

**LEGAL AFFAIRS DIVISION
CALIFORNIA COMMUNITY COLLEGES, CHANCELLOR'S OFFICE**

**Guidelines for Seeking Informal Legal Advice and
Written Legal Opinions**

The Legal Affairs Division in the California Community Colleges, Chancellor's Office (Legal Affairs) is the legal counsel for the Board of Governors (BOG) and the Chancellor. In addition, Legal Affairs assists in carrying out the statutory directive to the BOG to "Advise and assist governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges." (Ed. Code, § 70901(b)(14).)

Thus, the main work of Legal Affairs is to provide advice to the BOG, the Chancellor and the Chancellor's staff; and in addition, to advise district governing boards regarding matters of systemwide concern that are within the jurisdiction of the BOG and the Chancellor.

In an effort to fulfill its primary purpose and to provide quality advice within its jurisdiction, it is the policy of Legal Affairs, subject to the limitations set forth below, to accept requests for informal legal advice or written opinions from the following organizations or officials, with priority generally assigned as indicated below:

The Board of Governors/Chancellor's Office

The Board of Governors
Board Members
The Chancellor
Vice Chancellors
Deans

Districts/Colleges

District Boards
Chancellors*
Vice Chancellors*
Superintendent/Presidents*
Vice Presidents*
District Legal Counsel

*Titles may vary from district to district

State Officials

Legislators
The Attorney General's Office
Directors of State Agencies
Deputy Directors of State Agencies
General Counsels of State Agencies

Constituent Groups and Representative Organizations, such as:

The Academic Senate for the California Community Colleges
The California Community Colleges Classified Senate
The Student Senate for the California Community Colleges
CalSACC
The Community College League
Foundation for California Community Colleges
local student body associations
local academic or classified senates
employee unions

District employees, students, and parents of students

Individual concerns and requests for legal advice should first be processed through the constituent groups and representative organizations listed above, or through local district administrative processes. After exhausting local remedies, if there is no satisfactory resolution of the matter, individuals may choose to bring their concerns to the attention of Legal Affairs, which will, in its own discretion, decide whether the matter is appropriate for review or advice.

Members of the Public

In general, Legal Affairs must decline to give advice to members of the public.

WRITTEN LEGAL OPINIONS

Written opinions are issued by the Legal Affairs Division when the request for review is within the jurisdiction of the Board of Governors and the Chancellor and is deemed to be of systemwide concern or continuing public interest, as opposed to individual complaints and concerns. In general, Legal Affairs only issues written legal opinions for the Board of Governors or in response to a written request (by letter or e-mail) from the Chancellor's Office or district officials listed above.

Although Legal Affairs is not required to issue opinions for individuals, constituent groups or representative organizations, it may do so at its own discretion when time and staffing permit. Individual complaints are generally not appropriate subject matter for legal opinions. In most cases, as a condition to reviewing such complaints, Legal Affairs

will require individual parties to verify their attempts to settle their concerns locally before submitting complaints to Legal Affairs.

Before responding to an opinion request, Legal Affairs may solicit input on the issue(s) from interested parties. When Legal Affairs accepts an opinion request from a district, district officials will usually be asked to first submit an opinion from the district's legal counsel.

District officials and staff, district counsel, organizations, and individuals do not have an attorney-client relationship with the Chancellor's Office. Accordingly, if the subject matter of the inquiry is sensitive, the requestor may wish to consider whether a request for an opinion is consistent with their interests.

INFORMAL LEGAL ADVICE

Informal legal advice is generally a verbal or written response to a question that can be answered immediately or without extensive research because a legal opinion has previously been issued, the answer is relatively clear, or the response does not require many hours of research, analysis, or fact-finding. All matters requiring an extensive amount of research, analysis or fact-finding, or that have not previously been considered, must be treated as a request for an opinion, rather than a mere request for advice (see "Written Legal Opinions," above). Whenever possible, all such requests should be made in writing, either by letter or e-mail, rather than by telephone.

Chancellor's Office staff may seek informal advice without going through their dean or vice chancellor if Legal Affairs determines that the request will not involve extensive research or analysis.