



## **MEMORANDUM**

**TO:** The MICRC

**FROM:** Sue Hammersmith *SDH*

**DATE:** February 8, 2022

**RE: Options for Managing the Responsibilities of the General Counsel Position**

Per the General Counsel job description, *General Position Description and Responsibilities* include:

- Experience serving a public body with issues ranging from Open Meetings Act, FOIA, contracts, hiring and employment issues, and commitment to enforcing VRA
- Highest standards of excellence, integrity and nonpartisan commitment
- Primary legal counsel for implementation and legal compliance with Michigan Constitution Article IV, Sec. 6, helping guide and assist the redistricting process
- Ensure compliance with open meetings and Article IV, Sec. 6 of the Constitution in activities, policies, and procedures
- Manage relationships with additional legal counsel or experts, and/or representation in court on behalf of the Commission
- Provide written and spoken legal advice to the Commission and its staff
- Draft and issue legal opinions, memoranda, and advice on administrative and other legal issues

The general counsel job description further states:

“After completion of the mapping process in the year 2022, the Commission will evaluate whether to renew a contract for General Counsel or if the responsibilities of the role are no longer required.” and “Employees of the Commission will serve at the pleasure of the Commission.”

A significant portion of the work of the General Counsel position has been completed. Policies and procedures are in place. Contracts for public hearing venues, hotels, and AV providers have been reviewed. Consultants and litigation counsel have been hired and contracts are in place. The maps have been adopted.

Primary work at the present time includes:

1. Legal advice to the Commission and staff; provide legal memoranda; keep Commission and staff updated regarding litigation
2. Program Manager for the legal contracts - primary staff contact; reviews and approves invoices; directs the paralegal, who is completing research for litigation counsel
3. Parliamentarian at MICRC meetings
4. FOIA Manager



Options for managing the primary work:

1. Receive legal information and advice directly from Local or Litigation Counsel, as appropriate; Local Counsel to serve as liaison to the Commission, providing written reports and/or attending Commission meetings and providing verbal reports/litigation updates directly to the Commission; appoint a Commissioner to serve as liaison with Local/Litigation Counsel, providing communication/updates to the Commission; utilize Executive Director or Communications and Outreach Director as liaison to Local & Litigation Counsel
2. Utilize existing staff to coordinate; paralegal can be directed by existing staff, as requested by local or litigation counsel, utilized directly by local or litigation counsel, as they need her research services (existing contract through March 31, 2022)
3. Mike Brady from MDOS has agreed to attend meetings and serve in the role of parliamentarian
4. MDOS has agreed to serve as the FOIA Coordinator, in the role as secretary to the Commission