



Legislation Text

File #: 23-0071, **Version:** 2

Agenda Item Name:

Wavier of Potential Conflict of Interest - GrayRobinson

Presenter:

Sylvia Torres, County Attorney

Description:

Conflict Waiver to allow GrayRobinson to represent Alachua County property owners in land use and environmental matters.

Recommended Action:

Authorize the Chair and Clerk to sign the conflict wavier.

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Strategic Guide:

N/A

Background:

GrayRobinson P.A., through one of its attorneys Byron Flagg, requests a limited waiver of potential conflict with its representation of Alachua County. Byron Flagg served in a non-attorney role, as the County's contract negotiator, for the Alachua County Forever Land Conservation Program, from 2019 to August 2022, when he joined the law firm of GrayRobinson. GrayRobinson is currently under contract with the County as special attorneys assisting in matters related to intellectual property litigation and patent prosecution.

In his role with GrayRobinson, Mr. Flagg desires to represent clients regarding land use and environmental matters, which may also include representation of clients in code enforcement, property appraiser determinations, and real property transactions, including land conservation acquisitions by Alachua County. Pursuant to the rules regulating the Florida Bar, GrayRobinson has requested that the County waive certain conflicts of interest regarding its prior representation of the County and Mr. Flagg's prior non-attorney work for the County as conservation land contract negotiator.

The requested limited waiver would apply to the entire GrayRobinson firm. More specifically, GrayRobinson requests the Board of County Commissioners of Alachua County, Florida, waive any

conflict with respect to GrayRobinson's representation of clients in "land use and environmental matters." Alachua County and GrayRobinson would agree that GrayRobinson's representation of clients in "land conservation acquisition by Alachua County" will specifically exclude representing any properties that Byron Flagg worked on while serving as Alachua County Forever Conservation Land Program Contract Negotiator. Alachua County and GrayRobinson would also agree that GrayRobinson's representation of clients in "land use and environmental matters" will specifically exclude eminent domain and inverse condemnation matters in unincorporated Alachua County, Florida, as well as any litigation unrelated to "land use and environmental matters." To the extent any litigation regarding "land use and environmental matters" beyond normal quasi-judicial proceedings may become imminent, GrayRobinson would consult with the Alachua County Attorney to determine if a conflict exists in continued representation of any client and withdraw from representation of the conflicting client, as necessary.

The County Attorney supports this limited waiver as it is unlikely that GrayRobinson's representation of adverse clients within this limited scope will create an actual conflict with its representation of Alachua County in intellectual property matters. We believe that the lawyers will be able to provide competent and diligent representation to all affected clients; that the representation is not prohibited by law; that the representation does not involve the assertion of a position adverse to the County; and each affected client will give informed consent, pursuant to Fla. Bar Reg. R. 4-1.7.