

When to Seek Legal Advice

“The first thing we do, let’s kill all the lawyers.” Henry VI, Part 2, Act IV, Scene 2

What's a lawyer?

- A professional licensed to advise and represent others in legal matters
- A lawyer serves as a representative of people and entities
- The lawyer can speak on behalf of a client

What's a city attorney?

- Idaho Code Section 50-208A:

- DUTIES OF CITY ATTORNEY

- (1) The city attorney shall be the legal advisor of the municipal corporation, may represent the city in all suits or proceedings in which the city is interested, and shall perform such other duties as may be prescribed by ordinances and resolutions duly passed. Nothing herein, however, shall preclude any city from employing alternative additional counsel when deemed advisable.
 - (2) The city attorney, his deputies, or contract counsel shall prosecute those violations of county or city ordinances, state traffic infractions, and state misdemeanors committed within the municipal limits. In so doing, the city attorney...shall exercise the same powers as the county prosecutor....

Role of City Attorney vs. Council

- The City Attorney provides legal advice.
- The City Council makes the policy decisions.

When Should You Seek Advice of City Attorney

- You are contacted by a lawyer concerning a matter involving the city.
 - You are asked to provide a deposition.
 - You are asked to provide a declaration or affidavit.
 - You are asked to make a written statement on behalf of the city in a legal matter.
 - You receive a subpoena concerning a matter involving the city.
- You receive a credible threat of a lawsuit against the city.
- You have a question concerning legal interpretation of a statute or ordinance