



CITY OF WAUKESHA

Administration
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Committee: Click here to enter text.	Date: 8/4/2015
Common Council Item Number: 15-3064	Date: 8/4/2015
Submitted By: Brian Running, City Attorney	City Administrator Approval:  Kevin Lahner, City Administrator Click here to enter text.
Finance Department Review:  Rich Abbott, Finance Director Click here to enter text.	City Attorney's Office Review: Brian Running, City Attorney Click here to enter text.
Subject: Waiver of conflict of interest, requested by Quarles & Brady.	

Details:
Law firms cannot simultaneously represent two parties that are adverse to one another, unless the parties consent. Quarles & Brady is the City's bond counsel. Quarles & Brady now also wants to represent a developer that intends to develop real estate in the City, which means that Quarles & Brady would be adverse to the City when negotiating a development agreement, seeking zoning variances, negotiating PUD agreement, seeking TIF funding, etc. They are requesting that we allow them to do so. The risk is that Quarles & Brady would use information gained as our bond counsel against us on behalf of the developer. Quarles & Brady has stated that they will maintain a "wall" between the attorneys representing the two clients. This is not an unusual or uncommon request, but it is also something that should be considered.

Options & Alternatives:
The options are to allow them to represent the developer, or to refuse, in which case they would have to decline representation of the developer.

Financial Remarks:
Click here to enter text.

Executive Recommendation:

