



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: City Administrator Dan Wietecha
Date: February 16, 2021
Item: City Attorney - Prosecution

Council Action Requested:

Approve Agreement for Legal Services Between the City of Hastings and Campbell Knutson, Professional Association.

Background Information:

After reviewing and interviewing several firms and conducting multiple reference checks, I recommend splitting our City Attorney work between two firms for civil and prosecution work in order to get the best expertise in each area.

Campbell Knutson has been in business for over 30 years and focuses on municipal law, including prosecution service. Campbell Knutson is very highly regarded in Dakota County and represents Eagan, Burnsville, Lakeville, Farmington, and South St. Paul.

Financial Impact:

Base hourly rate for Attorney \$120

Committee Discussion:

Not applicable

Attachments:

- Provision of Prosecutorial Legal Services
- Agreement for Legal Services Between the City of Hastings and Campbell Knutson, Professional Association

City of Hastings

Provision of Criminal Prosecutorial Legal Services



CAMPBELL KNUTSON

PROFESSIONAL ◆ ASSOCIATION

January 29, 2021

Contact: Elliott B. Knetsch
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
Email: eknetsch@ck-law.com
www.ck-law.com



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EXHIBIT A: INSURANCE CERTIFICATE



CRIMINAL PROSECUTORIAL LEGAL SERVICES PROPOSAL

THE FIRM

We are professional prosecutors. Campbell Knutson has, since its inception, focused on providing municipal clients with competent, prompt, and cost conscious service. We are based in Dakota County, and are intimately familiar with the culture, workings, bench and staff of the Dakota County Courts. Our firm has forged lasting and highly successful relationships with the police departments in Eagan, Burnsville, Lakeville, Farmington and South St. Paul. We would be honored to serve the City of Hastings.

We employ twelve attorneys and eleven legal assistants. Over 95 percent of the firm's revenue is generated by our public-sector clients. As a result, our attorneys and staff spend every day advising cities to help them navigate through difficult civil and criminal legal issues with confidence.

One of the hallmarks of Campbell Knutson's municipal practice has been the ability to combine our municipal law expertise with service carefully crafted to match each city's unique structure and governance style. It is this flexibility and proven adaptability that set Campbell Knutson apart and would make our firm a good match for Hastings. We would cultivate close working relationships with command staff and patrol officers. Our institutional knowledge of Dakota County would be invaluable to Hastings, and would allow us to respond quickly, thoroughly, and cost effectively.

With over 90 years of combined criminal law experience, we are the most experienced private firm in the state providing prosecution services. Our depth of personnel, both attorneys and staff, and knowledge of Dakota County and its courts, positions us as best able to obtain excellent results. We are constantly upgrading our technology to enhance our ability to transfer digital files from our clients to us, and from us to defense attorneys. These upgrades also keep us connected to all criminal justice partners such as law enforcement agencies, MNCIS, the BCA, DPS, and DVS.

Our firm is located in Eagan, just 20 minutes from Hastings. The firm's general contact information is as follows:

Campbell Knutson, P.A.
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
Telephone: (651) 452-5000
Fax: (651) 234-6237
www.ck-law.com

OUR CLIENTS

Our firm provides high quality, cost-effective legal representation to the following municipalities and public organizations:

- | | |
|--|----------------------------------|
| ❖ Arden Hills since 2013 | ❖ Mendota Heights since 2020 |
| ❖ Big Lake for since 1998 | ❖ Monticello since 2002 |
| ❖ Braham since 2001 | ❖ Montrose since 2018 |
| ❖ Burnsville since 1989 | ❖ Mora since 1999 |
| ❖ Chanhassen since 1989 | ❖ North Saint Paul since 2009 |
| ❖ Eagan since 2016 | ❖ Orono since 2006 |
| ❖ Edina since 2007 | ❖ Otsego since 2020 |
| ❖ Elk River since 2013 | ❖ Plymouth since 1994 |
| ❖ Elko New Market since 1992 | ❖ St. Louis Park since 1996 |
| ❖ Falcon Heights since 1997 | ❖ Shafer since 2018 |
| ❖ Farmington since 1998 | ❖ South St. Paul since 2011 |
| ❖ League of MN Cities Insurance Trust since 1989 | ❖ Stacy since 2017 |
| ❖ Lakeville since 1989 | ❖ Stillwater Township since 1989 |
| ❖ Lindström since 1997 | ❖ Woodland since 2006 |
| ❖ Lonsdale since 2018 | ❖ Wyoming since 2017 |
| | ❖ Zimmerman since 2003 |

Campbell Knutson has also been retained as special prosecutor by Hastings, Rosemount, Brooklyn Park, Golden Valley, Maple Grove, Long Lake, Shorewood, Dundas, Faribault, Goodhue County, Inver Grove Heights, Red Wing, St. Paul, Medina, Hopkins, Lake Minnetonka Conservation District, and West St. Paul.

MANAGING PARTNER

Elliott B. Knetsch. Elliott leads the firm’s five-attorney prosecution team. Elliott would be the primary contact for the police department command staff and would be directly responsible for administration of the contract with Hastings. Elliott will apply his 30 years of experience to establish a first-rate prosecution program for Hastings.

- Currently, Elliott manages the prosecution teams for Eagan, Burnsville, Lakeville, Farmington, South St. Paul, Plymouth and Chanhassen.
- Elliott is very familiar with the Dakota County court system. He is adept at criminal prosecution, having personally handled thousands of DWIs and domestic assaults, as well as over fifty jury trials and hundreds of court trials.
- Elliott has the respect of the Dakota County Judges as well, having been in practice with many of them for years before they became judges.

PRINCIPAL PROSECUTOR

Henry A. Schaeffer, III. Henry would serve as principal prosecutor for Hastings. Henry has a well-rounded legal background. He has over twenty-five years of experience in the area of criminal law in the State of Minnesota. He began his career as a defense attorney, including approximately twelve years of work for the First District Public Defender’s Office. Today, he is an exclusive full-time prosecutor with Campbell Knutson, having handled literally hundreds of court trials, and countless jury trials and other contested evidentiary hearings on both sides of the courtroom.

Henry has prosecuted as a city attorney for sixteen years, and he would continue to serve as a key assistant city prosecutor under Mr. Knetsch. Henry has a well-rounded legal background. He began his career as a defense attorney, including approximately twelve years of work for the First District Public Defender’s Office. In 2005, he joined Campbell Knutson as an exclusive full-time prosecutor where he has handled literally hundreds of court trials, countless jury trials, and other contested evidentiary hearings. Having worked both sides of the courtroom, Henry has gained uncommon insight and compassion in handling cases.

