

AGENDA ITEM NO. <u>1C</u>
<u>COUNCIL MEETING 11/1/2012</u>
APPROVED BY _____
DEPARTMENT DIRECTOR _____
CITY MANAGER _____

November 1, 2012

FROM: JAMES C. SANCHEZ, City Attorney
City Attorney's Office

BY: FRANCINE M. KANNE, Assistant City Attorney 
City Attorney's Office

SUBJECT: APPROVE REQUEST FOR WAIVER OF A POTENTIAL CONFLICT OF INTEREST

RECOMMENDATIONS

The Council approve the request for waiver of the potential conflict of interest.

EXECUTIVE SUMMARY

The Law Firm of Klein, Denatale, Goldner, Cooper, Rosenlieb & Kimball, LLP/Attorney Hagop Bedoyan ("Firm") has a long standing relationship and currently represents the City in various matters. The City received a request from the Firm for the City to waive a potential conflict of interest and permit Mr. Bedoyan to represent CLUB ONE in a potential litigation matter. The Firm has made the legally required conflict check and disclosure, and based thereon represents the Firm has no actual conflict of interest.

BACKGROUND

The City received a request from the Firm, for the City to waive a potential conflict of interest to permit the Firm to represent CLUB ONE in a potential litigation matter. The Firm also has represented/represents the City in various matters.

Specifically Rule 3-310 of the State Bar's Rules of Professional Conduct requires that a member not accept or continue representing a client without disclosure in writing when: (1) the member has a legal, business, financial, or personal relationship with a party or witness in the same matter, or (2) the member has or had a legal, business, financial, professional, or personal relationship with another person or entity the member knows or reasonably should know would be affected substantially by resolution of the matter.

Here, the Firm has a legal relationship with the City and has disclosed and requested a waiver as to potential conflicts with the City by the Firm's representation of CLUB ONE.

Mr. Bedoyan has represented that his firm does not have an actual conflict of interest, and that a waiver of any potential conflict would apply, and that in this instance: (1) the Firm, in its past and current representation of the City, has not received any confidential information relating or applicable to the current matter, (2) representing CLUB ONE in potential litigation will not jeopardize the Firm's ability to continue to represent the City.

A waiver of a potential conflict of interest will be executed in a form approved by the City Attorney's Office.

FISCAL IMPACT

Approval of the request for the waiver of a potential conflict of interest will have no fiscal impact to the City.

FMK:tlp [60242tlp/fmk] 10/26/12