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Top pick for Detroit emergency financial manager could have conflicts

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Protesters rally against emergency manager for Det...

By **Matt Helms**

Detroit Free Press Staff

Writer

Gov. Rick Snyder's expected announcement this week that lawyer Kevyn Orr is his top choice for emergency financial manager of Detroit may set up at least a couple of intriguing political and legal conflicts, beyond opposition from critics.

Consider this: Among Orr's classmates at the University of Michigan Law School was Mike Duggan, the former Wayne County prosecutor and Detroit Medical Center CEO who is now running for mayor of Detroit and would work closely with Orr -- were Duggan to be elected mayor.

Duggan, class of 1983, has been an outspoken opponent of appointing an EFM and said that his first task as mayor would be to figure out the quickest way to get rid of one. Duggan said with a chuckle Tuesday that he recognized Orr while reading about him on freep.com, which first reported Monday night that Orr was Snyder's top pick. Duggan said that he had little contact with him outside class while a student in Ann Arbor.

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Duggan recalled Orr as "a very smart student" but said he hasn't seen him in about 30 years. Duggan said Orr's status as a fellow Wolverine won't change his campaign's primary goal of "returning Detroit to democracy."

"The identity of the EM doesn't change the



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Kevyn Orr, a University of Michigan Law School grad, is the top pick to be Detroit's emergency financial manager.

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"It's not a potential conflict that can't be waived, but it would require consent of all people involved," Bernstein said.

Orr is unlikely to walk away from a lucrative partnership with one of the nation's largest law firms to take the Detroit job. University of Detroit Mercy law professor Larry Dubin said legal ethics allow for waivers that otherwise would preclude such conflicting roles.

"The general ethics rule that applies is: Lawyers in the law firm cannot represent multiple clients with direct conflicting interests unless there is a permissible waiver agreed to by all sides and fully disclosed," Dubin said. "A key question is whether the city's interest with respect to oversight of the emergency manager is better served by having independent counsel being able to review the work of the emergency manager."

Observers said Snyder's announcement about Orr's future in Detroit will come as early as Thursday.

Stacy Fox, a partner in the Detroit development firm Roxbury

urgency of that," Duggan said.

Another concern emerged Tuesday as legal experts noted potential conflicts of interests in the state hiring a lawyer from the same high-powered law firm that Mayor Dave Bing wants the City Council to approve to be Detroit's lead counsel on legal matters related to the city's restructuring.

Orr did not respond Tuesday to messages left at his Maryland home, his office at the Washington, D.C., law firm Jones Day, or to Facebook and e-mails sent by the Free Press. Representatives for Snyder and Bing declined to comment.

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But legal experts said that such concerns can be worked out ahead of time. It's likely that such conflicts have been discussed by top officials in Lansing or Detroit, said Douglas Bernstein, who leads the banking, bankruptcy and creditors' rights practice at the Plunkett Cooney law firm in Bloomfield Hills.



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Group, which is working to renovate the David Whitney Building and the former Globe Trading Building on the east riverfront, said Tuesday that she was part of a circle of friends in law school that included Orr. She praised him as bright and highly ethical.

"To have someone of Kevyn's bandwidth, experience and gravitas will be outstanding for the city," Fox said. "It makes perfect sense, and I'm really looking forward to having Kevyn take the reins on this thing. He'll do a great job."

Contact Matt Helms: 313-222-1450 or mhelms@freepress.com. Staff writers Nathan Bomey and John Gallagher contributed to this report.

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