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Law firm pays Ridgefield \$90,000 under settlement over legal bills

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RIDGEFIELD — The law firm of Decotiis, Fitzpatrick and Cole will pay the borough \$90,000 and withdraw \$15,000 in outstanding legal bills under a settlement approved by the mayor and council this week.

The settlement is the result of a full audit of the borough's legal bills conducted by Legal Cost Control of Haddonfield, which was hired by the borough in March. The company found approximately \$211,000 in questionable bills, according to the resolution passed by the council on Tuesday.

Mayor Anthony Suarez called the agreement "favorable," and one that avoids litigation that could have dragged on for years and cost the borough more in legal expenses.

"I'm pleased we were able to work out an amicable resolution, and bring this to a successful conclusion," he said Thursday.

The settlement notes that neither party is admitting any wrongdoing, and that after the review by Legal Cost Control, DeCotiis engaged Sterling Analytics, a national legal audit firm, to also perform an independent review of the questioned billings. Sterling Analytics only found a "small fraction" of the questionable amount was "legitimately open to further clarifying discussions," the settlement states.

Some of those questionable bills were attributed to the failure to submit supporting documentation with the issuance of bills for legal services, while others were the result of ambiguity in the contract language setting forth the terms of engagement, according to the settlement.

"The settlement acknowledges an independent review that showed Ridgefield received more than fair value for the legal services rendered, and that there was no question whether the legal services were actually performed," said William Murray, of MWW Group, spokesman for the law firm in a statement. "However, rather than engage in costly and time consuming litigation, both the law firm and the Borough of Ridgefield have agreed to resolve the matter by way of settlement."

The settlement calls for the firm to pay \$30,000 after the agreement is executed, and two subsequent payments of \$30,000 shall be made 45 days after the first payment, and 45 days after the second payment.

Councilman Warren Vincentz, a Republican, said he is happy with the resolution, but has asked for a copy of the Sterling Analytics report.

"I'm puzzled on how we can reach a settlement when no one has a copy of it to the best of my knowledge," he said.

The agreement concludes weeks of negotiations between borough officials and the law firm, whose partner Douglas Doyle was the town's attorney from 2007 until last year. The audit was prompted after a review of the borough's procurement practices by the state's Office of the Comptroller in November 2010, which found problems with the way the borough hired its professionals.

The review found that Doyle's contract gave him both a retainer for certain services in 2008 and 2009 and the ability to bill hourly for many of the same services.

The result was "overlapping billing arrangements," which are not permitted by the state.

The state comptroller's review did not put a dollar figure on the overbilling or propose a remedy.

Weeks after the state comptroller's findings, DeCotiis, Fitzpatrick & Cole sent a \$15,890 check to the borough, but Suarez returned the check. At the time, the mayor said he wouldn't accept any funds until the state comptroller had a chance to review the law firm's response.

A review of the bills by DeCotiis weeks after the state report, signed by Doyle, pointed out that the contracts in question differentiated between services covered under the retainer and "special services." Doyle also wrote that the firm complied with state billing guidelines for 2008 and 2009 and admitted no fault.

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