

09.04.01 Legal Counsel and Attorney General Opinion Requests



Revised [February 22, 2022](#)

Next Scheduled Review: February 22, 2027

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Regulation Summary

The Office of General Counsel (OGC) of The Texas A&M University System (system) is responsible for providing Legal Services to the system and its members. This regulation provides minimum procedures to be used by members when requesting Legal Services and opinions from OGC.

Regulation

1. LEGAL COUNSEL

It is the responsibility of OGC to provide Legal Services to the system and its members. No system or member employee outside of OGC is authorized to provide Legal Services, even if the employee has a law degree and/or law license. The job posting and position description for a position outside of OGC that makes a law degree a preferred qualification must include language stating that the employee serving in the position is prohibited from providing Legal Services.

- 1.1 The term “Legal Services” means the representation of the system, its members or of any employee, on matters arising from that employee's official duties, before any court or administrative body. “Legal Services” also means the giving of advice or the rendering of any service to the system, its members, or any system or member employee; requiring the use of legal skill or knowledge; and regarding a specific matter or situation. Legal Services does not include a presentation to a group of system employees regarding general legal topics and in which no attempt is made to address a specific matter or situation.
- 1.2 Any contract under which Legal Services is provided by a private law firm or an attorney or paraprofessional who is not employed by the system, regardless of the amount of Legal Services provided in relation to other services, is deemed an “Outside Counsel” contract.
- 1.3 In most cases, requests for legal advice and assistance are directed to OGC by the member chief executive officer (CEO), or by such offices as may be authorized by the CEO or designee.

- 1.4 The above-stated definition of Legal Services does not deprive OGC of the authority to determine whether other services and acts not enumerated above may constitute Legal Services. In the event of any doubt regarding whether a contract may be for the provision of Legal Services, OGC must be consulted.
- 1.5 Requests for opinions and other legal assistance must be made in writing whenever reasonably possible.

2. OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS

- 2.1 State law provides that the Attorney General provides legal representation for state agencies in litigation. OGC coordinates such representation, and all communications with the Attorney General's Office must be made through OGC.
- 2.2 It is the responsibility of the Attorney General to determine if individuals acting in their official capacity will be represented by the Attorney General's Office.
- 2.3 All requests for Attorney General Opinions, including requests for open records decisions made under the Texas Public Information Act, Chapter 552, Texas Government Code, must be submitted through OGC.

3. OUTSIDE COUNSEL

- 3.1 All requests to retain Outside Counsel must be submitted in writing to OGC. If approved by the general counsel, a formal *Request to Retain Outside Counsel* is prepared by OGC and submitted to the Attorney General for approval. No Outside Counsel may be retained without the prior approval of the Attorney General's Office.
- 3.2 Payment and funds used for payment of Legal Services rendered by Outside Counsel must be in accordance with the approved Outside Counsel contract.
- 3.3 All members and system offices that use Outside Counsel services must provide reports to OGC as requested by the general counsel.

Related Statutes, Policies, or Requirements

Tex. Gov't Code §§ [402.021](#), [402.0212](#)

[1 Tex. Admin. Code Ch. 57, Outside Counsel Contracts](#)

[System Policy 09.04, Litigation](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

General Counsel
(979) 458-6120