

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

136



FROM: County Counsel

SUBMITTAL DATE:
March 13, 2012

SUBJECT: Conflicts Waiver

RECOMMENDED MOTION: That the Board approve the letter waiver of conflict of interest and authorize County Counsel to sign the waiver for attorney Barbara A. Brenner's firm to represent Verizon Wireless in another matter relating to tax reimbursement claims against various counties, including the County of Riverside.

BACKGROUND: The County has retained Barbara Brenner, and attorney with the law firm of Stoel Rives LLP, to act as a consultant and to assist in the litigation involving adjudication of water rights in the Anza-Cahuilla basin/area. The firm of Stoel Rives LLP also desires to represent Verizon Wireless on another unrelated matter involving tax reimbursement claims against various counties, including the County of Riverside.

County Counsel staff have reviewed the attached waiver of conflict of interest letter and do not believe a conflict of interest would arise in connection with the firm's representation

(continued next page)

PAMELA J. WALLS, County Counsel

Departmental Concurrence

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: Karen L. Johnson
County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

County Counsel
Re: Conflicts Waiver
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or that the County's interests would be adversely affected by the firm's representation of Verizon Wireless in the tax reimbursement matter while concurrently representing and advising the County on the water rights adjudication. Verizon Wireless is not a party in the water rights adjudication and our consultant will not be personally handling the Verizon Wireless litigation.

The request for a conflicts waiver by Barbara Brenner's law firm is prompted by Rule 3-310 of the California Rules of Professional Conduct, which provides, in pertinent part:

"(C) A member [of the Bar] shall not, without the informed written consent of each client:

- (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
- (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
- (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter."



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March 13, 2012

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Pamela J. Wall
County Counsel
Riverside County Counsel's Office
3960 Orange Street, Suite 500
Riverside, CA 92501

Re: Stoel Rives LLP Request for Waiver of Conflict

Dear Ms. Wall:

Verizon Communications, Inc. (as well as its subsidiaries and affiliates such as Verizon California, Inc.) ("Verizon"), is a current client of the firm, and has asked us to represent it in the matter of *Verizon California Inc. v. California State Board of Equalization, et al.*, pending in Sacramento Superior Court, Case No. 34-2011-00116029. This matter involves a claim for a refund of state assessed property taxes. Riverside County (the "County" or "you") is a named defendant in that action.

As you know, we are currently consulting with the Riverside County Counsel's office on behalf of the Riverside County Flood Control and Water Conservation District in an unrelated water rights matter – *U.S. v. Fallbrook Public Utility et al.*, United States District Court, Civil Case No. 1247-SD-GT-RBB (S.D. Cal.) (the "Fallbrook matter"). I am the only attorney at Stoel Rives working on the Fallbrook matter and no attorney or staff working on the Verizon matter at Stoel Rives will have access to these files. In addition, I will not be involved in the Verizon matter and will not have access to the Verizon files.

Under the legal ethics rules, a law firm may not represent a client that is adverse to another client, even on an unrelated matter, without the consent of both clients.

In deciding whether to consent, you should consider how our representation of Verizon in unrelated matters might affect the County here.

Because the work that we are doing for the County is unrelated to the present matter between you and Verizon, we do not believe that there is a material risk that your confidential information will be used adversely to you. Similarly, the lack of a relationship between the present matter and our other work for you suggests to us that there is little to no risk that our efforts on your



Pamela J. Wall
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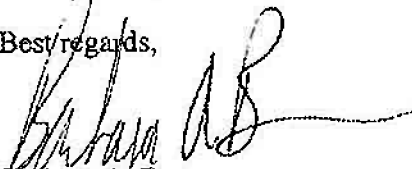
behalf in the Fallbrook matter will be affected. Although we do not believe that these factors would affect your representation in the Fallbrook matter, you should review this yourself.

To emphasize that conflict waivers are important decisions, we also recommend that you review the issue of consent with independent counsel. Whether you actually do, however, is up to you.

Please let me know if you have any questions.

To confirm your consent, I would appreciate your signing the enclosed counterpart of this letter and returning it to me for our files.

Best regards,



Barbara A. Brenner

cc: Melissa A. Jones

We consent to the representation outlined above.

COUNTY OF RIVERSIDE

By: _____

Name: Pamela J. Wall

Title: County Counsel

Dated: _____