

**FY10 PERFORMANCE PLAN**  
**Office of the Attorney General**

**MISSION**

The mission of the Office of the Attorney General (OAG) is to enforce the laws of the District of Columbia and to provide legal services to the District of Columbia government.

**SUMMARY OF SERVICES**

OAG is charged with conducting the District's legal business. To discharge these duties, OAG is divided into ten Divisions: the Office of the Solicitor General; Child Support Services; Civil Litigation; Commercial; Family Services; Health and Human Services; Legal Counsel; Public Safety; Personnel, Labor and Employment; and Agency Management.

OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District's behalf and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the D.C. Council, the D.C. Courts, various Boards and Commissions, for reviewing legislation and regulations, and for supervising lawyers working in the general counsel offices of 28 agencies. All told, the Attorney General supervises the legal work of about 350 attorneys and an additional 350 administrative/professional staff.

**PERFORMANCE PLAN DIVISIONS**

- Public Safety
- Child Support Services
- Civil Litigation
- Health and Human Services and Legislative Affairs
- Commercial
- Family Services
- Office of the Solicitor General
- Legal Counsel
- Personnel, Labor and Employment
- Agency Management

**Public Safety Division (PSD)**

**OBJECTIVE 1: To provide criminal prosecution, neighborhood services and victims' services for the government of the District of Columbia and its residents to enhance public protection and safety.**

**INITIATIVE 1.1:** To divert more resources for the prosecution of serious crimes, the PSD will, during FY 2010, increase its use of MPD's Pre-Arrest Mediation Program for miscellaneous juvenile offenses, which may also reduce the number of juveniles in the juvenile justice system. Thus, juvenile offenders will avoid adjudication while remaining eligible to receive the necessary services to prevent further court involvement.

**INITIATIVE 1.2:** PSD will increase the prosecution of landowners and tenants who allow their properties to become drug or prostitution nuisances during the fiscal year.

**INITIATIVE 1.3:** PSD will, in FY 2010, impose more restrictive standards for diversion programs related to DWI and DUI prosecutions to deter drunk drivers and repeat drunk drivers in the District.

**KEY PERFORMANCE INDICATORS: Public Safety Division**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
# of nuisance property prosecutions.	N/A	35	30	36	37	38
% of juvenile offenders (appropriately presented for prosecution) referred for rehabilitation services.	91	91	90	91%	91%	92%
Criminal case successfully adjudicated per FTE.	N/A	N/A	N/A			

**Child Support Services Division (CSSD)**

**OBJECTIVE: To provide child support enforcement services for children so that they can receive the financial and medical support required by law from their parents.**

**INITIATIVE 2.1:** To increase the number of children and non-custodial parents receiving child support, the CSSD will, throughout FY 2010, deploy staff and resources to obtain birth certificates from the Office of Vital Records and to determine or verify paternity for children receiving TANF. .

**INITIATIVE 2.2:** By September 30, 2010, CSSD will increase the active participation of non-custodial parents in its employment services initiative.

**INITIATIVE 2.3:** In FY'09, CSSD launched on-line payment history information access for custodial and non-custodial parents. The payment histories were limited to the last six payments. By September 30, 2010, CSSD will expand access to child support payment histories for parents to 12 months.

**KEY PERFORMANCE INDICATORS: Child Support Services Division**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
Paternity establishment percentage.	83%	85%	86%	88%		
# of child support orders established	2637	2782	2627	2679		
# of non-custodial parents participating in employment services initiative.	N/A	100	129	150	175	200
# of parents newly registered to access their on-line payment histories.	N/A	500	660	850	1250	1500

*Civil Litigation Division (CLD)*

**OBJECTIVE:** to defend the legitimate interests of the District of Columbia government and to protect and enforce the rights of residents in the areas of consumer protection and anti-trust.

**INITIATIVE 3.1:** CLD will create and implement consumer education program to heighten awareness of the District’s ability to protect and assist consumers, and to solicit residents to contact OAG to report marketplace concerns during FY 2010.

**INITIATIVE 3.2:** CLD will, in FY 2010, launch an initiative to resolve many civil enforcement cases without the need to file suit.

