

CHAPTER III

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CHAPTER III

MANAGEMENT OF THE ATTORNEY GENERAL'S OFFICE

A. EXECUTIVE MANAGEMENT

1. Office of the Attorney General

- a. Attorney General – The Attorney General (AG) is the chief officer of the department. All division supervisors report to the Attorney General or, as directed, to the First Deputy Attorney General. The Attorney General determines final policy for the department. Official documents which leave the department (e.g. formal AG opinions and news releases) must be approved by the Attorney General.
- b. First Deputy Attorney General – The First Deputy Attorney General (FDAG) is the AG's second in command. He or she reviews most of the material that require the AG's approval or attention. The AG may also assign special law or department related projects to the FDAG. When the AG leaves the State on departmental or personal business, the FDAG becomes the acting AG during his/her absence.
- c. Administrative Services Manager – The Administrative Services Manager (ASM) handles the day to day executive administration of the department. He/she is responsible for and approves personnel operations, budgeting, and purchasing. The AG however, determines all policy and all major administrative matters. The ASM reports directly to the AG.
- d. Special Assistant – The Special Assistant (SA) to the AG assists the AG in Special projects, acts as the AG's liaison with selected State and National organizations and implements new policies and procedures as directed by the AG. The coordination of legislative initiatives is also a major responsibility of the SA.
- e. Staff – The AG, FDAG, SA and ASM have their own secretaries to assist them. Any overflow work is assigned to one of the division steno pools.

2. Administrative Services Office – This office provides accounting, budgeting, auditing, program planning, personnel, purchasing, and other staff support services for the department. The Administrative Services Officer oversees the personnel office, messenger staff, and the library. ASO processes purchase orders, payroll, travel reimbursements, and oversees the department's computer network and telecommunications needs.

B. THE COMMITTEES

The Department of the Attorney General has established several committees to perform various functions within the office. The committees were designed to improve quality of the department's work product by increasing in-house quality control and review procedures, shifting administrative responsibility from the AG and the FDAG, encouraging a higher level of involvement from the deputies in the planning and function of the department, and fostering cohesion within the department.

1. AG-IT Group Committee The AG-IT Group is comprised of the IT Lead from each of the 4 divisions with IT staff - CSEA, HCJDC, IST and JJIS. This group meets quarterly to share information and discuss common issues relating specifically to technology.
2. AG/IT Strategic Planning Committee (replacing the information Technology Advisory Committee) was established by the Attorney General in April, 2013 and whose members were selected from the various divisions to focus on the Strategic IT planning for the Department. This followed a National Association of Attorneys General (NAAG) Management Review in 2012, which proposed specific IT-related goals that would include a centralized IT Strategic Plan and the establishment of an IT Management Governance Framework for the Department. This committee meets once a month and its mission statement is: *"To maximize the efficient management of Department-wide Information Technology (IT) resources"*.
3. Appellate Opinion Review Committee (AORC) AOR meets weekly to review draft appellate briefs, formal AG opinions, recommendations regarding appeal, and other significant matters. After an adverse decision in trial court or at the ICA, each deputy must make a recommendation to the committee whether to appeal or seek certiorari at the Hawaii Supreme Court. Permission from AOR is required before an appeal may be filed. Draft documents reviewed by the committee are critiqued and suggestions are made for improvement. The committee is composed of the AG, the FDAG, and 12 other attorneys from around the Department. Because the documents reviewed have filing deadlines, the committee must meet almost every week regardless of variations in the members' schedules. AOR agendas are circulated to all deputies and the meetings are open if interested deputies wish to attend. Meetings are generally held Thursdays at 9:00 a.m.
4. Contracts Committee The Contracts Committee originally was established to develop standardized contract forms for use by the Department of the Attorney General. Over the years the Committee has drafted numerous form contracts and supporting documents which have been adopted by the Department and other state agencies. The Committee continues to review its forms for compliance with current law and for clarity and ease of use. The Committee also endeavors to provide consistent advice on contractual issues, including interpretations of the State Procurement Code (HRS chapters 103D and 103F), HRS chapters 103

(expenditure of public funds) and 42F (grants), and their attendant administrative rules.

