



OP 06.01: LEGAL SERVICES

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 existing or potential lawsuits; threats of violence; official inquiries, audits, and compliance visits from regulatory agencies or quasi-governmental organizations such as, regulatory bodies, 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, and contractual matters. 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

1. Lawsuits

The General Counsel, or 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.

2. 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.

3. 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.

4. **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](#)).

5. **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.

6. **Public Records Requests**

Please refer to OP 06.04 Public Records Request Procedures.

7. **Receipt of Service of Process**

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

8. 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.

9. 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 every four years (or whenever circumstances require immediate review).

Previous policy/procedure(s) in conflict herewith are rescinded.

REVIEWED:

/s/ Joan Lucas
General Counsel

11/29/2017
Date

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research and Effectiveness

12/01/2017
Date

APPROVED:

/s/ Mark Keenum
President

12/06/2017
Date