

# **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 mandate, the Department performs a wide range of responsibilities. Major activities of the Department include prosecuting or defending all 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; investigating Medicaid fraud; and defending the legal and civil rights of New Yorkers.

## **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 Appeals and Opinions, Criminal, State Counsel, Public Advocacy, and Regional Offices.

The Department's main office is located in Albany. The Department also has a major office in the City of New York and regional offices in Binghamton, Poughkeepsie, Syracuse, Buffalo, Plattsburgh, Rochester, Watertown, and Mineola and in Suffolk and Westchester counties. The Department will have a workforce of 1,700 positions for 1999-2000.

## **FISCAL BACKGROUND AND BUDGET HIGHLIGHTS**

The Executive Budget recommends \$137.6 million for the Department. This recommendation includes \$87.9 million in tax dollars from the General Fund, which will finance 64 percent of these expenses for 1999-2000. Additional support for 1999-2000 will be provided by:

- Federal funding of \$25.7 million that finance Medicaid fraud efforts and that fund 19 percent of the Department's budget;
- Revenues of \$18.5 million related to the collection of non-tax debt and litigation settlements comprise 13 percent of the Department's budget; and
- The remaining 4 percent of the Department's expenses are funded with \$5.5 million consisting of assets seized as part of criminal prosecution activities, anti-trust cases and Medicaid fraud recoveries.

The General Fund recommendation includes about \$1.1 million for payments on certificates of participation issued mainly for computer equipment. This recommendation also includes \$917,000 for the annualized cost of staff approved in 1998-99 for increased litigation workload and the Department's technology operations.

## **PROGRAM HIGHLIGHTS**

Agency divisions perform the following functions:

- The Administration Division serves as the Support Service and Business Management arm of the Attorney General by providing budget, personnel, operations, and technology management activities for the agency.

- The Division of Appeals and Opinions handles appellate litigation in both State and Federal courts, determines which cases warrant appeal and the arguments to be advanced in these cases on behalf of the State of New York. 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 dealing with health care crime and organized crime 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. It also enforces State Labor and Workers Compensation Laws and defends and prosecutes actions in defense of the State.
- The Division of Public Advocacy defends and protects the public interest in the courts. It enforces laws to prevent trade restraint and promotes competition, protects charitable donors and beneficiaries from unscrupulous practices in charitable asset management, and enforces laws prohibiting discrimination. It also protects consumers from fraudulent, misleading, deceptive and illegal trade practices, enforces laws enacted to prevent environmental damage and protects the public by regulating sales of investment securities.
- The Regional Offices program provides mini-satellite offices of the main agency offices in all regions of the State to afford State residents enhanced service delivery.

**ALL FUNDS  
APPROPRIATIONS**

| <u>Category</u>             | <u>Available<br/>1998-99</u> | <u>Appropriations<br/>Recommended<br/>1999-00</u> | <u>Change</u>     | <u>Reappropriations<br/>Recommended<br/>1999-00</u> |
|-----------------------------|------------------------------|---|-------------------|---|
| State Operations . . . . .  | \$137,616,200                | \$137,124,400                                     | -\$491,800        | \$47,074,100  |
| Aid To Localities . . . . . | 405,500                      | 437,800   | + 32,300          | . . . .   |
| Capital Projects . . . . .  | . . . .                      | . . . .   | . . . .           | . . . .   |
| Total . . . . .             | <u>\$138,021,700</u>         | <u>\$137,562,200</u>                              | <u>-\$459,500</u> | <u>\$47,074,100</u>                                 |

