

**PROCEDURES
FOR REQUESTING REPRESENTATION
BY AN AGENCY OR
INDIVIDUAL STATE EMPLOYEE**

- I. Time is of the essence. Requests for representation by employees must be in writing and transmitted to the Attorney General **AND** the agency head as soon as possible, but not later than fifteen days from the date of service. See 74 O.S. §20f and 51 O.S. §161.1. The Attorney General cannot provide representation of individuals, unless it is determined that the employee was acting in good faith and in the course of their employment. See 74 O.S. §20g. Accordingly, the Attorney General must first make a determination whether representation will be approved.

- II. Immediately upon notice of a law suit, send/email all pleadings, envelopes and any other documents to: Oklahoma Attorney General, Litigation Section, Attn: Docketing, 313 N.E. 21st Street, Oklahoma City, OK 73105 or Docketing@oag.ok.gov
Attn: Deputy Attorney General of Litigation.

- III. Simultaneously, or as soon as possible thereafter, the agency head, on behalf of the agency, and individuals named in the petition/complaint, must send a letter requesting representation to: Office of the Attorney General, Litigation Section, 313 N.E. 21st Street, Oklahoma City, OK 73105 or via email to the Deputy Attorney General of Litigation.

The letter must contain:

1. a statement asking for representation and enclosing **THE ORIGINAL DOCUMENTS AND ENVELOPES:**

2. a statement of when and how the papers were received by the agency and each of the name individuals; (Examples: “Bob Doe, our mail room clerk, signed a certified mail receipt on 12/10/03 for the enclosed documents.” or “I was served by a process server.”)

3. a statement by the agency head certifying whether each employee who is being sued was, during the relevant time period, acting in good faith and

within their course of employment; (Example: Sally Doe was at all times acting in good faith and within her scope of employment as a trooper during the period of time set out in the lawsuit.)

4. a statement of who will be the primary contact person at the agency and how to get in contact with them by address, phone, email and fax; and
5. for each named individual, provide the name, address, email address and phone number where they can be reached.

IV. If you have any questions or concerns regarding this process, please call the Deputy of Litigation, Oklahoma Attorney General, immediately for assistance at 405/522-2920.

Referenced Statutes:

74 O.S., §20f

A. In the event an action is brought against an employee, who for the purposes of this act shall be an elected or appointed state officer or employee of any state officer, institution, agency, board or commission of any branch of state government in any civil action or special proceeding in the courts of this state, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, it is the duty of the Attorney General or staff attorney of such person's agency where the agency is authorized by law to be represented in court by a member of its own permanent legal staff, when requested in writing by such employee, to appear and defend the action or proceeding in his behalf. Such written request shall be made within fifteen (15) days after service of summons on the employee and a copy of the request shall be transmitted by the employee to the head of his agency and the Attorney General.

51 O.S. §161.1

When the state has a duty to defend any action pursuant to the provisions of this act, it shall be the duty of the Attorney General to defend all such actions, unless an agency of the state is authorized by law to employ its own attorneys, in which case said attorneys may defend such actions against the agency or the agency may request that the Attorney General defend such actions. If such a request is made, the Attorney General shall defend any such action.

74 O.S. §20g

A. Before any such defense is undertaken, an inquiry shall be made by the Attorney General of the facts on which the action or special proceedings are based. Unless the Attorney General determines that the employee was acting in good faith and in the course of his employment, representation shall not be provided to this act.

- B. It shall be the duty of any state law enforcement agency to provide investigators at the request of the Attorney General to assist him in carrying out the provisions of this act.
- C. No findings or reports of the Attorney General or persons making inquiry under his direction pursuant to the provisions of this section shall be admissible as evidence in any such action or special proceeding and no reference thereto shall be made in any such trial or hearing.