

#### **8.3.1.4 RETENTION OF LEGAL COUNSEL**

It shall be the policy of the Reno/Sparks Association of REALTORS<sup>®</sup>, Inc., to retain under contract the services of an attorney for such purposes, as may be determined necessary. The following guidelines will pertain.

#### **DUTIES OF ASSOCIATION COUNSEL:**

Duties of Association counsel shall include, but not be limited to:

- Advise the officers and directors of the Association concerning the legal aspects of Association operations.
- Advise members of the Grievance Committee as to the legal aspects of the investigations and deliberations.
- Advise members of the Professional Standards Committee and hearing panels as to the legal aspects of their deliberations.
- Represent the Association in any court proceedings in which it may become involved.
- Other legal services as may be necessary, such as, document review and preparation.

Implicit in the above listed duties is the required effort to become totally familiar with the Nevada Revised Statutes pertaining to real estate. Also familiarize themselves with the "Ethics and Arbitration Manual", the Interpretations of the Code of Ethics, and the "Professional Standards Training Manual" and should be documents with which the attorney should be conversant.

#### **SELECTION OF ASSOCIATION COUNSEL:**

The Board of Directors shall select the attorney who will serve as Association legal counsel. The Executive Officer will be responsible to provide Directors such information concerning potential candidate's as they require. This contract should be reviewed at least every three (3) years.

#### **ALTERNATE OR ACTING ASSOCIATION COUNSEL:**

In those instances when the attorney who is serving as Association Counsel is unavailable for whatever reason, including disqualification due to conflict of interest, acting Association Counsel will be appointed. This appointment will be made from a group of, pre-selected attorneys who have been approved by the Board of Directors for such service. A list of these attorneys will be maintained by the Executive Officer. The appointment will be made by formal action of the Board of Directors.

#### **CONFLICT OF INTEREST:**

At any time the Association believes that Counsel has a conflict of interest in providing service, counsel will be replaced by the acting Association Counsel.

It shall be the responsibility of the attorney retained by the Association to identify potential conflicts of interest in his service to the Association. Further, it shall be the duty of the Board of Directors to take prompt action to replace counsel when it is determined that a conflict exists, whether reported by counsel himself or any other party.

#### **USE OF LEGAL COUNSEL:**

Assignment of tasks to the attorney will be made through the Association Executive Officer. In instances where there is a dispute as to whether legal counsel should be utilized, the Board of Directors will resolve the dispute.

### **PROPOSED LIST OF ALTERNATE COUNSEL**

A list of Reno area attorneys who have agreed to serve as alternate counsel in accordance with the policy shall be maintained by the Executive Officer. The list should be approved every three (3) years by the Board of Directors.

Approved Bylaws & Policy: 10/16/03

Approved Board of Directors: 10/23/03