



MARICOPA
COMMUNITY COLLEGES

Office of General Counsel

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Outside Counsel Guidelines

Guidelines for Outside Counsel

The Maricopa County Community College District (MCCCD or the District) retains outside lawyers and law firms to advise and represent the District in various legal matters, including litigation, transactional matters, investigations and general advice. We select firms and attorneys based on expertise, experience, and rates for the services needed. Regardless of the type of matter, MCCCD expects all firms and lawyers retained to adhere to the highest ethical standards.

Because the Office of the General Counsel (OGC or Legal Services) is ultimately responsible for representing MCCCD in all legal matters, the relationship with outside law firms is that of partners. Therefore, OGC will partner with outside attorneys to ensure cost and resource efficiency. The following guidelines govern work performed by Outside Counsel on behalf of the Maricopa County Community Colleges District. If the District purchases the services of a firm from a cooperative contract of another Arizona public entity, OGC expects the firm to comply with these Guidelines.

Assignments and Budget

In order to assist you in representing MCCCD, one of the attorneys from our office has been (or will be) assigned to manage the representation and to act as your in-house liaison. This attorney will be your principal contact with the District and its employees. The Managing Attorney will work with outside counsel to evaluate matters, determine strategy and establish an initial budget. A budget is required in all matters (including, but not limited to litigation, investigation, real property, intellectual property, and data privacy and security or any type of general legal advice). The budget for all matters other than litigation should be supplied as promptly as possible, along with any appropriate evaluation. A litigation budget template can be accessed here: [Fillable Litigation Budget Worksheet](#)

Outside Counsel should update budgets when the budget is exceeded or when the progression of the matter suggests it is necessary, as for example, when the matter moves from discovery to dispositive motions or when a fundamental change in the matter necessitates a new budget.

The Managing Attorney will facilitate client contacts, approve your budget(s), participate in drafting and review of significant documents and court filings, assist with discovery, attend meetings, depositions and trial where appropriate and review your invoices. We expect that your contact with the Managing Attorney will be such that we will have no surprises as to strategies, outcomes, or fees and expenses.

All matters between Outside Counsel and the District shall be handled through the OGC. Outside Counsel shall not accept retention or assignments from other District employees or representatives without the approval of the OGC, even if requested by such other employees or representatives. This does not apply to workers' compensation related matters or subrogation cases referred by Risk Management.

The OGC expects that Outside Counsel will keep it apprised of progress in the matter and of any necessary decisions to be made, sufficiently in advance of those decisions to allow deliberation.

In litigation and other insured matters of which OGC has notified the firm, the following should be copied on all correspondence:

- Lisa Laird at lisa.laird@domail.maricopa.edu
- Chontel Hounjet at chontel.hounjet@domail.maricopa.edu
- Lori Herigstad at lori.herigstad@domail.maricopa.edu

Staffing

As a publicly funded entity, the District expects that its outside counsel will staff matters in a lean fashion, and ensure that work will be performed by professionals at the appropriate level. The OGC approves the specific professionals assigned to all matters at the inception of the matter, whether professional or non-professional. The District expects firms to retain the same team throughout a matter to the greatest extent possible, but recognizes changes to a team may be needed. Please note that the District does not pay for the transition or learning time resulting from a staffing change, and this time should not appear on a bill. Changes in staffing require the approval of the Managing Attorney, including the approval of the billing rate if it is not specified in a firm's response to the District's Request for Proposals.

Outside counsel should assign tasks at the most efficient level (i.e., partner, associate, paralegal, clerk, or secretary) consistent with high quality legal services. If the fee schedule approved by the OGC includes higher fees for partners than associates and paralegals, partners should perform the more sophisticated legal work not appropriately assigned at a lower level. Similarly, associates should perform only those tasks requiring use of an attorney, and paralegals should only perform work that is not clerical. Bills must include sufficient detail to demonstrate that the level of work is appropriate to the level of the person performing it.

If a firm's response to the RFP specifies attorneys by name and their fees, and either OGC or the firm wishes to assign an attorney at the firm who was not listed in the contract, the fees that OGC will accept for that attorney must be no higher than those for attorneys with similar experience in the firm identified in the contract. The Managing Attorney must pre-approve such rates.

OGC expects that only one professional will attend meetings, depositions, mediations, and arguments, and to perform other necessary tasks, unless the task requires more than one person and the Managing Attorney has given the firm prior approval to deviate from this guideline. OGC expects the assignment or attendance of more than one person will be the exception and requires the approval of the Managing Attorney. Note that the District will not routinely pay for paralegals to attend witness interviews; advance approval to bill for such time must be sought and will only be granted in extraordinary circumstances.

Potential Conflicts of Interests

Legal Services never provides prospective waivers of conflicts or potential conflicts of interest. Requests for waivers of any conflicts of interest will be considered by LegalServices only on a case-by-case basis. All such waivers must be in writing (email is acceptable). In no case will a waiver be granted for a firm to be in an adversarial position to MCCCCD in any litigated or contested matter before any court, administrative agency or ADR body. Where a waiver is given, we expect that the firm will, unless we expressly agree to the contrary in writing, maintain an ethical wall so that lawyers involved with MCCCCD matters are not involved in the representation constituting a conflict or potential conflict of interest and the lawyers involved with MCCCCD maintain the confidence of MCCCCD.

Role of OGC Paralegals

The District employs experienced paralegals who have the primary responsibility for collecting and organizing documents related to a matter, and who use litigation and document management software to locate, review, redact and share relevant documents. In order to help manage costs, the OGC requests that Outside Counsel rely on OGC paralegals to the greatest extent possible, for all document-related work. OGC paralegals are able to draft initial chronologies, identify potential witnesses and schedule interviews, and locate, review and organize documents and other relevant information, in coordination with Outside Counsel. The District expects that Outside Counsel will work with its paralegals in ways that minimize the time required by such Counsel without compromising the quality of legal services.

Billing

The District will send an engagement letter and issue a purchase order to a firm at the inception of the matter. Note that no work can be billed until the purchase order is issued. Outside counsel are responsible for notifying the managing attorney when the amount on the purchase order may be exceeded by a pending bill.

Bills must be sent monthly. Bills should be sent to the Managing Attorney and assigned paralegal. Matters known by the firm to involve an insurable claim must also be sent to the following individuals:

- Lisa Laird at lisa.laird@domail.maricopa.edu
- Chontel Hounjet at chontel.hounjet@domail.maricopa.edu

MCCCD requires task-based billing. All bills should contain at least the following information. Bills submitted with block-bill entries and bills lacking other required information will be sent back for revision prior to processing for payment.

1. The date of each service performed and a full description of each service rendered. A full description should include the activity performed, the names of the individuals involved, and the subject or purpose of the charges. For example, bills should reference the purpose of conferences and the names of participants, the subject matter and recipient of all correspondence prepared or reviewed by the firm, the titles of documents, proceedings and motions, and the specific issues involved in any legal research billed;
2. The name of each partner, associate and paralegal performing each service and the number of hours worked on each task, billed in .10 hour increments (tasks charged as “block” or multiple item entries are not acceptable and will be returned for clarification);
3. Summary of the time and charges for each person who performed tasks during that month;
4. An itemized list of all disbursements and costs including date incurred and who requested the disbursement. Receipts must be retained and may be requested from time to time;
5. Total fees for all professional services rendered during the billing period; and
6. The combined total for professional services and disbursements for the billing period.

Prohibited Fees and Expenses

MCCCD will not pay for and reserves the right to require write-off as to any of the following items:

1. Preparation of budgets, bills, or responses to billing inquiries.
2. Clerical work, even if performed by attorneys or paralegals (e.g., bates stamping/date stamping, enclosure letters, e-filing, etc.).
3. Training or educating employees. For legal drafting, it is expected that a senior attorney's review of another attorney's draft will constitute a small minority of the total time billed for the task.
4. Unnecessary internal conferences about a case, such as conferences between attorneys in the firm about case status. Charges for administrative or supervisory conferences, including work assignments and status updates, will not be paid. The fees for only one attorney's attendance at strategic meetings will be paid, unless advance approval is sought and granted.
5. Secretarial, word processing, proofreading, filing, or clerical services.
6. Computer resources, including computerized legal research services and document management systems.
7. Meals.
8. Local travel time.
9. Other travel unless the responsible Managing Attorney pre-approves such travel. Note that all travel, including travel by third-party consultants, is reimbursed at rates that MCCCD reimburses its employees. Note that reimbursement for travel requires submission of original receipts.

Billing Rate Increases

Outside counsel are responsible for informing the Managing Attorney of any rate increase. A firm may increase its rates only if its response to the RFP indicates that rates will increase and only in the amount specified. Increases may only occur on July 1 of years two through five of the contract. The District will be entitled to a credit for any fees that exceed the percentage increases identified in the contract.

Third-party Consultants

A firm may not use a third-party consultant on a matter without the prior approval by the Managing Attorney of the consultant, their fees, and any related costs.

Settlement

Sometimes it is in the best interest of MCCCD to amicably settle cases or to consider Alternative Dispute Resolution (ADR). Outside Counsel should review these possibilities whenever they believe them to be in the best interest of the District. Any discussions of settlement or ADR must begin with consultation with the OGC and Risk Management. Neither the primary attorney nor any associate should initiate settlement negotiations or make settlement offers without approval of the Managing Attorney. In some cases, prior approval may also be required from MCCCD's insurance carrier. The insurance carrier may wish to participate in settlement discussions or ADR proceedings. If Outside Counsel believes that settlement is in the best interest of MCCCD and that ADR will facilitate settlement, he/she and the responsible OGC attorney, along with Risk Management, should discuss ADR.

Contact Information

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