

1975 WL 29634 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1975

***1 Re: Proposed statement of policy on employment and engagement of attorneys**

Dr. Charles E. Palmer
Executive Director
State Board for Technical and Comprehensive Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Dr. Palmer:

It has come to my attention that the Board for Technical and Comprehensive Education has drafted a statement of policy in regard to TEC's employment of attorneys. As you are aware, this Office is by law designated to serve as counsel for the various State agencies. Section 10, Attorney General's Office, of Act No. 1136 of the 1974 Statutes at Large, provides in part:

That no department or agency of the State Government shall hire any attorney as an employee to be engaged in legal work except upon the written approval of the Attorney General and at a compensation approved by him. All such attorneys shall at all times be under the supervision and control of the Attorney General.

Provided, Further, That no department or agency of the State Government shall engage on a fee basis any attorney at law except upon the written approval of the Attorney

General and upon such fee as shall be approved by him. This shall not apply to the employment of attorneys in special cases in inferior courts where the fee to be paid does not exceed one hundred (\$100.00) dollars.

The language of these provisions is clear. State agencies and departments are entitled to legal representation through this office and must necessarily look to this office in regard to the employment or engagement of counsel to represent them in legal matters where counsel is called for. The only exception would be as provided in Section 10, *supra*, regarding special cases in inferior courts where the fee to be paid does not exceed one hundred (\$100.00) dollars.

As the legal representative of all State agencies, it is essential that this office be in charge of all aspects of the employment of attorneys in regard to the various agencies and boards of this state.

Very truly yours,

H. Brent Fortson
Assistant Attorney General

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