**INITIATIVE 3.3:** In FY 2010, CLD will streamline the review of civil cases against the District, its employees and officials in a manner that will improve operational efficiencies, save substantial tax dollars, while vigorously defending those matters that can only be addressed by litigation.

**KEY PERFORMANCE INDICATORS: Civil Litigation Division**

Performance Measure	FY 2008 Actual	FY 2009 Target	FY09 YTD	FY 2010 Projection	FY 2011 Projection	FY 2012 Projection
<b>OBJECTIVE</b>						
# of General Litigation closed cases reported in the Prolaw matter management system during designated time period.	298	N/A		300	305	312
\$ collected for the District of Columbia by the Civil Enforcement Section.	\$3.192mill.	N/A	N/A	\$3.2 mill.	\$3.25 mill	\$3.3 mill.
Average \$ collected per FTE in Public Advocacy Section, excluding false claims cases and tobacco cases.	N/A	N/A	N/A			
# of closed cases documented by section chief in the Equity Sections during the designated time period.	79	N/A	N/A	80	82	85

*Health and Human Services Division and Legislative Affairs (HHS)*

**OBJECTIVE:** To provide quality legal representation and advice to its client agencies that supports each agency’s mission to deliver statutorily mandated social services to city residents.

**INITIATIVE 4.1:** The General Counsel Offices in this cluster will assist with the implementation of legislation currently pending before the City Council, that will authorize the sharing of health and human services data among the agencies in this cluster. This will require OAG to revise or draft regulations, statutory amendments, various inter-agency agreements, and contracts as necessary.

**KEY PERFORMANCE INDICATORS: Health and Human Services Division and Legislative Affairs**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
% of written responses to requests for legal advice completed within two weeks for emergency requests or 90 days for non-emergency requests.	97.7	N/A	N/A	98	98	98
% of successfully resolved litigation in the Mental Health Section.	97	N/A	N/A	97%	97%	97%
Successful resolution in the Mental Health Section per FTE.	N/A	N/A	N/A			

*Commercial Division*

**OBJECTIVE: To provide legal advice and litigation support to the District of Columbia government in the areas of tax collection, real property, and other commercial transactions, economic development and municipal finance.**

**INITIATIVE 5.1:** The Commercial Division will develop a common OAG-OTR tax litigation/information database within the Fiscal Year to improve inter-agency cooperation, efficiency and communications as they related to property tax collections and related enforcements.

**INITIATIVE 5.2.** The Commercial Division will develop a land acquisition program development guide for city agencies that will help reduce legal exposure related to land acquisition by those agencies.

**INITIATIVE 5.3.** The Commercial Division will develop a District Condemnation Handbook and a Tax Foreclosure Handbook to help city agencies properly address these governmental activities in an efficient and cost-saving manner.

**KEY PERFORMANCE INDICATORS: Commercial Division**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
% of Economic Development Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days.	N/A	N/A	N/A	90	91	92
% of Legal sufficiency reviews performed by Land and Public Works Section timely completed.	N/A	N/A	N/A	90	91	92
% of Real Estate Transactions Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days.	N/A	N/A	N/A	90	91	92
% of litigation success by the Tax and Finance Section.	N/A	N/A	N/A	90	92	94

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
% of litigation success by the Land Acquisition and Bankruptcy Section, with respect to: <ul style="list-style-type: none"> <li>a. Takings authority</li> <li>b. Just compensation</li> <li>c. Quieting title on vacant properties.</li> <li>d. Developer enforcement actions to regain title to vacant properties.</li> <li>e. Bankruptcy adversary proceedings in which District funds are at stake.</li> </ul>	N/A	N/A	N/A	90	92	94
% of Procurement Section non-emergency procurement reviews completed within 60 days. <ul style="list-style-type: none"> <li>a. Complex contract reviews completed on time.</li> <li>b. % of emergency matters completed within 14 days.</li> <li>c. % of bid protests with outcomes that did not adversely affect District programs.</li> </ul>				90	91	92

***Family Services Division (FSD)***

**OBJECTIVE: To provide court supervision and protection to children in abused or neglected homes or to persons with mental retardation.**

**INITIATIVE 6.1:** Reorganize the Child Protection Sections to improve compliance with permanency planning timelines required under the Adoption and Safe Families Act in order to more timely move children to permanency.

