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Description of document: Report and presentation from the Organizational Assessment conducted for the Commodity Futures Trading Commission (CFTC) by Booz Allen Hamilton under contract CFFM10BP0096TO003, 2011-2012

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FOIA Compliance Office  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581  
[CFTC FOIA Online Request Form](#)

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## U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW, Washington, DC 20581  
[www.cftc.gov](http://www.cftc.gov)

June 19, 2019

RE: 19-00032-FOIA  
Copy of the report and presentation  
from the Organizational Assessment  
conducted for CFTC by Booz Allen  
Hamilton under contract  
CFFM10BP0096TO003.

This is in response to your request dated February 8, 2019 under the Freedom of Information Act seeking access to a "copy of the report and presentation from the Organizational Assessment conducted for CFTC by Booz Allen Hamilton under contract CFFM10BP0096TO003." In accordance with the FOIA and agency policy, we have searched our records, as of February 8, 2019, the date we received your request in our FOIA office.

We have located 79 pages of responsive records. You are granted full access to the responsive pages, which are enclosed.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact William Proctor at 202-418-5148 or Jonathan Van Doren, our FOIA Public Liaison, at 202-418-5505.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 8<sup>th</sup> Floor, 1155 21<sup>st</sup> Street, N.W., Washington, D.C. 20581, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rosemary Bajorek", with a long horizontal flourish extending to the right.

Rosemary Bajorek  
Attorney-Advisor

Final Report

**U.S. Commodities and Futures Trading Commission (CFTC)  
Office of the General Council (OGC)**

***Organizational Assessment Study***

Washington, DC  
September 30, 2011

PREDECISIONAL CONTENT/CONTRACTOR WORK PRODUCT: This document is confidential  
and is intended solely for the use and information of the client whom it is addressed.



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# Organizational Assessment Report Outline

- ▶ Executive Summary
- ▶ Project Purpose and Charter
- ▶ Methodology
- ▶ Current State Assessment
  - Mission
  - Organization
  - Functions & Processes
  - People
  - Management Practices
- ▶ Best Practice and Benchmarking Analysis
- ▶ Future State Options and Recommendations
  - Structural Options and Recommendations (Longer Term)
  - General Management and Practice Recommendations (Immediate)
- ▶ Next Steps and Implementation Suggestions



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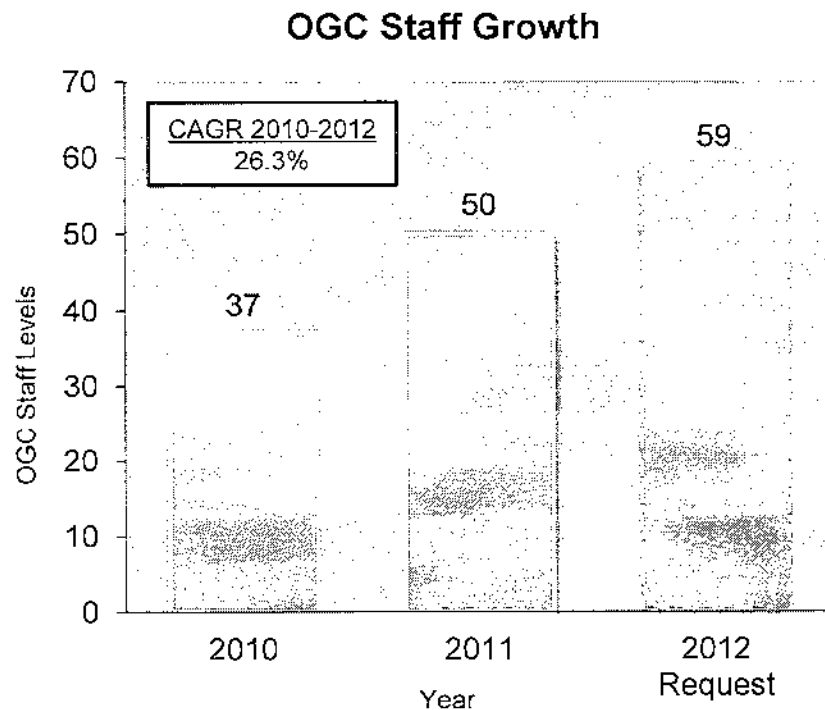
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## CFTC OGC engaged Booz Allen for a six week assessment of its organization structure

- ▶ Through interviews, focus groups, and document review, we assessed the current state of the OGC organization, and **identified 15 high-level issues** that impact performance
- ▶ These issues were **translated into 7 future state design requirements** for the organizational structure to address
- ▶ We examined 3 different organization models, and **identified two blended structures that can meet future state design requirements**
- ▶ Independent of organizational structure, we identified **10 management practices that can enable performance improvements**
- ▶ Benchmarking against 5 similar agencies **confirmed that OGC size relative to its parent agency and budget, and its structural sections is at the benchmark average**



## To meet the demands of Dodd-Frank and the Commission, OGC plans to grow nearly 60% in staffing level from 2010 to 2012



### OGC Drivers for Organizational Change

- ▶ The Commission has experienced rapid change and expansion due to the current financial crisis and resultant regulatory response
- ▶ The current management structure, with only 4 major supervisors, faces severe challenges maintaining work quality and timeliness as the office rapidly grows to meet the demands of the Commission
- ▶ Dodd-Frank requires CFTC core functions of monitoring and enforcement to become more complex and robust
- ▶ A new organizational structure that includes two new divisions<sup>1</sup> within CFTC may significantly add to OGC workload

### PROJECT SCOPE

- ▶ A review of the OGC organizational structure, including positions, roles, functions, workflow, and work processes to the extent these factors help inform recommendations on the organizational structure of OGC
- ▶ Scope excludes a review of legal opinions and recommendations on Commission offices outside of OGC

(1) Office of Data and Technology, Division of Swap Dealer and Intermediary Oversight



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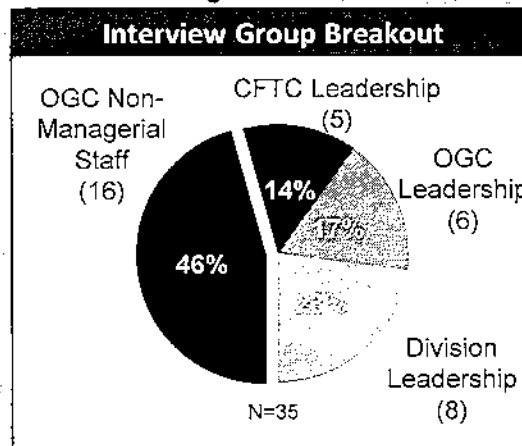
## Our understanding of OGC's organization is based on available documents, a structured guide and benchmark agencies

### Document Review

- ▶ Org charts for OGC and CFTC
- ▶ Key personnel statistics such as tenure, retirement eligibility, and performance
- ▶ Workforce planning survey findings
- ▶ Position descriptions
- ▶ CFTC Strategic Plan
- ▶ Budget and hiring plan

### Interviews & Focus Groups

- ▶ Interviews facilitated information gathering in the following areas:
  - Mission/Purpose
  - Organization
  - Processes and Functions
  - People
  - Management Functions



### Benchmark Agencies

- ▶ Five comparable agencies submitted high level organizational information
  - Office of the General Counsel mission
  - Organization chart
  - Major sections within the General Counsel Office, and a description of key services for each section
- ▶ The agencies selected were:
  - SEC
  - FCA
  - FDIC
  - NCUA
  - FDIC



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## Data gathered focused on five core aspects of OGC operations

Category	Key Elements
Mission	<ul style="list-style-type: none"><li>▶ Purpose / justification for existence</li><li>▶ Organizational alignment to mission</li><li>▶ Mission fulfillment</li></ul>
Organization	<ul style="list-style-type: none"><li>▶ Organizational structure / process area responsibilities</li><li>▶ Management reporting structure and decision rights</li><li>▶ Roles and responsibilities</li></ul>
Functions & Process	<ul style="list-style-type: none"><li>▶ Inventory of Key Functions</li><li>▶ Process Effectiveness</li><li>▶ Communications / Interactions</li><li>▶ Process Enablers</li></ul>
People	<ul style="list-style-type: none"><li>▶ Skill sets required</li><li>▶ People development</li><li>▶ Motivators</li></ul>
Management Practices	<ul style="list-style-type: none"><li>▶ Accountability to customers</li><li>▶ Planning</li><li>▶ Leadership</li></ul>



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## Across the core aspects of OGC's operations, we found 15 key current state findings

Category	Key Current State Findings
Mission	<ol style="list-style-type: none"> <li>1. Mission statement not explicitly defined</li> <li>2. Overlapping responsibilities with customers</li> <li>3. Misunderstood mission delivery expectations and performance</li> </ol>
Organization	<ol style="list-style-type: none"> <li>4. Unclear roles and responsibilities both internally and externally</li> <li>5. Work intake and QA bottlenecks with the GC and Deputies</li> </ol>
Functions & Process	<ol style="list-style-type: none"> <li>6. Functions not aligned to mission</li> <li>7. Services not aligned to customers or functions</li> <li>8. Communications breakdowns internally and externally</li> <li>9. Imbalances in workload distribution and QA</li> </ol>
People	<ol style="list-style-type: none"> <li>10. Limited planning for skill development and needs</li> <li>11. Few development opportunities in management or specialization in a subject</li> <li>12. Promotion and recognition are contentious</li> </ol>
Management Practices	<ol style="list-style-type: none"> <li>13. Performance assessments are one-way with front-line manager only</li> <li>14. Planning is focused largely around budget requests and not skills or anticipated needs</li> <li>15. Managers spend little time on administrative activities</li> </ol>



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## We converted the 15 key findings into 7 requirements for a future state GC Organization based on our current state analysis

Future State Design Requirements	Requirement Source
1. <i>Provide timely, accurate legal advice to all customers</i>	Internal and Customer Feedback
2. <i>Be consistent and proactive in service provision</i>	Customer Feedback
3. <i>Improved mission clarity between Division and OGC responsibilities</i>	Customer Feedback
4. <i>Services align to major functions, with clear accountability and reporting for services and customers</i>	Customer Feedback
5. <i>Balanced (and well-communicated) workload across all staff</i>	Staff Feedback
6. <i>Clarity of development and promotion opportunities</i>	Internal Feedback
7. <i>Formally defined performance expectations, including staff development responsibilities</i>	Leader Preference

***Focus of all changes must be to address concerns about timeliness, quality, and accountability***



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## We benchmarked five agencies; some differences appeared in staffing and budget levels

Dimensions	CFTC	SEC	FCA	FDIC	NCUA	CPSC
Sponsor	Independent	Independent	Independent	Independent	Independent	Independent
Mission/Purpose	Commodity & Futures Regulation	Securities Regulation	Farm Credit	Deposit Insurance	Credit Union Regulation	Consumer Product Safety
Agency Employees (2011)	667	3,848	298	8,120	1,209	576
Agency Budget (2011)	\$168.8M	\$1,144M	\$59.8M	\$1,681M	\$225M	\$118M
OSC Staff (% total) Average = 5.1%	47 (7.0%)	133 (3.5%)	14.5 (4.9%)	805 (9.9%)	28 (2.3%)	38 (6.6%)
OSC Budget (% total) Average = 7.6%	\$13.6M (8.1%)	\$44.5M (3.9%)	\$3.4M (5.7%)	\$277M (16.5%)	\$5.7M (2.5%)	Unknown
OSC Divisions	<b>Leadership</b> ▶ Commission <b>Operating Divisions</b> ▶ Market Oversight ▶ Enforcement ▶ Clearing & Intermediary Oversight <b>Internal Support</b> ▶ Executive Director	<b>Leadership</b> ▶ Commission <b>Operations</b> ▶ Corp. Fin. ▶ Trading and Markets ▶ OCIE ▶ Inv. Mgmt ▶ Enforcement	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Regulatory Policy ▶ Examination <b>Support</b> ▶ HR	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Supervision, ▶ Receiverships <b>Support</b> ▶ Executive Offices	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Examination & Insurance ▶ AMAC <b>Support</b> ▶ Executive Director	<b>Leadership</b> ▶ Commission <b>Operations</b> ▶ Safety Operations <b>Support</b> ▶ Executive Director Offices



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## We looked at the organization from 3 different perspectives, and none in their purest form met the requirements

Future State Design Requirements	Functional	Process	Customer
1. Provide timely, accurate legal advice to all customers			
2. Be consistent and proactive in service provision			
3. Improved mission clarity between Division and OGC responsibilities			
4. Services align to major functions, with clear accountability and reporting for services and customers			
5. Balanced (and well-communicated) workload across all staff			
6. Clarity of development and promotion opportunities			
7. Formally defined performance expectations, including staff development responsibilities			
		Increases transparency, and improves response to customer needs, but requires strong change management	Meets requirements from a customer perspective, but reduces scale and could undermine mission of unbiased advice
<b>Overall</b>	<b>Does not Meet</b>	<b>Partially Meets</b>	<b>Partially Meets</b>



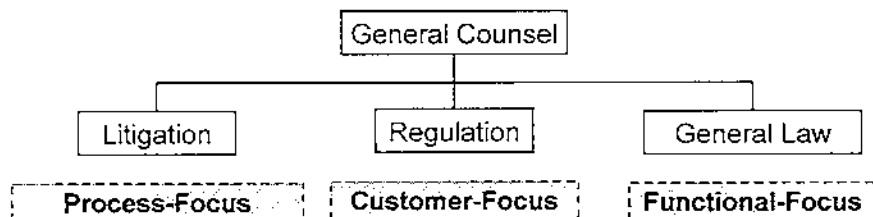
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# We recommend OGC consider one of two possible future state organizational design options

## Mission Aligned Hybrid

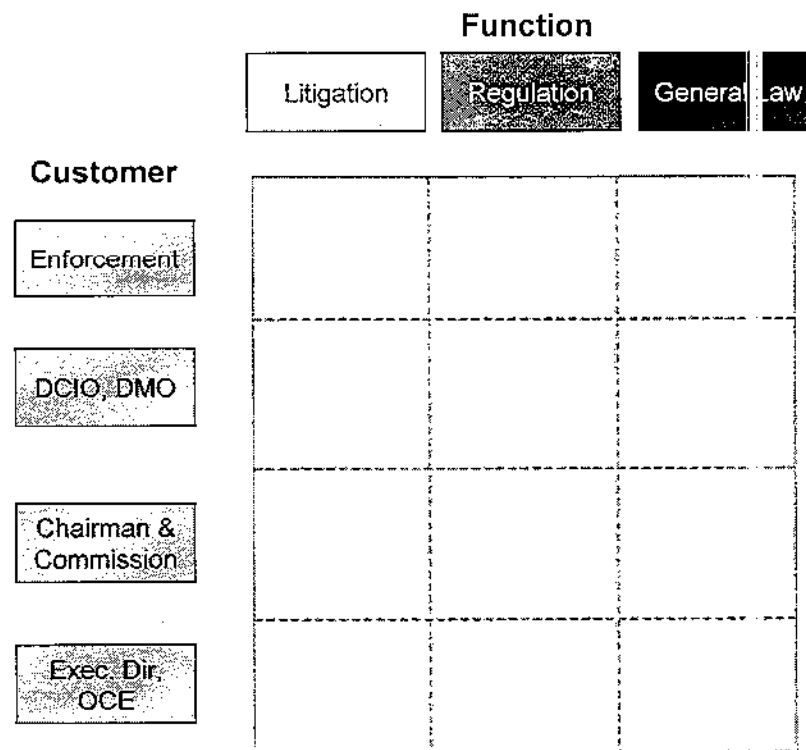
Most directly aligned to mission and draws on strengths of process, customer and functional models, while being most clearly aligned to the mission



