

UL Legal Services | Seribhísí Dlí OL

Operating Model and Procedures for seeking legal advice |
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1. Introduction

1.1 Overview

This document sets out the operating model for the University Legal Services at the University of Limerick and documents the procedures for seeking internal legal advice. It also sets the procedures for engaging external legal services and the University's expectation of its external legal advisors. This Operating Model and Procedure aligns with the University's Procedure for the Engagement of Professional Services.

1.2 Objective

The objective of UL Legal Services is to support the strategic objectives of the University by providing legal advice and support on legal matters arising in the course of University activities. These include the following areas:

- Legislative and regulatory compliance
- Contractual agreements
- Research agreements and compliance with State Aid, competition and other applicable laws
- Litigation and liability matters
- Disputes / dispute resolution
- External complaint and appeal processes
- Academic matters including legal issues in student related matters
- Input in development and review of UL policies and procedures
- Input in development and review of Statutes and Regulations

2. Operating model

2.1 UL Legal Services operates as a centralised unit as a function of the Office of the Corporate Secretary. It provides legal advice and support across the University's activities and business needs in the areas outlined above. It makes referrals on legal matters to external legal firms where considered appropriate by the University Solicitor and following discussion with the Corporate Secretary or relevant Executive Committee member.

2.2 Referrals to external legal firms may arise due to the complexity, speciality or urgency of the legal issue arising. External legal advisors are engaged under the terms of the sectoral level Legal Services Framework.

3. Procedures for seeking legal advice

3.1 The procedure for seeking legal advice is set out below:

i. A request for legal advice is initiated by way of email request
   - for all University affairs/ non research related matters, to the University Solicitor
   - for research related legal matters, to Head of Research Contracts

ii. the email must be titled "Request for Legal Advice". This is to ensure that the advice will be protected by legal privilege where appropriate.

iii. The email should specify the following information:
   - A summary of the issue - attach relevant documentation
   - The timeline required for a response
   - Indicate if legal advice on this issue/ related issue has previously been obtained (and where so, attach a copy).

iv. A response will be provided by email to the individual requesting the legal advice confirming if the legal matter will be dealt with internally or if it requires external legal advice from a firm on the University's external Legal Panel, and the indicative timeframe for a response.

v. Referrals for external legal advice will be made in accordance with the Legal Services Framework.

4. Procedures for seeking external legal advice

4.1 Where an identified need arises, the University engages legal services from external legal firms. External legal firms are engaged in accordance with the Multi Supplier Framework Agreement for the Provision of Legal Services to the University Sector PLI130F (the "Legal Services Framework").

4.2 The Legal Services Framework has 6 separate lots covering the following range of services:

Lot 1	**Corporate, Commercial & Information (incl. Research Affairs and Intellectual Property**
Lot 2	**Estates Management & Capital Development**
Lot 3	**Employment**
Lot 4	**Procurement & Competition**
Lot 5	**University Affairs**
Lot 6	**Multi-Disciplinary Services**

4.3 The University may draw down the services of external legal firms from the Legal Services Framework on a direct drawdown or competition basis. Where authorised individuals (see Appendix One) engage the external legal firms directly, the University Solicitor will confirm the appropriate drawdown mechanism and/ or lead firm for each lot. A separate contract is not required for each new engagement where services are drawn down on foot of the Framework, however, a letter/ email confirming engagement on the Framework terms is required.

4.4 Certain individuals are authorised by virtue of their function and/or role to engage legal services directly from external legal advisors in relation to specific legal lots. Prior consultation with the University Solicitor is not required, however, the University Solicitor must be informed at the commencement of the engagement and advised when the matter has concluded. Such individuals are set out in Appendix 1. This authority may not be delegated. It is the responsibility of each individual who engages external legal services directly to ensure that they are compliant with the Legal Service Framework.

4.5 Where external legal services are required by individuals who are not authorised to engage external legal services directly, external legal services may only be engaged following consultation with the University Solicitor. The University Solicitor will be the initial point of contact for referral between the external legal firm and the individual who requested the legal advice and must be updated on the matter as it progresses and on conclusion.

4.6 For every new matter, an estimate of legal fees and estimate of timeframe for delivery/ completion must be sought in advance of engaging external legal services. Where the estimated costs / time are going to be exceeded, the University Solicitor should be notified immediately.

4.7 Unless otherwise agreed the costs of engaging external legal service will be borne by the Department / Division/ Faculty which has sought the services.

4.8 External legal fees are reviewed by the University Solicitor and reported to Executive Committee on a quarterly basis. The report will outline areas of external legal expenditure by category and will identify recurrent/ high areas of expenditure and will align with external reporting requirements.

4.9 An annual report on expenditure on external legal costs will be submitted to the Executive Committee and subsequently, the Governing Authority through its Finance Performance & Strategy Committee. This report will issue to Executive Committee in parallel with the timeframe for the development and consideration of the University's Annual Report in the form of the financial statements.

5. Principles for engagement with external legal firms

5.1 The University has clear expectations of its external legal firms and the principles upon which it engages their services. These are as follows:

- Legal advice that is clear and concise, specific, practical and readily applicable, rather than theoretical or equivocal
- Value for money/ efficiency with no duplication of services
- Appropriate response time
- Relevant expertise
- Access to appropriate level of advisor within the firm
- In line with the University's risk appetite statement

5.2 It is the responsibility of each individual who engages external legal services directly to ensure that they are cognisant of the above principles and that they seek to apply them in their engagement with external legal firms. This may mean, for example, ensuring that there is no duplication of service (that legal advice on the same query has not been previously sought); that the instruction is clearly defined; that the appropriate level of advisor is assigned within the firm (Partner/ Senior Associate/ Associate).

6. Management of Legal Case

6.1 No legal proceedings may be initiated on behalf of the University without the express permission of the Corporate Secretary.

6.2 All correspondence threatening legal action against the University should be immediately to the University Solicitor.

6.3 All cases involving the reputation of the University must be referred to the University Solicitor.

7. Knowledge Management

7.1 Knowledge management and retention of legal advice received by the University is an important way of preserving institutional knowledge and ensuring consistency of application. UL Legal Services maintain a Legal Knowledge repository to retain legal knowledge. Where legal advice on a matter of institutional importance and/ or wider relevance to the matter is provided by way of letter of advice/ legal opinion, a copy of this should be forwarded to UL Legal Services. Any personal identifying information must be first redacted.

Appendix 1 Authorised Persons

Persons authorised to seek external legal advice in line with the Legal Services Framework are set out hereunder:

All lots	• Chancellor • President • University Solicitor • Corporate Secretary
Lot 1 – Commercial, Corporate Information, Research and Intellectual Property	• Chief Commercial Officer • Chief Financial & Performance Officer • Director Management Planning and Reporting • Corporate Secretary • Vice President Research • The following individuals following explicit approval of the Vice President Research: • Director of Technology Transfer Office (TTO) • The following individuals following explicit approval by the Corporate Secretary: o Data Protection Officer o Information & Compliance Officer
Lot 2 – Estates Management & Capital Development	• Chief Commercial Officer • Chief Financial & Performance Officer • Director Buildings & Estates • Director Management Planning and Reporting
Lot 3 - Employment	• Director of Human Resources o The following individuals following explicit approval of the Director of Human Resources o Deputy HR Director o Head, HR Central Services o Head, Employee Relations • Corporate Secretary

Lot 4 – Procurement & Competition	• Chief Financial & Performance Officer • Chief Commercial Officer • Financial Controller Operations & Research • Head of Procurement & Contracts • Director Buildings & Estates
Lot 5 – University Affairs	• Provost & Deputy President • Corporate Secretary • Chief Financial & Performance Officer
Lot 6 - Multi-Disciplinary Services	• Corporate Secretary

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