

A.R. 18 Students' Attorney

A RESOLUTION

CALLING FOR CHANGES IN ADMINISTRATION POLICY TOWARD THE OFFICE OF THE STUDENTS' ATTORNEY,

- WHEREAS: policy memorandum #6.601(I-B) of the Office of the President of The University of Texas at Austin prohibits the Office of Students' Attorney from representing students in any matter that relates to policy decisions of any officer, committee, board or agency of The University of Texas nor in any proceeding that directly or indirectly is antagonistic to the interests of the University of Texas; and
- WHEREAS: the Office of the Students' Attorney is funded by Student Services Fee money; and
- WHEREAS: many student legal problems arise that involve policies of The University of Texas; and
- WHEREAS: The University should not deny its students access to their attorney; and
- WHEREAS: The University should not deny to its students information regarding the legality of its policies and where necessary, the student-funded Office of the Students' Attorney should advise aggrieved students and student organizations in these matters; and
- WHEREAS: the Student Assembly believes that these restrictions prevent the students at The University of Texas from obtaining legal advice on matters relating to their legal rights; and
- WHEREAS: last year the student funding of the Office of the Students' Attorney exceeded \$200,000; and
- WHEREAS: the students of The University of Texas should have the right to consult with the Students' Attorney and to obtain written opinions from him of their rights; and
- WHEREAS: the current, aforementioned policy of the Office of the President unconstitutionally and illegitimately restricts student access to their attorney; and
- WHEREAS: obtaining individual legal advice is often prohibitively expensive and it is for this reason that the students have chosen to collectively fund the Office of Students' Attorney to advise them of their rights; and
- WHEREAS: Regents Rule Part 2, X (11) states that no attorney retained by a component institution or Students' Association to serve as a students' attorney may serve as counsel of record or represent any student, staff member, faculty member or group of students in a matter directly or indirectly antagonistic to the interests of the University
- WHEREAS: The aforementioned regents rule unconstitutionally prevents students from retaining legal counsel.; so therefore

BE IT RESOLVED BY THE STUDENT ASSEMBLY OF THE UNIVERSITY OF TEXAS AT AUSTIN:

that the Student Assembly finds the present policy of the Office of the President of The University of Texas at Austin, restricting the functions of the Students' Attorney from representation of students in matters that involve University policies, to be contrary to the interests of the students as well as contrary to the true interests of The University of Texas at Austin which includes protecting student rights; and

BE IT FURTHER RESOLVED THAT:

the Student Assembly formally requests on behalf of the student body, that President Cunningham retract this rule; and

BE IT FURTHER RESOLVED THAT:

the Student Assembly finds that Regents' Rule Pt. 2, X (11) restricts student access to their attorney and infringes upon the students' constitutional right to obtain legal advice; and

BE IT FURTHER RESOLVED THAT:

the Student Assembly formally requests that the Regents retract this rule; and

BE IT FURTHER RESOLVED THAT:

the President of the Students' Association shall send letters informing President Cunningham and the Regents of the position of the Students' Association in this matter; and

BE IT FURTHER RESOLVED THAT:

the President of the Students' Association shall be empowered to seek and obtain legal counsel regarding the constitutionality and legality of these rules.

SPONSORED BY REPRESENTATIVES WILENZICK, SILNA, LOWERY, AND RITCHIE

Subject: OFFICE OF THE STUDENTS' ATTORNEY

The position of a Students' Attorney was initially approved by The University of Texas Board of Regents in June 1969. The first attorney was employed under the Students' Attorneys Act by the Students' Association in June 1970. Effective with the fiscal year beginning in September 1974, the Board of Regents authorized the Office of the Students' Attorney to be funded under the mandatory Student Services Fee as a University agency separate from the Students' Association.

The Office of the Students' Attorney has as its purpose providing legal services to students of The University of Texas at Austin. The following statement of the role of the Office and the procedures for selection of the Students' Attorneys replaces the 1970 Student Attorney Act and subsequent guidelines and policy statements.

I. Scope and Duties

- A. Subject to the provisions of Paragraph B., services to students by the Office of the Students' Attorney include legal advice, legal information services, legal referral services, and legal representation in negotiations and litigation.
- B. The Office of the Students' Attorney shall exercise its professional judgment in determining which cases should properly invoke the services of the Office. Students do not enjoy a lawyer-client relationship with the Students' Attorney until the Office accepts the case presented. The following guidelines are operative in determining which cases the Office will accept:
 1. The Office of Students' Attorney shall not represent any student, faculty member, or staff member in criminal cases nor in any matter that requires an administrative decision by any officer, committee, board, or agency of The University of Texas System, or a component institution thereof, or the Board of Regents of The University of Texas System, nor in any civil proceeding directly or indirectly against or antagonistic to the interest of The University of Texas System or any component institution thereof, or any person acting in his official capacity for or on behalf of the System or a component institution thereof.
 2. The Office of the Students' Attorney shall reject any case whose acceptance would give rise to a conflict of interests or otherwise violate the Code of Professional Responsibility.
 3. The issue posed must be one affecting the individual student without regard to his own volition.

