



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

MEMORANDUM

DATE: June 17, 2013

TO: David Schumacher, Director
Office of Financial Management

FROM: Bob Ferguson, Attorney General

SUBJECT: Response to your contingency planning request

Thank you for your efforts regarding contingency planning in the event that the legislature does not reach agreement on a budget and approve appropriations by June 30, 2013. Our office will continue our best efforts to assist your office and all state agencies in providing the legal advice needed to prepare for this possibility.

We are also preparing our internal agency contingency plan. In response to your request for an identification of activities that our office may be authorized to conduct in the absence of appropriation, we have identified the following areas of activities outlined below that represent our best information at this time.

As you know, our office provides legal support services to all state agencies. As such, the final assessment of what essential legal services will be needed to support activities in each of the identified categories below is dependent on additional information from our client agencies. We are working diligently with our clients to gather this information. The final definition of essential legal services for these activities will be narrow.

1. Services funded by appropriation in the enacted transportation budget.

Attorneys and professional staff in our Transportation and Public Construction division, Licensing and Administrative Law division, Government Compliance and Enforcement division, Labor and Personnel division, and other divisions provide legal support for Department of Transportation, Department of Licensing, Washington State Patrol, and other agencies' activities that are funded in ESSB 5028.

As we receive more information from our client agencies, we will be better able to assess what our minimal staffing needs will be to meet the essential legal needs of these activities.



ATTORNEY GENERAL OF WASHINGTON

June 17, 2013

Page 2

2. Services that are funded from non-appropriated funds.

The Attorney General's Office is supported by three non-appropriated funds: 1) the Mobile Home Dispute Resolution Fund, 2) the Foreclosure Fairness Fund, and 3) the Antitrust Revolving Account. Approximately 13 FTEs in our agency perform the work funded by these accounts.

The Attorney General's Office also provides legal services to support our client agencies operating from non-appropriated funds such as the Department of Enterprise Services. We are working with our client agencies to identify the essential legal services that will be needed to support these activities. Again, the definition of essential legal services will be narrow, and we will identify the minimal number of staff needed.

3. Services to continue based on certain constitutional obligations and federal mandates.

Our office provides legal support services to all state agencies. As we work with our client agencies to identify which activities are mandated by the constitution or federal law, our office will assess if any legal services are essential to the continuance of those activities. As noted above, the definition of essential legal services for these activities will be narrow; however, we cannot yet specify the minimal number of attorneys and support staff that will be needed to perform these essential functions.

4. Services necessary for the immediate response to issues of public safety or to avoid catastrophic loss of state property.

Our office's Social and Health Services division supports the Department of Social and Health Services with emergency hearings for children and vulnerable adults who are at serious threat of substantial harm. To conduct this work, we expect we will need approximately 38 attorneys and 17 professional support staff.

In addition, we are working with our client agencies to identify which client activities fall into Category 4, and we will assess if any legal services are essential to the continuance of those activities. Recognizing the narrow scope of category 4, we will plan for a corresponding conservative level of legal support.

As we receive more information from our client agencies, we will continue to refine our plans. Please do not hesitate to contact me if you have any questions and thank you again for your efforts.

RWF/jg