
HOUSE CONCURRENT RESOLUTION

REQUESTING AN AUDIT OF ALL STATE DEPARTMENTS AND AGENCIES
UTILIZING STATE FUNDS FOR OUTSIDE COUNSEL.

1 WHEREAS, the mission of the Department of the Attorney
2 General is to provide legal services to the State by offering
3 advice and counsel to its client agencies; and
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5 WHEREAS, the Department of the Attorney General's
6 responsibilities include:
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- 8 (1) Appearing for the State in civil and criminal cases
9 when the State is a party;
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- 11 (2) Investigating violations of state laws, enforcing the
12 laws, and prosecuting those who violate the law;
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- 14 (3) Preparing legal opinions for the Governor,
15 Legislature, and the directors and heads of state
16 departments;
17
- 18 (4) Advising state officials on legal matters so that they
19 can faithfully execute their duties and
20 responsibilities; and
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- 22 (5) Defending and representing state officials and
23 employees when they are sued for actions that have
24 been taken in connection with their state positions;
25 and
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27 WHEREAS, private attorneys are occasionally retained when
28 the litigation involves specialized areas of knowledge or
29 practice or where a conflict in either ethics or rules of
30 professional responsibility may exist; and



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1 WHEREAS, all contracts of outside counsel utilizing state
2 funds should be public record; and
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4 WHEREAS, fiscal accountability and transparency require an
5 accounting of the number of cases and total funds used for
6 outside counsel by all state departments and agencies; now,
7 therefore,
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9 BE IT RESOLVED by the House of Representatives of the
10 Twenty-eighth Legislature of the State of Hawaii, Regular
11 Session of 2015, the Senate concurring, that the Auditor is
12 requested to conduct an audit of all state departments and
13 agencies utilizing state funds for outside counsel; and
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15 BE IT FURTHER RESOLVED that the Auditor is requested to
16 include, but is not limited to, the following information:
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- 18 (1) The number of cases utilizing outside counsel by a
19 state department or agency each year for the past five
20 years;
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- 22 (2) The total amount in legal fees and costs paid to
23 outside counsel by each state department or agency
24 utilizing outside counsel each year for the past five
25 years;
26
- 27 (3) The reasons the state department or agency retained
28 outside counsel; and
29
- 30 (4) The trend of the use of outside counsel by a state
31 department or agency over the past five years; and
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33 BE IT FURTHER RESOLVED that the Auditor is requested to
34 report its findings and recommendations to the Legislature no
35 later than 20 days before the convening of the Regular Session
36 of 2016; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Acting Auditor and
3 the directors and heads of all state departments and agencies.
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OFFERED BY:

[Signature]

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MAR 13 2015

