Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 28, 2013

Title
AOC Restructuring: Judicial Council Liaisons' Review of the Legal Services Office and Recommendations

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Edith Matthai, Member
Judicial Council

Agenda Item Type
Action Required

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June 28, 2013

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Executive Summary

In response to directives of the Judicial Council arising from the Strategic Evaluation Committee's final report, as Judicial Council Liaisons for the Administrative Office of the Courts (AOC), Legal Services Office (LSO), Justice Douglas Miller and Edith Matthai are proposing recommendations relating to:

- LSO organizational structure and services;
- The role of the Chief Counsel;
- Attorney services provided by the AOC outside of LSO;
- The use of outside counsel by LSO;
- LSO attorney staff housed in AOC field offices; and
- The use of a paralegal classification in LSO.

Recommendation

At the February 2013 council meeting, the Legal Services Office (LSO) liaisons were requested by the council to take the lead on reviewing the cost-effectiveness of LSO's current use of outside counsel in response to Judicial Council directive 122.

While addressing this request, it became evident that there were additional LSO-related restructuring directives that were appropriate for inclusion in the liaisons' review and would enable a more comprehensive evaluation. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons' review was expanded to include: defining the role of the Chief Counsel; evaluating the need for utilization of a paralegal classification; analyzing the use of LSO attorney staff in AOC field offices; and analyzing the current LSO organizational structure, LSO services, and attorney services provided by the AOC outside of LSO.

The LSO liaisons acknowledge that implementation of Judicial Council directives is the responsibility of the Administrative Director of the Courts. However, based on our review, we encourage the Administrative Director to implement the following recommendations with the concurrence of the council.

It is recognized that modifications may be needed once these recommendations are implemented. It is therefore recommended that the Administrative Director return to the council 12 to 18 months after implementation with a post-implementation evaluation.

The following LSO liaisons' recommendations are described more fully in the "Rationale for Recommendations" section of this report.[1]

We recommend that the Judicial Council endorse the following recommendations to the Administrative Director, and direct him to report back to the council on implementation by March 31, 2014.

1. LSO should be restructured with a management team comprising a Chief Counsel and three managing attorneys over three distinct service areas to ensure continued focus on serving the varied and diverse needs of LSO's clients, which include the appellate and trial courts, the Chief Justice, and the Judicial Council and its administrative agency, the AOC.
2. LSO should implement a formal structure to solicit client feedback on a regular basis.
3. The role of the Chief Counsel and its expectations and areas of responsibility should be clearly defined to reflect the new organizational structure.

[1] For each of the recommendations that address a council AOC Restructuring directive, the "Rationale for Recommendation" section contains the specific council directive language.

4. The use of outside counsel is appropriate for specialized areas of law and litigation. The protocols for LSO's use of outside counsel should be strengthened to ensure that outside counsel is used in the most cost-effective manner.
5. The AOC should continue to support the existing practice of permitting attorney resources to reside in AOC field offices provided there is proper oversight and accountability.
6. All staff outside of LSO providing legal advice or legal-related services that require a law degree should establish a dual reporting relationship to LSO and their current office.
7. Given the recent retirement announcement by the current Chief Counsel, it is recommended that the successor Chief Counsel be afforded the opportunity to implement the restructuring and the formation of the management team under the supervision of the Chief of Staff.

Previous Council Action

In February of 2012, Chief Justice Tani G. Cantil-Sakauye created the Judicial Council Liaison Program where Judicial Council members are assigned as liaisons to each of the state's 58 trial courts as well as to each of the offices of the AOC. The Chief Justice assigned the liaisons as a means to further the council's efforts to increase communication and transparency and promote accountability. This program provides an opportunity for council members to familiarize themselves with how the AOC supports and implements council policy.

Justice Douglas Miller and Edith Matthai were assigned as liaisons to the LSO. Coupled with the liaisons' regular review responsibilities, at the February 2013 council meeting, the council requested that Justice Miller and Edith Matthai take the lead on directive 122 (review of the use of outside counsel). During this review it became evident that there were additional LSO-related directives that were appropriate for inclusion in this review and that these directives impacted LSO's current organizational structure. Consequently, in addition to reviewing the cost-effectiveness of the use of outside counsel, the liaisons broadened their review.

