


Commonwealth of Pennsylvania 	Volume III Chapter 1 Procedure 01.09.01	Date Revised: 08.28.2020
Pennsylvania Parole Board		Date of Issue: 02.09.2017
Chapter Title GENERAL, POLICY, ACCREDITATION		Effective Date: 02.16.2017
Subject LEGAL SERVICES		PUBLIC

I. AUTHORITY

Legal services are provided in accordance with the Commonwealth Attorneys Act, 71 P.S. § 732-101, *et seq.*, and Pennsylvania Code, Title 4, Part II, Subpart D, Chapter 39, Entitlements for Commonwealth Employees.

II. PURPOSE

This procedure sets forth the manner in which legal services are provided by the Office of Chief Counsel.

III. APPLICABILITY

This procedure is applicable to all staff.

IV. DEFINITIONS

None.

V. POLICY

The Office of Chief Counsel provides legal services to the Pennsylvania Parole Board and the Sexual Offenders Assessment pursuant to the Commonwealth Attorneys Act, 71 P.S. § 732-101, *et seq.*, and Pennsylvania Code, Title 4, Part II, Subpart D, Chapter 39, Entitlements for Commonwealth Employees.

VI. PROCEDURE

A. Requests for Legal Representation

An official or employee named as a defendant or respondent in a lawsuit relating to matters within the scope of their employment may request representation. The official or employee must promptly notify the Office of Chief Counsel of the lawsuit and request representation, as follows:

1. Forward original process to the Office of Chief Counsel
 - a. In state court actions, original process will be in the form of a complaint or a writ of summons.
 - b. In federal court actions, original process will be in the form of a complaint, which may be accompanied by a summons or a request from the court to waive service.

2. On the day of receipt, the original process and any accompanying correspondence or other paperwork shall be hand delivered to the Office of Chief Counsel or scanned and emailed to [PM, Legal Resource Account](#).

The originals of any documents scanned and emailed must be mailed to the Office of Chief Counsel no later than the close of the next business day following receipt.

3. Original process forwarded to the Office of Chief Counsel must be accompanied by a completed PB 66.
4. An employee who requests representation in the manner set forth above will be advised if representation is offered or denied.

Employees who accept an offer of representation must fully cooperate in the defense of the case.

Employees who accept representation authorize the commonwealth to settle the case as it deems appropriate and to make legal and strategic decisions relating to the defense of the case as it deems appropriate.

B. Legal Actions Involving the Parole Board or Any Employees

In addition to original process, as set forth above, other forms of legal action may include petitions for writ of habeas corpus, motions, or other petitions that seek relief against the board, or other documents filed with a court or administrative agency.

If an official or employee is unsure whether a document involves a legal action against the Parole Board or any employee, the document should be construed as if it does.

Any official or employee of the board who receives or is served with notice of a legal action involving the board shall notify the Office of Chief Counsel, as follows:

1. On the date of receipt, hand deliver the document to the Office of Chief Counsel or scan and email the document to [PM, Legal Resource Account](#).

The originals of any documents scanned and emailed must be mailed to the Office of Chief Counsel no later than the close of the next business day following receipt.

2. All documents forwarded to the Office of Chief Counsel must be accompanied by a completed PB 66.

C. Requests for Legal Advice

Requests for legal advice from staff outside the scope of the Memorandum of Understanding between the Parole Board and the Department of Corrections (MOU-17-217, dated October 19, 2017) shall be submitted as follows:

1. Requests shall be submitted by email to [PM, Legal Resource Account](#).
2. All requests for advice that involve documents must include copies of the documents involved.

3. All requests for legal advice must be submitted by the member of senior staff responsible for the program area requesting advice or the Executive Director of the Sexual Offenders Assessment Board.
4. Members of senior staff and the Executive Director of the Sexual Offenders Assessment Board, in consultation and agreement with the Chief Counsel, may designate subordinates to request legal advice. All requests for legal advice from a designated subordinate must copy the senior staff member responsible for the program area.
5. Requests for legal advice will be assigned to a member of the Office of Chief Counsel for review and response.

Requests for legal advice from staff within the scope of the Memorandum of Understanding between the Parole Board and the Department of Corrections (MOU-17-217, dated October 19, 2017) shall be submitted to the Office of Chief Counsel at the Department of Corrections.

For guidance concerning subpoenas and requests for documents or other information, please refer to Procedure 1.04.01; Communications, Release of Information.

D. Accepting Service of Original Process and Subpoenas

1. Original process that names an employee as a defendant and subpoenas for employees shall be accepted by the person in charge of the work location in which the employee works.
2. Original process and subpoenas shall not be accepted for former employees or employees who do not work at the location at which service is attempted.
3. The person accepting original process or a subpoena must ascertain the identity of the person making service by requesting identification, obtaining a business card, or the like.
4. The person accepting original process or a subpoena shall immediately notify the named employee after original process or a subpoena is accepted and provide a copy of the original process or subpoena to the named employee.
5. In addition, the person accepting original process or a subpoena shall follow the procedures set forth above, relating to notification to the Office of Chief Counsel.

VII. SUSPENSION DURING AN EMERGENCY

This procedure may be suspended during emergencies in the discretion of the Chief Counsel.

VIII. RIGHTS UNDER THIS PROCEDURE

This procedure creates no rights in any official or employee of the Parole Board.

IX. RELEASE OF INFORMATION AND DISTRIBUTION OF PROCEDURE

This procedure is public and may be released to anyone upon request.

X. CROSS REFERENCES

A. Statutes

Commonwealth Attorneys Act, 71 P.S. § 732-101, *et seq.*

B. Parole Board Policies

Procedure 1.04.01; Communications, Release of Information.