

## **1.0 ASSOCIATED POLICY**

- Legal Resources

## **2.0 DEFINITIONS**

### **Accountable Unit**

The University area or department involved in a labour relations matter or legal dispute.

### **Executive Officer**

The President, Vice-Presidents and equivalent positions.

### **External Legal Counsel**

Law firm or member of a law firm that has been approved by the Office of General Counsel to provide legal services to the University.

### **Officer**

The President, Vice-Presidents, Associate Vice-Presidents and equivalent positions, Deans, Directors and equivalent positions.

## **3.0 PROCEDURE ELEMENTS**

### **3.1 Purpose**

- 3.1.1 To set out the authority, criteria, and process for the retention and compensation of External Legal Counsel on behalf of MacEwan University and the Grant MacEwan University Foundation (collectively referred to as the “University”), and to promote the efficient and effective use of services provided by External Legal Counsel.

### **3.2 Request for Legal Services**

- 3.2.1 Any employee of the University requiring legal services with respect to any matter involving the University shall, subject to certain exceptions specified in the Legal Resources Policy, refer the matter to the Office of General Counsel, in writing by or through an Officer.
- 3.2.2 Department, program or division leaders, or project managers, shall advise the Office of General Counsel of any significant anticipated legal requirements, including anticipated legal costs, as soon as the likelihood of incurring such requirements is known, usually at the planning or project approval stage.

### **3.3 Retention of External Legal Counsel**

- 3.3.1 External Legal Counsel will be retained in the manner described in this Procedure and the Legal Resources Policy.
- 3.3.2 Upon receipt of a request for legal services, the General Counsel will, in consultation with the Officer making the request, determine the following:
- 3.3.2.1 whether External Legal Counsel should be retained, having regard to the nature of the matter, the risk involved, the availability of required resources within the Office of General Counsel and the cost; and

- 3.3.2.2 which External Legal Counsel should be retained and the terms of the retainer.
- 3.3.3 Subject to limited exceptions, the General Counsel will directly retain External Legal Counsel on all University-related matters and retainer agreements entered into with External Legal Counsel.
- 3.3.4 In selecting which External Legal Counsel should be retained, the General Counsel may seek proposals from more than one qualified and reputable External Legal Counsel, and will take the following into consideration:
  - 3.3.4.1 Experience and expertise in relevant legal areas;
  - 3.3.4.2 Local community focus;
  - 3.3.4.3 Billable rates;
  - 3.3.4.4 Availability of a variety of years of call to tailor to complexity of legal matter; and
  - 3.3.4.5 Whether any real or apparent conflicts of interest arise from the retention of the particular firm or individual External Legal Counsel.
- 3.3.5 Expenses associated with External Legal Counsel retained without the prior approval of the General Counsel, or their designate, or as otherwise permitted or required in the Legal Resources Policy, shall be charged to the department responsible.

#### **3.4 Matter Management**

- 3.4.1 In overseeing External Legal Counsel's representation, the General Counsel shall ensure that External Legal Counsel:
  - 3.4.1.1 is accountable for the cost effective management of the assigned legal matter;
  - 3.4.1.2 devotes the time and skill level appropriate to the tasks at hand;
  - 3.4.1.3 complies with applicable rules of professional conduct and the highest ethical standards;
  - 3.4.1.4 charges fees, costs, and disbursements which are reasonable and submitted for payment in writing;
  - 3.4.1.5 submits to the requestor of the legal services any legal documents, draft agreements or opinions sufficiently in advance to allow for meaningful review prior to filing, negotiations or other use (as the case may be);
  - 3.4.1.6 provides the General Counsel with all significant documents, court rulings and opinions related to assigned legal matters; and

3.4.1.7 resolves litigation matters as effectively and expeditiously as possible.

3.4.2 All instructions provided to External Legal Counsel must be provided directly from the Office of General Counsel, unless the Office of General Counsel has delegated the authority to provide instructions to the Accountable Unit in writing, and the Office of General Counsel has advised External Legal Counsel of the delegation.

3.4.3 The General Counsel must be notified of all settlement demands, settlement offers made by other defendants and other settlement related communications. The General Counsel must approve the settlement of all legal actions and disputes prior to any settlement arrangements being finalized.

3.4.4 Prior to the commencement of any litigation by the University, the General Counsel will conduct or obtain an assessment of the likelihood that the University's claim will succeed and estimated financial exposure and/or risk. The General Counsel will make the determination of whether the University will commence any litigation.

### **3.5 Review and Approval of External Legal Counsel Accounts**

3.5.1 The Office of General Counsel shall be responsible for verifying and processing External Legal Counsel accounts for payment. All such accounts will be paid out of the budget of the Office of General Counsel, provided the retainer was approved in accordance with Section 3.3.

3.5.2 All accounts for services rendered by External Legal Counsel will be sent directly to the General Counsel.

3.5.3 The General Counsel will provide copies of accounts to the Officer who requested the legal services for review and feedback. The Officer will either approve the account or raise any questions or concerns about the account with the General Counsel.

3.5.4 The General Counsel will conduct the final review of accounts, will resolve any issues respecting any account with External Legal Counsel and, when appropriate, will approve accounts in accordance with billing guidelines provided to External Legal Counsel.

## **4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS**

- Handling of Labour Matters and Legal Disputes Procedure

## **5.0 ACCOUNTABILITY**

### **Responsible Office**

Office of General Counsel

## **6.0 HISTORY**

### **Relevant Dates**

Approved: **22.11.08**

Effective: **22.11.23**

Next Review: **2027.11**

### **Modification History**

**2013:** New Procedure approved by President and Vice-Presidents Group to be effective upon approval of revised Legal Resources Policy by the Board of Governors.

**21.10.27:** Minor revision to update position title. Approved by Policy Sponsor.

**22.11.08:** Comprehensive revisions approved by President's Policy Committee effective November 23, 2022 upon approval of revised Legal Resources Policy.