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June 23, 2010

Breean L. Beggs
Paukert & Troppmann, PLLC
522 W. Riverside Ave., Suite 560
Spokane, WA 99201-0519

Re: *Estate of Otto Zehm, et al. v. City of Spokane, et al.*,
USDC, EDW, Cause No. CV-09-80-LRS

Dear Mr. Beggs:

It has come to my attention that you have had direct contact with my clients – representatives of the City of Spokane – about matters which are directly related to the substantive issues in this lawsuit and your associated claims for relief, without my knowledge or prior permission. It seems to me this activity is an - apparent violation of RPC 4.2.

Specifically, outside the presence of legal counsel for the City of Spokane, you have had several direct communications with City Council Members Amber Waldref, Richard Rush, and Jon Snyder about the plaintiffs' "non-economic demands," the Police Ombudsman ordinance and how police internal investigations are to be conducted and how SPD policy is enacted or changed. Apparently you even conducted one such meeting in City Hall in a conference room in the City Attorney's Office on May 28, 2010. According to the Council Members, you are and have been discussing your mutual concerns about these issues, and you have even provided them with specific legal advice. Councilman Rush has even publicly stated that he considers these issues (police ombudsman, etc.) to be directly related to the Zehm matter. Your direct advice to the Council Members has been contrary to the advice provided by this office. Your actions with the Council Members have been taken on behalf of your clients, the plaintiffs, in this matter.

As you know, RPC 4.2 states:

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Please be advised that you do not have either the permission of the City Attorney's Office, nor any other cognizable authority, to discuss any aspect of the Zehm matter with the City's representatives. That includes the ombudsman ordinance and any other "non-economic demand" related to this matter, including but not limited to any and all Spokane Police Department policies and procedures. The City Attorney's Office has discussed our concern with you about inappropriate contact between the plaintiffs' lawyers (Center for Justice) and City representatives in the past, and your subsequent action has continued to cause significant concern.

I am aware that Howard Delaney recently invited you to attend a discussion with him and a few Council Members. That was a one-time only invitation; please do not attempt any further contact with them. (The invitation was only made because your inappropriate prior contact left our clients confused, and they were referring, inconsistently, to remarks and advice they attributed to you; Mr. Delaney wanted to promptly resolve the matter, if possible.)

Please cease immediately any and all contact with the City's representatives, including elected officials, about any aspect of the Zehm matter, including the Office of Police Ombudsman ordinance. If you chose to ignore this request, I will have little choice but to forward this matter to the Washington State Bar Association as a formal complaint. Thank you in advance for your anticipated cooperation and adherence to the requirements of RPC 4.2.

Sincerely,



Rocco N. Treppiedi
Assistant City Attorney

c: Alternative Concepts Services, LLP
Howard Delaney, City Attorney
Carl Oreskovich, Etter, McMahon, Lamberson, Clary & Oreskovich, PC