RCLC Legal Counsel Proposal

Staff Recommendation

Long, Komer & Associates
July 25, 2019

By email: eric@regionalcoalitionnm.org
Regional Coalition of LANL Communities
ATTN: Eric Vasquez
112 W. San Francisco St., Suite 312
Santa Fe, New Mexico 87501


Dear Mr. Vasquez:

Thank you for inviting our firm to submit the following proposal to serve as third-party contract counsel to RCLC. We have reviewed the Scope of Services adopted by the Board on June 7, 2019 and believe that LKA can amply provide the services outlined there. This proposal is organized into the following subsections:

- Firm Data and General Background (p. 1);
- Experience Representing Joint Powers Act Agencies (p. 2);
- Additional Experience in Municipal and Local Government Law (p. 2);
- LKA Meets All Minimum Qualifications (p. 3);
- Nancy Long’s Experience Representing Public Agencies (p. 3);
- Jonas Nahoum’s Experience Representing Public Agencies (p. 5);
- Schedule of Proposed Hourly Rates and Costs (p. 5);
- Conclusion (p. 6).

**Firm Data and General Background**

Long, Komer & Associates, P.A. is a professional association and was established in Santa Fe in 1987. The firm’s office is located at 2200 Brothers Road, Santa Fe, NM, 87505 and our telephone number is 505-982-8405.

Our firm is comprised of three attorneys: two partners, Nancy Long and Mark Komer, and associate attorney Jonas Nahoum. All three attorneys are licensed to practice in New Mexico state courts and the United States District Court of New Mexico; Nancy Long and Mark Komer are also licensed to practice before the Tenth Circuit Court of Appeals. Our firm has excellent support staff, including two certified paralegals and experienced legal staff. Together, our attorneys share over 70 years of experience practicing law in New Mexico.

Each lawyer has been successful in efficiently managing the demands of a busy and varied practice by effectively utilizing technology. This has included compiling a brief bank of legal issues they
regularly face, electronically storing all documents and briefs in a central computer network for ease of reference, handling legal research electronically, and coordinating work to ensure client needs are met in a timely and efficient manner. Experience has confirmed that the end result is increased lawyer efficiency and, in turn, reduced cost of legal representation.

**Experience Representing Joint Powers Act Agencies**

LKA has, over the years, represented institutions and entities of comparable size and complexity to RCLC in all of the areas specified in the Scope of Services. LKA has developed extensive, documented experience, skills and knowledge specific to representing agencies created by the Joint Powers Act, NMSA 1978, § 11-1-1, et. seq. For instance, Nancy Long has represented the Buckman Direct Diversion Board (the Board) and the Buckman Direct Diversion (BDD) Project since 2007 and was recently re-awarded the contract to remain in that position for an additional four years. Additionally, we currently serve as counsel to the Santa Fe Solid Waste Management Agency (SWMA), which, akin to the RCLC, is governed by a Joint Powers Agreement between the City and County of Santa Fe. Our firm has been awarded the SWMA contract three times and has now represented SWMA for over eleven years.

As part of our representation of BDDB and SWMA, we attend all Board meetings, draft and/or review all agreements and policies, and have provided general legal representation to the boards of both agencies in all legal matters coming before their respective boards. We have represented both boards in matters including professional service and bid procurements along with the resulting agreements, fiscal issues, construction law, insurance issues, public entity legal issues, Open Meetings Act compliance, Inspection of Public Records matters, environmental permit requirements and personnel issues.

**Additional Experience in Municipal and Local Government Law**

In addition to the experience LKA has demonstrated through its representation of the joint powers agencies described above, we have a long history of providing varied legal representation to city, county and state government entities. This has included contract review and drafting, providing advice regarding approval procedures for agreements and property acquisition or disposal at the state level, negotiating with the federal government on behalf of local governments to resolve disputes and ensure compliance with federal regulations, and in providing advice regarding employment matters, litigation and real estate acquisition and leasing.

We have represented numerous cities and counties throughout New Mexico providing general legal advice and representing those entities in litigation involving all areas facing a municipality or local government, including civil rights claims, all aspects of employment law and contract claims. We have represented Santa Fe County and other counties across the state through our contract with the New Mexico Association of Counties (since 1997) in the areas of civil rights, land use, real estate and employment related work, and have represented governmental agencies, entities, and officials through our contracts with the State of New Mexico Risk Management Division (since 1987).

