

# How County Treasurers Can Effectively Utilize Outside Counsel



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**CARLISLE LAW**

# Ohio Counties



# Why Use Outside Counsel?



- Specialization - outside counsel can have specialized knowledge in specific areas of law
- High volume capacity, one stop shop
- One-time costs to use outside counsel versus fixed cost of hiring additional staff

# How to Start the Selection Process



- Identify what area of the law and what level of expertise will be needed
- Due diligence when making your selection
  - Contact County departments that have regular contact with firms and attorneys
    - Ask about their quality of work product and responsiveness of the staff and the attorneys
    - Ask how that firm or attorney handles hearings and sale attendance in your County
    - Ask about the firm/attorney's capacity to process a given volume of cases
    - Overall reputation and experience of the firm

# Due Diligence continued



## ➤ Contact with Taxpayers

- Establish expectations regarding communication with taxpayers
  - Ensure that firm/attorney you select understands the importance of treating each taxpayer courteously and professionally
  - Determine if you want to be notified of contact
  - Provide guidance to the firm regarding your escalation process

# Fee Arrangements



- **Fee Arrangements: hourly billing v. flat fee**
  - Hourly billing
    - if preferred by the Treasurer, rates are negotiable but will include all communications with client, hearing attendance and work product
  - Flat Fee
    - Common practice in the industry is to follow the Fannie Mae Fee Schedule
      - Step billing – the case is broken into stages and as the case progresses the fee increases
      - Included in the fee
        - Attendance at one hearing
        - All client communications
        - Standard motion for summary judgment

# Continued



- **Not included in the standard fee**
  - Litigation – hourly rate of \$215.00 with prior approval
  - Bankruptcy – separate fee schedule to be provided, with prior approval
  - Additional sales, if needed
  - Additional hearing attendance, if needed

\*\*\*\*\* All fees are negotiable

# Managing the Process



## ➤ Communication Expectations

- Identify your specific contact person(s)
- Status Reporting
  - Communicate your expectation regarding:
    - frequency of reporting
    - specifically identify the information you require
    - Specify the format you need
  - Communicate your expectations regarding timeframes
    - i.e. Deadline for filing complaint, obtaining judgment, ordering sale or BOR conveyance
  - Communicate your expectations for billing
    - Include both fees and costs – timing of fee billing is negotiable



# Starting the Process



- **Contact the firm by email, mail, fax with the referral**
  - Provide instructions to proceed and include the following:
    - Identify the parcel, address, owner information
    - The balance due
    - Any other supporting documentation
    - Notify the firm/attorney of any immediate deadlines and immediately notify if there is change in circumstance (delinquency resolved)
    - Instructions to order title report, if not already provided
  - \*\* If case is commenced with the BOR but is subsequently transferred to the Court of Common Pleas, the fee schedule will remain the same

# Evaluate Your Outside Counsel



- **Did the firm/attorney meet your expectations**
  - Timeframe?
  - Cost Justification?
  - Communication?
    - Responsiveness
    - Professionalism
    - Efficiency

# Specific Examples



- Carlisle Law handled 40 Board of Revisions cases for Allen County Land Reutilization Corporation in 2017
  - Flat fee billing arrangement at negotiated rate
  - Title to properties had to be conveyed with alternative right of redemption within 6 months of referral to our firm
    - All timeframes were met in coordination with Ohio Title Corporation

# Presenter Biographies

## James Sassano

Bowling Green State University, BA in 1988  
Cleveland Marshall College of Law, JD in 1993  
Admitted to practice by Ohio Supreme Court in 1993, U.S. District Court for the Northern District of Ohio in 1998  
Member of Ohio State Bar Association and Cleveland Metropolitan Bar Association

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Wittenberg University, BS (Cum Laude) in 2005  
Capital University School of Law, JD in 2008  
Admitted to practice by Ohio Supreme Court in 2008; U.S. District Court for the Northern District of Ohio in 2009  
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