Practicing law since 1993, Henry’s practice has been focused in the Dakota County court system, making him extremely familiar with the presiding judges and court staff, and he has earned a seat as a city prosecutor representative on the Dakota Criminal Courts Partners Workgroup (CCPW), and Dakota County Gun Surrender Workgroup. In his current practice, he would work closely with the patrol officers and investigators of the Hastings Police Department. Henry will be available 24/7 for consultation by Hastings officers and command staff, including probable cause detentions at the Dakota County Jail, and bail recommendations to the Court.

Henry currently sits on the Board of Directors of Legal Assistance of Dakota County, and is a two-time nominee, and the 2016 winner of the MADD Metro Prosecutor of the Year. As a Dakota County resident for over twenty-three years, Henry and his family have a vested interest in local law enforcement and charities - including the South Metro Law Enforcement Polar Plunge for Special Olympics, and the Law Enforcement Torch Run each year. He is committed to the prosperity of Dakota County as a whole, and would be proud to serve Hastings as its principal prosecutor.

ASSISTANT PROSECUTORS

While Elliott and Henry will provide prosecutorial legal services to Hastings, our firm has several other attorneys who practice criminal prosecution and will be part of Hastings’ prosecution team.

Jerome M. Porter. Jerome has dedicated the past fifteen years to representing municipalities as a city attorney. Jerome started his legal career at the firm of LeVander, Gillen & Miller, P.A. in South St. Paul. When Jerome applied for the position he did not know he would be asked to prosecute for multiple cities in Dakota County. As luck would have it, prosecution turned out to be his passion and when faced with being moved into the firm’s civil division, Jerome transferred firms and joined Grannis & Hauge, P.A. with the intention of practicing almost exclusively prosecution. In 2016, he joined Campbell Knutson, P.A., the premier prosecution firm in the metro. Fifteen years later, Jerome’s passion for prosecution has not faded, and he continues to grow in both his legal knowledge and acumen in regards to municipal prosecution.



Jerome takes pride in the relationships that he has forged with individual police officers. These relationships are beneficial for both pretrial preparation and in court testimony. Jerome's consistently positive attitude and desire to help endears him to both municipal clients and court personnel. Jerome has a vast breadth of legal knowledge pertaining to prosecution and ensures that municipal clients' questions are not only answered, but the reasoning behind the answer is also explained. Jerome's belief is that when the client understands the "why," the willingness to follow the recommendation/advice is increased twofold. Jerome gives municipal clients peace of mind by providing correct legal advice in a timely fashion.

Jerome has worked hand-in-hand with police officers in the past to deal with particularly difficult defendants. This has led to numerous convictions that have been upheld by both the Minnesota Court of Appeals and the Minnesota Supreme Court. While keeping costs in check, Jerome has been able to secure positive results in every area of criminal prosecution that has landed on his desk during his time as a prosecutor for multiple cities in Dakota County.

For Hastings, Jerome will provide legal analysis of changes in laws and criminal procedures, training of new officers and continual, in person, updates in regards to trending criminal issues. Jerome will work to ensure Campbell Knutson is efficiently meeting all of Hastings' expectations to the full satisfaction of the City of Hastings.

Alina Schwartz. Alina has been a full-time prosecutor for the past fifteen years. She is experienced in all facets of criminal prosecution. She has tried over thirty jury trials and hundreds of court trials. She is also an appellate specialist, having successfully briefed and argued multiple appeals. Her expertise in this area allows clients to make an accurate assessment of a case on appeal and its potential outcome. Alina appears in court on a weekly basis to handle jury trials, court trials, arraignments, pretrial hearings, and contested omnibus hearings.

Alina is an active member of the legal community. She is on the Board of Directors of the Suburban Hennepin County Prosecutors' Association (SHCPA). In that capacity, she serves as a representative of the organization at the Hennepin County Criminal Justice Task Force meetings as well as at the Hennepin County Domestic Violence Steering Committee. Alina has worked closely with Victim Advocacy groups and Plymouth Police Department to develop and enact a Blueprint for Safety Plan in domestic violence cases.

Meagan Kelley. Meagan is an associate attorney with Campbell Knutson and practices criminal prosecution. Meagan graduated from the University of Minnesota in 2014 with a Bachelor of Arts in Political Science. In 2017, she graduated from Mitchell Hamline School of Law. While attending law school, Meagan clerked in the Ramsey County Attorney's Office where she handled adult felony cases at various stages of the criminal process. Prior to joining Campbell Knutson, Meagan served as a judicial law clerk for the Honorable Gary Bastian and the Honorable Adam Yang in the Second Judicial District of Minnesota. Meagan handles all forfeiture matters for our prosecution clients.



