

The Fine Print

Florida politics, policy, and plain-spoken analysis by Gary Fineout.

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Prominent firm hit with conflict-of-interest charges in contract battle

Well, this didn't take long. The [battle over a Lottery Department contract](#) outlined earlier this week is quickly getting heated.

As I first reported for [The News Service of Florida](#) on Wednesday: A bid dispute over a nearly \$80 million contract from the Lottery Department took an unexpected turn on Wednesday with the accusation that a law firm involved in the dispute has a conflict of interest and should be thrown off the case.

Lawyers for St. John & Partners Advertising and Public Relations contend that the Tallahassee office of Foley & Lardner LLP cannot represent Zimmerman Advertising because the firm had a pre-existing agreement with St. John that states it cannot represent clients "in litigation adverse to St. John." The agreement, which was filed in administrative court, states that attorneys in a different office of Foley & Lardner had agreed to help St. John with a website.

Lottery officials announced last month their plans to award a 3-year contract to St. John, a Jacksonville company. But Fort Lauderdale based Zimmerman contends lottery officials mishandled the bidding process and should have disqualified the rival firm. The company filed a bid protest that is pending before an administrative judge.

Robert Hosay, the attorney with Foley & Lardner representing Zimmerman, would not comment on the motion to disqualify his firm. The court filing states that attorneys for St. John advised Foley of the potential conflict of interest on June 30, but that Foley attorneys asserted that their agreement with St. John had a conflict of interest waiver provision.

Attorneys for Hopping Green & Sams, who are representing St. John, [state in their motion](#) that St. John did not consent for Foley & Lardner to represent Zimmerman and that the judge can disqualify a law firm if it can be shown an attorney would be violating professional conduct rules. The motion further argues that Foley & Lardner has an "impermissible concurrent conflict of interest."

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