

The State's Use of Legal Services

Report Highlights

February 2015



\$10 million

Was paid to outside counsel each year by state agencies, FYs 2011–2014

75%

Was spent for legal work. The rest was for payments to court reporters, land purchases, etc.



\$1.7 million

Paid in opposing attorney's fees and court awards from challenges to legislation, FYs 2005–2014

\$869,000

Cost of state resources to defend the challenges.

8 out of 9

Challenges to legislation did not have a formal attorney general opinion



\$1.4 million

Is available in federal matching funds for child welfare expenses that the state does not recover.

For what services do agencies hire outside counsel?

Most outside counsel is hired for legal work that, with additional resources and close consultation with state agencies, the attorney general's office could provide.

Which agencies spend the most per year for outside counsel?

The departments of Health and Welfare, Transportation, and Administration spend more than 76% of the \$10 million per year.

Could additional resources for the attorney general's office save the state money?

We think so. Although the cost for a billable hour at the attorney general's office is higher than the oft-cited \$55, we found possible savings in 3 areas: Child Support Services, Transportation, and Risk Management.

Is the attorney general's office able to meet the needs of county prosecutors?

No. 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 in 2005.

Recommendations and policy considerations

Pursue opportunities for cost savings and make proposals to the Legislature for moving forward.

Consider modifying the way agencies pay for legal services in the cost allocation plan to remove distortions and redistributions.

Track requests for assistance by counties to the attorney general's office and to other counties.

Clarify county prosecutors' rights in parental termination cases.

Consider recovering matching funds for child support.



To view the full report:
www.legislature.idaho.gov/ope/