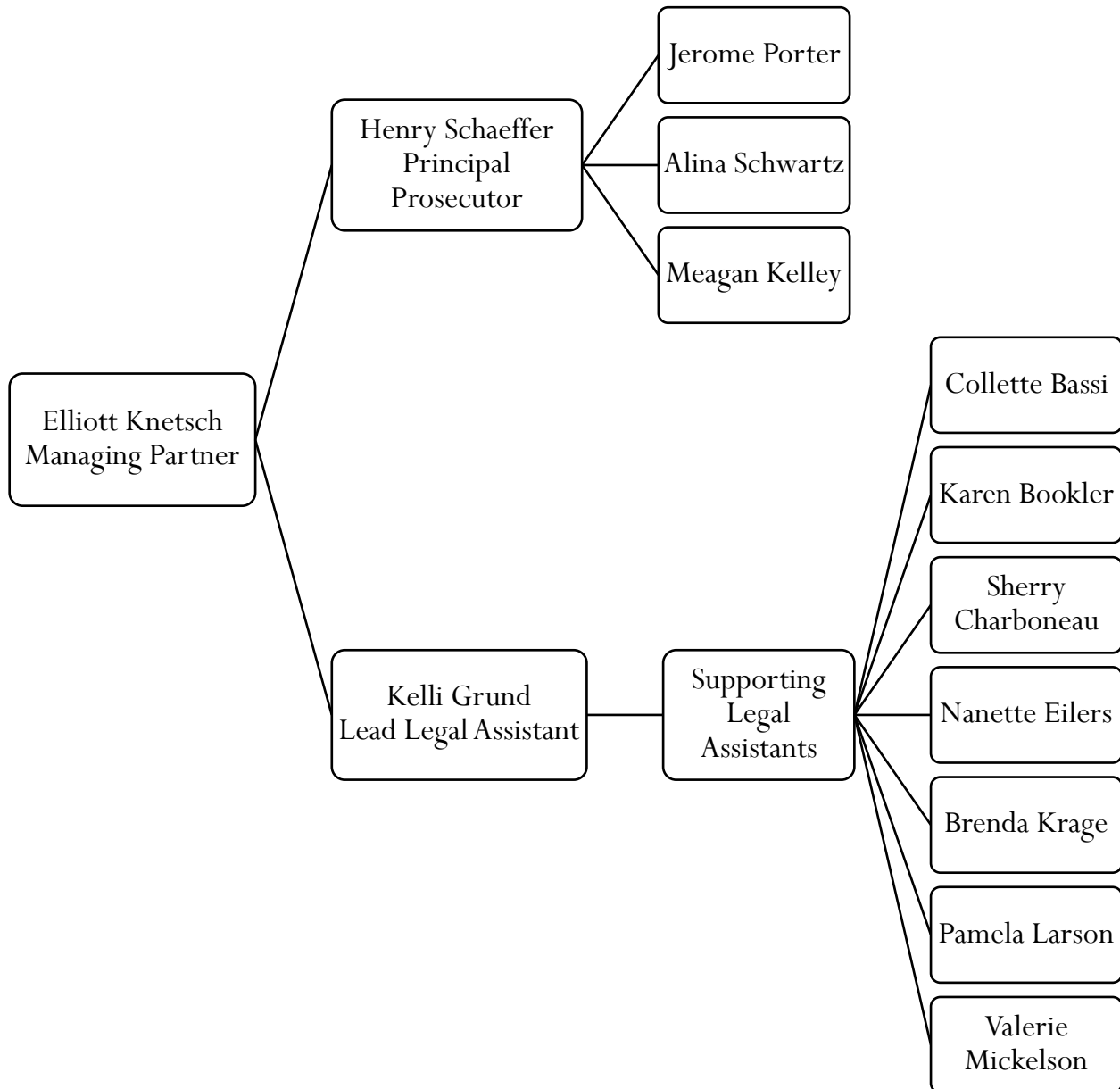
PROSECUTION STAFF

We have created and maintained an excellent relationship between our prosecution team and the Dakota County Court staff in Hastings, West Saint Paul, and Apple Valley. No other firm does more business in Dakota County. Our records management software is specially designed for prosecution, which enables us to professionally process the high volume of cases at minimal costs. Because of the administrative demands of criminal practice it is crucial that city records staff, our office, and the courts maintain a smooth and effective working relationship. After 30 years of partnering with law enforcement agencies and the Dakota County Courts, that system is now firmly in place. We are poised and eager to deliver the highest quality services for Hastings.

Kelli Grund would work as the lead prosecution assistant for Hastings during the transition. Kelli is extremely friendly, knowledgeable, and fast. She is dedicated to providing exceptional service with a smile. After graduating with honors from Mankato State University in 1990, Kelli has pursued a career as a legal assistant, and has been with us in prosecution since 2008. Kelli drafts formal complaints, prepares subpoenas for witnesses, and communicates with victims, the court, the police department, and attorneys on a daily basis. She is adept at handling the high volume of cases while still paying close attention to small details. In short, there is no one better suited than Kelli to ensure that Hastings' cases are handled with the utmost care.

Our receptionist, Karen Bookler, handles discovery requests for our clients, and would do so for the City of Hastings. Nanette Eilers, Brenda Krage, Valerie Mickelson, Pamela Larson, Collette Bassi, and Sara Peterson round out our team of experienced prosecution legal assistants.

HASTINGS PROSECUTION ORGANIZATIONAL CHART



PROSECUTION SERVICES

The Campbell Knutson prosecution team has a recognized excellence in delivering high quality prosecution services. Our prosecution team will provide Hastings with the following:

General Criminal Prosecution. Campbell Knutson's prosecution team is equipped to handle Hastings' cases from start to finish. This includes the discovery process, any pretrial motions, preparation of all notices as required by the Minnesota Rules of Criminal Procedure, all pretrial hearings, any jury or court trial, and any appellate matters. We are prepared to handle any case initiated by the Hastings Police Department, the Dakota County Sheriff's Office, the Minnesota State Patrol, the Department of Natural Resources, or any other law enforcement agency. Our firm is very familiar with the Minnesota court system. Moreover, because our prosecution team has handled all aspects of criminal litigation for decades, we will provide exceptional in-court representation. This firm has represented its prosecution client cities in hundreds of jury trials, court trials, contested hearings, and appeals to the Minnesota Court of Appeals and Minnesota Supreme Court.

Attendance at Briefings and Officer Training. Our representation would include Elliott and Henry regularly attending roll-call briefings weekly with officers at no cost to the City. We will provide quarterly training geared towards new officers but open to all officers. Recent topics have included warrantless motor vehicle searches, passenger identification and searches, court testimony, the expansion of the scope and duration of traffic stops, taking blood in criminal vehicular operation cases, the legality of towing vehicles when the driver is cited only, domestic abuse investigation techniques and prosecution strategies, and when to obtain search warrants in DWI investigations.

We are committed to providing timely updates to our clients about the important state and federal changes that impact the criminal law and the provision of day-to-day police services, whether the changes arise from new legislation, executive mandates, or judicial decisions.

Finally, due to the nature of criminal prosecution, both prosecutors and officers are in court a great deal. This provides an opportunity for an exchange of information about pending cases, and to build a relationship of trust and confidence, which is reflected in a high success rate in court outcomes. Due to the strong rapport we develop with officers, we are able to educate, inform, and mentor officers, and on occasion offer coaching, especially to new officers, to improve their performance and enhance public safety.

Availability/Response Time. We take extreme pride in client service. Clients are always able to reach us, day or night. Communication is the touchstone of a strong relationship. Our prosecutors' telephone numbers are distributed to administrative staff and are posted in squad rooms. Officers routinely call our prosecutors after normal business hours with questions in the field, and on weekends particularly with respect to the 48-hour hold rule. Our prosecutors regularly participate in ride-alongs with officers to help understand our client's culture and practices, to gain insight into local and distinctive patrol procedures, and to increase communication with the officers.

We are accustomed to meeting strict deadlines imposed by the court. Our experience allows us to work diligently but quickly in providing formal complaints, discovery, and legal memoranda. We always file formal complaints, DANCO motions, and bail recommendations within the deadline for all in-custody defendants.



Commitment to Prosecution. We have five attorneys who do nothing but prosecution, which no other private firm offers. We have never assigned a new associate to prosecution to “learn the ropes” or to gain “court experience” and then move on to more lucrative work in the private sector or doing criminal defense. On the contrary, prosecution has been and always will be a cornerstone of our practice which has been built brick-by-brick for the past 30+ years.

