



APPOINTMENT TO THE REAL ESTATE, LAND USE, AND REDEVELOPMENT SPECIAL COUNSEL POOL

1. 6.3E (a): Conflicts of Interest

Given the language in section 6.3 E (a), with respect to conflicts of interest, please advise if the fact that the firm represents private clients before municipalities in connection with land use matters pre[v]ents [our firm] from being a candidate or considered for this engagement. Some of our attorneys appear in front of NJ DEP on behalf of their clients.

A firm selected pursuant this RFQ will be the subject of a Special Counsel designation as set forth in N.J.S.A. 52:17A-13. A Special Counsel designation, however, is not a retention for a specific matter and does not entitle a firm to be retained for a specific matter. A firm selected for inclusion in the Pool may, from time to time, be contacted by the Division of Law for retention on a specific matter. At that time, if the firm agrees to the retention, the firm may be required to submit updated certifications, as required by Exhibit A, and will receive a retention letter to countersign. Conflicts of interest will be evaluated at the time of a potential retention and will be based on the New Jersey state government entity. Please see the May 2019 Letter from Attorney General Grewal to Chief Counsel Platkin (available at https://www.nj.gov/oag/law/pdf/2019-0515_Conflicts-Letter.pdf) for more information on determining conflicts with respect to New Jersey state government entities.

2. 6.3B: Relating to costs

Please clarify what kind of costs firms will be expected to advance on behalf of

the state. For example, will it be expected that firms advance environment due diligence costs, such as retaining environmental consultants?

Please see Section III.K. of the Outside Counsel Guidelines (available at https://www.nj.gov/oag/law/pdf/rfqs/Revised_Outside_Counsel_Guidelines_2022.pdf).

3. If a firm has a conflict that would prohibit it from representing NJEDA (i.e., the firm represents private clients before NJEDA), does that same conflict extend to FMERA and, if not, can that firm respond to the RFQ proposing to be on the counsel list only with respect to FMERA?

Please see the answer to question #1 above.