**ALL FUND TYPES  
LEVELS OF EMPLOYMENT BY PROGRAM  
ANNUAL SALARIED POSITIONS**

| <u>Program</u>                             | 1999-00 Recommended Average Fill Level |   |                                      |  | <u>Change</u> |
|--|--|---|--------------------------------------|--|---------------|
|  | <u>Available<br/>1998-99</u>           | <u>Personal<br/>Service<br/>(Regular)</u> | <u>Maintenance<br/>Undistributed</u> | <u>Total<br/>Recommended<br/>1999-00</u> |               |
| Administration                             |  |   |                                      |  |               |
| General Fund . . . . .                     | 137                                    | 146                                       | . . . .                              | 146                                      | + 9           |
| Counsel for the State                      |  |   |                                      |  |               |
| General Fund . . . . .                     | 271                                    | 280                                       | . . . .                              | 280                                      | + 9           |
| Special Revenue Funds — Other . . . . .    | 95                                     | 95  | . . . .                              | 95                                       | . . . .       |
| Internal Service Funds . . . . .           | 109                                    | . . . .                                   | 109                                  | 109                                      | . . . .       |
| Appeals and Opinions                       |  |   |                                      |  |               |
| General Fund . . . . .                     | 68                                     | 66  | . . . .                              | 66                                       | -2            |
| Public Advocacy                            |  |   |                                      |  |               |
| General Fund . . . . .                     | 270                                    | 265                                       | . . . .                              | 265                                      | -5            |
| Criminal Prosecutions                      |  |   |                                      |  |               |
| General Fund . . . . .                     | 169                                    | 164                                       | . . . .                              | 164                                      | -5            |
| Regional Offices                           |  |   |                                      |  |               |
| General Fund . . . . .                     | 159                                    | 154                                       | . . . .                              | 154                                      | -5            |
| Medicaid Fraud Control                     |  |   |                                      |  |               |
| General Fund . . . . .                     | 73                                     | 73  | . . . .                              | 73                                       | . . . .       |
| Special Revenue Funds — Federal . . . . .  | 244                                    | 269                                       | . . . .                              | 269                                      | + 25          |
| Subtotal, Direct Funded Programs . . . . . | <u>1,595</u>                           | <u>1,512</u>                              | <u>109</u>                           | 1,621                                    | + 26          |
| Suballocations:                            |  |   |                                      |  |               |
| General Fund . . . . .                     | 27                                     |   |                                      | 27                                       | . . . .       |
| Special Revenue Funds — Federal . . . . .  | 7                                      |   |                                      | 7  | . . . .       |
| Special Revenue Funds — Other . . . . .    | 52                                     |   |                                      | 45                                       | -7            |
| Total . . . . .                            | <u>1,681</u>                           |   |                                      | <u>1,700</u>                             | <u>+ 19</u>   |

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS**

| <u>Fund Type</u>                          | <u>Available<br/>1998-99</u> | <u>Recommended<br/>1999-00</u> | <u>Change</u>     |
|---|------------------------------|--------------------------------|-------------------|
| General Fund . . . . .                    | \$83,842,600                 | \$87,485,400                   | + \$3,642,800     |
| Special Revenue Funds — Federal . . . . . | 24,683,000                   | 25,660,000                     | + 977,000         |
| Special Revenue Funds — Other . . . . .   | 22,595,700                   | 17,374,000                     | -5,221,700        |
| Internal Service Funds . . . . .          | 6,494,900                    | 6,605,000                      | + 110,100         |
| Total . . . . .                           | <u>\$137,616,200</u>         | <u>\$137,124,400</u>           | <u>-\$491,800</u> |

**STATE OPERATIONS  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS**

| Program                                   | Available<br>1998-99        | Recommended<br>1999-00      | Change                   |
|---|-----------------------------|-----------------------------|--------------------------|
| Administration                            |                             |                             |                          |
| General Fund . . . . .                    | \$16,150,200                | \$18,251,900                | + \$2,101,700            |
| Special Revenue Funds — Other . . . . .   | 4,800,000                   | . . . . .                   | -4,800,000               |
| Counsel for the State                     |                             |                             |                          |
| General Fund . . . . .                    | 22,009,400                  | 23,391,000                  | + 1,381,600              |
| Special Revenue Funds — Other . . . . .   | 11,575,100                  | 11,874,000                  | + 298,900                |
| Internal Service Funds . . . . .          | 6,494,900                   | 6,605,000                   | + 110,100                |
| Appeals and Opinions                      |                             |                             |                          |
| General Fund . . . . .                    | 4,355,700                   | 4,286,700                   | -69,000                  |
| Public Advocacy                           |                             |                             |                          |
| General Fund . . . . .                    | 15,734,000                  | 16,150,700                  | + 416,700                |
| Special Revenue Funds — Other . . . . .   | 500,000                     | 500,000                     | . . . . .                |
| Criminal Prosecutions                     |                             |                             |                          |
| General Fund . . . . .                    | 11,570,300                  | 11,753,500                  | + 183,200                |
| Special Revenue Funds — Other . . . . .   | 2,500,000                   | 2,500,000                   | . . . . .                |
| Regional Offices                          |                             |                             |                          |
| General Fund . . . . .                    | 10,041,900                  | 9,749,300                   | -292,600                 |
| Medicaid Fraud Control                    |                             |                             |                          |
| General Fund . . . . .                    | 3,981,100                   | 3,902,300                   | -78,800                  |
| Special Revenue Funds — Federal . . . . . | 24,683,000                  | 25,660,000                  | + 977,000                |
| Special Revenue Funds — Other . . . . .   | 3,220,600                   | 2,500,000                   | -720,600                 |
| <b>Total . . . . .</b>                    | <b><u>\$137,616,200</u></b> | <b><u>\$137,124,400</u></b> | <b><u>-\$491,800</u></b> |

