

67-5-17 Attorney-client relationship.

- (1) When representing the governor, lieutenant governor, auditor, or treasurer, or when representing an agency under the supervision of any of those officers, the attorney general shall:
 - (a) keep the officer or the officer's designee reasonably informed about the status of a matter and promptly comply with reasonable requests for information;
 - (b) explain a matter to the extent reasonably necessary to enable the officer or the officer's designee to make informed decisions regarding the representation;
 - (c) abide by the officer's or designee's decisions concerning the objectives of the representation and consult with the officer or designee as to the means by which they are to be pursued; and
 - (d) jointly by agreement, establish protocols with the officer to facilitate communications and working relationships with the officer or agencies under the officer's supervision.
- (2) Nothing in Subsection (1) modifies or supercedes any independent legal authority granted specifically by statute to the attorney general.
- (3) When the attorney general institutes or maintains a civil enforcement action on behalf of the state of Utah that is not covered under Subsection (1), the attorney general shall:
 - (a) fully advise the governor, as the officer in whom the executive authority of the state is vested, before instituting the action, entering into a settlement or consent decree, or taking an appeal; and
 - (b) keep the governor reasonably informed about the status of the matter and promptly comply with reasonable requests for information.
- (4) In a civil action not covered under Subsection (1) or (3), the attorney general shall:
 - (a) keep the governor reasonably informed about the status of the matter and promptly comply with reasonable requests for information;
 - (b) explain the matter to the extent reasonably necessary to enable the governor to make informed decisions regarding the representation; and
 - (c) abide by the governor's decisions concerning the objectives of the representation and consult with the governor as to the means by which they are to be pursued.
- (5) The governor may appear in any civil legal action involving the state and appoint legal counsel to advise or appear on behalf of the governor. The court shall allow the governor's appearance.

Enacted by Chapter 212, 2000 General Session