

## APPENDIX H

Survey of OGCs at Peer Institutions: Results Collated

## APPENDIX H

### OGC Collated Survey Responses

University of Iowa Review of the Office of General Counsel

#### SURVEY OF GENERAL COUNSEL OFFICES AT PEER INSTITUTIONS

September 29, 2004

To ensure the anonymity requested by some OGCs in this Appendix, (a) the names of the respondents have been redacted, (b) for each question, the order of the responses has been randomized, and (c) identifying information has been deleted.

#### A. Preliminary Issues

##### Q. 1. When was the Office of the General Counsel (OGC or Office) established?

- 1: The first in-house counsel for the University of ... was hired in 1961. The General Counsel has been in existence since 1971.
- 2: Sometime in the late 80's, early 90's. Prior to that time there was an in house counsel who also served in an administrative capacity. Sometime around 1992, additional attorneys were hired and the Office of Legal Affairs came into existence. We currently have five attorneys, including the General Counsel.
- 3: Not Sure
- 4: Mid-1970's
- 5: Around 1960
- 6: 1992
- 7: In the late 1960's
- 8: 1991
- 9: 1982
- 10: An individual was hired as an Assistant to an Executive Vice Provost in the mid-1970's. In the early 80's, names were changed to University Attorneys.

**Q. 2. What is the source of authority for the OGC (e.g., University by-laws, state law)?**

- 1: University policy.
- 2: There is no specific written authority that speaks to the establishment of the OGC. The University of ... Office of the President has a Vice President and General Counsel and each constituent institution in the system has one or more in house counsel. Our Office of Legal Affairs has a Vice Chancellor and General Counsel and four Associate General Counsel who provide legal services to the University.
- 3: No statutory or rule authority. Operates pursuant to appointment by President.
- 4: Board Policy
- 5: Memorandum of Understanding between the Attorney General and the University
- 6: State law and board policy
- 7: State statute, State Board of Regents policy.
- 8: University Practice.
- 9: The Board of Regents has general authority to employ the appropriate staff to meet university needs.
- 10: Permitted by Statute; Board of Regents By-Laws

**Q. 3. Please list the typical clients served by the OGC.**

- 1: President, Provost, Vice Presidents, Deans, Department Heads, Program Directors, other administrators (e.g., HR, county extension administrators, auxiliary programs, ICA, student union and bookstores, business officers, alumni director although not association, etc.)
- 2: All University units.
- 3: We serve the entire university. Our clients are those officials, employees and entities that have delegated authority to act on behalf of the institution. We provide advice to the Board of Trustees, the Chancellor, Vice Chancellors, Deans and Department Heads. We provide advice to administrative units like Human Resources, Purchasing, Contracts and Grants Administration, Facilities Operations, etc. We also advise faculty who have legal questions associated with carrying out their responsibilities on behalf of the institution.
- 4: All units of the university (colleges, departments, administrative, units, centers) and all

employees, especially president, vice presidents, deans, and Board of Trustees.

- 5: Administrators, docs, student leaders, deans, committees, governing board and its committees
- 6: Trustees, President, V-Ps, Chancellors, other administrators, faculty.
- 7: The Board of Regents.
- 8: Board of Regents is the client. President, Vice Presidents, Deans and Department Heads are the day-to-day clients
- 9: Provide legal advice to nine universities, seven agencies, one health Science Center, System and Board of Regents.
- 10: Chancellor, Provost, Executive Vice Chancellors, Vice Chancellors, Vice Provosts, Deans, Directors, Chairs, and individual faculty and employees designated by the Chancellor.