APPROACH TO PROSECUTION SERVICES

Campbell Knutson has always treated prosecution services as an integral component of our municipal representation. As part of our practice, we are accustomed to reviewing evidence and preparing criminal complaints when the facts warrant it. One of the core ethical tenants of prosecution work is to file charges only when we have sufficient admissible evidence to support a conviction beyond a reasonable doubt. If additional investigation is necessary before a charging decision can be made, we will work closely with the Hastings Police Department. We are committed to acting in the interests of justice. Our success is grounded on the following principles:

Victim-Centered Approach to Domestic Assault and Other Public Safety Matters. Our approach to plea bargaining centers on our clients, justice, and the victims of crime. We work closely with all crime victims throughout the court process. We contact crime victims directly in domestic assault cases and engage victim advocates for additional assistance. We seek the victim's input to assist us in determining the proper outcome of the case. If during the course of investigation or prosecution we learn that charges are either erroneous or unfounded, we work to ensure that the case does not continue. It is a simple thing to demand a plea of guilty and insist on a trial if a guilty plea is not received. It becomes more difficult when a victim pleads with you that she/he does not want you to force her/him to testify, that it will disrupt family harmony, have an adverse effect on the family's employment status and income, and do irreparable damage to the family unit. We recognize that the inner workings of the justice system have tangible effects on the lives of victims. If a prosecutor fails to take these factors into account, the prosecutor is not attempting to do justice, but is blindly seeking convictions. We make every effort to learn what is important to crime victims to ensure plea negotiations best serve the interests of justice.

Approach to Driving While Intoxicated Offenses. Our firm treats Driving While Intoxicated (DWI) offenses very seriously. We ensure that DWI offenders are prosecuted to protect public safety. All offenders are required to attend a Mothers Against Drunk Driving (MADD) Victim Impact Panel and obtain a Chemical Dependency Evaluation and follow those recommendations. For repeat offenders, we seek jail time, Electronic Home Monitoring (EHM), and significant fines. In the event an individual is a victim of a DWI offense, we seek restitution on his/her behalf.

Approach to Theft Offenses. Our firm handles a high volume of both misdemeanor and gross misdemeanor theft offenses. We regularly meet with the officers to enhance the law enforcement response to shoplifters. In prosecuting these offenses, we focus on the number and type of prior offenses an offender has had. We also consider the reason the offender stole the items. Depending on those factors, we will offer a first-offender diversion from prosecution if the offender successfully completes a shoplifting education course and remains law abiding for a period of time. In this way, offenders are held accountable but have the opportunity to minimize any collateral consequences.

Strategy Regarding Driver's License Offenses. Our firm deals with numerous defendants who are cited and arrested for repeat driver's license offenses, such as Driving After Revocation, Driving After Suspension, and Driving After Cancellation. Three of our cities currently participate in the Driving Diversion Program (DDP). DDP provides defendants with the tools to obtain a valid driver's license by putting overdue fines on a payment plan. This program is instrumental in helping defendants obtain insurance and have the ability to travel to work and school. The purpose of the program is to enable people to take responsibility for



their past conduct, pay their debts, and get back on the road to becoming a responsible citizen. If a defendant can successfully obtain a valid driver's license, then we will generally resolve the case in a way that will allow the defendant to retain the valid driver's license. If a defendant continues to drive without a valid license, then we will hold the offender accountable by seeking community work service, jail time, and fines to protect the traveling public.

TECHNOLOGY

We have invested heavily in our firm's technology infrastructure which will facilitate our interactions with the Hastings Police Department, the courts, and the defense bar.

eDocs. We have developed and implemented a proprietary secure web based file transfer application, called eDocs. Through eDocs, the Hastings Police Department would have the ability to electronically transfer all reports, video (including squad or body worn camera), audio, and pictures to us. This eliminates the need for police department records staff to copy, scan or burn reports and evidence. Our clients love eDocs, and it will save the department a substantial amount of property room and records staff time. It also allows the police department to transfer private and confidential data in a secure, efficient manner that eliminates reliance on snail-mail and unencrypted email.

Evidence.com. Four of our clients use AXON BWC's. One of those, Burnsville, was the first city in Minnesota to implement body cameras. We have been expertly navigating Evidence.com since 2011. We would seamlessly transition to handling Hastings' data stored in Evidence.com.

Case Management System (CMS). Our CMS software, MCAPS, is used by over 70 county attorneys in Minnesota. It is designed specifically for prosecution, is integrated with e-Charging, and is now supported by the Minnesota Counties Computer Cooperative.

CK Network. Campbell Knutson's laptops and computer network are state of the art. We have high speed business internet service. Each attorney has online access to all Minnesota and federal legal research materials. We have access to eDocs, MCAPS, the CK Network, and all law enforcement databases from anywhere, including:

- MNCIS/New MGA – We were the first private firm to have non-public MNICS access as part of the first MNCIS pilot project in Carver County.
- BCA – We receive all computerized criminal history documents from the law enforcement agencies we represent.
- Driver and Vehicle Services – We have full access to all DVS records.
- eCharging – We became the first private firm to utilize eCharging of criminal complaints. Since 2009, we have eCharged thousands of complaints in six counties and four judicial districts.

ProsecutorbyKarpel. Campbell Knutson recently purchased ProsecutorbyKarpel, which will replace mcaps. It is a web-based case management system with over 11,000 users in over 400 prosecutors' offices in 30 states. It is hosted in Microsoft's Azure Government Cloud and meets strict requirements for CJIS, FedRAMP and HIPPA compliance. It is the only application that interfaces with the Minnesota Public Defender's office ECM, for eDiscovery of all file types and sizes (including photos, audio and video).

A key reason we switched is the application automatically integrates with Evidence.com, which brings all data directly into related cases, without additional time and effort from our staff.

ADDITIONAL PROSECUTION RELATED SERVICES

The following legal services are outside Prosecution Services, but may be provided at the request of the City:

Police Policies. As part of our commitment to comprehensive prosecution services, we are available to draft policy memoranda, review police policies, analyze policy changes, and provide updates on legislative changes dealing with mandated policies.

Code Enforcement. We prosecute code violations for Burnsville, Lakeville, North Saint Paul, St. Louis Park, Orono, Plymouth, and several other cities. To accomplish compliance with city code provisions and city regulations, we emphasize communication with City staff and the development and implementation of a well-planned enforcement strategy.

Contract and Agreement Drafting. Campbell Knutson has drafted and reviewed all types of agreements, contracts, and policies related to criminal matters. In responding to a document drafting or review request, our attorneys will draw on the firm's expansive documents database to efficiently and effectively produce a quality product.

Criminal Appeals. Campbell Knutson provides an experienced appellate practice team. We have argued and won many cases before the Minnesota Court of Appeals and Supreme Court. Alina Schwartz is our primary criminal appellate prosecutor. Alina is well versed in the applicable standards of review and appellate procedures. Her experience in this area allows her to provide a realistic assessment of a case for appeal and leads to high success rate in case outcomes. Alina has litigated and won important cases.

Notable Criminal Appellate Cases.

Minnesota Supreme Court: *State v. Hawkinson*, 829 N.W.2d 367 (Minn. 2013). The State did not act in bad faith destroying sample of defendant's blood after defendant had made a demand for preservation of the sample, and thus destruction of the sample was not a *Brady* due process violation; State lab followed its normal procedures in destroying the sample, and the State had no bad motive to destroy the sample since it was inculpatory.

Minnesota Court of Appeals: *State v. Stephenson*, 760 N.W.2d 22 (Minn. Ct. App. 2009). Defendant did not have subjective expectation of privacy in residence, and any expectation of privacy defendant did have was unreasonable in light of the Order for Protection.

Minnesota Court of Appeals: *State v. Rohan*, 834 N.W.2d 223 (Minn. Ct. App. 2013). Serving alcoholic beverages to a person under 21 years of age was a strict-liability offense, and due process requirements of the U.S. and Minnesota constitutions do not require that criminal statutes include an intent element.

Data Practices. Our attorneys assist all of the firm's police departments in responding to, and are also well versed in, data practices requests and issues. We continually monitor statutory changes in the Minnesota Government Data Practices Act and review the administrative opinions on data practices issues.



Vehicle Forfeitures. Two of our prosecution clients are among the most aggressive cities in pursuing DWI vehicle forfeitures. The firm has successfully handled hundreds of vehicle forfeitures. Due to the volume of cases we handle, we put our clients on the cutting edge of new developments in the law, resulting in more forfeitures being sustained in the courts. Pursuant to Minnesota law, 70 percent of proceeds must be forwarded to the appropriate law enforcement agency to fund DWI-related enforcement, training, and education, and 30 percent must be forwarded to the prosecuting authority to fund similar prosecutorial purposes.

Ordinance Drafting. We routinely assist our clients in drafting and implementing criminal ordinances. We take a proactive approach toward ordinance review and drafting. More than almost any other area, ordinance drafting can transform a seemingly insignificant word or phrase into a major unforeseen problem. Accordingly, when drafting an ordinance, we work and rework the language, compare it to that found in numerous other city codes, and review relevant case law. The rigorous process generates ordinances that are easily put into practice, and which clearly state prohibited conduct, and are enforceable.

COMPENSATION

A. *Criminal Prosecution Services:* For all Prosecution Services, we propose the following hourly rates:

- ◆ Attorneys \$120.00
- ◆ Legal Assistants/Law Clerks \$ 90.00

We believe hourly rates are the fairest way to proceed when entering a relationship with a new client. Setting a retainer is a guess until we have a track record working together with the new client. The actual hours billed could be much higher or lower, leading to a “winner” and a “loser”. For example, when we were hired in Chanhassen, our hourly rate was double the previous attorney. The City initially wanted a retainer based on their existing legal budget, but agreed to hourly rates. After the first year the total legal bill was half of what the legal budget was the year before.

If we are selected as City Prosecutors, we are willing to negotiate a monthly “not to exceed” cap, which would be reviewed after six months. The cap would then be negotiated annually for budgeting purposes.

B. *Legal Fees Not Included in Criminal Prosecution Services:* Legal Fees for the following legal services are not included in Criminal Prosecution Services:

- (1) Upon request by the City, criminal appeals, expungements, citations or prosecution of ordinance violations initiated by any City department other than the Police Department, and any Additional Prosecution Services, will be billed at the hourly rates set forth in Section C.
- (2) Forfeitures:
 - (i) On vehicle forfeiture matters, pursuant to Minn. Stat. § 169A.63, subd. 10, we will receive thirty (30%) percent of the proceeds from the sale of the forfeited vehicle, after payment of seizure, towing, storage, forfeiture and sale expenses, and satisfaction of valid liens against the vehicle.
 - (ii) Alternatively, vehicle forfeitures will be billed at the hourly rates set forth in Section C.

C. *Additional Prosecution Services:* We will bill at the following hourly rates:

- ◆ Attorneys \$150.00
- ◆ Legal Assistants/Law Clerks \$100.00

We will send the City a detailed, itemized monthly billing statement of the Additional Criminal and Prosecution legal services provided. The minimum billing increment is 0.2 hour.



D. Costs: Out-of-pocket costs without mark-up include:

- ◆ Lexis (only if used for Hastings matters)
- ◆ postage of 50¢ or more
- ◆ photocopies at 20¢ per page
- ◆ color copies at 40¢ per page
- ◆ court related costs (court filing fees, expert witnesses (with prior consent of City), subpoenas, service of process, court reporter fees)
- ◆ conflict attorneys' fees and costs

STATEMENT OF COMPLIANCE WITH CIVIL RIGHTS LAWS

The firm is fully compliant with state and federal laws, including EEOC, human rights, and data practices and agrees not to discriminate against any employee or applicant for employment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, status with regard to public assistance or disability and to take affirmative action to assure that all employees are treated equally with respect to training, hiring, rates of pay and other forms of compensation.

INSURANCE

Campbell Knutson will maintain comprehensive liability, professional liability, and workers' compensation insurance on all staff assigned to work for Hastings. We maintain malpractice insurance through Minnesota Lawyers Mutual and have policy limits of one million dollars per claim and three million dollars aggregate. If the City requires a higher per claim limit, please let us know and we will adjust our coverage. We have not had any malpractice claims against the firm or any of our attorneys, and no member of the firm has been subject to disciplinary action by the Lawyers Professional Responsibility Board. A copy of our Insurance Certificate is attached as Exhibit B.

FINANCIAL REPORT

Over 95% of the firm's revenue is generated by our public-sector clients. The firm is in good financial standing. A financial report is furnished upon request.

CONFLICTS OF INTEREST

Campbell Knutson does not currently have any clients in conflict with Hastings and has not represented any client in conflict with Hastings. If such a situation develops where there is a conflict or perceived conflict we would follow the requirements and processes to provide both parties with proper representation.

We rarely practice criminal defense except very occasionally for clients with long-term relationships to the firm. We have procedures in place at Campbell Knutson to check prospective clients for conflicts prior to the creation of any attorney-client relationship. Specifically, the Firm Administrator conducts an inquiry with all attorneys to ensure that no one has a conflict of interest with any prospective clients. If a conflict arises, we will not handle the case and instead find another qualified prosecutor to represent the City.