**INITIATIVE 6.2:** During FY 2010, FSD will provide additional training in permanency planning to all AAGs in Child Protection Sections to support INITIATIVE 6.1

**KEY PERFORMANCE INDICATORS: Family Services Division**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
% of favorable resolution in all cases which reach adjudication in the division.	97	N/A	N/A	90	90	90
Successfully resolved civil contempt motion handled by the Domestic Violence Section per FTE.	N/A	N/A	N/A	90%	90%	90%
Number of children provided first permanency planning hearing through the efforts of the Child Protection Section prior to the child having been in foster care 16 of the previous 22 months.	N/A	N/A		90%	91%	92%
% of cases filed for termination of parental rights by the Child Protection Section within 60 days of identification of an appropriate adoptive parent				75%	80%	80%

*Office of the Solicitor General (OSG)*

**OBJECTIVE: To provide affirmative and defensive appellate litigation services to the District of Columbia government so that its legal rights are protected and enforced.**



**INITIATIVE 7.1:** During FY 2010, the OSG will partner with private law firms to train and use at least two new attorneys to be paid for by private contributions to the District government.

**INITIATIVE 7.2:** During FY 2010, the OSG will make more use of the processes in the appellate courts for summary disposition of simple appeals.

**INITIATIVE 7.3:** OSG will participate in the electronic filing (e-filing) program at the United States Court of Appeals for the District of Columbia Circuit, making filing simpler and court records more accessible to interested members of the public.

**KEY PERFORMANCE INDICATORS: Office of the Solicitor General**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Projection</b>	<b>FY 2011 Projection</b>	<b>FY 2012 Projection</b>
<b>OBJECTIVE</b>						
% of favorable resolution in defensive appeals cases.	N/A	N/A	N/A	90%	91%	92%
% of regular calendar arguments in which a moot court was held.	N/A	N/A	N/A	95%	95%	95%
Motions for summary disposition filed per FTE.	N/A	N/A	N/A	2	2	2

*Legal Counsel Division (LCD)*

**OBJECTIVE 8:** To provide legal guidance, counseling and legal sufficiency certification services to the government of the District of Columbia and its employees so they can legally

**and efficiently accomplish the government’s mission while minimizing the risk of adverse legal consequences.**

**INITIATIVE 8.1.:** During FY 2010, LCD will partner with the Mayor’s Office of Policy and Legislative Affairs (“OPLA”) so to stay abreast of all proposed rulemakings to ensure that these rulemakings are legal and appropriate for their purposes. .

**INITIATIVE 8.2:** Work with the Executive Office of the Mayor to identify all agencies’ short-, mid-, and long-term legislative and regulatory agendas for 2010 and to provide early and ongoing legal assistance as these agendas are developed through the fiscal year.

**OBJECTIVE 9: To provide direct legal assistance in the litigation of high-profile lawsuits where LCD has unique expertise and can make a substantial contribution to achieving a successful outcome for the District of Columbia and its citizens.**

**INITIATIVE 9.1:** During FY 2010, LCD will handle a select number of high-profile appeals for the Office of the Solicitor General, and partner with the Civil Litigation Division, in the handling of high-profile lawsuits in the local courts.

**OBJECTIVE 10: Provide legal advice to the Advisory Neighborhood Commissions (“ANCs”) whenever a Commission or Commissioner requests such assistance relating to official actions.**

**INITIATIVE 10.1:** During FY 2010, LCD will respond orally or in writing, as appropriate, to all requests for legal advice received from the ANCs or the Executive Director of the Office of the ANCs.

**OBJECTIVE 11: To provide grant funding to the D.C. Bar Foundation, as authorized by OAG’s annual appropriations act, so that the Foundation may carry out two important programs for the District’s citizens: sub-grants to non-profit organizations that provide legal services to the poor and under-served; and the poverty lawyer loan assistance repayment program, which repays law school-related loans of lawyers who successfully complete a period of legal service to the poor and under-served.**

**INITIATIVE 11.1:** During FY 2010, LCD will collaborate with the Mayor’s Office of Partnerships and Grant Services to: negotiate, write, and carry out the grant agreement with the D.C. Bar Foundation for both the legal services sub-grants and the poverty lawyer loan assistance repayment program; monitor the Foundation’s implementation of the grant agreement; and oversee the auditing of the Foundation’s expenditure of funds under the grant agreement for Fiscal Year 2008.

