

26 67-5-32, as enacted by Laws of Utah 2012, Fourth Special Session, Chapter 2

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

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

30 **67-5-32. Rulemaking authority regarding the procurement of outside counsel,**  
 31 **expert witnesses, and other litigation support services.**

32 (1) (a) The attorney [~~general's office~~] general shall, [~~on or before August 1, 2012~~] in  
 33 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to  
 34 establish public disclosure, transparency, accountability, reasonable fees and limits on fees, and  
 35 reporting in relation to the procurement of outside counsel, expert witnesses, and other  
 36 litigation support services.

37 (b) On or before May 30, 2014, the attorney general shall submit to the ~~H~~→ [f] **Business and**  
 38 **Labor** [f] [**Judiciary**] ←~~H~~ Interim Committee, for its review, comment, and recommendations, the  
 38a attorney

39 general's proposed rules under Subsection (1)(a) relating to fee limits for outside counsel,  
 40 including any provisions relating to exceptions to or a waiver of the fee limits.

41 (c) Before September 1, 2014, the ~~H~~→ [f] **Business and Labor** [f] [~~Judiciary~~] ←~~H~~ Interim  
 41a Committee shall include  
 42 the attorney general's proposed rules described in Subsection (1)(b) on a committee agenda for  
 43 the purpose of allowing the committee to review, comment, and make recommendations on the  
 44 proposed rules.

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

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

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

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

53 (d) ensure that fees for outside counsel, whether based on an hourly rate, contingency  
 54 fee, or other arrangement, are reasonable and consistent with industry standards;

55 (e) ensure that contingency fee arrangements do not encourage high risk litigation that  
 56 is not in the best interests of the citizens of the state;