

1 House JOINT RESOLUTION NO. 59
 2 INTRODUCED BY Sully

3
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA FOR AN INTERIM STUDY
 6 OF THE ORGANIZATION OF LEGAL SERVICES WITHIN THE EXECUTIVE
 7 BRANCH OF THE STATE GOVERNMENT.

8
 9 WHEREAS, the various departments, boards, and
 10 commissions of the state executive branch employ or retain a
 11 large number of attorneys; and

12 WHEREAS, it is a principle of courtroom law that a
 13 party to litigation should speak with one consistent
 14 position; and

15 WHEREAS, the agencies of the state of Montana do not
 16 appear before state or federal courts in a consistent
 17 position; and

18 WHEREAS, staff budgets are approved on an
 19 agency-by-agency basis, which results in smaller agencies
 20 either functioning without legal services or using retained
 21 counsel at more expensive rates, while larger agencies
 22 employing several attorneys may not have enough legal work
 23 to keep all their attorneys busy in all seasons of the year;
 24 and

25 WHEREAS, many state agency attorneys do not have enough

1 courtroom work to develop skills in trial or appellate
 2 litigation, with the result that their agencies either
 3 forego effective representation in court or retain outside
 4 counsel for litigation at greater cost; and

5 WHEREAS, many of the foregoing problems are not present
 6 to the same degree in states having a unified legal service
 7 for all state agencies under the state's chief legal
 8 officer.

9
 10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 11 OF REPRESENTATIVES OF THE STATE OF MONTANA:

12 That the Committee on Priorities is requested to assign
 13 the appropriate standing committee to study the organization
 14 of legal services within the executive branch of state
 15 government, examining alternatives as used in other states,
 16 and to recommend such changes in the present system in
 17 Montana as would supply effective legal services to state
 18 agencies with more coordination, efficiency, and economy.

-End-

Approved by Committee on Judiciary

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WHEREAS, the various departments, boards, and commissions of the state executive branch employ or retain a large number of attorneys; and

WHEREAS, it is a principle of courtroom law that a party to litigation should speak with one consistent position; and

WHEREAS, the agencies of the state of Montana do not appear before state or federal courts in a consistent position; and

WHEREAS, staff budgets are approved on an agency-by-agency basis, which results in smaller agencies either functioning without legal services or using retained counsel at more expensive rates, while larger agencies employing several attorneys may not have enough legal work to keep all their attorneys busy in all seasons of the year; and

WHEREAS, many state agency attorneys do not have enough

courtroom work to develop skills in trial or appellate litigation, with the result that their agencies either forego effective representation in court or retain outside counsel for litigation at greater cost; and

WHEREAS, many of the foregoing problems are not present to the same degree in states having a unified legal service for all state agencies under the state's chief legal officer.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Committee on Priorities is requested to assign the appropriate standing committee to study the organization of legal services within the executive branch of state government, examining alternatives as used in other states, and to recommend such changes in the present system in Montana as would supply effective legal services to state agencies with more coordination, efficiency, and economy.

-End-

SECOND READING

HJR 59

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-End-

April 1, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on State Administration

That House Joint Resolution No. 59, third reading, be amended as follows:

1. Amend page 2, line 18.

Following: "economy"

Insert: "without interfering with the rightful prerogatives and program responsibilities of the governor and other elected officials"

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-End-