

109852

Date: October 21, 2024

To: Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Authority for the County of Westchester to enter into an agreement with the Law Office of Joseph Slaughter pursuant to which the Law Office of Joseph Slaughter will provide legal services and representation to the County and its co-defendants Westchester Community College, John Flynn and Patrick Hennessey in an “of counsel” capacity to the County, as needed, in connection with the civil case of *Fields v. County of Westchester, et al*, Index No. 50797/2016.

Authority is respectfully requested from your Honorable Board for the County of Westchester (the “County”) to enter into an agreement (the “Agreement”) with the Law Office of Joseph Slaughter (“Mr. Slaughter”), pursuant to which Mr. Slaughter will provide legal services and representation to the County and its co-defendants Westchester Community College, John Flynn and Patrick Hennessey, in an “of counsel” capacity to the County, as needed (the “Services”), in connection with the civil case of *Fields v. County of Westchester, et al*, Index No. 50797/2016 (the “Case”). The term of the Agreement will commence on November 1, 2024 and continue until the conclusion of the Case. In consideration for Services rendered, Mr. Slaughter shall be paid an amount not-to-exceed \$100,000.00, payable at the hourly rate of \$550.00. Mr. Slaughter shall also be reimbursed for all *reasonable and necessary* out of pocket costs and disbursements.

It should be noted that Mr. Slaughter, formerly of the law firm of Ballard Spahr, LLP (the “Firm”), represented the County and its co-defendants in this matter while a Partner at the Firm. Although Mr. Slaughter recently left the Firm, his knowledge of the Case makes him uniquely qualified to continue his representation of the County and its co-defendants in this matter.

This defamation action arose from a series of articles published in The Journal News in 2014 concerning a transcript scandal among the men's basketball team at Westchester Community College. Plaintiff commenced this action seeking damages for defamation against, *inter alia*, the County and its co-defendants Westchester Community College, John Flynn and Patrick Hennessey, Gannett Satellite Information Network, LLC which publishes The Journal

News and several of Gannett's staff writers and reporters. The matter had been pending for a number of years but was resurrected in 2023.

The County Attorney has determined that because this Case involves a specialized area of the law, outside counsel services are needed since the Law Department does not have available resources to handle this type of matter (*See Laws of Westchester County, 297.31(2)(b)(ii)*).

It should be noted that the Services relate to the County's liability and casualty self-insurance program, which was established, under Chapter 295 of the Laws of Westchester County, in accordance with New York State General Municipal Law §6-n.

The Agreement is exempt from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)x thereof, which exempts, *inter alia*, "procurements for the services of lawyers."

The proposed Agreement will serve a public purpose by providing the County with access to a lawyer with experience in defamation matters to represent the County in the Case.

The goal and objective of the proposed Agreement is in the best interests of the County in terms of fiscal responsibility, as the County having access to a lawyer experienced in defamation litigation to represent the County in the Case, can help the County limit its liability and costs concerning to the Case and any related or underlying matter(s).

The goal and objective of the proposed Agreement will be tracked and monitored by the Office of the County Attorney.

I respectfully recommend the adoption of the attached resolution.

JMN/jpg/nm

APPROVED BOARD OF ACQUISITION & CONTRACT 10/31/2024 RAYMOND SSKULKY, SECRETARY

RESOLUTION

Upon a communication from the County Attorney, be it hereby:

RESOLVED, that the County of Westchester (the “County”) is hereby authorized to enter into an agreement (the “Agreement”) with the Law Office of Joseph Slaughter (“Mr. Slaughter”), pursuant to which Mr. Slaughter will provide legal services and representation to the County and its co-defendants Westchester Community College, John Flynn and Patrick Hennessey, in an “of counsel” capacity to the County Attorney, as needed, in connection with the civil case of *Fields v. County of Westchester, et al*, Index No. 50797/2016 (the “Case”), for a term commencing on November 1, 2024 and continuing until the conclusion of the Case, for an amount not-to-exceed \$100,000.00, payable at the hourly rate of \$550.00. Mr. Slaughter shall also be reimbursed for all *reasonable and necessary* out of pocket costs and disbursements; and be it further

RESOLVED, that the Agreement is subject to County appropriations; and be it further

RESOLVED, that the Agreement is also subject to further financial analysis of the impact of the New York State Budget (“State Budget”) proposed and adopted during the term of the contracts. The Agreement shall contain a provision that the County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of the State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s) to conduct an analysis of the impacts of any State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the contractor, then the contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

APPROVED BOARD OF ACQUISITIONS CONTRACT #312024 RAMOND SUUKI SECRETARY

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0694-3850	4923		\$100,000.00

Budget Funding Year(s): 2024 Start Date: 11/01/24 End Date: Conclusion of the case
 (must match resolution)

Funding Source Tax Dollars: _____
 State Aid: _____
\$100,000.00 Federal Aid: _____
 (must match resolution) Other: 6-n

APPROVED BOARD OF ACQUISITION & CONTRACT - 10/31/2024 - RAYMOND SCUKY, SECRETARY