RESEARCH CAPABILITIES AND REFERENCE SUBSCRIPTIONS

Our firm maintains a contract with Lexis, which provides a wealth of legal resources. The research database provides us with access to state and federal legal resources. We also maintain a library at our office with statute books and other reference materials. Additionally, attorneys frequently attend Continuing Legal Education (CLE) seminars to obtain the most updated legal resources and tools. These resources allow our attorneys to efficiently meet deadlines for legal reports and memoranda; we always meet court filing deadlines. Available resources include:

Lexis	Current Minnesota Statutes
IPAD Advisory Opinions	Breath Test Operator Training Booklet
Black's Law Dictionary	NHTSA – DWI Detection and Standardized Field Sobriety Testing
IMLA Model Ordinance/Annual Supplement	DWI/Implied Consent Elements – MN Attorney General's Office
Minnesota Misdemeanor & Moving Traffic Violations	Minnesota Jury Instruction Guides - Criminal
Current Minnesota Rules of Court – State	Minnesota Judges Criminal Benchbook
Current Minnesota Rules of Court - Federal	
Current Minnesota Session Laws	

CLEs AND PROFESSIONAL ASSOCIATION ACTIVITIES

CLE courses recently attended or to be attended by Prosecutors:

Impaired Driving (New Laws, New Issues and New Decisions) at BCA Lab;
Sponsor: MN County Attorneys Association

The Prosecutors Toolkit for DWI Prosecution (Toxicology) at BCA Lab
Sponsor: MN County Attorneys Association

Trial Advocacy I
Sponsor: MN County Attorneys Association

Prosecutorial Error
Sponsor: Hennepin County Attorneys' Office

Jury Selection: Psychology and Technology
Sponsor: Hennepin County Bar Association

Minnesota City Attorneys Educational Conference (*Every Year*)
Sponsor: MN Government Training Services

(Elliott Knetsch—Presenter) 6th Annual Suburban Hennepin County Prosecutors Association CLE
Sponsor: Suburban Hennepin County Prosecutors Association

Trials of the Century
Sponsor: MN Continuing Legal Education

Crystal Meth: Unlike Any Other Drug Addiction, Addicts and the Justice System
Sponsor: MN State Bar Association (Criminal Law Section)

7th Annual Suburban Hennepin County Prosecutors Association CLE
Sponsor: Suburban Hennepin County Prosecutors Association

Dakota County Bar Association CLEs
 – When Your Client is Impaired
 – Employment Law Seminar

Making the System Work CLE (Ethics and Elimin. of Bias)
Sponsor: Legal Assistance of Dakota County

DWI – The Intoxilyzer Source Code Demystified CLE
Sponsor: MN Continuing Legal Education

Minnesota DWI Urine Testing: A Fluid Body of Law CLE
Sponsor: Hennepin County Bar Association

Tips to Avoid Common Courtroom Mistakes CLE
Sponsor: Hennepin County Bar Association

Criminal Law: Limiting Peremptory Challenges and Ethics (Impaired Clients) CLE
Sponsor: MN Continuing Legal Education

How to Effectively Prosecute and Defend DWIs in Minnesota
Sponsor: MN Continuing Legal Education

Ethics and the Practice of Criminal Law
Sponsor: Minneapolis City Attorney's Office



PROSECUTION REFERENCES

Campbell Knutson provides prosecution services to Burnsville, Chanhassen, Eagan, Farmington, Lakeville, Plymouth, and South St. Paul. Please feel free to contact any of the following references:

Eagan

Roger New, Police Chief

3830 Pilot Knob Road
Eagan, MN 55122
(651) 675-5801

Lakeville

Jeff Long, Police Chief

9237 183rd Street West
Lakeville, MN 55044
(952) 985-4801
jlong@lakevillemn.gov

South St. Paul

Bill Messerich, Police Chief

125 Third Avenue North, #3
South St. Paul, MN 55075
(651) 554-3302
william.messerich@southstpaul.org

Chanhassen

Eric Kittelson, Lieutenant

Carver County Sheriff's Dept.
606 East Fourth Street
Chaska, MN 55318
(952) 361-1212
ekittelson@co.carver.mn.us

Burnsville

Tanya Schwartz, Police Chief

100 Civic Center Parkway
Burnsville, MN 55337
(952) 895-4605
tanya.schwartz@burnsvillemn.gov

Farmington

Gary Rutherford, Police Chief

19500 Municipal Drive
Farmington, MN 55024
(651) 280-6701
grutherford@farmingtonmn.gov

Plymouth

Mike Goldstein, Police Chief

3400 Plymouth Boulevard
Plymouth, MN 55447
(763) 509-5129
mgoldstein@plymouthmn.gov



ELLIOTT B. KNETSCH

Shareholder
Prosecution Managing Partner

eknetsch@ck-law.com
(651) 234-6233



PROFESSIONAL EXPERIENCE

Elliott joined Grannis & Grannis after law school and moved with Roger Knutson to form Campbell Knutson in 1989. Starting with the City of Lakeville, Elliott's focus has been to build a professional prosecution powerhouse. Elliott has recruited and retained prosecuting attorneys and support staff that are second to none and remain extremely loyal to the firm and its clients. Brick-by-brick, Campbell Knutson has added clients to its municipal law practice, and is now recognized as a leader in the field.

PRACTICE AREAS

Elliott has an extensive background in municipal law. Elliott was the lead civil attorney for Burnsville and Cannon Falls, and the lead prosecutor for Lakeville, Plymouth and Cannon Falls throughout most of the 1990s, and early 2000s. In 2005 Elliott switched, and focused all of his time on managing the firm's prosecution practice and its relationships with prosecution clients. Elliott also handles code enforcement and forfeitures.

PRESENTATIONS

- eCharging
- In-service trainings on domestic investigations, motor vehicle stops/searches, search incident to arrest
- Bernard, Trahan and Thompson DWI law updates

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
 - o Criminal Law Section
- Minnesota Association of City Attorneys
- Dakota County Bar Association Member
- First Judicial District Bar Association
- Suburban Hennepin County Prosecutors' Association
- Prior CriMNet Task Force Board Member
- Dakota County Coordinated Community Response to Domestic Violence
- Dakota County Safe Streets Plus Treatment Court
- Dakota County Criminal Courts Partners Workgroup
- Carver County Veterans Treatment Court

EDUCATION

William Mitchell College of Law
J.D., cum laude

Gustavus Adolphus College
B.A., Criminal Justice

BAR ADMISSIONS

Minnesota

U.S. District Court, District of Minnesota

RECOGNITION

MADD Metro Area
Prosecutor of the Year, 2011

COMMUNITY

Highland Park Little League,
Past President



**HENRY A.
SCHAEFFER, III**

Prosecution Associate

hschaeffer@ck-law.com
(651) 234-6214



PROFESSIONAL EXPERIENCE

Henry began his 25 year legal career as a private practitioner in Apple Valley. He eventually became a named partner at McDonough, Wagner, Schaeffer and Ho where he practiced in the areas of family law and criminal defense. In 1995, Henry was awarded a part-time public defender contract in Dakota County. In 2000, he focused his career exclusively in criminal defense when he joined the full-time First District Public Defender's Office. Henry joined Campbell Knutson as a full-time prosecutor in 2005.

PRACTICE AREAS

Henry is full-time prosecutor with Campbell Knutson. His background and passion for criminal law is invaluable in this position. Henry has handled thousands of criminal cases ranging from speeding tickets to first degree murder. Henry has an impressive litigation record including hundreds of court trials, and countless jury trials.

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- Dakota County Bar Association Member
- Dakota County Criminal Courts Partners Workgroup
- Board of Directors Legal Assistance of Dakota County
- Suburban Hennepin County Prosecutors Association
- Warren E. Burger Inn of Court (1995-1999)
- Minnesota State Bar Association
 - o Public Law Section and Criminal Section

EDUCATION

William Mitchell College of Law
J.D., *magna cum laude*

Hamline University
B.A., *magna cum laude*

BAR ADMISSIONS

Minnesota

RECOGNITION

MADD Metro Area
Prosecutor of the Year 2016



JEROME M. PORTER

Prosecution Associate

jporter@ck-law.com
(651) 452-5000



PROFESSIONAL EXPERIENCE

Jerome joined the firm in 2016 and practices in the area of criminal prosecution. He previously worked in criminal prosecution at LeVander, Gillen & Miller, P.A. in South St. Paul and later transferred firms and joined Grannis & Hauge, P.A. Fifteen years later, Jerome continues to provide criminal prosecution services to municipalities.

PRACTICE AREAS

For the past nine years, Jerome's practice has been focused exclusively on criminal prosecution.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Dakota County Bar Association
- First Judicial District Bar Association

PRESENTATIONS

- Presenter, DWI Science & Advocacy (2019): "Don't Cross the Line: Ethics for DWI Lawyers"
- Presenter, Minnesota Judicial Branch, Judicial Law Clerk CLE Seminar (2014): "A Practical Examination of a Legal Practitioner's Ethical Obligation to Ensure that Litigation Remains Meritorious"

EDUCATION

William Mitchell College of Law
J.D., *cum laude*

St. John's University
B.A., *cum laude*

BAR ADMISSIONS

Minnesota

U.S. District Court,
District of Minnesota

RECOGNITION

Minnesota SuperLawyers®
Rising Star: 2014, 2015,
2016, 2017, 2018, and 2019

COMMUNITY

- Eagan High School
Mentorship Program,
Mentor (2012-Present)
- Eagan Family Resource
Center, Supervisor (2007-
2011)
- Mock Trial Coach,
Eastview High School
(2005-2008)



ALINA SCHWARTZ

Prosecution Associate

aschwartz@ck-law.com
(651) 234-6220



PROFESSIONAL EXPERIENCE

Alina joined the firm in 2005. Prior to joining Campbell Knutson, she served as a summer law clerk in the Criminal and Public Safety Divisions in the Minnesota Attorney General's Office. She completed an externship with a Hennepin County District Court Judge and volunteered her legal services at the Volunteer Lawyers Network. Before entering law school, Alina worked as a Project Administrator at Carlson Companies, Inc.

PRACTICE AREAS

Alina is a full-time prosecutor with Campbell Knutson. She handles all aspects of criminal cases – from the charging decision and briefing to the contested hearings and jury trials. She is also an appellate specialist, having successfully briefed and argued numerous criminal appeals in Minnesota Supreme Court and Court of Appeals.

PROFESSIONAL MEMBERSHIPS

- Hennepin County Volunteer Lawyers Network
- Suburban Hennepin County Prosecutors Association
- Hennepin County Bar Association

EDUCATION

William Mitchell College of Law

J.D., *cum laude*

National University of Chernivtsi, Ukraine

M.A., *cum laude*

BAR ADMISSIONS

Minnesota



MEAGAN K. KELLEY

Prosecution Associate

mkelley@ck-law.com
(651) 234-6227



PROFESSIONAL EXPERIENCE

Prior to joining Campbell Knutson as a new associate, Meagan served as a judicial law clerk for the Honorable Gary W. Bastian and the Honorable Adam C. Yang in the Second Judicial District of Minnesota. She previously clerked for multiple years at the Ramsey County Attorney's Office. As a law clerk, Meagan was responsible for handling thousands of hearings for adult felony cases. She also completed an externship in municipal prosecution at Kelly & Lemmons, P.A.

PRACTICE AREAS

Meagan joined Campbell Knutson in 2019. She is a full-time prosecutor, regularly appearing in court to handle arraignments, pretrial hearings, contested omnibus hearings, and court trials. In addition, Meagan provides representation to cities on vehicle forfeitures.

PROFESSIONAL MEMBERSHIPS

- Minnesota State Bar Association
- Dakota County Bar Association

EDUCATION

Mitchell Hamline School of Law
J.D.

University of Minnesota
B.A.

BAR ADMISSIONS

Minnesota

RECOGNITION

Dean's List

EXHIBIT A
INSURANCE CERTIFICATE



MINNESOTA LAWYERS MUTUAL
INSURANCE COMPANY

DECLARATIONS

333 South Seventh Street, Suite 2200; Minneapolis, MN 55402
Phone: (612) 341-4530 (800) 422-1370 Fax: (800) 305-1510

Policy Number: 3106 35

LAWYERS PROFESSIONAL LIABILITY POLICY
CLAIMS-MADE and REPORTED

<p>Item 1. Named Insured: Campbell Knutson, Professional Association</p> <p>Address: 860 Blue Gentian Road Suite #290 Eagan, MN 55121</p>								
<p>Item 2. Policy Period: 5/1/2020 to 5/1/2021 Effective Date Expiration Date 12:01 a.m. at the address of the Named Insured in Item 1.</p>								
<p>Item 3.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Limits of Liability:</td> <td style="width: 20%; text-align: center;">\$2,000,000</td> <td style="width: 20%; text-align: center;">Per Claim</td> </tr> <tr> <td></td> <td style="text-align: center;">\$5,000,000</td> <td style="text-align: center;">Aggregate</td> </tr> </table>			Limits of Liability:	\$2,000,000	Per Claim		\$5,000,000	Aggregate
Limits of Liability:	\$2,000,000	Per Claim						
	\$5,000,000	Aggregate						
<p>Item 4. Deductible: \$15,000 Per Claim</p>								
<p>Item 5. Premium: \$28,786 Number of Lawyers: 14</p>								
<p>Item 6. Forms and Endorsements: MLM-0019 (06-18) Prior Acts Retroactive Date, MLM-0032 (06-18) Minnesota Changes, MLM-2000 (06-18) Coverage Form</p>								

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

John J. Bowden, Secretary

Terri Doeden, Authorized Agent

Paul M. Ablan, President

**AGREEMENT FOR LEGAL SERVICES
BETWEEN THE CITY OF HASTINGS AND
CAMPBELL KNUTSON, *Professional Association***

THIS AGREEMENT, effective February 17, 2021, is by and between the **CITY OF HASTINGS**, a Minnesota municipal corporation ("City") and **CAMPBELL KNUTSON, *Professional Association***, a Minnesota corporation ("Attorney").

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

1. SERVICES AND RELATIONSHIP.

A. The Attorney shall furnish and perform Prosecution Services for the City, as more fully described in the scope of services attached as Exhibit A.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

2. TERM.

A. The Attorney shall serve at the pleasure of the City Council, and this Agreement may be terminated without cause by resolution of the City Council.

B. The Attorney may terminate this Agreement at any time, provided that the Attorney shall give the City sixty (60) days written notice before the termination becomes effective.

3. COMPENSATION.

A. *Prosecution Services*: Legal fees for Prosecution Services will be billed monthly at the following hourly rates:

- ❖ Attorneys \$ 120.00
- ❖ Legal Assistants/Law Clerks \$ 90.00

After the first six (6) months of service, the City may request the Attorney to propose a fixed monthly not to exceed cap for Prosecution Services.

B. *Additional Prosecution Related Services:* Legal Fees for Additional Prosecution Related Services are not included in Prosecution Services, and will only be furnished at the specific request of the City. The following are Additional Prosecution Related Services:

- (1) Criminal appeals whether initiated by the State or the Defendant.
- (2) Criminal records expungements.
- (3) Matters relating to the Police Department's issuance of firearms permits.
- (4) Administrative citations or prosecution of zoning or other ordinance violations initiated by any City department other than the Police Department.
- (5) Forfeitures - For vehicle forfeiture matters, Attorney shall bill the City and be compensated at the hourly rates set forth in Section 3.A above.
- (6) Dangerous or potentially dangerous dog administrative or criminal proceedings.

Legal fees for Additional Prosecution Related Services will be billed monthly at the following hourly rates:

- ❖ Attorneys \$ 150.00
- ❖ Legal Assistants/Law Clerks \$ 100.00

C. *Monthly Statements:* Attorney will send City a detailed monthly billing statement of the actual hours incurred in providing Prosecution Services and Additional Prosecution Related Services. The minimum billing increment is .2 hour.

D. *Costs:* Out-of-pocket costs without mark-up include:

- ❖ Lexis research (only if used for Hastings matters)
- ❖ photocopies at 20¢ per page
- ❖ color photocopies at 40¢ per page
- ❖ postage of 50¢ or more
- ❖ court related costs (court filing fees, expert witnesses (with prior consent of City), subpoenas, service of process, court reporter fees)
- ❖ conflict attorneys' fees and costs

E. *Payments:* Payments for legal services provided the City shall be made in the manner provided by law. The City will normally pay for services within thirty (30) days of receipt of a statement for services rendered.

4. INSURANCE. The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

5. MISCELLANEOUS.

A. *Annual Presentation to the City Council.* Upon request of the City, the Attorney will provide the City Council with an annual presentation on prosecution activity and updates. The Attorney will provide other reports upon request.

B. *Governing Law.* This Agreement shall be governed by the laws of the State of Minnesota.

C. *Assignment.* The Attorney may not assign or refer any of the legal services to be performed hereunder without the written consent of the Hastings City Council.

D. *Effective Date.* This Agreement shall become effective upon its execution by the City and the Attorney. This Agreement shall not be modified or amended without the approval in writing of the Hastings City Council.

*Remainder of page intentionally left blank.
Signature page follows.*

Dated: _____, 2021.

CITY OF HASTINGS

By: _____
Mary Fasbender, Mayor

And: _____
Dan Wietecha, City Administrator

Dated: _____, 2021.

CAMPBELL KNUTSON
Professional Association

By: _____
Elliott B. Knetsch, Vice President

**EXHIBIT A
TO
AGREEMENT FOR LEGAL SERVICES**

SCOPE OF PROSECUTION SERVICES

The Campbell Knutson prosecution team has a recognized excellence in delivering high quality prosecution services. Our prosecution team will provide Hastings with the following:

General Criminal Prosecution. Campbell Knutson's prosecution team will handle Hastings' non-felony cases from start to finish. This includes reviewing for charging, drafting formal complaints, all discovery, any pretrial motions, preparation of all notices as required by the Minnesota Rules of Criminal Procedure, all pretrial hearings, and any jury or court trial. We will handle any case initiated by the Hastings Police Department, the Dakota County Sheriff's Office, the Minnesota State Patrol, the Department of Natural Resources, or any other law enforcement agency.

Briefings/Officer Training/Ride-Alongs. Our representation will include our attorneys regularly attending roll-call briefings with officer at no cost to the City. We will provide quarterly training geared towards new officers but open to all officers. Due to the strong rapport we develop with officers, we are able to educate, inform, and mentor officers, and on occasion offer coaching, especially to new officers, to improve their performance and enhance public safety. Our prosecutors regularly participate in ride-alongs with officers to help understand our client's culture and practices, to gain insight into local and distinctive patrol procedures, and to increase communication with the officers.

Legislative/Case Law Updates. We are committed to providing timely updates to our clients about the important state and federal changes that impact the criminal law and the provision of day-to-day police services, whether the changes arise from new legislation, executive mandates, or judicial decisions. We provide an annual Minnesota Criminal Law Legislative Update.

Availability/Response Time. We take extreme pride in client service. Command staff and officers are always able to reach us, day or night. Communication is the touchstone of a strong relationship. Our prosecutors' cell phone numbers are distributed to all staff. Officers routinely call our prosecutors after normal business hours with questions in the field, and on weekends particularly with respect to the 48-hour hold rule. We are available 24/7 to serve the City's needs.