



FY2011 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

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

AGENCY WORKLOAD MEASURES

Measure	FY 2009 Actual	FY 2010 Actual
Number of Civil litigation cases closed	Not Available	Not Available
Number of child support orders established	2627	Not Available



Child Support Services Division

SUMMARY OF SERVICES

To provide Child Support Services to citizens of the District to enhance the lives of all District children.

OBJECTIVE 1: Provide child support enforcement services for children so that they can receive the financial and medical support required by law from their parents.

INITIATIVE 1.1: Increase Arrears Collection.

Develop and implement a process for professional license suspension for obligors with outstanding child support debt.

INITIATIVE 1.2: Expand Medical Coverage.

Develop and implement a streamlined process for medical support enforcement to ensure that all children in the child support caseload have medical coverage.

INITIATIVE 1.3: Increase Collections and Parental Participation.

CSSD will develop and implement an amnesty program to provide fathers and mothers the chance to come into our office and make payments with no risk of punishment.

PROPOSED KEY PERFORMANCE INDICATORS — Child Support Services Division

Measure	FY 2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
Paternity Establishment Percentage	85.00%	88%	Not Available	TBD	TBD	TBD
# of Child Support Orders Established / FTE	2,627	2,679	Not Available	TBD	TBD	TBD
# of non-custodial parents participating in employment services initiative.	129	150	121	175	200	225
# of parents newly registered to access their on-line payment histories.	660	850	562	1250	1,500	1,750



Civil Litigation Division

SUMMARY OF SERVICES

The Division defends the District of Columbia in civil actions brought in the Superior Court and the United States District Court. The Division also prosecutes enforcement actions and consumer protection cases on behalf of the citizens of the District.

OBJECTIVE 1: 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 1.1: Improve Document Management.

CLD will increase the number of cases where the CLD uses the document management database (“Concordance”) to increase organization, promote in depth discovery and tracking of case information during FY 2011.

INITIATIVE 1.2: Expand Consumer Protection Activities.

In FY 2011, CLD will expand consumer protection activities to include consumer assistance and investigation functions that were previously handled by DCRA. The result of these efforts will be reflected in increased collections by the Public Advocacy Section.

INITIATIVE 1.3: Expand Litigation Assistance.

In FY 2011, CLD will expand efforts to recruit pro bono attorneys for both affirmative and defensive litigation.

PROPOSED KEY PERFORMANCE INDICATORS — Civil Litigation Division

Measure	FY 2009 Actual	FY2010 Target	FY 2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
# of Civil Litigation Closed Cases	298	300	199	305	312	316
\$ Collected by the Civil Enforcement Section per Attorney FTE	\$532,000	\$540,000	\$94,779	TBD	TBD	TBD
\$ Collected by the Public Advocacy Section excluding Tobacco Settlement	\$2,642,120	\$2,700,000	\$1,552,161	TBD	TBD	TBD
# of Closed Cases in the Equity Sections	79	80	44	80	80	80



Commercial Division

SUMMARY OF SERVICES

The Division provides 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.

OBJECTIVE 1: 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 1.1: Develop a D.C. Bar Training

The Commercial Division will develop a training program in conjunction with the D.C. Bar to provide training to members of the Bar in the various practice areas of the Division. This training will provide the outside legal community, the District, and the courts a better understanding to all of how our various Sections interpret and administer the law.

INITIATIVE 1.2: Standardize Discovery Documents in Real Property Tax Appeal Cases

By September 30, 2011, the Commercial Division will standardize discovery documents and streamline informational exchanges with Superior Court Tax Division litigants in order to expedite the trial evaluation and preparation process in the over 400 tax assessment appeals filed annually. This initiative will be accomplished by:

- Drafting a standard set of interrogatories that are designed to establish uncontroverted facts;
- Eliminating unnecessary and redundant interrogatories;
- Targeting a standard set of documents to request from opposing parties;
- Emphasizing requests for documents as the principal means to establish the facts in real property assessment cases;
- De-emphasizing expert witness depositions as the principal means to defend real property tax assessment challenges;
- Depositing fact witnesses in each case where property income, expenses, and condition are key case issues;
- Dispatching discovery and scheduling depositions within thirty days of corresponding mediation sessions;
- Mandating electronic submission of opposing party settlement offers;
- Requesting electronic versions of all opposing party discovery;
- E-filing all pleadings with the Superior Court; and,
- Scanning and emailing all non-efile notices from and to the Superior Court.