In conducting this review the council liaisons prepared the recommendations referenced above with the tenets of accountability, clear lines of authority, timeliness of service, and client service as underlying considerations.

Rationale for Recommendation

Legal Services Office Restructuring

Judicial Council AOC Restructuring Directive 107

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(a) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.

SEC Recommendation 7-72(a)

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(a) In addition to the General Counsel, there are nine management level attorney positions in the Legal Services Office, including the Assistant General Counsel, three Managing Attorneys, and five Supervising Attorneys. This is an excessive number of management positions, which should be reduced. The position of Assistant General Counsel could be eliminated. One managing attorney could be assigned to manage each of the two major functional components of the division, house counsel, and Judicial Council services, with each managing attorney reporting directly to the Chief Counsel.

Since the report of the Strategic Evaluation Committee was released in May of 2012, the LSO workforce has been dramatically reduced. Staffing reductions attributable to retirements, the AOC's Voluntary Separation Incentive Program, attrition, and the elimination of temporary staff have reduced LSO staffing from the 75 positions referenced in the SEC recommendation 7-72(a) to a workforce of 50.1 positions as of May 31, 2013. LSO attorney staffing has been reduced from 50 attorneys to the current number of 37 attorneys exclusive of the Chief Counsel. Finally, the LSO management team currently totals eight positions from the nine noted in SEC recommendation 7-72(a).[2] This includes the Assistant Chief Counsel, two managing attorneys, and five supervising attorneys.

The LSO staff provides a variety of services that had historically been provided by the counties prior to state trial court funding and reflects the varying and expanded needs of judicial branch entities in today's environment. Prior to trial court funding, LSO comprised a small group of attorney staff primarily responsible for drafting council rules of court and forms and legislation, providing legal opinions to the council and the Administrative Director, and staffing council advisory committees and other similar bodies. Following trial court funding, the role of LSO expanded to provide legal services to the superior courts that had previously been provided by county counsels' offices. The council also approved the creation of a Litigation Management Program in 1999, adopting rules of court assigning the responsibility to LSO for the management of all claims and litigation against the courts. The LSO's areas of responsibility continued to expand; LSO began providing trial courts with legal opinions on judicial administration issues, and labor and employment legal services began with the enactment of the Trial Court Employment Protection and Governance Act of 2000, followed by establishment of a unit to provide transactional and business-related advice and services. After passage of the Trial Court Facilities Act of 2002, the LSO Real Estate Unit was established to provide the facilities-related

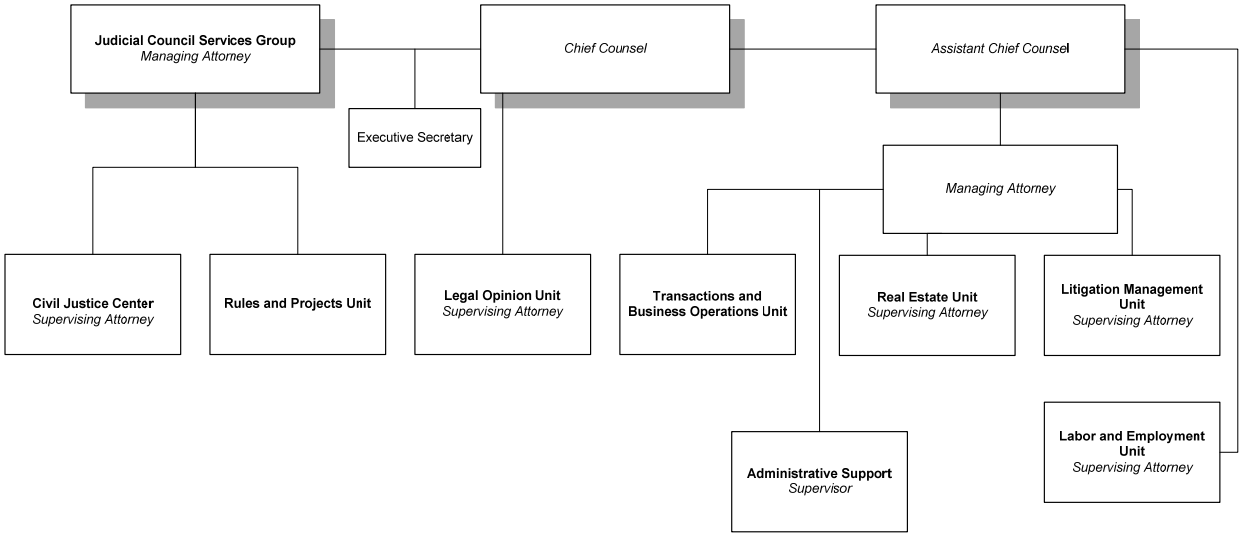
[2] Since the SEC report was issued, the LSO management team has been reduced due to a retirement and will be further reduced with the retirement of the Assistant Chief Counsel on June 28, 2013, and the departure of two staff attorneys in the summer of 2013.