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4. Since the focus of the Office is on problems specifically related to students, there may be unrelated issues which are not, in the judgment of the attorneys, appropriate subjects for representation:
 - (a) Students' business interests are not appropriate matters for representation.
 - (b) Domestic problems are not appropriate areas for representation.
 - (c) Examples of appropriate cases include consumer problems, landlord-tenant disputes, and employee's rights.
5. Finite amounts of time and resources may impose limitations on the extent of services provided by the Office.
6. The Office of the Students' Attorney shall not accept any fee from the individual student who is represented by the Office. If court settlements should result in monetary awards to the attorney, the funds shall be deposited in accordance with established University Business Office practices.
7. Any program of legal referrals shall be consistent with generally acceptable practice and requirements of established legal ethics, provided, however, that the Office of the Students' Attorney shall not accept fees related to referrals.

II. Selection

- A. When a vacancy occurs for the Students' Attorney, a selection committee to advise the President of the University shall be constituted in the following manner:
 1. Two members of the General Faculty, at least one of whom shall be a member of the School of Law, appointed by the President of the University from a panel of four nominees submitted by the Dean of the School of Law;
 2. The President of the Students' Association or his/her delegate;
 3. The President of the Student Bar Association or his/her delegate;
 4. The student appointed by the President of the University from a panel of two nominees submitted by the Students' Association;
 5. The Dean of Students or the Dean's Delegate;
 6. The committee shall elect its chairperson.
- B. In accordance with established personnel policies and procedures, the selection committee shall solicit and process applications of candidates and interview candidates as appropriate. In its report, the selection committee shall submit three or more nominees to the President of the

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The money values of meals, lodging, and other services the employees are authorized to receive in lieu of additional wages or salary, are recommended to the chief administrative officer by the chief business officer and approved by the appropriate Executive Vice Chancellor, the Chancellor and the Board.

Sec. 7. Statutory Provisions Currently in Effect.--Auxiliary Budgets shall comply with statutory provisions and rider provisions of the current Appropriations Bill.

Sec. 8. Student Publications.--Rules and regulations for the establishment, administration and operation of student publications shall be promulgated by administrative officials and the chief administrative officer at the institution concerned, provided that such rules and regulations shall not be effective until approved by the appropriate Executive Vice Chancellor for inclusion in the institutional Handbook of Operating Procedures.

Sec. 9. Student Union Facilities.--Rules and regulations for the establishment, administration and operation of student union facilities shall be promulgated by administrative officials and the chief administrative officer at the institution concerned, provided that such rules and regulations shall not be effective until approved by the appropriate Executive Vice Chancellor for inclusion in the institutional Handbook of Operating Procedures.

Sec. 10. Intercollegiate Athletics Programs.--Rules and regulations governing the establishment, administration and operation of intercollegiate athletics programs shall be promulgated by administrative officials and the chief administrative officer at the institution concerned, provided that such rules and regulations shall not be effective until approved by the appropriate Executive Vice Chancellor for inclusion in the institutional Handbook of Operating Procedures.

Sec. 11. Employment of a Students' Attorney.

11.1 If an attorney is retained in any manner by a component institution or by a Students' Association or other agency of student government at any component institution or the System to serve as a students' attorney, said attorney shall not act as counsel or:

record nor represent any student, faculty member, or staff member, or any group or combination of students, faculty members, or staff members, or System Administration or any component institution of the System:

11.11 In any matter that requires an administrative decision to be made by any officer, committee, board, or agency of a component institution of the System, the System, or the Board.

11.12 At any stage of any criminal proceeding in any federal, state, county, or local court.

11.13 At any stage of any civil proceeding in any federal, state, county, or local court where such proceeding is directly or indirectly against or antagonistic to the interests of the System or any component institution thereof, or against or antagonistic to the interests of any person who is sued in his or her official capacity as an officer of the System or any component institution thereof.

11.2 Any contract or agreement for legal services entered into by a Students' Association or other agency of student government or other agency of a component institution with an attorney whose remuneration will be paid from funds under the control and management of the Board, including funds from student fees whether mandatory or optional, is expressly subject to the applicable provisions of the Regents' Rules and Regulations, including, but not limited to, the foregoing provisions of this Section 11 and the following:

Section 8.7 of Chapter I of Part One;
Section 1.1 of Chapter III of Part One;
Section 1.3 of Chapter III of Part One;
Section 11 of Chapter III of Part One;
Section 5.15 of Chapter VI of Part One; and
Section 5.21 of Chapter VI of Part One.

R.D. P+2, X (11.1)