**Q. 4. Please indicate approximately how many students, faculty, and staff are at the University.**

- |     |                  |                                  |              |
|-----|------------------|----------------------------------|--------------|
| 1:  | students 26,000  | faculty 4,000                    | staff 12,000 |
| 2:  | students 100,000 | 25,000 -faculty and staff        |              |
| 3:  | students 38,000  | faculty 1,500 +                  | staff 8,500  |
| 4:  | students 99,000  | faculty 4,925                    | staff 11,384 |
| 5:  | students 29,500  | faculty 2,200                    | staff 10,200 |
| 6:  | students 64,000  | faculty 3,000                    | staff 13,000 |
| 7:  | students 58,254  | faculty 4,889                    | staff 28,883 |
| 8:  | students 29,000  | faculty 1,800                    | staff 5,200  |
| 9:  | students 160,000 | faculty 6700                     | staff 21,300 |
| 10: | students 19,000  | about 12,000 - faculty and staff |              |

**Q. 5. If your University is a public entity, what is the relationship between the OGC and the Attorney General's Office?**

- 1: The AG's office handles some of our litigation. We work closely with an Assistant AG on some other matters.
- 2: Liaison to Attorney General for System
- 3: See question 2.
- 4: The OGC is separate and independent from AG, all University legal services are provided

by OGC.

- 5: The Attorney General's Office represents the system in most litigation in federal and state court.
- 6: State self-insurance program, through State Risk Management and AG, provides coverage and representation for tort claims. In covered cases, OGC collaborates with AG in monitoring , representation and settlement efforts. Regular coordinating meetings are held.
- 7: The University itself is a state agency. Our counsel are not part of the AG's office, but hold special assistant attorney general appointments in order to represent the University in litigation.
- 8: The attorney general's office handles litigation and provides official attorney general opinions requested by the Chancellor. The OGC handles all other matters, including federal and state administrative agency complaints. The OGC attorneys act as liaison with the Attorney General's Office and work with assigned assistant attorneys general in preparing the University's defense in lawsuits filed against the institution and its officials.
- 9: Delegation of authority to serve as legal counsel comes from AG, with responsibility of reporting significant legal activity and issues.

10: None.

**Q. 6. If your University is a public entity, what is the division of labor between the Attorney General's Office and the OGC with respect to University matters?**

- 1: n/a
- 2: See #5.
- 3: See above
- 4: As indicated above. House counsel handle administrative litigation, transactions, daily advising, and legal education and training efforts.
- 5: NA
- 6: The University generally handles all its own legal representation, including litigation of all cases except construction contract litigation.
- 7: Little at AGO over the course of a year

8: By statute, only the Attorney General makes court appearances for the state. The Attorney General may permit other representation. OGC provides litigation support for the Attorney General.

9: Principal attorneys for the university are in-house and handle virtually all general and specific legal matters, except litigation and certain regulatory issues that are assigned to outside firms. Regular reporting and consultation with the Attorney General's Office is provided primarily through the Deputy General Counsel.

10: See response to question #5.

**Q. 7. Does the OGC prepare a formal annual or bi-annual report that summarizes the principal activities and achievements of the Office?**

1: No

2: I am preparing such a report for the first time this year.

3: Yes

4: As part of annual review by the President.

5: The General Counsel prepares a detailed annual report to the Chancellor. The General Counsel also prepares a more general statistical report on the number and types of matters handled that is public.

6: No. We provide a litigation summary for Board, Chancellor, and CEOs.

7: The OGC prepares an annual public report and semi-annual attorney-client privileged reports to the Board.

8: A written report is prepared when requested by the President – generally annually.

9: We make reports to various units but we do not make a single University-wide report.

10: Yes, an annual report to the Chancellor.

**B. Personnel**

**Q. 8. Who appoints the General Counsel and for what term?**

1: President and Trustees. There is no term.

2: The Board of Trustees appoints the General Counsel, upon recommendation of president.

The General Counsel serves, year to year, at the pleasure of the president.

- 3: AG and our BOV and Pres
- 4: President of the University. Formerly at the pleasure of the President. Currently a five year contract.
- 5: The Chancellor appoints the General Counsel subject to the approval of the Board of Trustees. The General Counsel is an at will appointee who serves at the pleasure of the Chancellor.
- 6: President selects and Board approves. No term.
- 7: The President of the system appoints the general counsel, who serves at the pleasure of the President.
- 8: The President appoints the General Counsel (with approval of the Board of Regents because of the Vice Presidential title and rank). The term is for one year.
- 9: Board of Regents upon recommendation of the Chancellor; General Counsel serves at the pleasure of the Board.
- 10: The Chancellor appoints the General Counsel by yearly letter of appointment, although the General Counsel serves at the pleasure of the Chancellor.

