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1908-1996
Theodore W. Swift
1928-2000
John L. Collins
1926-2001

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Reply To: Grand Rapids

E-Mail: ASeurnyck@fosterswift.com

April 14, 2013

Via E-Mail

Evette M. Atkin, Director
Branch District Library
10 East Chicago Street
Coldwater, MI 49036

Dear Ms. Atkin:

Re: Information Regarding Providing Legal Services to Branch District Library

In response to your inquiry about our firm, we are pleased to provide information on services we could provide to the Branch District Library ("Library"). This letter describes the specific services we can offer the Library and includes a description of our firm generally.

OUR FIRM

In 2014, Foster, Swift, Collins & Smith, P.C. will celebrate 112 years as a Michigan law firm. We have a statewide reputation for providing exemplary client service, sound legal counsel, and the highest level of advocacy at a reasonable cost. Our practice is founded on the expertise and experience of our individual attorneys, and on our management of multiple specialty areas for clients requiring diverse knowledge and expertise. We believe our strong balance of ability, accessibility, and affordability combine to provide exceptional legal service.

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We are one of the 12th largest law firms in Michigan and we can expect continued growth. Our lawyers are graduates of distinguished law schools throughout the nation. Many have held prominent positions with public, private and nonprofit corporations, or have been privileged to serve in positions of responsibility with civic, charitable and legal organizations.

We have been actively involved in the representation of municipalities for many years. Our attorneys also have special expertise in library law. We currently represent over 80 libraries around the state. Many of our specific experiences are highlighted below.

LIBRARY LAW

Foster, Swift, Collins & Smith's representation of public bodies spans several decades. Representation of libraries has become a focus of our municipal practice group. From our offices in Grand Rapids, Farmington Hills and Lansing, we have developed and expanded continuing client relationships with libraries and other public bodies across Michigan. We have extensive experience in the handling of library matters as General Counsel and on a special project basis. We have developed the expertise necessary to assist the Library with the particularly intricate issues you may encounter.

We have assisted libraries and communities in forming district libraries and interpreting the unique laws that apply to them. We also understand the specific privacy laws that apply only to libraries such as the Michigan Library Privacy Act. We have also assisted in developing policies that reflect the unique nature of the library. In addition to our extensive expertise in library law, we can offer the Library a full range of services, including labor and employment, real estate, employee benefits and municipal finance. Please find below some specific examples of issues that we have helped our library clients resolve:

- Assisting libraries with requests for information by law enforcement agencies and private entities, including the application of the Library Privacy Act and Patriot Act.
- Drafting bond and millage proposals and educating library boards regarding the application of the Michigan Campaign Finance laws.
- Assisting libraries with library service contracts and issues that may arise when dealing with contracting municipalities.
- Drafting and implementing patron behavior, Internet use, meeting room, employment and other library policies.

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- Addressing board governance issues, including the application of the Open Meetings and Freedom of Information Acts.
- Creating endowment and gift programs.
- Reviewing of Library contracts, including AIA contracts and other vendor contracts.
- Assisting library clients with environmental contamination issues, including working with consultants and State of Michigan agencies.
- Determining if an expenditure is a proper expenditure of library funds.
- Notifying clients of amendments and changes to existing laws.
- Assisting clients with labor and employment issues, including employment contracts.
- Forming district libraries and amending district library agreements.
- Assisting with bond and other municipal finance issues.

TEAM MEMBERS

Anne M. Seurynck. I am a shareholder and have been practicing with Foster, Swift Municipal Law Practice Group since my arrival at the firm in 1996. I would serve as the main contact for the Library if the Library Board determines to hire our firm. My focus has been on the representation of libraries. I am currently serving as the lead contact person for the firm's library clients and the practice group leader of the firm's Municipal Practice Group.

An undergraduate of the University of Michigan, I am a graduate of the University of Wisconsin Law School. I am a member of the Public Corporation Law Section of the State Bar. I am also a past member of the Public Corporations Council and served on the Publications Committee. My service on the Publications Committee included drafting articles for the Public Corporation Law Section of the State Bar of Michigan's "Public Corporation Law Quarterly." I have been a frequent speaker at seminars and conferences, including the Michigan Library Association Annual Conference, and the Loleta Fyan Small and Rural Libraries Conference, where the educational focus is on library law.

Michael R. Blum. He is a leading labor attorney with experience in all aspects of employment and labor law. He has been involved in numerous sectors in his practice area including counseling and

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representation of employers in labor and employment relations matters and litigation of claims in federal and state courts, negotiation of collective bargaining agreements, grievance processing, and union campaigns. Mike's specific expertise lies in matters involving the NLRA, FLSA, Title VII, ADEA, ADA, and Handicapper Civil Rights Acts. He has served on the National Labor Relations Board as both a trial attorney (1987 - 1990) and as a field examiner (1979 - 1987). Mike has written for several national publications including authoring a chapter in *Complying with Employment Regulations*, published by Aspatore Books, a Thomson Reuters business, and the American Society of Employers, and has also authored articles for the *Labor and Employment Lawnotes*, a publication of the Labor and Employment Law Section of the State Bar of Michigan.

He earned his undergraduate degree, with high honors, at Michigan State University in the field of Personnel Administration, with an emphasis in labor and industrial relations; and attended law school at Wayne State University where he graduated *cum laude*.

YOU CAN COUNT ON US

At Foster, Swift, responsiveness is a top priority. We encourage our clients to pick up the phone or send an e-mail whenever they have a question. If the answer is not readily available, we will find it for you as quickly as the complexity of the issue allows. You can expect us to immediately acknowledge receipt of new matters, and to provide a formal written opinion as soon as possible. We notify our clients of each and every significant development. We are absolutely committed to keeping you up-to-date.

Where possible and practical, we provide legal advice to our clients through formal opinion letters. This provides you with a reference source for recurring questions. Through these opinions, we have also developed a substantial resource that includes hundreds of formal opinions that we have provided to our clients on a wide range of issues. These opinions address questions of authority, statutory construction, constitutionality of existing and proposed legislation, conflicts of interest, compliance with the Freedom of Information and Open Meetings Acts, and a multitude of other issues. Through this vast reference library, we can more efficiently and economically address many of the questions you may have.

The practice of law is far from a static venture. The law is rapidly changing, as are the needs of our clients. To keep abreast of these developments, our attorneys devote considerable time learning the changes occurring in the law and then presenting topical seminars in our specialty areas. We prepare seminars, webinars and newsletters for our clients so that we can better advise them of any potential problems or opportunities presented by developments in the law. For example, we recently presented a library webinar on "Guns and the Library."

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When we learn of an important development that we know will be of interest to you, we will bring it to your attention as soon as possible. We perform these services for our clients, without additional charge, because of our commitment to quality service.

We seek to maintain a high degree of accessibility by our clients. Whenever possible, we answer our own telephones to enhance our clients' access. Every attorney is backed up by another attorney, so that crises can be addressed even when one of us may be absent. As the main contact, library clients have access to me during work hours and also have my cell phone number if an emergency should arise in the evening or over the weekend. We have attached my contact information as an attachment to this letter.

BILLING RATES AND OTHER INFORMATION

Foster, Swift, Collins & Smith, P.C., is extremely sensitive to the cost of legal services. As you know, many of the issues on which the Library may seek legal assistance require a high degree of specialization. We observe that our fees are very competitive with the rates of other counsel practicing in our areas of expertise. Based upon our review of survey data that is available, our fees appear to be low in comparison to other firms of similar reputation, ability and expertise. We pride ourselves in providing our clients the highest level of legal services at the lowest reasonable cost.

We will not require a retainer or any minimum fees. We will work with the Library "as needed" and at the Library's direction. Our hourly rates for attorneys will be capped at \$190 per hour for general library work. My hourly rate is \$305, but is capped at \$190. However, the specialized areas of employee benefits and bond work are not covered by the capped rate. Employee benefit work is capped at \$250.00 per hour. The rate for bond work will be addressed as needed. We make every effort to represent our clients in the most affordable manner possible. When appropriate, attorneys in our firm whose rates are lower than \$190 per hour may serve the Library.

To provide an excellent legal product at the least possible expense to our clients, we utilize paralegals and other well-trained staff where appropriate, advanced technology and research services. To make the cost of legal services as affordable as possible, we always attempt to utilize the attorney with the lowest rate who has the experience and expertise to handle a particular matter. Where more than one attorney is present on a particular matter, and the presence of the additional attorney or attorneys is for purposes of education, training, or other purposes that do not directly benefit the client, we do not charge the client for the time of the additional attorneys.

In addition to our hourly rates, the firm charges for cost items. Most of the costs that we bill our clients are direct out-of-pocket costs, such as filing fees, deposition transcripts, mileage reimbursement outside a 25 mile radius of our offices, messenger service, postage and overnight delivery charges. We will be happy to discuss travel costs with you, though we can say that such costs have been minimal for our

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other clients throughout the state. The use of e-mail, desktop faxing and the telephone has allowed us to economically share our expertise state-wide. In addition, note that we do not charge clients separate fees for secretarial or word processing costs, overtime, or other basic overhead costs.

Our billing format is organized to allow easy tracking of fees and costs on individual matters and may be customized to provide whatever information the Library or its accounting systems may need.

We would be happy to discuss our expertise with you at your convenience or provide any additional information.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

A handwritten signature in blue ink, reading "Anne M. Seurnyck". The signature is fluid and cursive, with the first name "Anne" and last name "Seurnyck" clearly legible, and the middle initial "M." in between.

Anne M. Seurnyck

AMS:bsa

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FOSTER SWIFT COLLINS & SMITH PC

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