

Regarding Litigation (TAB 4), see letter to Mr. Adam Issenberg, March 16, 2012, from Gulf of Mexico Fishery Management Council under TAB 17. Relevant content from letter included below:

“ **Legal representation** – The Councils need assistance in obtaining legal representation from the Department of Commerce/Justice.

The Council have been advised that they are covered under the Federal Tort Claims Act (FTCA). And that staff are eligible for legal representation by the Federal Government. However, the current situation is such that approval for representation must take place before legal assistance can be proffered. In many instances the necessity to respond (30 days, 60 days, etc.) is sooner than the approval can be granted. This puts the individual being served in an untenable position. It is essential to have pre-approval of representation in the event of a law suit or other legal action that requires a rapid response.

In addition, there are potential problems for staff members involved in lawsuits that are prolonged (e.g. after individuals have left the employment of the Council). DOC/DOJ should advise the Councils in writing that staff will continue to have legal representation in the event of a case remains active after employment with the Council has ended. “