

DUTIES & RESPONSIBILITIES OF THE ATTORNEY GENERAL

The Office of the Attorney General represents the state and its agencies in all litigation, provides legal advice and counsel to state officials, and defends the laws and the Constitution of the State of Texas.

THE ATTORNEY GENERAL is the lawyer for the State of Texas and is charged by the Texas Constitution to:

- defend the laws and the Constitution of the State of Texas
- represent the State in litigation
- approve public bond issues

To fulfill these responsibilities, the Office of the Attorney General serves as legal counsel to all boards and agencies of state government; issues legal opinions when requested by the Governor, heads of state agencies, and other officials and agencies as provided by Texas statutes; sits as an ex-officio member of state committees and commissions; and defends challenges to state laws and suits against both state agencies and individual employees of the State.

As lawyers for the State of Texas, the Attorney General and his staff handle a wide variety of legal matters. Texas statutes contain nearly 2,000 references to the Attorney General. In addition to its constitutionally prescribed duties, the Office of the Attorney General files civil suits upon referral by other state agencies and assists in criminal suits upon request by law enforcement agencies and district attorneys throughout the state. In some circumstances, the Attorney General has original jurisdiction to prosecute civil violations of the law without referral from another agency. Among the hundreds of duties defined by law, the agency serves as counsel to approximately 220 boards and agencies of state government; provides legal advice to the Governor and the other constitutional officers and to certain state and local officers as provided by statute; handles complex commercial litigation; enforces consumer protection laws and upholds nursing home standards; and assists, when requested, in prosecuting capital murder and other crimes.

Although the Attorney General is prohibited from offering legal advice or representing private individuals, he serves and protects the rights of all Texans through the activities of the various divisions of the agency. Actions that benefit all citizens of this state include enforcement of health, safety, and consumer laws and regulations, educational outreach programs; and protection of the rights of the elderly and disabled. The Attorney General also is charged with the collection of court-ordered child support and the administration of the Crime Victims Compensation Fund.

CIVIL LITIGATION DIVISIONS

ADMINISTRATIVE LAW

The Administrative Law Division handles administrative law counsel for a variety of state agencies, a significant number being occupational licensing agencies. The division defends agency orders and rules in district and appellate courts, les suits to enjoin the unauthorized practice of licensed professions, and prosecutes licensees before administrative law judges. The division provides general counsel services to state agencies that do not have in-house counsel and routinely provides advice to these agencies, as well as other agencies, on rulemaking, employment and personnel, and government contracts law. The division presents conferences on government law and liability for board members and agency administrators. It also publishes the Administrative Law Handbook for state agencies.

ANTITRUST AND CIVIL MEDICAID FRAUD

The Antitrust and Civil Medicaid Fraud Division is charged with investigating and prosecuting violations of the Texas Antitrust Act or federal antitrust statutes which prohibit price fixing and other anti-competitive conduct. The purpose of the Act is to maintain and promote economic competition and to ensure the benefits of that competition for Texas consumers. In addition to investigating price fixing and other anti-competitive business practices, the division conducts civil prosecution of Medicaid Fraud, merger reviews, and investigations of collusion in government competitive bidding procurement and the complaints of "whistle blowers." The division is also leading implementation of Texas's new physician joint negotiation law that permits competing physicians to meet together, discuss and negotiate certain contracting issues with health benefit plans so long as they first obtain approval from the Attorney General's office.

BANKRUPTCY & COLLECTIONS

The Bankruptcy and Collections Division recovers delinquent taxes, debts, fees, fines, penalties, judgments,

claims, accounts, loans, and other obligations owed to the State and to its agencies. The Collection Section prosecutes suits in state court to recover amounts owed. The Bankruptcy Section appears in federal bankruptcy court in Texas and nationwide to protect the States interest as a creditor in bankruptcy cases. In addition, it represents and protects the States environmental and regulatory interests in bankruptcy proceedings. Its investigators perform skip-tracing, asset and financial investigations, debtor location services, and some fraud investigations.