**KEY PERFORMANCE INDICATORS: Legal Counsel Division**

<b>Performance Measure</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Target</b>	<b>FY09 YTD</b>	<b>FY 2010 Target</b>	<b>FY 2011 Target</b>	<b>FY 2012 Target</b>
<b>OBJECTIVE</b>						
# of rulemaking projects completed for client agencies.	N/A	30	37	40	42	44
% written assignments completed by deadline given by client agency, or 30 days if no deadline given.	99.4	95%	98.5%	95%	95%	95%
# of written assignments completed	1,693	1,500	1,295	1,500	1,500	1,500
# completed written assignment per FTE.	N/A	N/A	170	200	200	200
# of the most complex, novel or high-profile legal matters handled	N/A	N/A	114	150	150	150
# of high-profile lawsuits directly assisted	N/A	N/A	13	15	15	15
# of written opinions issued to ANCs	19	N/A	13	20	20	20

*Personnel, Labor and Employment Division (PLED)*

**OBJECTIVE: Attract, retain and develop highly qualified and productive workforce that supports optimum labor-management relations.**

**INITIATIVE 9.1** Within the next nine months, OAG will devote additional attention and resources to its internship program and workplace policies that increase quality of life and productivity. OAG will also enhance its pro-bono partnerships with local top law firms. To foster retention of its staff, during that time period OAG will further develop its comprehensive professional development program for its entire staff and create greater opportunities for growth and mobility.

**INITIATIVE 9.2:** During the fiscal year, OAG will establish and implement new performance measures for its position classifications so that job duties are clearly understood and productivity is maximized.

**INITIATIVE 9.3:** During FY 2010, PLED will assist District of Columbia agencies in maintaining efficient and productive workforces by zealously defending their personnel matters and personnel actions.

**KEY PERFORMANCE INDICATORS: Personnel, Labor and Employment Division**

Performance Measure	FY 2008 Actual	FY 2009 Target	FY09 YTD	FY 2010 Projection	FY 2011 Projection	FY 2012 Projection
<b>OBJECTIVE</b>						
# of attorneys who left the agency.	N/A	N/A	32	50	45	42
# of interns assisting attorneys and staff on an annual basis.	N/A	N/A	N/A			
# of in-house training hours taken per legal FTE.	N/A	N/A	N/A			

*Agency Management Division (SSD)*

**OBJECTIVE: To provide policy direction and support services to the remainder of the Office of the Attorney General so they can provide consistent comprehensive legal services to the District of Columbia government, its agencies and employees.**

**STANDARD CITYWIDE OPERATIONAL MEASURES**

<b>Measure</b>	<b>FY09 YTD</b>
<b>Contracts</b>	
<b>KPI:</b> % of sole-source contracts	
<b>KPI:</b> Average time from requisition to purchase order for small (under \$100K) purchases	
<b>KPI:</b> # of ratifications	
<b>KPI:</b> % of invoices processed in 30 days or less	
<b>Customer Service</b>	
<b>KPI:</b> OUC customer service score	
<b>Finance</b>	
<b>KPI:</b> Variance between agency budget estimate and actual spending	
<b>KPI:</b> Overtime as percent of salary pay	
<b>KPI:</b> Travel/Conference spending per employee	
<b>KPI:</b> Operating expenditures "per capita" (adjusted: per client, per resident)	
<b>People</b>	
<b>KPI:</b> Ratio of non-supervisory staff to supervisory staff	
<b>KPI:</b> Vacancy Rate Total for Agency	
<b>KPI:</b> Admin leave and sick leave hours as percent of total hours worked	
<b>KPI:</b> Employee turnover rate	
<b>KPI:</b> % of workforce eligible to retire or will be within 2 years	
<b>KPI:</b> Average evaluation score for staff	
<b>KPI:</b> Operational support employees are percent of total employees	
<b>Property</b>	
<b>KPI:</b> Square feet of office space occupied per employee	
<b>Risk</b>	
<b>KPI:</b> # of worker comp and disability claims per 100 employees	