

**UNIVERSITY OF MISSOURI
GUIDELINES FOR OUTSIDE COUNSEL**

INTRODUCTION

We appreciate your willingness to assist us in representing the University of Missouri, the state's land-grant, public research and doctoral level institution. You have been asked to do so because of your demonstrated professionalism and expertise.

These guidelines are intended to summarize certain basic principles concerning the retention of outside counsel by the University System's Office of General Counsel ("OGC") and to give structure and predictability to our relationship. Our goal is to provide quality legal representation in a cost-effective manner. As a public institution we must expend resources efficiently and we look forward to working with you as our partners to achieve this goal while together we provide best-in-class legal services.

**THE RELATITIParticipate in drafting and review of significant documents, discovery, attend meetings, depositions and trial where appropriate and n
We expect that your contact with the supervising attorney will be such t
surprises as to strategies, outcomes, or fees and expenses.**

**All matters between outside counsel and the University shall be h
OGC. Outside counsel shall not accept retention or assignments from ot
employees or representatives without the approval of the OGC. This do
workers' compensation related matters or subrogation cases referred by
and Management RIM)**

**If you have been hired to assist us in litigation, we anticipate at lea
meetings with your supervising attorney:**

- Initial meeting with supervising attorney from our office
- Initial case evaluation
- Proposed budget, if requested
- Pre-mediation meeting and mediation
- Pre-trial meeting
- Post-trial meeting

Additionally, the supervising attorney should be provided for review, in advance, significant documents such as dispositive motions and mediation statements. The supervising attorney will assist you in complying with discovery obligations, including e-discovery, so as to ethically and efficiently meet the University's obligations in this regard. Legal research memoranda, major motions and similar documents may already exist in our office's document bank. Please consult with the supervising attorney before undertaking any significant fact or legal research.

COMMUNICATION

Absent other arrangements, in each matter the supervising attorney should routinely receive copies (electronic format preferred) of:

- All substantive pleadings
- Copies of legal research or factual investigative memos
- Summaries of written discovery responses, including medical records, which address how the information may affect previous assessments of liability and damages
- Risk and Insurance Management may also request information or other reports.

POTENTIAL CONFLICTS OF INTEREST

We expect our outside counsel to be vigilant in identifying and avoiding conflicts of interest, or the appearance of such conflicts. Outside counsel must discuss any existing or potential conflict with the supervising attorney at the outset of the representation or as soon as the conflict or potential conflict becomes apparent. All potential or actual conflicts must be resolved to the satisfaction of the General Counsel before the representation may begin or continue. Should the University elect to waive the conflict, it will do so in writing. Any such waivers will be granted on a case-by-case basis. In no case will the University agree in advance to a blanket waiver of unknown future conflicts involving the assertion of a claim or charge against the University.

BUDGETS

General. We ask that we be presented with no surprises with respect to the cost and expense of legal work on behalf of the University. When requested by the OGC or RIM, counsel should present anticipated budgets and strategies for discussion at an early stage of the representation and on a regular basis thereafter.

The Initial Budget. An initial budget estimate may be requested early in the engagement.

Format. All budgets must contain the scope of work, broken out by tasks, with the estimated fees and expenses allocated to each task, and the names of attorneys and paralegals with their proposed billing rates for each task, if possible. ABA task codes may be used but are not required.

Revisions. Revisions to budgets should be done as soon as possible and before exceeding an existing budget.

Proposed Rates. As a publicly funded university, we expect you will give the University discounts from your normal billing rates that you and your firm give to any other similar client (e.g., a university, school district or not-for-profit organization). Rates may not be increased without written pre-approval of the supervising attorney.

Non-Attorney Expenses. Experts should be approved in advance and requests for the use of an expert should include a budget for the work. If you anticipate computerized research for which you expect the University to pay, this must be approved by the University and included in any budget you present.

Alternative Fee Arrangements. We are open to proposals for alternative fee arrangements such as consultation retainers, pricing by subject matter or task, and welcome such proposals.

STAFFING

Number. In general, your work on University matters should be staffed with the minimum number of attorneys consistent with high quality legal services. Generally, no more than one partner and one associate should be assigned to a matter without the permission of this Office.

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Legal Research. Legal research time should be billed separately, with each topic researched identified, the time spent researching that topic.

Summary Information. Bills should contain a summary for the period covered by the bill of time and charges for each person billing and indicating the amount of the budget and the total fees and expenses invoiced to date.

Prohibited Fees. Unless approved by the supervising attorney, fees for the following time will not be permitted:

- Preparation of budgets, invoices or responses to billing questions
- Clerical (as opposed to attorney or paralegal) work performed by attorneys or paralegals
- Training or educating of personnel
- Administrative time
- Basic research on matters presumed to be within the firm's expertise, e.g. local rules
- Unnecessary internal conferences about a University matter
- Communications with OGC counsel or staff for scheduling purposes
- Miscellaneous charges

Expenses. In general, bills should contain an itemization of disbursements and costs, including the date incurred and at whose request each disbursement was made. Unless otherwise specifically addressed by these guidelines or pre-approved in writing by the supervising attorney, an expense is to be billed at the firm's actual out-of-pocket cost. Out-of-pocket expenses for amounts larger than seventy-five dollars (\$75.00) must be accompanied by receipts.

Travel Related Expenses. Expenses for lodging, meals and transportation are to be at reasonable rates. The University will not reimburse the cost of air travel other than coach and expects that travel arrangements will take advantage of any cost-effective discounts or special rates, including planning ahead to get lower fares. Out of town mileage will be reimbursed at the current rate applicable to University personnel

https://www.umssystem.edu/ums/policies/finance/allowable_travel_expenses

Prohibited Expenses. Unless approved by the supervising attorney, the following charges will not be permitted:

- Secretarial, word-processing, proofreading, or other clerical services
- Photocopy expenses at more than actual cost or 10 cents a page, whichever is less, (unless specifically authorized)
- Internal computer time
- Lexis, Westlaw, or other computerized research unless approved in advance by the University
- Costs associated with the maintenance of offices
- Local telephones expenses
- Local travel
- Local outgoing or any incoming faxes

Other overhead or capital expenses
Unidentified or "Miscellaneous" charges
Meals unless related to out-of-town travel
Messenger invoices
Postage
Fax charges
Entertainment or personal expenses

Frequency. Bills must be sent no less frequently than quarterly unless some other billing frequency is agreed to by the supervising attorney.

RESEARCH

The results of all research must be forwarded to (e)4 -of-x @A \$ 610711PBI T22.80r Wo by t (ul)-2 (t)U

