

LEGAL SERVICES POLICY

Adopted 9/9/03

1. PURPOSE

The purpose of this policy is to implement MCL §49.73 which obligates and empowers the Tuscola County Board of Commissioners (“Board”) to employ an attorney to represent elected county officers, including the sheriff, prosecuting attorney, clerk, treasurer, county surveyor, register of deeds, drain commissioner, and judges of the county district and probate, and circuit courts in civil matters when “neither the prosecuting attorney or county corporation counsel” is able to represent the particular officer. In addition, to best serve its citizens, Tuscola County (“County”) needs to insure that all civil legal matters are pursued in a timely, cost-efficient and effective manner that is coordinated with the legal matters of other offices, departments or activities funded in whole or in part by the County.

2. POLICY

2.1 This policy shall apply to all civil legal services, except indigent defense expenses, funded by the County, including those provided at the request of the County elected officials, department heads, employees and the judges of the County district, probate, circuit courts and their employees.

2.2 Legal Defense Services. Within twenty-four (24) hours of being served with a summons and complaint pertaining to his or her office or official performance, any employee or elected or appointed official must forward a copy of all documents served to the Tuscola County Controller/Administrator. Upon receipt of a summons and complaint, the Tuscola County Controller/Administrator shall promptly contact the Board Chair. Together, they shall make an initial assignment of the defense of the matter to the Prosecuting Attorney, one of the County’s civil attorneys who is regularly retained by the County to address legal matters, to the County’s insurance carrier or to another attorney, as is appropriate. The Board shall make a formal assignment of the defense as soon as practicable.

2.3 Other Legal Services. If an elected official, department head or other County official or employee believes that he or she needs legal counsel related to his or her official performance or that of the county funded department, office or activity supervised by the person, he or she shall submit a written request for legal services to the County Controller/Administrator, who shall forward the request to the Board. The Board shall make a decision upon the request as soon as practicable. In an emergency, the Board Chair may approve the request pending Board review. The County Controller and Board Chair may on

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their own initiative consult with the County's civil counsel on County matters.

- 2.4 If an elected official, department head, or other County officer or employee is dissatisfied with the attorney assigned by the Board to defend them or provide any other legal services to a county funded department, office or activity that the individual supervises, he or she must advise the Board in writing of the nature of the concern and whether or not the individual requests a new assignment. The individual may request a particular attorney, but the Board retains the discretion to determine whether new legal counsel will be provided, and if so, to select such counsel.
- 2.5 No elected official, department head or other County officer or employee may retain an attorney or law firm at County expense, except pursuant to this policy and upon the express prior approval of the Board.