NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO: Board of Supervisors
FROM: Jeffrey Brax - County Counsel
       County Counsel
REPORT BY: Thomas Zeleny, Chief Deputy County Counsel - 707-253-4234
SUBJECT: Waiver of potential conflicts of interest of outside counsel on matters before the Public Utilities Commission

RECOMMENDATION
County Counsel requests authority to waive potential conflicts of interest within the law firm of Goodin, MacBride, Squeri & Day, which represents both the County and CTIA (an association for wireless telecommunication service providers) on matters before the California Public Utilities Commission.

EXECUTIVE SUMMARY
Megan Somogyi, a partner with the law firm Goodin, MacBride, Squeri & Day, represents the Napa County and other public agencies on several matters pending before the California Public Utilities Commission (CPUC). Another attorney in the same firm represents CTIA, a trade association for wireless telecommunications service providers, also on matters before the CPUC. Napa County and CTIA are parties to some of the same proceedings at the CPUC, and could potentially take opposing positions in those or other CPUC proceedings in the future. The law firm has established an ethical wall between the two sets of attorneys to prevent any communication of confidential information. The California Rules of Professional Conduct require lawyers in situations where such a conflict could arise to obtain a waiver of the conflict from the client, or withdraw from representation. This action would authorize County Counsel to waive the potential conflict of interest of Ms. Somogyi and her law firm.

FISCAL & STRATEGIC PLAN IMPACT
Is there a Fiscal Impact? No
County Strategic Plan pillar addressed:
ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by CEQA Guidelines section 15378 (14 CCR 15378) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

BACKGROUND AND DISCUSSION

Megan Somogyi, a partner with the law firm Goodin, MacBride, Squeri & Day, represents the Napa County and other public agencies on several matters pending before the California Public Utilities Commission (CPUC). Another attorney in the same firm represents CTIA, a trade association for wireless telecommunications service providers, also on matters before the CPUC. Napa County and CTIA are parties to some of the same proceedings at the CPUC (eg. PSPS rulemaking, Microgrids and Resiliency Strategies), and could potentially take opposing positions in those or other CPUC proceedings in the future. The law firm has established an ethical wall between the two sets of attorneys to prevent any communication of confidential information.

The State Bar of California publishes Rules of Professional Conduct governing lawyers licensed in California. Rule 1.7 prohibits a lawyer from representing a client when "the lawyer has, or knows that another lawyer in the lawyer’s firm has, a legal, business, financial, professional, or personal relationship with or responsibility to a party or witness in the same matter" unless the lawyer provides the client with a written disclosure of the relationship and obtains the client’s written consent. Ms. Somogyi has provided a written disclosure of the relationship between another lawyer in her firm and CTIA in her draft letter included with this agenda item. The County Counsel's Office is satisfied Ms. Somogyi's representation of Napa County will not be compromised by her firm's representation of CTIA at the CPUC.

This action would authorize County Counsel to waive the potential conflict of interest of Ms. Somogyi and her law firm by signing a letter substantially in the form of the letter included with this agenda item.

SUPPORTING DOCUMENTS

A . draft letter waiving potential conflicts of interest

CEO Recommendation: Approve
Reviewed By: Helene Franchi