

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35244-ML-160A (03/13)

Short Title: DOT/Outside Counsel.-AB

(Public)

Sponsors: Senators Rabon, Daniel, and Meredith (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PURPOSES FOR WHICH THE DEPARTMENT OF
TRANSPORTATION MAY ENGAGE THE SERVICES OF PRIVATE LEGAL
COUNSEL, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

SECTION 1. Section 34.27 of S.L. 2013-360, as amended by Section 34.24(a) of
S.L. 2014-100, is repealed.

SECTION 2. Subsections (b) and (c) of Section 34.24 of S.L. 2014-100 are
repealed.

SECTION 3. G.S. 136-103.1 is repealed.

SECTION 4. Article 2 of Chapter 136 of the General Statutes is amended by
adding a new section to read:

"§ 136-18.03. Outside counsel.

(a) Intent. – It is the intent of the General Assembly that the Department of
Transportation exercise the authority granted by this section to maximize operational and
project delivery benefits attributed to the avoidance or successful defense of litigation. To
accomplish this intent, the Department is directed to increase its utilization of private counsel to
no less than twenty percent (20%) of new cases arising during a fiscal year.

(b) Authorization. – The Department of Transportation may engage the services of
private counsel with the pertinent expertise to provide legal services related to (i) any project
undertaken by the Department and (ii) workers compensation claims brought by Department
employees. The Department shall supervise and manage the private counsel engaged under this
section and shall not be required to obtain written permission or approval from the Attorney
General under G.S. 114-2.3.

(c) Performance Metrics. – The Department shall develop performance metrics to
evaluate its utilization of in-house counsel and private counsel, to include the following:

(1) A summary of new matters opened by legal area.

(2) Case cycle times.

(3) Resolution of cases.

(4) A comparison of in-house costs to billable rates for private counsel.

(5) The process for procurement for legal services.

(d) Report. – The Department shall provide a quarterly report to the Joint Legislative
Transportation Oversight Committee and the Joint Legislative Justice and Public Safety
Oversight Committee on the performance metrics set forth in subsection (c) of this section."

SECTION 5. This act is effective when it becomes law.

