

RESOLUTION NUMBER R- 315093DATE OF FINAL PASSAGE AUG 08 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING WAIVER OF POTENTIAL
CONFLICT(S) OF INTEREST REQUESTED BY WRIGHT,
L'ESTRANGE & ERGASTOLO FOR OUTSIDE COUNSEL
LEGAL SERVICES RELATING TO EMERGENCY MEDICAL
SERVICES AND AMBULANCE SERVICES.

WHEREAS, the City of San Diego (City) seeks legal advice and counsel related to its Emergency Medical Services (EMS) and the delivery of ambulance services within its municipal boundary; and

WHEREAS, due to the legal complexities surrounding the City's EMS rights, a legal expert in the EMS legal field is required for the City to understand its options under the Health and Safety Code and recent EMS legislation to optimize the delivery of EMS services to the City of San Diego; and

WHEREAS, the law firm of Wright, L'Estrange & Ergastolo (WLE) has significant expertise advising and representing California fire agencies and associations on emergency medical services and ambulance law, including service rights under the EMS Act; and

WHEREAS, WLE has represented and advised more than 35 city, county, and district fire agencies, fire agency associations, and other local agencies in California on matters related to EMS and ambulance services; and

WHEREAS, under California Rules of Professional Conduct (CPRC) Rule 1.7, an attorney shall not, without the informed written consent, represent a client if the representation is directly or potentially adverse to another client in the same or separate matter; and

WHEREAS, informed written consent requires that the attorney communicate and explain the relevant circumstances and material risks, including any actual or reasonably foreseeable adverse consequences of the proposed course of conduct, in writing to the client, who then must consent to the proposed course of conduct in writing; and

WHEREAS, WLE now seeks the City's waiver of potential conflicts of interest and has informed the City in writing of the potential for conflicts of interest related to discussions with prospective client(s) who are other public agencies within the San Diego region; and

WHEREAS, CPRC Rule 1.18 governs the ethical duties lawyers owe to prospective clients; and

WHEREAS, additionally, CPRC Rule 1.18(b) provides, in part, "even when no lawyer-client relationship ensues, a lawyer who has communicated with a prospective client shall not use or reveal information protected by Business and Professions Code section 6068, subdivision (e)"; and

WHEREAS, California Business and Professions Code section 6068, subdivision (e), provides that "[i]t is the duty of an attorney to . . . maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client."; and

WHEREAS, after conducting an analysis of the circumstances related to the retention of WLE as Outside Counsel, the San Diego City Council does not find there is a conflict, and WLE is not prohibited from advising City on the Engagement, under CPRC Rule 1.18; and

WHEREAS, Council Policy 000-34 provides a notification procedure for potential conflicts of interest that concern matters for which the City Attorney's Office has determined Council to be "the client" under CRPC Rule 1.13; and

WHEREAS, under CRPC Rule 1.13, the City, as a municipal corporation, is "the client" acting through its highest authorized officer, employee, body, or constituent overseeing the particular matter. In this particular matter, pursuant to San Diego City Charter Chapter 5, Section 40, the Council, as a body, is the highest authority; and

WHEREAS, per Council Policy 000-34, waivers may be granted if (1) waiver of the conflict does not pose a risk of detrimental impact to the City and (2) the conflicted attorney, by virtue of his or her representation of the City, obtained no confidential information that is material to the matter; and

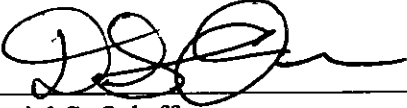
WHEREAS, WLE's consultations with prospective clients did not yield information material to the subject matter or scope of WLE's prospective representation of the City; and

WHEREAS, the conflict waiver does not pose a risk of detrimental impact to the City, and WLE is unlikely to obtain confidential City information related to other matters involving the City; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff and WLE, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves the waiver of potential conflicts of interest requested by WLE, and consents to WLE providing legal services to City of San Diego relating to City's EMS and ambulance services.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Daniel S. Orloff
Deputy City Attorney

DO1:jdf:cm
June 7, 2023
Or.Dept: City Attorney
Doc. No. 3325498

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 8/8/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 08 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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