



Chancellor's Memorandum

CM-9 – Legal Consultation

To: Vice Chancellors, Deans, Administrative Staff, Department Heads, and Students.

From: LSU Health Sciences Center New Orleans Chancellor

August 5, 1991

The LSU Health Sciences Center and its various departments are often confronted with receiving legal services (i.e. subpoenas, suits, notices, etc.). Also, there are at times a need for legal assistance, counsel and legal representation for the LSUHSC and its personnel. As a State agency, we have the benefit of legal assistance from the Office of Risk Management (ORM) and the Attorney General's Office (AG). Additionally, we may sometimes require and retain "outside" legal counsel and representation. However, it is very important to note that appropriate channels must be utilized when obtaining such legal assistance.

Receipt of Legal Services

Legal services should be accepted only by the person(s) named in the suit. (ex. - Mr. I. Sue vs. Dr. I.M. Caring). Only Dr. Caring should accept service of such a notice. Alternatively, this type of service or those naming the LSU Health Sciences Center and/or Board of Supervisors may be referred to and received by the Chancellor. Other personnel (i.e. receptionists, secretaries, assistants, etc. should not accept such services on behalf of the party named in such notices. They should, however, direct them to the party named, or the Chancellor's office.

It is also recommended that when such services are attempted, Mr. Ron E. Gardner, Assistant Vice Chancellor for Clinical Affairs should be notified immediately at 568-4810. The recipient of such services should also contact Mr. Gardner directly at 568-4810 followed by sending the original document received to Mr. Gardner's office on the 8th floor of the Resource Center. It should be noted that all legal services are required to be responded to within a limited period of time, usually fifteen (15) days. Therefore, it is paramount that notification of such services be directed to Mr. Gardner upon receipt.

Obtaining Legal Counsel

Procedurally, all requests for legal assistance should be directed to the Chancellor, Vice-Chancellor's, Deans or the Assistant Vice Chancellor for Clinical Affairs, Mr. Ron E. Gardner. Such requests will be responded to immediately and processed through the appropriate authorities by Mr. Gardner.

Signed: Perry G. Rigby, M.D., Chancellor

Attachment

To: Perry G. Rigby, M.D., Chancellor, LSUHSC

From: Ron E. Gardner, Assistant Vice Chancellor for Clinical Affairs

Re: Areas Covered by the Office of Risk Management (ORM) and the Attorney General's Office (AG)

Date: July 26, 1991

After several discussions with various representatives of the ORM and Attorney General's Office, I have identified the area that those agencies take initial responsibility for legal review and representation. Specifically, Assistant Attorney General Athena Piedrahita and State Risk Claims Supervisor, Lynn Duszynski both indicated in conversations with me that except for matters involving (1) contract disputes or (2) civil service, all other matters fall initially under the review and representation of the ORM and the AG.

Those other matters include but my not be limited to issues covering area such as:

- a. Medical Malpractice
- b. Product Liability
- c. Workman's Compensation
- d. Slip and Fall
- e. Wrongful Discharge
- f. Discrimination
- g. Employment Matters
- h. Personal Grievances
- i. Property Disputes

While the Attorney General will assist the LSUHSC (if requested) in matters such as contract review, preparation, notarial services, etc., the LSUHSC may reserve the right to utilize outside legal assistance and representation in these and similar matters.

It is very important to note that in matters of potential or actual litigation against the LSUHSC and/or its personnel we should consider the ORM and AG as our first recourse in such cases. Procedurally, this does not necessarily preclude the LSUHSC from utilizing outside counsel but helps us avoid paying judgments from the budget of the LSUHSC as opposed to being paid by State Risk Management.

Essentially, the Attorney General's position is that if such litigation is not brought to them initially for review and disposition, they will assume that the LSUHSC is willing to accept full responsibility for any potential judgments rendered from those litigations. In light of that position, it seems fiscally prudent to initiate review of such cases through the ORM and the AG.

To that end, I have worked to establish relationships with both offices with will provide us with significant latitude in making choices of attorneys and firms.