**Q. 9. To whom does the General Counsel report?**

- 1: Same
- 2: The President of the system, and the Board itself.
- 3: Chancellor
- 4: President
- 5: President of the University.
- 6: Direct line to the President; dotted line to the trustees.
- 7: President and Board
- 8: Board of Regents with access by Chancellor; Chancellor does personnel evaluation.
- 9: The General Counsel reports to the Chancellor.
- 10: President and the Board of Trustees

**Q. 10. Does the General Counsel have the equivalent of a vice-president's rank? Is the General Counsel included in president/chancellor cabinet meetings?**

- 1: Yes to both
- 2: No. Yes.

- 3: Yes
- 4: The General Counsel does not have the title vice-president but is a member of the executive counsel and is recognized in the same manner as vice-presidents.
- 5: Yes. Has always been in Cabinet. Has been VP since 2000.
- 6: Yes to both.
- 7: Yes to both
- 8: No. Yes.
- 9: No. Yes.
- 10: The General Counsel is also a Vice Chancellor. The Vice Chancellor and General Counsel is an executive officer and as such participates in the executive officers meetings.

**Q. 11. Does the General Counsel have formal university administrative responsibilities in addition to being the university's chief legal advisor? If yes, please explain.**

- 1: No
- 2: I also serve as an Assistant Trust Officer to the Board.
- 3: Yes, supervises the University NCAA rules compliance auditor.
- 4: Athletics Compliance Officer has direct reporting line to UC.
- 5: Administers Office of Legal Affairs
- 6: No "formal" responsibilities.
- 7: The General Counsel supervises the OGC, Athletic Compliance, and the Director of Records and Information Management.
- 8: No.
- 9: No.
- 10: The General Counsel may be asked by the Chancellor to serve on various committees or task forces from time to time. Otherwise, the General Counsel has no formal university



administrative responsibilities other than those related to operation of the Office of Legal Affairs.

**Q. 12. How many full-time equivalent (FTE) individuals work in the OGC?**

1: 10  
2: 15  
3: 9  
4: 34  
5: 8 FTE.  
6: 15  
7: 30  
8: 16  
9: 10  
10: 7.8

**Q. 13. Of the number indicated in response to Question 10, please indicate how many of those individuals are:**

1:	1. attorneys	7
	2. legal assistants and/or paralegals	-
	3. administrative and other non-legal support staff	3
2:	1. attorneys	5
	2. legal assistants and/or paralegals	-
	3. administrative and other non-legal support staff	3 (one paralegal)
3:	1. attorneys	17
	2. Legal assistants and/or paralegals	6
	3. Administrative and other non-legal support staff	11
4:	1. attorneys	10
	2. legal assistants and/or paralegals	-
	3. administrative and other non-legal support staff	5
5:	1. attorneys	5
	2. legal assistants and/or paralegals	4
	3. administrative and other non-legal support staff (NCAA compliance officer)	1
6:	1. attorneys	5.3
	2. legal assistants and/or paralegals	1.5
	3. administrative and other non-legal support staff	1

7:	1. attorneys	10
	2. legal assistants and/or paralegals	2
	3. administrative and other non-legal support staff	4
8:	1. attorneys	15
	2. legal assistants and/or paralegals	5
	3. administrative and other non-legal support staff	10
9:	1. attorneys	9 (GC, health affairs)
	2. legal assistants and/or paralegals	1 para., 2 legal assts.
	3. administrative and other non-legal support staff (receptionist, office/business mgr and confidential assistant)	4
10:	1. attorneys	6
	2. legal assistants and/or paralegals	1
	3. administrative and other non-legal support staff	2

**Q. 14. Does the OGC provide budget support for attorneys to attend Continuing Legal Education activities and other professional activities related to their job duties? If yes, please describe the nature of the support.**

