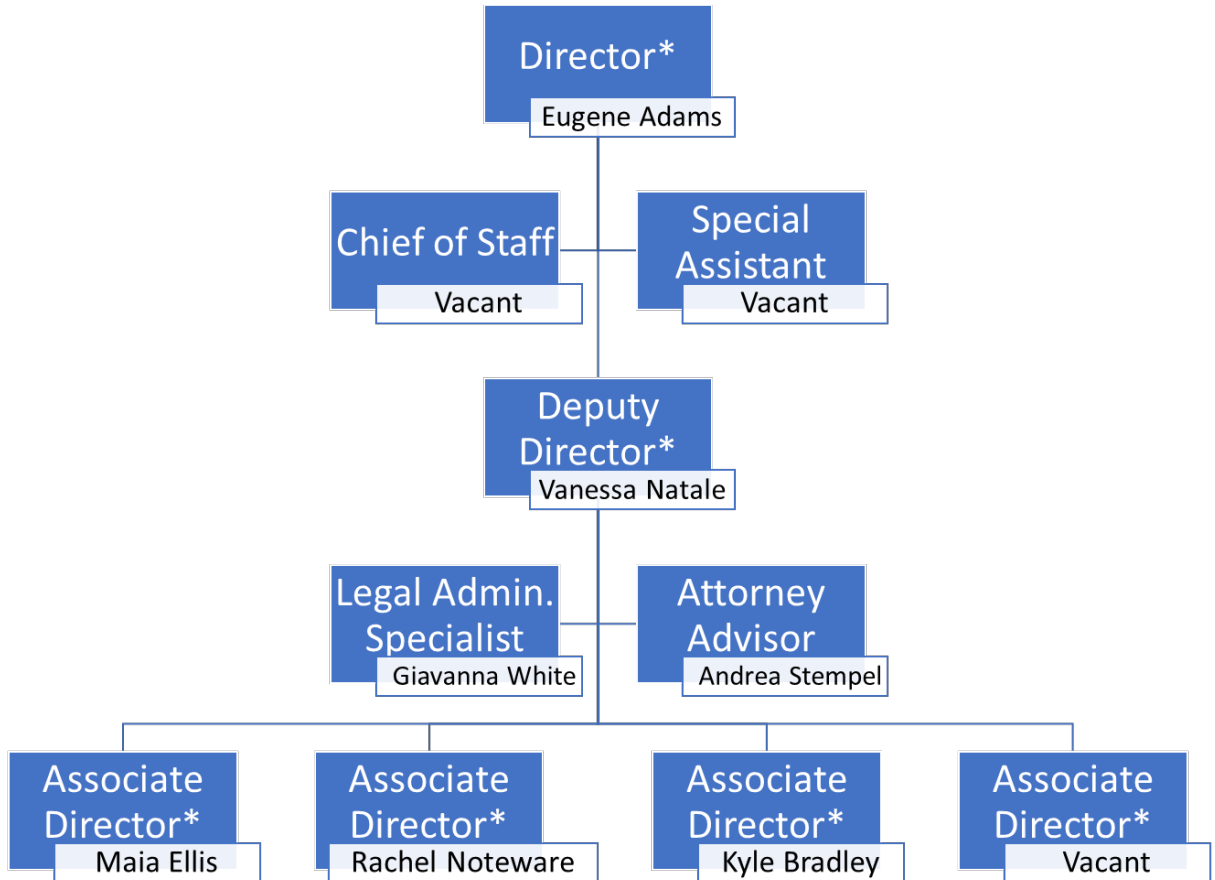


Mayor's Office of Legal Counsel

MOLC FY 2023 PERFORMANCE OVERSIGHT QUESTIONS

Standard Agency Questions

- 1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.



Each senior role is denoted by an asterisk. This information was collected on January 30, 2023 and is current up to the date of this response. The MOLC anticipates no immediate changes.

- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.

The Mayor's Office of Legal Counsel (MOLC) does not have specific subdivisions but works as a single entity. It is the legal arm of the Mayor's side of the "divided" Executive that was created when the city's AG position became elective in 2015. Its primary responsibilities are to provide legal advice and support the Mayor, her senior staff, including Deputy Mayors, agency directors of the subordinate executive agencies, directly and through oversight of more than forty agency General Counsel offices.

Mayor's Office of Legal Counsel

These duties include but are not limited to:

1. Interfacing with the Office of the Attorney General for the District of Columbia (OAG) on litigation matters and other issues that require coordination between the Executive Office of the Mayor (EOM), her subordinate agencies and the elected Attorney General;
2. Working closely with the Office of Risk Management (ORM) to reduce avoidable operational, legal and financial exposure for the District of Columbia government;
3. Resolving interagency legal issues on behalf of the Mayor;
4. Overseeing the representation of agencies in investigative matters before the Executive Branch of the federal government, Congress, or the Council of the District of Columbia; and
5. Supervising outside counsel in matters where OAG is recused from a matter or is otherwise not available.
6. Coordinating the hiring, compensation, and training of agency counsel and general counsel offices

The MOLC also adjudicates administrative appeals of the District of Columbia Freedom of Information Act (DC FOIA) decisions made by District government agencies on behalf of the Mayor and tracks reported allegations of sexual harassment claims made by city employees. The Agency also oversees the legal review of donations made to District government agencies.

However, to carry out the responsibilities enumerated above and elsewhere in our responses, each of the three Associate Directors in the MOLC has a portfolio of subordinate agencies for which they are primarily responsible as the primary point of contact. The Associate Directors then report relevant issues, challenges, and actions to the MOLC Director and Deputy Director.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

There have been no structural changes to the organization chart during the previous year, only personnel changes. In FY22, the MOLC had two employees, Mr. Benjamin Moskowitz and Ms. Dorothy Brown, resign from the agency due to the acceptance of other positions inside and outside of the District of Columbia government, respectively. Mr. Kyle Bradley was hired in November 2023 to fill one of the Associate Director vacancies. In January 2023, the Chief of Staff, Ms. Julia Hudson, resigned from her position with notice to accept another position within DC Government.

2. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

Please see the chart below. This information was collected on January 30, 2023.

Mayor's Office of Legal Counsel

Mayor's Office of Legal Counsel (AHO) Schedule A

Position Number	Title	Name	Vacant	Grade	Step	Salary	FTE	Combo	Cod	Fund	Program	CostCenter
00085675	Attorney Advisor	Stempel, Andrea O	F	6	0	\$ 93,633.75	1	000145873	1010001	100089	50090	
00085676	Associate Director	Ellis, Maia J	F	8	0	\$ 156,881.80	1	000145873	1010001	100089	50090	
00085677	Director	Adams, Eugene A	F	11	0	\$ 230,626.79	1	000145873	1010001	100089	50090	
00087578	Special Assistant		V	5	0	\$ 83,200.50	1	000145873	1010001	100089	50090	
00087579	Associate Director	Bradley, Kyle	F	8	0	\$ 140,000.00	1	000145873	1010001	100089	50090	
00087580	Associate Director		V	8	0	\$ 133,122.00	1	000145873	1010001	100089	50090	
00087581	Deputy Director of Legal Couns	Natale, Vanessa	F	10	0	\$ 198,741.00	1	000145873	1010001	100089	50090	
00087583	Legal Administrative Specialis	White, Giavanna	F	5	0	\$ 97,334.45	1	000145873	1010001	100089	50090	
00087584	Associate Director	Noteware, Rachel	F	8	0	\$ 153,760.67	1	000145873	1010001	100089	50090	
00087585	Chief of Staff		V	9	0	\$ 149,763.00	1	000145873	1010001	100089	50090	

3. For any term or temp position included in the schedule A and filled in FY22 or FY23, please provide a brief narrative for why the hire was done on a term or temporary basis and not on a continuing basis.

