

Legal Representation

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Purpose

There are occasions when expert legal advice is necessary to assist in resolving complex and technical problems. The following policy is designed to provide guidance on who is authorized to contact an attorney regarding ASI business.

Policy Statement

The Associated Students, Incorporated is required by law to have the advice and counsel of an attorney admitted to practice law in the State of California. This attorney shall be formally appointed by the Board of Directors and shall be available on an on-call basis to respond to the concerns of management or the Board. It is the policy of the Associated Students, Incorporated that only board appointed attorneys shall have the authority to represent the legal position of the ASI, to initiate legal actions on ASI's behalf, and to respond on behalf of ASI to any legal challenge or threat initiated by other parties.

Who Should Know This Policy

- | | | |
|--|--|---|
| <input type="checkbox"/> Budget Area Administrators | <input checked="" type="checkbox"/> Elected/Appointed Officers | <input type="checkbox"/> Grant Recipients |
| <input checked="" type="checkbox"/> Management Personnel | <input type="checkbox"/> Program Advisors | <input type="checkbox"/> Staff |
| <input type="checkbox"/> Supervisors | <input type="checkbox"/> Volunteers | |

Definitions

For purposes of this policy, the terms used are defined as follows:

Term	Definition
Consultation	The act of asking the advice or opinion of someone, such as an attorney
Legal Counsel	Advice or assistance pertaining to a legal issue
Legal Engagement	The employment of legal counsel
Legal Issue	A point in dispute between two or more parties, specifically a legal question usually at the foundation of a case and requiring a court's decision

Regulations

1.0 Attorney Consultation

If an ASI employee or board member suspects that legal consultation may be necessary or desirable, he or she should contact the Executive Director and briefly outline the matter giving rise to the concern. The Executive Director will initially determine if the matter requires legal consultation. If the matter does not require legal consultation, the Executive Director will provide the necessary information to allow the matter to be resolved internally. If the matter does warrant legal consultation, the initial contact with an attorney regarding ASI business shall be made only by or with the specific authorization of the Executive Director.

1.1 Preferred Method of Contact

Whenever possible, contacts with the attorney shall be in writing with a copy of all correspondence sent to the Executive Director. The Office of the Executive Director will be the clearinghouse for all attorney contacts. Attorneys shall be requested to provide a written response with a copy to the Executive Director within a reasonable time. Although the time needed will vary with the complexity of the question, or questions, involved, a specific time for the response should be indicated whenever possible.

1.2 Content of Consultation

When consulting with the attorney, ASI staff shall convey ASI's expectations that the responses from the attorney will summarize the problem, summarize the applicable laws, give the consequences of the various alternatives, and give a specific recommendation on the course of action which will be in the best interests of the ASI. ASI staff shall not, and should not be expected to, interpret the law.

1.3 Alternative Legal Consultation

Employees and board members may solicit legal advice from alternative means, such as Internet resources (i.e. government websites), professional membership associations, reference books, etc. Often such resources can provide adequate guidance for handling minor conflicts where legal action is not imminent. However, none of these sources shall be cited as

representing the official position of the ASI on any legal issue. ASI's position on any legal issue shall be represented only by the legal opinions provided by the board appointed attorney.

2.0 Annual Report

A copy of each referral to the attorney will be forwarded to the Executive Director who will keep a record of each legal engagement. Such a record will include the date of engagement, the authorizing official, brief description of the matter, the date of completion, and the cost. The Executive Director shall file a report in June on the year's activities with respect to use of legal representation.

Forms

There are no forms associated with the execution of this policy.