**STATE OPERATIONS — GENERAL AND OFFSET FUNDS  
SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES  
1999-00 RECOMMENDED**

| Program                          | Total Personal Service     |                             | Personal Service Regular<br>(Annual Salaried) |                             | Temporary Service<br>(Nonannual Salaried) |                          |
|----------------------------------|----------------------------|-----------------------------|---|-----------------------------|---|--------------------------|
|                                  | Amount                     | Change                      | Amount  | Change                      | Amount                                    | Change                   |
| Administration . . . . .         | \$6,506,300                | + \$429,700                 | \$6,488,900                                   | + \$429,300                 | . . . . .                                 | . . . . .                |
| Counsel for the State . . . . .  | 16,838,000                 | + 448,600                   | 15,697,000                                    | + 429,000                   | \$1,141,000                               | + \$19,600               |
| Appeals and Opinions . . . . .   | 3,634,600                  | -69,000                     | 3,634,600                                     | -69,000                     | . . . . .                                 | . . . . .                |
| Public Advocacy . . . . .        | 14,561,800                 | + 416,700                   | 14,485,000                                    | + 415,400                   | 76,800                                    | + 1,300                  |
| Criminal Prosecutions . . . . .  | 9,512,600                  | + 183,200                   | 9,429,600                                     | + 181,800                   | 83,000                                    | + 1,400                  |
| Regional Offices . . . . .       | 7,963,900                  | -292,600                    | 7,963,900                                     | -292,600                    | . . . . .                                 | . . . . .                |
| Medicaid Fraud Control . . . . . | 3,913,100                  | -78,800                     | 3,859,400                                     | -78,800                     | 53,700                                    | . . . . .                |
| <b>Total . . . . .</b>           | <b><u>\$62,930,300</u></b> | <b><u>+ \$1,037,800</u></b> | <b><u>\$61,558,400</u></b>                    | <b><u>+ \$1,015,100</u></b> | <b><u>\$1,354,500</u></b>                 | <b><u>+ \$22,300</u></b> |

| Program                          | Holiday/Overtime Pay<br>(Annual Salaried) |                       |
|----------------------------------|---|-----------------------|
|                                  | Amount                                    | Change                |
| Administration . . . . .         | \$17,400                                  | + \$400               |
| Counsel for the State . . . . .  | . . . . .                                 | . . . . .             |
| Appeals and Opinions . . . . .   | . . . . .                                 | . . . . .             |
| Public Advocacy . . . . .        | . . . . .                                 | . . . . .             |
| Criminal Prosecutions . . . . .  | . . . . .                                 | . . . . .             |
| Regional Offices . . . . .       | . . . . .                                 | . . . . .             |
| Medicaid Fraud Control . . . . . | . . . . .                                 | . . . . .             |
| <b>Total . . . . .</b>           | <b><u>\$17,400</u></b>                    | <b><u>+ \$400</u></b> |

**STATE OPERATIONS — GENERAL AND OFFSET FUNDS**  
**SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED**  
**APPROPRIATIONS AND CHANGES**  
**1999-00 RECOMMENDED**

| Program                          | Total               |                      | Supplies and Materials |                |
|----------------------------------|---------------------|----------------------|------------------------|----------------|
|                                  | Amount              | Change               | Amount                 | Change         |
| Administration . . . . .         | \$11,745,600        | + \$1,672,000        | \$91,600               | . . . .        |
| Counsel for the State . . . . .  | 6,553,000           | + 933,000            | 159,500                | . . . .        |
| Appeals and Opinions . . . . .   | 652,100             | . . . .              | 344,200                | . . . .        |
| Public Advocacy . . . . .        | 1,588,900           | . . . .              | 78,300                 | . . . .        |
| Criminal Prosecutions . . . . .  | 2,240,900           | . . . .              | 69,200                 | . . . .        |
| Regional Offices . . . . .       | 1,785,400           | . . . .              | 18,900                 | . . . .        |
| Medicaid Fraud Control . . . . . | 2,489,200           | . . . .              | 34,600                 | . . . .        |
| <b>Total . . . . .</b>           | <b>\$27,055,100</b> | <b>+ \$2,605,000</b> | <b>\$796,300</b>       | <b>. . . .</b> |

| Program                          | Travel             |                | Contractual Services |                      |
|----------------------------------|--------------------|----------------|----------------------|----------------------|
|                                  | Amount             | Change         | Amount               | Change               |
| Administration . . . . .         | \$65,900           | . . . .        | \$11,328,800         | + \$1,672,000        |
| Counsel for the State . . . . .  | 369,500            | . . . .        | 5,872,500            | + 933,000            |
| Appeals and Opinions . . . . .   | 28,500             | . . . .        | 277,100              | . . . .              |
| Public Advocacy . . . . .        | 75,800             | . . . .        | 1,299,300            | . . . .              |
| Criminal Prosecutions . . . . .  | 297,600            | . . . .        | 1,849,300            | . . . .              |
| Regional Offices . . . . .       | 212,700            | . . . .        | 1,517,800            | . . . .              |
| Medicaid Fraud Control . . . . . | 38,900             | . . . .        | 960,100              | . . . .              |
| <b>Total . . . . .</b>           | <b>\$1,088,900</b> | <b>. . . .</b> | <b>\$23,104,900</b>  | <b>+ \$2,605,000</b> |

| Program                          | Equipment        |                | General State Charges |                |
|----------------------------------|------------------|----------------|-----------------------|----------------|
|                                  | Amount           | Change         | Amount                | Change         |
| Administration . . . . .         | \$259,300        | . . . .        | . . . .               | . . . .        |
| Counsel for the State . . . . .  | 151,500          | . . . .        | . . . .               | . . . .        |
| Appeals and Opinions . . . . .   | 2,300            | . . . .        | . . . .               | . . . .        |
| Public Advocacy . . . . .        | 135,500          | . . . .        | . . . .               | . . . .        |
| Criminal Prosecutions . . . . .  | 24,800           | . . . .        | . . . .               | . . . .        |
| Regional Offices . . . . .       | 36,000           | . . . .        | . . . .               | . . . .        |
| Medicaid Fraud Control . . . . . | 4,900            | . . . .        | \$1,450,700           | . . . .        |
| <b>Total . . . . .</b>           | <b>\$614,300</b> | <b>. . . .</b> | <b>\$1,450,700</b>    | <b>. . . .</b> |

**STATE OPERATIONS — OTHER THAN GENERAL FUND**  
**SUMMARY OF APPROPRIATIONS AND CHANGES**  
**1999-00 RECOMMENDED**

| Program                          | Total               |                     | Personal Service    |                    |
|----------------------------------|---------------------|---------------------|---------------------|--------------------|
|                                  | Amount              | Change              | Amount              | Change             |
| Administration . . . . .         | . . . .             | -\$4,800,000        | . . . .             | . . . .            |
| Counsel for the State . . . . .  | \$18,479,000        | + 409,000           | \$6,611,000         | + \$161,500        |
| Public Advocacy . . . . .        | 500,000             | . . . .             | . . . .             | . . . .            |
| Criminal Prosecutions . . . . .  | 2,500,000           | . . . .             | . . . .             | . . . .            |
| Medicaid Fraud Control . . . . . | 28,160,000          | + 256,400           | 14,614,000          | + 355,800          |
| <b>Total . . . . .</b>           | <b>\$49,639,000</b> | <b>-\$4,134,600</b> | <b>\$21,225,000</b> | <b>+ \$517,300</b> |

| Program                          | Nonpersonal Service |                    | Maintenance Undistributed |                     |
|----------------------------------|---------------------|--------------------|---------------------------|---------------------|
|                                  | Amount              | Change             | Amount                    | Change              |
| Administration . . . . .         | . . . .             | . . . .            | . . . .                   | -\$4,800,000        |
| Counsel for the State . . . . .  | \$5,263,000         | + \$137,400        | \$6,605,000               | + 110,100           |
| Public Advocacy . . . . .        | 500,000             | . . . .            | . . . .                   | . . . .             |
| Criminal Prosecutions . . . . .  | . . . .             | . . . .            | 2,500,000                 | . . . .             |
| Medicaid Fraud Control . . . . . | 11,046,000          | + 701,200          | 2,500,000                 | -800,600            |
| <b>Total . . . . .</b>           | <b>\$16,809,000</b> | <b>+ \$838,600</b> | <b>\$11,605,000</b>       | <b>-\$5,490,500</b> |

**AID TO LOCALITIES  
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE  
APPROPRIATIONS**

| <u>Fund Type</u>   | <u>Available<br/>1998-99</u> | <u>Recommended<br/>1999-00</u> | <u>Change</u>     |
|--------------------|------------------------------|--------------------------------|-------------------|
| General Fund ..... | <u>\$405,500</u>             | <u>\$437,800</u>               | <u>+ \$32,300</u> |
| Total .....        | <u>\$405,500</u>             | <u>\$437,800</u>               | <u>+ \$32,300</u> |

**AID TO LOCALITIES  
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM  
APPROPRIATIONS**

| <u>Program</u>                              | <u>Available<br/>1998-99</u> | <u>Recommended<br/>1999-00</u> | <u>Change</u>     |
|---|------------------------------|--------------------------------|-------------------|
| Criminal Prosecutions<br>General Fund ..... | <u>\$405,500</u>             | <u>\$437,800</u>               | <u>+ \$32,300</u> |
| Total .....                                 | <u>\$405,500</u>             | <u>\$437,800</u>               | <u>+ \$32,300</u> |