CONSUMER PROTECTION & PUBLIC HEALTH

The Consumer Protection Division protects consumers and the legitimate business community by filing civil lawsuits under the Deceptive Trade Practices Act and other consumer protection statutes. Although it is widely known for its work in traditional areas of consumer protection litigation - enforcing the laws against false, misleading, or deceptive advertising and marketing practices - the division also takes legal action against nursing homes, assisted living facilities, home health care agencies, and psychiatric facilities that abuse and neglect residents and patients. The division maintains regional offices in Austin, Dallas, El Paso, Houston, Lubbock, McAllen, and San Antonio. In addition, three specialized section protect the public in ways that go beyond the usual consumer issues. The Charitable Trusts Section holds charities responsible to the public, and also represents the public interest in proceedings involving charitable bequests and trusts. The Insurance Practices Section protects Texas consumers from unfair or deceptive practices in the business of insurance. Finally, the Public Agency Representation Section represents the State of Texas as a consumer of utilities.

FINANCIAL LITIGATION

The Financial Litigation Division deals generally with financial and commercial fraud and irregularities discovered by its client agencies. The division prosecutes on

behalf of state agencies that regulate insurance, securities, consumer credit, banking, savings and loans, unclaimed property, and the practice of public accountancy. One of the divisions primary objectives is to prevent the fraudulent sale of unauthorized insurance and unregistered securities. This division offers legal counsel to agencies that provide funding for low-income housing and loans to agricultural endeavors, advises its client agencies on rule-making, defends administrative appeals, and reviews insurance policies procured by state agencies. The division also represents state agencies in civil suits involving contract disputes and commercial matters.

GENERAL LITIGATION

The General Litigation Division defends state agencies, elected and appointed state officials, and state employees in civil rights and employment litigation. Such suits include whistleblower claims, tenure denials, claims of discrimination, student dismissals, and First and Fourteenth Amendment constitutional claims. The division defends against challenges to the constitutionality of state statutes and represents clients in libel, slander, and other tort actions. The division handles the aforementioned state and federal suits through all litigation stages, including the appellate process.

LAW ENFORCEMENT DEFENSE

The Law Enforcement Defense Division provides representation for law enforcement agencies, and their employees in civil lawsuits. Among the agencies represented are the component divisions of the criminal justice system, the Texas Department of Public Safety, the Texas Alcoholic Beverage Commission, the Texas Parks and Wildlife Department, and the police departments of state universities. Litigation may include civil rights claims, tort claims, medical malpractice claims, employment cases, defense of criminal court judges, and constitutional challenges to statutes. Finally, the division provides representation in some administrative law cases involving quo warranto actions against elected officials, and to county employees who serve as adult probation and juvenile probation officers for the State.

NATURAL RESOURCES

The Natural Resources Division enforces state environmental laws, defends agency permits that regulate the disposal of wastes, and represents the States interests before state and federal district and appellate courts in matters related to land and mineral resources and public utilities. It also represents the States interests in administrative hearings before the United States Department of Energy, the Federal Energy Regulatory Commission, and the Federal Communications Commission.

SOLICITOR GENERAL

The Solicitor General functions as lead appellate counsel for the Attorney General. The Solicitor General takes a primary role in selected civil appellate matters, assists the divisions in other appellate matters, coordinates amicus curiae requests, and works on special projects as directed by the Attorney General.

TAXATION

The Taxation Division primarily defends the Comptroller of Public Accounts when it is sued by taxpayers disputing audit liabilities or the Comptrollers refusal to refund taxes paid in the regular course of business. The division also handles lawsuits filed by former employees or employers against the other and the Texas Workforce Commission (TWC) when employees have been denied unemployment compensation or are still owed payments. In addition, the division defends the TWC in pay day cases in which either an employee or an employer is aggrieved by an administrative decision regarding the payment of wages.

TORT LITIGATION

The Tort Litigation Division represents state agencies and personnel in civil suits involving personal injury, property damage, medical malpractice, and workers compensation. It also offers advice to agencies in pre-litigation matters and handles pre-litigation claims. Additionally, the division performs oversight and reporting duties in connection with the Omnibus Rural Health Care Act of 1990, which provides for limited state indemnification of certain qualified health care providers in medical malpractice suits.

TRANSPORTATION

The Transportation Division represents the Texas Department of Transportation in all litigation matters. This includes eminent domain (land acquisition), prosecution of violations of highway beautification laws, enforcement of contracts, recoupment of monies expended by the State for job-related injuries and externally

caused damages to state property, defense of employment discrimination claims, defense of tort claims, representation of the Motor Vehicle Division in regard to titles to autos and trucks, and prosecution and collection of certain administrative penalties. The division also handles condemnation cases for all state agencies that have the power of eminent domain.