- 1: Yes. Money is budgeted to General Counsel who approves requests.
- 2: Yes, NACUA dues and conferences, as well as other seminars, as appropriate. Local or state bar dues are paid to a maximum of \$250 per attorney, annually.
- 3: Yes. Our attorneys are required as a condition of employment to have 12 hours of continuing legal education. The OGC pays CLE registration fees. In addition to payment of fees, the office may pay for transportation and lodging if the CLE is out of state. Out of state CLE attendance is approved subject to budget constraints.
- 4: Yes. Travel, lodging and registration expenses for at least one conference per year.
- 5: Yes. We provide funding for at least one national conference per year per attorney, as well as funding various local seminars and conferences, as approved by the General Counsel.
- 6: Yes, support for at least one major conference per year per attorney is provided. Generally, the support is in the approximate amount of \$2000.
- 7: Yes. Unlimited local CLE. Up to two out of state conferences each year. Other conferences as appropriate.
- 8: Yes, financial reimbursement for seminars and conferences.

- 9: Yes. Each attorney attends at least one off-site CLE per year at office expense.
- 10: Yes, the OGC pays for CLE courses to improve their knowledge and skills and to allow attorneys to fulfill their state bar obligation.

**Q. 15. What oversight or supervision does the General Counsel provide for attorneys in the OGC?**

- 1: Aware of key assignments; bi-weekly staff meetings; frequent e-mail contact.
- 2: Assign projects, ask for periodic updates, approve proposed settlements, give general advice on legal matters that require my attention.
- 3: All attorneys report to the General Counsel. Day to day supervision is provided by Deputy General Counsel and Director of Transactional Law.
- 4: Bimonthly attorney meetings, 1-2 individual meetings per month; other meetings, review and assistance as needed; assignment of many requests for assistance channeled through GC.
- 5: The General Counsel holds weekly staff meetings, weekly 1-hour individual meetings with attorneys, and other meetings/briefings as necessary. Emails and correspondence of substance are routinely shared with GC.
- 6: Important responsibility.
- 7: I supervise all the staff, and meet with them as a group on a weekly basis and individually as needed to discuss activities.
- 8: All attorneys report to the General Counsel. Associate attorneys report to the supervising attorneys.
- 9: All of the attorneys report to the General Counsel. There are weekly two hour professional staff meetings to discuss legal issues. Monthly one on one meetings with the General Counsel.
- 10: GC assigns the work load, monitors progress, and has near daily contact with all attorneys.

**Q. 16. Are attorneys evaluated annually on a formal basis? If so, please explain the process. If they are evaluated on an informal basis, please describe that process.**

- 1: No formal evaluations. See above on informal. In the past we have used formal

processes when an attorney's job performance was unacceptable.

- 2: Yes, annually on a standard evaluation form.
- 3: We follow a formal annual evaluation process. The attorneys prepare a self-evaluation document, which we discuss. I then prepare a written summary of the self-evaluation, our conversation and plans/goals for the following year.
- 4: Each attorney is formally evaluated in writing each year. Criteria were developed with input from attorneys and reduced to writing on an evaluation form. Each attorney submits a list of accomplishments each year.
- 5: Yes, feedback collected throughout the year. General Counsel, Deputy General Counsel and most senior attorney review/discuss performance, set salaries; written feedback with salary letters.
- 6: Formal evaluation annually based on self-evaluation form developed through agreement among previous GC and attorneys.
- 7: An informal evaluation is conducted yearly in connection with preparation of budget and determination of salary increases.
- 8: No, although we are in the process of developing such a plan.
- 9: Yes. Attorneys provide accomplishments. Supervising attorneys evaluate on human resource form and approved by General Counsel.
- 10: Attorneys are evaluated annually. Attorneys prepare and submit to the General Counsel a report of their work during the year. The General Counsel reviews and discusses the report with the attorney and conducts an oral evaluation. The General Counsel after the meeting prepares a written evaluation that is provided to the attorney.

C. **Organization**

**Q. 17. Are attorneys in the OGC organized by areas of expertise? If yes, please explain.**

- 1: Yes. Two attorneys primarily handle transactional matters, a third attorney primarily handles employment and civil rights matters, and the fourth attorney handles student related matters, business regulatory matters, and other miscellaneous matters. Sponsored research and contracts and grants are handled by one of the transactional attorneys and real estate and construction and procurement matters are handled by the other.

All attorneys have secondary areas that are back up for attorneys with the primary area coverage. This assures adequate coverage when the primary assigned attorney is out of

the office or needs additional assistance. All attorneys handle miscellaneous matters as assigned.

- 2: No.
- 3: Some have designations (e.g., tax, employment, athletics), and all have assigned clients, but all share some general responsibilities (e.g., public records, constitutional, FERPA).
- 4: Yes.
- 5: No.
- 6: Yes. There are two primary groups: Litigation/Labor and Employment and Transactional Law
- 7: No, although two attorneys are primarily litigators.
- 8: Yes, as to medical center operations and litigation experience
- 9: There are no rigid divisions. Attorneys do specialize in areas but there is a lot of overlap.
- 10: To an extent, they are organized by area of expertise. Three attorneys concentrate on employment-related matters (broadly defined), one concentrates on real-estate, finance and related matters, one attorney concentrates on research and IP, one concentrates on student affairs, athletics and some business, one focuses on business, construction and finance and one on clinical affiliations and clinical matters of the health science colleges. The GC is a generalist whose focus changes depending on projects and needs of the particular year, advice to the Board of Regents, advice to the President, relationship with outside counsel, management, etc.

**Q. 18. Are attorneys assigned functionally to specific departments or programs within the University? If yes, please explain and indicate how many attorneys are so assigned.**

- 1: No.
- 2: Assignments are more functional and across various departments, such as purchasing and contracts, employment, conflicts and compliance.
- 3: Only two are so assigned – in the health affairs area. (One is primarily an employment attorney and the other focuses on clinical matters.)
- 4: Yes as to medical center
- 5: Yes, see attached Institutions/Agencies Liaison Assignments.

- 6: Two attorneys are assigned to our medical center .... Other attorneys are responsible for all other areas and campuses.
- 7: All attorneys report to the General Counsel and are not assigned to specific departments although attorneys by nature of their expertise and subject matter assignment may work predominately with specific units and administrative officers.
- 8: Only the hospitals and the faculty practice plan. In general we staff by area of expertise rather than administrative unit.
- 9: Two attorneys serve the ... campuses, and two attorneys serve the Medical Center campuses in ....
- 10: Only one attorney is formally assigned to a department – the Academic Health Center. However, most of the attorneys have a department to which they provide most of the legal service. The selection is made based on the attorneys experience and expertise, which is matched to client need.

**Q. 19. If yes to Question 18, are the attorneys housed in those specific programs or departments or are they housed in a central OGC?**

- 1: Part time outside of central office. All attorneys work in the central office part of the time.
- 2: All attorneys are housed in the OGC.
- 3: One is housed at the med ctr, the other centrally located with OGC.
- 4: -
- 5: All attorneys housed at OGC.
- 6: See above.
- 7: Attorneys are housed in two OGC locations with one exception who is housed with his client in the Academic Health Center.
- 8: n/a
- 9: They are physically housed in health sciences but report to the GC.
- 10: Two attorneys are housed in [one site and in another site]. The General Counsel spends 3-1/2 days per week in [one site] and 1-1/2 days per week in [another site].

**Q. 20. Do attorneys in the OGC report directly to the General Counsel?**

- 1: Yes
- 2: Yes
- 3: Yes
- 4: Yes
- 5: Yes
- 6: Yes
- 7: Yes
- 8: Yes
- 9: Yes
- 10: Yes

**Q. 21. How often do attorneys in the OGC meet collectively?**

- 1: Weekly.
- 2: Twice per month.
- 3: All attorneys and paralegals meet every other week, with the General Counsel and two senior attorneys meeting weekly.
- 4: Weekly staff meetings. Annual retreat. Other meetings are scheduled as necessary
- 5: Monthly staff meeting, two retreats per year, and monthly practice group meetings.
- 6: Weekly
- 7: Weekly
- 8: Bi-monthly staff meetings as a group.
- 9: Once per week.
- 10: Weekly in each location. Collectively the attorneys meet on a quarterly basis.

