

From: [Lindsey Franklin](#)
To: [*CI-StPaul Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)
Cc: [#CI-StPaul Ward4](#); [Jenne Nelson](#)
Subject: Comment on RES 26-1659 (oppose)
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Dear Councilmembers,

I am writing regarding RES 26-1659, which would authorize the City to retain Fisher Phillips to represent Mayor Kaohly Her in the litigation brought by Police Chief Axel Henry.

First, I want to thank Councilmember Molly Coleman for her leadership in calling for the release of the full Resolute Law investigation. The public should not be expected to evaluate this matter based on a two-page summary prepared by the administration when a much more comprehensive independent report exists. Given the seriousness of the allegations and the resulting litigation, the Council and the public should have access to the full report and the ability to understand the basis for the City's response. **Nothing related to this matter, including committing substantial public funds to outside counsel, should move forward until the full report has been released to the public and the Council has had an opportunity to review it.**

I am also deeply concerned about the proposed selection of Fisher Phillips.

This is not simply an employment-law firm that happens to represent employers. Fisher Phillips has a substantial employer-side labor practice that includes union avoidance, advising employers during organizing campaigns, defending employers against unfair labor practice claims, and assisting employers with strikes and other disputes involving organized labor. The firm has also advocated for employers' ability to require employees to attend so-called "captive audience" meetings during union organizing campaigns.

That choice is particularly troubling in Saint Paul. The Mayor and members of this Council have sought and received endorsements from organized labor and have repeatedly presented themselves as supporters of working people and workers' rights. Choosing a firm whose business includes helping employers fight union organizing sends a very different message to the workers whose support this Council has sought.

I also recognize that Minnesota law may require the City to defend and indemnify the Mayor under these circumstances. If the City has a legal obligation to provide a defense, then it should fulfill that obligation. But that does not mean the Council should treat the

proposed engagement, its scope, or its cost as beyond scrutiny. The resolution proposes Fisher Phillips at a rate of up to \$500 per hour. The Council should understand the City's precise legal obligation, the anticipated financial exposure, and why this particular firm was selected.

That scrutiny is particularly important given the City's current fiscal situation. Saint Paul is addressing a roughly \$26 million budget gap and a proposed 6.8 percent property-tax levy increase, even after additional revenue and savings allowed the administration to restore several proposed cuts to libraries and recreation. The City continues to face difficult choices about services and significant ongoing personnel and operating costs, including the eventual closure of the Duluth and Case recreation centers.

Residents are being asked to accept difficult choices in this environment. It is reasonable to expect the same level of scrutiny when the City is committing potentially substantial public funds to outside legal counsel, particularly counsel from a firm whose labor practice is so fundamentally at odds with the values this City and its elected officials claim to support.

If the City is legally obligated to provide a defense, that obligation should be honored. But the Council should still ask whether this particular firm is appropriate, whether the scope and cost of the engagement are justified, and whether the selection is consistent with the City's stated commitment to its workforce and organized labor.

Thank you for your consideration, and again, thank you to Councilmember Coleman for continuing to push for transparency regarding the full Resolute Law report.

Respectfully,
Lindsey Franklin
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