CRIMINAL JUSTICE DIVISIONS

CRIME VICTIM SERVICES

The Crime Victim Services Division is composed of four sections: Crime Victims Compensation, Sexual Assault Prevention and Crisis Services, Grants and Contract Management, and the Statewide Automated Victim Notification Service. The Crime Victims Compensation Section administers the Texas Crime Victim Compensation Program, which provides reimbursement for out-of-pocket expenses to victims of violent crime and their families. The Fund can help eligible victims pay for medical and counseling bills incurred because of the crime and can help families cover the cost of the funeral for a loved one who has been killed. The Sexual Assault Prevention and Crisis Services Program provides funding and technical assistance to sexual assault programs throughout the State. The Program certifies sexual assault nurse examiners (SANE) and volunteer training within sexual assault programs. Grants and Contract Management administers Victim Assistance Discretionary Grants, Victim Coordinator and Liaison Grants, and contracts with other programs as authorized by the Texas Legislature. The Statewide Automated Victim Notification Service provides for an efficient manner for crime victims to receive standard information and notification on offender status and court events to better meet victims' needs and enhance their safety.

CRIMINAL INVESTIGATIONS

The Criminal Investigations Division investigates criminal allegations involving a wide range of offenses, including capital murder, major offenders, money laundering, Internet travelers, and child pornography. It investigates

violations of criminal and civil statutes that target profit-motivated criminal enterprises, primarily drug trafficking organizations. Investigations may involve civil asset forfeiture, nuisance abatement and state banking law and money laundering violations. The division also tracks down and returns to state prison custody fugitive parolees convicted of sex crimes involving child victims. Investigators assigned to the Cyber Crimes Unit specialize in cases involving child pornography and predators who use the Internet to commit sex crimes against children. The division serves as the state's liaison between local and federal law enforcement agencies, including the US Treasury for financial crime information. The division also is the state's liaison to the US Justice Department for state and local Interpol requests.

CRIMINAL LAW ENFORCEMENT

The Criminal Law Enforcement Division consists of two sections. The Prosecution Assistance Section provides investigative and prosecutorial support to county and district attorneys across the State who do not have the resources to investigate or prosecute complex cases, or where a conflict of interest prohibits them from taking part in the prosecution. The division enters a case only at the request of a county or district attorney, and may assist in litigation involving capital murder, major offenders, money laundering, Internet travelers, child pornography, asset forfeiture, and nuisance abatement. The Juvenile Crime Intervention Section serves as a clearinghouse for information related to youth crime and its prevention and policy recommendations. The staff work with community and interest groups by giving speeches, partici-

pating in conferences, and preparing and distributing resource information on juvenile justice issues. Major initiatives include a gang awareness curriculum, youth resource fairs, and the School Crime and Discipline Handbook.

MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit conducts criminal investigations into (and refers for prosecution) violations of state and federal laws pertaining to fraud in the administration of the Medicaid program, in the provision of medical assistance, or in the activities of providers under the state Medicaid plan. The unit investigates, or refers complaints alleging physical abuse or criminal neglect of patients in health care facilities receiving payments under Medicaid and in non-Medicaid board and care facilities. The unit also investigates fraud in other federal health care programs.

POSTCONVICTION LITIGATION

The Postconviction Litigation Division defends state felony convictions against constitutional challenge and handles, in federal court, challenges by death-sentenced inmates to the validity of their convictions and sentences. The division's attorneys, representing the Director of the Institutional Division of the Department of Criminal Justice (the inmate's custodian), review the record from the state trial to support their arguments that the defendant received all constitutional protections that were due. Capital litigation attorneys handle petitions for certiorari review on direct appeal from the Texas Court of Criminal Appeals and federal habeas challenges from the federal district court through the U. S. Supreme Court.

GENERAL COUNSEL DIVISIONS

GENERAL COUNSEL

The General Counsel Division provides legal advice to the Attorney General, his staff, and other divisions of the agency regarding the constitutional and statutory duties of the Office and a wide variety of ancillary issues. The division drafts, reviews, and negotiates contracts on behalf of the agency; coordinates the approval process for all outside contracts for all state agencies; and consults with state agencies on contract matters, especially high-tech contract issues. The General Counsel Division provides informal advice, outside of the formal opinion process, to other state officers, agencies, and quasi-state agencies, and offers assistance in rule-making and other matters.

INTERGOVERNMENTAL RELATIONS

The Intergovernmental Relations Division serves as the agency's liaison to federal, state, and local government. It is responsible for the planning, development, implementation, and monitoring of legislative and public policy

initiatives, as directed by the Attorney General. The Municipal Affairs Section provides legal assistance and information to Texas city officials. Section attorneys handle phone and written inquiries regarding municipal law issues and speak at local government training seminars. The County Affairs Section provides legal assistance and counsel to county officials in Texas. The division also coordinates the activities of the County and Municipal Advisory Committees, which meet regularly to advise the Attorney General on local government issues.

LEGAL TECHNICAL SUPPORT

The Litigation Technical Support Division serves the agency's legal divisions through its expertise in demographic and socio-economic analysis, geographic information systems analysis, and financial and statistical analysis. It provides support through products ranging from narrative reports, maps, multimedia presentations, and graphic displays, to the development of computer applications and database interfaces.

OPEN RECORDS

The Open Records Division issues written decisions related to the access of public information under Chapter 552 of the Government Code. The division also provides legal advice and research to the legislative and executive branches of state government and coordinates and participates in regional and statewide conferences on access to public information. The division operates a hotline to provide general information and to facilitate the resolution of disputes between governmental bodies and private citizens as issues arise regarding open meetings and open records laws. The division produces the Public Information Handbook each year.

OPINION COMMITTEE

The Attorney General is required by certain statutes and the Texas Constitution to render written opinions on questions of law submitted by authorized state entities and public officials. The Opinion Committee researches and drafts Attorney General Opinions addressing all aspects of the substantive law of the State of Texas and advises the Attorney General on his responsibilities in issuing Attorney General Opinions. Officials authorized to seek Attorney General opinions include the Governor, the head of a department of state government, and other officials designated by statute.

PUBLIC FINANCE

The Public Finance Division reviews and approves all bonds and similar obligations issued by state agencies, cities, counties, school districts, municipal utility districts, hospital districts, institutions of higher education, and all other governmental entities or instrumentalities of the state, plus certain nonprot corporations created to act on behalf of political subdivisions.

FAMILIES & CHILDREN

Family & Legal Policy

The Office of Family and Legal Policy (OFLP) supports and builds upon the OAG's commitment to value Texas families throughout all its programs, policies, and activities. OFLP works to ensure that the Texas OAG is a national leader among child support enforcement agencies in implementing innovative policies and initiatives that encourage and support healthy marriage, family formation, and responsible fatherhood/parenthood. These initiatives are designed to benefit children and families and decrease costs to government.

OFLP plays vital and diverse roles. First, it provides strategic leadership and support for the entire DFC (working closely with CSD) in six key areas: legal counsel, policy formulation, communications, county partnerships / County Advisory Work Group, legislative initiatives, and intergovernmental coordination.

Second, OFLP leads efforts to develop and implement innovative initiatives designed to improve outcomes for children and families in DFC programs. This includes building key partnerships, seeking funding from diverse sources, writing outstanding grant proposals, and rigorously evaluating the outcomes of promising program models. OFLP also works in partnership with external partners on initiatives that cross agency boundaries to address the issues of healthy marriage, family formation, and responsible parenthood.

Third, OFLP is home to the OAG's outreach programs to senior Texans. OFLP staff educates Texas seniors and their families about unscrupulous persons who target older Texans for crimes of exploitation and fraud. Staff also provides information and assistance to law enforcement agencies on identifying deceptive techniques and scams.

CHILD SUPPORT PROGRAM

The Child Support Program provides federally mandated child support enforcement services for the State of Texas under Title IV-D of the Social Security Act. The division locates absent parents, establishes paternity for children born out of wedlock, establishes and enforces child support and medical support orders, and collects and distributes child support payments. The division provides services as needed to custodial parents who are referred by the Texas Department of Human Services, as well as parents who request child support services. These services are provided at no charge to the customer. The division consists of a central State Office and more than 70 regional child support offices that provide direct child support services to customers. The Child Support State Office houses the following seven sections.