**Q. 22. Are there individuals employed by the University, whose job responsibilities include the provision of legal services or legal advice, who are not affiliated with the OGC?**

- 1: No.
- 2: No. There are various administrators who have law degrees but only the attorneys in the OGC are authorized to provide legal advice and legal services to the University.

- 3: No, although the University has 2 research corporations and an athletic corporation, all organized under IRS Code Section 501(c)(3) and each employing an attorney.
- 4: No
- 5: No.
- 6: No, with one arguable exception of a licensing specialist in technology transfer office.
- 7: No.
- 8: No
- 9: No legal advice by other legally trained people.
- 10: Three campuses within the system have their own house counsel. Although these offices do not report directly to the General Counsel, I am responsible for serving as liaison with them, for general oversight and for reporting to the Board of Regents on their activities.

**Q. 22a. If yes to Question 22, briefly explain the capacities in which these individuals are employed.**

- 1: n/a
- 2: n/a
- 3: n/a
- 4: n/a
- 5: n/a
- 6: n/a
- 7: n/a
- 8: n/a
- 9: All over the university.
- 10: -

**Q. 22b. If yes to Question 22, please indicate whether the OGC maintains an oversight, reporting, or coordinating relationship with these individuals.**

- 1: n/a
- 2: n/a
- 3: n/a
- 4: n/a
- 5: n/a
- 6: No
- 7: n/a
- 8: n/a



- 9: We coordinate with people who are performing quasi legal functions, e.g., contract drafting and review.
- 10: -

**Q. 22c. If yes to Question 22, does the OGC meet with these individuals on a regular basis? If yes, please indicate how frequently such meetings are held.**

- 1: n/a
- 2: n/a
- 3: n/a
- 4: n/a
- 5: n/a
- 6: Only to provide legal advice as requested.
- 7: n/a
- 8: n/a
- 9: As needed.
- 10: -

**Q. 23. Please indicate any additional comments you care to make concerning the organization or structure of the OGC.**

- 1: (no response)
- 2: (no response)
- 3: Legal services offered by the OGC are free to internal users (University budget item). Legal services provided by external counsel are charged back to affected unit. This provides an incentive for early consultation and preventive advice and counsel.
- 4: (no response)
- 5: (no response)
- 6: I have supervised attorneys located at different offices. It was not acceptable. The OGC benefits from central officing. The General Counsel benefits from all attorneys reporting to him/her. The General Counsel benefits from reporting to the Board.
- 7: (no response)
- 8: (no response)
- 9: The OGC at ... is somewhat unique in providing litigation representation in house. We have found it to be very successful and cost effective.

10: (no response)

**D. Services Provided**

**Q. 24. Does the OGC responsibilities include providing oversight of the following services? Please check all that apply: OMITTED**

**Q. 25. Does the OGC utilize outside counsel to assist with particular matters requiring specialized expertise? If yes, typically on what type of matters?**

- 1: Yes, regulatory (e.g., FAA, FCC, NCAA) and litigation
- 2: Yes. Patent law, some healthcare law issues, and occasional land transactions.
- 3: Yes, to a limited extent for contract litigation, specialty areas such as tax, immigration, etc.
- 4: Litigation out of state, patents/trademarks work, more complex federal Medicare billing questions and on medical acquisitions, on some endowment investment deals, FCC licensing.
- 5: Yes. Tax, bonds, patent, occasional investigations.
- 6: FCC matters; any litigation for which the Attorney General's office lacks expertise or has a conflict of interest.
- 7: Tax, immigration, bonds, intellectual property
- 8: Yes. OGC may hire outside counsel subject to approval of the Attorney General and Governor. Several law firms are retained for patent prosecution. Law firms are also retained for discrete matters where the OGC and Attorney General's Office lack expertise or cannot handle due to conflicts or work load considerations.
- 9: Some complex regulatory issues and litigation that is not handled by the AG.
- 10: Yes. Bonding and benefits.

