




Office of the Deputy Attorney General

Washington, D.C. 20530

November 28, 2001

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL 

SUBJECT: Management Plan for the United States Attorneys' Offices

The Department of Justice in this Administration places a very high premium on the effective management of its United States Attorneys' Offices ("USAOs"). Because the Attorney General and I expect to rely on the USAOs to carry out the most sensitive and weighty responsibilities of this Administration, we need assurance that every Office is organized and managed to shoulder those responsibilities. We look to each of you for that assurance.

We recognize that each of you will confront unique challenges in the management of your new offices. You come to your jobs with different levels of prosecutorial and management experience. Some of you have served as Assistant United States Attorneys; some have previously held management positions in United States Attorney's Offices; and others have served as managers and leaders in other types of enterprises, but have little or no background in federal prosecution. You will also be taking over offices that differ markedly in terms of management and performance. Some offices are running smoothly, and others need a careful examination of their management teams and practices. We will be counting on each of you to learn the strengths and weaknesses of your offices, and to institute management practices that address the weaknesses and build on the strengths.

This transition, though challenging, presents an opportunity for every Office to improve its performance. That improvement will occur, however, only if the Department clearly articulates the Attorney General's expectations and provides you the guidance and support to meet them. The Attorney General and I have formulated the following management plan for those purposes, and we have asked the Executive Office for United States Attorneys ("EOUSA") to oversee its implementation.

I. Overview of the Management Plan

This management plan is a roadmap by which the Attorney General and I will work with the USAOs to ensure that they meet the management and performance expectations set by the Administration. This plan recognizes that each district presents its own unique circumstances and demands, and it therefore does not attempt to craft specific prescriptions for the management of the USAOs around the country. Nor does it shift the operational authority for the USAOs from the United States Attorney to the Attorney General. The objective of this plan is simply to ensure that each United States Attorney is managing his or her office in a manner consistent with the

Administration's prosecutive priorities and management standards, while protecting the prerogative of the United States Attorney to employ his or her own management and leadership style.

The Department currently follows a management plan that relies on the Evaluation and Review Staff ("EARS") evaluations that are conducted in each district approximately every three years. Those evaluations are performed by teams led by an experienced Assistant United States Attorney ("AUSA") and comprised of experienced volunteers from USAOs around the country who have all received evaluation training at the National Advocacy Center. Prior to the EARS site visit, the evaluators receive a District Self Evaluation Survey ("DSES") in which the district to be evaluated describes its operations and assesses its own performance. The evaluators then spend a week in that office, where they interview staff and others who work with the office -- such as judges and officials from investigating agencies -- and ultimately produce a written evaluation reflecting a candid assessment of the strengths and weaknesses of every component of the office. That evaluation includes "red flags" for any findings of a weakness in a process or internal control that raises the potential for fraud, waste or abuse. If the district does not immediately correct the weakness identified by a red flag, EOUSA will do so, either by suspending the district's authority in the area of the red flag or otherwise taking corrective action.

The DSES and the EARS evaluation reports, along with the caseload data for each district that is maintained in the LIONS case management system, have provided the Department with a basis for assessing the performance of each office. While the EARS evaluations have been used effectively to diagnose the strengths and weaknesses of an Office, they have been underutilized as a management tool -- as a basis for prompting and helping United States Attorneys to take action to improve the state of their districts.

This management plan enhances the current EARS-based management program in two ways. First, it redesigns the EARS evaluation to make it a more effective management tool. Several changes to the operation of the EARS Program -- including a greater certainty of response and assistance from the Department in the event of a negative finding and more consistent communication of best practices -- will transform it into a more effective vehicle for ensuring that the USAOs function at a high level of proficiency.

Second, this management plan implements a five-step program for the management and assessment of the USAOs for calendar year 2002 -- which roughly coincides with the first year in office for most of the new United States Attorneys. Under this one-year program, the Department will convey its priorities and expectations for the USAOs; provide the information, training and support to equip you and your supervisors to meet the management challenges in your districts; assess whether the Attorney General's expectations are being met in each district; and take whatever steps are necessary in the event that a particular district is not meeting those expectations. This one-year management program will apply to all Offices, and will not affect the existing schedule of EARS evaluations.

II. Redesign of the EARS Evaluation Program

EOUSA is in the process of redesigning the EARS evaluation process so that it can be used more effectively as a tool for the ongoing management of the USAOs. This redesign involves the following improvements:

- Refining the evaluations to focus more attention on the critical areas of operation in a USAO, and to ensure that the required scrutiny of matters that have little effect on the overall functioning of the office and that are easily remedied -- such as relatively minor process issues -- do not dilute the EARS findings about overarching management or operational issues.
- Reducing the paperwork that we require the evaluators and the EARS staff to complete and process.
- Instituting a "red flag" system for identified weaknesses in the legal operations of an office. Upon the finding of such a red flag, senior staff members of EOUSA and/or AUSA(s) from other districts who are experts in the area of deficiency will meet with the United States Attorney from the evaluated district soon after the evaluation and lend all necessary support to the district's efforts to improve operations.
- Establishing management consulting as a primary responsibility of the EARS staff. To date, the EARS staff has been primarily occupied with evaluations and their follow-up, and has had little time or manpower to devote to routine management advice and assistance for our United States Attorneys. EOUSA plans to supplement the EARS staff with additional experienced personnel, and we will be encouraging you and your supervisors to call the EARS staff for substantive guidance about management issues in your districts.
- Shortening the time within which EOUSA requires a USAO to address an identified weakness in its legal operations.
- Briefing the Attorney General and me about the results of all EARS evaluations.

