

House Bill 2214

Sponsored by Representative WILDE (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits amount that may be paid to outside attorney hired or authorized to be hired by Attorney General.

A BILL FOR AN ACT

Relating to the Attorney General; amending ORS 180.140 and 180.235.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 180.140 is amended to read:

180.140. (1) The Attorney General shall appoint the other assistants the Attorney General deems necessary to transact the business of the office, each to serve at the pleasure of the Attorney General and perform such duties as the Attorney General may designate and for whose acts the Attorney General shall be responsible. Each assistant shall have full authority under the direction of the Attorney General to perform any duty required by law to be performed by the Attorney General.

(2) Each assistant so appointed shall be a person admitted to the practice of law by the Supreme Court of this state and shall qualify by taking the usual oath of office, conditioned upon the faithful performance of duties.

(3) The Attorney General may appoint temporary assistants for a period not to exceed 15 months. Such temporary assistants shall be legally trained but are not required to be admitted to the practice of law by the Supreme Court of this state.

(4) Each assistant shall receive the salary fixed by the Attorney General, payable as other state salaries are paid. Each assistant so appointed shall devote the full time of the assistant to the business of the state, unless employment on a part-time basis is otherwise fixed by the Attorney General.

(5)(a) Special legal assistants or private counsel may be employed by the Attorney General, under the direction and control of the Attorney General, in particular cases or proceedings, whenever the Attorney General deems it appropriate to protect the interests of the state. The cost of such special assistants or counsel shall be charged to the appropriate officer or agency pursuant to ORS 180.160.

(b) The cost of special legal assistants or private counsel employed under this subsection may not exceed 200 percent of the cost that would have been charged by the Attorney General for the same services unless the appropriate officer or agency makes available to the public:

(A) A statement of justification for the cost; and

(B) An opinion of the Attorney General on the reasonableness of the cost.

(6) None of the provisions of this chapter prohibit the Attorney General or any of the Attorney

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 General's full-time deputies or assistants from voluntarily representing, without compensation or
 2 expenditure of state resources, indigent clients referred by a nonprofit civil legal aid office or pro
 3 bono program.

4 **SECTION 2.** ORS 180.235 is amended to read:

5 180.235. (1) Notwithstanding any provision of law to the contrary, whenever the Attorney Gen-
 6 eral concludes that it is inappropriate and contrary to the public interest for the office of the At-
 7 torney General to concurrently represent more than one public officer or agency in a particular
 8 matter or class of matters in circumstances which would create or tend to create a conflict of in-
 9 terest on the part of the Attorney General, the Attorney General may authorize one or both of
 10 *[such]* **the** officers or agencies to employ its own general or special counsel in the particular matter
 11 or class of matters and in related matters. *[Such]* **The** authorization may be terminated by the At-
 12 torney General whenever the Attorney General determines that separate representation is no longer
 13 appropriate.

14 (2) Any counsel *[so employed shall]* **employed by an officer or agency under this section**
 15 **must** be a member of the Oregon State Bar and shall be paid a salary or other compensation out
 16 of the funds appropriated to *[such]* **the** officer or agency.

17 (3) **An agency may not pay counsel employed under this section an amount that exceeds**
 18 **200 percent of the amount that would be paid to the office of the Attorney General for the**
 19 **same services, unless the agency makes available to the public:**

20 (a) **A statement of justification for the amount; and**

21 (b) **An opinion of the Attorney General on the reasonableness of the amount.**

22 *[(3)]* (4) In any matter in which the Attorney General has authorized employment of *[such]*
 23 counsel **under this section**, any references to representation of *[such]* **the** officer or agency by the
 24 Attorney General contained in any provision of law shall be deemed to refer to *[such]* counsel **em-**
 25 **ployed under this section.**