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**To: Attorneys General - Elect**

**From: James E. Tierney, Esq., Attorney General of Maine (1980-1990) and  
Director of the National Attorneys General Program at Columbia Law School.**

**Re: Getting Started**

**Date: November 25, 2006**

*“The citizen’s safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factual purposes, and who approaches his task with humility.”* United States Attorney General Robert Jackson, April 1, 1940.

## I. CONGRATULATIONS:

Congratulations at becoming your state’s most recent attorney general. It is a great honor and a great job. Those of us who have preceded you are hopeful that you will find in your new responsibilities all the satisfaction and challenge that we did when we sought to promote justice in our states.

This memo is designed to help get you started. While fully understanding that each state is unique and that “times have changed,” there are still some lessons that have stood the test of time. Having counseled attorneys general for twenty years, I believe that some of the greatest mistakes are made in the early days of office – or even before being sworn in – so I am taking the liberty to getting these thoughts to you right away.

## II. FIRST STEPS:

1. *Take A Break:* If you haven’t already done so, take a break. You may not get another chance. You and your family are no doubt exhausted by election year efforts, and you need some rest not only because you owe it to yourselves, but because it is important to get out of “campaign mode” as soon as humanly possible. You now represent all the citizen of your state.
2. *Reassure the Staff:* The existing staff of your new office is in terror. They are sure that you are going to fire them and dismiss everyone one of their cases that is opposed by a political supporter. They have seen you on television and read every interview you have given looking for clues as to what you are going to do.

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Even if you are planning to make significant changes, you should (acting consistently with the employment rules of your state) immediately reassure the staff. You should tell them that you want to get to know them and that you will carefully listen to them. You should tell them that their public service is valued and that you share with them a mission for justice.

As you establish your transition efforts (see below), you must be careful of those who will disparage your new staff – often for their own reasons – and who will shamelessly pander to you on office agendas that you do not yet understand.

You should reassure your staff because the office is going on everyday. Deadlines are being met. Pleadings are being filed. Crimes are being committed. You cannot afford to let the existing staff take their “eye off the ball” lest you face an unexpected disaster shortly after you are sworn in. Being attorney general is not like any other position. Outside events will control much of your day to day activities. It is just the way it is.

### 3. *Suggestions.*

\*\*\*\*\* Make an appearance with your predecessor that is accompanied by an office wide memo.

\*\*\*\*\* Say only nice things about your staff both publicly and privately.

\*\*\*\*\* Make no promises until you are ready to make your management decisions public.

\*\*\*\*\* Limit press interviews unless and until you understand some of the “messages” that inadvertent public statements might have on pending cases.

\*\*\*\*\* Meet one-on-one with as many of the existing staff as you are able. If you have already identified key leaders that you will appoint, get them into the one-on-one process as soon as possible.

\*\*\*\*\* Attempt to meet in government office space that is both private and does not impinge on the activities of your predecessor who remains the attorney general.

### **III Transition Plan:**

Whether you are assuming the position of attorney general was friendly or hostile, you nonetheless need a plan for transition. Many of us who have gone through that process are available to assist you in the effort. Suffice it to say, there is no “one size fits all” model and anyone who suggests otherwise is wrong.

Are you a large office or a small office? Are you a civil service office? Are you taking over from a friend or someone you defeated? Is there a change in political parties?

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Although the answers to these questions and others will obviously impact on your plan, you should nonetheless be already involved in private conversations with your closest advisers. In selecting those confidantes, remember that your new office are overwhelmingly legal in nature. You should be listening to the best lawyers – many of whom may have previously served in the office – and talking to them regularly.

### **IV: Chief Deputy:**

By far your most important personnel decision is the selection of your Chief Deputy. I have addressed my thoughts on this decision – and other hiring issues – in a separate memo that is in the official material.

In summary, you should select someone who is different from yourself. Because the authority of the attorney general is so vast and held by you and you alone, you will need someone close to you who can serve as a “brake” on some of your instincts.

### **V. CONSTITUENCIES:**

Because you are about to be the new attorney general – and most likely have previously served in public office – you probably believe that you have a sense of the “constituencies” of your new position.

Simply stated, you do not – and anyone who ever served as attorney general will agree with me.

The most difficult thing for any new attorney general grasp is that your voice now carries very differently than it did the day before your election. Even if you have been a state or federal prosecutor, you will now be speaking in a different voice. Even with men and women you have known for years, your voice will now be heard very differently.

You are about to become the most important legal officer of your state. For that reason, the Governor, judges from all levels, law enforcement personnel, legislators of both parties, private lawyers and the general public will now see you and hear you differently.

First, they listen to different things you say. While you still have views on many, many things (foreign policy, legislative issues, politics), you will find that the intensity of attention you receive for your views are directly proportional to your legal jurisdiction.

By way of example, you undoubtedly have very strong views on governmental ethics and state education funding. But if you lack jurisdiction in these areas, no one will really care what you think unless or until you attempt to secure another office.

By the same token, you might not care at all about state licensing boards or bail reform, but if you have legal jurisdiction, even your most off hand remarks will have great significance.

For that reason, it is important that you reach out to the significant constituencies in those areas where the attorney general has jurisdiction – whether you want to or not.

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## **VI. THE LAW**

You cannot be a great attorney general unless you know the jurisdiction of your office. This is a non-delegable responsibility. You cannot ask your existing or new staff to ‘brief you’ on your legal responsibilities.

You have to do it yourself.

Even if you have not read a statute or case or law review article in years, you have to read those that directly impact on your jurisdiction.

## **SUMMARY**

All of us who have served as attorney general are excited for you as you begin this new task. We all wish you well.