

# **DEPARTMENT OF LAW**

## **MISSION**

The Department of Law was created in 1926 and is headed by the State Attorney General, who is elected by the people. The Department is responsible for protecting the legal rights of New York State and its citizens by representing the State in litigation and in other legal affairs.

In implementing its constitutional responsibilities, the Department performs a wide range of functions. Major activities of the Department include prosecuting or defending actions and proceedings for or against the State and its departments; prosecuting certain criminal violations of the Labor, Workers' Compensation and Unemployment Insurance laws; investigating and prosecuting other criminal cases at the request of the Governor or the commissioners of State departments; investigating the activities of organized crime; bringing civil and/or criminal actions against polluters, violators of antitrust laws and those who defraud consumers or investors; mediating consumer complaints; and investigating and prosecuting cases of Medicaid fraud.

## **ORGANIZATION AND STAFFING**

The legal functions of the Department of Law are divided into major divisions which comprise bureaus dealing with specific legal issues and cases. These are the divisions of Administration, Appeals and Opinions, Criminal Prosecutions, State Counsel, Public Advocacy and Regional Offices.

The Department's main offices are located in Albany and New York City, with regional offices in Binghamton, Poughkeepsie, Syracuse, Buffalo, Plattsburgh, Rochester, Watertown, Mineola, Hauppauge, Harlem, Utica, Brooklyn, Pearl River and White Plains. The Department will have a workforce of 1,735 positions for 2005-06.

## **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

The Executive Budget recommends \$214 million for the Department. This recommendation includes nearly \$116 million in tax dollars from the General Fund, which will finance 54 percent of these expenses for 2005-06. Additional support for 2005-06 will be provided by Federal funding for Medicaid fraud efforts and revenues from the collection of non-tax debt, litigation settlements and assets seized as part of criminal prosecution activities and Medicaid fraud recoveries.

## **PROGRAM HIGHLIGHTS**

Agency divisions perform the following functions:

- The Administration Division provides budget, personnel, operations and technology services for the Agency;
- The Division of Appeals and Opinions handles appellate litigation in both State and Federal courts. The Division also prepares opinions, both formal and informal, interpreting State laws for State agencies and municipalities;
- The Criminal Division investigates and prosecutes criminal cases, including those involving Medicaid fraud, auto insurance fraud, white collar and organized crime cases involving multi-county, multi-state and even multi-national criminal activities occurring within New York State;
- The Division of State Counsel provides State agencies, the Governor, other State officials and the Legislature with counsel and representation in legal proceedings. It recoups non-tax revenue on behalf of State taxpayers and provides legal assistance to State agencies in connection with the acquisition and disposition of public land;

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- The Division of Public Advocacy defends and protects the public interest in the courts. It enforces laws to prevent trade restraint, protects charitable donors and beneficiaries and enforces laws prohibiting discrimination. The Division protects consumers from fraudulent, and/or deceptive business practices, enforces environmental laws and regulates sales of investment securities. It also enforces the State's health care laws and addresses concerns about on-line criminal or fraudulent activities; and
- The Regional Offices program provides mini-satellite offices across the State to ensure that all New York agencies have cost effective representation in all local and Federal courts, and that citizens have full access to the programs and services of the Department.

### ALL FUNDS APPROPRIATIONS (dollars)

Category	Available 2004-05	Appropriations Recommended 2005-06	Change	Reappropriations Recommended 2005-06
State Operations	202,456,000	214,472,000	12,016,000	51,373,000
Aid To Localities	0	0	0	0
Capital Projects	0	0	0	0
Total	202,456,000	214,472,000	12,016,000	51,373,000

### ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS

#### Full-Time Equivalent Positions (FTE)

Program	2004-05 Estimated FTEs 03/31/05	2005-06 Estimated FTEs 03/31/06	FTE Change
Administration			
General Fund	165	165	0
Appeals and Opinions			
General Fund	60	60	0
Counsel for the State			
General Fund	298	298	0
Special Revenue Funds - Other	248	248	0
Criminal Prosecutions			
General Fund	179	179	0
Special Revenue Funds - Other	74	74	0
Medicaid Fraud Control			
Special Revenue Funds - Federal	208	208	0
Special Revenue Funds - Other	75	75	0
Public Advocacy			
General Fund	276	276	0
Capital Projects Funds - Other	7	7	0
Regional Offices			
General Fund	145	145	0
Total	1,735	1,735	0

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS  
(dollars)**

<b>Fund Type</b>	<b>Available 2004-05</b>	<b>Recommended 2005-06</b>	<b>Change</b>
General Fund	115,978,000	115,978,000	0
Special Revenue Funds - Federal	32,067,000	32,738,000	671,000
Special Revenue Funds - Other	54,411,000	65,756,000	11,345,000
Total	<u>202,456,000</u>	<u>214,472,000</u>	<u>12,016,000</u>

## Adjustments:

## Transfer(s) From

## Special Pay Bill

General Fund

(3,200,000)

Special Revenue Funds - Federal

(851,000)

Special Revenue Funds - Other

(1,114,000)

## Appropriated 2004-05

197,291,000

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS  
(dollars)**

<b>Program</b>	<b>Available 2004-05</b>	<b>Recommended 2005-06</b>	<b>Change</b>
Administration			
General Fund	22,616,000	20,894,000	(1,722,000)
Appeals and Opinions			
General Fund	5,193,000	5,435,000	242,000
Counsel for the State			
General Fund	36,002,000	34,412,000	(1,590,000)
Special Revenue Funds - Other	36,645,000	47,908,000	11,263,000
Criminal Prosecutions			
General Fund	18,312,000	19,526,000	1,214,000
Special Revenue Funds - Federal	0	22,000	22,000
Special Revenue Funds - Other	4,904,000	4,904,000	0
Medicaid Fraud Control			
Special Revenue Funds - Federal	32,067,000	32,716,000	649,000
Special Revenue Funds - Other	12,862,000	12,944,000	82,000
Public Advocacy			
General Fund	21,651,000	23,565,000	1,914,000
Regional Offices			
General Fund	12,204,000	12,146,000	(58,000)
Total	<u>202,456,000</u>	<u>214,472,000</u>	<u>12,016,000</u>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
2005-06 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Personal Service Regular (Annual Salaried)</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	10,226,000	(184,000)	9,936,000	(184,000)
Appeals and Opinions	4,608,000	242,000	4,463,000	242,000
Counsel for the State	24,619,000	910,000	24,086,000	910,000
Criminal Prosecutions	16,673,000	1,214,000	16,618,000	1,214,000
Public Advocacy	21,988,000	1,914,000	21,470,000	1,914,000
Regional Offices	10,442,000	(58,000)	10,116,000	(58,000)
<b>Total</b>	<b>88,556,000</b>	<b>4,038,000</b>	<b>86,689,000</b>	<b>4,038,000</b>

<b>Program</b>	<b>Temporary Service (Nonannual Salaried)</b>	
	<b>Amount</b>	<b>Change</b>
Administration	290,000	0
Appeals and Opinions	145,000	0
Counsel for the State	533,000	0
Criminal Prosecutions	55,000	0
Public Advocacy	518,000	0
Regional Offices	326,000	0
<b>Total</b>	<b>1,867,000</b>	<b>0</b>

**STATE OPERATIONS - GENERAL FUND  
SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED  
APPROPRIATIONS AND CHANGES  
2005-06 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Supplies and Materials</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	10,668,000	(1,538,000)	83,000	0
Appeals and Opinions	827,000	0	317,000	0
Counsel for the State	9,793,000	(2,500,000)	46,000	0
Criminal Prosecutions	2,853,000	0	68,000	0
Public Advocacy	1,577,000	0	80,000	0
Regional Offices	1,704,000	0	19,000	0
<b>Total</b>	<b>27,422,000</b>	<b>(4,038,000)</b>	<b>613,000</b>	<b>0</b>

<b>Program</b>	<b>Travel</b>		<b>Contractual Services</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	60,000	0	10,194,000	(1,538,000)
Appeals and Opinions	29,000	0	479,000	0
Counsel for the State	108,000	0	1,437,000	0
Criminal Prosecutions	293,000	0	1,927,000	0
Public Advocacy	78,000	0	1,280,000	0
Regional Offices	218,000	0	1,430,000	0
<b>Total</b>	<b>786,000</b>	<b>0</b>	<b>16,747,000</b>	<b>(1,538,000)</b>

<b>Program</b>	<b>Equipment</b>		<b>Maintenance Undistributed</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Administration	331,000	0	0	0
Appeals and Opinions	2,000	0	0	0
Counsel for the State	44,000	0	8,158,000	(2,500,000)
Criminal Prosecutions	565,000	0	0	0
Public Advocacy	139,000	0	0	0
Regional Offices	37,000	0	0	0
<b>Total</b>	<b>1,118,000</b>	<b>0</b>	<b>8,158,000</b>	<b>(2,500,000)</b>

**STATE OPERATIONS - OTHER THAN GENERAL FUND  
SUMMARY OF APPROPRIATIONS AND CHANGES  
2005-06 RECOMMENDED  
(dollars)**

<b>Program</b>	<b>Total</b>		<b>Personal Service</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Counsel for the State	47,908,000	11,263,000	16,505,000	495,000
Criminal Prosecutions	4,926,000	22,000	0	0
Medicaid Fraud Control	45,660,000	731,000	23,746,000	1,000
Total	<u>98,494,000</u>	<u>12,016,000</u>	<u>40,251,000</u>	<u>496,000</u>

  

<b>Program</b>	<b>Nonpersonal Service</b>		<b>Maintenance Undistributed</b>	
	<b>Amount</b>	<b>Change</b>	<b>Amount</b>	<b>Change</b>
Counsel for the State	31,403,000	10,768,000	0	0
Criminal Prosecutions	0	0	4,926,000	22,000
Medicaid Fraud Control	17,915,000	984,000	3,999,000	(254,000)
Total	<u>49,318,000</u>	<u>11,752,000</u>	<u>8,925,000</u>	<u>(232,000)</u>