legal work resulting from this legislation. Finally, LSO attorney positions were established in the field offices to better facilitate the provision of legal services to the superior courts.

Today LSO provides legal services in two primary areas: (1) services provided to the council, to the Chief Justice as chair of the council, and to the Administrative Director and AOC as the administrative arm of the council; and (2) services provided to the appellate and trial courts.

As indicated in Figure 1 below, LSO is currently structured to provide services in these two areas. As its name implies, the Judicial Council Services group provides legal counsel and services to the council and its internal committees, advisory committees, and task forces and is led by a managing attorney who reports to the Chief Counsel. The remaining LSO organization provides legal counsel and services to the appellate and trial courts, the Judicial Council, and the AOC in a number of areas such as labor and employment, litigation management, legal opinions,[3] real estate, and transactions and business operations.

Figure 1: Current LSO Organizational Structure



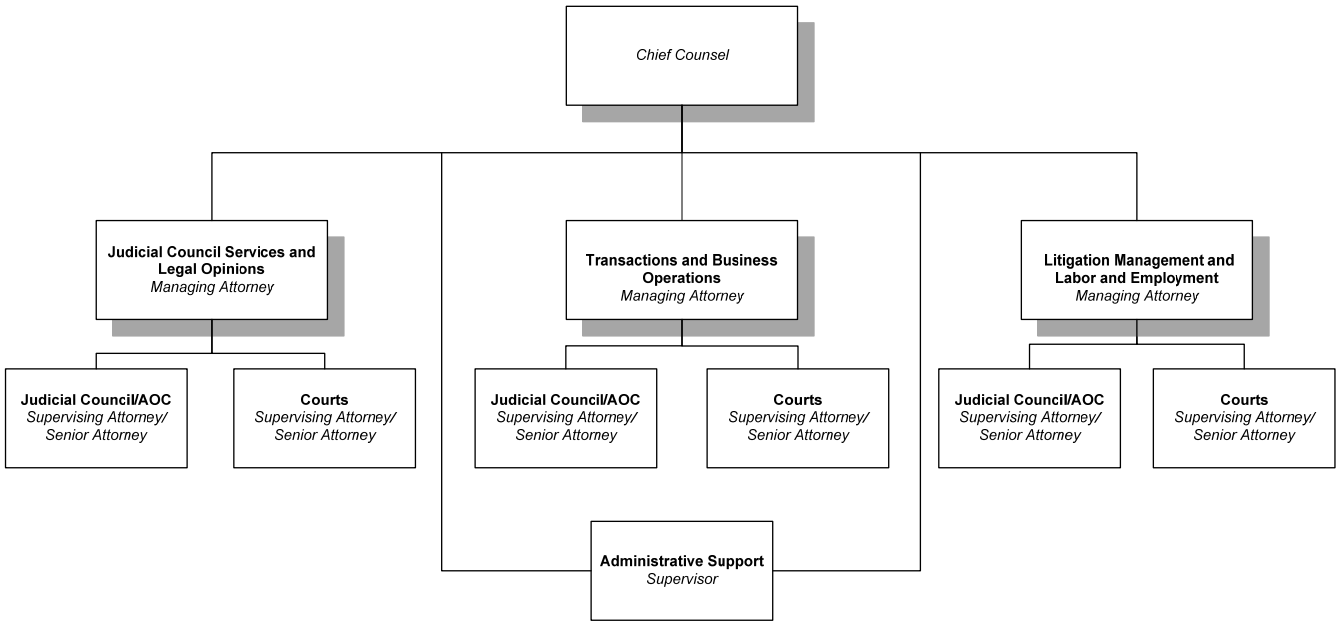
Given the current staffing levels of the LSO workforce and the critical nature of the legal services provided by LSO, we believe that a 10-member LSO attorney management team is appropriate for this office. However, to ensure accountability and clear lines of authority for the varied legal services provided by LSO, it is recommended that the LSO should be restructured to create a new executive leadership team comprising the Chief Counsel and three managing attorneys who lead three distinct areas of service (see Figure 2 below). Additionally, in accordance with council directive 107, we recommend that the position of Assistant Chief Counsel be reclassified as a managing attorney position. It is also recommended that one of the

[3] LSO provides courts with legal opinions on judicial administration issues but does not provide a research attorney function to assist courts on pending cases.

managing attorney positions be classified as a senior managing attorney to provide backup and support as second in command to the Chief Counsel. It appears appropriate that the managing attorney leading Judicial Council Services and Legal Opinions would be the best position for second in command.

The new structure provides a three-to-one reporting structure under the Chief Counsel and shifts the responsibility for regular day-to-day management workload from the Chief Counsel to the managing attorneys. This shift of direct responsibility for LSO daily activities is an acknowledgement that the Chief Counsel should be involved in providing legal input and expertise to the most critical legal issues for the branch versus being immersed in routine LSO workload. This structure will require continuous communication between the Chief Counsel and the three managing attorneys to ensure that no silos develop in the office. Similar to partners in a law firm, the Chief Counsel and the managing attorneys should meet regularly to share information and make decisions on projects, priorities, and resources that further the goals of the office as a whole.

Figure 2: Proposed LSO Organizational Structure



The three areas of services arising from the recommended restructuring are: Judicial Council Services and Legal Opinions (a merger of two formerly separate units), Transactions and Business Operations (incorporating Real Estate into the Transactions and Business Operations Unit), and Litigation Management and Labor and Employment (a merger of two formerly separate units). It is important to note that other than Judicial Council Services, all of the LSO units currently provide legal services for two client groups—the appellate and trial courts along with the Administrative Director and the AOC. The new units would continue to serve both client groups, with the responsibility of supervising attorneys divided between these client

groups. Each managing attorney would be responsible for providing satisfactory service to their clients.

The administration and monitoring of outside counsel would be the responsibility of the managing attorney for each respective area.

The designation of two positions (labeled "Supervising Attorney/Senior Attorney") under each of the subject matter areas is to ensure that there is client accountability for each area. There will need to be regular communication among these attorneys to avoid duplication of effort and inconsistency of work product. It was our belief that by establishing a clear line of accountability, the problems identified by the trial courts in the SEC report would be avoided or, if they did reoccur, would be more easily corrected.

It is intended that the Chief Counsel and the three managing attorneys hold overall management responsibility, with the supervising/senior attorneys charged with carrying out senior management's directives for the specific subject matter and client assignments. The level of experience and precise classification for these supervising/senior attorneys should be determined as a part of the internal restructuring and reviewed as a part of the classification and compensation study.

Role of Chief Counsel

> Judicial Council Restructuring Directive 115
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts, as part of the review of the AOC organizational structure, to review current responsibilities and clearly define the role of the Chief Counsel.*

By creating a team of three managing attorneys with assigned responsibilities over specific subject areas, the Chief Counsel should focus on ensuring that the structure in LSO is working well and that there is consistency and continuity among the three managing attorneys. The three managing attorneys must have the ability to work independently from and with the trust of the Chief Counsel to make decisions and manage the respective workload without direct involvement from the Chief Counsel. Again, the Chief Counsel's role should be oversight of LSO activities to allow for hands-on involvement only for cases and issues involving large, complex, and highly sensitive issues. The Chief Counsel must be flexible in meeting the needs of the Judicial Council, the Chief Justice, and the Administrative Director with a wide variety of legal responsibilities and is expected to consistently exercise a high degree of initiative, independence, originality, and judgment in performing all duties

