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b7cFEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE**0308D**

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| 1. Policy Directive Title. | Contracting for Legal Services |
| 2. Publication Date. | 2010-07-06 |
| 3. Effective Date. | 2010-07-06 |
| 4. Review Date. | 2018-09-14 |
| 5. Date of Last Renewal. | 09/14/2017 |
| 6. Authorities: | Title 5 United States Code (U.S.C.) Section (§) 3106, Employment of attorneys; Restrictions |
| 7. Purpose: | The purpose of this policy is to promote consistent legal interpretation and compliance within the Federal Bureau of Investigation (FBI) by clarifying that legal advice services may not be procured by contract except as authorized by the general counsel (GC). |
| 8. Policy Statement: | FBI contractors, including personal services contractors, must not provide legal advice to FBI officials or other employees, and FBI employees may not rely upon such advice, except when the advice is provided in the presence of, or with the written approval or concurrence of, an FBI Office of the General Counsel (OGC) attorney or chief division counsel (CDC). |
| 9. Scope: | This policy applies to all organizational elements of the FBI except the Office of Equal Employment Opportunity Affairs (OEEOA) and the Office of Professional Responsibility (OPR). |
| 10. Proponent: | Office of the General Counsel |
| 11. Roles and Responsibilities: | <p>11.1. The GC is the FBI's primary legal advisor and counselor. As such, the GC is charged with responsibility for providing independent and consistent analysis, advice, and counsel to FBI management on all legal aspects of any issue affecting the FBI, its officers, employees, and mission. Except as set forth in Section 12, all such legal services within the FBI must be within the jurisdiction and supervision of the GC.</p> <p>11.2. Heads of offices and divisions will not contract for legal advice services, or solicit such services from contract personnel, except as authorized by this policy, or as otherwise authorized by the GC.</p> |

12. Exemptions:

12.1. OEEOA

12.2. OPR

13. Supersession:

None

14. References, Links, and Forms:

14.1. [Policy Directive \(PD\) 0078D, OGC Statement of Authorities and Responsibilities](#)

14.2. [PD 0229D, Personal Services Contracts](#)

15. Key Words, Definitions, and Acronyms:

15.1. Definitions

15.1.1. FBI OGC attorney: an FBI employee within the meaning of 5 U.S.C. § 2105, classified in the GS-0905 series (or an FBI Senior Executive Service [SES] or GS-1811 series employee assigned comparable duties) and incumbent in a position within the OGC.

15.1.2. Legal advice: written or oral statements or opinions on (1) the interpretation and meaning of statutes, regulations, orders, and other legal instruments and requirements as applied to the FBI and/or its employees; (2) the legal supportability and vulnerability of FBI actions and policies; or (3) the judicial and legal defensibility of FBI actions and policies.

15.2. Acronyms

15.2.1. CDC: chief division counsel

15.2.2. FBI: Federal Bureau of Investigation

15.2.3. GC: general counsel

15.2.4. OEEOA: Office of the Equal Employment and Opportunity Affairs

15.2.5. OGC: Office of the General Counsel

15.2.6. OPR: Office of Professional Responsibility

15.2.7. PD: policy directive

15.2.8. SES: Senior Executive Service

15.2.9. U.S.C.: United States Code

16. Appendices and Attachments:

None

Final Approval

Name: Timothy P. Murphy

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