

Agenda item 3

**CITY OF SAN ANTONIO
OFFICE OF THE CITY MANAGER
CITY COUNCIL AGENDA MEMORANDUM**

TO: The Honorable Mayor and Members of the City Council

FROM: J. Rolando Bono, City Manager

SUBJECT: Selection of City Attorney – City of San Antonio, Texas

DATE: September 29, 2005

SUMMARY AND RECOMMENDATIONS

An ordinance confirming the appointment of Michael D. Bernard as City Attorney of the City of San Antonio, in accordance with the Charter of the City of San Antonio.

BACKGROUND INFORMATION

The City Attorney for the City of San Antonio serves as the head of the department of law and, in accordance with the City Charter, must be a practicing attorney in good standing with the State Bar of Texas and duly licensed with at least five years of law practice immediately preceding the appointment. The City Attorney serves as chief legal advisor to the City Council, City Manager and all City departments, offices and agencies. The City Attorney reports to the City Manager and represents the City in all legal proceedings, and must be a resident citizen of the City of San Antonio.

Recruitment activities for the City Attorney position began in June 2005 when the position announcement was placed in the following publications/websites: City of San Antonio internet site, International City/County Association (ICMA) JOB Publication and website, Texas Municipal League (TML) website and Texas Lawyers – LawJob.com. Fifty-three letters announcing the vacancy and inviting applications were sent to Texas City Attorneys in cities with populations of 50,000 and above. Twenty letters of interest/resumes were received and five (5) finalists were selected for panel interviews, followed by one-on-one interviews with the City Manager on August 12th and 13th. Two final candidates were recommended by the panel for further consideration by the City Manager. David K. Wasson Management Consulting was retained to conduct in-depth background and reference checks and conduct candidate assessments, and the City Manager selected a final candidate in mid-September 2005.

The recommended candidate, Michael D. Bernard currently serves as the First Assistant District Attorney for the Bexar County District Attorney's Office, a position he has held since 1999. A lifelong resident of San Antonio, Mr. Bernard serves as second-in-command to and acts on behalf of the elected Criminal District Attorney in her absence, and defends, negotiates and settles all litigation issues dealing with legal representation for the State, the County or County Officials. Mr. Bernard's primary responsibilities include: managing the prosecutorial operations of the Bexar County District Attorney's Office; providing legal advice and strategic assistance to

prosecutors; recommending department policy, procedure and case management changes; advising and approving negotiated settlements; reviewing, approving, and making recommendations regarding contracts; making recommendations impacting department funds to include budgeting and expenditures; making official case and trial statements to the news media; and representing the State and County in civil litigation, as well as representing the State before grand juries and at trial in criminal litigation. His ability in managing the operations of this large professional legal staff and effectively facilitating change to improve operational initiatives is in keeping with the goals the City of San Antonio has set for the City Attorney's Office.

Mr. Bernard holds a Juris Doctorate degree from St. Mary's University School of Law (1987), a Masters Degree in Political Science from American University (1981), and a Bachelors Degree in Government from the University of Texas at San Antonio (1979). Prior to Mr. Bernard's position with the District Attorney's Office, he was a Partner with a general law firm from 1987 to 1999. Additional work experience includes Supervising Attorney with St. Mary's Law Clinic from 1996 to 1999 and Adjunct Professor (Trial Advocacy) with St. Mary's University School of Law from 2002 to present. Mr. Bernard is licensed to practice in the Western, Northern, and Southern Federal District Courts, Fifth Circuit Court of Appeals and the United States Supreme Court.

POLICY ANALYSIS

Approval of this ordinance will be a continuation of the City's goal to provide for oversight and management of law department services necessary to effectively represent the City in all legal matters.

FISCAL IMPACT

Funds for personnel costs associated with the approval of this ordinance are included in the FY 2006 General Fund budget as approved by City Council through annual budget appropriations.

COORDINATION

This request for ordinance has been coordinated with the City Attorney's Office, the Office of Management and Budget, Finance, and the Human Resources Departments.

A handwritten signature in black ink, appearing to read 'J. Rolando Bono', is written over a horizontal line.

J. Rolando Bono
City Manager

MICHAEL D. BERNARD
First Assistant District Attorney
Bexar County, Texas
Cadena-Reeves Justice Center
300 Dolorosa, Fifth Floor
San Antonio, Texas 78205
(210) 335-2342
FAX: (210) 335-2884

BIOGRAPHICAL INFORMATION

PERSONAL

Lifelong resident of San Antonio. (DOB 7/28/57) Married to Theresa Pollock. 2 Children, Sam and Sophia, ages 7 and 10.

EDUCATION

B.A., Government, University of Texas at San Antonio, 1979

M.A., Political Science, School of Government and Public Affairs, American University 1981

J.D., St. Mary's University School of Law 1987

Staff Candidate, St. Mary's Law Review (1985)—Eligible for those students who finish in the top 10% of the freshman class.

Recipient, Lieck-Semann Award(1987)—Given by the law school faculty to the senior student who shows greatest potential as a trial lawyer.

PROFESSIONAL ACTIVITIES

First Assistant District Attorney, Bexar County, 1999-Present

(Job description attached)

Special Assistant United States Attorney (2000)—Appointed to assist in trial of murder-for-hire prosecution in Federal Court on behalf of United States.

Adjunct Professor of Law--Trial Advocacy, St. Mary's University School of Law, 2002 to present

(Instruct 2nd and 3rd year law students in fundamentals of civil and criminal trial skills)

Partner, Hitchings, Pollock and Bernard 1987-1999

(Civil and criminal cases in state and federal court, civil rights cases, family law, estate planning, corporate law, general business)

Supervising Attorney, St. Mary's Law Clinic 1996-1999

(Supervise 3rd year law students in client representation in state criminal courts)

Speaker, Advanced Criminal Law Course, State Bar of Texas 2001-2005

2001-Impeachment and cross examination

2002,2003-Extraneous Offenses

2004-Impeachment and cross examination

2005-Ethics

Course Director, Advanced Criminal Law Course, State Bar of Texas 2004

Member, State Bar of Texas

Member, San Antonio Bar Association

Member, Texas District and County Attorney's Association

Former Member and Director, Texas Criminal Defense Lawyers Association

Licensed to Practice in the Western, Northern, and Southern Federal District Courts, the Fifth Circuit Court of Appeals and United States Supreme Court.

References available upon request