



Roll Call Number

21-1560

Agenda Item Number

23

Date October 18, 2021

RETENTION OF OUTSIDE COUNSEL TO ACT AS A GUARDIAN AD LITEM

WHEREAS, the City of Des Moines has brought legal action against Michael Brown seeking damages caused to City property; and

WHEREAS, in prosecution of the case, the City is seeking a personal judgment against Mr. Brown; and

WHEREAS, Mr. Brown is incarcerated for unrelated matters; 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 is retained in the capacity of a GAL to explain the legal process; and

WHEREAS, 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 on behalf of the City, has agreed to act in such capacity in this matter.

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 Brown 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 with such billing to be reported to the City Council on a quarterly basis.



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MOVED BY Boesen TO ADOPT

Form approved:

Molly Tracy
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE
I, P. Kay Cmelik, 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.

J. M. Franklin Cownie
Mayor

P. Kay Cmelik
City Clerk