

**RECEIVED**

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September 27, 2011

Via e-mail and U.S. Mail

**LAW DEPARTMENT**

Kevin M. Butler  
Director of Law  
City of Lakewood  
12650 Detroit Road  
Lakewood, OH 44107

Dear Mr. Butler:

This letter will confirm that the City of Lakewood has retained Brzytwa, Quick & McCrystal, LLC to provide legal services to the City and any past or current employees to the extent permissible under the Rules of Professional Conduct pursuant to the terms outlined below.

Our fees in this matter are based upon an hourly rate. My time will be billed at the rate of \$210 per hour. The fees of the other attorneys in our office, if needed, will be billed at their individual rates ranging from \$185 up to \$265 per hour. We will utilize lower cost associates and paralegals whenever possible.

It may be necessary for us to incur on your behalf certain out-of-pocket expenses, which may include record production costs, travel, delivery, on-line legal research charges, court filing and recording fees. These will be billed to you as expenses. Additionally, it may be necessary to incur costs associated with depositions, transcripts, court reporter fees, witness fees and expenses and service of process fees and expenses. These costs will either be sent directly to you for payment or, if advanced by the firm, billed directly to you separately or with our statement for legal services. We will not incur significant expenses on your behalf without obtaining your prior approval.

We will send you statements on a monthly basis. Our bills will contain a detailed description of all services rendered to you, the date of such services and an identification of the attorney who rendered the services. The bills will also itemize, in reasonable detail, all out-of-pocket expenses. These bills are due and payable upon receipt, unless other arrangements have been made in advance. If we have not received payment within sixty days from when we originally requested you to make such payment, we reserve the right to withdraw from further representation, regardless of the status or stage of representation at that time.

We have strict in-house billing guidelines that all our attorneys must follow. Some of the highlights of these guidelines are:

1. All billing shall be in 1/10 hour increments.
2. Minimum shall be at 1/10 hour.
3. Tasks billed must be specifically described.
4. Expenses must be supported by receipts and bill copies.
5. Your billing format will have daily entries with all functions listed on the date performed.
6. Items that we feel are office overhead and not included in the billing are as follows:
  - a. Secretarial time, except for secretarial overtime when necessary;
  - b. Preparation of billing;
  - c. Long distance calling charges;
  - d. Facsimiles; and
  - e. Routine photocopy is free of charge. Large jobs will be sent out to a vendor and costs passed on without markup.

You may terminate our representation at any time by providing written notice to Brzytwa Quick & McCrystal, LLC.

Upon termination of our representation of the City of Lakewood for any reason, or upon conclusion of the underlying matter for which we were hired, the City will remain responsible for all fees and expenses owing to Brzytwa Quick & McCrystal, LLC.

If the terms of retention are acceptable to you, please sign the Acknowledgment below and return a copy of this letter to me.

I encourage you to call me if you have questions at any time with respect to fee arrangements, the progress of any matter, the details of a particular bill, or any other issue.

We are pleased to represent the City of Lakewood and look forward to working with you.

Sincerely,



Robert E. Cahill  
E-MAIL: CAHILL@BQMLAW.COM

REC/cm

**ACKNOWLEDGEMENT AND ACCEPTANCE**

The above accurately reflects the City of Lakewood's representation agreement with Brzytwa, Quick & McCrystal, LLC, and I accept the terms and conditions set forth above.

9/29/11  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
KEVIN M. BUTLER, DIRECTOR OF LAW  
on behalf of the CITY OF LAKEWOOD