

DELEGATION OF AUTHORITY

Office of the General Counsel

Delegation Number	2010-001
Effective Date	July 11, 2010
Subject	Authority to Commence Unlawful Detainer Actions and Certain Other Civil Litigation and to Settle Specified Litigation and Claims Regents' Policy on Authorities of the General Counsel for Claims Due the University (http://www.universityofcalifornia.edu/regents/policies/4102.html)
Sources of Delegation	Regents' Policy on Settlement of Litigation, Claims and Separation Agreements http://www.universityofcalifornia.edu/regents/policies/4105.html
From	General Counsel Charles F. Robinson
To:	Chief Campus Counsel, Chief Health System Counsel, Chief Health Sciences Counsel, Chief Counsel (see attached)
Related Delegations	Supersedes OGC Delegation of Authority No. 2008-03.

Pursuant to The Regents' Policy on Authorities of the General Counsel for Claims Due the University (<http://www.universityofcalifornia.edu/regents/policies/4102.html>), "the General Counsel has authority to take all appropriate action in the best interest of the University, including filing suits and settlements in connection with unlawful detainer actions and to recover unpaid balances on accounts receivable and other monetary claims due the University."

Pursuant to The Regents' Policy on Settlement of Litigation, Claims and Separation Agreements (<http://www.universityofcalifornia.edu/regents/policies/4105.html>), the General Counsel has authority to settle litigation and claims when the consideration paid or received is not in excess of \$500,000. For purposes of The Regents' policy, "Litigation" is defined as "legal proceedings in the form of a lawsuit, arbitration proceeding, or internal or external administrative proceeding." For purposes of The Regents' policy, "Claim" shall refer to any demand for payment from an entity or individual, including a University employee, which is disputed in whole or in part and is made other than through litigation. Commercial negotiations to adjust amounts payable under a contract shall not be treated as "claims."

Effectively immediately, I hereby delegate to each of you, in your positions as Chief Campus Counsel (or equivalent titles), and subject to the conditions specified below, the following authority:

- You are authorized to retain counsel and/or commence unlawful detainer actions when the amounts at issues total no more than \$50,000, provided that the Deputy General Counsel for Litigation, Labor & Employment has confirmed that any such matter cannot be handled in-house by an Oakland-based attorney.
- You are authorized to retain counsel and/or commence civil actions to enforce contracts and otherwise to recover amounts owed under contract to The Regents when the amounts at issue total no more than \$50,000, provided that the Deputy General Counsel for Litigation, Labor & Employment has confirmed that any such matter cannot be handled in-house by an Oakland-based attorney.
- With regard to Litigation and Claims (as defined above) in which The Regents or University Administrators are a responding party, you are authorized to approve settlements involving payments or other consideration valued at no more than \$50,000, provided that a funding source has been identified and such source concurs in the settlement;
- With regard to Litigation and Claims (as defined above) in which The Regents or University Administrators are a plaintiff or claimant party, you are authorized to approve settlements involving a compromise of no more than \$50,000 below the asserted value of the claims.

The delegation of authority provided herein is subject to the following conditions:

- This delegation shall not apply to settlements or actions, regardless of amount, that involve "significant issues of University Policy," which matters are reserved to The Regents pursuant to Regents Policy 4105(5)
- This delegation shall not apply to "Separation Agreements," as defined in Regents Policy 4105(1)c, regardless of amount
- This delegation shall not apply to matters accepted for resolution in the University's Risk Program
- This delegation shall not apply to proposed retentions of outside counsel when the fees and costs are reasonably expected to exceed \$50,000
- This delegation, and any part of it, may be re-delegated, but only to other attorneys serving in your Campus Legal Affairs Office, if any
- All actions or transactions undertaken pursuant to this delegation (including any re-delegations) during each calendar quarter shall be reported within two weeks following the close of such quarter to the Deputy General Counsel for Litigation, Labor and Employment

Because of the University's unique relationship with the Department of Energy with regard to national laboratory operations, including any potential litigation, this delegation shall not extend to the Chief Laboratory Counsel for the Lawrence Berkeley National Laboratory.

This delegation supersedes OGC Delegations of Authority No. 2008-03 (*Authority to Approve Certain Non-Court Litigated Settlements*).

A handwritten signature in black ink, appearing to read "Charles F. Robinson". The signature is fluid and cursive, with the first name "Charles" and last name "Robinson" clearly distinguishable.

Charles F. Robinson
Vice President & General Counsel

cc: OGC Cabinet Members

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