ADMINISTRATIVE OPERATIONS

Administrative Operations provides a wide array of administrative services to the program. It develops and maintains CSDs budget and provides purchasing, personnel management, and strategic planning support for the Child Support Program. In addition, it responds to inquiries and complaints, provides training, and implements the outreach, volunteer, and collaborative programs, including fatherhood and family initiatives.

FIELD OPERATIONS

Field Operations manages more than 70 field offices, eight regional administrative offices and eight regional call centers. Field Operations is responsible for achieving CSD operational goals, defining key performance indicators, ensuring that assigned staff levels are appropriately allocated statewide, evaluating performance, monitoring compliance with program standards, and implementing corrective action.

GENERAL COUNSEL

The General Counsel serves as the principal legal advisor to the Deputy Attorney General for Child Support and Child Support Division. Counsel is provided on all aspects of the IV-D program with a particular focus on legal and legislative analysis and interfaces with the judiciary and the State Bar.

INFORMATION TECHNOLOGY

The Information Technology Section is responsible for development and implementation of improved applications and software. In addition, the section is responsible for long and short term information resource planning, project management, security, and disaster recovery. It provides mainframe, network, and computer hardware and software support for CSD and is responsible for the receipt and distribution of hardware and software to all field offices and State Office sections.

PROGRAM MONITORING

Program Monitoring staff conduct self assessment reviews which are annually submitted to the federal Office of Child Support Enforcement. They also review case processing by field offices and conduct performance and compliance reviews of information related operations that involve hardware, software, or systems operations. The section conducts performance and compliance reviews of CSD operations and carries out reviews of sub-recipient agreements and of county audits.

PROGRAM OPERATIONS

Program Operations provides a diverse range of services to internal and external child support customers in the areas of business improvement, contract management, county operations, privatization and payment processing. The section is responsible for incoming interstate referrals and inquiries as well as foster care cases. The section also monitors the State Disbursement Unit.

ADMINISTRATIVE DIVISIONS

ACCOUNTING

The Accounting Division processes payment claims, agency revenues, and it maintains the agency's payroll, the agency's central accounting and financial reporting records, reimburses employee travel expenses, schedules employee travel reservations, and prepares the agency's state and federally mandated financial reports.

BUDGET & PURCHASING

The Budget and Purchasing Division is responsible for establishing, monitoring, and controlling the annual operating budget and preparing the agency's Biennial Legislative Appropriations Request. The division procures goods and services for the agency in accordance with state and federal rules and laws, manages interagency contracts, develops performance measures, and oversees the agency cash management function.

HUMAN RESOURCES

The Human Resources Division is responsible for human resource management and staff development. It is responsible for posting vacancies, recruiting and screening job applicants, administering employee benefits, maintaining the personnel policy manual, conducting new employee orientation, and maintaining all employee files. The division also handles EEO complaints, maintains a payroll clearance function, keeps all agency personnel statistics, and coordinates training for the administrative and legal divisions.

INFORMATION TECHNOLOGY SUPPORT

The Information Technology Support Division provides technical support to the administrative and legal divisions of the Office of the Attorney General. This includes programming services, local and wide area network support, telecommunications support, information resource strategic planning and purchasing, and computer software training.

INTERNAL AUDIT

The Internal Audit Division provides independent analyses, appraisals, and recommendations concerning the agency's internal controls, policies, and procedures. The division also coordinates outside audit activities and provides technical assistance to the agency's managers on a wide variety of management, financial, operational, and technological issues.

PRESS OFFICE

The Press Office replies to media inquiries regarding Attorney General opinions, state laws, consumer complaints, and the status of investigations and lawsuits. Press Office staff also write press releases and newspaper columns for distribution to media and maintain historical information on the activities of the Attorney General's Office. A Communications section publishes the agency's brochures, reports, and public service announcements.

PUBLIC INFORMATION AND ASSISTANCE

The Public Information and Assistance Division responds to written inquiries and telephone calls from citizens on a variety of issues. The division houses the agency's main switchboard and Consumer protection Hotline, and sorts and enters all mail addressed to the Office of the Attorney General. The division also performs research, writes special reports and educational materials, coordinates agency conferences and maintains the agency's Internet and Intranet Web sites.

SUPPORT SERVICES

The Support Services Division is responsible for providing a diverse range of administrative support services, including property management, warehouse operations, reprographics and records, couriers and vehicle management, mail operations, and facilities management.