



**State of Florida
Department of Children and Families**

Charlie Crist
Governor

Robert A. Butterworth
Secretary

DATE: October 12, 2007
TO: All Department Leadership
FROM: Robert A. Butterworth *RAB*
Secretary
SUBJECT: Legal Review Workgroup Recommendations

On May 7, 2007, I tasked a Legal Review Workgroup (Workgroup) with examining the two units within the Department providing legal services, the Office of General Counsel and Child Welfare Legal Services, to develop recommendations to enhance the methods by which these units provide such services. The Workgroup evaluated prior studies, reviewed current operations, and convened a series of meetings to take testimony leading to the development of a Report that was submitted on September 17, 2007. This Report contained a recommended blueprint to reorganize and re-engineer the delivery of the Department's legal services, to build a statewide law firm, to improve the quality of legal representation, and to promote effective communication, coordination, and collaboration both within the Department and between the Department and its Community Partners.

The Legal Workgroup's review and analysis of our current legal services structure, combined with open-minded discussions, produced a clear vision of the actions required to improve the effectiveness and quality of legal services for the Department and our community partners. I approve the blueprint outlined by the Workgroup for the reorganization and re-engineering of the delivery of the Department's legal services. Specifically, I approve the Workgroup's recommendation that Children's Legal Services and the General Counsel functions be reorganized and operated as separate but interrelated units. I am directing that the Department take the action steps necessary to implement the following specific recommendations, which will be "Phase I Recommendations," phased in over the next several months:

Organization of Child Welfare Legal Services

The success of our community-based system of care requires an effective partnership between the Department, its lead agencies, and providers, in all areas, including legal services. The Department has retained responsibility for legal services, and the "client" in juvenile dependency and termination of parental rights

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

proceedings is the State of Florida, Department of Children and Families. To ensure the delivery of appropriate legal services:

- Child Welfare Legal Services will be reorganized as an autonomous unit under the direction of a State Director, Mary Cagle (a position created in July, 2007), with a management and supervisory infrastructure aligned with the new Department-wide regional structure, as set forth in this memorandum. Child Welfare Legal Services will be renamed Children's Legal Services.
- The Children's Legal Services State Director will report to the Assistant Secretary for Operations, and will be an integral member of the Executive Leadership Team.
- The following positions will be created, to serve under the direction of the State Director:
 - State Children's Legal Services Training Director,
 - State Children's Legal Services Appellate Director,
 - Senior Managing Attorney for Case Tracking and Quality Assurance, and
 - State Children's Legal Services Budget and Administration Manager
- The State Director will supervise four Children's Legal Services Regional Directors (Northwest, Northeast, Central, and Southeast regions) and two Circuit Managing Attorneys (20th Judicial Circuit and in the 12th Judicial Circuit where services are not contracted to the Attorney General).
- A Children's Legal Services Circuit Managing Attorney will be assigned to manage legal services in each Judicial Circuit except for the circuits contracted to the Attorney General or to a State Attorney (and due to the diminutive size and subordinate organizational relationship with the 11th Judicial Circuit, the 16th Judicial Circuit will be managed by a Circuit Lead Attorney), reporting to the Children's Legal Services Regional Directors. Circuit Managing Attorneys in the Northwest, Northeast, Central and SunCoast regions and 16th Circuit Lead Attorney will be hired and supervised by Children's Legal Services Regional Directors with approval of the State Director. The Circuit Managing Attorneys in the 20th Judicial Circuit and that part of the 12th Judicial Circuit not contracted to the Attorney General will be hired and supervised by the State Director.
- Recruitment, selection, hiring and supervision of Children's Legal Services Regional Directors will be the responsibility of the State Director, with input from the Regional Director. Selection, hiring and supervision of Circuit Managing Attorneys and Lead Attorney will be the responsibility of the Children's Legal Services Regional Director, with input from the State Director, Regional Director and Circuit Administrator.
- The Children's Legal Services Regional Directors and the two Circuit Managing Attorneys will have an advisory relationship with their respective Regional Directors and Regional Legal Counsel and with contracted Managing Attorneys in the 17th, 13th, and a part of the 12th Judicial Circuit contracted to the Office of the Attorney General, and the 6th Judicial Circuit contracted to

- the State Attorney's office. Circuit Managing Attorneys will have an advisory relationship with Circuit Directors.
- The State Director will have an attorney-client advisory relationship with the Family Safety Program Director with respect to legal matters and proceedings pertaining to dependency law and family safety policy, for the development of a training plan, and for the development of uniform standards, policies and procedures for Children's Legal Services.
 - The State Director will have an advisory relationship with the Assistant Secretary for Administration, the Regional Directors, and the Family Safety Program Director with respect to the overall administration and management of Children's Legal Services fiscal resources and for the collection, analysis and management of legal costs and litigation expenses statewide.
 - The State Director will have an attorney-client advisory relationship with the Director of the Florida Abuse Hotline.
 - The State Director will have a collaborative, advisory interrelationship with the Regional Directors, General Counsel and Regional Legal Counsel with respect to family safety law and policy, and all should work in close communication and coordination, particularly with respect to litigation and appellate matters pertaining to multiple practice areas and all matters of statewide importance.
 - The State Training Director will develop and implement a statewide training program for pre-service and in-service training and ongoing professional development and recruitment of Children's Legal Services staff (and assistant general counsels for cross-training purposes), and have an advisory relationship with Children's Legal Services Regional Directors and Circuit Managing Attorneys. Recruitment, selection, hiring and supervision of Children's Legal Services State Training Director will be the responsibility of the State Director.
 - The State Appellate Director will develop and implement a statewide system for management of juvenile dependency appellate practice, overseeing all appeals in juvenile dependency proceedings. (Until circuit-based attorneys are fully trained, the Department will continue to use the services of certified appellate attorneys under contract with the Department to assist in handling appellate cases.) The Appellate Director will have an advisory relationship with the Agency Clerk/Assistant General Counsel in charge of general Civil Appeals. Recruitment, selection, hiring and supervision of Children's Legal Services Appellate Director will be the responsibility of the State Director.
 - The Senior Managing Attorney for Case Tracking and Quality Assurance will oversee the case tracking system, provide substantive oversight for development of the FSFN legal component, provide technical assistance pertaining to juvenile dependency law, and assist with the development of a Children's Legal Services quality assurance approach. Recruitment, selection, hiring and supervision of this position will be the responsibility of the State Director.

- The Children's Legal Services Budget and Administration Manager will be responsible for the overall administration and management of fiscal resources for Children's Legal Services attorneys and support staff as of July 1, 2008, and in the interim, is responsible for the collection, analysis and assessment of legal costs and litigation expenses statewide. Recruitment, selection, hiring and supervision of this position will be the responsibility of the State Director, with input from the Assistant Secretary for Administration.

Organization of the General Counsel and District Legal Counsel Offices

- The General Counsel and the District Legal Counsel offices will be formally reorganized into a statewide law firm aligned with the new Department-wide regional structure. Attorneys and support staff assigned to District Legal Counsel offices should be reassigned to their respective Regional Legal Counsel offices.
- The General Counsel and Deputy General Counsel will oversee all general legal services in the Department's Headquarters and in the Regional Offices.
- The General Counsel will have an attorney-client advisory relationship with Regional Directors and Program Directors. Regional Legal Counsels should have an attorney-client advisory relationship with the Regional Directors and should be part of the Regional Leadership Team.
- The General Counsel and the Deputy General Counsel will supervise and direct operations of the General Counsel's office and the Regional Legal Counsel offices. They will also supervise the Assistant General Counsels assigned to the General Counsel's central office and five Regional Legal Counsels. Assistant Regional Counsels and support staff assigned to each Region will report to the Regional Legal Counsels.
- The exact number and actual distribution of Assistant Regional Counsel and support staff positions will be determined after further analysis and discussion with the General Counsel, Deputy General Counsel, Regional Directors, Deputy Secretary Don Winstead, and Assistant Secretaries George Sheldon and Melissa Jaacks. The proposed distribution of Assistant Regional Counsel positions, as shown on the organizational chart (Legal Workgroup Report, Appendix A) proposed for discussion purposes by the Workgroup, will serve as the starting point for further analysis. An inventory of existing legal positions and the potential availability for additional positions will need to be considered in finalizing any reallocation.
- Recruitment, selection, hiring and supervision of the Regional Legal Counsel will be the responsibility of the General Counsel, with input from the Regional Director, and will occur at a future date, to be determined, as part of Phase II of the implementation of the blueprint.
- The General Counsel and Regional Legal Counsel will have a collaborative, advisory interrelationship with the State Children's Legal Services Director and Children's Legal Services Regional Directors with respect to family safety law

and policy, and will work in close communication and coordination, particularly with respect to litigation and appellate matters and other matters of statewide importance.

- General Counsel John Copelan and State Director Mary Cagle should commence to analyze, reconcile and consider reallocation of attorneys and support staff that perform crossover Children's Legal Services and Regional Legal Counsel work and those positions assigned to one function who dedicate some of their time performing work in the other function. Estimates of crossover duties and percentages of time found in Appendix B of the Legal Workgroup report should be updated and serve as a basis for the analysis.
- The development of a case/matter tracking system for the General Counsel and Regional Counsel function should commence immediately, to provide case management for the Department's risk management litigation, administrative litigation, and agency clerk function. General Counsel John Copelan is tasked with obtaining information from the Attorney General's office to research the feasibility of the Department's use and/or adaptation of the Attorney General's case tracking system for the Department's general legal function. General Counsel John Copelan should consult with the Department's Information Technology unit as needed, and report his findings to me within the next 21 days.

Contracts

- Deputy Secretary Don Winstead, Assistant Secretaries Melissa Jaacks, George Sheldon, David Fairbanks, General Counsel John Copelan, and Deputy General Counsel Slye should immediately develop statewide guidelines establishing the formal role of attorneys at each stage in contracting processes, including guidelines for legal participation in contracts, working agreements, leases, memoranda of understanding, and letter agreements, regardless of the nature and monetary consideration involved.
- Assistant Secretary Melissa Jaacks and the Contract Management Office should work with General Counsel John Copelan to develop a contracts tickler system and to add a legal component to the current Contracts Management Database, for use by the Office of the General Counsel.

Additional recommendations outlined by the Workgroup will be implemented once the Children's Legal Services infrastructure is in place and as our budget permits.

The involvement of the members of the Department's legal team and other members of the Department's leadership and Community Partners has been critical to the development of this plan. I sincerely appreciate everyone's hard work and dedication to the development and implementation of these recommendations. The results will help strengthen the Department's commitment to providing outstanding legal services for the benefit of Florida's most vulnerable citizens.