

## §2400 LEGAL SERVICES

*The Office of the General Counsel exists to serve and assist in the legal service needs of the Diocese as determined by the Diocesan Bishop, including the selection, management, and supervision of outside legal counsel. The General Counsel serves in the capacity of legal advisor for the Diocesan Bishop and other officials of the Diocesan Curia in basic matters of civil law regarding routine diocesan activities.*

*This section is designed to give Curial Department Directors, Curial Office Directors, Agency administrators, and Pastors the correct procedures for acquiring legal services for a parish, school or agency/department.*

*The 2017 Diocesan Synodal Statues, Part II, The People of God, #23, state, "While the Christian faithful can legitimately vindicate and defend the rights which they possess in the Church before a competent ecclesiastical forum according to the norm of law<sup>1</sup>, no cleric may institute a suit, action or complaint in the civil or criminal courts, whether in personal or ecclesiastical matters, without the consent of the local Ordinary. Pastors and Administrators of other public juridic persons 'are neither to initiate nor to contest litigation in a civil forum in the name of a public juridic person unless they have obtained the written permission of their own Ordinary.'<sup>2</sup>" Likewise, the 2017 Diocesan Synodal Statues, Part V, The Temporal Goods of the Church, #147(b) clarifies, "All legal matters concerning property and administration should be referred immediately to the Diocesan Curia." The Office of the General Counsel will coordinate the requests for, and parameters of, this permission.*

### §2401 THE OFFICE OF THE GENERAL COUNSEL

**2401.1. Policy** Diocesan Parishes, schools, departments, offices, and agencies shall initially contact the Office of the General Counsel for all legal matters in the Diocese that involves litigation, potential litigation, personal injury, or any other legal matter that requires the need to retain outside counsel.

#### **Procedures**

- 1) Diocesan Parishes, schools, departments, offices, and agencies may also contact the Office of the General Counsel with general questions and advice on basic matters of law regarding routine diocesan activities. These areas may include:
  - a. Employment matters, including questions concerning immigration matters;

<sup>1</sup> Cf. *Code of Canon Law*, c. 221, §1.

<sup>2</sup> Cf. c. 1288.

## §2400 *Legal Services*

- b. Property matters;
  - c. Contracts and other legal documents;
  - d. Education of parishes, schools and agencies on laws affecting them or their programs generally;
  - e. Questions concerning Religious Liberty and First Amendment issues;
  - f. Administrative proceedings;
  - g. Compliance issues;
  - h. Risk Management, and
  - i. Subpoenas.
- 2) The Office of the General Counsel will ordinarily answer any questions promptly and diligently relative to the complexity and nature of the question, or otherwise coordinate with the entity in obtaining an opinion from outside counsel.
  - 3) The Office of the General Counsel may coordinate and consult with other Diocesan experts, departments, or offices as each particular question/issue requires. For instance, certain questions may be more appropriately the competency of the Office for Finances, Office for Human Resources, Office for Insurance and Benefits, Office for Property, Buildings, and Cemeteries, etc.....
  - 4) See also Book V, §2603 for policy and procedures related to Litigation Hold Notices.

## §2402 **OUTSIDE LEGAL SERVICES**

**2402.1. Policy** The authority for representation of the Diocese of Springfield in Illinois, including any parish, school, department, office, or agency, by outside counsel shall be obtained through the Office of the General Counsel as to each matter undertaken.

### ***Procedures***

- 1) The Office of the General Counsel shall be contacted before a Diocesan parish, school, department, office, or agency contacts or retains outside legal counsel, unless an emergency situation requires otherwise. In the case of an emergency where outside counsel has been contacted before contacting the Office of the General Counsel, the Office should be contacted as soon as possible.
- 2) Ordinarily, the parish, school, department, office, or agency requesting or needing the services of outside counsel will be responsible for all costs associated with the same, including the cost of outside legal services, court costs, and/or other legal costs. The Office for Insurance and Benefits will coordinate with the Office of the General Counsel

and the requesting entity to determine the applicability of any insurance. Any questions concerning legal bills may be directed to the Office of the General Counsel.

- 3) Outside legal counsel, once retained, should update the Office of the General Counsel of any developments, progress, or other pertinent matters concerning the matter they are handling. Likewise, outside counsel should confer with the Office of the General Counsel on questions of protocol, discovery, case management, and case development.

## **§2403 COMMUNICATIONS WITH NON-DIOCESAN LEGAL REPRESENTATIVES**

**2403.1. Policy** Inquiries, questions, investigations, or other communications from members of law enforcement, investigators, or legal counsel representing other persons or non-Diocesan entities shall be immediately referred to the Office of the General Counsel.

## **§2404 CONFLICTS OF INTEREST AND ETHICAL DUTIES**

**2404.1. Policy** The Office of the General Counsel and all outside legal counsel shall follow the Illinois Rules of Professional Conduct (or the equivalent for outside counsel in other states). Nothing in these policies is intended to contradict the Rules of Professional Conduct, especially concerning conflicts of interest, confidentiality, and other ethical duties. In any perceived contradiction, the Rules of Professional Conduct take precedence. Any outside counsel that believes that a specific action required by these policies would violate the Rules of Professional Conduct shall immediately notify the Office of the General Counsel in order to ensure that the Rules of Professional Conduct are followed.