*Findings indicate 3 Deputies may be most appropriate to manage workload requirements, but teams will need to be created to keep staff to manager ratios manageable (between 6-12)*

## Customer-Focused Matrix

Maintains current functional focus, but introduces significant customer facing role for deputies



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**Regardless of structure chosen, there are ten management practices OGC should implement in the short to intermediate term to improve timeliness, quality and accountability**

General Management Recommendations	1	Keep GC focused on priorities by delegating “low priority tasks” and giving inbox access and management instruction to an assistant	Easy Changes with High Potential Impact
	2	Make every meeting count by spending more time preparing for standing meetings and adopting a common format	
	3	Achieve a consistent quality of work product by sharing best and worst case examples	
	4	Resolve long-standing ambiguity around OGC’s authority and service commitments by establishing a mission statement	
	5	Promote accountability for quality and timeliness and recognize excellence by spending less time on quarterly reviews and capturing customer and peer feedback annually	Early Center of Excellence (CoE) Development
	6	Address staff morale issues by using IDPs and mentoring opportunities to develop staff strengths and interests in line with organizational needs, including succession	
	7	Understand skill depth and breadth across OGC by identifying specialists and publishing an internal directory	
	8	More leading and less doing by devolving explicit roles, responsibilities and decision rights to experts	Longer term Management Changes
	9	Reach for excellence in ethics by adopting program enhancements	
	10	Save customer and staff time by creating a searchable document repository organizing historic work products	



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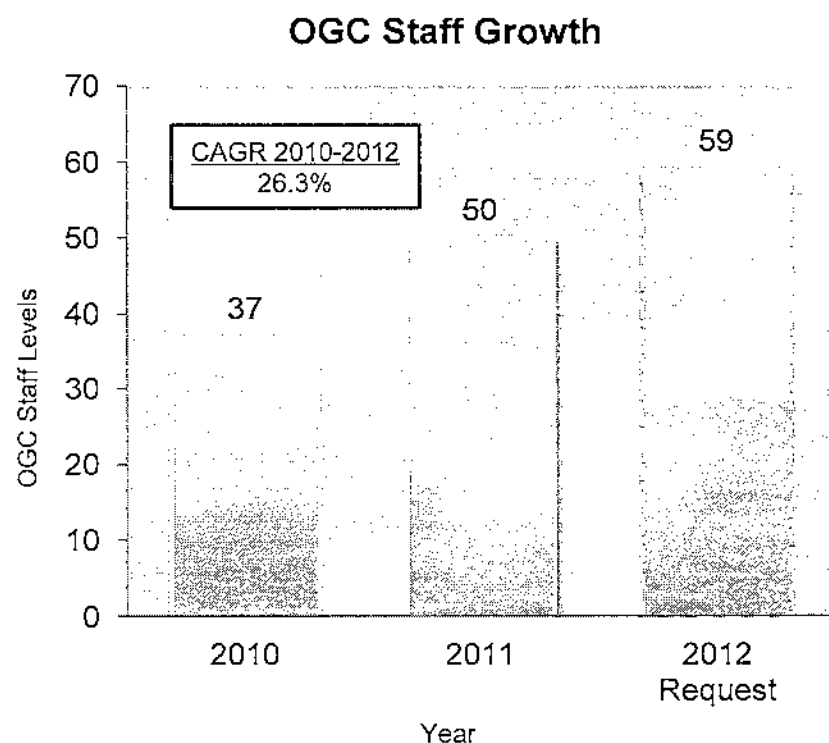


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## To meet the demands of Dodd-Frank and the Commission, OGC plans to grow nearly 60% in staffing level from 2010 to 2012



### OGC Drivers for Organizational Change

- ▶ The Commission has experienced rapid change and expansion due to the current financial crisis and resultant regulatory response
- ▶ The current management structure, with only 4 major supervisors, faces severe challenges maintaining work quality and timeliness as the office rapidly grows to meet the demands of the Commission
- ▶ Dodd-Frank requires CFTC core functions of monitoring and enforcement to become more complex and robust
- ▶ A new organizational structure that includes two new divisions<sup>1</sup> within CFTC may significantly add to OGC workload

(1) Office of Data and Technology, Division of Swap Dealer and Intermediary Oversight



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# The aim of the organizational assessment is to develop evidence-based, practical recommendations for meaningful change

## Project Charter

### BUSINESS CASE

- ▶ Recent legislative, regulatory and administrative changes by the Commission such as a new organizational structure, new authorities, and hiring of new staff have led to the need for different skills and competencies, as well as an increased demand for expert legal advice and support
- ▶ As a result, the GC has made organizational change a mission critical priority

### PROBLEM STATEMENT

- ▶ OGC's current organizational structure is unable to effectively and efficiently meet the growing and changing demands across the Commission

### PROJECT SCOPE

- ▶ A review of the OGC organizational structure, including positions, roles, functions, workflow, and work processes to the extent these factors help inform recommendations on the organizational structure of OGC
- ▶ Scope excludes a review of legal opinions and recommendations on Commission offices outside of OGC

### AREAS OF FOCUS

- ▶ OGC supervisory/management organization and capacity
- ▶ Chairman's and Commissioners' expectations
- ▶ CFTC Divisions' satisfaction with OGC services and interactions
- ▶ Current inventory of mission critical functions compared to expected needs

### GOAL STATEMENT

- ▶ OGC's organizational structure is improved to ensure all elements of the organization are positioned to provide superior quality and timely services in the most effective and efficient manner possible to the Chairman, Commissioners, and Divisions of the Commission

### TEAM MEMBERS

- ▶ **Champion:** GC
- ▶ **Stakeholders:** Chairman, Commissioners, Divisions, and Offices
- ▶ **Key Sources:** Business Manager, HR, and Deputies
- ▶ **CFTC Team:** Teresa Caravelli, Kitty McCoy, Venita Hill
- ▶ **Booz Allen Team:** Marc Austin, James Keough, and Tommy Simoneau



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## Our understanding of OGC's organization is based on available documents, a structured guide and targeted sources of input

### Document Review

- ▶ Org charts for OGC and CFTC
- ▶ Key personnel statistics such as tenure, retirement eligibility, and performance
- ▶ Workforce planning survey findings
- ▶ Position descriptions
- ▶ CFTC Strategic Plan
- ▶ Budget and hiring plan

### Interview Guide

- ▶ Designed 4 versions of the guide: OGC managers, focus groups, Chairman, other customers
- ▶ Guide facilitated information gathering in the following areas:
  - Mission/Purpose
  - Organization
  - Processes and Functions
  - People
  - Management Functions

### Sources of Input

#### OGC Managers

- ▶ GC
- ▶ Deputies
- ▶ Business Manager

#### OGC Staff

- ▶ Senior Attorneys
- ▶ Junior Attorneys
- ▶ Support Staff

#### OGC Customers

- ▶ Chairman
- ▶ Commissioners
- ▶ Divisions

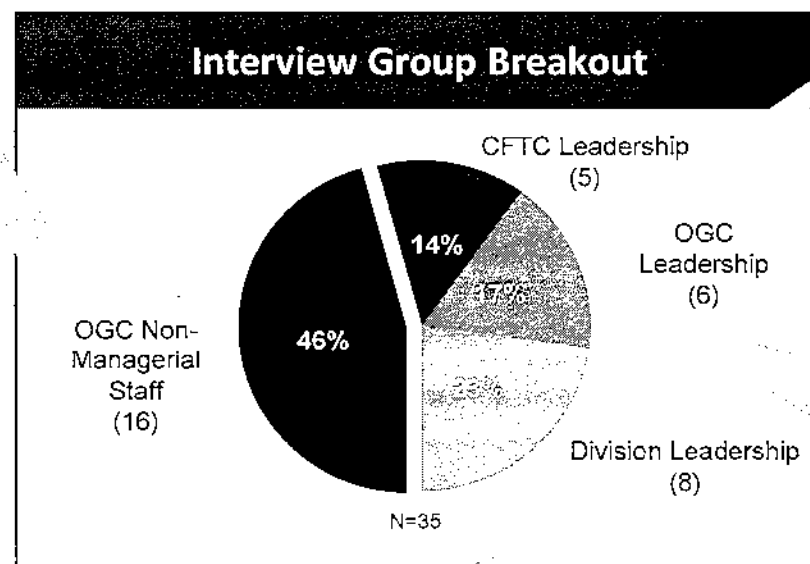


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We collected data in proportion to key stakeholder groups from 35 people, including the Commission, customers, managers, and staff

- Staff were interviewed in a series of 3 focus groups (1.5 hrs each)
- Interviews covered 38% of staff
- Focus groups included:
  - 3 Senior Attorneys (Grade 15)
  - 9 Junior Attorneys (< Grade 15)
  - 2 Paralegals
  - 2 Administrative Staff



The **Chairman** and all the **Commissioners** participated in the interviews from a customer's point of view

The **GC** and all **Deputies** provided detailed information on current and future state organizational structure

Directors were interviewed from the following Divisions:

- Market Oversight
- Clearing and Intermediary Oversight
- Enforcement
- International Affairs
- Human Resources
- Chief Economist
- Executive Director
- Acting Exec. Director



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# We structured our data gathering around five core aspects of OGC operations

Category	Key Elements
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People	<ul style="list-style-type: none"> <li>▶ Skill sets required</li> <li>▶ People development</li> <li>▶ Motivators</li> </ul>
Management Practices	<ul style="list-style-type: none"> <li>▶ Accountability to customers</li> <li>▶ Planning</li> <li>▶ Leadership</li> </ul>



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# OGC's mission is broadly understood within OGC and externally, and its core services are made clear in the CFTC Strategic Plan...

**Notional Mission<sup>1</sup>:** To provide the expert statutory legal advice to the Commission to ensure “one voice” in interpreting and applying the Commodity Exchange Act to mitigate litigation risk

**Summary of Services<sup>1</sup>:** The OGC serves the Commission as its legal advisor representing the Commission in appellate litigation and certain trial-level cases, including bankruptcy proceedings involving futures industry professionals, and advises the Commission on the application and interpretation of the CEA and other administrative statutes

## Notional Core Services<sup>1</sup>

Litigation	Regulations & Administration	Legislation & Inter-Government Affairs	Opinions & Review
<ul style="list-style-type: none"> <li>▶ Represent the Commission on appeals</li> <li>▶ Oversee and assist courts in bankruptcy proceedings</li> <li>▶ Review enforcement cases</li> <li>▶ Support HR actions and employment litigation</li> <li>▶ Support rulemakings</li> </ul>	<ul style="list-style-type: none"> <li>▶ Support and review rulemakings</li> <li>▶ Provide legal advice and interpretation</li> <li>▶ Review administrative law statutes for legal sufficiency</li> </ul>	<ul style="list-style-type: none"> <li>▶ Work on CFTC reauthorization</li> <li>▶ Advise congressional committees on proposed legislation</li> <li>▶ Backup team for legal sufficiency reviews for regulations and enforcement actions</li> </ul>	<ul style="list-style-type: none"> <li>▶ Provide expertise on general law functions, including: FACA, Reg Flex, Privacy, FOIA, etc.</li> <li>▶ Interpret CEA and provide opinions to the Commission</li> <li>▶ Liaison with intergovernmental groups, including FSOC, SEC, OMB</li> </ul>

<sup>1</sup> Source: Assembled from CFTC Strategic Plan and interview comments



## ... However, a formal, documented mission statement could clarify several overlapping areas for both customers and staff

### Mission Definition

- ▶ No formally defined, documented, and communicated mission statement
  - The need for a mission statement has been acknowledged but not addressed
- ▶ Comments from 14 of 21 (66%) interviews or focus groups allude to the need to clearly and specifically define OGC's scope within the Commission
- ▶ Mission universally cited as being the legal council to the Commission, responsible for interpreting CEA and keeping the Commission out of trouble
  - Customers would like more from OGC in the areas of deeper analysis, balanced/unbiased services for all Commissioners, strategic services partnership, and explicit timeliness expectations
- ▶ Nearly every interviewee agreed OGC was meeting its basic mission requirement, with 2 Divisions citing OGC overstepping bounds and failing to provide expected expert advice
  - The scope of OGC's mission is reported as creeping into some Division's areas of responsibility, causing the need to clarify where OGC stops and they begin
    - This ambiguity is a source of dissatisfaction
    - Divisions are taking the lead defining their legal scope and questioning the need for OGC
    - Divisions cited lack of expertise in areas, such as general law, indicating problems with mission execution
  - While OGC's role as an independent legal advisor to the Commission is broadly understood, conflict occasionally arises with customers over final policy determinations and legal interpretations of the CEA

