

LEGAL SERVICES

Amended May 30, 2006

Policy:

All legal matters pertaining to the University are the responsibility of the General Counsel. Assistance of the General Counsel must be requested for all contractual matters; existing or potential lawsuits; threats of violence; official inquiries, audits, and compliance visits from regulatory agencies or quasi-governmental organizations such as accrediting bodies and athletic associations; or other situations which may have legal consequence. In addition, the General Counsel, either through the university department designated to handle the specific matter or through direct contact, should be consulted in situations which by their nature give rise to legal concerns such as employee termination, charges of discrimination, crimes, tenure and promotion denial complaints, OCR and EEOC complaints. Employees are to request advice and assistance of the General Counsel before talking to attorneys, giving depositions, releasing university records, or giving information orally relative to any pending or threatened lawsuit regarding/involving the university or employees in the course and scope of employment.

Procedures:

- **Ethical Issues**

The General Counsel, or his designee, is designated as the Ethics Official for Mississippi State University with regard to the state ethics law (§ 25-4-1, et seq., Mississippi Code of 1972).

Issues regarding compliance with the state ethics laws should be directed to the General Counsel, P. O. Box 6171, 513 Allen Hall, Mississippi State University.

Any matter prepared for the President's approval or action, which involves an ethical issue, must be forwarded to the President through the General Counsel.

- **Lawsuits**

The General Counsel, or his designee, or in some cases, outside counsel, shall act as counsel for lawsuits brought by or against Mississippi State University and may serve as counsel for employees when the allegations against the employee are based on actions taken in their official capacity. Requests for legal representation of employees must be made in writing to the General Counsel.

- **Legal Opinions**

The General Counsel will routinely render legal opinions. Official opinions of the Attorney General's Office must be requested through the General Counsel, the President, and the Board of Trustees.

- **Legal Review**

All documents requiring presidential signature authorization are first to be approved through the appropriate administrative levels and then forwarded to the General Counsel for legal review. The General Counsel will then forward the document, with comments, to the President for final action. Individuals drafting documents requiring presidential signature are encouraged to contact the General Counsel while the document is still in draft form.

- **Licensing of University Trademarks, Seal, Name, Logos, Slogans, and Emblems**

The General Counsel is delegated authority to execute agreements on behalf of Mississippi State University as necessary for proper administration of the trademark licensing program (see MSU OP [06.03](#)).

- **Private Legal Counsel**

In certain limited areas of law, such as patent law, it may be necessary for the University to engage private legal counsel. Requests for employment of private legal counsel shall be made to the General Counsel, who shall, through the proper channels, seek approval of the Board of Trustees and the Attorney General as is appropriate. The General Counsel is delegated authority to execute legal services contracts with private counsel on behalf of Mississippi State University.

- a. **Legal Fees - Approval and Payment**

All fees for services by approved private legal counsel must be approved by the Board of Trustees before payment is made. Such fees shall be billed to Mississippi State University and the invoice sent to the General Counsel, who, after review to assure the billing is in accord with the Contract and otherwise in order, shall prepare a request for approval by the Board for the President and attach documentation of approval by the Attorney General of the contract with private counsel. After his approval, the President shall forward the invoice and request for payment approval to the Board. Upon receipt of notice of Board approval, the General Counsel shall forward the invoice to the department or unit for payment.

- b. **Log of Legal Activities and Fees Paid**

A log of all University legal activities and fees approved for payment to private legal counsel shall be maintained by the General Counsel.

- **Public Records Requests**

Please refer to MSU OP [06.04](#).

- **Receipt of Service of Process**

The General Counsel, or his designee, is designated as agent for receipt of service of process for the President.

- **Request for Legal Assistance**

Except when legal documents have been served on university officials and employees (for example, subpoenas or lawsuit complaints), requests for legal assistance should be directed through appropriate administrative channels to the office of a vice president for approval to refer the matter to the General Counsel. Emergency situations may be immediately referred to the General Counsel without such approval.

- **Tort Claims Act**

The General Counsel is designated to receive and process notices of tort claims on behalf of the Office of the President, in accordance with §11-46-11 of the Mississippi Code of 1972, Annotated.

Review:

The [Office of General Counsel](#) is responsible for the review of this OP in June of even number years.

Previous policy/procedure(s) in conflict herewith are rescinded.

Reviewed by:

/s/ Joan L. Lucas
Interim General Counsel

10/5/10
Date

/s/ Lesia Bryant
Interim Internal Audit

10/11/10
Date

Approved by:

/s/ Joan L. Lucas
Interim General Counsel

10/5/10
Date

/s/ Mark Keenum
President

11/4/10
Date

OP 06.01
Reviewed 9/22/10
01/2001
Amended 5/30/06