

# **PUBLIC NOTICE OF A MEETING AT WHICH THE FORT BEND COUNTY COMMISSIONERS COURT WILL CONSIDER A CONTINGENT FEE CONTRACT FOR LEGAL SERVICES**

## **NOTICE OF A PUBLIC MEETING**

Notice is hereby given that a Contingent Fee Contract for Legal Services Agreement will be presented to the Fort Bend County Commissioners Court for consideration at the Court's upcoming regularly scheduled open meeting.

The meeting location will be: The Fort Bend County Commissioners Court, Second Floor, Fort Bend County Historical Courthouse, 401 Jackson Street, Richmond, TX.

Below is the information required by Texas Government Code Section 2254.1036:

- (A) The Legal Services to be provided are for the collection of unpaid fines, fees and court costs, including all legal services and presentation necessary for such collections to comply with applicable law and regulation. These services are being requested by the Fort Bend County District Clerk as authorized by Texas Local Government Code, Section 140.009 and at the request of the Fort Bend County Sheriff, as authorized Texas Code of Criminal Procedure Art. 103.0031. These proposed Services would allow monies owing to the County to be collected in an efficient manner, without any additional financial or labor costs to the County and a collection rate believed to be higher than the status quo.
- (B) The Linebarger Goggan Blair & Sampson, LLP law firm ("Linebarger") is the proposed provider of these requested legal services. Linebarger is the largest law firm specializing in the collection of governmental receivables in the State of Texas, as well as the United States for more than 40 years. Linebarger possesses infrastructure and technology (such as call center technology and skip tracing) needed for effective collection services. Fort Bend County does not have these resources and would not be able to obtain these resources at this time, due to cost. Collections law is a highly specialized area of legal work for which Linebarger employs in-house attorneys and staff, who perform a high volume of work dedicated to this practice area.
- (C) Linebarger is currently and has been providing similar collection and legal services to other Offices and Departments of Fort Bend County since 2011, after being awarded an Agreement for Collection Services, pursuant to Statement of Qualifications 11-029, which was awarded in accordance with the County Purchasing Act. The upcoming Contingent Fee Contract for Legal Services Agreement to be presented to the Commissioners Court

that is subject to this Public Notice would be an *Amendment* to the existing Agreement; adding the District Courts and the Sheriff's Office to an already negotiated Agreement between the Parties.

- (D) In accordance with Texas Government Code Sections 41.007 and 45.17, this Contingent Fee Contract for Legal Services has been reviewed by the current Fort Bend County Attorney, who is unopposed to this request. Based on existing staffing and current funding, the services proposed to be performed by Linebarger cannot be adequately performed by the attorneys and supporting personnel of County; in spite of the high level of quality service generally provided by the Fort Bend County Attorney's Office.
- (E) A contingent fee contract for these legal services is in the best interest of the residents of Fort Bend County. Both Texas Local Government Code, Section 140.009 and Texas Code of Criminal Procedure Art. 103.0031 allows the assessment of a percentage-based fee to recover collection costs, which would be assessed only against the debtor and not the County or taxpayers of the County. Collection of unpaid fines, fees and court costs is a high volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed amount due to the County. Under the contingent fee contract, Linebarger will be paid the amount of the percentage-based collection fee, regardless the number of hours Linebarger spends researching, contacting and mailing to collect the fines, fees and court costs. Additionally, the percentage-based collection penalty is a pass-through expense to the debtor and not an expense to the County or taxpayers of the County.

The County Attorney's Office submitted this Written Notice of Contingent Fee Contract for Legal Services Agreement to the County Clerk on July 6, 2023 and it was published as a Legal Notice on: \_\_\_\_\_. An electronic version of this notice is also posted on the Fort Bend County website: [www.fortbendcountytexas.gov](http://www.fortbendcountytexas.gov) under Legal Notices and on Commissioners Court for the meeting date of July 11, 2023. This Public Notice is being provided as required by Texas Government Code Section 2254.1036 and does not replace any notice required for Open Meetings under Texas Government Code Section 551.

RECEIVED

TIME 2:55 PM A.M.  
P.M.

July 6, 2023

*Laura Richard*  
County Clerk Fort Bend Co. Texas