

(3) COMPENSATION THAT CANNOT BE ASCERTAINED IN ADVANCE MAY BE AGREED ON OR ADJUSTED LATER.

(C) SPECIAL COUNSEL FOR STATE OFFICER OR EMPLOYEE.

(1) IN ADDITION TO ANY OTHER STAFF APPOINTED UNDER THIS SECTION, THE ATTORNEY GENERAL MAY EMPLOY SPECIAL COUNSEL TO DEFEND A STATE OFFICER OR STATE EMPLOYEE UNDER TITLE 12, SUBTITLE 3 OF THIS ARTICLE IF THE ATTORNEY GENERAL DETERMINES THAT REPRESENTATION BY THE ATTORNEY GENERAL OR AN ASSISTANT IS IMPRACTICABLE OR UNECONOMICAL.

(2) THE SPECIAL COUNSEL IS ENTITLED TO COMPENSATION, AS SET BY THE ATTORNEY GENERAL AND APPROVED BY THE BOARD OF PUBLIC WORKS, FROM THE FUNDS OF THE UNIT THAT EMPLOYS THE STATE OFFICER OR STATE EMPLOYEE WHO IS BEING DEFENDED OR AS OTHERWISE PROVIDED BY LAW.

(D) QUALIFICATIONS OF CERTAIN STAFF.

EACH DEPUTY ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, OR SPECIAL ATTORNEY APPOINTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE A PRACTICING LAWYER OF THE STATE IN GOOD STANDING.

(E) DELEGATION OF DUTIES.

(1) THE ATTORNEY GENERAL MAY ASSIGN ANY DUTY THAT THE LAW IMPOSES ON THE ATTORNEY GENERAL TO A DEPUTY ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, OR SPECIAL ATTORNEY APPOINTED UNDER SUBSECTION (A) OF THIS SECTION OR, TO THE EXTENT PERMITTED BY LAW, A LAW CLERK.

(2) THE DEPUTY ATTORNEY GENERAL, ASSISTANT ATTORNEY GENERAL, SPECIAL ATTORNEY, OR LAW CLERK SHALL PERFORM THE ASSIGNED DUTY, SUBJECT TO THE CONTROL OF THE ATTORNEY GENERAL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 32A, §§ 11 and 12E, the first through fourth sentences of § 6, the first sentence of § 7, and, as it related to assistants, the second clause of the third sentence of § 8.

Subsection (a)(1) of this section is revised in standard language to provide for "staff", and the former, specific lists of types of staff are deleted as unnecessary.

In subsection (a)(4) of this section, the word "[s]taff" is substituted for the former, ambiguous reference to "assistants", which could be read as a limited reference to those staff who are designated "assistant attorneys general" or as a broad, if archaic, term for staff. This substitution is based on the latter reading and conforms to practice.