



Staff Report to Council - for Direction

Title: Change Legal Counsel

From: Edward Henley, Director of Corporate Services

Date: December 14, 2023

Staff Recommendation:

That a by-law be introduced authorizing the execution of a contract between the Corporation of the County of Bruce and Duncan, Linton LLP; and

The Warden and Clerk be authorized to sign the agreement for a four-year term commencing February 1, 2024.

Report Summary:

The Ross Firm gave notice on October 18, 2023 (see attached) that,

“...due to recent staffing changes at The Ross Firm, we are facing challenges in maintaining our usual level of service efficiency.”

“Further to the above, we are formally notifying you of our intent to end our legal services arrangement with you...by January 31, 2024.”

The County had gone to tender for legal services in Fall 2021 and determined to review the two other law firms that were the finalists for consideration in sourcing a new law firm.

After a careful review and discussions, staff determined that Duncan, Linton LLP (DL) would be able to provide the best service to the County. DL has agreed to honour their rates quoted in 2021 for the first year.

Background:

In Fall 2021 the County went to RFP for Legal Services. Through the process 3 firms were interviewed to make a final choice;

1. The Ross Firm Professional Corporation/Grove-McClement Professional Corporation,
2. Duncan Linton LLP, and
3. Miller Thomson LLP.

The January 13, 2022 [Legal Services Review report](#) to Council, outlined the criteria areas evaluated as;

1. Corporate Profile,
2. Qualifications,
3. Approach/Work Plan/Customer Service,
4. Interview,
5. Fee Schedule.

While Ross Firm ranked #1, the other two firms were very close. The recommendation was to engage the Ross Firm which was approved by Council.

On July 27, 2023, the Ross Firm sent a letter (see attached) to the County outlining that the Tammy Grove was leaving the firm and that they,

“...have taken the necessary steps to enlist a senior municipal lawyer to assume Tammy’s responsibilities and to oversee the municipal team.”

On October 18, 2023, The Ross Firm sent notice of the end of their legal services arrangement with Bruce County effective January 31, 2024.

Duncan, Linton LLP (DL)

DL, based in Waterloo Region, is one of the oldest law firms in Ontario and has provided legal and business solutions for over 160 years. [Six of the firm’s 12 lawyers](#) practice in Municipal and Planning Law and the other lawyers practice in a variety of fields including Commercial Litigation, Real Estate, Business Law, and Construction Law, among others. [Peter Hertz](#) would be the lead contact for DL.

In November 2023, County staff reviewed the other two law firms who scored as finalists for interviews in the Fall 2021 RFP and contacted DL to discuss engaging their services. DL indicated that they would still be interested in serving the County and would honour their 2021 RFP rates for 2024. Staff also noted that unlike the Ross Firm which has only one lawyer practicing Municipal and Planning Law, DL has six which would address issues of coverage if their lead lawyer for Bruce County is not available (See attached resumes).

Financial/Staffing/Legal/IT Considerations:

DL has agreed to honour the general matters rates proposed in 2021 for the first time period of February 1, 2024 to January 31, 2025. The subsequent year the rate will be brought up to their current standard rate, which has adjusted annually from 2021 due to inflation, and then following years the rate will increase based on the Consumer Price Index.

The County has had a discussion with DL regarding the carriage of current legal files. DL is agreeable for certain existing files to continue with the counsel currently assigned if the County believes it best to remain there, and for DL to take over certain existing files, if appropriate. DL has already taken on certain new files that have come into existence since The Ross Firm has given notice of termination.

There are no staffing or IT considerations.

Interdepartmental Consultation:

The notice and the recommendation for new counsel has been discussed with the Senior Management Team.

Link to Strategic Goals and Objectives:

Strategic Goals

Not applicable.

Link to Departmental Plan Goals and Objectives, if any:

Not applicable.

Approved for Submission:

Derrick Thomson, Chief Administrative Officer