**Q. 26. If yes to Question 25, please describe the relationship with outside counsel (e.g., billable hours, flat fee, supervised by the General Counsel).**

- 1: Both flat fee and billable hours, depending on the nature of the work.
- 2: Billable hours; retained and supervised by GC with approval of Board of Regents counsel.

- 3: Typically hourly although we have done alternative fee arrangements.
- 4: All outside counsel enter into written retainer agreements with the University that set forth scope of work, billing arrangement (usually hours), budget and expense policy. All are supervised by the OGC.
- 5: Typically outside counsel offer some sort of blended rate based on their hours and expenses. The General Counsel oversees the activities and approves payment.
- 6: Appointments and fees authorized by AG. GC responsive for review of performance and billables within such authorization.
- 7: Billable hours. All worked supervised by the General Counsel. Occasionally a flat fee will be negotiated for a particular project.
- 8: All matters are assigned to outside counsel through OGC. All legal strategy, final approval of pleadings and settlements, etc. is set by OGC. Most outside counsel bill at a fixed state government hourly rate.
- 9: Billable hours on contract approved by General Counsel and Office of Attorney General.
- 10: Normally we retain outside counsel on billable hours with a maximum estimated amount per matter. Maximum amount is subject to change and further AG and Gubernatorial approval.

**Q. 27. Do individuals other than the General Counsel have the authority to hire outside counsel? If yes, please explain.**

- 1: The University Treasurer hires bond counsel who consults with the GC.
- 2: No
- 3: The General Counsel is responsible for all hires but has delegated authority to hire within dollars limitations to the Deputy General Counsel.
- 4: No.
- 5: Approval by the Governor is a prerequisite to employing outside counsel. The General Counsel makes the request of the Governor.
- 6: No.
- 7: No.

8: With concurrence of Board of Regents counsel.

9: No.

10: No.

**Q. 28. Please identify the most pressing issues confronting the OGC.**

1: Continuing to provide representation in contested matters and advice and counsel in all areas. Specific current areas of concern include affirmative action, associated organizations and medical resident FICA.

2: Research and finance.

3: Resources, funding; Sarbanes-Oxley ramifications; Managing litigation costs; Managing I.P. costs; Risk Management; Affiliated entities

4: Lack of attorneys.

5: Dealing with increasing complexity of most legal issues. Getting consistent quality representation from Assistant Attorneys General.

6: Providing the highest level of service with limited financial resources.

7: Increasing pace of operations and expectations from steady growth in virtually all operations compared to relatively static legal resources.

8: Ensuring that OGC attorneys and staff are adequately compensated. Arranging sufficient reflective time for proactive and reactive legal matters.

9: Employment matters; complex transactions (contracts, real estate); student issues; diversity and affirmative action; compliance with new regulations.

10: Additional professional staff to serve an expanding business side of the University.

**E. Education & Communication that Affects the Delivery of Services**

**Q. 29. Does the OGC maintain a web page that provides answers to routine questions relating to issues such as discrimination, harassment, and affirmative action; employment and labor relations; access to personnel or student data; purchasing and contracting; and/or free speech and religion?**

1: No.

- 2: Yes.
- 3: Yes.
- 4: No, but exploring it
- 5: Yes. It was created in 2004.
- 6: Being developed now.
- 7: Yes.
- 8: No.
- 9: Yes.
- 10: Web page yes, but minimal legal advice or guidance is provided on it.

**Q. 30. Does the OGC distribute a newsletter or other publication to keep clients and members of the University community informed about the OGC and/or important legal issues?**

- 1: No but we would like to do so.
- 2: No newsletter but we do occasionally provide general advice memos on selected topics that are circulated to specific segments of the university.
- 3: No.
- 4: Advisory memoranda distributed on selected topics to focused groups. No newsletter.
- 5: No.
- 6: No. The OGC does occasional memoranda to senior management on important statutory or case law charges.
- 7: No.
- 8: No.
- 9: No.
- 10: No. We do, however, have a "hot topics" section on our website to inform people of the latest developments affecting higher education.

