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DEPT. COMM. NO. 163

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December 22, 2025

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura
Speaker and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Goals and Objectives of the Department of the Attorney General, as required by Act 100, Session Laws of Hawaii (SLH) 1999, as amended by Act 154, SLH 2005. In accordance with section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <https://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

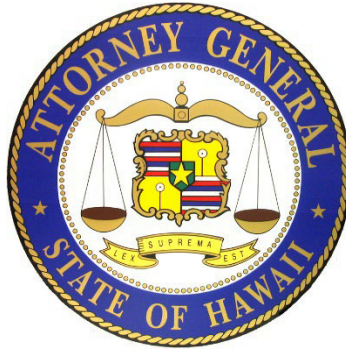
Anne E. Lopez

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Seth S. Colby, Ph.D., Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
Wendy F. Hensel, President, University of Hawaii

Enclosure

State of Hawai‘i
Department of the Attorney General
Ka ‘Oihana O Ka Loio Kuhina



GOALS AND OBJECTIVES OF THE
DEPARTMENT OF THE ATTORNEY GENERAL

Pursuant to Act 100, Session Laws of Hawaii 1999
As amended by
Act 154, Session Laws of Hawaii 2005

*Submitted to
The Thirty-Third State Legislature
Regular Session of 2025*

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SECTION 1: INTRODUCTION

Act 100, Session Laws of Hawaii 1999, as amended by Act 154 (2005), requires every department and agency of the State to develop and submit to the legislature an annual report addressing the following: (1) a statement of goals, including what the department or agency hopes to accomplish over both the short and long term; (2) objectives and policies, specifically setting forth how each goal can and will be accomplished; (3) an action plan with a timetable indicating how the established objectives and policies will be implemented in one, two, and five years; and (4) the process that the department or agency will use to measure the performance of its programs and services in meeting the stated goals, objectives, and policies.

The Attorney General is the chief legal officer of the State of Hawai'i. By law, the Attorney General and her deputies represent the State and its agencies and officers in the Executive, Legislative, and Judicial branches of government. This representation includes litigation in both state and federal court, in both civil and criminal matters, and in both defensive and affirmative capacities. In addition, the Department performs transactional work that assists the State's many agencies with the performance of their duties. The Department works with its clients on legislative priorities as well as reviewing submitted bills and testifying on legislation with respect to the legal implications of bills; drafts and reviews Administrative Rules; advises boards and commissions; and prepares legal documents in many forms. The Department provides a constant stream of informal and often daily advice to its clients. Additionally, when writs are filed against the Judiciary, if requested, the Department will represent the judge. Experience and institutional awareness, alongside productive collaboration with our state, local, and federal counterparts, are key components of the Department's success.

The Attorney General is also the chief law enforcement officer of the State, and in that role she and her deputies and investigators investigate and prosecute complaints involving human trafficking, white collar crime, violations of public integrity, citations and arrests for violations on public lands, public nuisance, arrests made by all State law enforcement officers, compliance with the Master Tobacco Settlement Agreement, and Medicaid fraud.

The Department also provides public services. It handles all child support enforcement actions, which in fiscal year 2024-2025 resulted in the collection of over \$95 million in child support. The Department's Grants and Planning Branch of the Crime Prevention and Justice Assistance Division administers federal grants to state and county criminal justice agencies and non-profit victim service providers; active awards for fiscal year 2024-2025 totaled \$46,722,189. Other federal funds are administered by the Hawaii Criminal Justice Data Center and the Internet Crimes Against Children unit, both of which apply directly to the Department of Justice to receive funding.

On December 13, 2024, the Department had 207 deputy attorneys general and four hearings officers. As of December 12, 2025, the Department had 213 deputy attorneys

general and six hearings officers. The professionals in the Department range from new hires to career deputies, including sixteen deputies with over 30 years of service, two deputies with over 40 years of service, and one deputy with over 50 years of service to the Department. Experienced deputies are critical to the successful transition between administrations. The work of the deputies is integral to every project of importance in which any client is involved. In providing both legal and institutional knowledge, the deputies serve a vital, irreplaceable function in state government, one that only experienced, licensed professionals can perform.

The Department is organized into twenty legal services divisions and six public services divisions, each with unique responsibilities for assigned departments or agencies. While there is often overlap among divisions to accommodate issues that impact multiple departments or agencies in the State, in general, each division is able to develop an expertise in its own area of law or service. The structure allows the Department to best use its resources to meet the legal needs of the State. Sections 3 and 4 of this report describe the divisions in our Department and their respective roles and responsibilities for various State clients.

As of November 30, 2024, the Department reported a total of 128 vacancies with a vacancy rate of sixteen percent. As of November 30, 2025, the Department's vacancy rate has been reduced to eight percent.

SECTION 2: MAJOR ACCOMPLISHMENTS

The day-to-day, continuous legal and public services provided by our Department are essential to minimize financial exposure and liability to the State and to allow the State to comply with federal regulations and maximize federal funding for its public programs. While the ordinary tasks that sustain the State's operations and minimize its risks and liabilities are significant, we provide the following examples of a few of the notable accomplishments achieved in the last year to highlight our Department's ability, preparedness, and commitment to deal with legal matters as they arise, and to provide community service, education, and outreach that benefits the community.

Maui Fires Investigation. In August 2023, the Attorney General began an investigation into the official response to the Maui wildfires. In support of the independent contractor's investigation, the Department has issued more than 70 subpoenas to the County of Maui and made available to the public, *voluminous amounts of* documents, videos, and audio recordings while limiting redactions to personal identifying information of residents and visitors. In all, 850 gigabytes of data were made available to the public. The Phase I comprehensive timeline, the Phase II analysis report, and the Phase III Lahaina Fire Forward-Looking Report (Phase III Report) have been released. To address the 84 findings made in the Phase II report, the Phase III Report includes ten State of Hawai'i Priorities and Recommendations that were designed to assist the State in making real changes immediately. The first two priorities have been accomplished. In addressing Priority 1, the Fire Safety Research Institute (FSRI) recommended that in the absence of an appointed State Fire Marshal

(SFM) the state contract with the Hawaii Wildfire Management Organization (HWMO), a nonprofit organization, to work closely with the State, County, and Federal agencies to build the foundation for preparedness, multi-partner coordination, and project management with the expectation that once the SFM is engaged, HWMO will work closely with the SFM and ultimately hand off the work to the SFM. A contract for that work has been executed and HWMO has met with every state department and agency that has a role in making a more resilient Hawai'i. Priority 2 includes FSRI's recommendation that a SFM be appointed, and during the 2025 legislative session, the legislature passed a comprehensive SFM bill and the Governor signed it into law. The SFM has been hired and is on the job.

State of Hawai'i v. Bristol-Meyers Squibb Co., et al., Civ. No. 14-1-0708. In 2025, the State reached a \$700 million settlement with Bristol-Meyers Squibb and Sanofi. The Circuit Court originally issued a judgment in favor of the State in *State of Hawai'i v. Bristol-Meyers Squibb Co., et al.*, in the amount of \$916 million. This case arose out of the Defendants' acts in developing, marketing and promoting Plavix, a prescription drug designed to reduce the risk of serious cardiovascular events such as heart attacks, strokes and blood clots. According to evidence presented in court, the Defendants began marketing the drug to Hawai'i physicians and consumers in 1998, knowing that it was not effective for many patients, including Asian and Pacific Island patients. Defendants only began warning Hawai'i physicians and consumers about this issue in March 2010, when the U.S. Food and Drug Administration required them to place a "black box" warning on the label accompanying the drug. The Court found that the defendants violated the State's unfair and deceptive acts law.

James Dannenberg v. State of Hawai'i, 06-1-1141-06 JPC. Eighteen years after this case was filed against the State of Hawai'i, the circuit court ruled in favor of the State on all counts. In this class action, state and county retirees alleged that their retirement medical benefits had been diminished or impaired by the Hawaii Employer-Union Health Benefits Trust Fund (EUTF), contrary to section 2 of article XVI of the state constitution. The plaintiff class sought *hundreds of millions of dollars* for 50-60,000 class members. After two Supreme Court appeals, the case went to trial in phases during 2021-2023. In January 2024, the Department secured judgment in favor of the State EUTF and all four counties on *all claims*. Despite numerous counsel changes, judge reassignments, copious documents, depositions, and witnesses, the Department maintained a cohesive and effective defense resulting in a *huge* win for the State. Plaintiffs appealed the judgment to the Hawaii Supreme Court. Briefing of the matter has been completed, and oral argument is scheduled for March 2, 2026.

DW Aina Lea v. Land Use Commission, 1:17-cv-00113-SOM-WRP. After eight years and three appeals to the U.S. Circuit Court of the Ninth Circuit, the court granted summary judgment in favor of the State on all claims. The Department successfully defended the Land Use Commission (LUC) against a developer who sued for over \$600 million after the LUC reverted the classification of a parcel of property because of the developer and landowner's failure to comply with an affordable housing requirement. Significantly, the LUC's ability to impose conditions when granting petitions for land use

reclassification, including affordable housing requirements, would have been vulnerable had the Department lost this case. The Department's motion for summary judgment was granted in February 2024. DW Aina Lea appealed, but in February 2025, the Ninth Circuit Court of Appeals affirmed in full, and issued its mandate in March, finally concluding the case in the State's favor.

