



DEPARTMENT OF AUDITS AND ACCOUNTS

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January 18, 2017

Honorable Andrew J. Welch
State Representative
508-C Coverdell Legislative Office Building
Atlanta, GA 30334

SUBJECT: Fiscal Note
House Bill (LC 41 0888)

Dear Representative Welch:

This bill would require the Attorney General to perform an annual review of each of the approximately 300 State Assistant Attorneys General (SAAG) under contract with the Department of Law. The reviews would be conducted at the end of each fiscal year and must include several measures. For each matter that the SAAG has been assigned, the review must include items such as the most recent action taken (if pending), resolution, monetary settlements, expenses incurred, and hours billed. Using the data, the Attorney General must identify SAAGs whose performance is not consistent with the performance of their peers. The first reviews must be performed at the end of fiscal year 2018.

Current Use of Matters

The Department of Law currently opens a new matter in its billing system each time a SAAG is designated. However, the department's current definition of a matter would likely not be sufficient for conducting the type of SAAG review required by the bill. The cost of bill is dependent on how the department will define matter for performance review purposes.

For some SAAGs, a matter is a discrete assignment with an expected resolution, such as a lawsuit. While not currently compiled in the manner required by the bill, required measures such as last action, resolution, settlements and others are known by the SAAG and may be reported in some cases already.

Other SAAGs have an assigned matter that, instead of an expected resolution, involves the provision of a variety of services needed by an agency. According to the Department of Law, these SAAGs provide services that range from providing daily legal advice on various issues that arise in the course of business, but which involve no litigation, to litigating complicated, time-

consuming cases that may proceed to both trial and appeal. These SAAGs are often assigned to a county Division of Family and Children Services (DFCS) and/or Office of Child Support Enforcement (OCSE). Currently, the Department of Law does not require that these SAAGs report each issue or case performed for the agency, but it estimates that the number of matters that could be tracked would be in the thousands.

Cost of the Bill

According to the Department of Law, tracking information at the level necessary to review the performance of all SAAGs (including those assigned to DFCS or OCSE) would require a case management system and a separate SAAG unit. A unit of three attorneys (one for DFCS/OCSE, GDOT, and all others), one paralegal, one administrative assistant, one accounting administrator, and one IT specialist would have combined salaries/benefits of \$619,033 annually. Initial costs for the software would be \$1.1 million and another \$265,000 in annual licensing costs for all SAAGs and their assistants. The SAAGs that begin tracking and reporting on the status of matters not currently reported to the Department of Law would likely have additional time included on bills, though the amount cannot be estimated.

Sincerely,



Greg S. Griffin
State Auditor



Teresa A. MacCartney, Director
Office of Planning and Budget

GSG/TAM/sj