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## HOUSE 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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32           WHEREAS, all contracts of outside counsel utilizing state  
33 funds should be public record; and



1 WHEREAS, fiscal accountability and transparency require an  
2 accounting of the number of cases and total funds used for  
3 outside counsel by all state departments and agencies; now,  
4 therefore,

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6 BE IT RESOLVED by the House of Representatives of the  
7 Twenty-eighth Legislature of the State of Hawaii, Regular  
8 Session of 2015, that the Auditor is requested to conduct an  
9 audit of all state departments and agencies utilizing state  
10 funds for outside counsel; and

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12 BE IT FURTHER RESOLVED that the Auditor is requested to  
13 include, but is not limited to, the following information:

- 14  
15 (1) The number of cases utilizing outside counsel by a  
16 state department or agency each year for the past five  
17 years;  
18  
19 (2) The total amount in legal fees and costs paid to  
20 outside counsel by each state department or agency  
21 utilizing outside counsel each year for the past five  
22 years;  
23  
24 (3) The reasons the state department or agency retained  
25 outside counsel; and  
26  
27 (4) The trend of the use of outside counsel by a state  
28 department or agency over the past five years; and  
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30 BE IT FURTHER RESOLVED that the Auditor is requested to  
31 report its findings and recommendations to the Legislature no  
32 later than 20 days before the convening of the Regular Session  
33 of 2016; and