Presently, LKA serves as general counsel to the City of Moriarty. In our capacity as general counsel, we advise the City on a variety of municipal legal issues, including economic development, leasing of municipal buildings, land use and zoning issues, intergovernmental contracts and relationships,
regularly face, electronically storing all documents and briefs in a central computer network for ease of reference, handling legal research electronically, and coordinating work to ensure client needs are met in a timely and efficient manner. Experience has confirmed that the end result is increased lawyer efficiency and, in turn, reduced cost of legal representation.

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and criminal prosecutions in municipal court. Additionally, we routinely attend City Council meetings and subcommittee meetings to advise the City on compliance with the Open Meetings Act and other governmental requirements.

Pursuant to our contracts with the State of New Mexico Risk Management Division, the firm has represented numerous state agencies, along with their officials, in complex litigation involving a wide variety of claims that range from breach of contract actions to claims under the United States Constitution. Common examples include lawsuits involving personal injury and related torts, wrongful termination, retaliation, exercise of First Amendment rights, sex discrimination and harassment under federal and state civil rights laws (Title VII, 42 U.S.C. Section 1983, the Whistleblower Protection Act, and the New Mexico Human Rights Act), and for race discrimination, age discrimination, disability discrimination and excessive force by law enforcement officials. In our capacity as litigation counsel, LKA has significant experience in litigation procedures including dispositive law and motion practice, discovery and related disputes, and trial practice.

We have served as special counsel to University of New Mexico Board of Regents (the Board of Regents) with regard to adjudicatory hearings, providing case analysis, advising the Board of Regents on faculty and tenure issues, interpreting governing documents and procedures, drafting decisions, and conducting faculty termination hearings.

The firm also represents several New Mexico Rural Electric Cooperatives, providing general counsel services, employment related representation and representation before the Public Regulation Commission.

In sum, LKA has represented many public entity clients that include: the City of Santa Fe, Bernalillo County, the City of Española, the City of Moriarty, the City of Las Vegas, Santa Fe County, Rio Arriba County, Taos County, the Village of Angel Fire, the Village of Bosque Farms, the Village of Cimarron, Sierra County, Catron County, Eddy County, Doña Ana County, the Office of the Governor, the Office of the Lieutenant Governor, New Mexico Highlands University, the University of New Mexico, the New Mexico State Treasurer’s Office, the New Mexico Children, Youth and Families Department, the New Mexico Department of Transportation, the New Mexico State Police, the New Mexico Human Services Department, the Regulation and Licensing Department, Northern New Mexico College as well as other state agencies.

**LKA Meets All Minimum Qualifications**

Each LKA attorney meets all minimum qualifications outlined in the Scope of Services including the preferred qualification of possessing a valid New Mexico driver’s license. Nancy Long and Jonas Nahoum will perform the bulk of work for the RCLC.

**Nancy Long’s Experience Representing Public Agencies**

Nancy focuses her practice on public entity representation, commercial litigation, and corporate and business client representation. She has over thirty years of experience in these areas. A significant portion of her practice is also transactional work involving governmental and private entities. She speaks at annual continuing legal education seminars on a variety of topics and as a service to clients on governmental related areas of interest.
On a nearly daily basis, Nancy advises elected and appointed officials, as well as public employees on their duties and obligations as representatives of the public and as board members. She routinely drafts and revises public contracts, advises clients on procurement issues, analyzes employment and labor problems, and counsels public bodies on administrative law and compliance with the Open Meetings Act, the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act, and other statutes that regulate the operations of governmental entities. She also advises on insurance issues, handles complex real estate transactions, evaluates governing documents, and represents entities before other state and federal agencies.

Nancy regularly attends and assists clients in public meetings to provide immediate legal advice on all questions that arise at those meetings. She advises elected and appointed officials in executive sessions. She also has counseled elected officials on litigation matters and provided them with detailed legal analysis of pending cases, including an assessment of the relative risks and costs the client faced. Additionally, Nancy is experienced in managing projects in coordination with other counsel representing member agencies.

Nancy has also represented governmental entities before the State Board of Finance in transactions involving the Department of Finance and Administration, and in appeals before the Department of Insurance, the State Personnel Board, and the Public Regulation Commission. She also coordinates interactions with numerous other state and federal administrative agencies.

Nancy is a recipient of American Jurisprudence Award for Environmental Law and a New Mexico State Bar Service Award. She serves on the Board of Directors of Century Bank and is a member of the Oliver Seth Inn of Court and of the New Mexico Judicial Standards Commission. She also is a volunteer with Santa Fe County’s Teen Court program. She formerly served on the Board of Regents of New Mexico Highlands University. Nancy also served on the City of Santa Fe’s Charter Review Commission and the City’s Ethics Campaign Review Board. She is a former Member of the Board of Trustees of St. Vincent Hospital and the Santa Fe Community Foundation.

Nancy received her undergraduate degree in history from Santa Clara University after attending the Georgetown University School of Foreign Service. She received her Juris Doctor degree from the University of New Mexico. Nancy is individually rated “AV” by Martindale-Hubbell, which indicates that Nancy is rated by her peers as having achieved the highest level of professional excellence based on ethical standards and professional ability.

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Jonas Nahoum's Experience Representing Public Agencies

Jonas is an associate with LKA and has been licensed to practice law since 2003. Mr. Nahoum has represented public entity clients in a variety of litigation matters and as general counsel since joining LKA in 2016. Jonas’s practice focuses on general tort liability, law enforcement and corrections liability, employment law, civil rights, insurance, subrogation and contractual indemnity, construction, property rights and usage, employment litigation and policy drafting and workers’ compensation.

Jonas serves as primary general counsel to the City of Moriarty, and in this capacity, advises the City of Moriarty City Council, as well as public employees and staff, on their duties and obligations as representatives of the public and as board members. Jonas has drafted and revised public contracts for the City of Moriarty including a recent lease agreement for a 60,000 square foot aeronautical manufacturing facility and hangar. He also advises the City Clerk on procurement issues, analyzes employment and labor problems, and advises the City Council on administrative law and compliance with the Open Meetings Act, the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act, and other statutes that regulate the operations of governmental entities. Jonas also serves as municipal prosecutor in enforcing violations of the City of Moriarty Municipal Code and Zoning Ordinance.

He also has significant experience responding to administrative agency investigations including investigations by the Equal Employment Opportunity Commission, the Human Rights Bureau and the National Labor Relations Board. Jonas also has defended IPRA claims against state agencies, including claims against the Department of Corrections, Public Education Department, Regulation and Licensing Department, and the Department of Public Safety.

Jonas received his undergraduate degree in English from the University of Maryland in 1999. He received his Juris Doctor degree from the University of California, Hastings College of the Law in 2003, graduating magna cum laude. Jonas clerked for a federal district judge in the Northern District of California before joining a preeminent San Francisco law firm as an associate for four years. He has lived in Santa Fe for the past ten years.

Schedule of Proposed Hourly Rates and Costs

We carefully listen to our clients to determine their interests and how we can best meet those interests through cost-effective representation. We are mindful of the costs of legal representation and provide our clients with efficient representative and very competitive hourly rates. Long, Komor & Associates offers RCLC our legal services at reasonable rates, which are substantially reduced from our standard rates in consideration of the public service nature of the proposed representation. The following rate table provides the attorney name, title and proposed hourly rate:
Unlike most other firms, we do not charge clients for expenses that are actually part of the firm overhead. Thus, we do not charge for routine in-house copying, in-city limits mileage, long distance calls, in-city limits courier services or for facsimiles. We bill for third party expenses at the actual amount charged, with no markup.

We ensure that all billed time is productive. This means time spent efficiently distributed and managed. The use of paralegals results in substantial savings to the client. Our paralegals work under close attorney supervision with the attorneys; however, we do not bill attorney time for supervisory tasks.

**Conclusion**

LKA is pleased to submit this proposal for contract legal counsel to RCLC. LKA welcomes the opportunity to make an oral presentation and to be interviewed by members of the RCLC Board or staff upon request.

Please let me know if you have any questions or need any further information. Thank you for your consideration of our firm for your third-party contract counsel needs.

Very truly yours,

LONG, KOMER & ASSOCIATES, P.A.

Nancy R. Long
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