The MOLC did not have any term or temp positions filled in FY22 and FY23.

4. Please provide the following information on any contract workers in your agency:
 - a. Position name
 - b. Organizational unit assigned to
 - c. Hourly rate
 - d. Type of work duties

The MOLC does not have any contract workers in our agency.

5. Please complete the following chart about the residency of new hires in FY22 or FY23 to date:

Number of Employees Hired in FY22 and FY23 to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	2	2
Term		
Temporary		
WAE		

6. For FY22 and FY23 to date, please list each employee separated from the agency, other than due to retirement. Also include:
 - a. Amount of separation pay, if relevant
 - b. Number of weeks of pay, if relevant; and
 - c. The reason for the separation.

In FY22, the MOLC had no employees separated from the agency. In FY23, the MOLC had two employees, Mr. Benjamin Moskowitz and Ms. Dorothy Brown, resign from the agency

Mayor’s Office of Legal Counsel

due to the acceptance of positions inside and outside of the District of Columbia government, respectively. They resigned with notice and did not receive any separation pay.

In FY23 to date, MOLC had no employees separated from the agency. In January of 2023, one employee, Ms. Julia Hudson, resigned from her position with notice to accept another position within DC Government. She did not receive severance pay.

- 7. Please provide the Committee with a list of employees who received bonuses or special award pay granted in FY22 and FY23 to date, and identify:
 - a. The employee receiving the bonus or special pay,
 - b. The amount received, and
 - c. The reason for the bonus or special pay.
 - d. Whether the employee has consistently and/or repeatedly received bonuses. If yes, could the agency increase their salary instead?

The MOLC does not have any employees that received bonuses or special award pay granted in FY22 or FY23 to date.

- 8. Please provide the name of each employee who was or is on administrative leave in FY22 and FY23 to date. In addition, for each employee identified, please provide:
 - a. Their position;
 - b. A brief description of the reason they were placed on leave;
 - c. Whether the leave was/is paid or unpaid; and
 - d. Their current status (as of February 1, 2023).

The MOLC does not have any employees that were or are on administrative leave in FY22 and FY23 to date.

- 9. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.

Mr. Shawn Nolen was detailed to the MOLC on August 14, 2022, from the District of Columbia Office of Administrative Hearings (OAH). Mr. Nolen assists with the agency’s response to FOIA appeals and is expected to return to OAH no later than March 20, 2023.

- 10. Please provide the Committee with:
 - a. The number of cellphones, personal digital assistants, or similar communications devices received or retained by employees at agency expense in FY22 and FY23 to date;

Type of Devices	FY22	FY23
Cell Phones	9	8
Tablets	5	5

Mayor's Office of Legal Counsel

- b. A list of travel expenses, arranged by employee for FY22 and FY23 to date, including the justification for travel; and

For FY22 and FY23 to date, the MOLC did not have any travel expenses or reimbursements.

- c. A list of the total workers' compensation payments paid in FY22 and FY23 to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

For FY 22 and FY23 to date, the MOLC did not make any worker's compensation payments.

11. For FY22 and FY23 to date, please list all intra-District transfers to or from the agency.

- a. For each transfer, include the following details:

- i. Buyer agency
- ii. Seller agency
- iii. The program and activity codes and names in the sending and receiving agencies' budgets
- iv. Funding source (i.e., local, federal, SPR)
- v. Name of MOU services (i.e., support services)
- vi. Description of MOU services (i.e., if it is "support services", please provide specific information about what the service entails.)
- vii. Total MOU amount, including any modifications
- viii. Whether a letter of intent was executed for FY22 and FY23 and if so, on what date
- ix. The date of the submitted request from or to the other agency for the transfer
- x. The dates of signatures on the relevant MOU; and
- xi. The date funds were transferred to the receiving agency

- b. Please attach copies of all intra-district transfer MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.

- c. Please list any additional intra-district transfers planned for FY23, including the anticipated agency(ies), purposes, and dollar amounts.

For FY22 the MOLC had an MOU with EOM for support services in the amount of \$8,000. For FY23 to date, the MOLC does not have any MOUs requiring intra-district funding transfers.

12. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

Mayor's Office of Legal Counsel

The MOLC does not have any pending lawsuits.

13. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY22 or FY23 to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name, and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

For FY22 and FY23 to date, no settlements were entered into by the Agency or on its behalf.

14. Please list the administrative complaints or grievances that the agency received in FY22 and FY23 to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY22 or FY23 to date, describe the resolution.

The MOLC did not receive any administrative complaints or grievances in FY22 and FY23, to date.

15. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY22 and FY23 to date, whether or not those allegations were resolved.

In FY22 and FY23 to date, the MOLC did not receive any allegations of sexual harassment or misconduct committed by or against any of its employees. In accordance with the Mayor's Order on Sexual Harassment Policy, Guidance and Procedures (Mayor's Order 2017-313), all District agencies must report sexual harassment claims, investigations, and written notification of findings and conclusions to the MOLC. The MOLC is available to provide advice to general counsels on sexual harassment related issues in collaboration with DCHR.

16. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY22 and FY23 to date.

For FY22 and FY23 to date, neither the MOLC nor any of the Agency's employees were the subject of any investigations, audits, or reports.

17. Please provide a table showing your agency's Council-approved original budget, revised budget (after reprogrammings, etc.), and actual spending, by program and activity, for FY20, FY21, FY22, and FY23 to date. For each program and activity, please include total budget and break down the budget by funding source (federal, local, special purpose revenue, or intra-district funds).

Mayor's Office of Legal Counsel

- a. Include any over- or under-spending. Explain any variances between fiscal year appropriations and actual expenditures for FY22 and FY23 to date for each program and activity code.
- b. Attach the cost allocation plans for FY22 and FY23.

Agency Name	Appropriated Fund Title	Activity Title	Comp Source Group	Comp Source Group Title	Sum of FY 2020 Approved Budget	Sum of FY 2020 Revised Budget	Sum of FY 2020 Expenditures	Sum of FY 2021 Approved Budget	Sum of FY 2021 Revised Budget	Sum of FY 2021 Expenditures	Variance	Explanation			
Mayor's Office of Legal Counsel	LOCAL FUND	LEGAL SERVICES	0011	REGULAR PAY - CONT FULL TIME	1,236,303.16	876,303.16	788,205.43	1,221,059.48	1,203,559.48	1,208,473.96	(5,914.48)	Ab use the EPS cost of being increase			
				REGULAR PAY - OTHER	73,906.00	0.00	82,290.36	76,126.00	76,126.00	51,610.32	22,523.78	Variance savings			
				ADDITIONAL GROSS PAY	0.00	0.00	78,445.21	0.00	0.00	14,329.55	(14,329.55)	See reason of spending due to span-ethnic			
				FRINGE BENEFITS - CURR PERSONNEL	242,388.09	177,388.09	131,313.94	236,886.20	236,886.20	245,260.67	(5,374.47)	Ab use the EPS cost of being increase			
				OVER TIME PAY	0.00	0.00	210.00	0.00	0.00	0.00	0.00				
				SUPPLIES AND MATERIALS	31,179.00	31,179.00	8,878.22	1,960.00	1,960.00	15,737.95	(13,777.95)	In or case of NPS needs for returning to office			
				TELECOMMUNICATIONS	500.00	500.00	116.24	0.00	0.00	6,175.02	(6,175.02)	In or case of Telecom needs			
				OTHER SERVICES AND CHARGES	17,807.16	17,807.16	38,966.11	68,301.00	68,301.00	362.22	1,515.23	See reason of spending due to span-ethnic			
				EQUIPMENT & EQUIPMENT RENTAL	15,000.00	15,000.00	5,807.56	1,190.32	1,190.32	0.00	1,190.32	Cost reason of spending due to span-ethnic			
				PERFORMANCE MANAGEMENT	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
				REGULAR PAY - CONT FULL TIME	0.00	0.00	0.00	0.00	0.00	0.00	0.00				
				OTHER SERVICES AND CHARGES	0.00	0.00	5,730.86	0.00	0.00	(8,551.94)	8,551.94	PCARD Credit			
				LOCAL FUND Total				1,637,184.00	1,222,184.00	1,091,962.93	1,638,423.00	1,570,917.00	1,566,650.20	4,262.80	
				PRIVATE GRANT FUND				0.00	0.00	15,880.00	0.00	0.00	0.00	0.00	0.00
PRIVATE GRANT FUND Total				0.00	0.00	15,880.00	0.00	0.00	0.00	0.00	0.00				
Mayor's Office of Legal Counsel Total				1,637,184.00	1,222,184.00	1,111,962.93	1,638,423.00	1,570,917.00	1,566,650.20						
Grand Total				1,637,184.00	1,222,184.00	1,111,962.93	1,638,423.00	1,570,917.00	1,566,650.20						

Sum of FY 2021 Approved Budget	Sum of FY 2021 Revised Budget	Sum of FY 2021 Expenditures	Sum of FY 2022 Approved Budget	Sum of FY 2022 Revised Budget	Sum of FY 2022 Expenditures	Variance	Explanation
1,221,059.48	1,203,559.48	1,209,473.96	1,179,216.64	1,179,216.64	396,908.51	782,308.13	Current year spending
76,126.00	76,126.00	53,602.22	64,115.00	64,115.00	0.00	64,115.00	Current year spending
0.00	0.00	14,329.55	0.00	0.00	0.00	0.00	
239,886.20	239,886.20	245,260.67	242,449.65	242,449.65	77,394.38	165,055.27	Current year spending
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
1,960.00	1,960.00	15,737.95	52,160.00	52,160.00	0.00	52,160.00	Current year spending
0.00	0.00	6,175.02	0.00	0.00	0.00	0.00	
98,201.00	48,195.00	30,622.77	47,036.00	47,036.00	9,298.40	37,737.60	Current year spending
1,190.32	1,190.32	0.00	2,300.34	2,300.34	0.00	2,300.34	Current year spending
0.00	0.00	0.00	51,145.00	51,145.00	0.00	51,145.00	Current year spending
0.00	0.00	(8,551.94)	0.00	0.00	0.00	0.00	
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29	1,154,821.34	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
0.00	0.00	0.00	0.00	0.00	0.00	0.00	
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29		
1,638,423.00	1,570,917.00	1,566,650.20	1,638,422.63	1,638,422.63	483,601.29		

MAYOR'S OFFICE OF LEGAL COUNSEL FY 2022

Agy Fund	GAAP Category Title	Comp Source Group	Comp Source Group Title	Program Code 3	Approved Budget	Revised Budget	Budget	Expenditure
0100	PERSONNEL SERVICES	0011	REGULAR PAY - CONT FULL TIME	1090	51,145	51,145	51,145	
				2001	1,179,217	1,179,217	1,185,093	
			REGULAR PAY - OTHER	2001	64,115	64,115		
			ADDITIONAL GROSS PAY	2001			40,220	
	NON-PERSONNEL SERVICES	SUPPLIES AND MATERIALS	2001	242,450	242,450	237,682		
		TELECOMMUNICATIONS	2001	52,160	52,160	5,096		
		OTHER SERVICES AND CHARGES	2001	47,036	47,036	32,276		
		EQUIPMENT & EQUIPMENT RENTAL	2001	2,300	2,300	1,998		
No Change					1,638,423	1,638,423	1,506,115	

Mayor's Office of Legal Counsel (AH0) FY23 Budget

Fund	Account	Account Description	Program	Cost Center	Project	Project Description	Award	Initial Budget	Revised Budget	Expenditure	Available Budget
1010001	7011001	CONTINUING FULL TIME	100089	50090	000000	NO PROJECT	0000000	\$1,330,772.97	\$1,330,772.97	\$239,993.31	\$1,090,779.66
1010001	7014013	RETIREMENT CONTRIBUTION - CIVIL SERVICE	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$3,373.99	-\$3,373.99
1010001	7014015	OPTICAL PLAN	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$109.38	-\$109.38
1010001	7014002	GROUP LIFE INSURANCE	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$202.10	-\$202.10
1010001	7014003	HEALTH BENEFITS	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$20,208.57	-\$20,208.57
1010001	7131009	PROF SERVICE FEES & CONTR	100089	50090	201469	AH0-RTS-NONDCNET	1000326	\$0.00	\$1,500.00	\$0.00	\$1,500.00
1010001	7014008	MISC FRINGE BENEFITS	100089	50090	000000	NO PROJECT	0000000	\$251,767.93	\$251,767.93	\$0.00	\$251,767.93
1010001	7111002	OFFICE SUPPLIES	100089	50090	000000	NO PROJECT	0000000	\$51,160.00	\$51,160.00	\$44.20	\$51,115.80
1010001	7014020	RETIREMENT	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$9,589.66	-\$9,589.66
1010001	7014022	DC HEALTH BENEFIT FEES	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$823.32	-\$823.32
1010001	7014016	DENTAL PLAN	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$309.58	-\$309.58
1010001	7012006	TERM FULL TIME	100089	50090	000000	NO PROJECT	0000000	\$70,818.00	\$70,818.00	\$0.00	\$70,818.00
1010001	7014019	MEDICARE CONTRIBUTION	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$3,360.78	-\$3,360.78
1010001	7111002	OFFICE SUPPLIES	100089	50090	200015	AH0.PCRDAH.PCARD - AH	1000008	\$1,000.00	\$1,000.00	\$0.00	\$1,000.00
1010001	7171003	PURCHASES EQUIPMENT & MACHINERY	100089	50090	000000	NO PROJECT	0000000	\$2,300.00	\$2,300.00	\$0.00	\$2,300.00
1010001	7014009	RETIREMENT CONTRIBUTION - FICA	100089	50090	000000	NO PROJECT	0000000	\$0.00	\$0.00	\$8,521.56	-\$8,521.56
1010001	7131009	PROF SERVICE FEES & CONTR	100089	50090	000000	NO PROJECT	0000000	\$47,035.64	\$45,535.64	\$0.00	\$45,535.64
								\$1,754,854.54	\$1,754,854.54	\$286,536.45	\$1,468,318.09

Mayor's Office of Legal Counsel

18. In FY21 or FY22, did the agency have any federal funds that lapsed? If so, please provide a full accounting, including amounts, fund sources (e.g. grant name), and reason the funds were not fully expended.

The MOLC did not receive federal funds in FY21 or FY22.

19. Please provide a table listing every reprogramming of funds (i.e., local, federal and SPR) into and out of the agency for FY22 and FY23 to date, as well as anticipated inter-agency reprogrammings for the remainder of FY23. Please attach copies of the reprogramming documents, including the Agency Fiscal Officer's request memo and the attached reprogramming chart. For each reprogramming, include:
- The reprogramming number;
 - The sending or receiving agency name;
 - The date;
 - The dollar amount;
 - The funding source (i.e. local, federal, SPR);
 - The program, activity, and CSG codes for the originating funds;
 - The program, activity, and CSG codes for the received funds; and
 - A detailed rationale for the reprogramming.

The MOLC did not have any reprogramming of funds for FY22 or FY23 to date. We anticipate no inter-agency reprogrammings for the remainder of FY23.

20. Please list, in chronological order, every reprogramming *within* your agency during FY22 and FY23 to date, as well as any anticipated intra-agency reprogrammings. Please attach copies of any reprogramming documents. For each reprogramming, include:
- The date;
 - The dollar amount;
 - The funding source (i.e. local, federal, SPR);
 - The program, activity, and CSG codes for the originating funds;
 - The program, activity, and CSG codes for the received funds; and
 - A detailed rationale for the reprogramming.

The MOLC did not have any reprogramming of funds within our agency for FY22 or FY23 to date, nor do we anticipate any intra-agency reprogrammings.

21. For FY22 and FY23 to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
- The revenue source name and fund code;
 - A description of the program that generates the funds;
 - The revenue funds generated annually by each source or program;
 - Expenditures of funds, including the purpose of each expenditure; and
 - The current fund balance (i.e. budget versus revenue)

For FY22 and FY23 to date, the MOLC did not maintain, use, or have any available special purpose revenue funds.

Mayor's Office of Legal Counsel

22. Please list all memoranda of understanding (“MOU”) and memoranda of agreement (“MOA”) entered into by your agency during FY22 and FY23 to date, as well as any MOU or MOA currently in force. (You do not need to repeat any intra-district MOUs that were covered in the question above on intra-district transfers.)
- a. For each MOU, indicate:
 - i. Buyer agency
 - ii. Seller agency
 - iii. The parties to the MOU or MOA
 - iv. Whether a letter of intent was signed in the previous fiscal year and if so, on what date,
 - v. The date on which the MOU or MOA was entered,
 - vi. The actual or anticipated termination date,
 - vii. The purpose, and
 - viii. The dollar amount.
 - b. Attach copies of all MOUs or MOAs, other than those for overhead or logistical services, such as routine IT services or security.
 - c. Please list any additional MOUs and MOAs planned for FY23, including the anticipated agency(ies), purposes, and dollar amounts.

[Please see the response to Question No.11.](#)

23. Please list all capital projects in the financial plan and provide an update on all capital projects under the agency’s purview in FY22 and FY23 to date, including projects that are managed or overseen by another agency or entity. Please provide:
- a. A brief description of each project begun, in progress, or concluded in FY20, FY21, FY22, and FY23 to date;
 - b. A status report on all capital projects including:
 - i. The amount budgeted, actual dollars spent, and any remaining balances;
 - ii. Start and completion dates; and
 - iii. Current status of the project.
 - c. A list of which projects are experiencing delays and which require additional funding;
 - d. A status report on all capital projects planned for FY22, FY23, FY24, FY25, FY26, and FY27; and
 - e. A description of whether the capital projects begun, in progress, or concluded in FY20, FY21, FY22, or FY23 to date, had an impact on the operating budget of the agency; if so, please provide an accounting of such impact.

[For FY 22 and FY23 to date, the MOLC does not have any capital projects.](#)

24. Part I. Please submit copies of your FY24 budget submission to the Mayor’s Office of Budget and Finance (OBF). In FY24, this includes:
- a. The Operating Budget Submission Memo;
 - b. Attachment A, Vacancy List;
 - b. Form 1 (Impact of Agency’s Marc);

Mayor's Office of Legal Counsel

- c. Form 2 (Enhancement Requests); and
- d. Attachment B, List of intra-districts.

The MOLC's proposed FY24 budget is still under review/internal discussion by the EOM.

Part II: In addition, please identify:

- a. Which of your agency's MARC reductions and hypothetical 2% cuts (Form 1) were accepted or rejected (i.e. if the cut was rejected, the funds were not swept and if the cuts were accepted, the funds were swept); and
- b. Which of your agency's enhancement requests (Form 2) were accepted (i.e., which enhancements were added to your agency's FY22 budget)?

The MOLC's proposed FY24 budget is still under review/internal discussion by the EOM.

25. Please list each grant or sub-grant, including multi-year grants, received by your agency in FY22 and FY23 to date. List the following:
- a. Source;
 - b. Purpose;
 - c. Timeframe;
 - d. Dollar amount received;
 - e. Amount expended;
 - f. How the grant is allocated if it is a multi-year grant; and
 - g. How many FTEs are dependent on each grant's funding, and if the grant is set to expire, what plans, if any, are in place to continue funding the FTEs.

For FY22 and FY23 to date, the MOLC has not received any grants or sub-grants.

26. Please describe every grant your agency is, or is considering, applying for in FY23.

For FY23, the MOLC is not applying for any grants.

27. Please list each contract, procurement, and lease leveraged in FY22 and FY23 to date, with a value amount of \$10,000.00 or more. "Leveraged" includes any contract, procurement, or lease used by DOES as a new procurement establishment (i.e. HCA, BPA, etc.), contract extension, and contract option year execution. This also includes direct payments (if applicable). For each contract, procurement, or lease leveraged, please attach a table with the following information, where applicable:

Part I

- a. Contractor/Vendor Name;
- b. Contract Number;
- c. Contract type (e.g. HCA, BPA, Sole Source, single/exempt from competition award, etc.);
- d. Description of contractual goods and/or services;
- e. Contract's outputs and deliverables;
- f. Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- g. Copies of deliverables (e.g. reports, presentations);
- h. Contract Administrator name and title assigned to each contract and/or

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- procurement;
- i. Oversight/monitoring plan for each contract and associated reports, performance evaluations, cure notices, and/or corrective action plans;
- j. Target population for each contract (e.g. unemployed adults, homeless youth, DOES staff, etc.);
- k. Subcontracting status (i.e. Did the Contractor sub any provision of goods and/or services with another vendor);
- l. Solicitation method (e.g. competitive bid via GSA or DCSS, sole source, task order against other agency's contract);
- m. CBE status;
- n. Division and activity within DOES utilizing the goods and/or services;
- o. Requisitions and purchase order numbers established under each contract;
- p. Corresponding, obligated amounts for each purchase order;
- q. Corresponding, expended amounts (actuals) for each purchase order;
- r. Funding source for each requisition and purchase order;
- s. Index and PCA codes used each requisition and purchase order;
- t. Activity code and name for each index and PCA used under requisitions and purchase orders;
- u. Total contract or procurement value in FY22;
- v. Total contract or procurement value in FY23 to date;
- w. Period of performance (e.g., May 31 to April 30);
- x. Current year of contract (e.g. Base Year, Option Year 1, etc.);

Part II

Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any contract is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

In FY22 and FY23 to date, the MOLC did have any contract or procurements with a value amount of \$10,000 or more.

28. Please list each grant awarded by your agency during FY22 and FY23 to date, for goods and/or services provided by your agency. Please attach any documentation of monitoring, including any reports developed. At a minimum, please include the following grants in your response:

[LIST KNOWN GRANTS]. For each grant, please include the following information, where applicable:

Part I

- a. Grant/Program Title;
- b. Grant/Program Number;
- c. Grantee Name;
- d. Description of goods and/or services;
- e. Grant's outputs and deliverables;
- f. Status of deliverables (e.g. whether each was met or not met, in-progress, etc.);
- g. Copies of deliverables (e.g. reports, presentations);
- h. Program Manager name and title assigned to each grant;

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- i. Grant Administrator name and title assigned to each grant;
- j. Oversight/monitoring plan for each grant and associated reports, performance evaluations, cure notices, and/or corrective action plans;
- k. Target population for each grant (e.g. unemployed adults, homeless youth, DOES staff, etc.);
- l. Sub-granting status (i.e. Did the Grantee sub any provision of goods and/or services with another vendor);
- m. Solicitation method (e.g. competitive RFA or sole source);
- n. CBE status;
- o. Division and activity within DOES utilizing the goods and/or services;
- p. Requisitions and purchase order numbers established under each grant;
- q. Corresponding, obligated amounts for each purchase order;
- r. Corresponding, expended amounts (actuals) for each purchase order;
- s. Funding source for each requisition and purchase order;
- t. Index and PCA codes used each requisition and purchase order;
- u. Activity code and name for each index and PCA used under requisitions and purchase orders;
- v. Total grant award value in FY22;
- w. Total grant award value in FY23 to date;
- x. Period of performance (e.g. May 31 to April 30);
- y. Current year of grant award (e.g. Base Year, Option Year 1, etc.);

Part II

Please attach monitoring documentation, including any monitoring reports or performance evaluations developed for use. If any contract is performance-based, specify the basis of performance (i.e. the metrics) and describe the payment formula.

[For FY22 and FY23 to date, the MOLC has not awarded any grants.](#)

29. Please provide a copy of the agency's FY22 performance accountability report.
 - a. Please explain which performance plan strategic objectives and key performance indicators (KPIs) were met or completed in FY21, and which were not.
 - b. For any met or completed objective, also note whether they were completed by the project completion date of the objective and/or KPI and within budget. If they were not on time or within budget, please provide an explanation.
 - c. For any objective not met or completed, please provide an explanation.

[The MOLC did not have an agency FY22 performance accountability report.](#)

30. Please provide a copy of your agency's FY23 performance plan as submitted to the Office of the City Administrator. Please discuss any changes to outcomes measurements in FY22 or FY23, including the outcomes to be measured, or changes to the targets or goals of outcomes; list each specifically and explain why it was dropped, added, or changed.

[The MOLC did not have an agency performance plans for FY22 or FY23.](#)

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31. Please provide the total number of FOIA requests for FY22 and FY23 to date, that were submitted to your agency.
- a. Include the number granted, partially granted, denied, and pending.

FY22 MOLC FOIA Requests				
Number of FOIA Requests Received in FY22	Number of FY22 FOIA Requests Granted	Number of FY22 FOIA Requests Partially Granted	Number of FY22 FOIA Requests Denied	Number of FY22 FOIA Requests Pending on 1/31/23
51	1	2	47	1

FY23 MOLC FOIA Requests				
Number of FOIA Requests Received in FY23	Number of FY23 FOIA Requests Granted	Number of FY23 FOIA Requests Partially Granted	Number of FY23 FOIA Requests Denied	Number of FY23 FOIA Requests Pending on 1/31/23
19	0	0	17 (2 requests were withdrawn by the requestor)	0

- b. Provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

Average Response Time	29 days
Estimated Number of FTEs Required to Process Requests	2
Estimated Number of Hours Spent Responding to Requests	2-3 hours/day
Cost of Compliance	-

- c. Did the agency file any report or compilation of FOIA disclosure activities and/or requests they've received? If so, include to whom the report was submitted.

The MOLC filed its FY22 FOIA report with the Office of the Secretary.

- d. For any such reports or compilations, please indicate whether there is a standard reporting date, or if the agency determines internally when to submit such reports.

No, the Office of the Secretary informs the MOLC annually of the filing deadline.

32. Please list any/all requirements imposed on the agency via federal law, federal regulations, the District of Columbia Code, Municipal Regulations, or any other relevant statutory authority. For each, include:
- a. The statutory code or regulatory citation;

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- b. Brief description of the requirement;
- c. Any report deadlines;
- d. Most recent submission date; and
- e. A description of whether the agency is in compliance with these requirements, and if not, why not.

The MOLC does not have any federal requirements beyond those requirements that apply to all government agencies regarding federal anti-discrimination and civil rights laws.

Under D.C. Code § 1-608.51a, the MOLC has general duties to coordinate the hiring, compensation, and discipline of subordinate agency counsel in conjunction with agency directors; provide legal and policy advice to the Mayor and executive branch, resolve interagency legal issues; oversee the representation of agencies in investigative matters before the federal government or the Council; and supervise outside counsel where the Office of the Attorney General is recused. Likewise, Chapter 36 of Subtitle 6-B of the DCMR outlines the MOLC's duties in relation to the hiring, promotion, discipline, and evaluation of attorneys at subordinate agencies in the executive branch. Lastly, the MOLC has FOIA requirements under D.C. Code § 2-536a(3).

33. Please provide a list of any trainings or continuing education opportunities made available to agency employees, both in person and virtual. For each training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained. What training deficiencies, if any, did the agency identify during FY21 and FY22 to date?

The MOLC's attorneys attend legal and ethics trainings that are organized by our office, the Office of the Attorney General, the Board of Ethics and Government Accountability, the Department of Human Resources, and other agencies for the benefit of agency counsel.

34. Please discuss performance evaluations.
- a. Does the agency conduct annual performance evaluations of all its employees?
 - b. Who conducts such evaluations?
 - c. What steps are taken to ensure that all agency employees are meeting individual job requirements?

The MOLC had not, historically, conducted annual performance evaluations for its employees. However, at last year's performance oversight hearing, the MOLC Director committed to preparing these during his tenure and is, as of this reporting, working on those evaluations. Completing these will take more time than anticipated because of some staff turnover, both departures and new arrivals. Additionally, the MOLC recently completed its review of the agency attorney evaluations it is responsible for. Finally, the MOLC is considering changes to the review process and the evaluation form itself because of questions raised by agency GCs and their unionized staff.

In addition to these considerations, the Director and Deputy Director continue to manage employee performance and ensure employees are meeting individual job

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requirements via daily interactions, real time constructive feedback, weekly team meetings and the substantive review of employee deliverables.

Finally, the MOLC is fortunate to have a small group smart, highly motivated individuals, all of whom take pride in their work and proactively report their progress on assignments.

35. Please list all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during FY23 to date. Please provide an update on what actions have been taken to address each recommendation. If the recommendation has not been implemented, please explain why.

During FY23 to date, the MOLC did not receive any recommendations by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities.

Agency-Specific Questions

1. Please provide a description of what the work of your office has entailed in each of the categories below, and the number of matters in each category your office handled in FY22 and FY23 to date.
 - a. Coordinating the hiring, compensation, training, and resolution of significant personnel- related issues for subordinate agency counsel in conjunction with agency directors;

Upon request, the MOLC assists subordinate agencies with personnel matters related to the employment, discipline, evaluation, and general working conditions of the agency general counsel offices. These activities include reviewing application materials, interviewing lawyers for hire, advising agency directors, and assisting with decisions related to the terms and conditions of their employment. Additionally, the MOLC aids agencies by offering guidance on how to handle specific personnel matters relating to attorney work, employment status, discipline and/or their interactions with others.

As a practical matter, agency counsel is aware of the attendant processes and the role of the MOLC and will often seek the MOLC's involvement, thereby providing consistency amongst general counsel offices regarding personnel matters.

Additionally, the MOLC has worked to standardize many of these processes, particularly in the areas of hiring and promotion so that agency counsel are treated as fairly as possible across the agencies. Interviews and selections are now made with the appropriate Associate Director's involvement and ultimate sign-off. Templates and policies for managing discipline are shared to facilitate consistency across the subordinate agencies, hopefully, to minimize successful challenges and/or litigation that might arise from these disciplinary or other personnel actions.

- b. Providing legal and policy advice to the Mayor and executive branch;

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The MOLC always remains readily available to support the Mayor and the executive branch. The MOLC's advising responsibilities are broad and vary greatly based upon the specific client and matter or issue being addressed. Some aspects of this responsibility are standardized, while others are ad hoc or situational. Advising on the proper interpretation or application of the law is a practical example of one of the ways the MOLC supports this mission. For example, in FY21, the MOLC advised on vaccine mandates for COVID-19, the Mayor's authority over the DC National Guard, informational responses to requests from the federal government arising from Black Lives Matter (BLM) disturbances and other civil unrest including the insurrection on January 6th, 2021, some important contractual matters and on major litigation impacting the city.

Some of the more informal responsibilities include advising on various personnel matters, "troubleshooting" on specific issues or questions that have legal and operational components and responding to constituent inquiries that are legal in nature. The size and scope of these matters varies, but the paramount duty is to be as responsive, accurate and helpful as possible. The fundamental goal here is to support the Executive legally and present the government in an overall positive light.

c. Resolving interagency legal issues for the Mayor;

The MOLC views this duty as often related to subpart (b) above: if there are contradictory or conflicting policy views (with legal underpinnings or consequences), competing legal interpretations or agency or operational practices that are illegal, wrong or impractical, the MOLC will make all efforts to resolve the disagreement in a way that benefits the whole government and its leadership.

This responsibility extends to proactively address and reconcile differences between subordinate agencies and/or the OAG where disagreements regarding advice or procedures can occasionally arise. The MOLC ensures the process for all these interactions include professionalism, little prejudice of the situation, repeated opportunities to discuss, consideration of all aspects of the matter at issue, and a resolution in the best interest of the government. Last year, for example, the MOLC resolved several "disputes" between agencies about whose role/responsibility it was to manage or perform certain functions. In some of these instances, it became clear that the "disputes" were not substantive and were occasioned by resource and staffing shortages or court-imposed pressures.

d. Overseeing the representation of agencies in investigative matters before the executive branch of the federal government, Congress, or the Council of the District of Columbia; and

The MOLC seeks to be an aggressive and willing partner/participant in these investigations and inquiries. Depending on its nature, the MOLC's assistance can be advice-giving, witness preparation, communications with the investigators, drafting response letters and a small host of other related efforts. However, certain investigations and inquiries are more important than others and may require more MOLC involvement. Regardless of the level of involvement, the MOLC approaches all situations helpfully and does not presume to inject itself without a clear understanding of client needs.

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For example, in the aftermath of BLM, impeachment proceedings against the former President and the events of January 6th, the US Congress and other federal entities undertook several inquiring into the events and the city's role in them. These inquiries created FOIA and other requests for information that was sensitive or otherwise protected or protectible. The MOLC interfaced with Congressional staff, reviewed materials, and advised on the feasibility or releasing or withholding them.

- e. Supervising outside counsel in matters where the Office of the Attorney General is recused from a matter or otherwise not available.

The MOLC is usually directly involved in arranging for and overseeing the work of outside counsel in those situations where he/she may be needed. The MOLC initially serves as the conduit between the EOM (including the subordinate agencies) and OAG to establish the need for outside counsel by arranging for a conflict check and handling any inquiries from the requesting office.

The requesting office or agency will usually be the subject matter expert on what kind of outside counsel is needed, but the MOLC will aid in the identification of a suitable candidate or candidates, negotiation of an appropriate service agreement, and engagement with the individual or firm.

Finally, the MOLC can and will advise on what deliverables should be anticipated and can also provide a preliminary assessment on the quality of those deliverables, particularly with the legal issues.

In FY22, there were about 4 matters that required the MOLC to discuss with/engage outside counsel for because of 1) OAG's abrupt and public recusal from handling Department of Corrections matters that arose from the MOU the city entered with the US Marshal Service (despite the AG having been directly involved in the negotiation of that MOU) and 2) the OAG's pronouncement that, in the exercise its "public interest" responsibility, it might take positions on affordable housing zoning matters that were adverse to the Mayor's.

The second eventuality did not occur but remains a possibility because the new AG has not taken a formal position to the contrary and has expressed interest in a private property matter that is pending before the BZA. The MOLC must remain prepared to seek outside counsel in these and other situations when the need arises. In fact, the MOLC would take a view that the applicable law, regulations and Mayor's Orders need to make these processes and the related reasons for them clearer and easier to undertake.

The MOLC did advise on a number of matters pertaining to the responsibilities of the Department of Forensic Science (DFS) and its obligations to local prosecutors and other stakeholders, particularly after its loss of accreditation last summer.

- f. addressing DC FOIA Appeals.

Please see responses to Question Nos. 1(a) and 31.

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- g. Please specify the approximate number of hours devoted to the categories above (a-f).

Given the nature of the work the MOLC performs and how it is received, it is very difficult to quantify the amounts of time spent on each area, particularly because each Associate Director's workload is different, as is how they allocate their time.

The MOLC does not maintain timesheets comparable to billing records in the private sector, so all it can provide would be the estimates of (the time usages) each of the Associate Directors which would vary from week to week due to prioritization based on that week.

There are certain time-consuming constants however, like DC FOIA Appeals the MOLC is charged with addressing; other "constants" are more seasonal or intermittent, such as agency counsel evaluation reviews, maintaining records of reported instances of sexual harassment among city employees, and the review of settlement authority memoranda from the agencies and OAG.

The MOLC has realized that time was regularly spent on personnel matters at the subordinate agencies, involving lawyers and program staff (usually in a litigation posture), evaluations and, for a time and CBA negotiations with the subordinate agency lawyers.

2. Please provide details on the process of a FOIA Appeal. Include the following:
 - a. Procedures from beginning to end

Appeals come to the MOLC via email, FOIAXpress, or regular mail. Each appeal is screened to ensure it contains (1) a statement of appeal; (2) a copy of the original request; (3) a copy of any denial letter issued by the agency; and (4) the contact information for the requestor. Once an appeal has been properly filed, the MOLC contacts the relevant agency's FOIA officer and the appellant to give the agency notice of the appeal and to inform the appellant that his/her appeal is being processed. At that time, the MOLC also asks the agency to provide a response to the appeal, explaining the agency's actions. After the agency has had a reasonable opportunity to respond, the MOLC proceeds to adjudicate the appeal and provide a decision to the requestor.

- b. Timeline for a decision

Agencies typically must provide a response to the appeal within 5 business days, and the MOLC must issue a decision within 10 business days. See D.C. Official Code § 2-537(a); 1 DCMR §§ 412.5, 412.7.

- c. Statutory requirements for processing appeals

- See response immediately above regarding statutory timelines.
- If the Executive determines that a public record may not be withheld, a directive may be given to the agency to produce the record immediately. See D.C. Official Code § 2-537(a)(2).

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- d. Limitations on the types of appeals accepted, if any

There are no limitations on the types of appeals accepted. However, the appeal of FOIA requests submitted to the MOLC are referred to the Office of the Secretary as a conflict of interest and the Office of the Attorney General internally handles the appeal of the FOIA requests it receives.

3. Please provide a list of all FOIA requests in FY22 and FY23 to date, that were submitted to your agency. Please list the requests by agency subject matter. For each, please indicate:

- e. When the agency received it

See Attachment – Agency Specific Question No. 2.

- f. When the agency responded

See Attachment – Agency Specific Question No. 2.

- g. Whether it is a congressional inquiry

The MOLC has not received any congressional inquiries during the relevant timeframe.

- h. Whether there are any outstanding appeals. If yes, what are the reasons for those pending cases?

There are currently two pending appeals of FOIA requests submitted to the MOLC. FOIA request 2022-FOIA-06822 has been appealed on the basis that the MOLC failed to timely respond to a request for FOIA Appeal Logs. The MOLC has advised the requestor the logs will be produced on a rolling basis, as soon as practical. FOIA request 2022-FOIA-05864 has been appealed on the basis that the MOLC failed to timely respond to a request for documents related to District grants. The MOLC has since responded to that request.

To the extent this question is requesting the number of administrative appeals of agency decisions pending adjudication at the MOLC, an approximate breakdown is as follows:

- FY22 – 5
- FY23 – 63
- Additionally, there are currently 40 appeal decisions in a queue prepared for notification and issuance to the parties.

- i. Whether there have been any denials of FOIA appeals. If yes, for what reason(s)?

To the extent this question is referencing administrative appeals of agency decisions pending adjudication at the MOLC, appeals have been denied for various reasons including but not limited to:

- An agency's search for responsive records was found to be adequate;

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- The requested records were properly withheld by the agency because they are exempt from disclosure under the provisions of D.C. Official Code §2-534;
- The appeal was moot based on a subsequent agency action; and
- The appeal failed to state a basis or otherwise had a procedural defect.

4. Please lay out the general process MOLC takes when consulting an agency.

There are several ways the MOLC can or will consult with an agency. The two primary methods of consultation are described below:

- If the Agency asks for assistance, the MOLC will identify the appropriate person to respond, and that individual will do so promptly on behalf of the Agency. The contact is memorialized and discussed internally, and the needed assistance is provided, depending on the requirements of the situation and assuming the MOLC is the appropriate entity to provide that assistance.
- In those instances where the MOLC reaches out first, the process is the same, except the MOLC, as the initiating party, will either provide the assistance requested or advise the agency on the matter/issue that generated the consultation.

In addition to the Director and Deputy Director of the MOLC, there are currently three highly skilled Associate Directors who have direct oversight over a cluster of subordinate agencies. These Associate Directors are usually the first points of contact for the agencies they service. Because the MOLC is a small agency with a clear mandate, it is usually easy to identify an issue or a problem, discuss it internally, and then fashion the needed response and follow-up if necessary.

5. Please provide a brief description of all congressional inquiries reviewed by your office in FY22 and FY23 to date, and the role of your office in responding.

The MOLC did not receive congressional inquiries during FY22 or, thus far, in FY23. However, the MOLC has, upon request, advised on several congressional inquiries that were directed to EOM. These were all related to the events of January 6, 2021 and the aftermath.

6. How many legal trainings has MOLC held in FY19, FY20, FY21, FY22, and FY23 to date?

	FY19	FY20	FY21	FY22	FY23 Anticipated
Number of MOLC Legal Trainings	16	10	11	1	4

a. Who are the participants of these trainings?

The participants of these trainings consist of District of Columbia General Counsels, Deputy General Counsels, and attorneys from city government agencies. Attendance also includes the MOLC team members and the trainer or subject matter expert for the training.

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- b. What does a MOLC-run legal training session involve?

The MOLC-run trainings involve the presentation of a pre-selected legal topic by a skilled trainer and/or subject-matter expert. At the start of each training, the MOLC leadership welcomes attendees, provides the overall mission of the training, and introduces the trainer. The trainer usually presents from a PowerPoint they've created for the training and provides any reference materials for attendees to view throughout the training. Depending on the preference of the trainer, questions from attendees are fielded by the MOLC staff or by the trainer. Upon the completion of the trainer's presentation, the MOLC staff provide closing remarks and circulate an evaluation form to attendees to solicit any feedback regarding the training and suggestions for future training topics.

The MOLC has also hosted a training in the form of a panel where the MOLC leadership served as the moderator and a discussion was generated based on pre-selected questions that were solicited prior to the training from attendees.

- c. How has the public health emergency changed the number or substance of legal trainings hosted by MOLC?

During the onset of the public health emergency, legal trainings hosted by the MOLC were initially paused. The MOLC was able to successfully pivot and restart legal trainings in a virtual format. The transition from in-person trainings to virtual trainings did not impact the substance of the trainings and increased the number of participants. Additionally, the MOLC records all virtual trainings and posts the links on its Intranet site. The agency also circulates the links of these recordings to attorneys to review at their leisure or to receive view for credit if they were unable to attend the training live, thus creating on-demand training sessions.

- d. What steps has MOLC taken to increase the number of trainings offered?

The MOLC is taking more efforts to collaborate with agency general counsels to plan and identify new legal training topics and to ensure that the trainings being offered are addressing legal matters that are most concerning and pressing to agency counsel.

7. Please describe the relationship, if any, between MOLC and the following:
1. Executive agencies

As required by its establishing statute, the MOLC assists subordinate agencies with personnel matters related to the employment, discipline, evaluation, and general working conditions of the agency general counsel offices. These activities include reviewing application materials, interviewing lawyers for hire, advising agency directors, and assisting with decisions related to the terms and conditions of their employment. Additionally, the MOLC aids agencies by offering guidance on how to handle specific personnel matters relating to attorney work, employment status, discipline and/or their interactions with others.

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As a practical matter, agency counsel is aware of the attendant processes and the role of the MOLC and will often seek the MOLC's involvement, thereby providing consistency amongst general counsel offices regarding personnel matters.

The MOLC worked to standardize many of these processes, particularly in the areas of hiring and promotion so that agency counsel are treated as fairly as possible across the agencies. Interviews and selections are now made with the appropriate Associate Director's involvement and ultimate sign-off. Templates and policies for managing discipline are shared to facilitate consistency across the subordinate agencies, hopefully, to minimize successful challenges and/or litigation that might arise from these disciplinary or other personnel actions.

In addition to assisting with personnel actions, the MOLC always remains readily available to provide legal and policy advice to subordinate executive branch agencies. The MOLC's advising responsibilities are broad and vary greatly based upon the specific client and matter or issue being addressed. Some aspects of this responsibility are standardized, while others are ad hoc or situational. Advising on the proper interpretation or application of the law is a practical example of one of the ways the MOLC supports this mission.

A subset of the MOLC's duty to provide legal and policy advice to subordinate executive agencies includes resolving interagency legal issues for the Executive where there are contradictory or conflicting policy views (with legal underpinnings or consequences), competing legal interpretations or agency or operational practices that are illegal, wrong, or impractical. Here, the MOLC will make all efforts to resolve the disagreement in a way that benefits the whole government and its leadership. This responsibility extends to proactively address and reconcile differences between subordinate agencies and/or the OAG where disagreements regarding advice or procedures can occasionally arise. The MOLC ensures the process for all these interactions include professionalism, little prejudice of the situation, repeated opportunities to discuss, consideration of all aspects of the matter at issue, and a resolution in the best interest of the government.

2. The DC Council

The MOLC does not have a formal working relationship with the Council of the District of Columbia, in part, because that body has its own group of legal advisors. However, there are matters of importance to the entire government where collaborations and consultations may be necessary—in those instances, the MOLC is always happy to participate where that involvement does not conflict with its ethical, legal and operational priorities.

Additionally, MOLC staff often maintain personal/professional relationships with some Councilmembers and Council staffers that may create opportunities for discussions and others exchanges of ideas that, collectively, further government priorities.

Finally, there are instances where MOLC staff can—and may—more readily obtain information, answer questions or provide hypothetical advice to a Councilmember or staffer that does not cross an ethical or political divide, and where the Mayor and the Council have been historically comfortable with such exchanges or have specifically authorized them.

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3. The DC Judicial System

Presently, the MOLC is a member of the Interagency Detention Workgroup which consists of other partners from U.S. District Court for D.C., U.S. DOJ, Legal Aid, U.S. Marshal's Service, OAG, DC Department of Corrections (DOC), and the Federal Bureau of Prisons. The primary focus of this workgroup is to address the concerns from the November 2021 U.S. Marshal's Report regarding the conditions of confinement at the DOC and to discuss the corrective actions taken by DOC thus far.

4. Other legal service providers

The MOLC enjoys a robust, collegial, and collaborative relationship with the legal service providers that we are aware of and with whom we interact on a regular basis. While the relationships are generally informal, we meet with these organizations or individuals in different circumstances to address their broad or specific concerns whenever we can.

Our service to these entities, including law firms of various sizes and solo practitioners - sometimes facilitated by prior governmental interactions or even our professional relationships - is part of the MOLC's overarching responsibilities as we've reported before.

We routinely commit to being as responsive and as helpful as we can be to solve specific problems, address legal concerns and, in some cases, to be the conduits for information or messages to other parts of the government when that is appropriate.

8. What role does MOLC have in public donations to the District agencies? Please outline the processes of receiving donations from the initial step to its completion, including:
1. Monetary minimums and maximums
 2. Types of donations accepted
 3. Disbursement of donated funds or goods

The MOLC provides a legal review of all donation applications submitted to subordinate agencies for goods or services, pursuant to Mayor's Order 2015-001. This review ensures that each donation will be used for the purposes for which it was solicited and is consistent with applicable laws and purposes.

If the MOLC does not approve the application, the process cannot proceed. If the application is approved, a donation agreement is signed by the receiving agency and the donor. The MOLC is not involved in this process unless a revision is made to the standard donation agreement, in which case the MOLC must approve the agreement. The MOLC is not involved in the process of disbursing the donation goods. In FY21 and FY22 to date, the total number of donations that were deemed legally sufficient was 447.

9. To what extent does MOLC's portfolio include pro-bono related matters? How does MOLC determine which pro-bono matters to undertake?

Mayor's Office of Legal Counsel

In September of 2021, the MOLC issued a Pro Bono Policy for attorneys serving at executive agencies to encourage them to engage in pro bono service. The Policy establishes general standards for pro bono services and safeguards against conflicts of interest by prohibiting certain types of pro bono activities. Before engaging in pro bono services, agency attorneys are to submit a request form to their supervisor for review and approval. If the attorney or supervisor is unsure of whether the proposed pro bono service would create a conflict of interest, they submit a request form to the MOLC, who in turn provides its guidance. The Policy also includes a list of pro bono organizations that operate in the District and provide pro bono opportunities that are unlikely to conflict with the work of most agency attorneys. Additionally, the MOLC seeks to track agency attorneys' pro bono efforts by asking that attorneys report their pro bono service hours on a form at the end of each evaluation period.

10. Please describe the involvement of your office in the issues that persist in the District's forensics lab. Please describe your assessment of the issues that have been raised, including licensing, accreditation, and certification issues, and the impact of these issues on criminal prosecutions. Provide specific timelines for any remedial actions that are being taken by the agency in this matter.

The MOLC did advise on several matters pertaining to the responsibilities of the Department of Forensic Science (DFS) and its obligations to local prosecutors and other stakeholders, particularly after its loss of accreditation last summer. Deputy Director Vanessa Natale assisted with the legal staff and acted as a liaison to other District agencies on behalf of DFS.