The Chief Counsel serves as legal counsel to the chair of the Judicial Council (currently, the Chief Justice) and advises the Chief Justice on certain statutorily mandated functions. The Chief Counsel also manages staff responsible for the provision of legal support and staffing to some of the Judicial Council's internal committees and advisory committees and consults with, advises, and provides legal briefings and guidance for the council and its committees. The Chief Counsel

supervises the review and development of legal opinions on issues of statewide importance, the review of legislation and regulations, rulemaking adoption and modification, and the facilitation of review, filing, and publication of trial court local rules and procedural requirements. All of these activities should be accomplished through and with the managing attorneys.

The Chief Counsel consults with and advises the Administrative Director, AOC division chiefs, and office directors on the interpretation and analysis of law, court decisions, and rules and regulations affecting the functions of the AOC and on legal issues as they affect the planning, development, and review of overall programs and policies of the AOC.

Finally, as legal advisor and provider of legal services to the courts, the Chief Counsel manages staff and administers the Labor and Employment, Litigation Management, Transactions and Business Operations (including Real Estate), and Legal Opinions programs and services for the appellate and trial courts. Attachment A provides detailed information about the role of the Chief Counsel and the leadership over the LSO areas of service.

It is recommended that the Chief of Staff work with the Chief Counsel to assess the current level of resources expended for specific work products. This assessment should focus on ensuring that work products are being produced in the most efficient way and prioritized based on the issue at hand. The Chief Counsel and managing attorneys should continuously work together to identify efficient and effective ways to deliver these services.

> Judicial Council Restructuring Directive 120
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts that court users of legal services should be surveyed periodically to determine if such services are performed in a timely and satisfactory manner.*

To ensure the appropriate level of client service is provided, particularly in the area of legal opinions, it is recommended that a formal procedure be developed and implemented in LSO to solicit client feedback. As an example, once a legal opinion is provided to a court, it is recommended that LSO send a client satisfaction survey in a self-addressed stamped envelope or electronically to the respective court's presiding judge and court executive officer requesting feedback about the services provided. The information gained from this protocol would be shared with the Chief of Staff and will allow for continuous improvement in LSO.

AOC Attorney Services Outside of LSO

In their analysis of LSO legal services, the council liaisons identified attorney classification positions in offices other than LSO in the AOC. The existence of attorney positions in other AOC offices can be attributed to historical restructuring as the organization evolved. The majority of attorney resources outside of LSO reside in two offices—the Center for Judiciary Education and Research (CJER) and the Center for Children, Families & the Courts (CFCC). Additionally, there are a few attorney classifications housed in the Criminal Justice Court Services Office and the Office of Governmental Affairs (OGA).

A review of the information about the activities of attorney classifications outside of LSO compared to information about the services provided by LSO attorneys indicates that there are similar legal services rendered in multiple offices. These services include but are not limited to: legal support and services provided to advisory committees; the drafting of rules of court and forms; input and subject matter expertise on pending legislation; technical assistance; and legal research on specific case-type information. There are also attorney classifications participating in legal-related activities that are not currently offered in LSO. These include but are not limited to: the development of curriculum for judicial education; the creation and updating of judicial publications; legislative advocacy activities; and program and grant administration activities.

The concept of having attorney classifications providing legal advice and services outside of the purview of the Chief Counsel is concerning. Not only is there the potential for providing inconsistent legal advice and services to court clients, there are also liability issues for the organization in having attorney staff provide legal advice without the oversight of the Chief Counsel.

Given the current effort to ensure accountability for the AOC and the council's advisory committees and the AOC's renewed focus on providing consistent service to its customers, it is recommended that attorneys outside of LSO who provide legal advice or other services that require a license to practice law should have a dual reporting relationship: a dotted line reporting to the Chief Counsel and direct reporting to the current office director. The dual reporting relationship will ensure consistency of legal work and appropriate oversight by the LSO.

