



2023-2024 General Assembly

# SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Sec. 3D.2: Clarify Provision of Counsel to Judicial Branch Officials and Make Related Changes

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<b>Committee:</b>		<b>Date:</b>	January 3, 2024
<b>Introduced by:</b>		<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	Sec. 3D.2 of S.L. 2024-57		Staff Attorney

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**OVERVIEW:** Section 3D.2 of S.L. 2024-57 allows the Director of the Administrative Office of the Courts (AOC) to employ staff counsel or retain private counsel to provide legal services to current or former officials or employees of the Judicial Branch for any matter in the scope of the person's official duties. It clarifies that the Director of AOC does not need permission from the Attorney General or the Governor when employing or retaining counsel for the Judicial Branch and makes related changes.

*This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.*

**BILL ANALYSIS:** Section 3D.2 of S.L. 2024-57 creates a new section in the General Statutes to address legal services for the Judicial Branch. It does all of the following:

- Provides that the Director of the Administrative Office of the Courts (AOC) may employ staff counsel or retain private counsel to provide legal services to current or former officials or employees of the Judicial Branch for any matter in the scope of the person's official duties. Staff counsel or private counsel also may be employed by an agency, commission, or other entity in the Judicial Branch.
- Prescribes that the following applies when the Director of AOC employs or retains counsel:
  - Employed or retained counsel must not provide legal services if: the act or omission was not within the scope and course of one's employment; in instances of fraud, corruption, or actual malice of the employee or former employee; defending the action would create a conflict of interest between the State and the employee or former employee; or defending the action would not be in the best interests of the State.
  - The Director of AOC must report to the Attorney General if the claimants seek damages of more than \$1 million or if a final judgment orders the State to pay \$1 million or more.
  - The Director of AOC must report a settlement to the Attorney General if the action involves a sum of \$75,000 or more.
  - If the Attorney General provides for representation in an action for which a current or former Judicial Branch official or employee is a party, then any settlement must be approved by the entity, official, or employee named in the action; if the settlement involves the payment of public money, the Director of AOC also must approve the settlement, but it is not necessary for the Attorney General to approve the settlement.

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Director



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- Provides that the Director of AOC does not need permission from the Attorney General or the Governor when employing or retaining counsel.
- Allows the Attorney General to represent an official or employee of the Judicial Branch upon that official or employee's request.
- Provides that communications or documents in connection with the provision of these legal services are not public records.
- Provides that a consent judgement entered into by an entity, officer, or employee of the Judicial Branch does not need to be signed personally by the Attorney General but must be signed by the Director of AOC.
- Clarifies that the prohibition on using lapsed salary savings to pay for private counsel does not apply to legal services provided to the Judicial Branch.

**EFFECTIVE DATE:** This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024.