



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject

Attorney General Opinions and Advice

Section – Policy Number:

A: General Administration – 3.0

Supersedes:

I-A-3.0 (07/02)

Effective Date:

08/24/2005

Date of Last Review:

06/07/2011

Related Standards and References:

- [ORS 180.060 \(Powers and duties of Attorney General\)](#)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-1A-28 (Legal Counsel)
- OYA form: YA 0017 (Request for Legal Assistance)
- OYA policy: I-E-2.6 (Second Look Policy and Procedure)


Related Procedures:

- None

Interpretation:

Rules and Policy Coordinator

Approved:


 Bobby S. Mink, Interim Director

I. PURPOSE:

This policy describes OYA's process for accessing the Attorney General's legal services.

II. POLICY DEFINITIONS:

None.

III. POLICY:

State agencies are required by law to obtain legal advice through the Department of Justice (DOJ), and are prohibited from using public funds to obtain legal advice except through the DOJ. OYA's use of Attorney General legal services will be accomplished in the most timely, effective, and cost-efficient manner possible.

IV. GENERAL STANDARDS:

A. Approval for contact

1. Staff will contact and obtain approval from the Director's Office before seeking advice or legal representation from the Attorney General's office.

2. Staff will follow local procedure to bring an issue forward to the Director's Office.
3. The Director's Office has authorized staff contact with the Attorney General's office, as follows.
 - a) Central Business Services staff for routine employment and contract issues, as defined by the Assistant Director, Business Services.
 - b) Central Community Services staff to discuss contested case hearings (foster care certification) and concepts for projects initiated by the Director's Office.
 - c) Rules/Policy Coordinator to discuss administrative rule and policy development.
 - d) The facility superintendent/camp director, or designee, for "Second Look" hearing requests.

B. Seeking legal advice or opinion

1. In order to ensure the most cost-effective use of Attorney General services, staff will:
 - a) Determine whether all existing OYA resources, including past Attorney General opinions on related issues, have been explored;
 - b) Clearly and concisely define the issue to be reviewed using OYA form YA 0017 (Request for Legal Assistance); and
 - c) Clearly communicate to the assigned Assistant Attorney General OYA timelines and advice expectations.
2. The Director's Office will review all requests and decide whether formal advice (opinion or letter) or informal advice (memo or e-mail) is needed.
3. Staff who use the Attorney General's office services will maintain a historical record of all substantive contacts. This includes copies (either electronic or paper) of all correspondence and notations of telephonic contact that describe the date and time of the call and basic details of the discussion.
4. All such information will be maintained in a confidential manner.
5. The Rules/Policy Coordinator will maintain a central file of formal and informal legal opinions or general directives that affect agency practices, and final documentation of any rulings that affect the agency. Staff who receive such documents should forward a copy

for placement in this file or contact the Rules/Policy Coordinator to determine whether the information should be maintained in the agency file.

6. Legal information that does not affect overall agency practice may be maintained by individual staff or work units, such as:
 - a) Human Resources information relating to a specific staff or situation;
 - b) Contract-specific information;
 - c) Offender-specific information;
 - d) Court orders; or
 - e) Situation-specific e-mail advice.
7. All discussions about legal matters with the Attorney General's office are privileged and exempt from public disclosure. Staff may choose to indicate this privilege by stating it at the top of all correspondence.

C. Verification of billing

1. The Assistant Director, Business Services, will review the monthly invoice from DOJ and forward copies to appropriate offices/work units.
2. The office/work unit will review the billing detail and contact the Assistant Director, Business Services, if corrections are necessary.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO