

CityHousing Hamilton Corporation



CATEGORY	03	Procurement	DATE APPROVED: May 29, 2000
SECTION	08	Legal	UPDATED ON: February 28, 2019
POLICY	02	Litigation	INTERNAL POLICY

1.0 POLICY STATEMENT AND PURPOSE

To establish a standardized procedure for acquisition of outside legal services, for the monitoring of the accounts of private sector lawyers and law firms retained by the CityHousing Hamilton (CHH).

To ensure uniform legal policy, and a standardized form of contracts throughout the organization.

To ensure that the Chief Executive Officer is advised of the retention of all legal counsel by CHH.

2.0 SCOPE

This policy applies to senior management of CityHousing Hamilton that require the support of outside legal services, with respect to organization operations.

3.0 POLICY

CityHousing Hamilton (CHH) can retain private sector lawyers on an as needed basis. This Policy will provide guidelines for the acquisition of services, and also aims to avoid unnecessary expenses.

All litigation matters related to CHH employees will be referred to the Human Resources department for direction.

4.0 PROCEDURE

Legal counsel for CityHousing Hamilton (CHH) is retained on an as-needed basis. There are particular matters that warrant the consent of the Chief Executive Officer (CEO) or senior management designate to retain legal counsel.

Consent Required

The consent of the CEO must be obtained prior to retaining outside legal counsel for the following matters:

- Lawsuits, initiated or defended by CHH which are over \$10,000, excluding those involving rent arrears or damages to premises by residents;
- Judicial review or constitutional proceedings;
- Lawsuits initiated by employees of CHH against CHH or wrongful dismissal (consultation would have taken place previous to the dismissal in conjunction with Human Resources);
- Personal injury or property damage (claims must be referred to Legal Branch for transmission to the insurance company);
- Altering of standard contracts and documents (i.e. leases, tendering processes, etc).

Consent Not Required

Outside legal counsel can be retained without prior approval from the CEO in the following situations:

- Evictions, rent arrears, damages to premises or lawsuits resulting from disputes with residents in CHH projects;
- Other lawsuits up to \$10,000 by CHH against third parties;
- Defence of lawsuits launched by third parties against the CHH for similar amounts. *This excludes any matters which an insurance company would be entitled to sue or defend on behalf of CHH. The Incident Reporting Policy should be referred to when managing personal injury or property damage.*
- Legal consultation when the CEO or other senior management designate are not available and immediate action is required.

Request for Legal Services – Consent Required

To retain legal counsel, a request must be made in writing to the CEO. It should include the following information:

- A brief description of the legal matter involved and an attached retainer schedule. The

retainer schedule should contain a description of the work to be done, the responsibilities of the private sector lawyer, and the expectations of CHH. Examples of information may include, but are not limited to:

- *limit of hours, fees and expenses, including maximum total amount to be billed;*
 - *type of works which billing is acceptable (i.e. research, preparation, court, etc);*
 - *outline of work to be done, including stages, phases or milestones that may serve as occasions for billing;*
 - *duration of the retainer;*
 - *responsibilities of the private sector lawyer (firm);*
 - *ownership of materials arising out of the retainer;*
 - *a confidentiality statement.*
- Limit of hours, fees and expenses represented by the retainer, including maximum total amount to be billed;
 - Confirmation that CHH is retaining the named firm to represent it;
 - Particulars pertaining to cost (rate of remuneration based upon \$ per hour, a maximum \$ per day, \$ per hour for travel to a maximum \$ per day);
 - Contact details of the reporting contact at CHH.

The written request must be approved by the CEO of CHH, or other appropriate senior manager designate. The approval must be attached to the invoice when received.

Where a firm is being retained, consideration should be given to identifying the individual private sector lawyers and their hourly and maximum daily fees.

If it is anticipated that the total cost of legal service will exceed \$10,000.00 or that the matter will take a considerable length of time to complete, consideration should be given to including a provision whereby the private sector lawyer or firm is required to provide CHH with interim accounts on a monthly basis.

6.0 RESPONSIBILITY

It is the responsibility of the Chief Executive officer to ensure compliance with this Policy.

7.0 DEFINITIONS

Legal Counsel: A person who is legally qualified and licensed to represent a person or organization in a legal matter.

8.0 REFERENCES AND RELATED POLICIES

CityHousing Hamilton Policy *Incident Reporting 01.04.03*

9.0 ATTACHMENTS

10.0 RATIONAL FOR CHANGE