



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: COMMUNICATIONS WITH ATTORNEY GENERAL POLICY 2.02

Authority: Chapter 4.92 RCW

PURPOSE

This policy describes the process for requesting assistance from the Office of the Attorney General (AGO): (a) for legal advice; (b) for assistance with or in a fair hearing; or (c) in a lawsuit where you are sued. This policy is intended to eliminate duplicate requests, coordinate staff efforts, and facilitate communication of AGO responses to all appropriate staff of the Division of Developmental Disabilities (DDD).

SCOPE

This policy applies to all DDD organizational units.

POLICY

A. Requests for Legal Advice

1. If a written response from the Assistant Attorney General (AAG) is required, submit the request on the *DDD Request for Legal Advice* form. A Regional Administrator and Central Office coordinator must sign this form (see attached Protocol).
 - a. The requestor will send a signed copy of the request form to the Central Office coordinator, who will then forward the request to the division/agency AAG and send a copy to the Division Director.
 - b. Upon receipt of the form, the designated AAG will acknowledge receipt, and let the requestor know when they can expect a response.

2. Requests needing a verbal response can be communicated orally, via email, or in writing using the *DDD Request for Legal Advice* form. The appropriate Regional Administrator and/or Central Office coordinator should screen requests.
3. If an emergency exists, and legal advice is needed immediately, efforts should be made to screen the request first with the appropriate Regional Administrator or Central Office coordinator.

B. Representation in a Fair Hearing

1. It is not always necessary to have AAG representation in a fair hearing, even when an attorney represents the appellant (see attached Protocol, step 5).
2. If an employee suspects that he or she may need AAG representation due to the complexity of the issues involved, or if the appellant has an attorney, or because further litigation is anticipated, the employee should discuss this with his or her supervisor, Regional Administrator, and the Central Office coordinator.
3. If it is determined by the Regional Administrator or Central Office coordinator that representation is needed, the employee should contact the designated AAG as soon as possible to determine what information the AAG needs.
4. AAG advice may also be requested to assist staff to prepare for a fair hearing, if questions arise during a fair hearing; or to assist if a post-hearing briefing is necessary.
5. If a representation request is denied, and the employee continues to believe that the case cannot be adequately represented, the employee should contact the appropriate Regional Administrator or Central Office coordinator for further assistance.
6. If an employee wants to appeal an initial decision, the written appeal should be coordinated with an AAG. He employee may be asked to assist directly with drafting the appeal.

C. Representation in a Lawsuit

1. If a DDD employee is named in a lawsuit arising from their job duties, the employee should call the designated AAG immediately. If the employee intends to request AAG representation, he or she should complete the *Request For Individual Defense by the Attorney General* form and send it to the AGO Torts Claim Division (PO Box 40126, Olympia, Washington 98504-0126) and to the

division/agency AAG, along with any papers served as soon as possible.

2. If a division employee has reason to believe that a lawsuit may be filed against them or the department, he or she should contact the division /agency AAG to determine what documentation they should begin collecting, if any.

SUPERSESSSION

Division Policy 2.02
Issued November 21, 1994

Division Policy Directive: 113
Issued June 23, 1978

Approved: /s/ Linda Rolfe Date: 2/13/2002
Director, Division of Developmental Disabilities