Butch Burke et al. V. Kakaako Land Company, State of Hawai'i, et al., 1CC141001912. Eleven years after this case was filed, the State prevailed in Hawaii's Intermediate Court of Appeals and the Hawaii Supreme Court. In 2014 a group of Kakaako businesses sued the Kakaako Land Company and its owners (KLC) over charges that KLC was imposing on them for parking on the streets, which KLC claimed to own. In 2015, the complaint was amended to name the State as a defendant. The question of who owns the streets went to trial in 2020, and the court ruled in 2021 that the streets had been abandoned to the Territory in 1947. KLC appealed to both the Intermediate Court of Appeals and the Supreme Court. The State prevailed in both courts in 2025. The streets have been transferred to the City and County of Honolulu and are open to the public.

Maunalua Bay Beach Ohana 28, et al. v. State of Hawai'i, SCWC-19-0000776. Plaintiffs filed this case over twenty years ago, arguing that a state law designating "accreted lands not otherwise awarded" as public lands unlawfully took portions of their beachfront property without just compensation. Plaintiffs sought over \$6 million in compensation from the State plus attorneys' fees. The trial court awarded Plaintiffs \$0 in just compensation based on testimony from the State's expert witness that the land at issue had no market value. The Hawaii Supreme Court upheld the award of \$0 and further held that the State's sovereign immunity barred an award of attorneys' fees under the private attorney general doctrine.

Do the Write Thing. In partnership with the Department of Education, the Attorney General successfully launched "Do the Write Thing: A Campaign to Stop Violence" (DtWT), a program designed to reduce youth violence and its consequences on the lives of youth. DtWT is a writing challenge for middle school students that is held in fourteen states to provide a forum for students to constructively express how violence impacts them. DtWT is also an opportunity for students to be heard and empowered. In 2025, Waianae Intermediate School participated in the pilot DtWT. Most of the student participants wrote on gun violence. The challenge resulted in the selection of one student ambassador to represent Hawai'i to attend the DtWT 2025 Summit in Washington, D.C. Hawaii's DtWT Year 2 challenge will be expanding statewide.

Human Trafficking Prevention Program. The Special Investigation and Prosecution Division has taken on a number of responsibilities related to the Department's Human Trafficking Prevention Program. Notably, in January 2025, the Human Trafficking Abatement Coordinator created a robust program to commemorate Human Trafficking Awareness Month and to provide public awareness and education. The programming consisted of a resource fair at Fort Street Mall, a virtual "Lunch and Learn" speaker series, and a candlelight vigil at the State Capitol to celebrate and commemorate

victims and survivors of human trafficking. The Special Investigation and Prosecution Division also created the Department's Human Trafficking Prevention Program website (available at <https://ag.hawaii.gov/traffickingprevention/>).

Federal Accountability Litigation. Since January 20, 2025, the Department has sued the federal administration 35 times as part of a coalition of twenty-three attorney general offices throughout the country. The scope of the litigation is broad and focuses on efforts to preserve the rule of law, which is the essence of a democratic system of government ruled by the people, and to protect Hawai'i taxpayers from the arbitrary actions of the federal government. We have defended the privacy rights of Hawai'i residents, challenged the unlawful suspension of SNAP benefits, fought against an executive order that blatantly violates the constitutional right of birthright citizenship, litigated to keep our local law enforcement independent of federal control, challenged the dismantling of federal agencies that provide important services to Hawai'i residents, including the U.S. Department of Education, and obtained victories to maintain the flow of congressionally appropriated funds into Hawai'i. Our efforts have resulted in orders that restored, among other moneys, approximately \$16 million in unlawfully frozen funds flowing to the State per day and over \$500 million owed to the State from FEMA, including over \$21 million for Hawaii's Disaster Case Management Program used to assist victims of the Maui wildfires. We were also able to keep more than \$365 million in transportation funds flowing without illegal conditions, reinstate \$89 million in illegally terminated grants to the Hawaii Department of Health, and restore \$33 million in funds to the Hawaii Department of Education.

Additional major accomplishments include:

The Community and Crime Prevention Branch of the Crime Prevention and Justice Assistance Division, a three-person office, conducted 108 presentations and participated in fifty-four large and small community events, reaching over 29,500 youth and adults. The presentations and educational materials/activities focused on online/cyber safety, preventing identity theft and fraud, and substance use prevention.

The Department assisted the Department of Hawaiian Home Lands with development agreements, property acquisitions, and contracts on projects worth more than \$200 million and funded by Act 279, Session Laws of Hawaii 2022. The Department also performed legal work that will result in over \$500 million in State affordable housing financing and more than 2,700 planned units.

The Department provides several key services through its Hawaii Criminal Justice Data Center. The Data Center conducts an average of 5,000 civil fingerprint-based background checks each month. In addition, it manages about 2,900 sex offender records and maintains more than 645,000 adult criminal history records in the state repository.

SECTION 3: DEPARTMENT GOALS AND OBJECTIVES

The mission of the Department is to provide excellent legal services to the State of Hawai'i by offering advice and counsel to its client agencies, assisting in the implementation of policy decisions, aiding the core activities of its client agencies, representing the State and its agencies and officers in litigation, and investigating and prosecuting human trafficking, white collar crime, criminal violations by public officials and employees, and crimes that occur on public lands and properties. Carrying out this mission includes: (1) initiating lawsuits to protect the interests of consumers and the public, and appearing for the State in civil and criminal cases when the State is a party, (2) investigating violations of state laws, enforcing the laws, and prosecuting those who violate the law, (3) preparing legal opinions for the Governor, Legislature, and the heads of state departments, (4) assisting with the preparation of the Administration's bill package for each legislative session, reviewing all bills that are introduced each session, and advising the Legislature and the Governor about legal concerns with those bills and other legislative matters, (5) advising state officials, including more than 170 boards and commissions, on legal matters so they can faithfully execute their duties and responsibilities, (6) defending and representing state officials and employees when they are sued for actions that have occurred as part of their official duties; (7) collaborating with federal, state, and county law enforcement agencies in the Hawaii High Intensity Drug Trafficking Area (HIDAH) organization, and (8) collaborating with other states, as well as federal and local counterparts, on matters of importance to our State.

The Attorney General administers several programs and projects that provide direct benefits to the public, including the Child Support Enforcement Agency, the Crime Prevention and Justice Assistance Division, the Hawaii Criminal Justice Data Center, the Hawaii Internet and Technology Crimes Unit, the Hawaii Internet Crimes Against Children Task Force, the Missing Child Center Hawaii, Notaries Public, the Office of Child Support Hearings, the Sex Offender Registry Program, the Tax and Charities Division, and the Tobacco Enforcement Unit.

In addition to our legal services divisions, the Department has various internal ad hoc committees that serve in a consultative capacity to support deputies charged with complex matters and to ensure the Department's advice is consistent. These include the Appellate Opinion Review Committee, the Contracts Committee, the Ethics and Conflicts Committee, the Litigation Management Committee, and the Training Committee.

The Department also has several attached boards and commissions, the Commission to Promote Uniform Legislation, the Gun Violence and Violent Crimes Commission, the Hawaii Correctional System Oversight Commission, and the Law Enforcement Standards Board.

Currently, the Department's goals are to enhance operations, functionality, and professionalism. The overall strategy to achieve these goals is to maintain an environment that attracts and nurtures talented attorneys and individuals with a

commitment to public service, so that the Department can continue to represent the State successfully at the local and federal level on matters of state importance. Achieving these goals will allow the Department to serve the State and the public and to achieve its mission.

The Department's performance measures have rarely changed because they are so closely tied to the successful representation of the State. If we do our job well, we save money and resources for the State.

The following are specific goals and objectives for the Department to continue the work it does with efficiency and effectiveness, and the steps needed to achieve those goals and objectives.

Goal 1: Sustain Quality Legal Services through Hiring and Training.

The Department has an ongoing commitment to training, which improves the skills and efficiency of the Department. It is especially important to attract talented personnel to work in the Department and make sufficient resources available to sustain quality and timely legal services to the client departments and agencies.

Objective: Provide comprehensive legal advice to clients, manage workflow and caseloads efficiently, and meet deadlines for responses to requests for legal services.

Action Plan: To the extent allowed, and subject to the availability of funding, hire personnel with the desired experience to fill vacancies when they arise. Provide deputies and staff with access to training and legal research tools to support high-quality and timely work product.

Require deputies and staff to attend free training offered to government attorneys and employees and attend in-house training provided by the Department. Identify training programs outside of the Department and seek funding to attend such programs.

Encourage deputies to attend other legal training when it becomes available. We often have opportunities to attend subject matter training, frequently funded or partially funded by our client agency or other sources (i.e., the National Attorneys General Training and Research Institute and the National Governor's Association, among others).

Review and update all division training manuals as necessary. Continue in-house division training, including the most current opinions of Hawai'i appellate courts, the federal courts, and the United States Supreme Court.

Target: The target date for this goal is ongoing. With the support of the Legislature, we have been able to increase salaries to more competitive rates, which has resulted in our ability to fill deputy vacancies.

Goal 2: New Deputy Training.

Ensure that attorneys who are new to the Department are provided a foundation to serve the State while meeting the Department's standards of excellence. Increase the collective knowledge of our deputies.

Objective: Provide a live Training Academy for new attorney hires, preferably annually. Provide recordings of trainings for those who join the Department after the training and before a new training is scheduled.

Action Plan: In 2021, we started a new and exciting project for providing both an introduction to the Department and consistent training to all new deputies within the Department. We developed and implemented our new deputy Training Academy. This two-week intensive session supplements individual training within each division and combines in-person and virtual training in a comprehensive introduction to the Department, its divisions, and the relevant laws and procedures that every deputy attorney general needs to know. The Training Academy instructors are supervisors and specialists from all divisions. Division supervisors also train their new deputies, upon employment.

In 2025, with the hiring of an audio video specialist, we were able to enhance our internal introductory video materials for onboarding new deputy hires. The video materials and recordings of training sessions are additional tools to acclimate new hires to the Department quickly, pending the live training session.

Target: The live training is envisioned to occur annually and continues to be a focus for the Department. The most recent training was held in October 2024, and our Training Committee is planning for the next formal training.

Goal 3: Improve Range of Legal Services by Cross Training.

Broaden deputies' areas of knowledge to minimize subject area silos, facilitate flexibility in making assignments, and avoid disruption in the provision of legal services. When one of our divisions is short-handed due to vacancies or absences, deputies need to cover for each other by performing legal work that may be outside their area of expertise. By sharing responsibilities on cases and among clients, the divisions strengthen their ability to adapt to unexpected staff shortages. Cross training allows accommodation for leave time.

Objective: To increase exposure to various legal issues to broaden the capabilities of deputies to be able to contribute to assignments outside of their specialty when a need arises due to staff shortages or special projects.

Action Plan: Encourage deputies to pursue subject-matter and practice-relevant training, in addition to the annual Continuing Legal Education requirements for all attorneys. Promote teamwork by encouraging deputies to communicate freely with and collaborate with division deputies and deputies in other divisions who have expertise and resources to assure appropriate and consistent Department-wide advice and representation. Expose deputies to a variety of substantive issues and encourage deputies to take on different assignments jointly and to work together on less familiar projects.

The need for cross training is critical because it allows us to pool available resources, as we were forced to do during the COVID-19 pandemic. The intent is for cross training to occur primarily within subject matter divisions, but to also select deputies for special projects within the Department that will provide broader exposure to various subject matters, usually of a complex nature. Deputies may also be required to devote extra hours to ensure client work is completed.

Deputies have primary assignments of programs or issues for which they gain expertise, but they collaborate with each other on matters to share their knowledge across their assigned areas, and they cover matters for each other when necessary. Deputies are encouraged, but not required, to become involved in Department-wide or community-based activities outside of their assigned area to network and expand their skill sets.

Pair less experienced deputies with those who are more seasoned.

Encourage divisions to seek guidance from the Appellate/Opinion Review Committee or the Litigation Management Committee whenever necessary or appropriate.

Target: The target date for this goal is ongoing, but we anticipate an annual increase in the collective knowledge of the Department's deputies and their ability to contribute to special projects.

Goal 4: Adapt to the Changing Needs of the Workforce.

To provide seamless legal services to our clients and stay competitive with private firms, we have learned that in the present job market, we need to increase resources and adapt policies and practices to assist deputies and staff in working more efficiently and comfortably in a remote setting, out of the office, when needed. Currently, the Department policies and

procedures allow deputy attorneys general to work remotely no more than three days a week. Staff subject to collective bargaining may be able to work remotely provided such work is structured consistent with the remote work policy issued by the Department of Human Resources Development.

Objective: Allow flexibility in making assignments and ensure continuity in the provision of services.

Action Plan: A means of assessing accountability is essential to successful remote working. Supervisors of deputies who work any portion of their work week remotely are responsible for determining that deputies are completing their work at the same levels they would if they were in-office. This involves assessing work output and reviewing timesheets, as well as ensuring that staff members are always responsive to emails and available by telephone or virtual meetings during regular work hours.

Review and update as needed the Department's remote work policy for exempt excluded deputy attorneys general and ensure that staff subject to collective bargaining are working in a manner compliant with the statewide remote work policy.

To ensure full legal services are provided if remote work is required, increase capacity to ensure that personnel have access to the resources needed to work remotely, such as IT equipment. Continue in-house refresher training for all personnel on Microsoft Office applications that enable online collaboration, including SharePoint and Teams.

Working remotely during the pandemic was critical to the Department's ability to perform its work. Subsequently, it has become apparent the Department needs to maintain a long-term strategy for remote work when necessary and as an incentive to retaining talented deputy attorneys general. It is equally clear that some deputies and staff have the capability to work remotely, but the technology currently available is limited and not available to all employees in the Department. Assessment of the need for continued remote working and improved or additional resources is ongoing. Key considerations include our continued ability to be responsive to the client's needs in a timely manner and maintain a healthy work environment both in the office and with remote work.

When in-person meetings are not possible, maintain Department cohesiveness through Microsoft Teams meetings, emails, texts, telephone conferences, and other remote means.

Attend court appearances, hearings, meetings, and work-related matters through telephonic appearances and video conferencing platforms such

as Microsoft Teams, Zoom, and WebEx when in-person meetings are not possible or otherwise ordered by the court.

Target: The target date for this goal is ongoing. The need for remote meetings has outlasted the dangers of the pandemic, and the convenience has become a part of the evolving remote-working culture.

Goal 5: Recruit and Retain Workers with Young Children by Offering Childcare Options.

The Department recognizes that many parents of young children feel unable to both work and care for their children because of the lack of childcare options. It is important to recruit new talent and retain experienced workers who are already trained to work in the Department.

Objective: Offer convenient, cost-effective childcare options near the place of employment to enable parents with young children to continue their work for the Department.

Action Plan: The Department, in collaboration with the Department of Transportation (DOT), will procure a childcare provider to operate a pilot project childcare facility in a state building for the public purpose of increasing the availability of childcare and lowering the cost of childcare for state employees and Hawaii residents.

The pilot project will be a public private partnership in which the State will provide the basic infrastructure for a childcare facility, and the provider will charge the families a reasonable rate to be collected directly from the families. The facility is expected to serve mainly employees who work in nearby offices.

The space will be co-located in a public office building occupied currently by DOT. The space will be renovated to meet the minimum physical requirements set out in chapter 17-895.1, Hawaii Administrative Rules. The Department and DOT have identified a potential site and secured a draft architectural proposal for the renovation and buildout of the site. Once the draft plans are approved and funding is identified, a contractor will be procured to do the construction. At the same time our Department currently is drafting the procurement documents for the operation of the childcare facility, based on research by the Department and DOT including site visits of similar facilities operating in county and federal spaces, review of the legal documents used to establish those similar facilities, consultation with the Department of Human Services childcare licensing program, and review of the licensing rules.

Target: January 2027.

Goal 6: Share and Access Resources; Establish a Data Bank.

Objective: Enhance the Department's document management system so that all Department personnel can access and obtain maximum value from resources. Eventually, the system will include: (1) all forms used by the Department and its various divisions, (2) memo banks indexed for efficient accessibility and to save research time, (3) opinion advice letters provided to clients indexed by topic to allow for consistency in our legal advice, (4) pleadings from court cases, (5) analysis of various Hawai'i and federal cases, (6) filed appellate briefs, and (7) an expert data bank, including prior depositions, curriculum vitae, and opinions.

Provide better, faster, and easier access to critical information, improved efficiency, consistency in advice, and improved office environment, by moving towards a paperless environment.

Reduce the need to store hard copies by making electronic copies of relevant documents to better manage the Department's physical space. Identify and digitize pleadings and advice to make them accessible. Review and move old files to storage or destroy as warranted.

Reduce the need to retrieve boxes already in off-site storage to obtain information from closed cases.

Action Plan: Each division is encouraged to scan files and resource materials so that files can be accessed, shared, and reviewed electronically.

Digitize and index historical work-product to provide additional resources for Department members. Use the standard procedure for maintaining electronic files and work product described above.

Ensure all personnel are using a consistent method to manage files within our ProLaw system.

Utilize the technology in the Department (ProLaw, iManage, Office 365, departmental intranet, Internet) to its fullest potential.

Ensure that each member of the Department is proficient in the use of technology to increase efficiency and allow for the sharing of information.

Identify information to post on the departmental intranet to share knowledge within the Department.

Create or update and maintain manuals and checklists for deputies and staff regarding important duties and reminders for case management and include them in the data bank.

Develop or update and maintain a process to better share information among divisions and create uniformity in procedures for different divisions that perform similar assignments, such as issuing and responding to discovery.

Target: The target date for this goal is ongoing, but to capture all historical data within the Department within a data bank would be a major project. Currently, divisions do this work when time permits. As the Department fills vacancies, it may be able to make faster progress in this area.

Goal 7: Reduce Time Spent on Non-Legal Tasks.

Objective: Reduce the time attorneys spend on non-legal tasks for clients, to achieve savings in deputy time.

Use technology to improve efficiency.

Action Plan: Continue to train clients in tasks such as preparing agendas and minutes, maintaining records, creating records and indices of records for administrative appeals, and compiling records on appeal.

Train clients to ensure that agency records that are available to the public do not contain confidential information or attorney-client privileged information and ensure that agency records for administrative appeals are in good order. This will include savings in staff time currently spent compiling records on appeal for client agencies and appropriately redacting documents for permitted reasons in response to Uniform Information Practices Act requests.

Work with clients to prioritize assignments.

Conduct training to enable clients to issue spot, take preventative action, and proactively respond when an issue arises.

Assist clients in standardizing procedures, where possible.

Establish and maintain consistent procedures and forms to be used with all client offices.

Increase proficiency with existing technology solutions described above and become adept in new technology solutions that are introduced in the

future. In addition to in-house training, deputies and staff are encouraged to utilize other State-sponsored training and available web-based courses.

Keep a master calendar of all deadlines within each division and use reminder systems.

Target: The target date for this goal is ongoing.

Goal 8: Improve Client Relations.

Objective: Nurture and encourage early and regular consultation with clients to ensure that deputies fully understand their client's business and that clients understand the legal advice they receive and its application.

Assist clients with the development of processes or forms to help decrease recurring legal issues and facilitate consistency in the client's work product.

Action Plan: Work collaboratively with clients to solve problems, including identifying potential necessary administrative rules or rules changes or statutory changes that will resolve issues.

Be accessible to meet with clients and foster open communication. Identify recurring questions and evaluate the possibility of establishing ways to systematically address such issues.

Ensure that the Department's work is accurate, thorough, and well-reasoned. Provide training and mentor less experienced deputies so that they are fully prepared for all court appearances, administrative hearings, and situations where they may be called upon to give legal advice, e.g., board and commission meetings.

Educate clients to develop their ability to identify potential legal issues before they arise and what action they can take after they arise to minimize their impact.

Maintain good and consistent communication with clients on a regular basis.

Target: The target date for this goal is ongoing.

Goal 9: Succession Planning and Leadership Opportunities.

Objective: Provide opportunities for deputies to obtain leadership skills and pursue appropriate recruitment to fill vacancies anticipated due to the retirement of division supervisors and senior deputies.

Preserve institutional knowledge and maintain a culture of excellence.

Action Plan: Expose deputies to supervisory functions.

Encourage interested deputies to attend training in supervision, mentorship, and administrative duties within State government.

Facilitate interested deputies' ability to mentor their less experienced colleagues and the opportunity to understand and participate in departmental activities outside of their division

Memorialize institutional knowledge in a data bank and a form bank.

Target: The target date for this goal is ongoing.

SECTION 4: LEGAL SERVICES DIVISIONS

The Department is divided into the following twenty legal services divisions to provide representation to all departments and agencies in the State.

Administration Division

The Administration Division differs from other legal divisions in the number and diversity of client agencies it represents and advises, and the wide variety of substantive areas of law that the advice encompasses. The division's roles include representing and providing quality advice and counsel to policy-making executive branch agencies (i.e., the Office of the Governor, the Office of the Lieutenant Governor, the Department of Accounting and General Services, and the Department of Budget and Finance); assisting in implementing policy decisions (e.g., through drafting executive orders, legislation, and rules); and assisting in the implementation of the core activities of the above entities, their attached agencies, and other agencies (i.e., Employees' Retirement System, Hawaii Employer-Union Health Benefits Trust Fund, Office of Enterprise Technology Services; State Procurement Office, 911 Board, Building Code Council, State Foundation on Culture and the Arts, Office of Elections, Campaign Spending Commission, Office of the Public Defender, Ethics Commission, and the Office of Information Practices). The division also provides representation, advice, and counsel to the Judiciary and the Legislature and their agencies, as well as to the public services divisions of the Department.

The Administration Division advises the following boards and committees. The frequency of the meetings is listed parenthetically.

Employees' Retirement System Board (every other month)

- Human Resources Committee (as needed)
- Administration and Audit Committee (as needed)
- Legislative Committee (as needed)
- Investment Committee (as needed)

Hawaii Employer-Union Health Benefits Trust Fund Board (monthly)

- Administrative Committee (every other month)
- Benefits Committee (monthly)
- Investment Committee (every other month)
- Emergency Committee (as needed)

Procurement Policy Board (monthly)

911 Board (monthly)

State Building Code Council (monthly)

Office of Enterprise Technology Services

- Information Technology Stearate Committee (monthly)
- Information Privacy and Security Council (monthly)
- Access Hawaii Committee (monthly)
- Data Policy Task Force (monthly)
- Act 172 Accessibility Working Group (monthly)
- Information Technology Consolidated Working Group (monthly)

Hawaii Criminal Justice Data Center

- Data Sharing Working Group (as needed)
- Hawaii Integrated Justice Information Sharing Executive Committee (as needed)

Campaign Spending Commission (monthly)

Hawaii Correctional System Oversight Commission (monthly)

Law Enforcement Standards Board (monthly)

Gun Violence and Violent Crimes Commission (as needed)

Ethics Commission (monthly)

Elections Accessibility Needs Advisory Committee (as needed)

Board of Registration for the County of Kauai (as needed)

Board of Registration for the City and County of Honolulu (as needed)

Board of Registration for the County of Maui (as needed)

Board of Registration for the County of Hawaii (as needed)

State Foundation on Culture and the Arts (monthly)

Defender Council (quarterly)

Aloha Order of Merit (as needed)

Commission on Judicial Conduct (monthly)

Deferred Compensation Plan Board (as needed)

King Kamehameha Commission (as needed)

Research Corporation of the University of Hawaii (quarterly)

Statewide Education Accessibility Needs Advisory Committee (as needed)

During the period covered by this report, the Administration Division's usual workload was heavily impacted by the 2024 elections, which generated a marked increase in the number of election claims that usually result from an election, and an unprecedented number of cases filed in State and federal courts challenging the election results and the election process. The division has prevailed in all these cases; although a few have been appealed by the unsuccessful parties and are pending in the appellate courts. Questions regarding the spending of federal and state funds for the Maui wildfires relief efforts consumed a considerable amount of the division's time. The division continues to advise the Departments of Accounting and General Services and of Budget and Finance and legislators to ensure that state funds are properly appropriated and expended. Additionally, the division assisted with the review of the Governor's emergency proclamations.

The division assisted in the development of legislation that was enacted as Act 301, Session Laws of Hawaii 2025, establishing the Maui Wildfires Trust Fund. Act 301 appropriates \$807.5 million to fulfill the State's share of a \$4.037 billion settlement arising from the 2023 Maui wildfires. The Act is intended to provide prompt financial compensation to survivors and the families of victims, thereby offering an alternative to lengthy and costly litigation. Under the Act, individuals who receive compensation from the trust fund must agree to release the State from any further liability related to the Maui wildfires.

Appellate Division

The Appellate Division maximizes the quality of appellate representation to all the Department's clients and provides constructive and work product advice to deputies throughout the Department on all appellate matters. The division's attorneys directly handle many of the appeals in the Department, including high-stakes cases in state and federal court, often involving claims under the Hawaii or U.S. Constitution. The Appellate Division is also primarily tasked with addressing the numerous legal issues the State faces because of the current federal administration, including funding freezes, grant terminations, funding conditions, agency dismantling, and other actions affecting the health, safety, and welfare of Hawaii's residents.

In addition to the above, the Appellate Division drafts amicus briefs in appeals involving issues of importance to the State and makes detailed recommendations to the Attorney General on whether the State should join multi-state amicus briefs filed in the United States Supreme Court and other lower courts, and comment letters urging Congress or Federal agencies to take certain actions. Since the beginning of 2024 through the present, the Appellate Division has reviewed, assessed, and analyzed approximately 215 requests from other states and organizations for Hawai'i to join multi-state amicus briefs and letters on a wide array of legal issues. The Appellate Division also provides frequent moot court assistance to deputies from other divisions and conducts trainings for the Department.

Civil Recoveries Division

The Civil Recoveries Division provides service in the pursuit and, if necessary, litigation of outstanding debts, delinquent accounts, and other financial obligations by working closely with client agencies. The division administers the Notary Public Services and Process. This includes managing applications from individuals interested in becoming notaries, and administering the examination, renewal, and payments. The Asset Forfeiture Program is managed by this division as well. The primary objective of the program is to administer the disposition of forfeiture petitions and manage the storage, maintenance, liquidation and distribution of assets seized. The division has instituted an online public auction site for the sale of forfeited property.

Pursuant to Act 288, Session Laws of Hawaii 2025, Relating to Property Forfeiture, the division is drafting amendments to its administrative rules to include the return of seized property and to update the procedures for the disposition of property, the use of the criminal forfeiture fund, and compromising and paying valid claims against property forfeited.

Civil Rights Litigation Division

The Civil Rights Litigation Division provides legal defense to the State, its departments and agencies, and certain state employees in lawsuits or other claims that primarily involve allegations of civil rights or constitutional violations. The Civil Rights Litigation

Division litigates cases in state and federal courts, including appellate courts. The division's litigation includes answering legal complaints filed in court, investigating claims, conducting discovery, drafting and filing motions, memoranda, and briefs, as appropriate, and representing state interests at administrative hearings, court hearings, arbitrations, mediations, trials, and appeals. The Civil Rights Litigation Division also assists in the training of state agencies on issues such as acceptance of service and other litigation matters.

The Civil Rights Litigation Division has achieved significant successes in winning trials and prevailing on dispositive motions and appeals in both state and federal courts, as well as entering favorable settlements to limit the State's exposure.

Commerce and Economic Development Division

The Commerce and Economic Development Division provides advice and counsel to the Department of Agriculture and Biosecurity, the Department of Business, Economic Development, and Tourism, and the Department of Commerce and Consumer Affairs, as well as to all of their attached agencies. The division also enforces antitrust laws, participates in multistate consumer protection matters and cases, and advises the Legislature, the Governor, and other affected agencies on legal issues arising from the subject matter of the division.

The division advises numerous boards and commissions during their meetings, including the Board of Agriculture and Biosecurity (monthly meetings), the Agribusiness Development Corporation Board (monthly meetings and as needed), the Hawaii Community Development Authority Board (monthly meetings), the Hawaii Technology Development Corporation Board (monthly meetings), the Natural Energy Laboratory of Hawaii Authority Board (monthly meetings), the Small Business Regulatory Review Board (monthly meetings), the Stadium Authority Board (monthly meetings), the Hawaii Tourism Authority Board (monthly meetings and as needed), the Elections Commission (meetings as needed), the Hawaii Hurricane Relief Fund Board (weekly meetings), the Board of Public Accountancy (meetings every other month), the Board of Acupuncture (quarterly meetings), the Board of Barbering and Cosmetology (quarterly meetings), the State Boxing Commission (meetings as needed), the Board of Chiropractic (meetings every other month), the Contractors License Board (monthly meetings), the Board of Dentistry (meetings every other month), the Board of Electricians and Plumbers (quarterly meetings), the Board of Elevator Mechanics (quarterly meetings), the Board of Professional Engineers, Architects, Surveyors & Landscape Architects (meetings every other month), the Board of Massage Therapy (meetings every other month), the Medical Board (meetings every other month), the Motor Vehicle Industry Licensing Board (quarterly meetings), the Motor Vehicle Repair Board (quarterly meetings, but currently lacks a quorum), the Board of Naturopathic Medicine (quarterly meetings), the Board of Nursing (monthly meetings), the Board of Optometry (quarterly meetings), the Board of Pest Control (quarterly meetings), the Board of Pharmacy (meetings every other month), the Board of Physical Therapy (meetings every other month), the Board of Private Detectives and Guards (meetings every other month), the Board of Psychology

(meetings every other month), the Real Estate Commission (monthly meetings), the Board of Speech Pathology and Audiology (quarterly meetings), and the Board of Veterinary Medicine (quarterly meetings).

As a division that services multiple client departments and agencies, the Commerce and Economic Development Division has a broad portfolio of work. While each deputy has discrete clients and assignments, the division as a whole is highly collaborative, and deputies are frequently exposed to matters and issues beyond their individually assigned roles. Many deputies also contribute their time and knowledge to Department-wide projects and committees. This division also frequently provides support to the Attorney General and to other divisions within the Department in areas of expertise such as antitrust and consumer protection. The division has been involved in investigating, litigating, and resolving matters involving opioids, robocalls, and social media companies, and the division has also continued to receive and investigate complaints relating to the eviction moratorium and rent cap established by the Governor's emergency proclamations relating to the Maui wildfires.

Complex Litigation Division

The Complex Litigation Division provides core services to the State and its departments. The Complex Litigation Division is a stand-alone division tasked with providing litigation, audit, and administrative support in larger civil matters, investigating potential contract and procurement irregularities, and providing guidance to both the Department and other state agencies on a range of legal, ethical, compliance, and other matters. The division fills a supportive role that allows the Department to flexibly augment other division resources and advance multiple action plan items. The division is also the Attorney General's liaison to several federal agencies, litigates many of the large-scale, often multistate, complex matters involving the State, and supports some of the more significant, high-profile matters affecting the people of Hawai'i.

The Complex Litigation Division addresses integrity matters that could lead to criminal, civil, or administrative action. The division collaborates with the Department's Criminal Justice Division, Special Investigation and Prosecution Division, and Investigations Division on long-term criminal investigations, developing investigative plans, preparing search warrants, assisting in the gathering of evidence, and conducting financial analyses. Much of that work is done by the analysts, all of whom are retired federal criminal investigators with substantial experience investigating complex financial crimes, including tax crimes, money laundering, contract fraud, healthcare fraud, bribery, and integrity offenses.

Criminal Justice Division

The Criminal Justice Division serves as a statewide prosecutorial arm of the Department to enforce the laws of the State of Hawai'i and to ensure public safety through the just, efficient, and effective administration of justice. The Criminal Justice Division reviews and prosecutes a wide variety of criminal cases statewide including

welfare and tax fraud, white collar crime, internet crimes against children, child sexual exploitation, sex offender registration violations, various criminal cases conflicted out by the counties, homicides, sexual assaults, abuse and neglect cases, unauthorized practice of law, fireworks offenses, environmental crimes, crimes related to state corrections facilities, and other cases involving matters of statewide concern or involving state officials or employees. This division receives all cases generated by state law enforcement agencies, including but not limited to, the Department of Law Enforcement, the Narcotics Enforcement Division, the Sheriff Division, the Harbors Division, and the Division of Conservation and Resources Enforcement. This Division also receives cases from county prosecutors' offices when conflicts of interest are identified. Additionally, this Division receives cases from federal law enforcement agencies.

The Criminal Justice Division includes the Internet Crimes Against Children Unit, the Medicaid Fraud Control Unit, and the Tobacco Enforcement Unit. The division also has responsibilities for the sex offender registration and surveillance review programs. The division administratively supports the Law Enforcement Standards Board, which meets quarterly, and manages the State Firearms Certification Program under the Law Enforcement Officers Safety Act of 2004.

The division reviews criminal justice related legislation and addresses legal issues as needed. The division also provides legal support to other state departments on criminal justice related matters.

Education Division

The Education Division provides legal advice and counsel to all the division's clients, which include the Department of Education (DOE) and its 258 schools, the Hawaii State Board of Education, the Hawaii State Public Library System, the Hawaii Teacher Standards Board, the Charter School Commission, 38 Charter Schools and their Governing Boards, the Executive Office on Early Learning, the Early Learning Board, the School Facilities Authority, and the Hawaii Child Nutrition Program. A deputy attorney general from the Education Division attends monthly board meetings for the following clients: Board of Education, Hawaii Teacher Standards Board, the Charter School Commission, and the Early Learning Board. A deputy attorney general also attends the School Facilities Authority Board Meetings if and when scheduled by its Board.

The scope of the Education Division's practice includes civil litigation in all courts in the State, litigation in administrative forums regarding the Individuals with Disabilities Education Act (IDEA), advising all client boards and commissions on various sunshine law matters, drafting memoranda interpreting the statutes, rules, and regulations applicable to our clients, reviewing construction and professional service contracts, leases, purchase and sales agreements, rights of entry, and memoranda of agreement/understanding, interpreting and advising clients on the state procurement code, providing legal advice on various anti-discrimination laws, such as Title IX and

Section 504 of the Rehabilitation Act, and advising schools on the applicability of the IDEA and Section 504.

Over the past year, the division continued to work with and provide counsel to the Executive Office of Early Learning, the DOE, the Charter School Commission and the School Facilities Authority to advance the Lieutenant Governor's Ready Keiki Initiative to expand pre-K opportunities across the state by renovating current classrooms, building new classrooms, and partnering with other state agencies to include pre-K facilities in new construction projects. The division also guided the DOE in reaching agreements with community health centers to co-locate health care centers on public school campuses, bringing free health care screening to children in vulnerable and underserved communities. For the upcoming year we expect an increase in legal work surrounding the purchase of real property and the building of new schools and teacher housing.

The Education Division is also collaborating with the Human Services Division in drafting a memorandum of understanding defining the roles of each client agency in providing extended monitoring of foster children who have been adopted and exempted from attending a public school in favor of home-schooling.

Employment Law Division

The Employment Law Division provides legal representation and advice to the Department of Human Resources Development and to all State departments and agencies, including the public charter schools, on employment-related issues. The division represents all State employers in binding arbitration hearings, administrative agency hearings, and civil litigation involving disputes over employment matters with State employees. Forums in which the division litigates include State and Federal Courts, the Hawaii Labor Relations Board, the Merit Appeals Board, and the Labor and Industrial Relations Appeals Board. The division also provides legal advice and representation for State employers in matters before the Hawaii Civil Rights Commission and the U.S. Equal Employment Opportunity Commission. Additionally, the division frequently represents State employers in labor grievance arbitrations, including individual and class grievances. This past year, the division went to trial in three civil lawsuits, and among the many arbitrations it litigated, it was engaged in two class grievance arbitrations regarding Temporary Hazard Pay during the COVID emergency. The division anticipates that in fiscal year 2025-2026, it will take lead in the bargaining unit (14) interest arbitration and litigate several repricing impasse arbitrations. The division handles appeals and post-award litigation that arise from its cases. It also reviews and advises on all employment-related legislation and submits testimony when appropriate. Finally, the division provides legal advice and representation to the Merit Appeals Boards and Civil Service Commissions of all the counties and the Hawaii Health Systems Corporation, for appeals filed with those boards.

Family Law Division

The Family Law Division represents state agencies in any Family Court proceedings where the State has an interest, statewide. The Family Law Division provides advice and counsel and handles all litigation under the jurisdiction of the Family Court, such as child and adult protection, minor and adult guardianships, involuntary hospitalization, truancy, and juvenile law violation cases where services are provided by our client agencies to one or more of the parties. The primary focus of these cases is to help individuals and families in need. Clients include the Department of Education, the Department of Health, the Department of Human Services, and the Office of the Public Guardian.

In the first half of calendar year 2025, the Family Law Division filed about 325 petitions for involuntary hospitalization, 168 Child Protective Act petitions for children who were subjected to harm or threatened harm by their families, 30 guardianship and 49 adoption petitions for children in the custody of the Department of Human Services, 101 petitions for truancy, and 5 guardianship petitions for incapacitated adults. The division also handled 30 appeals, 11 of which are still active.

Health Division

The Health Division provides quality legal services to support the work of the Department of Health, comprised of over thirty-five different and distinct offices and branches whose subject matter ranges from medical marijuana to mental health, environmental regulation and enforcement to emergency medical services, and health facility licensing to disease prevention and control, in addition to its various attached entities, boards, and commissions. The Health Division advises the following boards and commissions: Hawaii State Council on Mental Health (monthly meetings), State Council on Developmental Disabilities (quarterly meetings), Hawaii Advisory Commission on Drug Abuse and Controlled Substances (monthly meetings), Disabilities & Communication Access Board (monthly meetings), Emergency Medical Services Advisory Committee (quarterly meetings), Hawaii Early Intervention Coordinating Council (quarterly meetings), Policy Advisory Board for Elder Affairs (monthly meetings), Hawaii Trauma Advisory Council (quarterly meetings), and the Language Access Advisory Council (has not been meeting due to lack of quorum but previously met monthly). The Health Division provides advice, counsel, and representation in various courts and administrative proceedings, including multistate litigation and appellate work. The division also advises members of the Hawai'i State Legislature when questions arise involving health-related issues.

Some of the higher profile work of the division includes supporting the legal needs of the Department of Health in addressing the Red Hill fuel spill, defueling, closure, and clean-up, advising on the establishment of new behavioral health crisis centers, and implementing the new mental health code amendments. The division continues to advise the Department of Health on issues that arose from the tragic Maui wildfires, including reduced air quality, unprecedented volumes of solid and hazardous waste, the

need to mitigate the effects of ground and surface water pollution, mental health issues, and other public health issues that continue to emerge in the aftermath of the disaster. The Health Division is also playing a critical role in three complex litigation matters wherein the State is seeking to hold manufacturers responsible via product liability, consumer protection and other laws for the natural resource damage related to contamination caused by polychlorinated biphenyl (PCB), polyfluoroalkyl substances (PFAS), and fossil fuels (climate change).

Human Services Division

The Human Services Division provides advice and counsel to the Department of Human Services programs and its administratively attached agencies, including the Commission on the Status of Women, the State Committee of Blind Vendors, the Hawaii Interagency Council on Homelessness, the Fatherhood Commission, the LGBTQ+ Commission, the Office on Homelessness and Housing Solutions, and the Office of Wellness and Resilience. The Human Services Division represents client programs in court and administrative hearings, including appeals from decisions in those forums. The division also advises the Office of the Governor, the Attorney General, and the Legislature on a broad range of human services issues, which, for the past two years and projected to continue for several years more, includes advice relating to the human services aspects of homelessness, joblessness, and loss of life and security in the wake of the 2023 Maui wildfire tragedy. Relative to the Maui wildfire work, as well as homelessness initiatives more broadly, the division has been instrumental in establishing processes and guidelines for state agencies to follow in developing temporary shelter, housing, and contracts for services in novel and efficient ways.

The Human Services Division has trained toward and advanced the goal of working collaboratively with the various client divisions to help the Department of Human Services in its goal of serving the public in a "whole family" or "Ohana Nui" paradigm. Within the division, the deputies have succeeded in cross-training efforts set out in past goals. Each deputy takes on responsibilities outside of the deputy's usual assigned areas by, for example, working with unfamiliar programs and investing considerable time on Department-wide projects and committees. The division collaborates frequently with other divisions within the Department to provide support and expertise in areas such as security, confidentiality, collections, and civil rights litigation, among other areas, and the deputies are regularly called upon to advise boards or hearing officers for other divisions' clients, such as the Department of Health, the Department of Transportation, and the Department of Land and Natural Resources.

Labor Division

The Labor Division advises and represents the Department of Labor and Industrial Relations (DLIR) and the boards and agencies administratively attached to it. One of the major responsibilities of the division is supporting the mission of the DLIR by representing the DLIR programs in administrative hearings and the appellate courts to

ensure, for example, that Hawai'i workers have a safe and healthy place to work (Hawaii Occupational Safety and Health Division), are paid wages and the minimum wage (Wage Standards Division), and have health insurance (Prepaid Health Care Act).

The division also represents the Unemployment Insurance (UI) Division in appeals to the circuit and appellate courts to ensure that the UI laws are applied in conformance with its federal grant, thus ensuring Hawai'i employers receive the federal tax credit given when a state administers a UI program. The division also represents the Disability Compensation Division, which administers the Workers' Compensation laws, the Special Compensation Fund, which pays injured workers in certain situations if they have a preexisting disability, and the Temporary Disability Insurance law, which provides temporary wage replacement for nonindustrial injuries or illnesses.

The division advises other DLIR programs and boards, including the Office of Community Services (OCS), the Workforce Development Council, the Hawai'i Civil Rights Commission, the Prepaid Healthcare Council, the State Apprenticeship Council, the Hawai'i Retirement Savings Program Board, and the Hoisting Machine Operators Advisory Board. The division previously represented the State Fire Council and provided assistance regarding the selection of the State Fire Marshal and legislation integral to the State Fire Marshal's Office, and advised the State Fire Council until that council was transferred to the Department of Law Enforcement in July 2025.

Another major responsibility is the review of contracts, including grants administered by OCS and the DCD and UI modernization projects. The division also provides legal advice and representation in administrative hearings to the Medical Board regarding employees' request for Employees' Retirement System disability benefits.

Advice and counsel and representation is provided by the division regarding issues that continue to arise because of the pandemic and the Maui wildfires, mainly with respect to appeals of decisions relating to the provision of unemployment benefits.

The division works collaboratively with the DLIR programs and emphasizes cross-training in the representation of the DLIR programs with the goal of ensuring continuity of services.

Land Division

The Land Division advises and represents the Department of Land and Natural Resources (DLNR), its Board of Land and Natural Resources (BLNR), and its various divisions and offices, including, the Aquatic Resources Division, Division of Boating and Ocean Recreation, Bureau of Conveyances and Land Court, Office of Conservation and Coastal Lands, Division of Conservation and Resources Enforcement, Engineering Division, Division of Forestry and Wildlife, State Historic Preservation Division, DLNR Land Division, and State Parks. The Land Division also provides services to the numerous attached commissions, boards, and agencies of DLNR, including the Kaho'olawe Island Reserve Commission, Natural Area Reserves System Commission,

the Island Burial Councils, Hawai'i Historic Places Review Board, Endangered Species Recovery Committee, and the Legacy Land Conservation Commission. Other clients include the Commission on Water Resource Management (CWRM) and the State Land Use Commission (LUC).

Land Division deputies staff BLNR meetings twice a month and once in November and December, CWRM meetings once a month, LUC meetings twice a month, and other commission meetings as needed, generally several times a year for each commission.

The division prepares or reviews land disposition documents for DLNR and prepares all office lease agreements when state agencies rent private office space as tenants for the Department of Accounting and General Services. The division also reviews contracts and other legal documents.

The Land Division assists DLNR with the acquisition of land in fee simple or under conservation easements for use by DLNR and the protection of natural resources. The Land Division represents its clients in contested case hearings, original actions, and appeals. The division responds on behalf of the State to all quiet title actions.

The division also handles administrative enforcement actions for violations of the State Historic Preservation law and the law governing land use in conservation districts and actions for damage to natural resources of the State. This year, the Land Division successfully resolved the Department of Land and Natural Resources' Marconi Point (located next to the Turtle Bay Resort) enforcement action where native Hawaiian yellow-faced honeybees and a Laysan albatross were killed. The Land Division continues to be involved in Department of Land and Natural Resources cases involving unauthorized shoreline structures on the North Shore of Oahu.

The Land Division assists the Department of Land and Natural Resources with the acquisition of land in fee simple or under conservation easements for the protection of natural resources.

The division won a case involving birds, not mosquitoes (now on appeal), which allows the deployment of genetically modified, non-biting male mosquitoes via drones and helicopters in an effort to protect endangered native bird species, such as Hawaiian honeycreepers, from avian malaria spread by invasive mosquitoes.

<https://edition.cnn.com/science/hawaii-mosquitoes-rare-birds-drones-c2e-spc>. The division has also been busy prosecuting enforcement actions involving the construction of unauthorized shoreline structures on the North Shore of Oahu to protect Hawaii's natural shorelines.

Legislative Division

The Legislative Division provides legal services on matters pertaining to legislation and to proposed administrative rules. The division coordinates the preparation and review of all legislative bills proposed by executive branch agencies, including our

Department's own legislative proposals, and coordinates the review, monitoring, and evaluation of all legislative bills during and after each session of the Legislature. The division's Supervising Deputy Attorney General serves as the Legislative Coordinator of the Department and, other than the Attorney General, is the primary contact for all legislative legal and policy matters. In addition, the division coordinates, monitors, and reviews the preparation of administrative rules of the Department and, time permitting, may assist other divisions in their review of administrative rules for agency clients. The division sometimes assists with the final review of formal opinions issued by the Attorney General and provides staff support to the Commission to Promote Uniform Legislation. The division compiles, edits, and redrafts the Department's annual reports to the Legislature from drafts provided by the responsible divisions.

The division provides training sessions within the Department to instruct on drafting, reviewing, monitoring, and testifying on legislation. It also prepares accompanying written materials for the Department's internal use. In 2025, the division provided a training session and accompanying materials for all Executive Branch legislative coordinators to assist with the drafting of legislative proposals for inclusion in the Administration's bill package for the 2026 regular legislative session.

Public Safety, Hawaiian Home Lands, and Housing Division

In support of the Department's overall mission, the Public Safety, Hawaiian Home Lands, and Housing Division provides legal services and representation in litigation to the Department of Corrections and Rehabilitation and its attached agencies and commissions (which include the Hawaii Paroling Authority, the Correctional Industries Advisory Committee, the Crime Victim Compensation Commission), the Department of Hawaiian Home Lands, the Department of Law Enforcement (including the State Fire Marshal), the Hawaii Housing Finance and Development Corporation, the Hawaii Public Housing Authority, and the Department of Defense, including the Hawaii Emergency Management Agency (HIEMA).

The division also advises multiple boards and commissions, including the Mauna Kea Stewardship and Oversight Authority (monthly meetings), Hawaiian Homes Commission (monthly meetings), Hawaii Housing Finance and Development Corporation Board of Directors (monthly meetings), Hawaii Public Housing Authority (monthly meetings), Hawaii Advisory Council on Emergency Management (quarterly meetings), State Fire Council (monthly meetings), and the Hawaii Veterans Cemeteries Board (meetings as needed).

The division continues to work with HIEMA on recovery projects related to the 2023 Maui wildfires. The division has assisted HIEMA and will, along with other divisions in the Department, continue to provide support to the State in its ongoing response to the tragedy. The division has also provided legal support related to hurricanes, tsunami warnings, wildfires, and other natural disasters and emergencies.

The division has also supported the Administration's affordable housing and homelessness initiatives, including affordable housing and homelessness proclamations, new housing financing and development, and other projects.

Special Investigation and Prosecution Division

The Special Investigation and Prosecution Division is composed of the Corruption, Fraud, and Economic Crimes Section and the Human Trafficking Abatement Section. The division's role is to ethically and efficiently investigate and prosecute public corruption, complex white collar crimes, and human trafficking cases. It serves, along with the Criminal Justice Division, as a statewide prosecutorial arm of the Department.

In fiscal year 2024-2025, the division charged four high profile corruption, fraud, and economic crimes cases: *State v. Smith*, Case No. 3CPC-24-0000603 (Hawai'i County high school basketball coach that allegedly embezzled funds in his professional capacity); *State v. Fernandez*, Case No. 1CPC-25-0000097 (OCCC employee that imported fireworks from the U.S. Mainland to the correctional facility); *State v. Lee*, Case No. 1CPC-25-0000161 (development company CEO that allegedly reimbursed others for making political campaign contributions); and *State v. Bjur*, Case No. 1CPC-25-0000178 (non-profit executive director that allegedly embezzled funds from the organization). *State v. Fernandez* was resolved via plea agreement, and the Defendant was sentenced; the other three matters are currently pending trial.

Tax and Charities Division

The Tax and Charities Division provides legal representation and counsel to the Department of Taxation, boards and commissions that are placed within the Department of Taxation, and other state departments and agencies, primarily in the areas of tax litigation, legislation, rules, investigations, and the provision of legal advice and opinions. The division also oversees and enforces laws pertaining to charitable trusts, public charities, public benefit corporations, and private foundations, and is responsible for the oversight and enforcement of Hawaii's charitable solicitation laws under chapter 467B, Hawaii Revised Statutes (HRS). The division also administers the State's online registration system for charitable organizations and their professional solicitors and professional fundraising counsels that solicit contributions in Hawai'i. There are currently over 10,300 charities and over 200 professional solicitors and professional fundraising counsels on the Department's charities registry.

In the aftermath of the Maui wildfires, the division increased its focus on educating the public to practice informed giving decisions and to research the charity on the Department's charities registry prior to making donations. The division engaged in six community outreach events and trainings aimed at vulnerable populations and the public at large to reinforce the Attorney General's warnings and provide information and tools to help donors prior to making donations. The division conducts ongoing investigations of inquiries and complaints involving allegations of loss or misuse of charitable assets and unregistered charitable solicitation activities. The division also

issued thirty-five notices to registered charities found to be in noncompliance with the annual reporting requirements. These ongoing enforcement efforts serve two equally important purposes: (1) to allow the public access to the most current information about the charities on the Department's registry via the division's website to assist potential donors in making informed giving decisions; and (2) to provide the Attorney General information and authority to detect and prosecute unlawful conduct as it relates to charitable fundraising in the State.

Furthermore, the division assisted the Department of Taxation to collect more than \$5 million in taxes from the court cases it handled in the last fiscal year. Collection of taxes includes amounts received by the Department of Taxation pursuant to settlement, amounts collected in bankruptcy, foreclosure and trust cases, and amounts that the Department of Taxation is entitled to collect, or does not have to refund, pursuant to court order or judgment.

Tort Litigation Division

The Tort Litigation Division is responsible for providing a legal defense to the State, its departments and agencies, and its employees in a wide variety of civil lawsuits, usually involving personal injury or death. This division litigates cases in state, federal, and appellate courts. The division drafts pleadings, motions, and briefs, investigates claims, conducts discovery, and otherwise litigates and defends cases at administrative hearings, court hearings, depositions, arbitrations, mediations, trials, and appeals.

The Tort Litigation Division also occasionally provides legal defense for civil rights claims made against state employees when there is a conflict of interest between or among several defendant employees in one lawsuit.

The cases defended by the Tort Litigation Division often have a potential monetary exposure to the State in the millions of dollars. Typically, each year the division is successful in obtaining dismissal of some cases through dispositive motions and successfully reaching reasonable settlements of many cases with potential for high verdicts.

In the last year, the division prevailed at trial in a wrongful death case arising out of alleged asbestos exposure. Additionally, the division settled multiple challenging and high exposure cases involving the Department of Human Services and the Department of Education.

Transportation Division

The Transportation Division represents the Hawaii Department of Transportation (HDOT) and its four (4) distinct modes: Administration, Highways, Airports, and Harbors. The legal services and support provided by the division to HDOT include, but are not limited to: review of a variety of transactional documents from professional service contracts to large long-term leases; land transaction matters, including eminent

domain proceedings; procurement protests, often involving large contracts; administrative appeal hearings; legal representation in civil litigation proceedings; legal advice and counsel; and proposed legislation related to transportation issues. The division has provided legal guidance and support to HDOT regarding high profile procurement issues involving multi-million-dollar projects around the State of Hawai'i.

The specific legal advice, guidance, and services the division provides to the various HDOT modes includes assistance related to airport concession agreements and compliance with Federal Aviation Administration grant assurance requirements for HDOT Airports; assistance with the acquisition of real property through eminent domain actions for public projects for HDOT Highways; assistance with vessel impoundment matters and projects involving federal agencies such as the Coast Guard and the Army Corps of Engineers for HDOT-Harbors; and assistance with bid protests, related administrative hearings, and consultation on various legal issues for the Administration.

The division also supports HDOT's various attached entities, boards, and commissions, including the Safe Routes to School Advisory Committee (SRTS), the Medical Advisory Board, the Highway Safety Council, and the Aloha Tower Development Corporation. The SRTS Advisory Committee meets on a monthly basis, and the remaining boards/committees meet on an as-needed basis.

In addition, the division provides legal advice and guidance to the Office of the Governor, the Attorney General, and members of the Hawaii Legislature on a broad range of transportation-related topics and issues. The division assists the Governor's office with emergency proclamations issued for emergency work on roadways and harbors, as well as with executive orders that involve any of the HDOT's modes. The Transportation Division also frequently collaborates with other divisions within the Department to provide support and expertise in areas such as land transactions, litigation, procurement, and contract review.

More recently, the Transportation Division has assumed a critical role in assisting the HDOT in navigating the new federal grant funding requirements which place certain conditions upon the State's receipt of federal funding. The goal is to provide a thorough legal review and recommend revisions and/or other guidance to ensure State's continued receipt of federal funding for the benefit of the citizens of the State of Hawai'i.

Within the division, deputies are given opportunities to experience all aspects of the services that the division provides to HDOT. By doing so, each deputy increases their respective skill set which directly benefits the division and its clients.

SECTION 5: PUBLIC SERVICES DIVISIONS

The Department is divided into the following six professional services divisions or autonomous units within larger divisions, each of which provides various services to the State.

Child Support Enforcement Agency

The Child Support Enforcement Agency aids children and families by collecting, disbursing, and enforcing support payments (both financial and medical) owed to custodial parents. In some cases, the agency collects and disburses reimbursements to the Department of Human Services for public assistance provided to the child and family. The agency promotes the well-being of children and the self-sufficiency of families through the timely and effective operation of its responsibilities while providing excellence in customer service.

The agency receives federal matching funds to operate its program. The agency receives 66 percent federal matching funds to meet its operating costs, requiring only 34 percent to be paid by the State's general fund. Both the agency and the Federal Office of Child Support Enforcement are committed to improving operations and services to families.

For state fiscal year 2024-2025, the agency collected \$95 million in child support. Ninety-five percent of the child support collected was distributed to families. The State's share of the remaining child support collected was distributed to the Department of Human Services as general funds, pursuant to section 567D-8, HRS.

To further the agency's goals of providing excellence in customer service and assisting customers with account-related issues, the agency created the CSEA Mobile App and the CSEA Customer Portal. These services offer a more convenient and user-friendly way for our customers to access case information anytime, from any device. With self-service options, real-time updates, and secure communication features, these new options improve the overall customer experience. One year's history of case information, payment options, and fillable forms is now available through these services, making it easier for users to access and manage their information.

Crime Prevention and Justice Assistance Division

The Crime Prevention and Justice Assistance Division serves as the central agency to provide the Attorney General with the information and resources needed to address crime and crime prevention. The division accomplishes this by: (1) researching crime issues and reporting comprehensive crime statistics for the State; (2) utilizing federal and state funds and non-financial resources to address crime problems and criminal justice system issues; (3) planning, developing, and implementing education and crime prevention programs to promote community involvement in crime prevention efforts; (4) developing and maintaining a computerized juvenile offender information system;

(5) assisting in locating, recovering, and reuniting missing children and runaways with their families; and supporting the Hawaii Sexual Assault Response and Training program and the statewide standards for responding to sexual assaults.

These activities enable the Attorney General to facilitate and coordinate efforts to improve the criminal justice system and to encourage community partnerships in addressing crime.

The division assists the criminal justice system agencies to improve service delivery and to promote the involvement of communities in the prevention of crime.

The division includes the Community and Crime Prevention Branch (CCPB), the Grants and Planning Branch, the Juvenile Justice Information System, the Missing Child Center – Hawaii (MCCH), the Research and Statistics Branch (RSB), and the Hawaii Sexual Assault Response and Training Program.

CCPB participated in the National Take Back Initiative (NTBI) with the U.S. Department of Justice, Drug Enforcement Administration and state and county law enforcement. The NTBI is a twice-a-year community event to collect unused prescription medications for safe disposal. In fiscal year 2024-2025, 5,042 pounds of prescription drugs were collected. MCCH, a two-person office, averages a monthly caseload of thirty-five missing child cases and 14.5 recoveries. In March 2025, MCCH coordinated a MAILE Amber Alert with local, state, and federal agencies for a missing teen and her 1-year-old son who were last seen on Maui. Due to the alert and participating agencies, the two were safely found in Hilo. The RSB coordinated the "License To Carry" statistics reporting program with the county police departments, which resulted in the License to Carry Handguns in Hawai'i, 2024 Report.

Hawaii Criminal Justice Data Center

The Hawaii Criminal Justice Data Center is responsible for the adult statewide criminal history repository, collection, access, and dissemination of criminal history information, the statewide Automated Biometric Identification System that includes the statewide Automated Fingerprint Identification System, the statewide mug photo and facial recognition systems, and the statewide sex offender registry. The Data Center serves as the State's Information Bureau and liaison to the Federal Bureau of Investigation's National Crime Information Center program.

The Data Center provides staff support to the Gun Violence and Violent Crimes Commission and the Criminal Justice Data Sharing Working Group.

The Data Center also manages the Hawaii Integrated Justice Information Sharing system, which provides services for the sharing of information between criminal justice agencies. The Data Center's goal is to provide the highest quality identification services and criminal justice information to authorized criminal justice and non-criminal justice agencies, as permitted by State statute.

Investigations Division

The Investigations Division provides professional law enforcement investigative services at the direction of the Attorney General in criminal, civil, administrative, and regulatory matters while continuing to maintain working relationships with all state, city and federal law enforcement agencies. Investigators are vested with statewide law enforcement authority pursuant to section 28-11, HRS, and are the primary law enforcement element in the State investigating violations of chapter 846E, HRS, relating to registration of sex offenders and other covered offenders.

The Attorney General seeks to develop new capabilities for investigation that complement the law enforcement community by building capacity in areas where the Attorney General is uniquely qualified to act in the public interest and support underserved victim communities. The Attorney General seeks to provide services that are not provided by other law enforcement agencies. The Investigations Division has statutorily mandated core functions, and, building on those, it provides essential services to protect the people, the environment, and the public's trust in government in Hawai'i.

Pursuant to Act 241, Session Laws of Hawaii 2025, the Department's drug nuisance abatement unit was tasked with the enforcement and prosecution of violations of chapter 329D, HRS, the medical cannabis dispensary system. The Investigations Division has established a cannabis nuisance abatement team within the drug nuisance abatement unit to work directly with the Department of Health and the Office of Medical Cannabis Control and Regulation.

Office of Child Support Hearings

The Office of Child Support Hearings was established pursuant to section 576E-10, HRS, to resolve child support disputes impartially and expeditiously. This is accomplished by Child Support Hearings Officers through an administrative hearings process. Orders issued by Hearings Officers establish, modify, terminate, and enforce child support obligations statewide.

Orders may also address child support arrears, debt owed to the State for periods when children received welfare benefits, and in certain cases, spousal support arrears. Hearings Officers may also confirm, modify, and enforce out-of-state orders brought under the Uniform Interstate Family Support Act. Orders issued by Hearings Officers are filed in the Hawaii Family Court without further review and have the same force and effect as orders issued by Judges.

All cases handled by the Office of Child Support Hearings are processed through the Child Support Enforcement Agency, which is a separate division of the Department. If the Child Support Enforcement Agency is processing a case and a hearing is requested, the agency may schedule it for an administrative hearing with the Office of

Child Support Hearings. Hearings are conducted pursuant to chapters 91 and 576E, HRS; chapter 5-34, Hawaii Administrative Rules; and the most current Hawai'i Child Support Guidelines.

To keep pace with current technology, beginning on December 10, 2024, the Office of Child Support Hearings conducts all hearings via Zoom video conference. The protocols established for the Zoom hearings closely mirror the formality associated with in-person proceedings, while still affording participants the convenience of presenting their case remotely. This improved access has made it possible for all parties and any attorneys or witnesses to participate more efficiently.

Office of Dispute Resolution

The Office of Dispute Resolution impartially and expeditiously adjudicates administrative proceedings initiated pursuant to the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

In fiscal year 2024-2025, the Office of Dispute Resolution's two administrative hearings officers received forty-three requests for an administrative hearing. Of those, thirty-seven were fully adjudicated and six are pending. Additionally, eight cases filed in fiscal year 2023-2024 were also adjudicated during this fiscal year. The Office of Dispute Resolution was in full compliance with its mandated deadlines and withstood appellate review on all decisions reviewed by the United States District Court.

SECTION 6: CONCLUSION

This report was prepared with the input of all the Department's divisions and is an attempt not only to describe our goals and objectives, but to provide insight into how we fulfill our Department's overall purpose, by providing samples of our major accomplishments as well as our continuing duties. Our primary goal, mandated by statute (section 26-7, HRS), is to administer and render legal services to the State and its entities. We strive to improve as we operate, to ensure our ability to continue rendering legal services to the State.