

1 **Rule 3-401. Office of General Counsel.**

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3 **Intent:**

4 To establish the office of General Counsel within the Administrative Office.

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6 To identify the office of General Counsel as the primary authority for coordinating the provision
7 of legal services to the judiciary.

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9 To establish uniform procedures governing the provision of legal services to the judiciary.

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11 To define the relationship between the office of General Counsel and the Office of the Attorney
12 General.

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14 **Applicability:**

15 This rule shall apply to the judiciary.

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17 **Statement of the Rule:**

18 | (1) ~~Establishment of office of general counsel.~~ The office of General Counsel is
19 established within the Administrative Office to provide legal services to the judiciary.

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21 (2) **Responsibility.** The office of General Counsel shall have primary responsibility for
22 providing the following legal services:

23 (2)(A) informal advice and counsel;

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25 (2)(B) written opinions;

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27 (2)(C) legislative drafting;

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29 (2)(D) legal representation in administrative and judicial proceedings where the claimant
30 is seeking declaratory, injunctive, or extraordinary relief or where risk
31 management coverage is not provided;

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33 (2)(E) negotiation, drafting, and review of contracts and leases;

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35 (2)(F) consultation, drafting, and review of judicial policies and procedures;

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37 | (2)(G) staff support to committees established by the Council and the Supreme Court as
38 directed; and

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40 (2)(H) coordination of, and arrangement for, legal representation by the Attorney
41 General's Office or outside counsel in appropriate cases.

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43 (3) **Protocol for requesting legal assistance.**

44 (3)(A) **Courts of record.**

45 (3)(A)(i) **Non-judicial officers and employees of the state.**

46 (3)(A)(i)(a) All requests for legal assistance, other than requests for
47 informal advice or counsel, shall be in writing and
48 directed to the appropriate state level administrator,
49 who shall refer appropriate requests to the office of
50 General Counsel.

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52 (3)(A)(i)(b) All requests for legal representation and indemnification
53 shall be made in writing by the employee or officer who
54 is named as a defendant. The request shall be made
55 within ten days of service and directed to the office of
56 General Counsel. A copy of the request shall be sent
57 by the individual officer or employee to the Office of the
58 Attorney General at that time. General Counsel shall
59 be responsible for coordinating the legal representation
60 of non-judicial officers and employees with the Attorney
61 General's Office.
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63 (3)(A)(ii) **Judicial officers.**

64 (3)(A)(ii)(a) All requests for legal assistance from judicial officers,
65 other than requests for informal advice or counsel,
66 shall be in writing and directed to General Counsel.
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68 (3)(A)(ii)(b) All requests for legal representation and indemnification
69 shall be made by the judicial officer who is named as a
70 defendant. The request shall be made within ten days
71 of service and directed to General Counsel. General
72 Counsel shall be responsible for coordinating the legal
73 representation of judicial officers with the Attorney
74 General's Office.
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76 (3)(B) **Courts not of record.**

77 (3)(B)(i) All requests for legal assistance, representation and indemnification
78 shall be made in writing by the officer or employee seeking assistance
79 and directed to the appropriate governmental entity.
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81 (3)(C) **Judicial council, boards of judges, committees and task forces.**

82 (3)(C)(i) All requests for legal assistance from the Council, the Boards,
83 committees or task forces established by the Council or the Supreme
84 Court shall be in writing and directed to General Counsel from the
85 presiding officer of the Council, Board, committee or task force.

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87 (4) **Relationship to attorney general's office.** The provision of legal services to the judiciary
88 by the Office of General Counsel and the Office of the Attorney General shall be governed
89 by this rule and Utah Code section 63G-7-901.

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91 | *Effective November 1, ~~2018~~2021*

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