

ATTORNEYS AT LAW

# HAWKS QUINDEL, S.C.

222 East Erie Street, Suite 210  
P.O. Box 442  
Milwaukee, WI 53201-0442

## MILWAUKEE OFFICE

### SHAREHOLDERS

Katherine L. Charlton  
Timothy E. Hawks  
Summer H. Murshid  
Barbara Zack Quindel  
Israel Ramon  
Richard Saks  
Daniel R. Schoshinski  
Amy L. Shapiro  
B. Michele Sumara

414-271-8650  
Fax 414-271-8442  
www.hq-law.com  
Offices also in Madison

EMERITUS  
Richard Perry

ASSOCIATES  
Lyris Medrano  
Kashoua Yang

OF COUNSEL TO FIRM  
Walter F. Kelly  
Robert J. Lerner  
Howard N. Myers  
Vicki Schaut  
Jeffrey P. Sweetland

June 17, 2013

VIA EMAIL (marina.dimitrijevic@milwcnty.com) & Reg. Mail

Marina Dimitrijevic, Chairperson  
Milwaukee County Board of Supervisors  
Milwaukee County Courthouse  
901 North 9th Street, RM 201  
Milwaukee, WI 53233

RE: Disclosure and Consent to Proposed Representation

Dear Chairperson Dimitrijevic,

Our law firm has been asked by the Milwaukee County Board to undertake its representation in opposition to the recently-enacted 2013 Wisconsin Act 14, which vests greater power in the Milwaukee County Executive, Chris Abele, and restricts the power and budget of the Milwaukee County Board of Supervisors. This representation, for now, shall include advising the Board of: a) the potential merits of a legal challenge to the validity of Act 14, either in total or in part; and b) to address various issues that almost certainly will arise as to the interpretation and implementation of Act 14 regarding the respective duties and powers of the Board and County Executive (excluding advice related to labor relations issues).

As you know, our firm currently represents a number of clients who are adverse to Milwaukee County in a number of different matters, including: a) four workers compensation claims against Milwaukee County in connection with work-related injury while in the employ of the County; b) a sexual harassment suit by an employee against Milwaukee County with respect to the conduct of the former County Board Chairperson; c) collective bargaining matters on behalf of two unions, the Wisconsin Federation of Nurses and Health Professionals and the

Milwaukee County Attorneys Association; and d) three separate lawsuits involving the pension rights of current or former employees. Insofar as we can presently determine, the factual and legal issues likely to arise in the work that you have asked us to do in connection with Act 14 appears to be unrelated to the work we are currently doing or likely to do for the County Board.

Under the ethical rules governing the conduct of lawyers, our firm may not oppose a current client, even on an unrelated matter and without full disclosure and consent. However, our ethics lawyer has advised us that there may be no such conflict since the County Board of Supervisors, as the legislative branch of the County, is a distinct entity from Milwaukee County and from the office of the Milwaukee County Executive who will likely be the adverse party in our firm's challenge of Act 14. Our firm's work will be on behalf of the Board of Supervisors only and limited to the issues arising from Act 14. A copy of the legal ethics opinion is attached hereto for your review.

Nonetheless, it is possible that some Supervisors and others may not always make such a distinction between the Board of Supervisors and Milwaukee County, or even between the Board of Supervisors and the County Executive. Because such distinction may not be always recognized by certain Supervisors, our firm's representation of the Board with respect to Act 14 while the firm represents certain clients opposing the County in unrelated matters, may not proceed without full disclosure and informed consent to such concurrent representation. This means our firm must explain to our current clients opposing Milwaukee County and to the Board of Supervisors the pros and cons of consenting and that we cannot proceed unless all parties consent.

In deciding whether to consent, the Board must consider how our firm's representation of the clients described above might affect our representation of the Board. For example, clients asked to consent to such representation typically should consider whether there is any material risk that "their" attorney will be less zealous or eager on their behalf due to the conflict. Likewise, clients typically should consider whether there is any material risk that confidences or secrets will be used adversely due to the conflict. In our firm's representation of the County Board opposing Act 14, we do not believe that there is a material risk that our work on behalf of the current clients will diminish our loyalty and zeal on your behalf, or that any confidences to our firm will be compromised in any way by this undertaking. We say this because no material facts should arise in our representation of the County Board which relate to the current pending cases described above. Of course, we will also continuously monitor all developments in these cases to ensure the validity of this assurance. We want to also call your attention to the possibility that the County Board may have to vote at some point in the future on a settlement or appeal in the cases described above, but our firm is confident that our representation in those cases will not affect the zeal or quality of our representation of the Board in the challenge to Act 14.

Notwithstanding our assurances above, these are issues that the Board should consider for itself. Please review this matter seriously. Our firm wants to further afford you the opportunity now to raise and address your questions or concerns. In fact, we recommend that you raise these

issues with independent counsel, but whether you do so is entirely up to you. If you are willing to consent after such review as you believe appropriate, please sign the copy of this letter below.

Sincerely,



HAWKS QUINDEL  
Tim Hawks  
Richard Saks

**I hereby consent to the terms of representation set forth above, and further represent that I am authorized to do by the Board of Supervisors.**

**Dated:** \_\_\_\_\_ Marina Dimitrijevic