

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**2.20**

(MT 20821)

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried, IT WAS ORDERED that the recommendation from County Counsel regarding the Consent to the Waiver of Conflict of Interest for the Law Firm of Olson Remcho, LLP to Represent a political party and/or candidate with Respect to a Potential Recount for the 2022 General Election, is deleted.

Roll Call:

Ayes: Jeffries, Spiegel, Washington, and Hewitt  
Nays: None  
Absent: Perez

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on December 13, 2022, of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: December 13, 2022  
Kecia R. Harper, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By: Cindy Jandy Deputy

AGENDA NO.  
**2.20**

xc: Co.Co.

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



ITEM  
(ID #  
20821)

**MEETING DATE:**

Tuesday, December 13, 2022

**FROM:** COUNTY COUNSEL:

**SUBJECT:** Consent to the Waiver of Conflict of Interest for the Law Firm of Olson Remcho, LLP to Represent a political party and/or candidate with Respect to a Potential Recount for the 2022 General Election; [\$0 - All Districts]

**RECOMMENDED MOTION: That the Board of Supervisors:**

1. Consent to the Waiver of Conflict of Interest for the law firm of Olson Remcho, LLP to represent a political party and/or candidate with respect to a Potential Recount for the 2022 General Election; and
2. Authorize County Counsel to execute the Waiver of Conflict of Interest.

**BACKGROUND:**

**Summary**

Currently, the County of Riverside retains the law firm of Olson Remcho, LLP (Olson Remcho) as Special Counsel with regard to litigation related to the unitary tax matters involving telecommunication companies. As special counsel, Olson Remcho has not previously advised the County on elections matters, nor have they received any confidential information related to elections matters.

Olson Remcho is a specialized law firm that engages in various matters for public agencies throughout California. The firm has been engaged by the California Democratic Party for various matters since 1989, which includes representing the State Assembly Democratic Caucus in its campaign work throughout California, monitoring canvass operations and, when applicable, conducting recounts in close legislative and statewide races on behalf of CDP's endorsed candidates. As you know, the contest in Assembly District 47 is extremely close and may result in a potential recount.

The request for a Conflict of Interest Waiver by Olson Remcho is prompted by Rule 1.7 of the California Rules of Professional Conduct. Specifically, Olson Remcho may represent one client adverse to another client in the same or a separate matter if they obtain the informed written consent of each affected client. The Comments to Rule 1.7 note that "absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated." Further, the Comments explain that a directly adverse conflict may arise in several ways, including when "(iii) a lawyer accepts representation of a person in a matter in which an opposing party is a client of the lawyer or the lawyer's law firm."

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

County Counsel has reviewed the attached Waiver of Conflict of Interest letter and does not believe that the County's interests in the tax litigation matters would be adversely affected or that a conflict of interest would arise with Olson Remcho's representation of campaigns and/or candidates in connection with a potential recount, while concurrently advising the County on its tax litigation matters. In the event a conflict arises, Olson Remcho would need to withdraw from representing either one or both parties.

**Impact on Residents and Businesses**

The Board's consent to the Waiver of Conflict of Interest does not have a direct impact on residents or businesses

**ATTACHMENTS:**

1. Conflict of Interest Waiver Request Letter

**ACTION: Policy Calendar**

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**MINUTES OF THE BOARD OF SUPERVISORS**

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## VIA EMAIL

December 6, 2022

County of Riverside  
c/o Minh Tran, County Counsel  
3960 Orange Street, Suite 500  
Riverside, CA 92501  
rpatel@rivco.org

**Re: Consent to Concurrent Representation and Waiver of Conflict of Interest**

Dear Mr. Tran:

I write to request the consent of the County of Riverside (the County) to Olson Remcho LLP's concurrent representation of the County and the California Democratic Party and/or the Christy Holstege for Assembly 2022 campaign. As you know, Olson Remcho represents the County on at least one matter involving litigation pertaining to the tax rate on railroad property.

Olson Remcho has also been engaged by the California Democratic Party (CDP) for various matters since 1989, which includes representing the State Assembly Democratic Caucus in its campaign work throughout California, monitoring canvass operations and, when applicable, conducting recounts in close legislative and statewide races on behalf of CDP's endorsed candidates. As you know, the contest in Assembly District 47 is extremely close and there is a possibility of a recount and/or election contest in the election.

### Rules of Professional Conduct

Rule 1.7 of the California Rules of Professional Conduct permits Olson Remcho to represent one client adverse to another client in the same or a separate matter if we obtain the informed written consent of each affected client. The Comments to Rule 1.7 note that "absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated." Further, the Comments explain that a directly adverse conflict may arise in several ways, including when "(iii) a lawyer accepts representation of a person in a matter in which an opposing party is a client of the lawyer or the lawyer's law firm."

### Consequences of the Representation

We are obliged under the requirements of Rule 1.7 to inform you of any actual or reasonably foreseeable adverse facts of this representation.

Currently, the interests of the County and CDP in the matter described above are not in conflict; though it is possible that in the future, their interests could become adverse. It is our duty to advise the County that if the interests of the County and CDP become adverse over the course of

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1901 Harrison St., Ste. 1550  
Oakland, CA 94612

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the current campaign, there could be several risks to the County that you may wish to consider. Specifically, we are required to advise County of these risks, including concerns that we would favor the interests of CDP over the County.

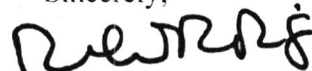
At this time, we do not believe our representation of CDP in the matter described above or any other matters will compromise our ability to represent the County competently and diligently, or our ability to maintain our duty of loyalty and confidentiality to the County. The matters in which we represent the County and CDP are not related.

This letter confirms that we have fully disclosed to the County the circumstances of the concurrent representation and the material risks, including actual and any reasonably foreseeable adverse consequences regarding our concurrent representation of the County and CDP. We further confirm to the County that we will obtain consent from CDP through a similar conflict waiver. A material change in circumstances in the future may require us to make additional disclosures and obtain additional informed written consent. If additional facts come to our attention that change our analysis, we will promptly disclose them to the County.

By signing this letter, the County provides its written consent to Olson Remcho's concurrent representation of the County and CDP. We encourage the County to seek the advice of independent legal counsel before agreeing to this waiver.

Thank you for your assistance and cooperation.

Sincerely,



Richard R. Rios

## Consent to Representation

On behalf of the County of Riverside, I have read and understand the above disclosure of the potential for a conflict of interest between County of Riverside and the California Democratic Party. I hereby consent to Olson Remcho LLP's representation of CDP in connection with the possible recount and election contest in Assembly District 47.

Dated: December \_\_\_\_, 2022

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Minh Tran, County Counsel

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