



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
REVIEW FORM FOR ATTORNEYS PROVIDING LEGAL SERVICES

This form must be completed and submitted (with required attachments) to the AGO for any new legal services contract, and for any significant amendment to the scope of services under an existing contract, prior to the start of performance or change in performance.

Section 65(a)(3) of M.G.L. c. 30 provides that the Office of the Attorney General (AGO) will be consulted when a lawyer who is not a state employee will be providing legal services for the Commonwealth or for any department, agency, board or commission thereof ("Department"). Prior written review by the AGO is required before legal services are performed under a contract. By law, the AGO should be consulted during the procurement process and then reviews the proposed legal services contract to determine that any attorney/firm hired by a Department is a member of the Massachusetts Bar (or out of state bar) in good standing and has no apparent conflicts of interest, and that any attorney who will be providing litigation services under the contract will appear in court on behalf of the Commonwealth only after his/her appointment as a Special Assistant Attorney General (SAAG) by the AGO.

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| Today's Date: |
| Department Name: |
| Department Contact Person: |
| Department Mailing Address: |
| Department Contact Email: |
| Department Contact Telephone: |
| Department Contact Fax: |
| Full Legal Name of Law Firm being Hired: |
| Legal Business Address of Law Firm: |
| Full Legal Name(s) of all Attorney(s) assigned to perform legal services: |
| Date by which Legal Services, if approved, are requested to begin: <i>(Please allow 2 weeks for review and approval by the General Counsel's Office.)</i> |

Submit this form and attachments (Do Not Fax) to:
Office of the Attorney General, Attn: General Counsel,
One Ashburton Place, 20th Floor, Boston, Massachusetts 02108

PLEASE ATTACH COPIES OF THE FOLLOWING DOCUMENTS:

1. SCOPE OF SERVICES/SAAG.

A detailed **Scope of Services** outlining the specific legal services (H09 and N03 object codes) that will be performed by the attorney or firm. If the services are being procured using a Request for Response (RFR), include only the relevant portions identifying the services, not the entire RFR. The scope of services must also identify whether or not the attorney/firm plans to represent the Department/Commonwealth in court (either in Massachusetts or in another jurisdiction). If litigation services are to be provided, each attorney representing the Commonwealth must be approved as a SAAG by the AGO **prior** to beginning any services. A separate request form is required, and a separate appointment letter will be sent to the SAAG.

2. CERTIFICATION BY GOVERNOR'S LEGAL COUNSEL AS TO NEED FOR OUTSIDE LEGAL SERVICES.

A copy of the certification by the Governor's Chief Legal Counsel that no state employee can provide the legal services that the lawyer is to provide.

3. PROCUREMENT, M.G.L. c. 30, § 65(a)(2).

(A) The request for the legal services that the lawyer is to provide was made publicly available for competitive bidding in a manner provided by regulations of the state purchasing agent and approved by the comptroller;
or

(B) In advance of the purchase of legal services by the Department, the Governor's Chief Legal Counsel has described a situation or condition that requires the immediate provision of legal services and has certified that M.G.L. c. 30, § 65(a)(2) does not apply. Please attach written certification.

4. GOOD STANDING. M.G.L. c. 30, § 65(a)(3).

A copy or downloaded printout of the Board of Bar Overseers record of good standing **for each attorney** listed above who will be assigned to perform services, or who are identified as "key personnel" under the Contract. Here is the link to the site: <http://db.state.ma.us/obcbbo/bboreg/lookup.asp>. Locate each attorney assigned to perform contract services and print out the "Attorney Status Report" for each attorney. Similar documentation of licensure and good standing must be provided for any out of state attorney. Departments must annually verify that any attorney(s) assigned to the contract remains in good standing for the duration of the contract.

5. CONFLICT OF INTEREST, M.G.L. c. 30, § 65(a)(3).

(A) The Department should include a statement disclosing each matter the attorney who is performing legal services under the contract or, in the case of a firm, each and every attorney in the firm has pending, in which the Commonwealth or any agency, department, board, commission, or employee thereof, is an adverse party. If there is no such matter, the statement should indicate that the attorney or, in the case of a firm, no attorney in the firm, has any matter pending in which the Commonwealth or any agency, department, board, commission, or employee thereof is an adverse party. See M.G.L. c. 30, § 65(a)(3). (Please attach any relevant correspondence); **and**

(B) The Department should include a statement from the Department requesting outside legal services under the contract which confirms that the Department has reviewed and analyzed the legal services contract and the information provided in paragraphs 4 and 5, and recommends that the AGO General Counsel determine that any attorney named in the legal services contract is a member in good standing of the Massachusetts Bar or an out of state bar and has no conflicts of interest within the meaning of the Rules of Professional Conduct, Rule 1.7 -1.12. If any such conflicts of interest exist, the Department should indicate the reason that, notwithstanding the conflict of interest, the AGO should consent to the representation.

Please note that the attorney or firm providing legal services has a continuing obligation to notify the Department of any apparent conflicts of interest that arise while the contract is in force, and the Department has the responsibility to monitor whether the attorney or firm's proposed representation of another client presents a conflict of interest

6. ADDITIONAL FORMS.

Attach a résumé of the attorney providing legal services or, in the case of a firm, the firm biography.

Submit this form and attachments (Do Not Fax) to:
Office of the Attorney General, Attn: General Counsel,
One Ashburton Place, 20th Floor, Boston, Massachusetts 02108

THE AGO REVIEW CANNOT BE COMPLETED WITHOUT COPIES OF THESE DOCUMENTS. The AGO will keep the documents submitted and, unless otherwise requested by the Department, the AGO will scan and send only the endorsed Review Form back to the Department. The Department should attach a copy of the endorsed Review Form to the original contract kept on file at the Department.

IRRESPECTIVE OF CONTRACT EXECUTION DATES OR OTHER CONTRACT APPROVALS, LEGAL SERVICES MAY NOT BEGIN UNTIL AGO REVIEW IS COMPLETED.

DEPARTMENTS ARE REMINDED THAT THEY MUST ALSO OBTAIN CERTIFICATION OR APPROPRIATE AUTHORIZATION FROM THE GOVERNOR'S LEGAL COUNSEL.

SEE M.G.L. C. 30, § 65(a)(1) or (c).

DEPARTMENTS ARE REMINDED THAT IN CERTAIN CIRCUMSTANCES, IT WILL BE NECESSARY TO APPOINT THE ATTORNEY PROVIDING SERVICES AS A SPECIAL ASSISTANT ATTORNEY GENERAL. THIS IS A SEPARATE PROCESS.

Review of the attorneys listed above has been completed by the Office of the Attorney General:

Office of the Attorney General Reviewer Signature and Title

Office of the Attorney General Reviewer Print Name and Title

Date

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