

Internal Operations Manual

SUBJECT: Accessing Legal Services

NUMBER: 107-01-110

DIVISION: Operations Division

EFFECTIVE DATE: 06/01/01

APPROVED: Authorizing Signature on File with the Office of Business Administration

POLICY/PURPOSE: To provide direction for requesting, reviewing, and paying for legal services received from the Oregon Department of Justice. (DOJ).

AUTHORITY: ORS 180.220; ORS 180.235

APPLICABILITY: All Department of Administrative Services (DAS) Divisions and Policy Offices.

ATTACHMENTS: (A) Request for Legal Services Form
(B) Request Tracking Sheet.

BACKGROUND: State agencies frequently require legal services from DOJ to effectively manage their programs. DOJ legal service generally comes in the following forms:

- **Formal Opinions:** Are signed by the Attorney General, and are in response to constitutional issues and other matters of statewide concern.
- **Informal Opinions, Informal Advice:** May be provided in writing, or orally in person or by telephone.
- **Solicitation/Contract:** Require DOJ Review for legal sufficiency if they are valued at greater than \$75,000 for Architectural and Engineering, Information Technology, and Personal Services; above \$100,000 for all other products and services.
- **External Requests:** Citizen or other agency requests that relate to DAS business or programs.

GUIDELINES

In accordance with ORS 180.220 and ORS 180.235, DOJ is the sole source for legal service authorized by the state. The use of any legal services other than DOJ shall require written pre-approval by DOJ. DAS shall accept and ensure compliance with all legal advice (formal and informal) provided by DOJ.

Each division administrator is required to maintain a list of individuals to whom they have delegated the authority to request advice from DOJ.

All legal service requests must be in writing using the Request for Legal Services form and approved by the division administrator.

To minimize cost, adequate program research shall be performed by the manager or their designee prior to the request for legal advice.

Information obtained from the research is to be documented and filed with a copy of the Request for

Legal Services form and a copy of all opinions to DAS. This file will be held within the division making the request and kept easily accessible for review.

Each division requesting DOJ services, regardless of the reason, is responsible for payment. Should DOJ services involve more than one division, an agreement between the affected divisions regarding payment that should be made prior to the request for DOJ services. At the time DOJ services are requested, the requestor should provide the attorney with the requestor's name, division, the appropriate expenditure account (EA) number, and client number. In addition, the requestor should request a response date from DOJ to ensure the legal advice is received in a timely manner.

PROCEDURE:

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
1.	Division Administrator	<p>Determine who is authorized to request formal and/or informal legal services.</p> <p>Decide process and timeline for management review of requests for DOJ services and costs.</p> <p>Plan how to maintain lines of communication with the Department's Assistant Attorney General.</p>
2.	Division manager or designee	<p>Receive notice of legal issue. Conduct a general review of legal and program issues to determine type of advice required or other options for settlement of the issue.</p> <p>Perform online review of the Attorney General Opinions on the DOJ web page: http://www.doj.state.or.us/AGOffice/intro.htm Research and compare the present complaint to those opinions previously given on a like subject. Bring issue to attention of the division administrator and receive input on issue.</p> <p>Consult with other subject matter experts within DAS before seeking legal advice from DOJ to reduce cost.</p> <p>Complete the <i>Request for Legal Advice</i> form and submit to Administrator for approval.</p>
3.	Division Administrator	<p>Approves request. (This may be delegated for routine legal sufficiency reviews or in the case of TPPS or Facilities for opinions.)</p>
4.	Division manager or designee	<p>Sends request for legal advice to DOJ including:</p> <ul style="list-style-type: none">• Approved Request for Legal Advice Form (Attachment A) being certain all sections are completed.• Research, background and other materials that generated the request.• Copies of previous or related DOJ advice, if any.
5.	Division manager or designee	<p>Track process using the Request Tracking Sheet (Attachment B) as an example. Tracking should include the following information</p>

- Date issue was received
- Name of person, division/section of requestor
- Date of research from other divisions/individuals
- Date of approval for information being appropriate for legal sufficiency reviews.
- Date request form is sent to DOJ
- List of documents sent to DOJ
- Date DAS requires return of advice/opinion
- Date advice/opinion received from DOJ
- Date case settled
- Brief summary of how settlement reached
- Date DOJ Invoice received
- Date of Payment

Monitor DOJ invoice copies to ensure accuracy and that they are paid within 30 days of receipt.

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| 6. | Accounts Payable | Receive monthly invoices for services from DOJ. Determine appropriate coding for payment through the accounting system. Ensure payment of invoices within 30 days of receipt. |
| 7. | Accounts Payable | Route copies of paid invoices to appropriate offices within DAS for review and any necessary reallocation of costs. |
| 8. | Accounts Payable | Consult with Division/Section managers and DOJ to resolve payment issues as necessary. |

Department of Administrative Services

REQUEST FOR LEGAL ASSISTANCE

TO: Attorney-in-Charge Dept. of Justice, (<i>Section</i>) 1162 Court Street NE Salem, OR 97232	Telephone: FAX:	
Requested By:	Agency/Division/Section: Telephone: FAX: E-Mail:	
Agency Contact Person:	Agency/Division/Section: Telephone: FAX: E-Mail:	
Authorized By: Date:	Other Agencies Affected (if any)	
Subject – Identify the Request Type:		
<input type="checkbox"/> Threatened Litigation <input type="checkbox"/> Administrative Hearing	<input type="checkbox"/> Legislation <input type="checkbox"/> Human Resources <input type="checkbox"/> RFP/Contracts	<input type="checkbox"/> Rule Revisions <input type="checkbox"/> A/G Opinion <input type="checkbox"/> Other:
Send Original to:	Send Copies to:	
Date Needed:	Time Element (Priority) <input type="checkbox"/> Emergency <input type="checkbox"/> Expedite <input type="checkbox"/> Regular	
Explain the request and state the issues (attach documents as necessary). Indicate if formal (AG's opinion or letter) or informal (Memo or e-mail) advice is requested:		
Has this issue been previously reviewed or discussed with a DOJ attorney: <input type="checkbox"/> Yes <input type="checkbox"/> No Attorney Name:		
For Contract: Contractor Name: Contract Amount: Amendment/Work Order Amount:		
Items submitted with request (attached copies of any previous or related advice from DOJ):	Return Items to Requester? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Approved by: _____	Date:	Date Received from DOJ:

Department of Administrative Services

DOJ Tracking Sheet

Case Name or Number: _____

Date Received: _____

Division/Section: _____

Contact: _____

Research:		
1.	Date: Division Person: Information:	<i>00/00/00</i> John Doe, Facilities, Parking <i>Local Resident fell on Red Parking Lot, claims injury from stepping in pothole. Employee observed incident and states the person tripped on their own shoe lace. There is no pothole.</i>
2.	Date: Division/Person: Information:	
3.	Date: Division/Person: Information:	
Request approved for Legal Sufficiency:		
Request to DOJ:		<i>00/00/00</i>
Requested Return Date:		<i>00/00/00</i>
Opinion Received:		<i>00/00/00</i>
Case Settled:		<i>0/00/00</i>
How Settled:		<i>Asked Resident to show us where he fell. Upon arriving at parking lot he could not find the pothole and was unsure of exact location. Parking manager talked with resident who admitted that the state was not at fault.</i>
DOJ Invoice Received:		<i>00/00/00</i>
Date A/P Paid:		<i>00/00/00</i>