



Maricopa County

County Manager's Office

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October 26, 2009

Mr. Michael Anthony Scerbo
Public Information Officer
Maricopa County Attorney's Office
301 W. Jefferson, 8th Floor
Phoenix, AZ 85003

RE: Disclosures of Conflicts of Interest

Dear Mr. Scerbo:

Even with all of the court rulings in 2009, you are a lawyer representing Maricopa County. This letter is sent to you by your client requesting information from you.

Pursuant to Ethical Rule 1.7 and Ethical Rule 1.6 conflicts and confidences are regulated as a matter of professional responsibility. Your client needs to be assured that all Deputy County Attorneys or agents of the County Attorney, such as Mr. Anthony Scerbo, are not taking any actions which in any way are in conflict with the ethical obligations of lawyers as set out in Arizona Rules of Professional Responsibility. Specifically, the State Bar has taken disciplinary action concerning anonymous internet activity.

As a part of Maricopa County's continued effort to receive conflict free legal advice we request that each of you personally answer the following questions, in writing, within five days of the date of this letter and send your answers to me. The questions must be answered under the Ethical Rules, whether or not a computer, BlackBerry, or other device used was the property of Maricopa County or a personally owned machine or device. A lawyer's ethical duties do not cease at the office door. The questions are:

1. Have you, whether under your name, some form of pseudonym, or anonymously, ever posted a blog, note or other communication on the internet concerning Maricopa County, any of its affiliated entities (e.g., Maricopa County Flood Control District) or its constituents (as defined in the Ethical Rules)? Responses to this question include, but are not limited to, posts or communications about the 36 individuals named, for example, in the attached public records request.
2. If you, whether under your name, some form of pseudonym, or anonymously, ever posted a blog, note or other communication on the

internet within the last six months concerning any entity or individual identified in question 1, provide that posting, letter or other communication.

3. Within the last six months, have you communicated with any person, site or entity listed below concerning the entities or individuals set forth in question 1: Shane Wikfors, Tim LaSota, Sonoran Alliance, Cactus Alliance, Intellectual Conservative Arizona, anyone at an email address ending with "@Scottsdaleaz.gov," "@ArizonaRepublic.com," "@newtimes.com," "@abc15.com," "@evtrib.com," or any other email, internet site or address? If so, provide all such communications.

Your prompt answer to these questions is appreciated.

Sincerely,



David R. Smith
County Manager

DRS/ag

Attachment