

Selection and Retention of Outside Legal Counsel

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I. Purpose

The University's General Counsel is responsible for all legal matters related to the operations of the University, including the selection and retention of outside legal counsel. This policy addresses the manner in which the University will select and retain outside legal counsel.

II. Policy

This policy will allow the University to maintain both quality and cost control and to avoid conflicts of interest relating to the retention of outside legal counsel. Only General Counsel, or an area delegated authority by General Counsel, is authorized to retain outside legal counsel on behalf of the University. General Counsel will negotiate the terms and conditions under which outside legal counsel represents the University and may consider factors such as areas of expertise, billing rates, prior experience with the outside legal counsel, or any other factor the General Counsel determines to be relevant.

III. Procedures

- A. All requests for legal services related to any official business of the University shall be made to General Counsel. General Counsel will determine whether the matter can be handled more effectively in-house or by outside legal counsel. The decision regarding retention of outside legal counsel will be made by General Counsel. Only General Counsel is authorized to retain outside legal counsel. Outside legal counsel is selected through the procurement process and submitted to the Legislature's Contract Review Committee.
- B. To request the use of outside legal counsel, a unit must contact General Counsel and communicate the following:
 - 1. The issue(s) involved
 - 2. The reason(s) outside legal counsel is being requested
 - 3. The unit's cost center to which fees and expenses for outside legal counsel should be charged
- C. All billing statements for services rendered should be sent directly to General Counsel, or an area delegated authority by General Counsel, from the outside legal counsel for review and approval prior to payment. Billing statements from outside legal counsel should not be sent to units. Payments will be made by the General Counsel's office using the cost center that was provided by the unit unless prior written approval for a different funding source is provided to the General Counsel's office.
- D. Outside legal counsel is expected to provide to General Counsel regular billing statements, periodic status updates, and notification when the matter has come to an end.
- E. The decision to settle or litigate is a University decision. Only the Executive Vice President for Finance and Administration has delegated authority to make a settlement decision. Any settlement payment will be charged to the unit's cost center.