

ARS □ ERS □ NASS □ NIFA

Policies and Procedures

Title Requesting Written Legal Opinions from Office of General Counsel (OGC)

Number: 123.7 v.2

Date: December 20, 2013

Originating Office: Deputy Administrator
Administrative and Financial Management

This Replaces: P&P 123.7, dated 09/09/1993

Distribution: Headquarters, Areas, Locations

This Directive states ARS policy and outlines procedures for requesting a written legal opinion from OGC

1. Abbreviations

AD	Area Director
AAO	Area Administrative Officer
DAAFM	Deputy Administrator for Administrative and financial Management
OGC	Office of the General Counsel

2. Policy

It is ARS policy to send each request for a written legal opinion from OGC to the DAAFM for signature. However, ARS encourages employees to consult informally with OGC attorneys when necessary to conduct official business and for purposes of determining whether a request for a written legal opinion is necessary.

3. Responsibilities

Deputy Administrator, Administrative and Financial Management will review and approve each request and forward to OGC as appropriate.
Headquarters, Divisions, and Staff will review each request for OGC legal opinions and provide a recommendation to the DAAFM.

4. Coverage

This policy applies only to requests for written legal opinions. These opinions would normally be needed as advice for Agency decision making.

This policy does not apply to requests for OGC reviews or handling of administrative matters requiring review by regulation or statute. Examples of such matters include mistake – in – bid cases; tort claims; debt collection; permits (revocable and easements); patent applications; real property acquisitions/leases; environmental issues; Freedom of Information requests (FOIA); Privacy Act (PA) Actions; Federal Register documents; and legal clearance required for Cooperative Agreements, Memoranda of Understanding, and contracts.

5. Procedures

Requester: Prepare a memorandum for the DAAFM's signature requesting a written legal opinion. The requester explains the circumstances and facts of the situation. Requester should provide appropriate background documents. Identify an individual who may be contacted by OGC for additional information.

Area or Headquarters: Review and send request to the appropriate Headquarters Division or Staff Subject Specialist for review and recommendation.

Headquarters Division or Staff Subject Specialist: Recommend approval/disapproval and forward request to DAAFM.

DAAF: Approve and forward to OGC; receive formal OGC opinion and returns it to the requesting office.

____Joon Park_____

Deputy Administrator

_December 20, 2013_____

Date