



BOB RILEY
GOVERNOR

State of Alabama Alabama Department of Corrections

301 S. Ripley Street
P. O. Box 301501
Montgomery, AL 36130



DONAL CAMPBELL
COMMISSIONER

March 21, 2005

ADMINISTRATIVE REGULATION
NUMBER 026

OPR: LEGAL

AVAILABILITY OF LEGAL ASSISTANCE

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures to provide for the availability of legal assistance to the ADOC Commissioner and its employees.

II. POLICY

Legal counsel shall be available, when needed, to advise and provide legal assistance to the ADOC Commissioner and its employees.

III. DEFINITION(S) AND ACRONYM(S)

This section is not used.

IV. RESPONSIBILITIES

All ADOC employees are responsible for complying with the contents of this regulation.

V. PROCEDURES

- A. The ADOC Commissioner shall hire and designate a licensed, experienced attorney to be General Counsel for the ADOC.
- B. The General Counsel, after consulting with and receiving approval from the Commissioner, may employ additional attorneys, legal assistants, and paralegals to assist in advising the Commissioner and department employees.
- C. The General Counsel shall advise the Commissioner, and such other department employees as time and resources permit, of significant legislative and judicial developments which may affect the ADOC and its operation of correctional institutions.
- D. The General Counsel shall be a mandatory reviewer of all ADOC regulations to ensure their legality and shall advise the Office of Primary Responsibility (OPR), the appropriate

Deputy Commissioner, and the Commissioner of any potential legal problems that might result from promulgation of the regulation.

- E. The General Counsel shall be available and advise the Commissioner, or designee, when inmate grievances raise legal issues, which must be resolved prior to a response being made to the inmate.
- F. The General Counsel shall monitor all litigation filed against the ADOC and its employees who are sued as a result of the performance of their official duties. The General Counsel shall consult with the Office of the Attorney General concerning any lawsuits filed against the ADOC and its employees and shall provide assistance to the Office of the Attorney General in its defense of such lawsuits when necessary.
- G. The General Counsel, or attorney-designee, may be consulted for advice concerning legal issues relating to an employee's job duties and responsibilities as needed, either in writing or by telephone.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

There are no forms prescribed by this regulation.

VIII. SUPERCEDES

This being a new regulation it does not supercede any other regulation at this time.

IX. PERFORMANCE

- A. Code of AL 1975, Sections 14-1-1 and 14-1-2
- B. ACA Standards: 4-4023



Donal Campbell, Commissioner