

M Management Committee

Management Committee: August 8, 2007

Metropolitan Council Meeting: August 22, 2007

ADVISORY INFORMATION

Date:	August 1, 2007
Subject:	Request for Waiver of Conflict – Moore, Costello and Hart
District(s), Member(s):	All
Policy/Legal Reference:	Minnesota Statute § 473.129, subd. 3
Staff Prepared/Presented:	Nils F. Grossman - 651.602.1463
Division/Department:	Legal - Office of the General Counsel

Proposed Action/Motion

That the Metropolitan Council waive any actual and potential conflicts of interest and consent to engaging the law firm of Moore, Costello and Hart to represent the Council, but only in connection with the creation, organization and implementation of the nonprofit park foundation/corporation authorized by statute.

Background

The Metropolitan Council needs special legal services with respect to its creation and organization of its nonprofit park foundation, for which it received permission from the legislature to create in 2007.

Few lawyers and firms specialize in this area of law. The Office of General Counsel conducted an informal solicitation of lawyers and firms with expertise in these matters.

Mr. Patrick Plunkett of the law firm of Moore, Costello and Hart (MCH) was selected to render the necessary legal services; however, MCH represents two of the unions with which the Council currently holds collective bargaining agreements. These are MANA and TMSA. Neither union is presently engaged in any arbitration or legal proceeding against the Council, nor is any lawyer from MCH currently representing any party adverse to the Council. However, MCH, by Phyllis Karasov, currently represents MANA in mediation with the Council.

The legal work which Mr. Plunkett would perform does not relate to the legal work that MCH performs for either MANA or TMSA. Nevertheless, a waiver is necessary under the Minnesota Rules of Professional Conduct from the Council, MANA and TMSA in order for MCH to perform the legal work for the Council.

Issue(s)

Whether to waive any actual and potential conflicts of interest and consent to engaging the law firm of Moore, Costello and Hart to represent the Council.