

### 13.7 Special counsel.

1. A department, agency, or other state governmental entity shall not contract for legal services to be provided by a private attorney unless authorized by the executive council under [this section](#) or [section 13.3](#). The executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation.

2. The executive branch and the attorney general shall also comply with [chapter 23B](#) when retaining legal counsel on a contingency fee basis under [this section](#), as appropriate.

[S13, §208-b; C24, 27, 31, 35, 39, §152; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.7; 81 Acts, ch 22, §1]

83 Acts, ch 127, §1; 96 Acts, ch 1186, §23; 2005 Acts, ch 150, §120; 2011 Acts, ch 131, §20, 158; 2012 Acts, ch 1112, §1; 2016 Acts, ch 1073, §5; 2023 Acts, ch 19, §2050, 2073

Referred to in [§8F2](#), [68B.32](#), [217.5A](#), [231E.11](#), [252B.7](#), [262.9](#)  
Subsection 1 amended