

4. Approval of Attorney Employment Agreement Engaging Tammy Ardolf with Taylor, Olson, Adkins, Sralla & Elam, LLP as Outside Counsel Re: Defense of Former Tarrant County Employee Jonathan Nymoen in a Lawsuit Entitled Anthony R. Johnson, Sr., et al. v. Tarrant County, Texas, et al., Civil Action No. 4:24-cv-686-O



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER _____

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DATE: 09/04/2024

SUBJECT: **APPROVAL OF ATTORNEY EMPLOYMENT AGREEMENT ENGAGING TAMMY ARDOLF WITH TAYLOR, OLSON, ADKINS, SRALLA & ELAM, LLP AS OUTSIDE COUNSEL RE: DEFENSE OF FORMER TARRANT COUNTY EMPLOYEE JONATHAN NYMOEN IN A LAWSUIT ENTITLED ANTHONY R. JOHNSON, SR., ET AL. V. TARRANT COUNTY, TEXAS, ET AL., CIVIL ACTION NO. 4:24-CV-686-O**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve the Attorney Employment Agreement engaging Tammy Ardolf with Taylor, Olson, Adkins, Sralla & Elam, LLP as outside counsel re: defense for former Tarrant County employee Jonathan Nymoen.

BACKGROUND

Tarrant County employee Jonathan Nymoen has been sued in an inmate civil rights case. Pursuant to Local Government Code Section 157.901, it is necessary for outside counsel to be employed to represent this individual in the lawsuit entitled Anthony R. Johnson, Sr., et al. v. Tarrant County, Texas, et al., Civil Action No. 4:24-cv-686-O in the United States District Court for the Northern District of Texas, Fort Worth Division.

With approval of this action, former Tarrant County employee Jonathan Nymoen will have representation in this federal suit.

FISCAL IMPACT

The fiscal impact associated with this action is unknown at this time, however, the law firm is to use all reasonable means to resolve this matter at a total cost of no more than \$30,000.00, subject to further court approval. Funding is available in 61500-2024 Self-Insurance Fund/191200000 Self Insurance/585071 Litigation Expense.

SUBMITTED BY:	Criminal District Attorney	PREPARED BY: APPROVED BY:	Polly S Maxwell
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6000 WESTERN PLACE, SUITE 200
I-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
EMAIL: TOASE@TOASE.COM

TAYLOR · OLSON · ADKINS · SRALLA · ELAM
LLP
ATTORNEYS & COUNSELORS

TELEPHONE: (817) 332-2580
TOLL FREE: (800) 318-3400
FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

WAYNE K. OLSON
wolson@toase.com

August 14, 2024

Commissioners Court
Administration Building
100 E. Weatherford, Room 502-A
Fort Worth, Texas 76196-0609

Re: **ATTORNEY EMPLOYMENT AGREEMENT – RE: JOHNATHAN NYMOEN**
Anthony R. Johnson, Sr., et al. v. Tarrant County, Texas, et al., Civil Action No. 4:24-cv-686-O, in the United States District Court for the Northern District of Texas, Fort Worth Division

Dear Judge O'Hare:

Thank you for considering the firm Taylor Olson Adkins Sralla Elam, LLP (the "Law Firm"), and Tammy Ardolf, who is Of Counsel with the Law Firm, to serve as outside conflicts counsel in this matter. Specifically, I am writing to confirm that the Law Firm will, upon approval by the Tarrant County Commissioners, represent Tarrant County detention officer Johnathan Nymoen (the "Client") in his individual capacity.

Scope of Engagement: The Law Firm is authorized to represent the Client in this matter and to appear on the Client's behalf before courts, arbitration panels, or similar authorities as may be required to represent the Client. Except as may be limited by the attorney-client privilege, the Law Firm agrees to keep the County apprised of the status of the case as the case progresses.

Services and Rates: The legal services to be provided by the Law Firm include, but are not limited to, conferences (both in person and by telephone), correspondence, research, analysis, investigation, preparation of legal documents, meetings with parties, witnesses, and other necessary persons, negotiations, written discovery and depositions, trial and hearing preparation, appearances in court and in mediation, and all related work required to represent the Client properly in this matter.

The rates for legal services provided by the Law Firm are as follows:

\$300.00 per hour – Partner/Of Counsel

\$235.00 per hour – Associate

\$125.00 per hour – Legal Assistant

Additional expenses as may be required to represent the Client may be charged to the County, including but not limited to court costs, filing fees, postage and copy charges, courier fees, costs to create exhibits, expert and consultant fees, and other reasonably necessary items. **The Law Firm, however, will not hire outside experts or consultants, will not incur travel expenses, and will not incur any other substantial expense without the County's prior approval.** The Law Firm will work with counsel for the County in this lawsuit pursuant to joint defense and common interest privileges to the extent ethically possible in order to avoid duplication of efforts

and to reduce costs. The County understands that the Law Firm's ethical duty of loyalty is solely to the Client.

The Law Firm agrees to keep track of time and to submit redacted bills on a periodic basis for payment. Time will be billed in 1/10th increments. In order to meet existing deadlines and in order to preserve and protect the Client's interests, the Law Firm may have needed to perform certain necessary services prior to formal approval of this contract and may bill for such services.

The Law Firm shall use all reasonable means, including the utilization of dispositive pretrial motions as appropriate, to resolve this matter as quickly and inexpensively as reasonably and ethically possible. The Law Firm cannot guarantee specific outcomes nor guarantee the amount of time that will ultimately be needed to adequately represent the Client as much depends on actions taken by the opposing party, the Court, and other matters beyond our control, nor have we yet had an opportunity to fully review all relevant materials or formulate any sort of a reliable budget. The Law Firm will endeavor, however, to complete this assignment for less than \$30,000.00 if at all possible. In the event the billing reaches \$30,000.00, the Law Firm shall brief the Tarrant County Commissioners Court on the budget and request an additional reasonable amount to complete the matter.

NOTICE TO CLIENTS: The State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar's Office of Chief Disciplinary Counsel will provide you with information about how to file a complaint. Please call 1-800-932-1900 toll-free for more information.

Sincerely,



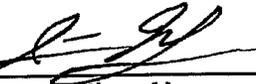
Wayne K. Olson
Managing Partner

WKO/nm

APPROVED AND ACCEPTED:

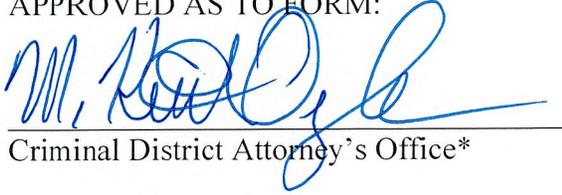
Tim O'Hare, County Judge

AGREED: _____


Johnathan Nymoan

Date: 08/15/2024

APPROVED AS TO FORM:



Criminal District Attorney's Office*

CERTIFICATION OF
AVAILABLE FUNDS: \$ _____

Tarrant County Auditor

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.