INITIATIVE 1.3: Develop a Real Property Disposition Guide

The Commercial Division will develop a guide on the requirements for disposition of District-owned real property to include a summary of all District and federal laws



impacting the disposition of District owned real property as well as real property held under transfers of jurisdiction from the United States.

PROPOSED KEY PERFORMANCE INDICATORS — Commercial Division

Measure	FY 2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
% of Economic Development Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days.	Not Available	90 %	78%	91%	92%	93%
% of Legal sufficiency reviews performed by Land and Public Works Section timely completed.	Not Available	90%	72%	91%	92%	93%
% of Real Estate Transactions Section transactional documents prepared and/or reviewed for legal sufficiency within 60 days.	Not Available	90%	97%	91%	92%	93%
# of litigation success by the Tax and Finance Section per FTE	Not Available	10	15.5	15	15	15
% of litigation success by the Land Acquisition and Bankruptcy Section. ¹	Not Available	90%	92%	92%	94%	96%
% of Procurement Section non-emergency procurement reviews completed within 60 days. ²	Not Available	90%	76%	91%	92%	93%

¹ With respect to: a. Takings authority; b. Just compensation; c. Quieting title on vacant properties; d. Developer enforcement actions to regain title to vacant properties, and; e. Bankruptcy adversary proceedings in which District funds are at stake.

² That is: a. Complex contract reviews completed on time; b. %of emergency matters completed within 14 days, and; c % of bid protests with outcomes that did not adversely affect District programs.



Family Services Division

SUMMARY OF SERVICES

The Division provides litigation services to the District of Columbia which results in court supervision and protection to children in abused or neglected homes or to persons with mental retardation.

OBJECTIVE 1: Provide court supervision and protection to children in abused or neglected homes or to persons with mental retardation.

INITIATIVE 1.1: Increase Case Monitoring to Improve Permanency Outcomes.

Section Chiefs will review cases due for first permanency hearing to ensure timely scheduling of hearing and to ensure appropriate issues related to permanency are addressed at hearing (e.g., whether compelling reasons exist regarding filing of motions to terminate parental rights.) To accomplish this initiative the Deputy or Assistant Deputy provides a list of cases to the Section Chiefs each month that they review. This includes the cases for all families that are due for the first permanency hearing. This initiative was intended to be a mechanism for reviewing the quality of the work of the AAGs.

Therefore, when one AAG has more than one case due for permanency in a month, only one of those cases is reviewed. The purpose is to ensure that AAGs are doing all that is legally necessary to move cases more timely to permanency.

INITIATIVE 1.2: Provide Permanency Planning Training.

During FY 2011, the FSD will coordinate with the Child and Family Services Agency to provide interdisciplinary training to social workers and attorneys to support the agencies in improving collaboration and teaming in their work to support safety, permanency, and well-being for children served by CFSA. The Division has an AAG, who was hired from the AAB Center on Children and the Law, who has a reduced case load and will begin working on training issues. This year, the Division will begin presentation of a daylong inter-disciplinary training between CFSA and OAG on permanency. The training will address legal and clinical issues in permanency planning in a daylong training. Our new staff person will work with CFSA beginning in the fall to develop even more interdisciplinary training sessions to improve our interdisciplinary practice.

INITIATIVE 1.3: Provide Representation to Victims of Stalking.

Each quarter FSD will offer legal representation to at least 75% of all cases screened for OAG representation involving stalking victims. This initiative will help effectuate the city's newly enacted stalking law by ensuring that intake staff specifically flag stalking cases for attorney attention.



PROPOSED KEY PERFORMANCE INDICATORS — Family Services Division

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
% of favorable resolution in all cases which reach adjudication in the division.	97.00%	90%	98.67%	95%	97%	98%
% 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.	Not Available	90	87.59%	91%	92%	93%
% of cases filed for termination of parental rights by the Child Protection Section within 60 days of identification of an appropriate adoptive parent.	Not Available	75%	87.76%	85%	87%	89%
Successfully resolved civil contempt motion handled by the Domestic Violence Section per FTE.	Not available	15	5.6	15	15	15

Health and Human Services Division

SUMMARY OF SERVICES

The Division interacts with agencies by providing qualified attorneys for the agency general counsel staff.

