

Exec. Order No. 12146
44 FR 42657, 1979 WL 25898 (Pres.)
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Executive Order 12146

Management of Federal Legal Resources

July 18, 1979

By the authority vested in me as President by the Constitution and statutes of the United States of America, it is hereby ordered as follows:

1.1. Establishment of the Federal Legal Council.

1-101. There is hereby established the Federal Legal Council, which shall be composed of the Attorney General and the representatives of not more than 15 other agencies. The agency representative shall be designated by the head of the agency.

1-102. The initial membership of the Council, in addition to the Attorney General, shall consist of representatives designated by the heads of the following agencies:

- (a) The Department of Commerce.
- (b) The Department of Defense.
- (c) The Department of Energy.
- (d) The Environmental Protection Agency.
- (e) The Equal Employment Opportunity Commission.
- (f) The Federal Trade Commission.
- (g) The Department of Health, Education, and Welfare.
- (h) The Interstate Commerce Commission.
- (i) The Department of Labor.
- (j) The National Labor Relations Board.
- (k) The Securities and Exchange Commission.
- (l) The Department of State.
- (m) The Department of the Treasury.

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(n) The United States Postal Service and

(o) The Veterans Administration.

1-103. The initial members of the Council shall serve for a term of two years. Thereafter, the agencies which compose the membership shall be designated annually by the Council and at least five positions on the Council, other than that held by the Attorney General, shall rotate annually.

1-104. In addition to the above members, the Directors of the Office of Management and Budget and the Office of Personnel Management, or their designees, shall be advisory members of the Council.

1-105. The Attorney General shall chair the Council and provide staff for its operation. Representatives of agencies that are not members of the Council may serve on or chair subcommittees of the Council.

1-2. Functions of the Council.

1-201. The Council shall promote:

- (a) coordination and communication among Federal legal offices;
- (b) improved management of Federal lawyers, associated support personnel, and information systems;
- (c) improvements in the training provided to Federal lawyers;
- (d) the facilitation of the personal donation of pro bono legal services by Federal attorneys;
- (e) the use of joint or shared legal facilities in field offices; and
- (f) the delegation of legal work to field offices.

1-202. The Council shall study and seek to resolve problems in the efficient and effective management of Federal legal resources that are beyond the capacity or authority of individual agencies to resolve.

1-203. The Council shall develop recommendations for legislation and other actions: (a) to increase the efficient and effective operation and management of Federal legal resources, including those matters specified in Section 1-201, and (b) to avoid inconsistent or unnecessary litigation by agencies.

1-3. Litigation Notice System.

1-301. The Attorney General shall establish and maintain a litigation notice system that provides timely information about all civil litigation pending in the courts in which the Federal Government is a party or has a significant interest.

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1-302. The Attorney General shall issue rules to govern operation of the notice system. The rules shall include the following requirement:

(a) All agencies with authority to litigate cases in court shall promptly notify the Attorney General about those cases that fall in classes or categories designated from time to time by the Attorney General.

(b) The Attorney General shall provide all agencies reasonable access to the information collected in the litigation notice system.

1-4. Resolution of Interagency Legal Disputes.

1-401. Whenever two or more Executive agencies are unable to resolve a legal dispute between them, including the question of which has jurisdiction to administer a particular program or to regulate a particular activity, each agency is encouraged to submit the dispute to the Attorney General.

1-402. Whenever two or more Executive agencies whose heads serve at the pleasure of the President are unable to resolve such a legal dispute, the agencies shall submit the dispute to the Attorney General prior to proceeding in any court, except where there is specific statutory vesting of responsibility for a resolution elsewhere.

1-5. Access to Legal Opinions.

1-501. In addition to the disclosure now required by law, all agencies are encouraged to make available for public inspection and copying other opinions of their legal officers that are statements of policy or interpretation that have been adopted by the agency, unless the agency determines that disclosure would result in demonstrable harm.

1-502. All agencies are encouraged to make available on request other legal opinions, when the agency determines that disclosure would not be harmful.

1-6. Automated Legal Research and Information Systems.

1-601. The Attorney General, in coordination with the Secretary of Defense and other agency heads, shall provide for a computerized legal research system that will be available to all Federal law offices on a reimbursable basis. The system may include in its data base such Federal regulations, case briefs, and legal opinions, as the Attorney General deems appropriate.

1-602. The Federal Legal Council shall provide leadership for all Federal legal offices in establishing appropriate word processing and management information systems.

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1-7. Responsibilities of the Agencies.

1-701. Each agency shall (a) review the management and operation of its legal activities and report in one year to the Federal Legal Council all steps being taken to improve those operations, and (b) cooperate with the Federal Legal Council and the Attorney General in the performance of the functions provided by this Order.

1-702. To the extent permitted by law, each agency shall furnish the Federal Legal Council and the Attorney General with reports, information and assistance as requested to carry out the provisions of this Order.

JIMMY CARTER

THE WHITE HOUSE,

July 18, 1979.

END OF DOCUMENT

Wednesday
February 7, 1996

Executive Order

Part V

The President

Executive Order 12988—Civil Justice
Reform