



City of Cleveland

Justin M. Bibb, Mayor

Department of Law

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March 27, 2026

Flannery | Georgalis, LLC
Attn: Christos Georgalis
1621 Euclid Avenue, Floor 20
Cleveland, Ohio 44115

Re: Unauthorized Representation of the City of Cleveland’s Community Police Commission and Related Federal Court Filings

Dear Counsel:

I write to formally address your firm’s recent conduct in filing a Motion for Leave and accompanying Amicus Curiae Memorandum, purportedly on behalf of the City of Cleveland’s (“City”) Community Police Commission (“CPC”), in *United States of America v. City of Cleveland*, Case No. 1:15-cv-01046, in the United States District Court for the Northern District of Ohio. While the Court has denied your motion, the circumstances surrounding your March 17, 2026 filing raise significant legal and ethical concerns that must be immediately remedied.

Lack of Lawful Authority to Represent the CPC

First, your filing explicitly represents that Flannery | Georgalis LLC serves as “Attorneys for Amicus Curiae Cleveland Community Police Commission.” However, the CPC is part of the City of Cleveland municipal corporation, and your firm was not, *and is not*, lawfully authorized to act as legal counsel to the City or the CPC therein.

Pursuant to the City Charter and Codified Ordinances, the Director of Law is the exclusive legal representative for the City and all of its departments, boards, and commissions in matters relating to their official duties.¹ Moreover, all contracts, bonds, or instruments concerning the City, must be approved by the Director of Law.² This includes the engagement of outside counsel. Section 115-5 of the City Charter does provide an alternative way to engage outside counsel, but only in extremely

¹ See Cleveland, Ohio Code of Ordinances §83.

² *Id.*



limited circumstances, which include a declared conflict of interest by the CPC and formal involvement with the City Law Department.³

No such circumstances were present here. The CPC did not declare a conflict of interest and no such contract for legal services was submitted to or approved by the CPC or the Law Department. In fact, the CPC as a body never discussed your firm filing an amicus brief on its behalf, let alone vote on such an action, as required by law. Accordingly, any purported agreement between your firm and the CPC is void and without legal effect. To that end, the City is also not responsible for any attorneys fees or costs associated with the unauthorized representation.

Further, as a public body, the CPC is subject to Section 121.22 of the Ohio Revised Code (the Open Meetings Act). Any decision by a public body, such as retaining outside counsel or taking official actions – like filing an amicus brief – must occur through a properly noticed public meeting, with deliberation and a recorded vote. No such deliberation or vote occurred. The full CPC neither approved nor authorized your firm to file any motion or brief on its behalf.

Actions taken in violation of the Open Meetings Act are invalid, and your firm’s reliance on such unauthorized actions undermines both the legitimacy of your filing and the transparency obligations imposed on public bodies in Ohio. In short, your firm filed a motion on behalf of a municipal body without lawful authorization, that you knew or should have known would be in violation of both municipal and state law.

The CPC is a Non Sui Juris Entity Without Independent Litigation Authority

Second, even if the CPC lawfully engaged your firm, the CPC is not a sui juris entity; it is a subordinate body of the City of Cleveland, established pursuant to municipal law and codified authority. As such, it lacks independent legal capacity to be a party to litigation.⁴ Your firm’s attempt to present the CPC as an independent litigant – or even as an authorized amicus adverse to the City – misstates its legal status and circumvents the City’s established governance structure.

As recognized by the Court in its March 20, 2026 order, allowing such participation would place the Court in the untenable position of managing adversarial litigation

³ See Cleveland, Ohio Code of Ordinances §115-5(h)(xxiv).

⁴ A department or division of a political subdivision is generally non sui juris and cannot sue or be sued as a real party of interest. See Carmichael v. City of Cleveland, 571 Fed. Appx. 426, 435 (6th Cir. 2014), See also Petty v. Cnty of Franklin, Ohio 478 F.3d 341, 347 (6th Cir. 2007).



between the City and one of its own subordinate bodies.⁵ Your filing disregards these structural limitations and improperly attempts to insert the CPC into federal litigation that is inconsistent with both its legal status and proper amicus posture.

Representations to the Federal Court

By submitting your March 17th filing in the United States District Court, identifying yourselves as counsel for the CPC, your firm represented to a federal tribunal that it possessed authority to act on behalf of that entity. Given the absence of any valid or lawful authorization, your actions are, at minimum, misleading, but more likely a material misrepresentation.

The integrity of judicial proceedings depends on the accuracy of representations made by counsel. Here, your filing was not a mere procedural irregularity; instead, it threatened that integrity and risks prejudicing the judicial process.

Ohio Rules of Professional Conduct

Your conduct also raises substantial concerns under multiple provisions of the Ohio Rules of Professional Conduct, including:

- Rule 1.2 – Acting without a client’s lawful authorization;
- Rule 1.13(a), (b), and (d) – Failing to ensure representation of an organization is properly authorized and improper communications and allegiances to persons connected with the organization rather than the organization itself;
- Rule 3.3 – Lack of candor toward the tribunal in representing authority to act;
- Rule 4.1 – Misstating or implying authority to represent a public body constitutes a false statement of material fact; and
- Rule 8.4(c) and (d) – Conduct involving misrepresentation or conduct prejudicial to the administration of justice.

Collectively, these violations reflect a troubling disregard for rules governing attorneys and public entities.

⁵ See United States v. City of Cleveland, Case No. 1:15-cv-01046-SO, Doc #: 702, 5 (March 20, 2026)



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Undermining Public Accountability and Governance

The CPC exists to promote transparency, accountability, and community trust in policing. Ironically, your firm's actions may have undermined those very principles by bypassing required public processes and disregarding established legal constraints and municipal authority.

The actions taken here also suggest that individual CPC members or representatives may have attempted to circumvent required statutory and municipal procedures. No individual members or staff of the CPC have the unilateral authority to bind the City or act on behalf of the full Commission without a public deliberation and vote. Thus, any attempt by individual commissioners or staff to engage outside counsel or insert the body into litigation without complying with City and State law is improper and invalid. Your firm, as members of the Bar, knew or should have known that such authorization was required before undertaking representation. As stated above, any purported agreement is without legal effect and the City is not responsible for any related costs.

Demand for Immediate Corrective Action

In light of the foregoing, your firm should take immediate steps to:

1. Acknowledge and provide written notice to the CPC that you lacked lawful authority to represent the CPC;
2. Notify the Court of the misrepresentation; and
3. Cease any further representation or claims of representation of the CPC.

Please confirm receipt of this letter and compliance with above demands no later than **Monday, April 6, 2026**. Failure to immediately take these corrective actions may necessitate referrals to appropriate disciplinary authorities and pursuit of any other available legal remedies. This matter implicates fundamental principles of public governance, legal ethics, and judicial integrity. Thus, your prompt attention and remediation are appreciated.

Sincerely,

Mark Griffin
Law Director