

5/2/16

ORDINANCE NO. 30089

An ordinance amending Chapter 2, "Administration," of the Dallas City Code, by amending Section 2-20.1; changing the guest prosecutor program name to the guest assistant city attorney program; authorizing the city attorney to expand the volunteer guest prosecutor program to allow, under certain conditions, attorneys who work for private law firms or organizations that provide pro bono legal services to perform work for the city in hearing officer's court, municipal court, and other courts, and to appear before city, state, or federal boards, commissions, and agencies; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 2-20.1 of Article II, "Assistant City Attorneys," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

**"SEC. 2-20.1. GUEST ASSISTANT CITY ATTORNEY [~~PROSECUTOR~~] PROGRAM.**

(a) The city attorney is authorized to conduct a volunteer program known as the guest assistant city attorney [~~prosecutor~~] program. The purpose of the program is to allow attorneys who are employed by private law firms or organizations that provide pro bono legal services to obtain valuable trial experience [~~at the municipal court level~~] on a temporary and voluntary basis while, at the same time, providing a public service that benefits the city and its citizens.

(b) The city attorney may, without further city council approval, enter into arrangements with private law firms and organizations that provide pro bono legal services within the city through which volunteer attorneys are recommended and provided by the law firms and pro bono legal service organizations to perform work in hearing officer's court, [the] municipal court, and other courts, and to appear before city, state, or federal boards, commissions, and agencies.

(c) To participate in the guest assistant city attorney program, a [every] volunteer attorney: [recommended by a private law firm for the guest prosecutor program]

- (1) must be approved by the city attorney;
- (2) pass a conflict of interests check and a background check; and

(3) may not owe the city any delinquent, taxes, fees, charges, or penalties.

(d) [(e)] While participating in the guest assistant city attorney [~~prosecutor~~] program, a volunteer attorney is not an employee of the city [~~but remains an employee of a private law firm~~], except that, for purposes of the city's officer and employee liability plan, a volunteer attorney is deemed a plan member under Section 31A-4(5)(D) of this code. The city is not [~~private law firm employing the volunteer attorney is solely and exclusively~~] liable for compensation or [~~and~~] benefits (including but not limited to workers' compensation insurance coverage) to be paid to the volunteer attorney during the period of participation in the guest assistant city attorney [~~prosecutor~~] program. Nothing in this section, or in any other provision of this code, may be construed to require the city to pay a volunteer attorney or the attorney's firm or organization for services rendered during the period of the volunteer attorney's participation in the program.

(e) [(d)] A volunteer attorney, while participating in the guest assistant city attorney [~~prosecutor~~] program, is subject to the direction of the city attorney and to the direction of any assistant city attorney designated to supervise the volunteer attorney.

(1) Guest assistant city attorneys prosecuting cases in municipal court. A volunteer attorney may [~~shall~~] prosecute cases in the municipal court and perform tasks incidental to work as a municipal prosecutor, if [~~as~~] directed by the city attorney. For purposes of this article, the city charter, and Section 45.201 of the Texas Code of Criminal Procedure, as amended, a volunteer attorney participating in the guest assistant city attorney program is deemed an assistant city attorney while carrying out the limited duties of prosecuting cases in municipal court and performing tasks incidental to work as a municipal prosecutor.

(2) Guest assistant city attorneys not prosecuting cases in municipal court. A volunteer attorney may handle cases in hearing officer's court or other courts, or appear before city, state, or federal boards, commissions, and agencies, and perform tasks incidental to those duties, if directed by the city attorney. For purposes of this article, the city charter, as amended, and any other applicable laws, a volunteer attorney participating in the guest assistant city attorney program is deemed an assistant city attorney while carrying out the limited duties of handling cases in hearing officer's court and other courts, and appearing before city, state, or federal boards commissions, and agencies, and performing tasks incidental to those duties.

(f) [(e)] While participating in the guest assistant city attorney [~~prosecutor~~] program, a volunteer attorney may [~~shall~~] not:

(1) perform any legal work for the city other than work described in this section and approved by the city attorney or any assistant city attorney designated to supervise the volunteer attorney; or

(2) represent any person in a lawsuit, claim, or other proceeding to which the city is a party, if the interests of that person are adverse to the interests of [~~against~~] the city.

(g) While participating in the guest assistant city attorney program, a private law firm or organization that provides pro bono legal services may not represent any person in a lawsuit,

claim, or other proceeding to which the city is a party, if the interests of that person are adverse to the interests of the city.

(h)(4) A volunteer attorney, while participating in the guest assistant city attorney [prosecutor] program, is subject to the restrictions of Chapter 12A [Section 2-122] of this code, as amended. A violation of any provision of Chapter 12A [Section 2-122], this section, or a directive of the city attorney or any assistant city attorney designated to supervise the volunteer attorney may result in termination of the volunteer attorney’s participation in the program. The city attorney may also, in the city attorney’s discretion, terminate any arrangement with the private law firm or organizations that provide pro bono legal services that employs a volunteer attorney who commits a violation of any provision described in this subsection.

SECTION 2. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  Assistant City Attorney

Passed                     MAY 25 2016

