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§6–105.

(a) (1) The Attorney General may employ a staff in accordance with the State budget.

(2) Attorneys, positions that provide direct support to the Attorney General, and positions that provide direct support to the positions specified in paragraph (3) of this subsection, appointed under this subsection:

(i) notwithstanding any other law, and except as provided in paragraph (3) of this subsection, are deemed special appointments within the meaning of § 6–405(a) of the State Personnel and Pensions Article;

(ii) may not be determined to be special appointments under § 6–405(b) of the State Personnel and Pensions Article; and

(iii) serve at the pleasure of the Attorney General.

(3) The following positions are special appointments under § 6–405(b) of the State Personnel and Pensions Article:

(i) Deputy Attorney General;

(ii) special assistant to the Attorney General;

(iii) executive counsel to the Attorney General;

(iv) director or chief of a division or unit in the Office; and

(v) principal counsel to a State unit.

(4) (i) Staff appointed under this subsection is entitled to compensation as provided in the State budget.

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

(5) Staff is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(b) (1) In addition to any other staff appointed under this section, the Attorney General, with the written approval of the Governor, may employ any assistant counsel that the Attorney General considers necessary to carry out any duty of the Office in an extraordinary or unforeseen case or in special county work.

(2) The Attorney General shall submit to the Governor a written request that:

(i) states the necessity of and each reason for the special employment; and

(ii) states the proposed compensation and its source or certifies that the Attorney General cannot ascertain in advance the proper compensation.

(3) Compensation that cannot be ascertained in advance may be agreed on or adjusted later.

(c) (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, under Title 12, Subtitle 5 of this article.

(d) 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) (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.

(f) In addition to any other staff appointed under this section, the Attorney General may employ any assistant counsel that the Attorney General considers

necessary to carry out any duty of the Office if the employment of the assistant counsel:

(1) is on a pro bono basis;

(2) will not result in more than minimal cost to the State; and

(3) will not result in the payment to the assistant counsel of any portion of the State's recovery in any case or matter.

(g) (1) The Attorney General, in consultation with the Secretary of Budget and Management, may set the pay scale of a position in the Office of the Attorney General that:

(i) is unique to the Office of the Attorney General; and

(ii) requires specific skills or experience to perform the duties of the position.

(2) The Secretary of Budget and Management, in consultation with the Attorney General, shall determine the positions for which the Attorney General may set compensation under paragraph (1) of this subsection.

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