



Josh Arneson <jarneson@richmondvt.gov>

FIPP

Maura Carroll <mcarroll@vlct.org>
To: Josh Arneson <jarneson@richmondvt.gov>
Cc: Abigail Friedman <afriedman@vlct.org>

Tue, Jan 19, 2021 at 4:58 PM

Hi, Josh:

As we discussed on the phone, I think it is important for there to be a clear understanding of the role of VLCT in the Town of Richmond's process of deciding how to proceed with a Fair and Impartial Policing Policy. When a town, through its manager/administrator or selectboard requests a legal opinion from the Municipal Assistance Center attorneys, it establishes an attorney-client privilege. In that instance, the privilege lies with the Town, meaning we cannot divulge the advice we give or discuss it with third parties. The Town can release the advice, as Richmond did in this instance, but it does not mean that we can engage with third parties in a discussion about that specific legal advice. We could have a discussion with the town counsel if that person chose to have a discussion, as we are offering advice to the same client and there is no conflict in that legal relationship. In fact, we also defer to the Town's legal counsel whenever the Town has also consulted that counsel. In the event that a dispute arises that could be litigated, VLCT would not be able to assist the Town, as we do not do litigation work. So, the legal opinion of the Town Counsel is what would matter in entering the any potential litigation situation.

That being said, we could listen to an argument that expresses an alternative legal theory to the one we have espoused, but we cannot engage in a discussion about our legal opinion or how we arrived at the specific opinion we offered to the client. Inevitably, it would involve specific details about conversations held with the client and that would be an ethical violation. This is not a public policy discussion, but a legal discussion, with specific advice offered to a client. Perhaps it is easier to think of it in terms of a private legal matter where clients are represented by attorneys and Client A or a friend of Client A tries to call and discuss the legal advice that is provided to Client B with Client B's attorney. That is simply not allowed.

Please let me know if this explanation assists you. It always helps to have everyone understanding the parameters of the situation. Best of luck to you and the Town of Richmond as you proceed with the adoption of your policy.

Best regards,

Maura

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Executive Director

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