

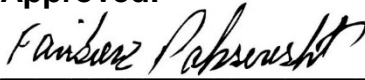


OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Attorney General Opinions and Advice

<i>Section – Policy Number:</i> A: General Administration – 3.0		<i>Supersedes:</i> I-A-3.0 (06/13) I-A-3.0 (08/05) I-A-3.0 (07/02)	<i>Effective Date:</i> 01/08/2016	<i>Date of Last Review:</i> 01/08/2020
Related Standards and References:	<ul style="list-style-type: none"> ▪ ORS 180.060 (Powers and duties of Attorney General) ▪ OYA policy: I-A-4.0 (Tort Liability and Claims) I-E-1.2 (Response to Subpoenas) I-E-2.6 (Second Look Hearings) 			
Related Procedures:	▪ None			
Policy Owner: Public Policy and Government Relations Manager		Approved:  Fariborz Pakseresht, 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 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 must contact and obtain approval from the public policy and government relations manager before seeking advice or legal representation from the Attorney General’s office.

2. The public policy and government relations manager has authorized staff contact with the Attorney General's office, as follows.

a) Central Business Services staff for routine employment, procurement, and contract issues, as defined by the assistant director, business services.

Tort claims and lawsuits are not considered routine employment or contract issues and must be forwarded to the public policy and government relations manager.

b) Central Office Community Services staff to discuss contested case hearings (foster care certification).

c) Rules and policy coordinator to discuss administrative rule and policy development, review, or repeal.

d) The agency Second Look coordinator for Second Look hearing requests. See OYA policy I-E-2.6 Second Look Hearings for more information.

e) All other inquiries must go through the public policy and government relations manager.

B. Evaluating the need for legal advice or opinion

1. In order to ensure the most cost-effective use of Attorney General services, staff must:

a) Determine whether all existing OYA resources, including past discussions (internal and with Attorney General staff), Attorney General opinions on related issues, have been explored;

b) Determine the priority level of the request within the work unit/division;

c) Gather all pertinent background information including history, why the assistance is needed, and if there is a particular policy direction OYA is considering;

d) Clearly articulate the OYA timelines and advice expectations; and

e) Maintain a historical record of all requests, responses and decisions in a confidential manner.

2. The public policy and government relations manager must review all requests and decide the level of legal analysis needed prior to asking for a legal review.

3. The rules and policy coordinator must maintain a central electronic repository of formal and informal legal opinions or general directives that affect overall agency practices or policies, and final documentation of any rulings that affect the agency. Staff who receive such documents must forward a copy for placement in the repository or contact the rules and policy coordinator to determine whether the information should be retained in the repository.

C. Verification of services

The public policy and government relations manager must monitor status of requests, timeliness, and cost of work performed by Attorney General staff. The public policy and government relations manager must work with appropriate offices/work units to review requests, trends, increases in costs, and quality of services.

D. Confidentiality

- a) All discussions about legal matters with the Attorney General's office are privileged and exempt from public disclosure.
- b) All discussion, opinions, and advice must be kept confidential unless determined to be appropriate to release by an assistant director or deputy director, or their designee.

Forwarding emails or other documents containing legal discussions and advice outside of OYA is prohibited.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO