

House Resolution 1200

By: Representatives Welch of the 110th, Atwood of the 179th, Hightower of the 68th, Caldwell of the 131st, Willard of the 51st, and others

A RESOLUTION

1 Creating the House Study Committee on Agency Attorneys, Contract Attorneys, and Special
2 Assistant Attorneys General; and for other purposes.

3 WHEREAS, pursuant to Code Section 45-15-34, the State Law Department is "vested with
4 complete and exclusive authority and jurisdiction in all matters of law relating to the
5 executive branch of the government and every department, office, institution, commission,
6 committee, board, and other agency thereof"; and

7 WHEREAS, that same Code section further provides that "[e]very department, office,
8 institution, commission, committee, board, and other agency of the state government is
9 prohibited from employing counsel in any manner whatsoever unless otherwise specifically
10 authorized by law"; and

11 WHEREAS, the Attorney General opined in Op. Att'y Gen. No. 95-1 that, "although state
12 agencies may employ persons with legal training and experience to serve as administrative
13 legal service officers, those persons may not provide legal advice or representation to the
14 agency, and no attorney-client relationship or privilege arises between the legal services
15 officer and other agency officers or employees, or the agency itself"; and

16 WHEREAS, in the 1995 opinion, the Attorney General noted that he had identified
17 approximately 100 attorneys, excluding attorneys serving solely as administrative hearing
18 officers, who were employed by various executive branch agencies and who were being
19 utilized as "in-house counsel" by the agencies; and

20 WHEREAS, this number has grown in the years since the Attorney General's 1995 opinion;
21 and

22 WHEREAS, this growth in the use of "in-house counsel" by state agencies has led many to
23 question whether the employment and use of attorneys by such state agencies are the best

24 methods for delivering legal services to such agencies and whether this state would be better
25 served by having agencies utilize the services of the State Law Department exclusively
26 instead; and

27 WHEREAS, there is a need to review this process and to determine the salaries and the
28 efficacy of state agencies having "in-house counsel" on their payrolls; and

29 WHEREAS, there is also growth in the use of outside counsel as contract attorneys for
30 various agencies; and

31 WHEREAS, the State Law Department itself relies on outside counsel in the form of special
32 assistant attorneys general to handle many legal matters; and

33 WHEREAS, there is a need to review the purpose and scope of the contracts with such
34 attorneys, the rates of compensation, the scope of services, and the process for hiring and
35 terminating such outside counsel, contract attorneys, and special assistant attorneys general.

36 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

37 (1) **Creation of House study committee.** There is created the House Study Committee
38 on Agency Attorneys, Contract Attorneys, and Special Assistant Attorneys General.

39 (2) **Members and officers.** The committee shall be composed of five members of the
40 House of Representatives to be appointed by the Speaker. The Speaker shall designate
41 a member of the committee as chairperson of the committee.

42 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
43 issues, and problems mentioned above or related thereto and recommend any action or
44 legislation which the committee deems necessary or appropriate.

45 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
46 may conduct such meetings at such places and at such times as it may deem necessary or
47 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
48 accomplish the objectives and purposes of this resolution.

49 (5) **Allowances and funding.**

50 (A) The legislative members of the committee shall receive the allowances provided
51 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

52 (B) The allowances authorized by this resolution shall not be received by any member
53 of the committee for more than five days unless additional days are authorized. Funds
54 necessary to carry out the provisions of this resolution shall come from funds
55 appropriated to the House of Representatives.

56 (6) **Report.**

57 (A) In the event the committee adopts any specific findings or recommendations that
58 include suggestions for proposed legislation, the chairperson shall file a report of the
59 same prior to the date of abolishment specified in this resolution, subject to
60 subparagraph (C) of this paragraph.

61 (B) In the event the committee adopts a report that does not include suggestions for
62 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
63 of this paragraph.

64 (C) No report shall be filed unless the same has been approved prior to the date of
65 abolishment specified in this resolution by majority vote of a quorum of the committee.
66 A report so approved shall be signed by the chairperson of the committee and filed with
67 the Clerk of the House of Representatives.

68 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
69 House of Representatives a copy of the minutes of the meetings of the committee in lieu
70 thereof.

71 (7) **Abolishment.** The committee shall stand abolished on December 1, 2016.