### Mission Fulfillment

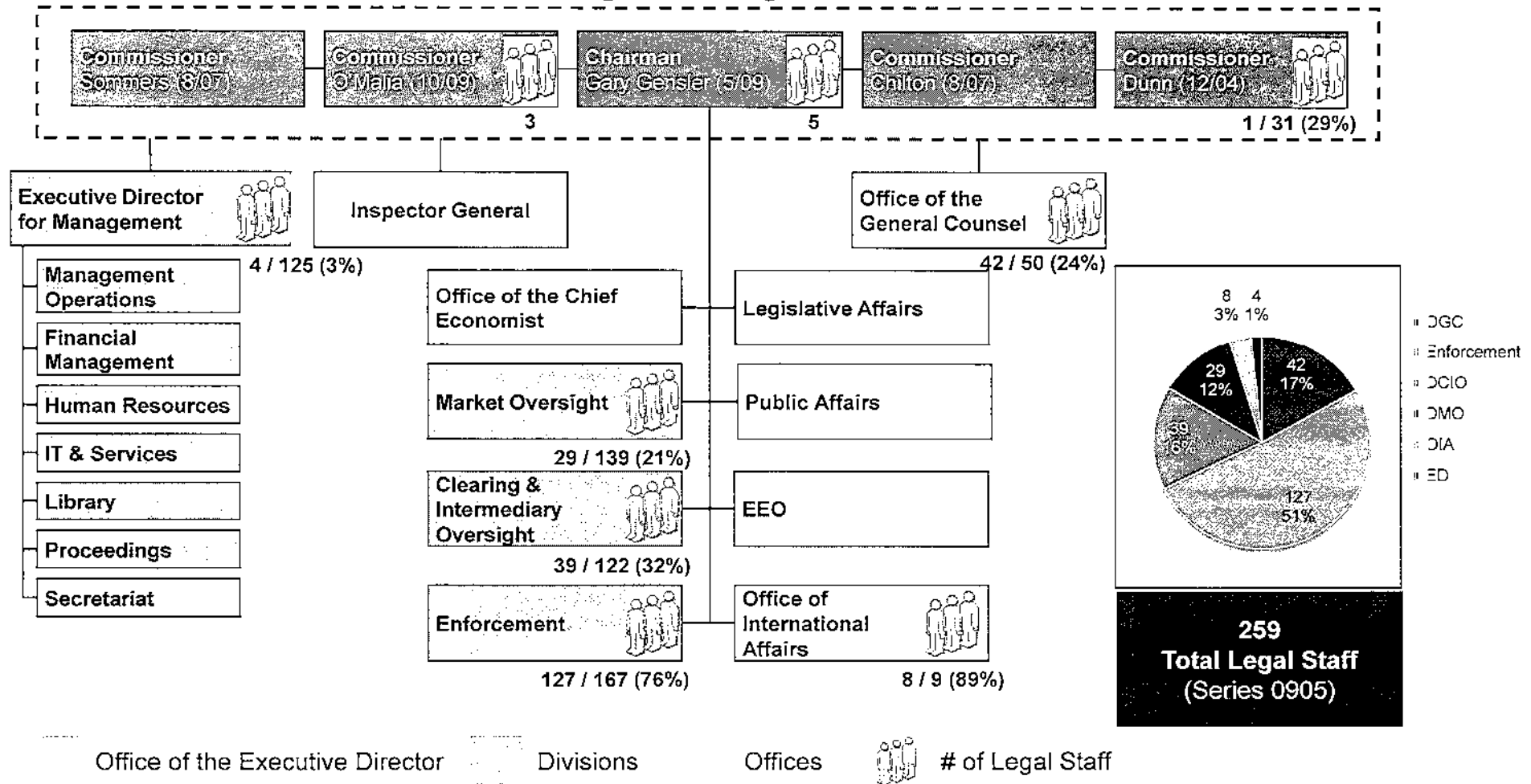


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Although OGC is the legal advisor to the Commission, it only represents 16% of the legal staff throughout the CFTC

### CFTC High Level Organization

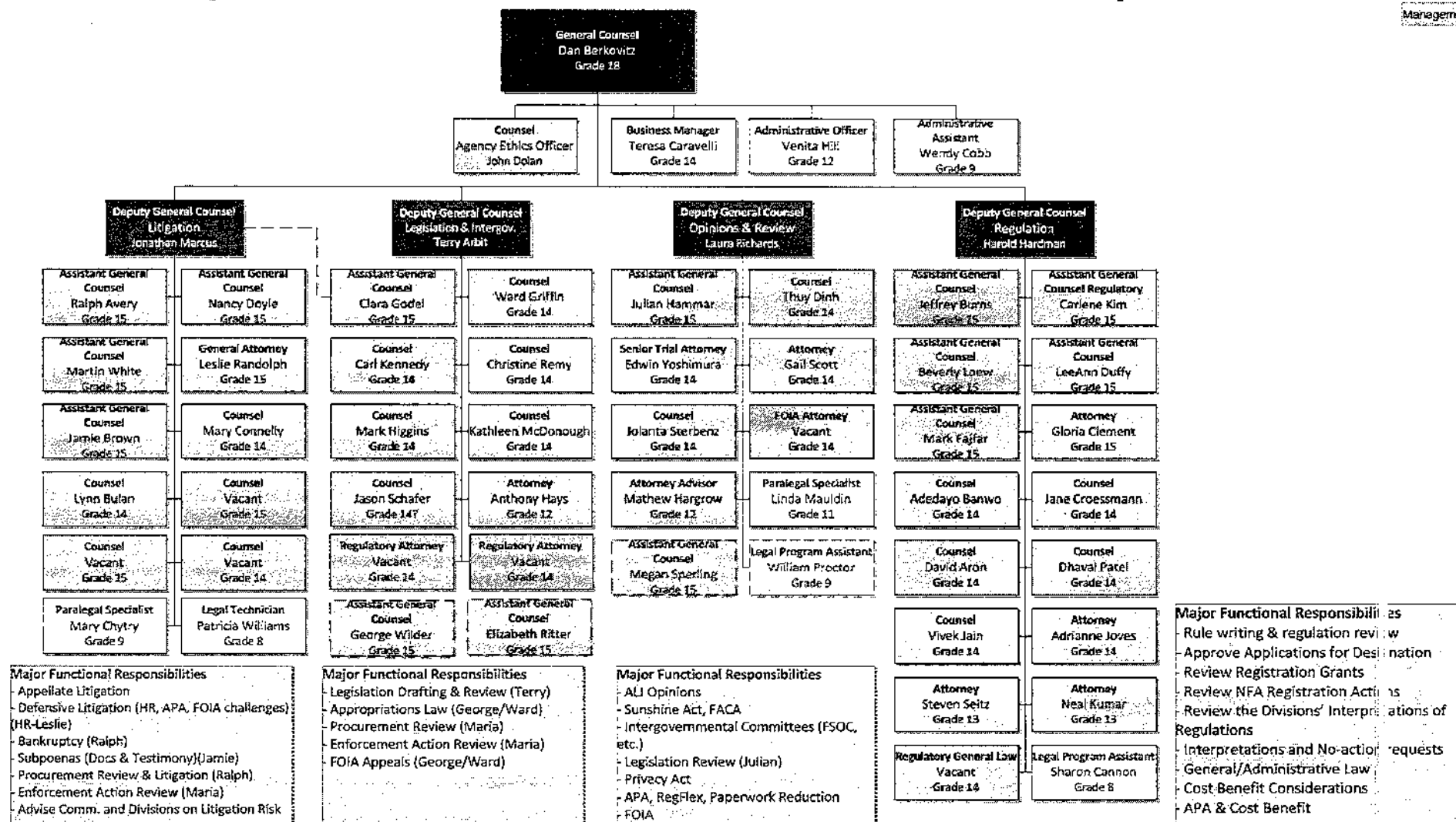


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# OGC's control, accountability structure, and reporting relationships are centered around the GC and four deputies



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# Another view of OGC's structure shows several imbalances between sections and potential retirement issues

Summary Organization	Staff: Manager Ratio*	Attorney : Admin Ratio*	Direct Report Grade Structure	% of Staff Retirement Eligible	% within 3 years of Eligibility	Avg. Tenure at CFTC
Office of the General Counsel General Counsel Dan Berkovitz	▶ 8:1	▶ 6:3	2 1 2 1 5	0%	29%	6.4
Litigation Deputy General Counsel Jonathan Marcus	▶ 12:1	▶ 11:2	3 5 4	45% potential retirement within 3 years 36%	9%	11.5
Legislation & Intergov. Deputy General Counsel Terry Arbit	▶ 10:1	▶ 11:0	5 4	0%	20%	11.6
Opinions & Review Deputy General Counsel Laura Richards	▶ 9:1	▶ 8:2	3 3 1	Polarized tenure – 2 grade 12 attorneys with 5 staff with 20+ years 25%	13%	16.7
Regulations & Admin. Deputy General Counsel Harold Hardman	High manager: staff ratio ▶ 16:1	▶ 16:1	1 1 5 6	14%	0%	7.2

