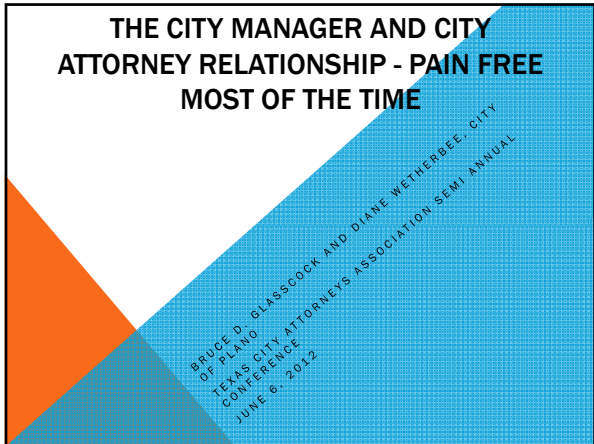


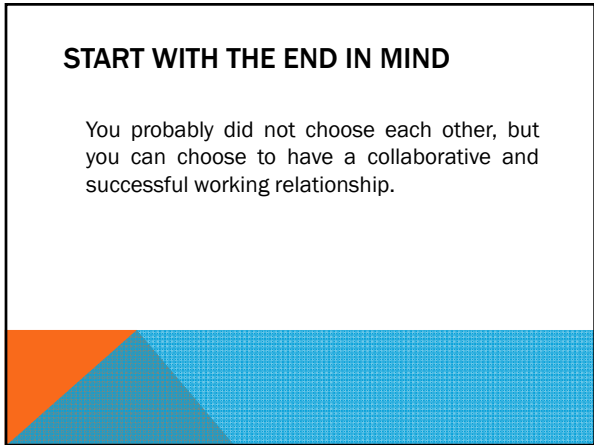
THE CITY MANAGER AND CITY ATTORNEY RELATIONSHIP - PAIN FREE MOST OF THE TIME

BRUCE D. GLASSCOCK AND DIANE WETHERBEE, CITY OF PLANO, TEXAS CITY ATTORNEYS ASSOCIATION, SEMI-ANNUAL CONFERENCE, JUNE 6, 2012



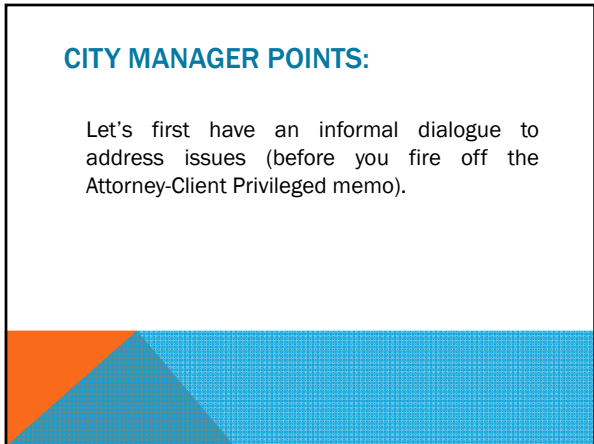
START WITH THE END IN MIND

You probably did not choose each other, but you can choose to have a collaborative and successful working relationship.



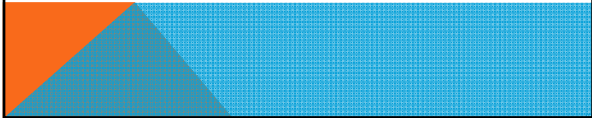
CITY MANAGER POINTS:

Let's first have an informal dialogue to address issues (before you fire off the Attorney-Client Privileged memo).



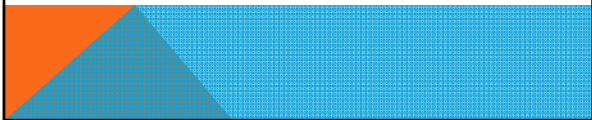
CITY MANAGER POINTS:

Tell me how I can and not just why I can't. I am interested in parameters and alternatives to my proposal.



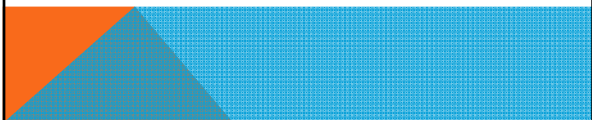
CITY MANAGER POINTS:

Do not blindsides me in meetings/executive session.



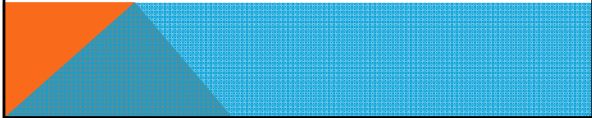
CITY MANAGER POINTS:

If you are outside counsel, give me a budget and stick to it! If you are going to exceed the budget, tell me why and before it happens.



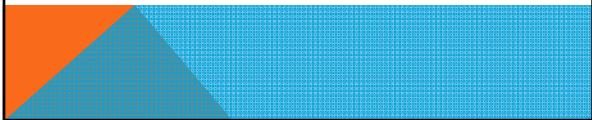
CITY MANAGER POINTS:

Even if the answer is "yes", I also want to know if there are risks and their probability.



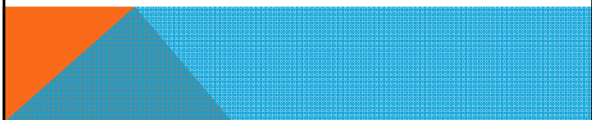
CITY MANAGER POINTS:

If you made an error in your advice, own up to it.



