

September 11, 2006

RE: City of Pinellas Park v. Clark, et al v. Clark, et al
Circuit Civil Case No. 06-5975-CI-11

Dear Chairman and Members of the Charter Review Commission:

On August 24, 2006, twenty-one cities in Pinellas County filed suit against Deborah Clark as Supervisor of Elections, the Pinellas County Board of County Commissioners, and the Pinellas County Charter Review Commission. Currently I represent all three of the defendants, and thus am required under the rules of professional conduct of the Florida Bar to explain to you the potential for conflicts of interest when the representation of multiple clients in a single matter is undertaken. I have attached a copy of rule 4-1.7, which relates to my professional obligation to you.

At this point, three other attorneys in our office are representing various defendants. Betsy Steg has filed a Notice of Appearance for Deborah Clark as Supervisor of Elections. Jim Bennett and Sarah Richardson have filed Notices of Appearance on behalf of the Pinellas County Board of County Commissioners and the Pinellas County Charter Review Commission. We have undertaken this joint representation of the defendants on the basis that our representation will not adversely affect our responsibilities to and relationship with each of the defendants. Nevertheless, we are required to get your consent in writing after consultation.

The advantages of this multiple representation include efficiency in an extremely complex case involving twenty-four parties to date: twenty-one cities, the Supervisor of Elections, the Board of County Commissioners, and the Charter Review Commission. Multiple and sometimes conflicting discovery and motions have been filed by the twenty-one plaintiffs, and the complaint lists sixteen counts including a count for injunctive relief. We also believe it will be appropriate to have the County Attorney's office represent you, as it will be cost beneficial to the taxpayers for us to undertake this multiple representation. Common defenses exist which can be researched and pled once by one attorney and shared, for example, rather than three times by three attorneys. Finally, the knowledge and experience of the County Attorney's Office regarding charter government, generally, and specifically the Pinellas County Charter and the current charter review process, as well as election law, benefit all the defendants in this case.

The risk of a multiple representation is that your interests may diverge in the future. At that juncture, we will promptly advise you and allow you to make another election as to whether or not you wish to continue with your consent or whether you wish to hire another attorney to represent

you. Depending on the wishes of the other defendants, it may be necessary for us to withdraw from all representation.

If you have any questions with regards to this matter, please do not hesitate to call me or Betsy. I am placing this item on the Board of County Commissioners' and Charter Review Commission's agenda at their next regular meetings, and will confer with the Supervisor of Elections through her attorney. I am requesting that the Chairs of the various boards be authorized to approve this representation by signing the attached consent.

Sincerely,

Susan H. Churuti
County Attorney

Alan Bomstein, Chairman

SHC:sme
Attachment