MEMORANDUM
THE UNIVERSITY OF ARIZONA ©
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Date: November 7, 2008
To: Robert N. Shelton, President
From: Judith E. Leonard
Vice President for Legal Affairs and General Counsel
Re: Response to Memorandum dated October 2, 2008 regarding Transformation Process

You have requested that we consider consolidations, realignments, ending programs or activities, and/or suggestions of what the Office of the General Counsel might do in a smarter more effective way. I have assumed for purposes of this memorandum that you are requesting that the focus of my response be solely the Office of the General Counsel. I also begin with the premise that the Office of the General Counsel is already run in a smart and effective manner as demonstrated, in part, by the benchmarks and volume of work accomplished.

Guiding Principles

• Be proactive
• Support the administrative team and the mission of the University
• Assist with risk management but do not be risk averse; learn to evaluate and assess risk in context of the enterprise, priorities and university strategic mission
• Sustain excellence through professional development

The response will cover two areas: I) short-term savings and II) longer term improvements.

I. Short-term savings

In order to address the immediate budget issue without damage to the university, the following have been implemented.
• Delay in filling the vacant slot for an intellectual property attorney (and related support staff vacancy). It would be foolish to eliminate this position and I would
like to be able to fill it soon. A research university needs to have competent, in-house expertise in intellectual property.

- limit travel, continuing education and other measures to address budget issues
- reduce use of outside counsel

These are clearly budget measures without any strategic advantage.

II. Long-term strategic improvements

Some of these will save the university funds eventually and will improve results but will require an initial investment.

A. Continue in current direction of increasing pro-active educational outreach and intervention for campus. This includes investing further in materials for the website, conducting in-person seminars and training that is intended to reach more than one person at a time as compared to the traditional advice model. Expansion of this activity could include an annual “Law for Administrators” workshop with the cost being borne by the registrants.

B. Continue recently-implemented on-line request for advice form that is proving to be very efficient and accessible.

C. Increase collaboration with risk management and other units to support and improve compliance and manage and reduce risks.

D. Additional University investment in the compliance infrastructure would reduce costs in the long term and improve the competitiveness of the University in areas of importance and excellence. Compliance is not optional and failure to comply can be costly and interfere significantly with the university’s accomplishments.

E. For all future bond and COP financing, a percentage of the cost of outside bond counsel should be included in the financing and should go to the OGC budget to pay for the cost of the bond-related work done in-house. Most other universities do this.

F. Add (secure funding for) a second paralegal position. The Office of General Counsel keeps one very capable paralegal busy more than full time. Right now, with some supervision, she does almost all of the position statements for EEOC and OCR complaints including all of the interviews upon which they are based.
We have an excellent record in getting claims that are not valid dismissed and resolving the others. The investment is worth it for obvious reasons. The paralegal also keeps the litigation files, supports attorneys during hearings, mediations, etc. She also does a myriad of other things. A creative and cost-effective way to free up attorney time and thus minimizing the need for additional attorneys because of work load would be to add a second paralegal. We already have many things that we could assign to her but cannot because she has no more time despite how efficient she is. Adding such a position would support the University mission in ways that OGC cannot do fully now. For example, the last accreditation identified policy development and accessibility and management as an issue. That is an area that OGC could provide a lot more assistance in if we had a second paralegal.

G. Planning efforts.

• Continue ongoing review of staffing and assignments
• Identify technological support for investment
  Use consultant when financially feasible to identify opportunities
• Periodically review priorities in conjunction with client offices

JL:mdf