

POLICY NAME:	209.01: Appointment of Legal Counsel
EFFECTIVE:	03-24-05
SUPERSEDES:	209.01 issued 09-28-95; 12-08-94
SOURCE:	<i>Code of Alabama 36-15-1</i> ; State Board of Education; Letter
CROSS REFERENCE:	

1. The Chancellor is authorized to approve the employment, retainment, or engagement of legal counsel to assist in conducting the legal affairs of System institutions upon the written request of the President, and the fees paid for such legal counsel shall be paid by the institution.

2. All attorneys who are employed by a System institution to handle litigation matters must be appointed by the Attorney General as Deputy Assistant Attorney General and must be in compliance with existing statutes.

3. Accordingly, each President should review the current employment of each attorney to determine whether or not the attorney has been appointed as a Deputy Assistant Attorney General to handle litigation matters. If the attorney has an appointment, no further action need be taken. If the attorney presently employed by the institution for litigation has not been appointed by the Attorney General, the following steps must be taken:
 - 3.1. A letter of request must be sent to the Chancellor requesting approval of the appointment of an attorney.

 - 3.2. This letter should indicate the name of the attorney, the attorney's address, and the purpose for which the attorney is employed. The attorney may only be employed to represent the institution in a specific case. The name and the nature of the case should be indicated in the letter. Upon specific request by the Chancellor's legal counsel, the President should also indicate the amount the institution is willing to expend for attorney fees and to settle the case and the account number from which the fees and settlement will be paid.

4. Upon receipt of the request for approval of the employment of an attorney, the Chancellor will transmit to the Attorney General a request that the attorney be appointed as a Deputy Assistant Attorney General. This request to the Attorney General will serve as notice that the employment of an attorney by the institution is approved by the Chancellor.