

	<b>FGCU POLICY 1.002</b>	<b>Responsible Unit:</b>  Office of the General Counsel
	<b>Retention of External Legal Counsel</b>	

**A. POLICY STATEMENT**

The General Counsel shall be responsible for the provision of all legal advice, counsel, and representation for matters involving the University or matters within the official responsibilities of any officer or employee of the University. External legal counsel may be retained only through the General Counsel and, where appropriate, to protect the University’s legal interests. All contact with external counsel shall be under the auspices and at the direction of the General Counsel. The General Counsel shall review and, when appropriate, approve all invoices or requests for payment from external legal counsel.

**B. REASON FOR POLICY**

The purpose of this Policy is to set out the authority, criteria, and process for the retention and compensation of external legal counsel.

**C. APPLICABILITY AND/OR ACCOUNTABILITY**

The following individuals should be familiar with this Policy:

1. Deans, Directors, and department heads;
2. Unit administrators;
3. Faculty; and
4. Individuals considering hiring or retaining legal counsel to represent the University.

**D. DEFINITION OF TERMS**

1. *General Counsel:* The term “General Counsel” shall include any assistant or associate general counsels authorized or requested by the General Counsel to act on his or her behalf.
2. *University:* The term “University” in this Policy includes the University as a public body corporate, and its direct support organizations of the Florida Gulf Coast University Foundation, Inc. and the Florida Gulf Coast University Financing Corporation.

## E. PROCEDURES

1. Normally, external legal counsel shall be engaged only for those matters that require specialized expertise. Requests for retention of external legal counsel shall be made in writing to the General Counsel by or through a vice president or other senior University administrator.
2. In overseeing an external legal counsel's representation, the General Counsel shall ensure:
  - a. That outside counsel is accountable for the cost effective management of the assigned legal matter;
  - b. That outside counsel devotes the time and skill level appropriate to the tasks at hand;
  - c. That outside counsel's fees, costs, and disbursements are reasonable and are submitted for payment in writing;
  - d. That outside counsel complies with applicable rules of professional conduct and the highest ethical standards;
  - e. That outside counsel submits legal documents for review, as requested by the General Counsel, sufficiently in advance for meaningful review prior to filing or service; and
  - f. That outside counsel provides the General Counsel with all significant documents and court rulings related to assigned legal matters.
3. The General Counsel, in consultation with the appropriate vice president or other senior University administrator, shall approve all major strategic and tactical decisions in legal matters.
4. This Policy does not contravene the authority of the members of the Florida Gulf Coast University Board of Trustees, the Florida Gulf Coast University Foundation Board of Directors, and the Florida Gulf Coast University Financing Corporation Board of Directors, to retain outside counsel under appropriate circumstances via approval of a corporate resolution so specifying.

### *Authority*

*BOG Regulation 1.001, University Board of Trustees Powers and Duties*

### *History of Policy*

*New 12/13/05; Format Changed 09/10/19; Reviewed 12/22/20*

**APPROVED**

\*s/William C. Merwin  
William C. Merwin, President

December 13, 2005  
Date