

# Hiring a City Attorney

Regional Meeting  
Collinsville City Hall  
April 21, 2022

# OVERVIEW OF MUNICIPAL PRACTICE

Municipal Law is a highly specialized field requiring knowledge, information, & experience in a vast number of areas.

It may be one of the last areas of law that resembles what was traditional known as a “general law practice”.



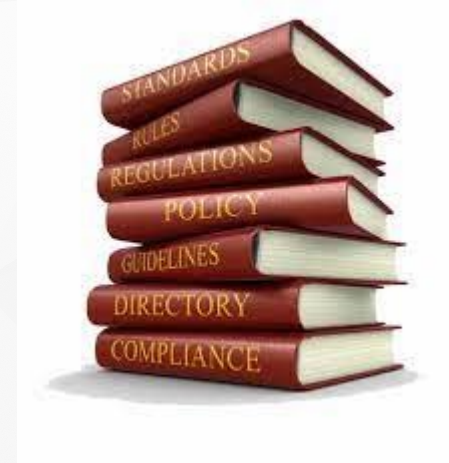
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# OVERVIEW OF MUNICIPAL PRACTICE

## Practice Areas Include:

- **Public Finance**
- **Land Use**
- **Planning**
- **Zoning**
- **Torts (unreasonable conduct causing injury)**
- **Complex Transactions**



# OVERVIEW OF MUNICIPAL PRACTICE

## Practice Areas Also Include:

- **Open Meetings**
- **Open Records**
- **Criminal Prosecution**
- **Police Legal Advisor**
- **Employment**
- **Purchasing**

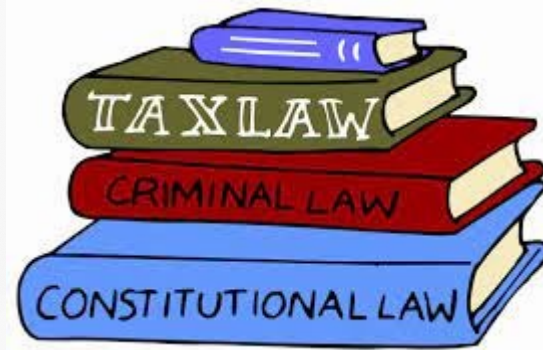




# OVERVIEW OF MUNICIPAL PRACTICE

## Practice Areas Also Include:

- **Constitutional Law**
- **Public Trusts**
- **Labor Law**
- **Environmental**
- **Medical Malpractice**
- **Condemnations – (taking land for public purposes)**



# CHALLENGES FACING GOVERNMENT ATTORNEYS

- Increasingly complex issues
- Attorneys often spend up to six (6) hours per week just keeping up to speed
- Many have limited resources
- 81% of government attorneys report decreased resources
- 72% of government attorneys anticipate higher workloads
- Government attorneys work on an average of 33 unique matters every week
- Municipal Attorneys become a “jack of all trades”



## *COUNSEL AND COUNCIL*

### *A Guide for Building a Productive Employment Relationship*

[https://www.calcities.org/docs/default-source/city-attorneys/counsel-and-council-a-guide-for-building-a-productive-employment-relationship.pdf?sfvrsn=6f9e7eba\\_1](https://www.calcities.org/docs/default-source/city-attorneys/counsel-and-council-a-guide-for-building-a-productive-employment-relationship.pdf?sfvrsn=6f9e7eba_1)

- Prepared by the League of California Cities
- One of THE BEST publications on this topic
- Discusses the nature of the relationship between the Council and the attorney
- Discusses the recruitment and selection process
- Defines the parameters of the employment relationship

# *COUNSEL AND COUNCIL*

## The “Ideal” City Attorney a City Council Perspective



- Has experience in the broad range of municipal law
- Stays current in municipal law
- Is well versed in the “art of the possible”
- Views the City Attorney’s role as being more than providing legal opinions
- Views the role to be advisor, sounding board, confidant, and a resource



# *COUNSEL AND COUNCIL*

## The “Ideal” City Attorney a City Council Perspective



- Is easy to talk with
- Recognizes the importance of retaining trust and confidence
- TYPICALLY - is accessible rather than being too busy
- Is not naïve about politics, but doesn't “count the votes” before making a recommendation
- Is politically astute, but not political

# *COUNSEL AND COUNCIL*

## The “Ideal” City Attorney a City Council Perspective

- Can be counted on to provide the best professional advice on all legal issues
- Will recognize what the Council and Staff are trying to achieve and help them achieve their objective as closely as possible
- Is bright and a critical thinker who is both analytical and creative
- Understands details as well as concepts
- Is a quick study to new issues



# *COUNSEL AND COUNCIL*

## The “Ideal” City Attorney a City Council Perspective

- Is confident and not afraid to assert himself or herself when necessary
- Has the courage of their convictions
- Knows when to argue and when to settle
- Knows when and who to ask for specialized legal advice
- Is an excellent communicator (speaking, writing & listening) and can make legal opinions understandable to lay persons



# *COUNSEL AND COUNCIL*

## Ten (10) Tips for Effective Use of City Attorneys

- Remember the City is the client. Only the entire council can speak on behalf of the municipality.
- Remember that everyone is on the same team. When the City Attorney identifies potential legal problems, it is to protect the City.
- Consult the City Attorney sooner rather than later on issues so that legal input can be meaningful.
- Do your homework. Be prepared when meeting with the City Attorney so the time is well-spent.
- Be clear about expectations and priorities.





# *COUNSEL AND COUNCIL*

## **Ten (10) Tips for Effective Use of City Attorneys**

- Give the city attorney adequate time to research issues and answer questions.
- Provide Legal Staff with the necessary tools to do their job.
- Always disclose all pertinent facts and objectives.
- Recognize that a concrete answer is not always possible.
- Understand the City Attorney is an independent and objective legal advisor and not a politician.





# RECRUITING A CITY OR TOWN ATTORNEY

- Determine if the attorney will be on contract or an employee
- Cast a broad net in advertising the position
- Establish a process and follow it
- If the attorney will be in-house, develop a job description
- Establish a reasonable budget – remember this is a service





# RECRUITING A CITY OR TOWN ATTORNEY

- Consider using a Request for Proposals
- Ensure you are recruiting an attorney with municipal experience
- If you are a larger municipality, consider using a public sector recruiting firm – advantages include advertising, contacting available candidates, and facilitating selection
- Prepare a profile of the ideal candidate that addresses skills, training, and qualities



# STRATEGIES FOR SUCCESS

- Treat your attorney like a professional
- Have the difficult conversations
- Enter into annual contracts
- Utilize cost allocation – utilities, enterprise funds, financing, law enforcement activities
- Be creative to attract quality representation



# STRATEGIES FOR SUCCESS

- Maintain respectful boundaries
- Encourage succession planning
- Encourage professional relationships
- Invest in continuing legal education
- Encourage membership in professional organizations



# STRATEGIES FOR SUCCESS

- Don't attorney shop
- Don't play "trick the lawyer"
- Recognize that everyone, even attorneys, are human



# RESOURCES

1. Other Municipal Websites
2. City of Guthrie Request for Proposals
3. California League of Cities
4. Oregon League of Cities
5. Oklahoma Association of Municipal Attorneys
6. International Municipal Lawyers Association

## Questions



Adapted from: **Making the Case for the  
Municipal Attorney**

- **BETH ANNE CHILDS**

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