

HOUSE No. 1821

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to authorizing governmental bodies and other approved parties to use shared legal representation and consultants in matters of common interest.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/16/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 1821

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 1821) of Denise Provost and others relative to shared municipal legal representation. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1111 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to authorizing governmental bodies and other approved parties to use shared legal representation and consultants in matters of common interest.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 40 of the General Laws, appearing in the 2016 Official Edition, is
2 hereby amended by adding a new section 4L, as follows:

3 Section 4L- Governmental units, as that term is defined in section 4A of chapter 40 and
4 any other public entity are authorized from time to time to direct and permit its regular legal
5 counsel and/or retained counsel and/or consultants to represent it and other governmental bodies
6 or public entities and private parties or entities, their employees, officials and officers, or
7 otherwise provide services in matters in which the governmental unit or public entity has a direct
8 or substantial interest without violating any law which may otherwise prohibit same, including
9 G.L. c. 268A.

10 In such instances, the official duties of the governmental unit's or public entity's counsel
11 or consultant include representing and providing services to other governmental units and public
12 and private entities and individual citizens, in administrative and judicial proceedings and other
13 matters in which the governmental unit or public entity is also a party or has an interest, provided
14 the interests of the governmental unit or public entity would be advanced by such dual or shared
15 representation or services and provided that such dual or shared representation or services would
16 not cause a violation of any rule governing attorney or other applicable professional's conduct.
17 Legal counsel and consultants shall discharge such duties only when requested to do so in
18 writing by the chief executive officer of the governmental unit or public entity. Prior to making
19 such a request, the chief executive officer of the governmental unit or public entity shall consult
20 with its regular or special counsel, who shall advise whether the interests of same would be
21 advanced by such dual or shared representation or services. The legal counsel shall also
22 supervise any special counsel or consultants in such instances and from time to time shall render
23 advice to his or her governmental unit or public entity as to whether such dual or shared
24 representation or services advances the interests of same and conforms to law. The parties to
25 such an arrangement may enter into same upon vote of the appropriate chief executive officer of
26 the governmental unit or public entity. Any such arrangement may also be memorialized in an
27 agreement between the participants under section 4A of chapter 40 or any other applicable law.