

APPENDIX B

Illustrative Sampling of Legal Obligations of Government Lawyers

ATTORNEY GENERAL

Approximately 100 statutes govern the duties, responsibilities and authority of the Arizona Attorney General. Below are a few such statutes, with a parenthetical describing the authorized or mandated action in respect to state actors and agencies:

- A.R.S. § 32-2111 (advising);
- A.R.S. § 41-192.02 (representing);
- A.R.S. § 44-1524 (investigating);
- A.R.S. § 16-452(B) (approving);
- A.R.S. § 12-1841(D) (intervening);
- A.R.S. § 26-177 (opining);
- A.R.S. § 16-1021 (enforcing);
- A.R.S. § 28-333 (defending);
- A.R.S. § 20-152 (prosecuting).

COUNTY ATTORNEY

Among other statutory duties, each County Attorney is required to:

- “Act as the legal advisor to the board of supervisors . . . and oppose claims against the county which the county attorney deems unjust or illegal.” A.R.S. § 11-532(A)(9).
- In respect to other elected county officers, provide written opinions “on matters relating to the duties of their offices.” A.R.S. § 11-532(A)(7).
- Recovery or prevention of illegal payments. A.R.S. § 11-641(C).
- Representation of school districts in some circumstances. A.R.S. § 11-532(A)(10).
- Representation of community college districts in some circumstances. A.R.S. § 11-532(11).
- Representation of county jail districts in some circumstances. A.R.S. § 48-4002(F).

CITY ATTORNEY

City charters and/or city codes establish the identity of a City Attorney’s client, and the duties, authority and obligations thereof. For example:

Prescott:

- **Prescott, Ariz. Code § 2-9-1 (2021) DEPARTMENT CREATED:**

“There is hereby created a Legal Department, said Department to be under the supervision of the City Attorney. The City Attorney will report to and be responsible for the operation of the Legal Department to the City Council.”

- **Prescott, Ariz. Code § 2-9-4 (2021) CIVIL DIVISION; FUNCTION:**

“The Civil Division shall have the responsibility of **advising the City Council, City Manager, and all departments, committees and commissions within the City**; of preparing and/or reviewing all documents, contracts, resolutions, ordinances and policies; shall lobby for or against legislation on behalf of the City; will review all claims filed against the City as more particularly set forth in Title I, Chapter 10 of the City Code; will defend the City against all lawsuits filed against the City; and will prosecute on behalf of the City all civil violations of the City Code and other City Codes and ordinances.” (Emphasis added.)

Tempe

- Tempe City Charter art. II, § 2.08(c):

City attorney. There shall be a city attorney appointed by the council, with the assistance of the manager. He/she shall serve as **chief legal advisor to the council, the managers, and all city departments, offices and agencies**. He/she shall represent the city in all legal proceedings and shall perform any other duties prescribed by this Charter, law, or ordinance. He/she shall serve at the pleasure of the council. (Emphasis added.)

Mesa:

City of Mesa Charter art. IV, § 401(B):

CITY ATTORNEY. The Council shall appoint a City Attorney and fix his compensation. He shall serve as the **chief legal advisor to the Council, the Manager, and all City departments, offices, and agencies**. He shall represent the City in all legal proceedings and shall perform any other duties prescribed by this Charter, law, or ordinance. The City Attorney shall serve at the pleasure of the

Council. (Emphasis added.)

In addition to the preceding illustrative sampling of authority, city ordinances might give direction and authority to city attorneys on specific issues.