<13 13 14 15 Managers

\* Includes vacant positions scheduled to be hired and excludes detailees to Commissioners



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## Roles and responsibilities are not formally defined or communicated internally and externally

- ▶ Managers and staff, both internally and externally, praised the rulemaking team approach that reportedly reduced siloes, enabled earlier interaction, and varied normal task expertise areas
- ▶ OGC leadership and staff both commented that lines of accountability are informal and sometimes unclear, leading managers and staff to express a need for better understanding and communication of roles and responsibilities
  - Although OGC managers delegate work to staff, they still find themselves either performing rework or executing tasks themselves due to broader or deeper knowledge of the particular subject, illustrating a break down in either skills or processes
- ▶ Several Commissioners stated that they have poor visibility into the internal operations of OGC apart from their interactions with Dan
  - All Commissioners stated that the nature of the GC position is such that Dan personally spends a lot of time meeting with the Chairman and Commission no matter who is in that role
  - Some Commissioners expressed interested in gaining more formal briefings, with advanced preparation, during senior CFTC Staff meetings
- ▶ Division directors have stated that intake into OGC is disorganized, varied, and sometimes results in overlooked requests
  - Customers (both Division Directors and Commissioners) often did not know the right people to contact for a particular request unless they had a working relationship from a previous assignment



# Current OGC services are only partially aligned explicitly to the OGC statutory functions outlined in the Commodity Exchange Act

## Statutory OGC Functions

### Defend CFTC in appellate court and assist DoJ

- ▶ Enforcement Action Review
- ▶ Appellate Litigation
- ▶ HR Litigation
- ▶ Subpoenas
- ▶ eDiscovery

### Advise the Commission

- ▶ Policy Advisor
- ▶ Legislation Review
- ▶ Intergovernmental Affairs
- ▶ Regulatory Affairs (rule writing, regulation review)
- ▶ Opinions and Interpretations

### Provide general law services to the organization

- ▶ Federal Advisory Committee Act
- ▶ Sunshine Act compliance
- ▶ Administrative Law compliance (Paperwork Reduction Act, SBREFA, cost/benefit analysis)
- ▶ Ethics
- ▶ FOIA & Privacy Act compliance
- ▶ Appropriations Law
- ▶ Procurement reviews



Covered by  
Litigation  
Services



Split Across  
Several  
Services



## Current OGC Services

Litigation

Regulations &  
Administration

Legislation & Inter-  
Government Affairs

Opinions & Review

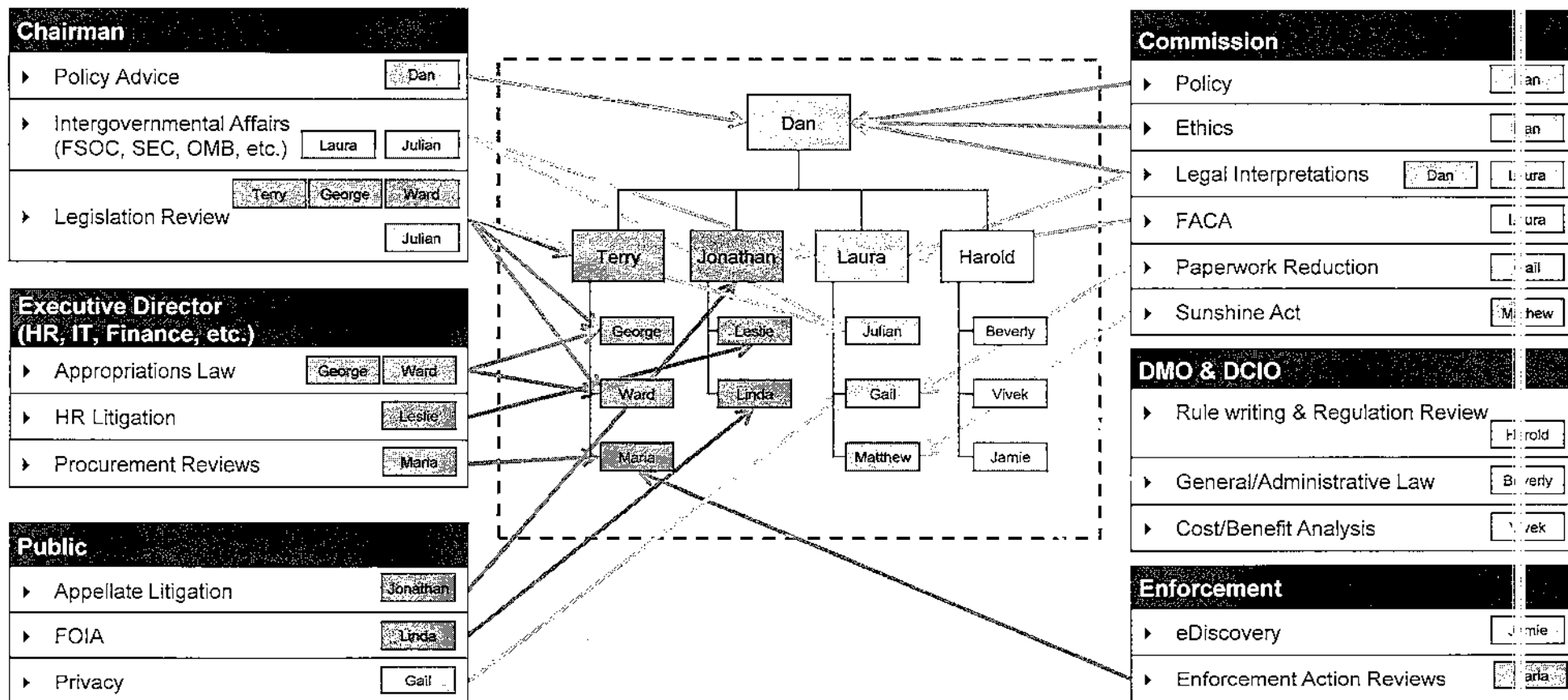


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Although OGC has a formal hierarchy, in practice, the organization is quite flexible based on expertise, workload, and customer needs

### Functional Support to Key Stakeholders



## Limited work delegation, tracking, and communication processes impact OGC's ability to meet compressed time constraints

- ▶ **Staff current working arrangements are matrixed between customers, rulemaking teams, and front-line managers, with some staff performing duties unrelated to their section**
  - Work assignments often come directly from customers, the Commission, and managers, without a comprehensive intake policy, task tracking, or prioritization process
    - This is especially true for the GC position itself
  - Because managers are performing both front-line work and quality control on staff work products, additional bottlenecks are created for some work
  - The time pressure of rulemaking activity leads some managers to question whether work products are meeting quality standards
- ▶ **Commissioners generally recognized that OGC provides timely, quality work for priority items**
  - For some lower priority items or ad hoc requests, timeliness and quality can slip
- ▶ **Division directors have stated that they see OGC more as an obstacle to implementing their policies than as a partner adding value to Commission work products**
- ▶ **Staff interaction with management largely depends on personal working styles, with some staff approaching managers for work assignments and feedback, and others taking a passive approach**
- ▶ **Tools and systems are largely adequate for legal research and work duties, except that previous work and intellectual capital is not easily shared among staff or made centrally available**
  - Project tracking may be improved with the introduction of Practice Manager software



## OGC workforce and succession planning is hindered by an inadequate understanding of staff skills and performance

- ▶ **Visibility into current skills and planning for future demands (particularly within litigation and certain general law specialties) is limited**
  - Staff skills are not communicated or well understood by customers and peers
  - No evidence that staff training and development is organized around organizational needs
  - Litigation is projected to have the highest retirement of any section (45% by 2013) and faces the greatest demands on workload during this same period
- ▶ **Although over 80% of respondents self-rated 4+ for “Coaches for Performance” in the workforce survey, managers take a non-confrontational approach to performance assessments**
  - Customers and staff do not have input into manager performance ratings
- ▶ **Customers develop an overall lack of trust in OGC skill level and legal expertise**
  - Many interviewees perceive variations in quality depending on who performs the work within OGC
  - Divisions believe that distance from program staff leads to shallow knowledge in program areas
  - Some general law areas have thin resource depth, leading customers to rely on key personnel
- ▶ **11 of 19 (58%) customers and senior leaders viewed OGC as having too few staff to achieve their mission, and stated that certain areas (e.g. litigation) will require more resources**
- ▶ **Performance evaluations are ineffective for assessing performance and planning development**
  - Although Individual Development Plans are part of the performance evaluation, they are not useful
  - Quarterly reviews are done at the last minute without thoughtful input or impact on performance



## Several structural issues affect morale within OGC, including grade structure, work assignment, and recognition programs

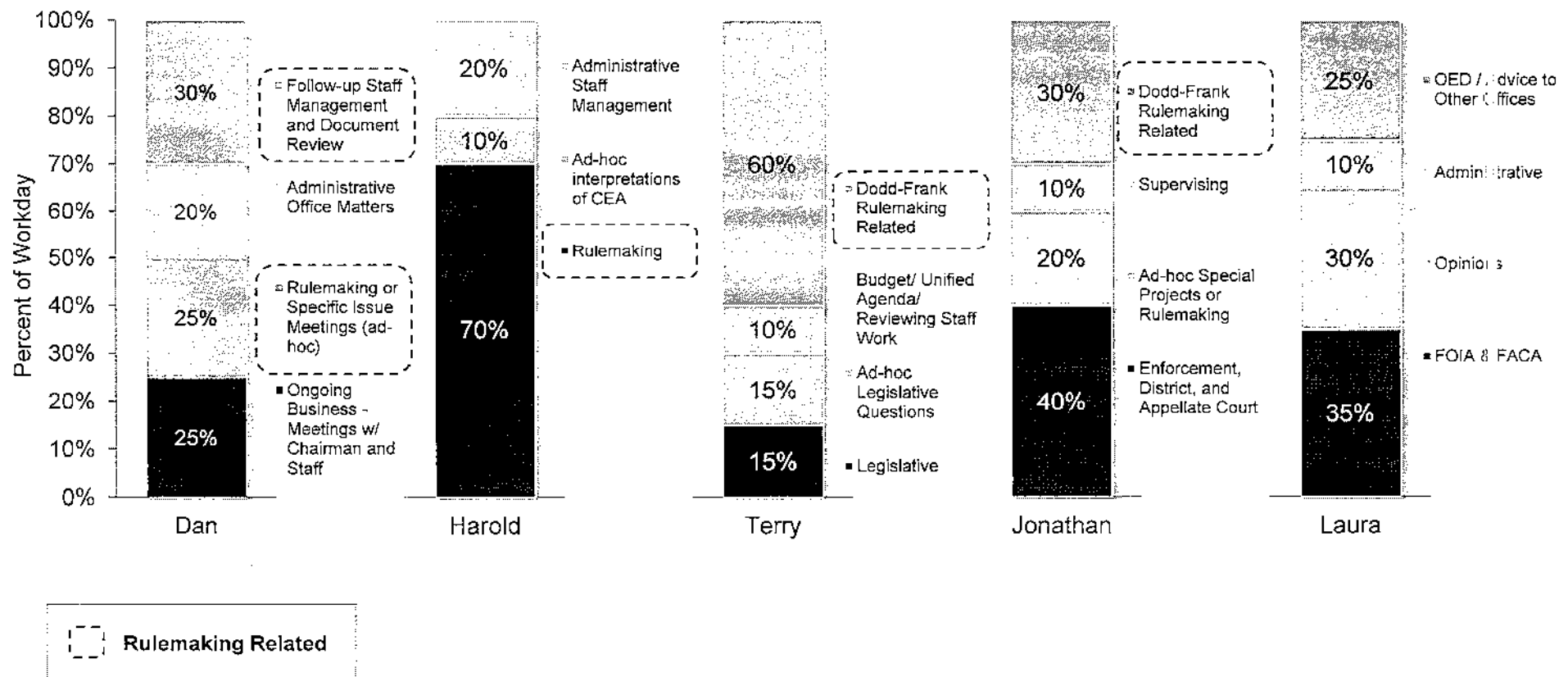
- ▶ **Widely recognized that there are many hard working, talented staff within OGC**
  - General perception that OGC's value is not recognized throughout the broader CFTC
- ▶ **Staff in all focus groups stated that motivation is affected pay policies, performance review standards, and problem individuals**
  - Different grade levels are more a function of hiring timing and tenure, rather than job responsibilities or work expectations
  - Staff expressed frustration with performance standards for certain widely recognized problem individuals who have "inappropriate work behavior"
- ▶ **Lack of distinction in salaries and job titles (mostly GS-14 & 15) leads to few promotion opportunities and increased competition within staff**
  - Staff described a competitive environment within the office where credit is not always shared, recognition is difficult to attain, and peers do not always share work equally
- ▶ **Appraisal, rewards and promotion processes insufficient (e.g., limited rewards for outstanding performers while marginal performers continue to thrive)**
  - Staff see fewer opportunities to grow and develop because of policies limiting promotion potential for grade 14 staff





# OGC managers spend less than 10% of their time on managing staff, with most currently focused on rulemaking tasks

OGC Manager Workload distribution



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## A key theme from interviews throughout the organization was the effect of constrained time on key management activities

- ▶ **Some commissioners stated that OGC was a reactive organization that requires greater proactivity to complete its mission of protecting CFTC**
  - Needs to plan for foreseeable risks
  - Lack of strategic communication both within the organization (“Who’s on first?”) and sensing developments outside the organization
- ▶ **Staff and OGC managers agreed that work is unevenly distributed across staff based on who is visible and proactive in asking for assignments (which tends to be the same people)**
  - Workload for key staff members leads to a lack of time for predictive risk analysis or comprehensive analysis of an issue
  - Staff don’t have time to think through alternatives to customer requests for legal opinions, and respond in the negative (“just say no” vs. providing options)
- ▶ **Managers have too little time for administrative responsibilities**
  - Staff are not held accountable for functional responsibility, timeliness of work products, and skill development
- ▶ **Strong focus on some areas, particularly related to mission programs, and less focus on others (e.g. ethics)**
  - Customers and staff both stated that the CFTC as a whole and OGC were weak on formal policies and planning



