



DEPARTMENT OF CORRECTIONS
Institutions



Title: Legal Assistance – Staff Access	DOC Policy: 10.1.1
Supersedes: 7/1/99	
Applicability: All functional units	
Directives Cross-Reference: None	

I. PURPOSE

To establish a process for access to legal assistance/advice through the Attorney General’s office in accordance with applicable statutes as listed in ORS 180.010 and the Department of Administrative Services “gatekeeper” policy on Access to Legal Services.

II. DEFINITIONS

- A. Exempt: A type of non-transaction request which is confidential in nature that includes investigations, labor relations, and other human resources issues.
- B. Functional Unit Manager: Any person within the department who reports to either the Director, Deputy Director, an Assistant Director or administrator and has responsibility for delivery of program services or coordination of program operations.
- C. Non-Transaction Request: A request for advice from the department to the Attorney General’s office that includes, but is not limited to, review of legislative matters, institution operations, administrative rule revisions, and inquiries by executive staff for legal advice.
- D. Transaction Request: A request for advice or approval from the department to the Attorney General’s office regarding contracts, intergovernmental agreements, and/or business or financial related matters, etc.
- E. Work-in-Progress: Review of any legislative matter, drafting or revision of an administrative rule or policy which may pose a legal question; a task force with a project involving questions and/or recommendations needing legal advice; sentence computation matters; or any ongoing assignment/project given to a staff member by the Director, Deputy Director or an Assistant Director.

III. POLICY

- A. Requests for advice from the Attorney General’s office fall into two categories: transaction and non-transaction.
 - 1. Transaction requests shall be routed through the administrator of Fiscal Services for processing.

2. Non-transaction requests shall be routed through the administrator of Rules/Compliance/Hearings for processing.
 3. Emphasis is given on using this process for appropriateness and fiscal accountability.
- B. All requests for advice/assistance from the Attorney General's office shall receive approval from the appropriate Assistant Director before being routed to the Attorney General's office for processing. The only exception to this process is a transaction request or a non-transaction request that is an exempt or a work-in-progress item. Emphasis should be given to establish realistic turn around time goals for legal service requests.
- C. Procedure for Legal Request
1. The attached "Request for Legal Assistance" form, which is available on the public folders for electronic transmission, shall be completed by the functional unit manager requesting legal assistance and forwarded electronically to the appropriate Assistant Director for approval. If approved, the form will then be forwarded electronically directly to the Attorney General's office for processing. This applies to all non-transaction requests, unless they are exempt.
 2. A copy of the request will also be sent electronically to the Rules Office, the functional unit manager requesting the advice, as well as any other affected functional unit.
 3. The Rules office shall maintain a central file of all written advice (including e-mail) from the Attorney General's office, except for exempt items. The file shall be located in the library of the Central Office and accessible to designated staff.
- D. The department shall make the Attorney General's Office aware of who can request written legal advice.
- E. The department shall take full advantage of training and materials offered by the Attorney General's office:
1. Public law conference
 2. Agency specific training opportunities
 3. Administrative Law Manual
 4. Public Meetings and Records Manual
 5. Public Contracting Manual
 6. ADR Services
 7. AG opinions and letter of advice available on the Department of Justice website.
- F. The department will develop a process to review billings from the Attorney General on a periodic basis.
- G. Summons or Complaint:

1. In order to assist the Attorney General's office in the representation of corrections lawsuits, any DOC employee who receives a summons or complaint will forward the complaint to his/her functional unit manager, along with a completed "Request for Representation" form (CD 658). The functional unit manager, following review, will forward the request to the Attorney General's office.
2. After a complaint is served and the named defendants sign the Request for Representation, all documents, statements or information involving the case will be gathered and forwarded to the Attorney General's office within time frames set by the Attorney General.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.