Subject: Disclosure Statement & Agency Affirmative Statement

Two items that must be submitted:
1. A disclosure statement by the OCC
2. The agency's affirmative statement that it is satisfied in its choice of selected outside counsel notwithstanding the information contained in the disclosure statement

For further information, effective June 5, 2014, the OAG's administrative rules 1 TAC § 57.4(d) – (e) and § 57.5(e) were amended as follows:

§57.4(d) Conflict of Interest(1) After selecting the Outside Counsel, the Agency shall require the law firm to submit a written disclosure statement identifying every matter in which the firm represents, or has represented, within the past calendar year, any entity or individual in any litigation matter in which the entity or individual is directly adverse to the State of Texas or any of its boards, agencies, commissions, universities, or elected or appointed state agency officials in connection with their official job duties and responsibilities. "Litigation" means the matter has been filed in the public record in either state or federal court.

(2) If a disclosure statement is submitted, it must include a short description of the nature of the matter and the relief requested or obtained in each matter and any identifying cause or case number.

§57.4 (e) The Agency shall determine given the disclosure statement whether to continue with its choice of Outside Counsel.

§57.5 (e) Agency shall submit to the OAG the disclosure statement previously submitted by the selected Outside Counsel to the Agency. If the Agency is satisfied in its choice of Outside Counsel selected, the Agency shall submit to the OAG an affirmative statement that it is satisfied in its choice of selected Outside Counsel notwithstanding the information contained in the disclosure statement.

For purposes of the required disclosure, "within the past calendar year" should be determined from the date of the OAG's Letter approving the Request to Retain.

Please feel free to call me if you have any questions. I will be happy to help you.