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SMITH, RODGERS & STRICKLAND, PLLC

FREQUENTLY ASKED QUESTIONS

What legal services would your firm provide for my department?

Our firm's focus is getting expert legal guidance directly to officers on the street in real-time. The advent and prevalence of cellular phone technology (coupled with skilled police counsel willing to be available 24 hours a day) makes this concept practical and cost-efficient for both parties.

With our standard contract, SR&S also handles client agencies' annual legal update training—by live presentation on-site—in addition to periodic updates via firm legal bulletins.

Our firm is much more than a legal hot-line. Our attorneys are available 365 days a year—24 hours a day—to provide real-time legal consultation in the capacity of RETAINED COUNSEL. This means we represent our clients' legal interests with the zeal, commitment, competence, and professionalism unique to the attorney-client relationship. And our commitment to a police agency client doesn't end with a phone call for legal guidance. In appropriate cases we also assist officers with court preparation. For example, if we advise an agency on the subject of a vehicle search, we may followup by providing the officer with a testimony "tip sheet" to take to a suppression hearing or trial, setting forth the key case law or statutory citations upon which the firm relied to justify the officer's actions at the time of his call. Such a tip sheet could be shared with the district attorney, and could include a check-list of relevant facts (to be introduced via the officer's testimony) in support of the legal authorities therein cited. In uniquely difficult cases our firm may prepare a more formal "Memorandum of Law" suitable for the district attorney to hand directly to the judge in the event of a challenge. Our firm's involvement with the officer's search, arrest, confession, etc., serves to bolster the officer's credibility with the court. Our goal is to make the officer not only more effective on the street, but more effective in the courtroom as well.

How do police agencies pay for your legal services?

Client agencies pay a yearly retainer for our contract services. The contract covers 365 days of direct telephone availability, as well as an on-site annual legal update seminar by our attorneys. Smaller agencies pay reduced contract rates. [Should the client seek additional legal services beyond the contract, such services may be billed separately.]

Can SR&S save my department money?

Absolutely. Among other considerations, a contract with our firm helps a police agency use its *existing* resources more efficiently. Consider: an officer makes an arrest of a notorious town criminal. If the evidence or confession is thrown out due to a minor legal mistake, and the criminal is thereupon set free, what was the value to the town of the many hours of police investigative and processing time invested? How much will it now cost the police agency (the town, the court, the citizens, etc.) to have this criminal again loose on the streets, committing (and fostering) more and more crimes and producing more and more investigations?

No. SR&S prefers that police commanders use their discretion about when to consult us, thereby avoiding any possibility of a call-the-attorneys "bottleneck" or other impediment to the police function. Our services are merely an additional—and economically sensible—field resource for command and supervisory staff, a resource whose proper and occasional use can lead to "saved" cases and reduced civil liability exposure.

What if my officers call at 4:00 a.m. with a "stupid" legal question?

No such thing. Similarly, often our clients are already 99% certain of the correct legal answer before they consult us, but wish to double-check their thinking as a safety-precaution. These calls are fine as well.

What is a PLLC?

PLLC means that our law firm is organized as a Professional Limited Liability Company under Chapter 57C of the North Carolina General Statutes. Smith, Rodgers & Strickland, PLLC is properly registered with the North Carolina State Bar, the North Carolina Secretary of State's Office, and fully insured with a Lawyers Professional Liability Policy through Branch Banking & Trust Co. / Asura.

What if my department doesn't actually require much consultation over the course of an annual contract?

Then our firm will congratulate your department on enjoying an uneventful, legally glitch-free year—a rarity in a profession as legally intensive as law enforcement. In fact, a police agency may think of our legal services in much the same manner as its other police equipment and resources: a special response team, bomb disposal truck, riot gear and tear gas ordnance—or for that matter, each officer's individual service weapon. Each resource may not be called upon for service on a monthly basis, but there is no substitute for knowing that resources are within reach—and of the highest possible quality—when the need arises. [Again, an agency may recoup its annual contract costs upon a *single* call for legal assistance—see Illustrative Case Illustration for specifics]. In any event, with a standard retainer contract our firm will provide your command and supervisory staff with on-site legal update training of the highest possible quality and relevance, while keeping your staff apprised of late-breaking legal developments the year round.

We note in closing that, as a profession, law enforcement is unique from other professions in one respect that many police executives rarely consider: Other executives (be they in the insurance field, real estate, banking, securities, construction, etc.) have access to quality legal counsel at the very times they make their most difficult, high-liability decisions—during standard business hours, of course. In view of the high-liability, "quick-decision" nature of law enforcement, should a police executive be at even greater legal risk by virtue of his (or her) burden of providing services twenty-four hours a day, three-hundred and sixty-five days a year?