

LATE

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 207, REQUESTING AN AUDIT OF ALL STATE DEPARTMENTS AND AGENCIES UTILIZING STATE FUNDS FOR OUTSIDE COUNSEL.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 24, 2015

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Deputy Attorney General Diane Erickson, 586-0618

Chair Rhoads and Members of the Committee:

The Attorney General clarifies that section 28-8.3(a), Hawaii Revised Statutes, specifically provides that agencies enumerated in that section may employ outside counsel for the purposes stated in the specific enumeration. For example, in section 28-8.3(a)(5), the Real Estate Commission is authorized to retain attorneys for any action involving the real estate recovery fund. In addition, section 28-8.3(c) provides that attorneys can be employed on a full-time basis by the agencies enumerated in that section and those full-time attorneys will not be deputy attorneys general.

State agencies are also authorized to obtain outside counsel pursuant to section 28-8.3(a)(22), when the Attorney General, with the Governor's waiver, declines to employ or retain an attorney for the requesting agency for reasons deemed by the Attorney General to be good and sufficient. Such reasons could include conflicts of interest.

The Attorney General can and does retain outside counsel on behalf of agencies in instances when the Attorney General determines that outside counsel should be retained because, for example, of the need for specialized expertise or knowledge.

Thank you for the opportunity to provide these comments.



Richard Rowland
Chairman and Founder

Keli'i Akina, Ph.D.
President/CEO

Eddie Kemp
Treasurer

Gilbert Collins

Robin Tijoe

March 24, 2015
2:00 PM
Conference Room 325

To: House Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

From: Grassroot Institute of Hawaii
President Keli'i Akina, Ph.D.

RE: HCR 207 -- REQUESTING AN AUDIT OF ALL STATE DEPARTMENTS AND AGENCIES UTILIZING STATE FUNDS FOR OUTSIDE COUNSEL.

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on HCR 207, which requests an audit of all state agencies and departments that have used state monies for the hiring of private legal counsel.

The fundamental principles of transparency and government accountability make this resolution not only admirable, but necessary. As the text of the resolution notes, the Office of the Attorney General should be the first opinion sought in matters of law involving state actors. If taxpayer funds are used to seek out other legal expertise or representation, it is important that we know that those funds have been used responsibly.

Parties that rely on state funds--like HART, the Office of Hawaiian Affairs, or the Department of Education--have used outside counsel in a number of ways, and not always in view of pending litigation. An audit would not only provide a clearer picture of how state funds are being spent, but it will also allow the Office of the Attorney General to identify and weigh issues of importance to the state requiring legal action. Therefore, this resolution should incorporate any use of state monies for the hiring of private counsel. This is an important step towards creating more efficient and accountable government.

Thank you for the opportunity to submit our comments.

Sincerely,
Keli'i Akina, Ph.D.
President, Grassroot Institute of Hawaii

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Raj Kumar	Individual	Support	Yes