

*Office of Chief Counsel  
Chicago Office*

**Annual Plan  
Fiscal Year 2008**



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**Executive Summary**

The FY08 Office of Chief Counsel (OCC) Annual Performance Plan (APP or Annual Plan) is a current best estimate of the level of legal and administrative services that OCC will need to provide to Office of Science (SC) and non-SC elements, including Intellectual Property Law (IPL) support to other Operations and Field organizations. A large percentage of the FY08 Goals, Objectives and Measures are the same, or very similar to, those that OCC has been tracking for the past several years. This plan flows from and reflects the Goals, Objectives and Measures found in the CH FY 2008 Annual Performance Plan.

Once again, the biggest manpower demand is reflected in supporting the SC Site Offices in award and administration of Laboratory Management and Operating (M&O) Contracts.

**Key Considerations**

This APP is based on the following key considerations and assumptions.

1. The Chicago Office (CH) is given responsibility to conduct one (1) new and conclude one (1) ongoing M&O Contract Source Evaluation Boards (SEBs);
2. Sufficient travel funds are provided for business and training;
3. The Chief Counsel and Deputy Chief Counsel for General Law positions are vacant/acting for a portion of the fiscal year;
4. IPL can continue to utilize support services contracts for patent processing and drafting support.

**Key Customers**

The following are the principal external and internal customers of OCC:

EXTERNAL	INTERNAL
HQ General Counsel	The Manager/Office of the Manager
SC and Other HQ Elements	Office of Acquisition and Assistance (ACQ)
Other DOE Field Elements <sup>1</sup>	Site Offices
Department of Justice (DOJ)	CH Matrix Organizations
Freedom of Information Act//Privacy Act (FOIA/PA) Requesters	CH employees (in their official capacities)

Consistent with the CH concept of "customer service," OCC personnel work proactively and collaboratively with CH elements and other customers. This means that OCC personnel, to the maximum extent possible, consistent with their professional responsibilities, function as if they were an integral part of the CH element being provided the service.

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<sup>1</sup> Includes ID, OH, GO, NETL, and Albany Research Center

**OCC Mission:**

The mission of the Office of Chief Counsel (OCC) is to provide a full range of timely and accurate legal services, to support the mission and responsibilities of the Office of Science and other customers. In addition, OCC provides complete intellectual property (IP) services to other DOE field elements, as assigned, and through the Freedom of Information Act Officer/Privacy Act Officer (FOIO/PAO), assures access to Government records consistent with national FOIA and Privacy Act requirements. The Office of Chief Counsel in CH is composed of attorneys, paralegals, technicians, and administrative staff, who work together to achieve the mission and function of the Office. In CH, the FOIO/PAO is a member of the Office of Chief Counsel. These personnel work proactively and collaboratively with customers, and to the maximum extent possible (consistent with their professional responsibilities) function as if they were an integral part of the DOE customer organization being provided the service.

**Key Functions**

OCC services comprise four key functional areas: (1) *Providing Legal Services to the Department of Energy*; (2) *Counseling Individual Employees (in their official capacities)*; (3) *Administering FOIA and Privacy Act Programs*; and (4) *Protecting the Intellectual Property Rights of the Government*.

The OCC-GL and IPL Functional Directories disclose the lead and backup attorneys responsible for various OCC functions. See <http://www.ch.doe.gov/offices/OCC/subject%20areas.htm>

**FY 2008 Specific Goals, Objectives, Measures and Targets**

The FY08 SC-CH Annual Plan lists 11 measures of OCC performance for 5 objectives under SC-CH Goal 2. *Deliver on the SC complex technical service needs by providing a wide range of technical services.*

Objectives	Measures	Targets
<i>d. Provide quality and timely legal services</i>	Average IPL review of Work for Others, Cooperative Research and Development Agreements, Joint Work Statements	less than 3 days
	Percentage of above reviews under 3 days	90%
	Percentage of action items complete within 3 days or customer deadline, whichever is longer (e.g., support to major projects such as GTL, PPPL SEB; BNL SEB; DOE Technology Transfer Working Group; <u>Perry</u> Litigation.)	90%

<i>e. Protect the Government's interest in Intellectual Property</i>	Patent applications filed on behalf of DOE	20
	Inventions processed to final disposition	575
<i>f. Administer an effective, comprehensive Ethics Program for SC-CH and its SOs</i>	Percentage of Office of Government Ethics Form 450 (Confidential Financial Disclosure Form) reviewed within 30 days of receipt of complete information	100%
	Percentage of ethics opinions issued within 14 days of request	95%
<i>g. Provide quality and timely legal representation in administrative and other judicial proceedings brought against the Government</i>	Percentage of deliverables submitted within assigned deadline	100%
<i>h. Respond to Freedom of Information and Privacy Act requests in a timely and quality manner</i>	Percentage of SC-CH on-time FOIA responses [within 20 business days of deadline] (OCC-GL)	85%
	Percentage of SC-CH overdue FOIA responses [within additional 20 business days of deadline] (OCC-GL)	85%
	Average processing time of SC-CH overdue responses (OCC-GL)	20 days

The FY08 SC-CH Annual Plan also includes a number of Objectives and Measures that are applicable to all CH organizations, including OCC. These are:

<b>Improve Internal Business Processes:</b> excel at key processes to satisfy stakeholder and customer expectations <b>COO Performance Goals:</b> 1. Improve our Operation, 2. Improve our Laboratories, 3. Bring Order to Chaos, 4. Help our Laboratories be Successful, and 5. Evaluate our Contractors Fairly			
2008 APP Goals	2008 APP Objectives	2008 APP Measures	APP Targets
6. Actively support the implementation and maintenance of SCMS (All)  COO Goals: 1, 3	a. Fully establish SCMS (All)  <b>ISC Joint Objective #1</b>	All Management System Descriptions (MSDs) have been approved and published on SCMS (All - as appropriate)	12/31/07
		Management System Owners (MSOs) have submitted all their respective Subject Areas and Procedures to the SCMS Operations Center (All - as appropriate)	12/31/07
		SCMS Operations Center has completed technical editing on all Subject Areas/Procedures and disbursed for final review (All - as appropriate)	3/31/08
		Publish all Subject Areas/procedures within SCMS (All - as appropriate)	6/30/08
		Implement SCMS and review/determine disposition of remaining CH Directives and Policies (MAAS, All)	9/30/08
7. Improve operation of the Integrated Support Center (All)  <b>ISC Joint Objective #6</b>  COO Goals: 1, 2, 4, 5	a. Effectively implement CH's self-assessment program (All)	Conduct self-assessment of a work unit's processes and the quality/adequacy of the resulting work products; correct problems or issues and track them to closure (All)	9/30/08
	b. Conduct a comprehensive annual FMFIA assessment (All)	FMFIA assessment demonstrates that all management systems are providing adequate controls (All)	100%
	c. Provide interface and support to external reviewers, such as the IG, GAO, and other review groups; and follow up with effective corrective actions (All)	Audit responses and follow up are completed within established timeframes and no repeat findings are identified by external reviewers (All)	100%

<b>Improve Internal Business Processes:</b> excel at key processes to satisfy stakeholder and customer expectations <b>COO Performance Goals:</b> 1. Improve our Operation, 2. Improve our Laboratories, 3. Bring Order to Chaos, 4. Help our Laboratories be Successful, and 5. Evaluate our Contractors Fairly			
<b>2008 APP Goals</b>	<b>2008 APP Objectives</b>	<b>2008 APP Measures</b>	<b>APP Targets</b>
	<i>d. Maintain accurate and current data in Information Technology systems (OCC)</i>	Maintain Legal Action Tracking, FOIA/PA, and PATMIS systems (OCC)	Within 10 business days
	<i>e. Support assessment needs within SC (All)</i>  <b>ISC Joint Objective #7</b>	Conduct Line Assessments and other reviews in support of HQ/SOs as defined in the IAS (All)	Ongoing
		Develop/communicate measures to assess SCMS implementation	12/31/07
		Support SC-3 in an assessment of SCMS implementation	9/30/08
		Conduct annual Management/Self-Assessments in accordance with SCMS (All)	9/30/08
<b>8. Strengthen management controls by effectively planning, measuring, and tracking organizational performance (MAAS, All)</b>  COO Goals: 1, 2, 4, 5	<i>a. Support OM in the process to develop challenging FY 2009 performance goals and objectives (MAAS, All)</i>	FY 2009 goals and objectives are completed and approved (MAAS)	7/29/08
		Submit FY 2009 Measures, Targets and Workload Indicators to MAAS (All)	8/15/08
	<i>c. Support OM in the process to assess FY 2007 performance and complete SC-CH Annual Assessment Report (MAAS, All)</i>	Submit FY 2007 Annual Assessment Report to MAAS (All)	10/15/07
	<i>d. Effectively communicate organizational performance (MAAS, All)</i>	Enter quarterly performance and workload data into MDSS (All)	Within 15 days of end of quarter

Finally, as a service organization, OCC also contributes to the achievement of numerous goals and objectives of all other SC-CH elements.

**FY 2008 Workload Indicators**

	FY02	FY03	FY04	FY05	FY06	FY07	FY08 Projected
M&O Competitions				*14	*7	*13	*2
Other Major Actions							9
New Litigation and Administrative Proceedings							9
GL Contract Reviews				261	291	200	200
GL Directives/SCMS Reviews				16	17	10	80
Other GL Reviews				340	413	366	375
GL 450 Reviews			187	198	187	187	186
**CH FOIA/PA Requests Received	55	50	38	42	54	35	50
**CH FOIA/PA Requests Processed	56	50	38	36	57	42	45
IP WFO Reviews			187	244	254	183	260
IP CRADA Reviews			89	71	84	76	88
IP Copyrights			16	45	32	28	30
IP Contractual Agreement Close-outs			1264	1730	1367	1547	1400
IP New Contractual Agreement and Mod Reviews			7438	7956	6799	7342	6800
Invention Disclosures Received			1282	1651	1409	1380	1400

	FY02	FY03	FY04	FY05	FY06	FY07	FY08 Projected
Inventions Disposed			913	961	1025	913	1050
Patent Applications Filed			21	25	22	22	22
Patent Application Amendments Filed						39	24
Confirmatory Licenses Submitted			398	526	514	591	520
Waiver Statements of Considerations Forwarded			53	99	46	20	50

\*The FY08 projected number represents the total M&O Competitions projected for FY08. In the prior fiscal years, M&O Competitions pending during each quarter of the fiscal year were counted, and therefore, the numbers indicated represent the total M&O Competitions pending during each of all four quarters in that fiscal year.

\*\*The workload indicators in the FOIA/Privacy Act area have been revised to 1) include Privacy Act requests, 2) clarify that "FOIA/PA requests" means all FOIA/PA requests received during the respective fiscal year, and 3) reflect the total number of FOIA/PA requests processed in a respective fiscal year, rather than only those that culminate in "responses" (such requests now will include those processed to a point where they are ultimately withdrawn or transferred to another office/agency.). OCC believes these changes will more accurately reflect OCC workload in this area.