With these modifications -- and others that are still under consideration -- we expect that the EARS program can better provide an effective mechanism for the ongoing management of the United States Attorney's Offices. Please contact EOUSA if you have suggestions for any other improvements to the EARS program.

III. The Management Program for Calendar Year 2002

Our plan also provides for a management program, separate and apart from the EARS program, that will proceed in the following five steps throughout the course of calendar year 2002.

1. Distribution of the most current evaluation materials to the new United States Attorneys.
2. Communication of priorities and expectations to the new United States Attorneys.
3. Management training for United States Attorneys and their management teams.
4. Submission of performance reports by the USAOs on December 31, 2002.
5. Assessment of each USAO as of December 31, 2002.

As explained above, this program is designed to provide you with the information and support you need to pursue the Administration's priorities and to implement sound management, and to provide the Department with the means of assessing the progress of each USAO toward those objectives. The following describes each step of the program in detail.

(1) Distribution of Evaluation Materials Relating to Each USAO

I have directed EOUSA to produce a package of materials with the recent EARS evaluation reports for each Office and a summary of the most significant management issues identified through the EARS evaluations and referrals to the Legal Counsel's Office. I did that for two reasons. First, I want to make sure that you have all available information relating to the current state of affairs in your Office. Second, I want to use these materials to gain a clear understanding of the baseline from which each of you is working, as that understanding will inform both the Department's role in providing management support over the next year as well as its assessment of your operations at the end of the year.

I recommend that you and your management team carefully review those materials. I also encourage you to call EOUSA or the evaluation team leader if you would like further clarification of the evaluation findings or the recommended measures for addressing those findings.

(2) Communication of Priorities and Management Expectations

The Attorney General and I will take advantage of the United States Attorneys' Conference to enunciate the priorities that we will ask you to pursue. The primary objectives of this Administration, foremost of which is the prevention of terrorism, should be very clear by the end of the conference. It is critical that you understand these priorities, as your Office will be assessed at the end of the year as to its progress in those particular areas. If you have any question about where you should place emphasis or resources in your Office to effectuate the Department's priorities, please call my office or EOUSA.

(3) Management Training

The Attorney General has directed EOUSA to provide in-depth training to equip you and your management team with the tools and wherewithal to meet the Administration's expectations. The following training sessions are currently scheduled:

- **The United States Attorney Orientation.** On Tuesday, November 27, 2001, all new United States Attorneys gathered in Washington, D.C. for a one-day orientation session focusing on the United States Attorney's primary areas of management responsibility.
- **The National United States Attorneys' Conference.** All of the United States Attorneys will gather in Washington, D.C. between November 28, 2001 and November 30, 2001 for a training session which will acquaint you with the Department and your colleagues, provide guidance on a number of critical and current matters, and orient you to the mission and the priorities of this Administration. The conference will include addresses by the Attorney General, me and the heads of several Department of Justice components.
- **Management Team Training Courses.** Between January and August 2002, EOUSA will sponsor a series of courses in which the senior management teams from between six and eight USAOs will attend a three-day training session at the National Advocacy Center focusing on management techniques, team building skills and practical approaches to managing a USAO.
- **Federal Practice Courses.** All United States Attorneys are invited to attend the Criminal Federal Practice Seminar and the Civil Federal Practice Seminar offered at the National Advocacy Center. Those United States Attorneys with little or no experience in one or the other of these practice areas are strongly encouraged to attend.

(4) Submission of USAO Performance Reports

At the end of calendar year 2002, each United States Attorney will submit a performance report detailing the progress of his or her Office both on the prosecutive priorities of the Administration and on the introduction and maintenance of sound management within the Office. This performance report will give each of you the opportunity to assess your Office's performance over the first year, and it will give the Department a measure of how well each management team is pursuing the Administration's policy and management objectives. The Attorney General has asked the Attorney General's Advisory Committee to assist EOUSA in formulating a template for the performance report that contains the qualitative and quantitative measures which will most accurately reflect the performance of an Office.

(5) Assessment of USAOs

Upon the receipt of the USAOs' performance reports, the Department will conduct an assessment of the status of each USAO as of January 1, 2003. That assessment will be based upon a number of sources, including: (a) the performance reports; (b) caseload data from the centralized

case management system; (c) reports of consultation with the investigating agency field offices in each district; (d) reports of consultation with the bench in each district; and (e) the significant observations from the most recent EARS evaluation in each district. That assessment will be conducted by EOUSA and members of my staff. That group will then present its findings, and any recommendations based on those findings, to the Attorney General and me.

IV. Conclusion

We believe that this management plan will serve the immediate and long-term management interests of the Department. By redesigning the EARS evaluations and instituting the one-year management program, this plan ensures that you will receive meaningful management support from the Department, and that the performance of each Office at the end of your first year will be assessed with accuracy and sensitivity. Thank you, in advance, for your participation in the management program, and for all of your efforts to pursue the Department's priorities and to institute sound management in your Offices.