



CENTENNIAL ACCORD PLAN 2011

Washington State Office of the Attorney General

I. The Role of the Attorney General in State Government

The Attorney General for the State of Washington is an independent constitutional officer and the legal adviser to state agencies, officers and officials. Among the duties assigned to the Attorney General by law is the duty to “represent the state and all officials, departments, boards, commissions and agencies of the state . . . in all legal or quasi legal matters . . . and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions . . .” RCW 43.10.040. With few exceptions, the Attorney General is the exclusive source of legal counsel and representation for state officers and agencies.

The Attorney General's role, however, goes beyond representing the officers and agencies in state government. The Washington Supreme Court has said the Attorney General's paramount duty is the protection of the interest of the people of the state. *State ex rel. Dunbar v. State Board of Equalization*, 140 Wash. 433, 440, 249 P. 996 (1926).

Because of its role in state government and its comprehensive legal duties and responsibilities, the Attorney General's Office (AGO) is involved in a wide array of issues, challenges and controversies which potentially impact state and tribal governments in their relations with one another. Because of this unique role, the AGO may be in a position to assist with communications and the facilitation of solutions that employ the diverse expertise and resources of multiple agencies and officials.

II. Contacts Within the Attorney General's Office

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III. Consultation with Tribes and Tribal Governments

The Attorney General's Office is amenable to discussion and consultation with Tribes on any issue or topic contemplated by the Centennial Accord. The nature and extent of such consultation, however, may vary depending on the role the AGO occupies in relation to the issue or topic.

A. Issues Involving the Attorney General's Office, As A Separately Elected, Independent Office of State Government.

Questions, comments or issues pertaining to the actions, management or operations of the AGO, as an independent office of state government, should be directed to the Deputy for Tribal Relations. The Deputy for Tribal Relations will:

Determine which individual(s) or management unit(s) within the AGO is best suited to respond to the particular question, comment or issue;

Communicate the question, comment or issue to the identified individual(s) or management unit(s) and request an initial response or assessment within a prescribed period of time; and

Respond directly to the Tribe(s) concerned, arrange for direct consultation/discussion with the Tribe(s) concerned, or direct the identified individual(s) or management unit(s) within the AGO to do so.

B. Issues Involving the Attorney General's Office In Its Capacity As Legal Representative of a Particular State Agency and/or Official.

Questions, comments or issues pertaining to the actions or operations of the AGO, in its capacity as legal representative of a particular state agency or official, should be directed to the Deputy for Tribal Relations. The Deputy for Tribal Relations will:

Determine which state agencies or officials are involved in the question or issue presented, and identify the Assistant Attorney General(s) (AAG) assigned to represent them.

Communicate the question, comment or issue to each of the AAGs assigned to represent the involved agencies or officials; and

Facilitate discussion of the question, comment or issue amongst the agencies or officials and the AAGs assigned to represent them.

Within the parameters established by The Rules of Professional Conduct for Attorneys, and the directions of the state agencies or officials involved, the Deputy for Tribal Relations will respond directly to the Tribe(s) concerned (or their attorneys), or ask an individual AAG to do so on behalf of the state agencies or officials.

Where not inconsistent with the Rules of Professional Conduct for Attorneys or the constitutional and statutory duties and obligations of the Attorney General, the AGO will, if requested, be willing to assist in facilitating solutions to issues or conflicts involving Tribes and state agencies or officials.

C. Issues Involving the Attorney General's Office In Its Capacity As Legal Representative of the State of Washington Or Multiple Agencies Or Officials Thereof.

Questions, comments or issues pertaining to the actions or operations of the AGO, in its capacity as legal representative of the State, per se and/or multiple state agencies or officials, should be directed to the Deputy for Tribal Relations. The Deputy for Tribal Relations will:

Determine which state agencies or officials are involved in the question or issue presented, and identify the AAG(s) assigned to represent them.

Communicate the question, comment or issue to each of the AAGs assigned to represent the involved agencies or officials; and

Facilitate discussion of the question, comment or issue amongst the agencies or officials and the AAGs assigned to represent them.

Where necessary and appropriate the Attorney General or the Deputy for Tribal Relations, in consultation with appropriate state officers and officials, shall determine the state's position or response to the tribal inquiry.

Within the parameters established by The Rules of Professional Conduct for Attorneys, and the directions of the state agencies or officials involved, the Attorney General and/or the Deputy for Tribal Relations will respond directly to the Tribe(s) concerned (or their attorneys), or ask an individual AAG to do so on behalf of the state agencies or officials.

Where not inconsistent with the Rules of Professional Conduct for Attorneys or the constitutional and statutory duties and obligations of the Attorney General, the AGO will, if requested, be willing to assist in facilitating solutions to issues or conflicts involving Tribes and state agencies or officials.

IV. Dispute Resolution

A. Disputes Between A Tribe(s) And Particular State Agency(s) And/OR Officials.

In disputes between a Tribe(s) and a particular agency(s) or official(s), the AGO will use the dispute resolution mechanisms described in the respective Centennial Accord Plans of the Tribe(s) and Agency(s) involved. Where multiple entities

with different dispute resolution plans are involved, the AGO will assist the parties in agreeing on a dispute resolution mechanism before proceeding.

B. Disputes Between A Tribe(s) And the State Of Washington, Per Se, And/Or Multiple State Agencies And/Or Officials.

In disputes between a Tribe(s) and the State of Washington, per se, and/or multiple agencies or officials, the AGO will assist the parties in agreeing on a dispute resolution mechanism before proceeding.

C. Disputes Between A Tribe(s) And the Office of the Attorney General.

In disputes between the Tribe(s) and the Office of the Attorney General, the AGO will refer such disputes to the Deputy for Tribal Relations or the Solicitor General. The Deputy for the Tribal Relations or the Solicitor General may endeavor to resolve the dispute themselves or may call upon the services of in-house or outside facilitators, mediators or arbitrators, as may be appropriate.