

Why Does Stonehill College Need a General Counsel?

President Cregan hired the College's first full-time general counsel in 2003. In the past, the College hired attorneys as needed, largely for business transactions and in response to legal claims and lawsuits. This was a very expensive way of securing legal services. In addition, once the services were provided the College was not necessarily in a better position to respond to the same issues in the future.

Creating an office within the College was done in recognition that an 'in-house' counsel would have the opportunity to become part of the culture and fabric of the College and therefore be able to help the College anticipate its legal responsibilities and needs rather than be merely reactive. A part of the general counsel's role is to help the College learn from past legal problems to avoid the expense of claims and lawsuits. Additionally, having a lawyer/administrator increases the availability of services, provides more efficient engagement with lawyers outside of the College, and enhances the opportunity to shape policies of the College. Operating within the law is not merely about saving money or avoiding lawsuits. It is also about upholding the values of the College as an employer and educator within the framework of increasingly complex legal regulations and a litigious society.

The mission of the office of the general counsel is to proactively engage in the life of the College to ensure early consideration of legal issues as they relate to educating students, conducting research, transacting business, and other aspects of the College. Everyone at the College has open access to the general counsel for issues relating to the legal concerns of the College. While the general counsel cannot handle non-College related personal legal matters for those associated with the College, such as estate planning, all College-related matters are appropriate to discuss with the general counsel. The general counsel is also available to the trustees, division heads, departments, and committees.

Faculty members, administrators, staff and students are all in a position to act on behalf of the College, indeed this is the way the College functions. Attorneys represent clients and the general counsel's client is the College. When acting on behalf of the College the general counsel is representing both the interests of the College and the person who has acted on behalf of the College except in a limited number of circumstances. Acting on behalf of the College includes making decisions for the college, hearing grievances, evaluating students, purchasing goods, and providing services.

When a controversy arises and an individual has made a decision or taken an action that he or she is concerned will lead to a legal claim or lawsuit, immediate consultation with the general counsel is important. If in the course of negotiations or a controversy the outside party engages an attorney to represent them in the discussions, the general counsel should be engaged. Finally, communications, including conversations, with the general counsel in the course of seeking legal advice are confidential.