

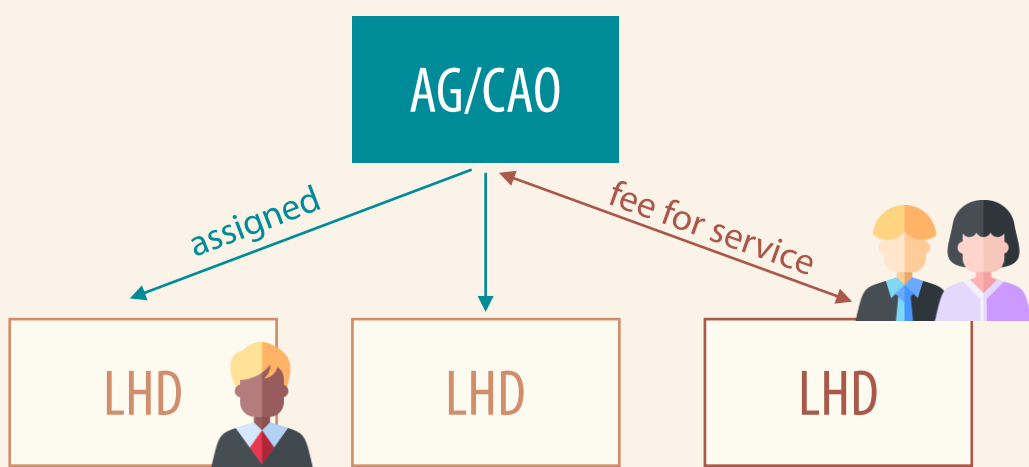
LAWYER UP TO LEVEL UP:

A REVIEW OF LOCAL HEALTH DEPARTMENT LEGAL REPRESENTATION

Local health departments serve as one of the primary enforcers of state and local laws related to the health of their communities, but few employ dedicated attorneys to facilitate this function. NACCHO conducted an environmental scan to understand the models of local health department legal representation and assess the value of dedicated legal counsel for local public health activities.



Model A: Local health department (LHD) works with attorney from the Attorney General (AG) Or County Attorneys Office (CAO) in an assigned or fee-for-service way



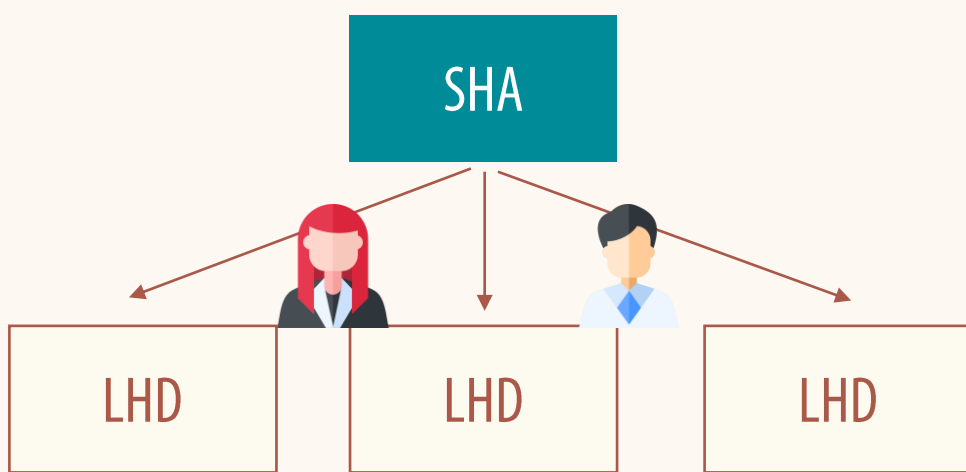
Benefits

- Has relationships with attorneys at other government agencies

Drawbacks

- Works for multiple LHDs/competing priorities
- May not have PH law expertise
- May work with different attorneys over time
- Need to negotiate with AG/CAO for time and pay

Model B: LHD works with attorneys hired by the state health agency (SHA)



Benefits

- LHD doesn't pay for time
- Likely has PH law expertise
- Provides consistent counsel across jurisdictions
- Can be seen as trusted among PH practitioners

Drawbacks

- Works for multiple LHDs/competing priorities
- Enforcement, regulations, and laws can conflict between local and state jurisdictions
- May work with different attorneys over time

Model C: LHD hires own attorney who coordinates with attorneys from AG and/or CAO



Benefits

- Attorneys dedicated to LHD work
- Able to build relationships and trust with LHD staff
- Can hire attorneys with specific skills and expertise, including PH law
- Able to engage in decision-making for the LHD
- Accessible to LHD staff beyond the executive team

Drawbacks

- LHD covers the full cost

Model D: LHD hires independent counsel, either on their own or by pooling resources with other LHDs in their state (or the state association for local public health agencies)



Benefits

- Good option for under-resourced, rural, or frontier LHDs
- Can seek attorneys with specific skills and expertise, including PH law
- Provides consistent counsel across jurisdictions
- Able to build relationships and trust with LHD staff

Drawbacks

- Works for multiple LHDs/competing priorities
- Being impartial may become difficult for the attorney when working cases between LHDs
- LHD covers the full cost