

THE STATE AGENCY, BOARD OR COMMISSION OF _____

RESOLUTION

The following Motion and Resolution was offered by _____ who moved for its adoption, and seconded by _____ at the _____, meeting of the Louisiana State Board of _____(the “Board”):

WHEREAS, (statement showing that a real necessity exists); and

WHEREAS, (statement fully providing the reasons for the action); and

WHEREAS, (statement identifying the lawyer and firm to be hired); and

WHEREAS, (statement of the hourly rate and total compensation to be paid); and

WHEREAS, (statement containing statutory authority for a contingency fee if the contract contains such a fee); and

WHEREAS (statement of the term (Ex. January 1, 2023 – December 31, 2023) **the term shall not be for a period of more than one year from the effective date**; and

WHEREAS, (1 of the 2 statements related to federal claims):

Option 1:

WHEREAS in the event of claims brought in federal court seeking equitable relief, these claims may implicate the interests of the State of Louisiana, and so the Board agrees to provide advance written notice to the Louisiana Attorney General ten (10) business days before the next meeting and an opportunity for the Attorney General to express concerns directly to the Board in writing or in executive session before the Board:

- (1) proposes a settlement, accepts a proposed settlement, agrees to a consent decree, or enters any other agreement with any party in any federal action for declaratory or injunctive relief that is going to be or has been filed; or
- (2) files any document in any federal case in which (a) declaratory or injunctive relief has been granted against the Board, (b) final judgement dismissing the case has not been entered, and (c) at least 3 years have passed since any party seeking relief, including the USDOJ in an amicus capacity, filed any document in the case.

Accordingly, the Board authorizes and directs the law firm to provide the required notice to the Attorney General, release such information and documentation as the Attorney General may request in response to the notice, and generally cooperate with the Attorney General in regard to the notice

Option 2:

WHEREAS, the scope of this legal representation does not involve federal claims; and

WHEREAS, this resolution shall take effect immediately; and

THEREFORE BE IT RESOLVED that the Louisiana State Board of _____, pursuant to La. R.S. 42:262/_____ (or other statutory authority relying on for the resolution), does hereby retain and employ _____ as special counsel; and

BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: __

NAYS: __

ABSENT: __

NOT VOTING: __

Whereupon the Resolution was declared adopted by the Louisiana State Board of _____ on the ____ day of _____, 20__.

I, _____, President/Chairman of The Louisiana State Board of _____, under authority vested in me under the law, hereby certify the above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held _____, 20__, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner, and is in full force and effect.

President/Chair (printed name under signature)

Witnessed this ____ day of _____, 20__.

Witness Signatures (printed name under signature)

- The terms of any contract must match the terms set forth in the resolution, and a copy of the proposed contract between the Board and Special Counsel must be submitted to the Attorney General along with the original resolution.
- In retaining a special attorney or counsel, preference shall be given to private attorneys licensed to practice law in Louisiana and law firms domiciled and licensed in this state. Justification for hiring an out of state lawyer or law firm should be submitted along with the original resolution.
- If the hourly rate exceeds the current Attorney General's fee schedule, a justification letter from the board must be provided to the Attorney General, justifying the need to exceed the fee schedule, and it should be submitted along with the original resolution.