



Legislation Text

File #: 19-0537, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: To authorize employees of the City of Newark to confer openly, upon instruction from Corporation Counsel, with members of the Joint Defense Agreement

Additional Information:

Matter of Willie Parker vs. City of Newark

Invitation: Corporation Counsel

WHEREAS, Plaintiff, Willie Parker, filed a Verified Complaint in federal District Court for the District of New Jersey, captioned Willie Parker v. City of Newark, et al., Docket No. 17-4615 (“the Parker matter”), asserting allegations against the City of Newark and various current and former employees of the City of Newark; and

WHEREAS, all Defendants in the Parker matter are past or current employees of the City of Newark; and

WHEREAS, Counsel for the Defendants in the Parker matter have entered into a Joint Defense Agreement; and

WHEREAS, the City of Newark and all other Defendants recognize the strategic necessity of sharing information fully amongst all defendants; and

WHEREAS, the Corporation Counsel having conferred with members of the City’s control group (a term defined under New Jersey Rule of Professional Conduct 1.13) and having been advised to share all relevant information amongst and between the defendants in the Parker matter, including information normally protected by Rule of Professional Conduct 1.6; and

WHEREAS, it is acknowledged that ordinarily the decision to enter into a Joint Defense Agreement and to exchange protected information with co-defendants lies within the province of the Mayor as exercised through the Corporation Counsel; and

WHEREAS, it is further recognized that special circumstances warrant conferring with the Municipal Council in the aforementioned matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council joins with the Mayor in directing, upon instruction from the Corporation Counsel, that any and all employees of the City of Newark shall confer openly with Counsel for the Parties subject to the Joint Defense Agreement and are explicitly authorized to share with such Counsel any and all information including that which may in their opinions be subject to Rule of

Professional Conduct (RPC) 1.6.

2. This resolution shall be effective upon adoption in accordance with applicable State Law.

STATEMENT

By this resolution the Municipal Council joins with the Mayor in authorizing and directing, upon instruction from the Corporation Counsel, that any and all employees of the City of Newark shall confer openly with Counsel for the Parties subject to the Joint Defense Agreement in the Parker matter and are explicitly authorized to share with such Counsel any and all information including that which may, in their opinions, be subject to Rule of Professional Conduct (RPC) 1.6.