OBJECTIVE 1: Provide quality legal representation and advice to its client agencies that supports each agency’s mission to deliver statutorily mandated social services to residents.

INITIATIVE 1.1: Resolution of Mental Health Cases.

Attorneys will meet with treatment team members five days before a Commission hearing and thirty days before a trial to formulate a written strategic plan designed to achieve a successful resolution of the case.

PROPOSED KEY PERFORMANCE INDICATORS- Health and Human Services Division

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
Successful Resolution of Mental Health cases per FTE.	Not Available	15.00	29.8	20	25	27
% of written responses to requests for legal advice completed within two weeks for emergency requests or 90 days for non-emergency requests.	97%	98%	98%	97%	97%	97%



% of successfully resolved litigation in the Mental Health Section	97	97	94%	98%	98%	98%
--	----	----	-----	-----	-----	-----

Legal Counsel Division

SUMMARY OF SERVICES

The Legal Counsel Division (LCD) provides legal research and advice as well as drafting of statutes and regulations for the EOM and the agencies.

OBJECTIVE 1: 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 1.1: Modernize Rulemaking Process.

During FY 2011, LCD will partner with the Office of Documents and Administrative Issuance to provide legal and operational advice to assist them in their ongoing modernization of the District’s rulemaking promulgation process and the District’s rulemaking publication and updating process.

INITIATIVE 1.2: Monitor Council-led Legislation.

During FY 2011, LCD will work with the Executive Office of the Mayor to identify bills introduced by Council members that raise significant legal problems so that the problems can be corrected during the legislative process.

OBJECTIVE 2: 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 2.1: Advise Agencies with High-profile Lawsuits

During FY 2011, LCD will partner with the Office of the Solicitor General and the Civil Litigation Division and provide legal advice for handling high-profile lawsuits in the local courts.

PROPOSED KEY PERFORMANCE INDICATORS — Legal Counsel Division

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
# of rulemaking projects completed for client agencies.	37	40	28	42	44	46
% written assignments completed by deadline given by client agency, or 30 days if no	95%	95%	98%	98%	98%	98%



deadline given.						
# completed written assignment per FTE.	170	200	60.43	200	200	200
# of high-profile lawsuits directly assisted	13	15	17	15	15	15
# of written opinions issued to ANCs	13	20	11	20	20	20

Office of the Solicitor General

SUMMARY OF SERVICES

The OSG provides affirmative and defensive appellate litigation services to the District of Columbia government.

OBJECTIVE 1: To provide affirmative and defensive appellate litigation services to the District of Columbia government so that its legal rights are protected and enforced.

INITIATIVE 1.1: Videotape moot courts.

Every Assistant Attorney General will videotape and review at least two of his or her moot courts per year.

INITIATIVE 1.2: Staff moot courts.

During FY 2011, every Assistant Attorney General will act as a moot court judge at least four times per year. This requirement will serve multiple purposes. First, it will ensure that those who need moot courts to prepare for their arguments will have sufficient moot court judges. Second, it will ensure that the workload of preparing to be a moot court judge is distributed fairly among all OSG attorneys. Third, it will ensure that attorneys are regularly reminded of how judges approach cases going into argument, which is critical to keep for all OSG attorneys to keep in mind.

INITIATIVE 1.3: Conduct seminars on critical appellate practices or issues.

During FY 2011, the Office of the Solicitor General will conduct at least two seminars per year focusing on critical appellate practices or issues. There are many different techniques and approaches for appellate litigation, and seminars will allow highly experienced appellate attorneys to share their own approaches and discuss others. Also, seminars may be helpful when important new appellate decisions issue. Having seminars thus will improve each OSG attorney's craft, and thus OSG's performance in the courts.



PROPOSED KEY PERFORMANCE INDICATORS — Office of the Solicitor General

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
Motions for summary disposition filed per FTE	Not Available	2	1.24	2	2	2
% of favorable resolution in defensive appeals cases.	Not Available	90%	92%	91%	92%	93%
% of regular calendar arguments in which a moot court was held.	Not Available	95.00%	100%	95%	95%	95%

Personnel, Labor, and Employment Division

SUMMARY OF SERVICES

The Division develops policy to attract, retain and develop highly qualified and productive workforce. The Division provides human resource services to the employees of OAG. The Division handled administrative agency contested personnel actions for the District.