If there are attorney classifications that participate in legal-related activities for which a license to practice law is not required, it is recommended that these positions remain in their current organizational structure but be reclassified. For example, if it is determined that attorneys in OGA do not provide legal advice or require the use of a law license for their daily activities, then the AOC might consider reclassifying these positions as legislative specialists retaining the requirement for a law degree as a qualification for the position. This recommendation is forwarded to the Administrative Director to incorporate into the classification and compensation study process.

Use of Outside Counsel

Judicial Council Directive 122

E&P recommends that the Judicial Council direct the Administrative Director of the Courts to order an independent review of the Office of the General Counsel's use, selection, and management of outside legal counsel to determine whether outside counsel is being utilized in a cost effective manner. Before initiating the independent review, the Administrative Director of the Courts must provide a proposal with options for conducting the review, including the associated costs.

In response to this directive, the Administrative Director provided options for a review of the use of outside counsel by LSO in February 2013, and the council directed LSO council liaisons to review the use, selection, and management of outside legal counsel to determine whether outside counsel is being used in a cost-effective manner and to report back to the council on the results of this review for any further direction.

As background, LSO utilizes outside counsel for representing judicial branch entities and personnel under the council's Litigation Management Program, representing trial courts in labor arbitrations and complaint proceedings before the Public Employment Relations Board (PERB), providing legal services in specialized areas of practice in which LSO attorneys do not have requisite expertise, and providing court facilities–related legal services to augment LSO staff in the Real Estate Unit and in other areas requiring specialized skills and experience.

Based on our experience in the legal field and after conferring with colleagues, we conclude that the use of outside counsel is appropriate and in some cases mandated, providing valuable legal resources for the varying needs of LSO relating to specific subject areas or broad-based branch initiatives (i.e., courthouse transfers). Outside legal counsel provides LSO with sufficient flexibility to meet the changing needs of the branch in an efficient and cost-effective manner.

Once it was confirmed that there is a legitimate need to use outside counsel, it was determined that a full study of past expenses would be extraordinarily time consuming and would provide little benefit. Since the goal is to be certain that future expenditures are warranted, the recommendation is to place the responsibility for the retention and monitoring of outside counsel with the managing attorney in each area of practice. There should be written justification for the retention, and the managing attorney should be responsible for insuring that the hourly rates and time spent are reasonable. At the close of representation a short client feedback report should be obtained and the managing attorney should evaluate the service provided from LSO's perspective. An annual report on the use of outside counsel should be provided to the Judicial Council.

The following recommendations are proposed to assist LSO in reinforcing its existing protocols for utilizing outside counsel to ensure that outside counsel is monitored, supervised, and managed. These recommendations were also shared with the three members of the SEC that are currently council members for their review. We appreciate their input and specific suggestions relating to recommendations regarding the development of a means to conduct an examination of cost effectiveness of outside counsel and an annual report on outside counsel from the Administrative Director as indicated below.

It is recommended that LSO develop:

- A structure where each managing attorney is responsible for the approval and justification for utilizing outside counsel based on area of expertise needed or resource requirements.

- A means for conducting an examination of the cost-effectiveness of utilizing outside counsel versus potentially hiring attorney resources based on specific projects and the duration of legal assistance needed.
- A checklist that must be completed prior to initiating a contract with outside counsel to confirm that there are no internal LSO resources available for the subject matter area.
- A means of following up with the courts that receive services to gather their input on the services provided by outside counsel through an e-mail questionnaire or survey. This information would be used in tandem with input from the LSO attorneys assigned to the respective case to identify if the outside counsel should be used for future cases.
- A means of regularly (every 12 months) surveying the market to ensure that what is being charged is appropriate and the rates are appropriate.
- An annual report to the council from the Administrative Director on the use of all outside counsel and the monies spent to the Advisory Committee on Financial Accountability and Efficiency (A&E) for review and reporting to the council.

