

TAGLaw International Lawyers

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July 15, 2021

VIA E-MAIL – brunning@waukesha-wi.gov

Attorney Brian Running
City Attorney
City of Waukesha
201 Delafield Street, Suite 206
Waukesha WI 53188-3646

Re: Conflict Waiver (Froedtert Health Care – tax assessment matter)

Dear Brian:

We are writing to advise you of a potential conflict of interest related to our Firm's client Froedtert Health Care. Froedtert has asked our Firm to represent them in advising on a tax assessment matter and litigation against the City involving Froedtert's Lifecare property located at 2400 Golf Road. Our Firm has long represented Froedtert on many different facets affecting their organization. Our Firm's representation of the City is also long-standing and primarily involving labor and employment matters, and our Firm has not advised the City on tax assessment issues. I understand your office or separate legal counsel handles those matters involving tax assessment issues. Our Firm wants to serve our client Froedtert on this issue and we want to continue serving the City on labor and employment matters. We are requesting the City's informed consent to, and a written waiver of, that potential conflict pursuant to the Wisconsin ethics rules governing attorneys. Froedtert has indicated they will provide their consent.

Under Wisconsin Supreme Court Rule 20:1.7, where there is a potential for a conflict of interest, our Firm may only represent both clients if: (1) we reasonably believe that we can provide competent and diligent representation to each affected client; (2) the representation of each client is unrelated; (3) the representation of both clients is not prohibited by law; and (4) each client gives informed consent to the representation, in writing.

We have analyzed this Supreme Court Rule and under the present circumstances, our Firm reasonably believes that we can provide competent and diligent representation to both the City and Froedtert as our representation of each party involves unrelated matters and separate attorneys within our firm are providing legal advice to each respective entity. I have not rendered legal advice to Froedtert, and

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the attorneys handling the tax assessment matter for Froedtert do not advise the City on matters. While we do not anticipate that this situation will adversely affect our representation of either enterprise, Wisconsin Supreme Court Rule 20:1.7 requires that your informed consent be in writing.

Accordingly, we would appreciate you confirming the City's waiver and consent to our continued representation of Froedtert on unrelated matters (namely, with regard to the tax assessment matter) and our continued representation of the City on labor and employment matters. Please confirm the City's acceptance by signing a copy of this letter and returning it to me (electronically or otherwise).

We appreciate your understanding of our professional obligations and our relationships with our clients with respect to matters of conflict. If you have questions or concerns, please contact me. We very much appreciate your courtesy in considering this request for a waiver of any potential conflict of interest.

Very truly yours,

von BRIESEN & ROPER, s.c.



Kyle J. Gulya

City of Waukesha waives the potential conflict and consents to von Briesen & Roper, s.c.'s unrelated representation of Froedtert Health Care as described in the foregoing letter.

Dated this ____ day of July, 2021.

CITY OF WAUKESHA

By: _____
Brain Running, City Attorney

cc: Attorney James R. Macy