

**Office of the General Counsel
January 10, 2001**

**TO: COMMITTEE ON FINANCE
Open Session**

FOR: Meeting of January 17, 2001

AUTHORITY OF THE GENERAL COUNSEL TO RETAIN OUTSIDE COUNSEL

The General Counsel recommends that the Committee on Finance recommend to the Board that the General Counsel be authorized to retain outside counsel, subject to the availability of appropriate and authorized funding sources, for all University purposes requiring the services of counsel outside the Office of the General Counsel.

BACKGROUND

This action would confirm the authority of the General Counsel to retain outside counsel for all University purposes requiring the services of counsel outside the Office of the General Counsel. Such authority was first expressly delegated to the General Counsel by Regents' action of July 1972 and carried forward in the *Memorandum Regarding Legal Services* approved by The Regents in May 1988. Although it was inadvertently omitted from the *University of California Legal Services* statement when it was adopted by the Regents in January 1993, that document does indicate the authority and responsibility of the General Counsel for the supervision of outside counsel.

Outside counsel is used in a number of areas of University activity such as patent prosecution and certain litigation matters, including defense of claims under the University's self-insurance programs. In addition, outside counsel is retained when the requirements of a particular matter exceed the capacity of the Office of the General Counsel or involve specialized services not available in that office. It is essential that the General Counsel be responsible for all outside counsel retentions in order to effectively carry out the General Counsel's responsibility for all legal matters pertaining to the University as provided in Regents By-law 21.2. This action does not affect current practice within the University.