LSO Attorneys Located in Field Offices

> Judicial Council AOC Restructuring Directive 117
>
> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts to adopt an operations model whereby attorneys generally are housed at one location with flexibility to adjust as necessary to meet court needs regionally, including regional demand for additional attorney support and smaller courts that have fewer staff for research and other legal services. The location where attorneys report to work should ensure proper supervision.*

After reviewing the activities of LSO attorney staff located in the Sacramento and Burbank field offices, we believe that it is appropriate to have staff in these locations. This is consistent with many government agencies as well as private law firms. This should allow more direct communication between LSO attorneys and the courts in their region. It should be noted that LSO attorneys are not the only AOC staff that reside in field offices. For all offices in which staff is housed away from their direct supervisors, it is recommended that the AOC develop a policy that includes existing senior management–level oversight in the field offices for day-to-day accountability for off-site staff.

Use of Paralegal Classification

> Judicial Council AOC Restructuring Directive 112
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> *E&P recommends that the Judicial Council direct the Administrative Director of the Courts to consider SEC Recommendation 7-72(f) and implement the necessary organizational and staffing changes, contingent upon the council's approval of an organizational structure for the AOC and taking into account the results of the classification and compensation studies to be completed.*

SEC Recommendation 7-72(f)

The Legal Services Office's current level of approximately 75 positions, including more than 50 attorney positions, should be reduced. To achieve the reduction, the following areas should be reviewed and considered, and appropriate actions taken:

(f) Development and use of paralegal classifications, as found elsewhere in legal services throughout both the public and private sectors, could lead to the reduction of attorney positions in the Legal Services Office.

In reviewing the activities of LSO attorneys, a specific need for a paralegal classification was not identified. Paralegals in private law firms are typically utilized primarily for high level administrative work and very minor legal-related work. Given that LSO already employs administrative staff to support LSO attorneys with administrative tasks, it does not appear appropriate to pursue the creation of a paralegal classification at this time.

Comments, Alternatives Considered and Policy Implications

In developing these recommendations, the LSO liaisons worked closely with the Chief of Staff. Additionally, these recommendations were shared with the AOC Executive Team and Chief Counsel and her management team.

Implementation Requirements, Costs, and Operational Impacts

It is anticipated that implementation of these recommendations, particularly LSO restructuring, may result in the need to recruit as needed. Additionally, LSO should realize savings by converting the Assistant General Counsel position to a Managing Attorney position.

There are several other recommendations that will impact LSO resources during implementation. These recommendations relate to the use of outside counsel where it is recommended that LSO strengthen the underlying structure for using outside counsel (i.e., developing a checklist; developing a means to follow up with courts to gain input; developing and implementing a survey on what is being charged in the market, etc.) and the recommendation to develop a client satisfaction survey.

Finally, it is recognized that delineating the attorney staff that will have a dual reporting relationship to LSO from other AOC offices will take some time to implement.

Attachments

A. Role of Chief Counsel of the Administrative Office of the Courts

Role of Chief Counsel of the Administrative Office of the Courts

The Chief Counsel of the Administrative Office of the Courts (AOC) is chief legal advisor to the Judicial Council of California and to the AOC and office chief of the AOC Legal Services Office, which provides comprehensive legal services to the AOC and to the appellate and trial courts. The Legal Services Office has two major areas of service: **legal advisor and counsel to the Judicial Council** and **legal advisor and legal services provider to the appellate and trial courts**.

I. Legal Advisor and Counsel to the Judicial Council

The role of legal advisor and counsel to the Judicial Council encompasses the legal services provided in support of the Chief Justice as Chair of the Judicial Council, the Judicial Council and its committees and task forces, and the AOC as staff agency to the Judicial Council.

In this capacity, the Chief Counsel is responsible for the following:

