

NEWS RELEASE



Office of Performance Evaluations Idaho Legislature

954 W. Jefferson Street, 10th Street Entrance, 2nd Floor
PO Box 83720, Boise, Idaho 83720-0055

FOR IMMEDIATE RELEASE

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FOR MORE INFORMATION:

**Rakesh Mohan, Director
208-332-1470**

The State's Use of Legal Services

Full report and one-page highlights are available on the OPE website:
<http://www.legislature.idaho.gov/ope/>

(BOISE)— The state could save money by transferring the responsibility for some outsourced legal work to the Office of the Attorney General, concluded nonpartisan evaluators in a report released today to the legislature. Evaluators identified three programs for potential savings: child support, risk management, and transportation.

The attorney general's office is the state's law firm. Despite this, state agencies have spent millions of dollars on private law firms—approximately \$10 million per year over the past four years. Three-fourths of this amount was for legal work, and the rest was used for services such as land acquisition and payments to court reporters and hearing officers.

In their report, evaluators suggest ways to ensure insourcing would be cost-effective and risks would be mitigated. They recommend structuring such changes as pilot projects with a careful review of performance.

In their written responses to the evaluation, directors of Administration, Health and Welfare, and Transportation agreed to work with the attorney general's office and present plans for insourcing to the legislature. Attorney General Lawrence Wasden wrote in his response to the

evaluation: “The information presented covers issues that will shape the State’s use of legal services in the years to come.”

During the last legislative session, lawmakers asked for details of this spending and whether the attorney general’s office might handle the outsourced work for less money. They also asked evaluators to compare the efficiency of the attorney general’s office with that of outside counsel, to quantify what the state spends in defending challenges to legislation, and to assess whether the attorney general’s office is responsive to county requests for assistance and what the implications are if the office is not responsive.

Other evaluation findings include:

The difference in cost between the attorney general’s office and the private firms varies by the type of legal service provided. For example, in two similar cases involving the Transportation Department, the attorney general’s hourly rate was \$93 per hour (not the oft-cited \$55) versus the \$268 hourly rate charged by the private firm.

Over the past 10 years, courts have awarded \$1.7 million in opposing attorney’s fees and court awards from challenges to legislation. In addition, the costs to defend these challenges totaled \$869,000.

A lack of resources at the attorney general’s office has forced county prosecutors to go to peers in other counties for assistance. In 2014 the attorney general’s office helped in 74% fewer cases than it did in 2005.

The Office of Performance Evaluations is a nonpartisan, independent office that evaluates whether state government programs and agencies are operating efficiently and cost-effectively, and are achieving intended results. OPE conducts all reviews in response to direction from an equally bipartisan committee of the Legislature, the Joint Legislative Oversight Committee. OPE’s reviews are used by the Legislature to make policy and budget decisions, and by agencies to improve performance.