

# **Recommendations: Operations and Performance of the Office of the Attorney General**

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## **RECOMMENDATION 1**

The Office of the Attorney General should conduct a detailed workload analysis for the Correctional Litigation, Education, and Trial sections to (i) verify the likely workload imbalance in these sections and (ii) determine how many additional attorneys each section needs to ensure clients receive competent, timely, and responsive legal services. (Chapter 3)

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## **RECOMMENDATION 2**

The Office of the Attorney General should annually review workload and other relevant information to (i) identify sections that have workload imbalances and (ii) determine whether each section needs additional, the same number, or fewer attorneys to ensure clients receive competent, timely, and responsive legal services. (Chapter 3)

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## **RECOMMENDATION 3**

The Office of the Attorney General should analyze whether efficiency could be improved and workload imbalances alleviated by (i) additional support staff and (ii) better use of technology. (Chapter 3)

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## **RECOMMENDATION 4**

The Office of the Attorney General should provide attorneys with annual, incremental, in-band pay increases based on performance. (Chapter 3)

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## **RECOMMENDATION 5**

The General Assembly may wish to consider including funding and language in the Appropriation Act directing the Office of the Attorney General to create a permanent, full-time director of client services position. (Chapter 4)

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## **RECOMMENDATION 6**

The Office of the Attorney General should develop and implement a client services policy that outlines attorney and client roles and service expectations. (Chapter 4)

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## **RECOMMENDATION 7**

The Office of the Attorney General should develop and implement a process, including surveying clients, through which it annually asks clients for feedback and uses the information to improve legal services and attorney-client relationships as needed. (Chapter 4)

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**RECOMMENDATION 8**

The Office of the Attorney General should adopt a client services policy that clearly defines the process clients should follow to resolve service problems, conflicts of interest, or disagreements with OAG about the legal services they are receiving, including how issues should be escalated and when the governor has the statutory authority to allow clients to directly employ outside counsel for legal services. (Chapter 4)

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**RECOMMENDATION 9**

The Office of the Attorney General (OAG) should adopt a client services policy that defines the various staffing options available; when and how OAG should review staffing options with clients; and how clients themselves can seek changes in the staffing approach OAG uses to provide legal services. (Chapter 4)

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**RECOMMENDATION 10**

The Office of the Attorney General should amend its billing policy to clearly define how it will bill clients that are wholly or partially funded through nongeneral funds. (Chapter 5)

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**RECOMMENDATION 11**

The Office of the Attorney General should amend its billing policy to require attorneys to record all hours worked if they are responsible for providing services to billable clients. (Chapter 5)

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**RECOMMENDATION 12**

The Office of the Attorney General (OAG) should enter into a memorandum of understanding (MOU) with each client that has one or more OAG attorneys assigned to it full-time. MOUs should be structured so that clients only pay for the estimated portion of time that attorneys spend providing services to nongeneral fund programs. (Chapter 5)

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**RECOMMENDATION 13**

The Office of the Attorney General should update its billing policy and the terms of its memoranda of understanding (MOUs) to require all MOUs be reviewed with clients, and updated as needed, at least once every three years. (Chapter 5)

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**RECOMMENDATION 14**

The Office of the Attorney General should update its billing policy to incorporate a process that ensures clients are not billed for legal services provided to general fund programs. (Chapter 5)

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**RECOMMENDATION 15**

The Office of the Attorney General should, in lieu of billing the Department of Corrections (DOC), request funds in the governor's budget to pay for two additional attorney positions necessary to provide legal services to DOC. (Chapter 5)

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**RECOMMENDATION 16**

The Office of the Attorney General should update its *Special Counsel Policy* to require primary attorneys to offer their clients the opportunity to participate in the process to procure and select outside counsel services when they are a primary or only user. (Chapter 6)

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