

Texas Tech University System

Regulation 07.02

Outside Counsel

Approved April 18, 2019

Next Scheduled Review: April 2024

1. General

- a. Use of outside legal counsel (“outside counsel”) on behalf of the Texas Tech University System or its component institutions shall be conducted exclusively through the TTU System Office of General Counsel. The Office of General Counsel (“OGC”) serves as the clearinghouse and coordination point for all requests to the Office of the Attorney General of Texas (“Attorney General”) to retain outside counsel.

2. Policy

- a. Outside counsel shall be employed exclusively through the TTU System OGC on behalf of the System and its component institutions.
- b. Negotiation for any agreement with outside legal counsel for representation will be conducted by OGC.
- c. Any agreement with outside counsel purportedly made or entered into on behalf of the System or a component institution without the approval of OGC is not binding on the System or its component institutions.
- d. Prior to requesting outside counsel, the appropriate System or component institution department should identify a funding source for payment of outside counsel charges.

3. Process

- a. All requests to retain outside counsel shall be submitted in writing to the TTU System OGC.
- b. If the OGC determines that employing outside counsel is necessary, OGC will follow applicable Attorney General procedures to request and retain outside counsel and review the proposed Outside Counsel Contract prior to outside counsel rendering legal services. Upon Attorney General approval, OGC will electronically route the Outside Counsel Contract for signature and approval.
- c. Outside counsel invoices must be reviewed by OGC before submission to the Attorney General for approval. Payment to outside counsel is not authorized until approved by both OGC and the Attorney General. Unauthorized billing items may not be paid. The following procedures apply:
 - i. Bills for services should be sent directly to OGC by outside counsel. If outside counsel sends a bill to another department or office, they should be forwarded to OGC immediately.

- ii. OGC will forward the bill to the head of the appropriate System or component institution department requesting outside counsel services to review for accuracy. That individual (or designee) will return the bill to OGC, with a certification that they have reviewed the bill and 1) that the time and/or related expenses billed are correct; or 2) with an explanation of how the bill is in error.
- iii. OGC will request approval from the Attorney General to pay the bill.
- iv. Upon approval by the Attorney General, OGC will forward the bill and outside counsel voucher approval to the appropriate System, or component institution department who is responsible for payment. A copy of the voucher should be sent to OGC as verification of payment.
- v. Errors or inappropriate charges discovered by the paying authority should be reported immediately to OGC.

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