

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** April 16, 2024

**DEPARTMENT:** City Attorney

**TITLE:**

Informed Consent for Goren, Cherof, Doody & Ezrol, P.A. (the "Firm") to represent Sunshine Lake Worth Development, LLC, in matters related to the City of Lake Worth Beach while representing the City of Lake Worth Beach for Foreclosure of City Code Enforcement Liens and other Legal Services

**SUMMARY:**

The Firm is requesting informed consent from its client, the City of Lake Worth Beach, to allow the Firm to represent another client, Sunshine Lake Worth Development, LLC, in certain matters related to the City of Lake Worth Beach.

**BACKGROUND AND JUSTIFICATION:**

On January 16, 2024, the City Commission approved an Agreement for Legal Services with the Firm to provide legal services to the City for the foreclosure of outstanding code enforcement liens. Related legal services may also be provided under this Agreement, such as review of the forms used by Code Compliance to ensure foreclosures move quickly and smoothly once authorized.

Attorneys and their firms are bound to follow the Rules Regulating the Florida Bar. Rule 4-1.7, provides that a lawyer must not represent a client if:

1. The representation of one client will be directly adverse to another client; or
2. There is a substantial risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer;

unless:

1. The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
2. The representation is not prohibited by law;
3. The representation does not involve the assertion of a position adverse to another client when the lawyer represents both clients in the same proceeding before a tribunal; and
4. Each affected client gives informed consent, confirmed in writing or clearly state on the record at a hearing.

Informed consent is defined in the Rules as "the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." The Firm believes the conditions for it to represent Sunshine Lake Worth Development, LLC, in the matters described in the attached letter are satisfied.

The Firm is requesting that the City provides its informed consent to the Firm representation of Sunshine Lake Worth Development, LLC, in the matters described in the attached letter, thus waiving the resulting potential conflict of interest.

**MOTION:**

Move to approve/disapprove providing the requested informed consent and authorizing the City Attorney to execute the informed consent.

**ATTACHMENT(S):**

Informed Consent Letter  
Agreement for Legal Services