Prolaw, 4. Adopted Agreement - Westlaw, 5. Minute Order

Date	Ver.	Action By	Action	Result
10/1/2019	1	Board of Supervisors		

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

County Counsel recommends that the Board:

1. Approve 2 contracts with West Publishing Corporation (doing business as Thomson Reuters Elite) in amounts not to exceed \$102,627 for a Prolaw Software License Agreement for the term October 1, 2019 through June 30, 2020, and \$111,446 for Westlaw online legal research services for the term of October 1, 2019 through December 31, 2022;
2. Authorize the County Administrator to execute the two contracts; and
3. Approve an Appropriation Transfer Request (ATR) in the amount of \$123,635 to recognize unanticipated litigation revenue (4/5 vote required).

SUMMARY:

County Counsel is recommending that the Board approve two contracts with West Publishing - one for Prolaw Service, a time/case management software system, and Westlaw an online legal research tool.

FINANCIAL IMPACT:

The cost for the new software and transitioning to Westlaw in FY2019/20 will be funded with unanticipated revenue received from the lead based paint litigation settlement. County Counsel has received unanticipated revenue of \$195,510 and recommends recognizing \$123,635 of the revenue to fund the two contracts in FY2019/20. Costs for Westlaw online legal research services in future fiscal years will be absorbed in the department's budget by canceling the current Lexis-Nexis online legal service subscription and the elimination

of many hardcopy print editions of legal treatises as County Counsel staff will access online legal resources through Westlaw. The Prolaw Software License Agreement is estimated to be \$78,591 for FY2020/21 and \$82,256 for FY2021/22. However, it will provide efficiencies through utilization of attorney time and improved case management.

DISCUSSION:

The Office of the Solano County Counsel provides general legal advice to all County departments as well as other independent local agencies and special districts. Such legal services include a range of areas, including the prosecution of major caseloads of juvenile dependency, conservatorships and probate, labor relations, grievance arbitration and related litigation, personnel discipline, zoning, building, and other code enforcement. With its diversity of practice, the office operates similarly to a public equivalent of a private law firm. However, most law firms of this office's size utilize time and case management software systems to assist in tracking litigation milestones and billing of attorney time.

In looking at areas to improve efficiency, staff reviewed various options on the market today to automate the practice of law. We surveyed other county counsel offices throughout the state to compare what like offices are using. Staff selected Prolaw Service, which is owned by West Publishing, a subsidiary of Thomson Reuters, that integrates with Microsoft Outlook and Word to streamline the calendaring of court appearances, facilitate the creation and storage of client specific files, and overall, measure attorney efficiency by better capturing and tracking attorney billable hours. Prolaw is used by many other county counsel offices, specifically Kings, Sacramento, San Mateo, Santa Clara, and Tulare Counties. The benefit of Prolaw is that the software is highly customizable to the needs of the particular office.

The proposed contract provides annual access for up to 20 licensed users in the office to software that integrates with both state and federal court rules along with cloud hosting of 5 terabytes of the office's case files. It also provides for up to 176 hours of training and support services, which includes software customization to meet the office's needs.

While negotiating the Prolaw contract, staff reviewed other opportunities to achieve greater efficiencies. County Counsel staff currently use a mixture of online research materials through Lexis-Nexis, its current provider, while maintaining a significant hardcopy print library of certain legal resources not offered by its current online provider. Prolaw is fully integrated with Westlaw, the competitor to Lexis-Nexis, and, as part of contract negotiations, was offered a promotional savings to switch to Westlaw during the development and integration of Prolaw. Though Westlaw is more costly than Lexis-Nexis on a monthly basis, Westlaw offers efficiencies through regular current legal updates, expanded legal resources, and certain print legal resources could be eliminated if such materials were offered online. Staff is recommending switching to Westlaw to integrate with Prolaw which would reduce the overall print subscription costs of the office.

In preparing this agenda item, staff confirmed the Public Defender's Office, as well as the County Law Library, use Westlaw.

ALTERNATIVES:

The Board may choose not to approve these contracts; however, that is not recommended because the use of Prolaw will allow attorneys to become more efficient in case management, particularly, with the integration of a compatible online legal library in Westlaw.

OTHER AGENCY INVOLVEMENT:

The Department of Information Technology was consulted and supports the department's request.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION