



POLICY SECTION: Administration
SUB-SECTION:
POLICY NAME: Legal Counsel
POLICY NO. A.12

Date Approved:	Date of Next Review:	Dates of Amendments: 1967; 1992, April 23 rd , 2015
Cross References		

Purpose

The purpose of this policy is to prescribe the relevant parameters for the acquisition of external legal services.

Scope and Responsibility

The Director of Education is responsible for this policy.

Alignment with Multi Year Strategic Plan (MYSP):

Stewardship of Resources
Achieving Excellence in Governance Strengthening
Public Confidence

Financial Impact

To minimize the financial impact of retaining the services of external legal counsel, the services of internal legal counsel shall be utilised wherever possible.



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Policy

The TCDSB shall employ the services of its in-house legal counsel wherever possible and retain the services of external legal counsel as required.

Regulations

1. The Chair of the Board of Trustees may retain the services of external legal counsel on behalf of the Board of Trustees as requested by motion.
2. The Director of Education, or his/her delegate, may retain the services of external legal counsel as required.
3. At the invitation of the Chair of the Board, or of the Chair of a Standing Committee in consultation with the Director of Education, or of the Director of Education, internal and/or external legal counsel will attend Board and Standing or other Committee Meetings of the Board, as required.
4. Board staff and individual Trustees are not authorized to directly retain the services of external legal counsel.
5. The Board will **acquire legal services through the appropriate procurement process as prescribed by the Broader Public Sector (BPS) Procurement Directive**, ~~in an effort~~ to ensure that external legal counsel are providing the highest quality professional services at a competitive price. ~~The Board will issue a request for proposal (an “RFP”) for external legal counsel at least every five (5) years.~~



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6. The Director of Education shall present a report to the Board of Trustees ~~prior to issuing an RFP~~, advising the Board of Trustees ~~about as to~~ the legal services procurement process **(es) utilized in maintaining the roster of law firms retained by the Board.**

7. The Director of Education shall ensure that firms retained by the TCDSB ~~as a result of the procurement process described above~~ have expertise, collectively, in the following areas:
 - a. Labour and Employment Law;
 - b. Education and Administrative Law;
 - c. Civil Litigation; and
 - d. Business **and Real Estate** Law.

8. The Director of Education will consult with the Board’s General Legal Counsel to determine whether staff lawyers are available to handle the matter prior to retaining external counsel.

9. In assessing whether external legal counsel ought to be retained, the Director of Education will consider:
 - a. The availability and expertise of internal legal counsel to handle a matter;
 - b. The cost of retaining external legal counsel; and
 - c. The availability and expertise of external legal counsel to handle the matter.

10. Invoices for external legal counsel shall be approved by the Director of Education or his/her delegate.



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11.A report on external legal services received and fees incurred will be made semi-annually to the Corporate Affairs, Strategic Planning and Property Committee of the Board.

Metrics:

The report on external legal services will be created based on records and accounts kept of the number of times and the subject matter when external legal counsel was retained and the cost of retaining those services.