OBJECTIVE 1: Attract, retain and develop highly qualified and productive workforce that supports optimum labor-management relations.

INITIATIVE 1.1: Expand Internship and Professional Development Opportunities.

During FY 2010, the PLED will enlarge its pro bono and internship programs to sustain productivity and quality of life. OAG will establish new pro bono partnerships with local top law firms, colleges and universities. To foster retention of its staff, OAG will enhance our comprehensive professional development program and its convenience to staff by offering online or electronic instruction.

INITIATIVE 1.2: Defend Personnel Actions.

During FY 2011, PLED will assist District of Columbia agencies in maintaining efficient and productive workforces.

INITIATIVE 1.3 Implement an Employee Recognition Program.

During FY 2011, PLED will design and implement a new employment recognition program that does not depend on financial resources to boost morale and maintain high productivity.



PROPOSED KEY PERFORMANCE INDICATORS — Personnel, Labor and Employment Division

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY 2013 Projection
# of attorneys who left the agency. ³	35	50	18	45	42	40
# of interns assisting attorneys and staff on an annual basis	Not Available	200	Not Available	200	200	200
# of in-house training hours taken per legal FTE	Not Available	12	Not Available	12	12	12

Public Safety Division

SUMMARY OF SERVICES

The Public Safety Division (PSD) prosecutes juveniles charged with law violations. The Division is also responsible for the prosecution of misdemeanor criminal charges within the jurisdiction of the Office of the Attorney General. The Division also protects neighborhoods by prosecution of nuisance property offenses, and assists victims of crimes through the Neighborhood and Victims Services Section.

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: Expand Pre-Arrest Mediation Program:

By January, 2011, the Public Safety Division will be fully coordinated with the MPD pre-arrest mediation program. Currently MPD selects all juveniles placed in the program. The OAG will expand the program to include juveniles presented with pre-petition custody orders (PPCOs), as selected by OAG. This is an effort to reduce the number of juvenile offenders charged with delinquency offenses. OAG will identify and refer low level (pre-petition custody order, or PPCO) juvenile offenders to the MPD Pre-Arrest Mediation Program. Thus, juvenile offenders will avoid adjudication while remaining eligible to receive the necessary services to prevent further court involvement. A law enforcement officer will present the office with a PPCO. Thereafter, the office will review the facts

³ A low turnover rate is a measure of job satisfaction and retention of our most qualified personnel.



and circumstances of the case, the willingness of the victim to proceed with diversion as well as the respondent's social factors (if known) in order to determine if this case is appropriate for diversion. Thereafter, if the case is appropriate for diversion the office will refer the officer to MPD's diversion program.

INITIATIVE 1.2: Prosecute 30 Drug and Prostitution Nuisance Cases

PSD will continue prosecuting drug and prostitution nuisance prosecutions to abate such matters with a specific focus on an increase in receipt of funds for the Drug and Prostitution Nuisance Abatement Fund or voluntary waiver of receipt of proceeds from illegal drug activity. In doing so, PSD will work closely with the Metropolitan Police Department and other law enforcement officials to investigate cases, abate drug nuisances outside of court intervention, seek fines for repeat offenders, recalcitrant and/or neglectful property owners or tenants and work with property owners and their lawyers to successfully remove problematic drug nuisance tenants from properties. These prosecutions serve as a deterrent in combating crime but also to deter individuals who contribute to or maintain drug or prostitution nuisances from continuing to repeat such activity. The prosecutions will affect our performance goals and the PSD will be able to continue promoting public health and safety within the community but also hold accountable individuals who break the law or contribute to community blight, which is the focus of the Public Safety Division. The goal is to prosecute/abate 30 drug and prostitution nuisance cases and seek fines in 10 cases by September 30, 2011, however the initiative is ongoing.

PROPOSED KEY PERFORMANCE INDICATORS — Public Safety Division

Measure	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
# of Nuisance Property Prosecutions	30	36	10	37	38	39
Juveniles referred for rehabilitation	90%	91%	90%	91%	92%	93%
Successful Criminal Cases per FTE	Not Available	30	26.36	30	30	30