

TOWN OF LITTLETON BOARD OF SELECTMEN

Amended on March 22, 1010

Use of Legal Counsel.

As provided by §8-6 of the Town Code, the Board of Selectmen is “authorized to employ or appoint legal counsel to advise with respect to and to prosecute, defend and compromise any and all lawsuits, claims, actions and proceedings on behalf of or against the town or any matters in which the interests of the town are or may be involved and to represent the town at any hearing in which it is or may become interested before a committee or committees of the General Court, and to pay compensation for such services.”

The Board of Selectmen serves as the “gatekeeper” of access to and use of legal counsel. As use of legal counsel is expensive and the legal budget limited, access is generally granted only for serious legal matters and questions.

A department, board or committee that requests use of legal counsel should be prepared to demonstrate that they have researched the issue to the limit of their expertise and that legal advice is the most prudent and reasonable alternative available.

All requests for use of legal counsel services shall be submitted, either by electronic means or in writing, to the Town Administrator,¹ who shall provide the Board of Selectmen with regular updates on such requests.

Upon review of the request, the Town Administrator shall either (a) forward the request onto Town Counsel or Labor Counsel, as appropriate, for an answer; (b) return the request to the requester for any clarification or additional information required to complete the TA’s review of the request; or (c) deny the request with an explanation of the reasons for denial provided to the requester and to the members of the Board of Selectmen.

A board or committee may appeal any such denial to the Board of Selectmen for action at a duly posted meeting.

This approval procedure shall not apply to requests of Town Counsel made in confidence by a municipal employee in accordance with MGL Chapter 268A, section 22, the Conflict of Interest Law.

A vote of the Board of Selectmen shall be required to initiate any lawsuit on behalf of the Town of Littleton. The Board of Selectmen may also vote to grant limited access to counsel for a certain time period or a specific aspect of an issue if they deem it necessary.

Counsel shall provide the Town Administrator’s office with a copy of all opinions, correspondence, and other work products.

¹ During the temporary absence of the Town Administrator or Assistant Town Administrator, requests may be submitted to the Chairman of the Board of Selectmen.