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Wednesday, June 18, 2008

# Goodman: No conflict of interest

Paul Egan / The Detroit News

**DETROIT** -- The attorney hired by the Detroit City Council to advise it on the text message scandal is in a conflict of interest because his law firm represents a client who won a \$1.3 million jury verdict against the city this year, a spokesman for the mayor's defense team said Wednesday.

Attorney William Goodman acknowledged a potential conflict, but said he has done nothing wrong because the City Council and his firm's private client were advised and waived any objections.

Goodman, a prominent civil rights attorney hired by the Detroit City Council for \$300 per hour in February, is spearheading the City Council's legal efforts to remove Detroit Mayor Kwame Kilpatrick from office through forfeiture proceedings, or persuade Gov. Jennifer Granholm to remove Kilpatrick.

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Goodman's Detroit law firm, Goodman & Hurwitz PC, represents Kimberly

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Sykes, who in February won a \$1.3 million jury verdict against two Detroit police officers in a wrongful arrest case. Goodman's law partner, Julie Herwitz, handled the case. Goodman filed an affidavit in the case and was in the audience when Herwitz argued a post-verdict motion before U.S. District Judge Nancy G. Edmunds.

Sykes' interests in the federal lawsuit were at odds with the interests of the city. The Sykes case could potentially end up in front of the City Council if the city Law Department, which represented the police officers, solicits advice on whether to appeal or seeks approval of a settlement offer.

"It's an inherent conflict of interest," said Marcus Reese, a spokesman for the mayor's legal team. "We think that he should step down from one of the two cases. We no longer feel he can represent the City Council in a fair and unbiased manner."

But Goodman said the City Council was told in writing about the potential conflict before he was hired and did not object to his firm representing both parties. Sykes also was advised and signed a formal waiver of any conflict of interest, he said.

Goodman said he believes the city Law Department plans to appeal the verdict to the U.S. 6th Circuit Court of Appeals without consulting the Detroit City Council. He also said he never made an appearance in the Sykes case and his partner, Herwitz, did all the work.

"It is total garbage," Goodman said of the allegation.

"The City Council knew about this case when they hired me."

Detroit City Council President Kenneth Cockrel Jr. could not be reached for comment. City Corporation Counsel John E. Johnson Jr. said in a prepared statement he would not comment on pending litigation. "We're going to let the process work itself out," he said.

Lawrence Dubin, a law professor at the University of Detroit Mercy School of Law and an expert on legal ethics, said the Michigan Rules of Professional

Conduct say that if one lawyer in a law firm has a conflict of interest, all lawyers in the firm share the conflict.

Certain conflicts may be waived after consultation and with the consent of both clients involved, Dubin said.

You can reach Paul Egan at (313) 222-2069 or [pegan@detnews.com](mailto:pegan@detnews.com).

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