



Department of Justice

ADDRESS

OF

THE HONORABLE BENJAMIN R. CIVILETTI
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE WEST VIRGINIA BAR ASSOCIATION
AND
THE WEST VIRGINIA CHAMBER OF COMMERCE

FRIDAY, AUGUST 31, 1979
10:00 A.M.
WHITE SULPHUR SPRINGS, WEST VIRGINIA

It is my pleasure to be here today. I appreciate the opportunity to set out and discuss with you, so early in my tenure, some general concerns facing the Department of Justice.

While there are a number of subjects I hope to address as Attorney General, there are a few central themes which can describe my objectives. One of the most important is my desire that the Department of Justice be as responsive as possible to the real needs of Americans. After all, we at the Department are the lawyers of the American people, and as lawyers, our principle duty is to serve our clients well. As Attorney General I hope to foster in all of the Department's employees this desire to serve the people well.

One way that the Department can serve is to provide uniformly sound, professional representation. Right now the Department has some of the best attorneys in the country. To insure that this remains the case, we must continue to attract the best candidates for positions, offer fine training and provide adequate opportunities for attorneys to practice their skills. If we do this, we can make sure that the Department of Justice will always be known for the quality of its legal work, the soundness of its positions and the professionalism of its employees.

To attract the best candidates, we shall continue to recruit from across the country and from all parts of the population. Many of you know about one recruiting project,

the Department's Honors Program, which seeks to employ top-rated law students and legal clerks. Last year, the Department hired 117 attorneys through this program. This worthwhile and successful program has my full support and will be continued. Additionally, I plan to work with the Department's personnel officials to establish new and creative techniques for reaching further new pools of talent to be truly responsive to the needs of the public and reflective of the public.

With regard to training, one of the most important efforts is the Attorney General's Advocacy Institute. The Institute's purpose is to provide litigation training to attorneys from within the main Department and from the 95 United States Attorneys offices. To do this, the Institute conducts three basic training programs: one for civil, one for criminal and one for appellate litigation. These programs involve a total of three weeks of training for newly appointed attorneys which includes lectures by experienced officials in the Department and also participation by attorneys in mock trials headed by United States district court judges who volunteer their time and energies to the program. In addition to these courses for new attorneys, the Institute, often in conjunction with other divisions in the Department, provides short training courses geared to experienced litigators. These courses usually focus on specific topics, such as white collar crime, economic crime, public corruption, environmental law or narcotics prosecutions. Also, these special seminars

will include the participation of FBI, DEA or other law enforcement agents who both teach the attorneys the intricacies of conducting the investigative portions of criminal cases and who can themselves learn the problems of litigation in the process.

In 1977, the number of attorneys trained was 328. Last year, the Advocacy Institute trained over 600 attorneys and this does not include an approximately equal number in the specialized seminars. This year, we hope to do even more. Within that same thrust, the President recently signed an order designating the Department of Justice as the lead agency for providing legal training for lawyers from throughout the Executive Branch of Government, not just Department of Justice employees.

While these training efforts are a key part to improving the Department, they are not, by themselves, enough. Over the past thirty months, I have learned that the other key ingredient is good management. We cannot serve the people well if we are not in control of our limited litigation and other resources. If there is duplication or if cases fall through gaps or if we cannot marshal our resources as well as our opponents, then we are giving up advantages that should be ours to keep. Better management techniques across the entire Department are needed, and I intend to improve these techniques as Attorney General. One way I hope to do this is to bring management issues into

the Attorney General's office. I have recently appointed Ned Slaughter, who many of you may know since he was President of the Virginia Bar Association last year, to be special counsel to the Attorney General for litigation management. His responsibility will be to work closely with the third-ranking official in the Department, the Associate Attorney General, to develop a case management system both within the Department and for our client agencies in the Federal Government. In addition, he will be concerned with general improvements in the quality of litigation and its expedition. I am very optimistic that, with the full time involvement of such an assistant, the Department can make major improvements in this area. In addition, there are other initiatives we will be undertaking in the management area.

For example, the Department has never had a useful automated information system to assist attorneys and their supervisors in managing caseloads and evaluating performance. Whatever systems presently exist are designed to provide information for oversight committees and agencies, but they do not give United States Attorneys themselves needed data. Consequently, the Department is now in the process of developing a case tracking and management information system for its attorneys. This system will provide field offices with information needed to control and evaluate their own caseload and will also, as a by-product, feed information into a centralized data base in the Department, so that we here can better monitor work and performance.

A related project aimed at aiding our management efforts is the development of a case weighting and resource evaluation system. The Department has always based its resource allocations and justifications on case statistics. However, we have come to realize that some of our existing methods were not as reliable as they might be. This is because the Department now focuses its attention on the quality of its investigations and prosecutions rather than the sheer quantity. United States Attorneys have argued convincingly that they need more resources for the kinds of cases the Department is bringing -- complex cases which seek to target higher-ups in criminal enterprises. To be able to evaluate our resource needs in this new focus, we have had to develop a new case weighting system, which adequately reflects our new directions.

A final step we have taken to improve management is the reorganization and redefinition of the Department's principle management office, the Office of Management and Finance. I have recently approved reorganizing this office into the Management Division. This reorganization is not merely cosmetic or a symbolic name change, but is designed to improve the ability of the division to give the Department's lawyers the support services they need to serve the people well. Sometimes this task may be as simple as providing a certain source of pads and pencils, and other times it will involve devising and implementing a complex automated data

process system, but the common thread here is to make the office responsive to the needs of the Department's personnel.

In total all of the management improvements will lead to a more efficient Department of Justice and this will, in turn, allow us to better serve our clients.

Another important way for the Department to serve the people well is to provide greater access to justice for all Americans. Attorney General Bell devoted a great deal of effort to this subject. Some of the proposals we have submitted have been implemented; others need to be completed. I hope to devote a great part of my time and effort to complete these worthwhile projects. Many of you are familiar with some of our initiatives in this area, but let me review a few with you now.

We have suggested legislation, now being considered by Congress, which would permit Federal District Courts to adopt a procedure requiring the submission to arbitration of tort and contract cases involving less than \$100,000. This legislation would enable the courts to provide litigants in these cases with an expeditious, inexpensive alternative for resolving their disputes in cases where the cost of taking the case to federal court may often be greater than the amount of the claim itself.

We have also drafted a bill, styled the Dispute Resolution Act, which would provide federal assistance to states, localities, and private agencies to improve institutions

that deal with the resolution of minor disputes and to promote innovative procedures for these cases. An example of such an innovation is the Neighborhood Justice Centers, funded by the Department in a few cities, which utilize citizen mediators to deal with a variety of problems, such as family, neighborhood, consumer, and landlord-tenant matters. These Centers provide a non-judicial alternative through which minor disputes can be settled to the satisfaction of all parties.

We are strongly supporting in this Congress, as we did in the last, legislation to expand the jurisdiction of federal magistrates, thereby providing a flexible judicial resource that permits the district courts to increase substantially the number of cases they can handle.

Other legislative proposals we are working on are reforms in class action procedures and improvements in pre-trial discovery techniques. These ideas, like the ones I described in greater detail, seek to provide people with prompter dispute resolution methods and greater access to justice.

A third way for the Department to serve the people well is for it to become responsive to the changing needs of Americans. The Department cannot be so inflexible that it fails to make adjustments as the demands of modern society change. The energy issue facing the country today provides a good example of this changing demand and need to adjust.

We all realize how serious our energy problems are, and we have become acutely aware of the need to face up to this crisis by working together. The challenge, as President Carter has said so often, must be shared by everyone -- from every single American citizen to our biggest federal institutions. The Department of Justice is in the process of determining what part it can play to help resolve this country's energy problems. One of our most important responsibilities is to ensure that the nation's laws are obeyed so that Americans are not taken advantage of. To help do this, I have decided to appoint a special counsel to the Attorney General for energy issues. The principle responsibility of this person, who has not yet been named, will be to coordinate the Department's efforts in energy cases. Currently, there are a number of offices in the Department of Justice, including the Tax Division, the Antitrust Division, the Criminal Division and the Lands and Natural Resources Division, that work on energy-related cases. This special counsel will have my authority to cut across division lines so that the Department efforts and resources are concentrated, coordinated and consistent. Additionally, this person will work closely with the Department's client agencies to help coordinate their efforts in energy matters. This added coordination will result in a more uniform policy towards the enforcement of laws relating to energy matters and will provide a central place in the Department for all energy issues to be focused.

I have briefly summarized a number of initiatives that are or will soon be underway in the Department. **They span** across the entire agency from the law enforcement to the litigation divisions, but they all share a characteristic. They all seek to enable the Department to serve the people well. This is the goal I hope to concentrate on in my time as Attorney General. To be successful, the Department must take one more initiative -- the most important one. To serve the people well, we must listen to what the people are saying. None of our programs can be successful without your help and cooperation. Your ideas, suggestions, criticisms and support are greatly needed. Over the coming months I plan to meet with many different groups across the country so that I can present and discuss these and other projects. If we succeed, then we all will have played a role in helping the Department serve the people well. Thank you very much.