

AMENDMENT PROPOSED TO

Am #1

HOUSE BILL NO. 1681

By Gunn

Insert the following on line 76 and re-number accordingly:

"When employing outside, private attorneys to handle cases on behalf of the Attorney General, the Attorney General must comply with the following guidelines:

(i) The Attorney General must first determine that the needed legal services cannot be adequately performed by the attorneys and supporting personnel who are employees of the Attorney General before the Attorney General can hire additional attorneys who will not be employees of the Attorney General.

(ii) The hiring shall be on an hourly basis unless the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained or because there are not appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

(iii) Any contract for services of additional counsel shall be reviewed by the Personal Service Contract Review Board created under Section 25-9-120.

(iv) No contract for services of additional counsel shall be entered into by the Attorney General until Requests for Proposal have been issued to at least six (6) separate law firms or solo practitioners; the Attorney General shall submit copies of all proposals to the Personal Service

136 require that the contracting attorney or law firm keep current and
137 complete written time and expense records that describe in detail
138 the time and money spent each day in performance of the contract.

139 2. The contracting attorney or law firm shall
140 permit the Attorney General, the Personal Service Contract Review
141 Board and the State Auditor each to inspect or obtain copies of
142 the time and expense records at any time on request.

143 3. On conclusion of the matter for which the
144 legal services were obtained, the contracting attorney or law firm
145 shall provide the Personal Service Contract Review Board with a
146 complete written statement that describes the outcome of the
147 matter, states the amount of any recovery, shows the contracting
148 attorney's or law firm's computation of the amount of all fees and
149 expenses, and contains the final complete time and expense records
150 required under item 1 of this subparagraph. The Attorney General
151 shall keep and maintain these records and shall annually provide a
152 report detailing all litigation pursued with outside counsel to
153 the Governor, Lieutenant Governor, Speaker of the House and the
154 Chairmen of the House Judiciary "A" and Senate Judiciary, Division
155 A Committees. This report shall include a description of the
156 litigation, name of counsel retained, description of the terms and
157 conditions by which outside counsel was retained, and
158 compensation.

159 (3) Unless otherwise specified in the appropriation bill,
160 upon application of the Attorney General, the Executive Director
161 of the Department of Finance and Administration shall have the
162 authority to approve escalations in the budget of the Attorney
163 General not to exceed Five Hundred Thousand Dollars (\$500,000.00)
164 in any one (1) fiscal year for the purpose of allowing the
165 Attorney General to retain counsel to pursue litigation. The
166 Executive Director shall immediately notify the Legislative Budget
167 Office of the approval of the budget escalation. The Executive
168 Director shall ensure the Legislative Budget Office receives