- Judicial Council Legal Support
  - Provide legal advice and briefings to the Chief Justice, as chair of the Judicial Council, the Judicial Council, and internal council committees on matters of importance to Judicial Council business.
  - Provide legal support and staffing of Judicial Council internal committees and council advisory committees, as requested.
  - Provide legal review of rules, forms, standards of judicial administration, and jury instructions for Judicial Council consideration.
  - Provide legal review of legislation and regulations for legal and programmatic impact in collaboration with the AOC Office of Governmental Affairs.
  - Provide legal support to the Chief Justice in evaluating and making recommendations on petitions for coordination of complex civil cases.
  - Facilitate filing of local court rules with the council and authorization by the Chief Justice of alternative effective dates of local rules.
  - Interact with other branches of government and external entities (e.g., Attorney General's Office, Commission on Judicial Performance, State Bar of California State Bar, Secretary of State, California Fair Political Practices Commission, etc.) on wide range of judicial administration legal issues.
  - Participate in meetings and conferences as the legal representative of the Judicial Council, AOC, and the judicial branch, as appropriate.
- AOC and Administrative Director of the Courts Legal Support
  - Provide legal advice and briefings to the Administrative Director, Division Chiefs, and Office Directors on legal issues affecting AOC programs and operations and on legal issues affecting planning, development, and review of AOC programs and policies.

- Identify legal and risk management issues.
- Collaborate with other AOC offices on legislative, fiscal, facilities, technology, and other matters affecting the judicial branch to develop strategies for implementing new requirements and responding to emerging issues.

- Chief Counsel Administrative Activities
  - Manage the AOC Legal Services Office, including planning and directing work, providing legal policy direction, providing for internal staff development and training and succession planning, and participating in recruitment and selection of staff.
    - Provides general direction on the office's priorities, policies, and operations.
    - Manages the Legal Services Office budget and resources; develops and implements strategies to meet increasing workload demands with limited resources.
    - Establishes and implements performance and development plans for direct reports.

II. Legal Advisor and Provider of Legal Services to the Appellate and Trial Courts and the AOC

In this capacity, the Chief Counsel provides direction and oversees the following programs and activities that provide legal services to the appellate and trial courts and to the AOC:

- Labor and Employment:
  - Responds to labor and employment issues in collaboration with the AOC Human Resources Services Office (HRSO), as appropriate.
  - Provides legal advice and guidance to minimize risk of labor disputes and employment litigation.
  - Provides legal advice in addressing sensitive personnel issues.
  - Assists HRSO in managing legal aspects of investigations of internal complaints of discrimination, harassment, retaliation, and other similar complaints, and advises about complaint resolution.
  - Drafts personnel policies to ensure compliance with applicable law and to avoid litigation.
  - Upon request, advises trial courts regarding labor relations matters (MOUs, labor relation rules, progressive discipline, personnel actions, etc.).
  - Provides ongoing legal support to HRSO in addressing labor relation issues for trial courts.
  - Upon request, provides legal advice and representation for trial courts in labor arbitrations and complaints before the Public Employment Relations Board.

- Litigation Management:
  - Under the direction of the Administrative Director of the Courts and consistent with rules of court, manages and administers the Judicial Council's Litigation Management Program.
  - Staffs the council's Litigation Management Committee, which oversees claims and litigation against judicial branch entities in which the likely exposure is $100,000 or more or that raise issues of significance to the judicial branch.
  - Handles claims against judicial branch entities, making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Manages litigation against judicial branch entities, including selecting and directing outside counsel retained to represent judicial branch entities and making recommendations to the council's Litigation Management Committee for settlements at or above $100,000.
  - Provides annual litigation reports to the Litigation Management Committee, the Judicial Council, the appellate and trial courts, and the AOC.
  - Manages affirmative litigation on behalf of the courts and AOC.
  - Provides for representation of courts and AOC at administrative law hearings and judicial proceedings.

- Legal Opinions:
  - Upon request, provides legal advice and opinions to court leaders on judicial administration issues.
  - Provides statewide legal advice and guidance to court leaders on issues of statewide importance.
  - Upon request, provides legal advice and opinions to AOC leadership on wide range of issues affecting the judicial branch and judicial branch entities.

- Transactions and Business Operations:
  - Provides legal services and support for court facilities-related transactions, including acquisition, construction, renovation, operation, and maintenance of court facilities.
  - Provides legal services and support for solicitation, contracting, and procurement of goods and services, including technology transactions.
  - Provides legal advice on issues related to procurement, risk management, business administration, and operational initiatives.

- Provides legal advice for compliance audits under federal and state law.
- Provides legal advice on leases, contracts, and other documents requiring approval of the Administrative Director of the Courts.
- Oversees the selection, management, and evaluation of external legal resources/outside counsel retained to augment transactional