

1 By Supervisor Weishan

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**A RESOLUTION**

to retain outside legal counsel to provide guidance on the implementation and legality of 2013 Wisconsin Act 14

WHEREAS, the Milwaukee County Board of Supervisors was told at its meeting on April 25, 2013, by the Corporation Counsel that the legislation (now Wisconsin 2013 Wisconsin Act 14 or “Act 14”) presents *“two political entities at odds...it would probably be in the County’s best interest not to have Corporation Counsel involved and so...to alleviate any real or perceived conflict of interest, that we agreed that outside counsel would be appointed to represent this body;”* and

WHEREAS, § 59.42(3), Wis. Stats., entitled “Corporation Counsel; Attorney Designee,” provides that “[i]n addition to employing a corporation counsel . . . a Board shall designate an attorney to perform the duties of a corporation counsel as the need arises” such that on May 23, 2013 the Board so authorized and directed the Corporation Counsel to recommend legal firms to the County Board chairperson to retain legal counsel as such Attorney Designee for issues related to the implementation and legality of various provisions contained in Act 14; and

WHEREAS, pursuant to the May 23, 2013 resolution, the Chairperson has decided to select Hawks Quindel, S.C. to act as such Attorney Designee to advise and represent the Board with respect to the provisions of Act 14, save for matters related to collective bargaining; and

WHEREAS, Hawks Quindel has disclosed, as set forth in its June 17, 2013 letter to the Chairperson (hereto attached to this file), that the firm represents certain clients in litigation adverse to Milwaukee County in several matters which are and appear likely to remain unrelated to Act 14; and

WHEREAS, Hawks Quindel has determined that its ethical obligations compel it to disclose such representation and to acquire the informed consent of its current clients and the Board permitting concurrent representation of its current clients and the Board; and

WHEREAS, Hawks Quindel has further advised the Chairperson that the factual and legal issues related to its representation of those clients adverse to Milwaukee appear to be unrelated to the work it will do or is likely to do for the Board; that Hawks Quindel shall continuously monitor all developments to ensure the validity of such assurance; and will promptly advise the Chair if any such conflict arises and take action to resolve the conflict; now, therefore,

41 BE IT RESOLVED, that the County Board of Supervisors authorizes the Chairperson to  
42 do the following:

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- 44 1. Sign, on behalf of the County Board the Consent to representation that Hawks  
45 Quindel has presented to the Chairperson for execution;
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  - 47 2. Sign on behalf of the County Board a Professional Services Agreement, or legal  
48 services retainer agreement, with Hawks Quindel, S.C. to act as Attorney  
49 Designee with respect to its legal representation of the Board in connection with  
50 the implementation and legality of Act 14;
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  - 52 3. Act as the County Board's duly-designated representative in communicating  
53 with and receiving counsel from Hawks Quindel with respect to issues related to  
54 the implementation and legality of Act 14;
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  - 56 4. Authorize, based on the advice of counsel and with the agreement of the  
57 Chairperson of the Committee on Judiciary, Safety and General Services,  
58 whether to commence litigation to challenge any or all portions of Act 14.  
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