



**TOWN OF MANSFIELD  
POLICY MEMORANDUM**

**To:** All Town Employees  
**From:** Matthew W. Hart, Town Manager *M. W. Hart*  
**Date:** September 1, 2014 (Original)  
**Subject:** Use of Town Attorney Policy

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**I. Purpose**

This administrative policy is meant to provide guidance and procedures on the use of Town Attorney Services. Town Attorney services include but are not limited to: general legal advice; formal legal opinions; policy and ordinance development; review of contracts and agreements; dispute resolution; and representation of the Town in various litigation matters.

**II. Effective Date**

This policy shall be effective immediately and shall remain in effect until revised or rescinded.

**III. Authorization Process**

**A. New Items.** When a staff member has a new legal item that requires review by the Town Attorney, they must first seek written authorization from their department director or assistant department director in the department director's absence, and the Town Manager or Assistant Town Manager in the Town Manager's absence, in that order. Once full written authorization has been received, the staff member may contact the Town Attorney directly. The Town Manager or Assistant Town Manager in the Town Manager's absence may initiate and seek legal advice on a matter(s) without a Council directive or staff request if the matter(s) is in the best interest of the Town.

**B. Ongoing Items.** Once full authorization has been received for the open legal item, staff members may contact the Town Attorney directly. The Town Manager and Assistant Town Manager should be copied on electronic communications. Staff members are expected to use the Town Attorney services in a responsible manner. If an open legal item does not initially begin as litigation, but turns into a litigation matter, the staff member must immediately notify their department director or assistant department director in the department director's absence and the Town Manager and Assistant Town Manager. Litigation matters are generally billed to the Town on a per hour basis. As such, staff members are again expected to utilize the Town Attorney Services in a responsible manner.

**C. Council Members.** Per contract with the Town Attorney, only the Chair of the Personnel Committee shall have direct access to the Town Attorney and only for matters related to the Town Manager's employment. Should Council seek legal advice or assistance on other matters, they will agree by motion or consensus in open session of Council. The Council may also request legal advice in executive session, in accordance with state law. Those requests will then be handled on the Council's behalf by the Town Manager or his/her designee. Should

Council committees/sub-committees seek legal advice or assistance on matters, they will agree by motion or consensus in open session of the committee/sub-committee. Committees/subcommittees may also request legal advice in executive session, in accordance with state law. Those requests will then be handled on the Council's behalf by the Town Manager or his/her designee. For example, the Town Manager may direct the staff member assigned to the requesting Committee to follow through on the assignment.

**IV. Review of Use of Town Attorney Services**

The Town Manager or his/her designee will review all invoices submitted by the Town Attorney for accuracy and usage. Discrepancies or areas of concern will be addressed by the Town Manager's Office. Examples include legal items that did not receive full authorization or excessive use of Town Attorney services by a staff member.

**V. Exceptions**

Exceptions to this policy may only be authorized by the Town Manager when the circumstances warrant or when an emergency arises and full authorization was not immediately received prior to seeking counsel. Any such exception to this policy should be documented.