

The Metropolitan Government of Nashville and Davidson County

Chris Whitson
Councilmember, 23rd District
email: chris.whitson@nashville.gov



424 Church Street, Suite 2000
Nashville, Tennessee 37219
~~(615) 742-4524~~
(615) 742-4530

September 19, 2005

Howard C. Gentry, Jr.
Vice Mayor and President
METROPOLITAN COUNCIL
225 Polk Avenue, Suite 102
Nashville, Tennessee 37203

Dear Howard:

After much reflection, I have concluded that I must resign my position as Metropolitan Councilman for the 23rd District effective immediately. This difficult decision is driven by a new state statute recently adopted by the Tennessee State Legislature.

This new statute prohibits, in part, "consulting services" by an elected official that help an entity "in maintaining" a contract with a municipality. Read in the broadest possible way, this statute could potentially impact my (or any other attorney's) ability to practice law and serve his or her constituents. The statute does contain an exception from this prohibition for the practice or business of law; however, this exception for lawyers is limited to a "contested case action, administrative proceeding, or rule-making procedure." This language appears to exempt a litigator from representing a client in a contested matter, but does not specifically exempt the focus of my law practice, corporate and contractual law.


Since the intent of this statute is far from clear cut and the statute has not been interpreted by a court at this time, an attorney could arguably violate the provisions of the statute by helping an existing client in interpreting the provisions of an existing agreement (whether the client is in an adversarial position with the City or not). As a corporate attorney, I am routinely called upon by clients to interpret and determine the rights and requirements of existing contracts, some of which deal with relations with municipal governments.

I do not think that the broad interpretation referenced above is the intent of the law. However, given the fact that I and others in my law firm have traditionally represented numerous clients with some form of contractual relationship with Metropolitan Government, I want to avoid even the most remote possibility that I could violate such an important statute. I have great respect for the responsibilities of the Council to Nashville's citizens; and I do not want to risk even inadvertently becoming a distraction by taking routine actions as an attorney that could even arguably be considered a violation of this law.

Howard C. Gentry, Jr.
September 19, 2005
Page 2

It has been an honor to serve on the Metro Council, and I am saddened to resign. I hope that you, my fellow Council members, my constituents and others in the community will understand why I have made this decision

Sincerely,



Christopher C. Whitson

CCW/llb