POLICY ON RETENTION OF
EXTERNAL LEGAL COUNSEL

Purpose of Policy

Authorized officers of the university may, from time to time, engage outside legal counsel to act for the corporate body and through it for its officers with respect to any responsibilities discharged in the name of the university. This policy sets out the authority, criteria, and process for the retention of external legal counsel.

Authority

Full Access

Legal counsel may be retained only on the authority of the President, a Vice-President, the University Secretary, or the Chair of the Board of Governors.

Restricted Access

Any officer of the university with full access may approve continuing or one-time access for any individual reporting to them, to specialist counsel for specified purposes; e.g. Associate Vice-President Human Resources for labour relations matters, Associate Vice-President Research for research matters, Executive Director Facilities Management for legal matters related to the physical plant and university lands.

Requests for the retention of legal counsel, other than those specified above, shall be made to the appropriate officer of the university with full access, with a copy to the General Counsel.

Unless explicitly authorized in advance by an officer of the university with full access, fees or expenses for legal advice or counsel solicited or retained by individuals at their own initiative for whatever reason will not be paid or recognized by the university and shall be the full responsibility of the individual, regardless of the nature of the action.

Criteria

Normally, external counsel shall be engaged only for those matters which: set a significant precedent in policy and procedure within the university; have a high external profile; may result in substantial liability for the university; are too complex or specialized to be handled internally.
Procedure

To assist in minimizing the expense associated with the retention of legal counsel, and to expedite resolution of matters referred to external counsel, contact with the authorized counsel shall conform to the following administrative guidelines approved by the President.

- When engaging counsel for the first time, or sending a significant and complex matter to counsel with whom a continuing relationship exists, the following should be noted:
  - Law firms have special hourly rates for blue chip clients such as the university. As well, in most cases some of the required research and writing can be delegated by external counsel to juniors within the firm at substantially lower hourly rates. Individuals retaining counsel should ensure that the lowest hourly rates consonant with quality legal work are obtained. External counsel should also be requested to identify ways in which the legal costs for any significant and complex matter in hand, and future matters of the same type, can be minimized.

- Once external counsel has been retained at fees agreed upon in advance, the initial communication to counsel concerning the case should include as much pertinent information as possible, all relevant supporting documentation, a precise statement of the issue on which a legal opinion is required (if applicable), and an indication of the date when a response is required.

- When a legal opinion is being sought on documents such as letters, agreements, contracts and responses to external bodies, such documents shall be prepared internally and submitted to legal counsel for review. Unless the matter is legally complex, counsel should not be requested to undertake initial drafting of such documents.

- All invoices for services rendered shall be submitted by legal counsel directly to the General Counsel with a copy to the initiator of the respective service. The General Counsel shall be responsible for verifying and processing invoices for payment.

- The General Counsel, in consultation with the internal auditor, and the Associate Vice-President Faculty Relations and Academic Administration, is responsible for a periodic review of all procedures respecting the use of legal counsel, including monitoring the status of matters in progress, the selection and performance of counsel, the level of fees and budgetary provisions, and will advise the President regarding continuance of or amendments to this document as may be required.