



OUTLINE OF LEGAL AFFAIRS POLICY
ON TBB A.G.C. INVOLVEMENT IN LITIGATION
ADOPTED NOVEMBER 19, 2004

In order to put this policy into place, the TBB President will appoint a committee. The vice president of the executive committee will serve as chair.

I. BASIS FOR INVOLVEMENT

- A. Litigation directly or seriously impacting Texas AGC Building membership and generally, the entire Texas construction industry.

II. TYPE INVOLVEMENT

- A. Limited contribution, without being named party
- B. Amicus curiae
- C. Intervention or initiation as party litigant along with others on shared-cost basis.
- D. Direct involvement on behalf of the industry, at the sole expense of TBB.

III. REQUEST FOR TBB INVOLVEMENT

- A. Submission to Texas Building Branch AGC Legal Affairs Committee
 - 1. Merits of both sides of the issue
 - 2. Effect/impact on construction industry
 - 3. Estimated total cost
 - 4. Potential for favorable outcome
 - 5. Anticipated source of funding

IV. DUTIES OF LEGAL AFFAIRS COMMITTEE

- A. Careful review of request
 - 1. Correctness of position of party/parties
 - 2. Ascertain TBB support
 - 3. Extent of support (financial/direct involvement)
 - 4. Effective utilization of funds
 - 5. Interview/selection of attorney
 - 6. Review of Amicus Curiae brief prior to filing
 - 7. Review of legal fees submitted for payment

- B. Committee Recommendation to Executive Committee
 - 1. Pertinent facts
 - 2. Criteria used to formulate recommendation
 - 3. Estimated budget
 - 4. Funding available for litigation

V. DUTIES OF EXECUTIVE COMMITTEE

- A. Careful review of Legal Affairs recommendation
- B. Full authority to act on behalf of Board of Directors on matters which must be resolved within critical period of time at “reasonable expense”.

VI. INSTANCES OF COMPLEX, PROTRACTED LITIGATION

- A. Severely limited to what is reasonable and necessary for TBB AGC to carry out its aims and goals
- B. Requires affirmative majority vote of the Board of Directors – Regular meeting or special vote.

VII. INITIATION OF LAWSUIT

- A. Written agreement between TBB and Legal Counsel
 - 1. Scope and conditions of employment
 - 2. Sum of fees and formula used
 - 3. Terms/conditions of payment

VIII. PAYMENT OF LEGAL EXPENSES

- A. From budget or named funding source.

CRITERIA FOR PROCESSING REQUEST THROUGH LEGAL FUND

STEP 1

REQUEST FOR TBB INVOLVEMENT

- CRITERIA: Submit the following to TBB:
1. Merits
 2. Effect/impact on the statewide TBB membership
 3. Estimated Cost
 4. Potential for favorable outcome
 5. Source of funding
 6. TBB sends information to vice president and/or committee members in appropriate format and with deadlines

STEP 2

LEGAL AFFAIRS COMMITTEE

- REVIEW OF REQUEST:
1. Correctness of position of party/parties
 2. Ascertain Chapter Support
 3. Extent of Support – Financial/direct involvement
 4. Effective Utilization of Funds
 5. Interview/selection of attorney
 6. Review of Legal Fees submitted for payment

STEP 3

RECOMMENDATION TO EXECUTIVE COMMITTEE

- MUST MEET FOLLOWING CRITERIA:
1. Pertinent facts
 2. Criteria used to formulate recommendation
 3. Estimated Budget
 4. Report on unallocated monies in Special Legal Fund
 5. Funding available for litigation

STEP 4

EXECUTIVE COMMITTEE

Note: Full authority to act on behalf of Board on matters which must be resolved within critical period at reasonable expense

- RESPONSIBILITY:
1. Careful review of Legal Affairs Committee recommendation

STEP 5

BOARD OF DIRECTORS

Affirmative Majority Vote of Board at Regular Meeting or Special Vote

STEP 6

INITIATION OF LEGAL ACTION BY CHAPTER

- CRITERIA TO BE MET:
1. Written agreement with legal counsel
 - a. Scope and conditions of employment
 - b. Sum of fees and formula used
 - c. Terms/conditions of payment
(All are the responsibility of Legal Affairs Committee)

STEP 7

PAYMENT OF LEGAL FEES

Only from Budget or Outside Funding Source.