

**RETENTION OF OUTSIDE COUNSEL, EXPERT  
WITNESSES, AND LITIGATION SUPPORT SERVICES**

2012 FOURTH SPECIAL SESSION

STATE OF UTAH

---

---

**LONG TITLE**

**General Description:**

This bill requires the attorney general's office to make rules to establish disclosure, transparency, accountability, and reporting in relation to the procurement of outside counsel, expert witnesses, and other litigation support services.

**Highlighted Provisions:**

This bill:

- requires the attorney general's office to make rules regarding public disclosure, transparency, accountability, and reporting in relation to the procurement of outside counsel, expert witnesses, and other litigation support services; and
- describes requirements for the rules described in the preceding paragraph.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

ENACTS:

**67-5-32**, Utah Code Annotated 1953

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **67-5-32** is enacted to read:

**67-5-32. Rulemaking authority regarding the procurement of outside counsel, expert witnesses, and other litigation support services.**

(1) The attorney general's office shall, on or before August 1, 2012, make rules to establish public disclosure, transparency, accountability, and reporting in relation to the procurement of outside counsel, expert witnesses, and other litigation support services.

32           (2) The rules described in Subsection (1) shall:

33           (a) ensure that a procurement for outside counsel is supported by a determination by  
34 the attorney general that the procurement is in the best interests of the state, in light of available  
35 resources of the attorney general's office;

36           (b) provide for the fair and equitable treatment of all potential providers of outside  
37 counsel, expert witnesses, and other litigation support services;

38           (c) ensure a competitive process, to the greatest extent possible, for the procurement of  
39 outside counsel, expert witnesses, and other litigation support services;

40           (d) provide for oversight and control, by the attorney general's office, in relation to  
41 outside counsel hired under a contingency fee arrangement;

42           (e) establish for transparency regarding the procurement of outside counsel, expert  
43 witnesses, and other litigation support services, subject to:

44           (i) Title 63G, Chapter 2, Government Records Access and Management Act; and

45           (ii) other applicable provisions of law and the Utah Rules of Professional Conduct;

46           (f) establish standard contractual terms for the procurement of outside counsel, expert  
47 witnesses, and other litigation support services; and

48           (g) provide for the retention of records relating to the procurement of outside counsel,  
49 expert witnesses, and other litigation support services.

50           Section 2. **Effective date.**

51           If approved by two-thirds of all the members elected to each house, this bill takes effect  
52 upon approval by the governor, or the day following the constitutional time limit of Utah  
53 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
54 the date of veto override.

---

---

**Legislative Review Note**  
**as of 6-18-12 4:20 PM**

**Office of Legislative Research and General Counsel**