

GOVERNING BOARD POLICY
Mojave Desert Air Quality Management District

Policy No: 95-2
Effective Date: July 31, 1995

Adopted: July 31, 1995
Amended:

/s/

Mike Rothschild, Chair

Last Review: January 26, 2015

**SUBJECT: RETAINING OF OUTSIDE LITIGATION COUNSEL, DIFFERENT
FROM OUTSIDE LEGAL COUNSEL**

POLICY:

Except as provided herein, it is the policy of the Mojave Desert Air Quality Management District (MDAQMD) not to retain as its outside litigation counsel the person or law firm retained by the MDAQMD as outside legal counsel for a particular task or purpose when the litigation arises from that particular task or purpose. An exception to this policy is authorized when the Governing Board, upon the recommendation of the District Counsel, makes an affirmative finding that the outside legal counsel is vital to the defense or prosecution of the litigation.

AMPLIFICATION OF POLICY:

It is a general policy of the MDAQMD to obtain the highest quality legal services at a reasonable cost. From time to time, MDAQMD retains outside legal counsel as associate counsel, A special counsel, or similar other titles for a particular task or purpose. Such outside legal counsel often advise the Governing Board and the Air Pollution Control Officer regarding matters which have the potential to be litigated.

This policy is to ensure that any outside litigation counsel retained by the MDAQMD shall be a person or law firm other than the person or law firm that advised the MDAQMD regarding the matter which resulted in litigation.

This policy authorizes a limited exception when the Governing Board makes a finding, upon recommendation of the District Counsel, that retaining the outside legal counsel as outside litigation counsel is vital to the defense or prosecution of the litigation.