**Q. 31. If yes to Question 30, is the publication prepared by an OGC staff member?**

- 1: Any attorney may prepare such a memo.
- 2: -
- 3: -
- 4: -
- 5: -

- 6: -
- 7: We do our own contributions to the website.
- 8: Yes
- 9: -
- 10: -

**Q. 32. If yes to Question 30, please indicate how often the publication is distributed.**

- 1: -
- 2: -
- 3: As needed.
- 4: -
- 5: -
- 6: -
- 7: -
- 8: Most often in a workshop or presentation on the specific subject matter.
- 9: -
- 10: -

**Q. 33. Apart from the activities referenced in Questions 29 and 30, are there other activities that the OGC pursues to enhance awareness of the OGC and the services it provides (e.g., campus training, seminars, workshops)? If yes, please describe.**

- 1: We provide training on a variety of issues, conduct regular workshops for department chairs, and speak to various groups, such as university personnel officers, registrars, student affairs officer, business officers, faculty and administrators etc. . . . throughout the system.
- 2: OGC attorneys participate as presenters in numerous trainings for University administrators and employees. Occasionally, the OGC presents independent training for University administrators on topics such as affirmative action.
- 3: Regular presentations offered on variety of topics by OGC attorneys (FERPA, public records, harassment and discrimination, intellectual property, etc.) Also, an annual program on a variety of legal issues is conducted for new academic leaders.
- 4: Yes, we participate in all the services mentioned.
- 5: Training, and substantial daily interaction with the myriad operational centers throughout the University.
- 6: Provide campus training in areas of expertise.
- 7: We participate in training for many employees. We also make independent presentations

on issues of interest.

- 8: Training in the form of brown bag lunches, speaker series done for one year, employment law seminar, participation in NACUA virtual seminars with clients invited as guests, collaborative training with other offices such as HR, etc.
- 9: The OGC provides seminars and workshops periodically as part of its preventive law activities. Individual attorneys also respond to specific requests to partner with other units in workshops, as well as responding to requests by individual units to make presentations on topics of interest.
- 10: Routine briefing to new chairs and directors. Frequent briefings to appropriate administrators regarding developments in law and policy.

**Q. 34. Does the OGC survey users of the Office to assess their satisfaction with the services provided?**

- 1: No.
- 2: No, don't need to, as receive feedback from senior officers.
- 3: Yes
- 4: Yes
- 5: The OGC formally surveyed users once in the mid-1990s. Due to cost considerations we have not repeated the survey but do routinely solicit feedback from clients for services provided and attorney performance.
- 6: Yes
- 7: Yes, but not recently.
- 8: No
- 9: No
- 10: No but we would also like to do that in the near future.

**Q. 35. If yes to Question 34, how often?**

- 1: Three year cycle
- 2: It varies. The first was done in 1998 and the second was done in 2003.
- 3: -
- 4: -
- 5: Annually
- 6: -
- 7: -
- 8: -
- 9: -
- 10: -

**Q. 36. Given no financial or political constraints, what changes within the OGC and its role within the University would you recommend?**

- 1: See above
- 2: Larger staff, more continuing ed., and more library/CD research materials.
- 3: Additional in-house staff in finance and research; additional outside counsel for IP, litigation and certain other complex, matters, shift of resources to increase prevention and education role.
- 4: Hire one additional attorney, one additional support staff, and one paralegal.
- 5: Given the variety of OGC structures in ..., I think this one works the best and is most cost effective. The ability to hire or perform litigation support might be an improvement.
- 6: More staff.
- 7: Addition of at least 2 attorneys, more frequent preventive law activities, better website with more resources on it, better long-range planning.
- 8: -
- 9: Greater compensation funding to retain and attract the best talent for OGC.
- 10: Contiguous office space for up to (20), hire (2) additional attorneys and (1) or (2) paralegals. Risk management responsibility.