In-House Counsel Position

The Board is an entity:
The board of each community college district is a body politic and corporate by the name of “Board of Trustees of Community College District No. __[.]” 110 ILCS 805/3-11.

The Board has broadly-defined powers:
The board of any community college district has the powers enumerated in Sections 3-31 through 3-43 of [the Illinois Public Community College Act]. This enumeration of powers is not exclusive but the board may exercise all other powers, not inconsistent with this Act, that may be requisite or proper for the maintenance, operation and development of any college or colleges under the jurisdiction of the board. 110 ILCS 805/3-30.
In-House Counsel Position

The enumerated duties and powers of the Board include:

• “To adopt and enforce all necessary rules for the management and governance of the colleges of its district.” 805/3-25 (duties of Board).

• “To make appointments and fix the salaries of a chief administrative officer, who shall be the executive officer of the board, other administrative personnel and all teachers.” 805/3-26 (duties of Board).

• “To employ such personnel as may be needed, to establish policies governing their employment and dismissal, and to fix the amount of their compensation.” 805/3-42 (powers of Board).
In-House Counsel Position

College of DuPage Policy No. 5-180:

The Board of Trustees may employ the services of legal counsel by direction of the Board or its designee. Such legal counsel serves at the pleasure of the Board.
In-House Counsel Position

The College is the client.

• “A lawyer employed...by an organization represents the organization acting through its duly authorized constituents.” RPC 1.13(a).

The College’s interests are paramount.

• “In dealing with an organization’s directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization’s interests are adverse to those of the constituents with whom the lawyer is dealing.” RPC 1.13(f).

The Board holds the privilege.

• The privilege is held by the client. Only the client may waive the privilege. People v. Ryan, 30 Ill. 2d 456 (1964).
In-House Counsel Position

Duties owed by an attorney to her client include:

• Provide competent representation. RPC 1.1.

• Abide by the client’s decisions concerning the objectives of the representation and consult with the client as to the means by which they are to be pursued. RPC 1.2(a), 1.4.

• Keep the client reasonably informed about a matter. RPC 1.4.

• Keep confidential information relating to the representation of a client. RPC 1.6.