5. Ethics & Conflicts Committee The primary function of the E&CC is to develop a consistent process and forum through which the department reviews, evaluates, and makes recommendations on issues relating to attorney ethics, and conflicts of interest generally. This includes evaluation of requests for Attorney General representation from state employees who have been sued in their individual capacities. All decisions and actions of the E&CC are subject to the approval of the Attorney General. The E&CC is also tasked with the standardization of client representation letters and other forms, and making recommendations relating to department policies and procedures that address attorney ethics, and conflicts of interest generally.
6. Hawaiian Litigation Committee An All Hawaiian Committee was created so that its members would be available to the AG, to provide input and background information to the AG and deputy attorneys general who were assigned significant or wide-ranging cases involving Hawaiian issues when they arose. There is a “folder” of documents on the T Drive that members of the Committee are able to access and update from time to time, which contains copies of historic substantive documents, significant federal and state statutes, and briefs, legal memoranda and court decisions that relate to these Hawaiian issues.
7. Innovations Committee This committee meets at least monthly to consider solution-oriented proposals to improve the Department's functioning. Proposals come from anyone in the Department and cover a wide range of topics, from the mundane to the ambitious. The committee is composed of both attorneys and staff, each from a different division. Successful proposals include: eliminating banner sheets from copiers, mandating double-sided copying, signs on Hale Auhau to warn of silent alarm, and initiating a Department-wide clean-up project. Proposals may be submitted using a form available on the intranet. Additional information about this committee is available on the intranet.
8. Litigation Management Committee The Litigation Management Committee’s (“LMC”) main purpose is to provide a forum for deputy attorneys general to round-table cases in litigation. Although the committee is chaired by the supervisor of the Major Litigation Division, cases brought before the LMC are not limited to cases thought to be “major litigation” but rather all types of cases can be and are reviewed by the LMC. Cases can be brought to the LMC at the request of the attorney general, request of the LMC chairperson or by the individual deputy attorney general (or supervisor) who is handling the case. In addition, the LMC staff person makes an effort to track the more difficult cases and requests an early review of the case, a review about 6 months before the trial date and more frequent reviews depending upon how the case is progressing or when specific issues are brought up by the deputy attorney general or supervisor handling the case.

9. The Training Committee meets once a month. Its main objective is to provide continuous training opportunities for all department employees, legal and non-legal. It coordinates and facilitates department training, is responsible for setting departmental training goals and actions plans. It is also responsible for the continual evaluation of the program.
10. Supervisors' Meetings are regularly scheduled for the first Wednesday of every month. Attendance is mandatory. These meetings provide the Attorney General the opportunity to make announcements affecting the office such as budget issues, legislative matters, policy changes, etc. and to give division supervisors an opportunity to report on activities within their divisions and to share with the group any other information, concerns or problems.

C. DIVISION MANAGEMENT

1. Attorney Supervisors' Role

a. Administration of Division

- (1) Assign work to deputies.
- (2) Keep division records/statistics.
- (3) Implement and enforce office policy, directives, etc.
- (4) Identify division objectives and create action plans.
- (5) Keep deputies informed.
- (6) Serve as a liaison between attorneys and support staff.
- (7) Serve as a liaison to other divisions/supervisors/committees.
- (8) Participate in office administration as required by the ASM and the AG.
- (9) Delegate to accomplish goals.
- (10) Enforce training requirements.

b. Supervision of Division

- (1) Know the when, where, why of **every** deputy at **all** times.
- (2) Review deputies' work product.
- (3) Critique deputies' work product.
- (4) Motivate and counsel deputies regularly.
- (5) Evaluate deputies and make salary recommendations.
- (6) Set personal professional example.
- (7) Teach deputies.

c. Practice of Law

- (1) Handle only matters requiring his/her expertise
- (2) Set an example for being informed and current on law.
- (3) Serve as an advisor/counsel for the FDGA/AG.
- (4) Intercede when problems arise with clients or courts.

d. Client Contact

- (1) Meet regularly with clients.

- (2) Train/brief clients.
- (3) Seek evaluation of deputies' work product.
- (4) Open communications when problems arise.

2. Non-Attorney Supervisors' Role

Non-attorney supervisors plan, manage, and organize the workload of their respective divisions in accordance with the goals, directives, and objectives put forth by the Attorney General, Governor, and Legislature. Non-attorney supervisors also serve as representatives of their divisions to the Attorney General and to other state organizations.

3. Deputy Attorneys General's Role

The deputy attorneys general provide the legal services needed by the department's clients. The deputies are organized into legal services divisions and are supervised by a division supervisor who is an attorney with experience in the area.

4. Hearings Officer's Role

The hearings officers provide a full and fair administration hearing for the administrative litigants. The hearings officers are supervised by an administrator who is also a hearings officer.

5. Paralegals – Paralegals are assigned to each legal services division and report to the division supervisor.

6. Legal Services Staff – Clerk/typists, clerk-stenographers and legal stenographers are also assigned to each legal services division. Generally, each division has a secretary who supervises the office staff attached to each legal services division.

7. All Other Staff – All other staff shall perform all functions as directed by the immediate supervisor or the AG.