

HARBOR DIVISION

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**DATE: APRIL 28, 2020**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - WAIVING THE POTENTIAL CONFLICT FOR CROWELL & MORING'S REPRESENTATION OF ASIAN AMERICANS ADVANCING JUSTICE AND NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION**

**SUMMARY:**

The Office of the City Attorney ("Office") requests approval of a waiver of two potential conflicts of interest in favor of the law firm of Crowell & Moring LLP (Crowell). One involves an unrelated real estate title clearance in which Crowell represents Asian Americans Advancing Justice. This matter is not active. The second involves representation of the National Rural Electric Cooperative Association's intervention in support of the Environmental Protection Agency's affordable clean energy rule. Crowell has obtained reciprocal waivers from AAAJ and NRECA to allow Crowell to represent the City in the lawsuit entitled *Harbor Performance Enhancement Center, LLC v. City of Los Angeles Harbor Department, et al.*, USDC Case No. 2:20-cv-03251 as long as it is allowed to continue to represent those two parties in their matters. Both matters are completely unrelated to the Harbor Performance Enhancement Center (HPEC) allegations, and the Office recommends approval of both requests for a conflict waiver to allow Crowell to represent the City and Mr. Seroka in the HPEC matter.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

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SUBJECT: WAIVING THE POTENTIAL CONFLICT FOR CROWELL & MORING'S REPRESENTATION OF AAAJ AND NRECA

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act ("CEQA") under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Formally waive any potential conflict that might arise from Crowell & Moring's representation of Asian Americans Advancing Justice in its real estate title clearance matter, and formally waive any potential conflict that might arise from Crowell & Moring's representation of the National Rural Electric Cooperative Association's intervention in support of the Environmental Protection Agency's affordable clean energy rule;
3. Authorize the Office of the City Attorney to execute a written conflict waiver; and
4. Adopt Resolution No. \_\_\_\_\_

**DISCUSSION:**

Crowell has requested and received reciprocal waivers from AAAJ and NRECA to allow Crowell to represent the City in the lawsuit entitled *Harbor Performance Enhancement Center, LLC v. City of Los Angeles Harbor Department, et al.*, USDC Case No. 2:20-cv-03251 as long as it is allowed to continue to represent those two parties in their matters. Both matters are completely unrelated to the HPEC allegations, and the Office recommends approval of both requests for a conflict waiver to allow Crowell to represent the City and Mr. Seroka in the HPEC matter.

Internally, the Office of the City Attorney has approved the competitive selection of Crowell to represent the City in the HPEC matter through a professional legal services agreement with the Harbor Department, subject to the Board's approval of the conflict waivers. Our office therefore recommends the Board approve this requests for conflict waiver.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a proposed waiver of any potential conflict that might arise from Crowell's representation of AAAJ and NRECA, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

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SUBJECT: WAIVING THE POTENTIAL CONFLICT FOR CROWELL & MORING'S REPRESENTATION OF AAAJ AND NRECA

**FINANCIAL IMPACT:**

The proposed action is for the approval of a resolution, which will grant a waiver to Crowell so that the firm may represent AAAJ and NRECA, while continuing to represent the Port of Los Angeles in HPEC matters. Approval of the proposed resolution is not anticipated to have a financial impact on the Harbor Department.

**CITY ATTORNEY:**

The Office of the City Attorney has reviewed Crowell's request for waiver of potential conflict of interest and finds the Board can make the decision for the Harbor Department matter and the City Council can make the decision for the City matter, which this Office shall execute following their respective approvals.

**TRANSMITTAL:**

1. Conflict Waiver Request



STEVEN Y. OTERA  
Assistant City Attorney

FIS Approval: MB

CA Approval: JS

APPROVED:

By Janna  
JANNA B. SIDLEY  
General Counsel, Harbor Department

APPROVED:

By Mark Bleavins  
EUGENE D. SEROKA  
Executive Director