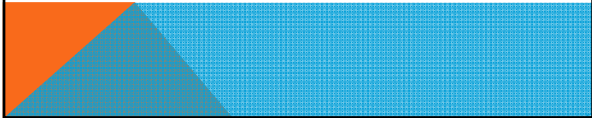
CITY MANAGER POINTS:

Be consistent in advice. If you changed your opinion, explain the factors that caused you to do so.



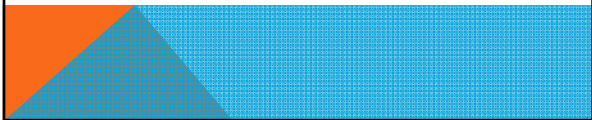
CITY MANAGER POINTS:

Monitor the work of your assistant attorney(s).
Insure that you concur with the advice that the
assistant attorney has provided.



CITY MANAGER POINTS:

Keep your memos brief and use plain speak.
Use an executive summary when appropriate.



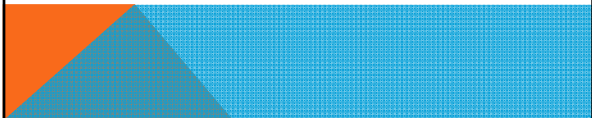
CITY MANAGER POINTS:

Let me know if management's actions are
contributing to escalation of costs and/or
risks.



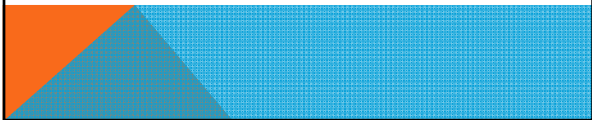
CITY MANAGER POINTS:

Be proactive. Let me know of upcoming issues/concerns that causes risk to the organization.



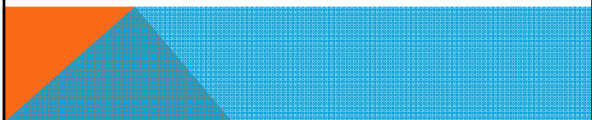
CITY ATTORNEY POINTS:

Include your attorney at the outset of a project. The feeling is mutual on not blindsiding.



CITY ATTORNEY POINTS:

When seeking advice, do not omit facts; have complete candor and be forthcoming in providing information.
Be sure to communicate your desired goal or outcome.



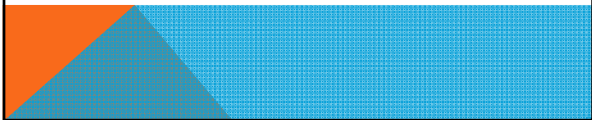
CITY ATTORNEY POINTS:

Be willing to receive advice even if it does not comport with your plan; be receptive to a change of plan based upon the advice you received. At the end of the day, it is still just advice.



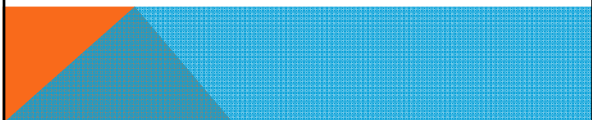
CITY ATTORNEY POINTS:

The attorney's obligation is to the organization. The advice given to a staff member is the same advice that will be provided up the chain of command, including the council.



CITY ATTORNEY POINTS:

Don't wait until the end of a project to seek legal approval. See first point.



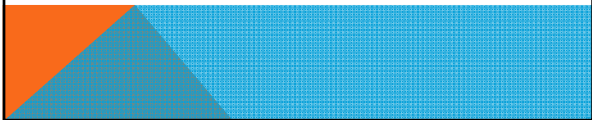
CITY ATTORNEY POINTS:

Litigation is a team sport.
If you want to litigate, be willing to commit to the entire process including attending hearings, being deposed, and the drudgery of document retrieval.



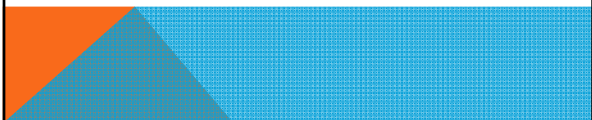
CITY ATTORNEY POINTS:

If you want legal services, you can get it fast, cheap or accurate but you seldom get all three at the same time.



CITY ATTORNEY POINTS:

Attorneys - put a "governor" on your passion for or against a project. Legal advice should be objective.
Be clear in your communication if your recommendation is based solely on risk and/or public policy concerns.



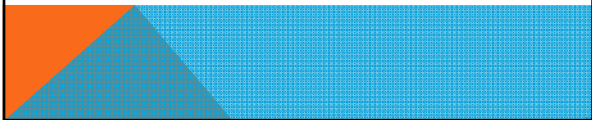
CITY ATTORNEY POINTS:

Advise the manager when his/her subordinates are proposing or doing things that are inconsistent with his/her goals. Do so timely and courteously.



CITY ATTORNEY POINTS:

Make sure your assistant or associate attorneys are well prepared and have the skill sets for the tasks you assign. When they speak, it should be as if you were speaking.



CITY ATTORNEY POINTS:

Advice and litigation are not controlled experiments. Do not let the untrained and/or an unsupervised attorney handle projects beyond their proven skill sets.



CONCLUSION

The relationship between the manager and attorney is critical. Each has a responsibility to make it successful.

