

PROTOCOL FOR INVOLVEMENT OF AAGs IN REGIONAL FAIR HEARINGS  
July 2001

While the role of DDD's Assistant Attorneys General is to provide legal advice and representation to the division, their level of involvement in regional fair hearings is limited by available staff. The following are guidelines for consulting with Central Office and AAG staff about DDD fair hearings. In all cases DDD regional staff will have primary responsibility for coordinating and preparing the case and representing the department at the hearing.

- Step 1: Consult other regional staff with knowledge of the program/decision in dispute.
- Step 2: Consult with Central Office coordinators (Sue Poltl or Sue Harrison) about the most effective way to present the basis for DDD's decision. It will be the joint responsibility of regional staff and Central Office to review hearing requests to determine if the case involves issues that could have broader legal implications for the division requiring consultation with the Attorney General's Office.
- Step 3: AAG assistance will be requested through Central Office. This will ensure that the information is complete and the issues are clarified.
- Step 4: Regions will work with Sue Poltl or Sue Harrison as they prepare for DDD fair hearings, motions, and appeals, and for any specific questions needing a legal opinion from the Attorney General's Office. The following guidelines should be followed:
- Contact Sue Poltl or Sue Harrison at the earliest opportunity
  - Provide written outline of issues of dispute, the evidence, and witnesses
  - Provide the name and phone numbers of all DDD staff involved
  - Provide the name of appellant's attorney
- Step 5: Due to AAG resource constraints, regions cannot assume AAG representation. The AAG will decide what level of involvement is needed and/or available (i.e., one-time consultation, review of case preparation, assistance with writing of legal motions or petitions for reviews, or assistance and representation at the hearing). AAG representation at the hearing will be limited to complex disputes, cases with large fiscal implications, some cases with attorneys appearing for the appellant, or issues that could have broader legal implications for the division.

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The Fair Hearing Coordinators should be prepared to answer questions about the case when consulting with Central Office or the Attorney General's Office, including the following:

Which RCWs, WACs, or policies are involved with the appeal?

- o What is the basis for the department's decision?
- o What is the basis, if any, for the appellant's appeal?

Which staff need to be involved in the hearing?

Does DDD need witnesses to testify at the hearing?

What exhibits and testimony are needed to explain the basis for DDD's decision?

Is the issue unusual enough to warrant further consultation?

- o Is there experienced regional staff available to help?
- o Has Central Office staff been consulted?

What specific help do you need?