



## Legal Representation Policy

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This guidance document is not a new law. This is an interpretation of existing law, except as authorized by Idaho Code or incorporated into a contract.

### 1. Agency Contact

General Counsel

### 2. Purpose

This policy addresses legal representation of the State Board of Land Commissioners (Land Board) and delegates certain decision-making to the Director of the Idaho Department of Lands (Department) related to legal matters of the Land Board.

### 3. Applicability

This policy applies to legal matters of the Land Board.

### 4. Associated Policies

None

### 5. Definitions

None

### 6. Policy

#### A. Legal Representation of the State Board of Land Commissioners

1. The Land Board shall receive its general legal counsel through attorneys employed by the Department (Legal Counsel).
2. The Land Board shall be represented by its Legal Counsel in all courts and before all administrative tribunals or bodies of any nature.
3. Legal Counsel shall provide regular updates to the Land Board on pending and potential litigation.

#### B. General Claims and Litigation

The Department, as the instrumentality of the Land Board, shall have general authority to act on behalf of the Land Board with respect to claims and

litigation of the Land Board. This authority shall be exercised at the discretion of the Director and shall remain subject to the general supervision and control of the Land Board.

### **C. Use of Office of the Attorney General**

Pursuant to Idaho Code § 58-120, Legal Counsel for the Land Board and the Department shall consult with or retain the Office of the Attorney General when in the best interest of the state, as determined by the Director in consultation with Legal Counsel and, as needed, the Land Board.

### **D. Authorities Unaffected**

1. Except as described herein, this policy shall not affect any authority previously delegated to the Department by the Land Board.
2. All authorities described herein pertaining to the Department and the Legal Counsel for the Department and the Land Board shall remain subject to the general supervision and control of the Land Board, and nothing herein shall be interpreted as any limitation on the powers and authorities of the Land Board.
3. The Land Board retains the right and authority to modify, revoke, or supersede any authority described herein or any decision of the Department or Legal Counsel in the exercise thereof.
4. Nothing herein shall affect the authority of the Governor, Superintendent of Public Instruction, Secretary of State, Attorney General, or State Controller as co-equal members of the Land Board as outlined in the Idaho Constitution.

## **7. Procedures**

None

## **8. Revision History (Board Action)**

06/17/2025 First approved iteration of this policy.

