



Roll Call Number

Agenda Item Number

34 ✓

.....
Date August 5, 2019

RETENTION OF OUTSIDE COUNSEL TO ACT AS A GUARDIAN AD LITEM

WHEREAS, the City of Des Moines has brought legal action against Michael Thompkins seeking his eviction on behalf of the Des Moines Municipal Housing Agency;

WHEREAS, in prosecution of the case, the City is seeking to evict Mr. Thompkins from his current residence; and

WHEREAS, Mr. Thompkins is currently incarcerated for matters unrelated to the City's prosecution; and

WHEREAS, the Iowa Rules of Civil Procedure require that an incarcerated person facing a default judgment must be provided with a guardian ad litem ("GAL") to allow an active voice in the civil process; and

WHEREAS, a GAL does not act as an attorney, although an attorney generally acts in the capacity of GAL to explain the legal process; and

WHEREAS, in practice, a GAL is compensated by the party who brings the action against the incarcerated person, which in this case is the City; and

WHEREAS, it would be in the best interest of the City to obtain outside counsel to act in the capacity of a guardian ad litem; and

WHEREAS, Attorney Christopher B. Rottler, who has prior experience as a GAL, has agreed to act in such capacity in this matter.

(Continued on Page 2)



Roll Call Number

Agenda Item Number

34

Date August 5, 2019

-2-

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That Christopher B. Rottler, Community Lawyers of Iowa, PLC, 601 Hickman Rd., Des Moines, Iowa 50314, be and is retained by the City of Des Moines for the purpose of acting as a guardian ad litem for Michael Thompkins who is incarcerated. Such retention is at the rate of \$125.00 per hour plus reasonable expenses. The guardian ad litem/attorney is to provide detailed billing for such services and payment for such services may be periodic.

MOVED BY _____ TO ADOPT.

Form approved:

Luke DeSmet
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk