

OVERVIEW OF ATTORNEY GENERAL OFFICE/DUTIES

The Minnesota Constitution established the Office of Attorney General (“AGO”) to serve as the State’s Chief Legal Officer. The AGO’s duties arise from the Minnesota Constitution, state statutes and the common (court-made) law. The AGO helps ensure that the laws the Legislature enacts are upheld. The AGO provides legal representation to over 100 State agencies, boards, and commissions. The AGO also protects the public by bringing lawsuits on behalf of Minnesota residents as chief enforcer of the State’s consumer protection, antitrust, and charities laws. The AGO provides assistance to rural county attorneys in criminal justice matters. The AGO serves as a member of the State Executive Council, the Pardon Board, Land Exchange Board, and the Board of Investment.

The AGO is organized into several divisions that specialize in particular practice areas¹.

- **Torts, Employment, and Public Utilities Commission.** This division provides litigation services to all three branches of state government. This group of attorneys provide legal representation in cases of significant constitutional or other state interests, including employment and tort claims brought against the State. Legal representation is also provided to the Public Utilities Commission.
- **Tax Litigation.** This division provides legal representation to the Department of Revenue (“DOR”) in the Tax Court and the Supreme Court as well as federal district and bankruptcy courts.
- **Health and Teacher Licensing.** This division provides legal representation to the State’s health licensing boards and the Health Professionals Program, including representing the boards at board meetings, disciplinary conferences and in Contested Cases at the Office of Administrative Hearings. The boards are also represented in district and appellate courts.
- **Environmental & Natural Resources.** This division provides legal representation to the Minnesota Pollution Control Agency, Department of Natural Resources, Department of Agriculture, Environmental Quality Board, Board of Water and Soil Resources, and the Board of Animal Health. The attorneys represent the agencies and boards in enforcement actions and defend these bodies when parties bring suits challenging the programs or actions. This division also handles most of the State’s real estate transactions.
- **Administrative.** This division provides legal representation to the Departments of Administration, Commerce, and Employment and Economic Development, as well as the Iron Range Resources and Rehabilitation, Minnesota Management and Budget and Labor and Industry, the Housing Finance Agency, State Board of Investment, executive branch officials and many other boards, agencies, councils, and commissions. This work includes representing agencies with respect to various bonding issues. Representation of the Commerce Dept. entails numerous contested cases involving licenses and practices in a

¹ This is a summary of the work of the AGO. For a more detailed account please see the Office’s most recent report submitted to the legislature under Minnesota Statutes section 8.15, subdivision 4 at <https://www.lrl.mn.gov/docs/2020/mandated/201199.pdf>

number of industries, particularly real estate, securities and insurance. This division protects the State's very valuable interests in intellectual property and contract enforcement. Labor and code enforcement, particularly with construction contractors, is a busy role.

- **Education.** This division provides legal representation for 37 Minnesota State Colleges and Universities. It also provides legal assistance to the Department of Education, Office of Higher Education and State pension boards.
- **State Agencies.** This division provides legal representation to the Departments of Corrections, Employment and Economic Development, Health, Human Rights, Labor and Industry, Veteran Affairs, the Client Security Board, and the Bureau of Mediation Services. The Corrections work ranges from defense of civil rights claims, many from inmates, to habeas corpus appeals to state and federal courts. The Department of Health representation involves the very broad areas of regulation responsibilities, many of which result in litigation and administrative enforcement actions. The Human Rights Department's work arises from legal representation following the Department's probable cause determination that illegal discriminatory conduct has occurred. The Department of Labor and Industry representation typically leads to enforcement of workplace safety requirements. This division also works to enforce prevailing wage and child labor laws.
- **Transportation.** This division provides legal representation to Minnesota Department of Transportation. Most of the work involves eminent domain litigation. The lawyers also pursue defective work claims.
- **Criminal.** This division provides assistance to county attorneys in prosecuting serious crime and civil commitment of serious sex offenders. The lawyers assist in training law enforcement and county attorney staff. In addition to rural assistance this division prepares and argues criminal appeals from about 80 counties.
- **Medicaid Fraud.** This division is federally funded and prosecutes health care providers committing fraud in the delivery of Medicaid. This division also prosecutes financial exploitation cases and False Claims Act cases, the latter of which totaled recoveries of over \$8 million in FY 2020.
- **Public Safety.** This division represents the Department of Public Safety in 1000s of Implied Consent hearings each year. Drivers stopped for impaired driving challenge the revocation of driving privileges when they refuse a sobriety test. In addition, there are 100s of other challenges to agency actions that need to be defended. Additionally, lawyers in this division represent the State Patrol, Bureau of Criminal Apprehension, Fire Marshal as well as the Racing Commission, Gambling Control Board, and Private Detectives Board.
- **Consumer Action.** This division assists consumers, businesses and other organizations that contact it for information and assists in obtaining settlements with other parties, thus reducing the need for costly litigation.
- **Human Services.** This division provides litigation services and legal counsel to Department of Human Services, the state's largest agency. This legal work involves numerous challenges regarding health care, children and family services, mental health and licensing. The Minnesota Sex Offender Program is the source of many matters resulting in litigation and administrative proceeds requiring skilled lawyers.

- **Consumer, Wage, & Antitrust.** This division investigates violations of and enforcement of State laws, including consumer fraud, deceptive trade practices, and false advertising. Recent work includes claims against opioids manufactures for false advertising and misrepresentation of the risks. This division also investigates potential state and federal antitrust violations and anticompetitive conduct. The lawyers work with other states and jurisdictions that benefit from cross-jurisdictional coordination.
- **Charities.** This division oversees and regulates charities, charitable trusts and nonprofits active in Minnesota, particularly with fund raising. The division acts to protect charitable assets and represent the interests of beneficiaries that might otherwise be unable to represent themselves. Fraudulent solicitations are pursued.
- **Residential Utilities.** This division represents the interests of small business and residential utility consumers regarding rates, service reliability pursuant to the statute.
- **eDiscovery & Litigation Support.** This division oversees various technologies focused on the practice of law, advises on a diversity of technology-legal topics, and assists AGO staff in responding to discovery and presenting their cases at trial.

In FY 2020, the Office provided over 170,552 hours of service to state agencies, boards, and political subdivisions.

The Office's 2019-2020 budget totaled \$40,000,000. However, based on (1) requests from state agencies and county attorneys seeking more services, (2) a compensation plan that has fallen further and further behind benchmark public law offices, and (3) an inadequate and partially obsolete tech system, the Office's existing budget is no longer adequate. I will be requesting certain moderate increases for these selected areas.