



MISSOURI SENATE

DOUG BECK

DISTRICT 1

November 5, 2025

Attorney General Catherine Hanaway
Missouri Attorney General's Office
Supreme Court Building
207 W. High St.
Jefferson City, MO 65102

Dear Attorney General Hanaway:

I have been made aware of a case your office filed on October 15, 2025, which names the Missouri General Assembly as a plaintiff despite the General Assembly never taking a vote to engage you in this capacity.

As you already know, attorneys in the state of Missouri, including the Attorney General, must adhere to the Missouri Rules of Professional Conduct. An attorney's legal and ethical obligations are to represent the wishes of his or her client and the client shall have the "ultimate authority" to determine "the purposes to be served by legal representation."¹ Furthermore, according to the Missouri Rules of Professional Conduct, the client should have "sufficient information to participate intelligently in decisions concerning the objectives of the representation" by his or her attorney².

In violation of the Missouri Rules of Professional Conduct, your office neither obtained consent from the Missouri General Assembly to represent it in this lawsuit nor sought any action from the Missouri General Assembly to participate in the objectives of such a suit. In fact, there

¹ Mo. Sup. Ct. Rule 4-1.2

² Mo. Sup. Ct. Rule 4-1.4.



has been no vote by the Missouri Senate, of which I am the Minority Floor Leader, to be represented by your office in this matter.³

While, in the past, the General Assembly has delegated authority to the Attorney General to represent the state in civil actions necessary to protect the rights and interests of the state, several recent lawsuits have highlighted the significant and complex questions of legal ethics in the authority of the Attorney General's Office to represent state agencies and officials in civil actions.

In 2021, the Director for the Missouri Department of Health and Senior Services (DHSS) requested the Attorney General to appeal a court ruling by the Cole County circuit court which stripped rulemaking authority from the agency and local health departments. In a highly unprecedented decision, the Attorney General decided to go against the wishes of his client, the Director of DHSS, and declined to appeal the ruling. Additionally in 2021, the Attorney General recused himself from a lawsuit between then Secretary of State Jay Ashcroft and then State Treasurer Scott Fitzpatrick citing a conflict of interest in representing two state officials.

Even if the members of the Missouri General Assembly have standing to challenge an alleged violation of Article I, Section 4, cl. 1 of the U.S. Constitution, as you provide in your petition, the Attorney General has no authority to initiate actions without the consent of the Missouri General Assembly.

Because you do not have consent of the Missouri General Assembly to represent it in this matter, I request you file a motion to dismiss this case, submit a formal apology to the Missouri General Assembly for misrepresenting its interests, and provide to my office any and all communication which led you to wrongly believe you could take action on our behalf.

Sincerely,

A handwritten signature in cursive script that reads "Doug Beck".

Senator Doug Beck
Minority Leader

³ See Declaration of Doug Beck in Support of Defendants' Suggestions in Opposition to Motion for Preliminary Injunction, filed on October 30, 2025, in Case No. 4:25-cv-01535-ZMB, *Missouri General Assembly, et al. v. Richard von Glahn, et al.*