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April 29, 2022

The Honorable Charlie Justice, Chair
Pinellas County Board of County Commissioners
315 Court Street
Clearwater, FL 33756

The Honorable Julie Marcus, Supervisor of Elections
13001 Starkey Road
Clearwater, FL 33773

RE: Representation Advisory

Dear Chair Justice and Supervisor Marcus:

As a result of Section 29 of SB 524 (the "Challenged Provision") becoming law, the Office of County Attorney has undertaken the representation of Pinellas County as directed by the Board of County Commissioners to file litigation seeking to invalidate the Challenged Provision. It has been brought to my attention that there was an inquiry from the Supervisor of Elections as to whether or not the Office of County Attorney would be representing the Supervisor of Elections should she become involved in the forthcoming litigation.

I am advising you via this letter of the scope of the representation undertaken for these parties and the results of my review of any known or anticipated conflicts in this multiple representation. This Advisory is published in accordance with the policies entitled, "Legal Representation of Multiple Clients," published on March 18, 2008, a copy of which is attached to this Advisory.

First, the Office of County Attorney has not, and will not, represent any of these parties in a personal or private capacity whatsoever.

Second, the nature of the controversy involving the current representation is that:

Section 29 of SB 524 was added as an amendment to the then existing elections bill on the floor of the Senate. No process required for local bills was followed by the legislature. This provision affects the sanctity of the County Commission by requiring County Commissioners elected in single-member districts to run for reelection after each decennial census (notwithstanding the Constitutional four-year terms of County Commissioners) unless an exception within the Challenged Provision applies. No such exception applies to Pinellas County and the exceptions are written such that the Challenged Provision only applies, and can reasonably only ever apply, to Pinellas County. The County Attorney's Office intends to bring suit only against the Secretary of State (the Chief Election Official for the State; *See Cnty. of Volusia v. DeSantis*, 302 So. 3d 1001) and the Attorney General to invalidate this provision and prohibit its application. Caselaw supports that the Secretary of State is a necessary party to this action to affect these election law provisions. It is not entirely unforeseeable that the state defendants might allege that other parties including Supervisors of Elections are indispensable parties to this matter, or that the Pinellas Supervisor of Elections may have

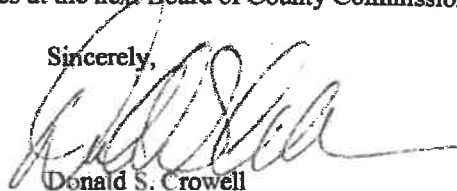
other issues relating to this litigation for which you need legal support. Even in the event that one of those were to occur, it is my belief that the Supervisor of Elections participation would be as a nominal party to this litigation, and would likely not be substantively adverse to the position(s) of the County. To the extent that the Supervisor of Elections requires advice about or becomes involved in this case regarding the Challenged Provision, the County Attorney's Office will not be representing the Supervisor of Elections to avoid direct conflict and/or the appearance of such direct conflict. If needed, screened members of the County Attorney's Office will assist the Supervisor in obtaining alternative counsel for those purposes.

Third, our conflicts review has not revealed any apparent or reasonably foreseeable direct substantive conflicts between the named parties that would warrant separate representation unless the Supervisor of Elections desires advice regarding the County's litigation or otherwise becomes directly involved in the litigation. In an abundance of caution, and as noted above, the Office of County Attorney has nevertheless screened appropriate information from members of the office not directly involved in the County's litigation to allow the remainder of the attorneys within the office to be available to continue to serve the needs of the Supervisor of Elections on all administrative matters or matters unrelated to the County's litigation regarding the Challenged Provision. Moreover, we are unaware of any private, personal interests of the named parties that would generate a conflict of interest, or what would appear to be a conflict of interest.

The risks associated with mutual representation always include the possibility that a direct, adverse conflict might later arise. In that instance, a complete withdrawal of the Office of County Attorney from representation of all parties may be required by law, regardless of the consent of the affected parties, although should a conflict later develop, it is the practice of the Office of County Attorney to secure the consent of all parties to continue its representation of the County, and other parties will be required to secure outside counsel.

If you have any questions with regards to this letter, please do not hesitate to call. In turn, I will also address any such reported concerns and inquiries at the next Board of County Commissioners meeting.

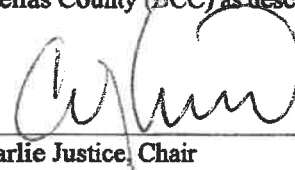
Sincerely,



Donald S. Crowell

Chief Assistant County Attorney

Acknowledgment of receipt of explanation of multiple clients and consent to represent Pinellas County (BCC) as described in this correspondence



Charlie Justice, Chair

Date: 5-3-2022