

A Resolution

NO. _____

TO INCREASE THE AMOUNT TO BE PAID TO THE LAW FIRM OF CARTER ARNETT, PLLC AS OUTSIDE LEGAL COUNSEL FOR LEGAL SERVICES RELATED TO JOEL F. FITZGERALD, SR. V. CITY OF FORT WORTH, TEXAS (CAUSE NO. DC-19-08184)

WHEREAS, Joel Fitzgerald, Sr. (hereinafter “Fitzgerald”) was hired as the Chief of Police for the City of Fort Worth in 2015; and

WHEREAS, Fitzgerald’s employment with the City was terminated on May 20, 2019; and

WHEREAS, Fitzgerald sued the City on June 6, 2019, alleging violations of the Texas Whistleblower Act, the Texas Open Meetings Act, the Public Information Act, and the Texas Constitution; and

WHEREAS, because of the complex nature of the litigation and the importance to the City, it was necessary to hire outside legal counsel with extensive expertise in employment law; and

WHEREAS, the City, on January 3, 2022 hired the law firm of Carter Arnett, PLLC, as outside counsel to provide legal representation regarding the lawsuit filed by Fitzgerald, such hiring being ratified by the City Council on February 8, 2022; authorizing legal fees in an amount up to \$250,000; and

WHEREAS, on May 24, 2022, the City Council increased the amount of legal fees to be paid to Carter Arnett, PLLC, by \$250,000, for a total of \$500,000; and

WHEREAS, on September 12, 2023, the City Council increased the amount of legal fees to be paid to Carter Arnett, PLLC, by \$400,000, for a total of \$900,000; and

WHEREAS, this case was set for trial on January 8, 2024, but four days before the trial was to begin, the trial judge postponed the trial until October 7, 2024; and

WHEREAS, to date, the cost of legal services incurred by Carter Arnett, PLLC, has been approximately \$1,200,000.00; and

WHEREAS, the subject litigation is still pending and it is estimated that an additional amount of approximately \$1,100,000.00 beyond the current authorized \$900,000.00 will be needed for the legal services necessary through the trial of this case in October 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

That the compensation authorized to be paid to the Law Firm of Carter Arnett, PLLC, as outside counsel, to provide legal representation regarding the lawsuit filed by

Fitzgerald, is hereby increased from \$900,000.00 to an amount not to exceed \$2,000,000.00.

Adopted this ____ day of _____ 2024.

ATTEST:

By: _____

Jannette S. Goodall, City Secretary