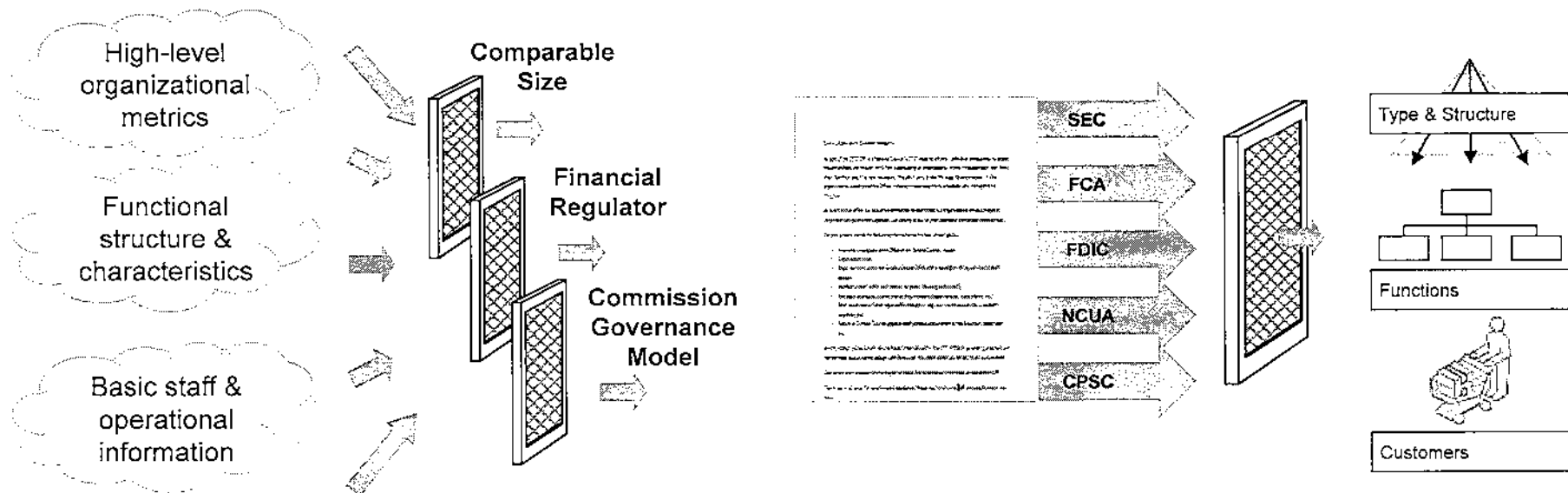
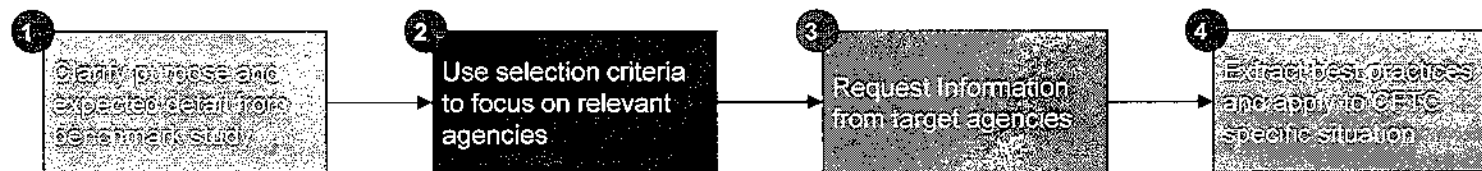
## Organizational Assessment Report Outline

- ▶ Executive Summary
- ▶ Project Purpose and Charter
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  - Mission
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# Benchmarking was used to compare high-level structure, function, and staff information from comparable GC offices to CFTC OGC

## Methodology for Benchmark Collection and Analysis



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## As a percentage of total agency budget and staff, CFTC OGC is slightly higher than the average benchmarks of other agencies


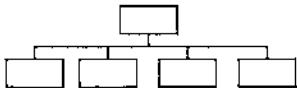





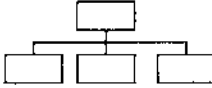

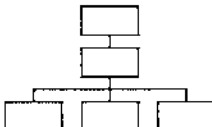

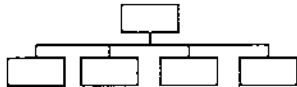
Dimensions	CFTC	SEC	FCA	FDIC	NCUA	CPSC
Sponsor	Independent	Independent	Independent	Independent	Independent	Independent
Mission/Governance	Commodity & Futures Regulation	Securities Regulation	Farm Credit	Deposit Insurance	Credit Union Regulation	Consumer Product Safety
Agency Employees (2011)	667	3,848	298	8,120	1,209	576
Agency Budget (2011) FY	\$168.8M	\$1,144M	\$59.8M	\$1,681M	\$225M	\$118M
OGC Staff % total Average = 5.7%	47 (7.0%)	133 (3.5%)	14.5 (4.9%)	805 (9.9%)	28 (2.3%)	38 (6.6%)
OGC Budget % total Average = 7.5%	\$13.6M (8.1%)	\$44.5M (3.9%)	\$3.4M (5.7%)	\$277M (16.5%)	\$5.7M (2.5%)	Unknown
OGC Customers	<b>Leadership</b> ▶ Commission <b>Operating Divisions</b> ▶ Market Oversight ▶ Enforcement ▶ Clearing & Intermediary Oversight <b>Internal Support</b> ▶ Executive Director	<b>Leadership</b> ▶ Commission <b>Operations</b> ▶ Corp. Fin. ▶ Trading and Markets ▶ OCIE ▶ Inv. Mgmt ▶ Enforcement	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Regulatory Policy ▶ Examination <b>Support</b> ▶ HR	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Supervision, ▶ Receiverships <b>Support</b> ▶ Executive Offices	<b>Leadership</b> ▶ Board <b>Operations</b> ▶ Examination & Insurance ▶ AMAC <b>Support</b> ▶ Executive Director	<b>Leadership</b> ▶ Commission <b>Operations</b> ▶ Safety Operations <b>Support</b> ▶ Executive Director Offices



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# All other benchmarked agency GC offices are functionally oriented, with similar sections as CFTC

	Org Structure	Primary Sections	Key Ratios	Takeaways
CFTC	  Functional	<ul style="list-style-type: none"> <li>Legislation &amp; Intergovernmental Affairs</li> <li>Litigation</li> <li>Opinions &amp; Review</li> <li>Regulation</li> </ul>	<u>Staff : Manager</u> 10.2 : 1* <u>Benchmark Avg. – (7.7 : 1)</u> <u>Attorney : Non-Attorney</u> 6 : 1* <u>Benchmark Avg. – (8.1 : 1)</u>	<ul style="list-style-type: none"> <li>Staff to Manager ratio is higher than all benchmark organizations except FDIC</li> <li>Primary sections have at least one counterpart in the benchmark organizations</li> </ul>
SEC	  Functional	<ul style="list-style-type: none"> <li>Legal Policy</li> <li>Appellate Litigation</li> <li>General Litigation</li> <li>Adjudication</li> <li>Ethics</li> </ul>	<u>Staff : Manager</u> 6 : 1 <u>Attorney : Non-Attorney</u> 4.1 : 1	<ul style="list-style-type: none"> <li>GC has 2 deputies within his office supervising the 5 sections</li> <li>Associate GC level ethics office handles over 2,500 ethics counseling matters for Commission officials and staff annually</li> </ul>
FCA	  Single Office	<ul style="list-style-type: none"> <li>None, staff are generalists with areas of expertise</li> </ul>	<u>Staff : Manager</u> 6.5 : 1 <u>Attorney : Non-Attorney</u> 4.7 : 1	<ul style="list-style-type: none"> <li>Single Deputy GC acts as chief of staff</li> <li>Agency Ethics Official is elevated to grade 16 level position</li> <li>High ratio of senior (grade 15) to junior staff (grade 13 &amp; 14) - 7:2</li> </ul>
FDIC	  Functional & Geographic	<ul style="list-style-type: none"> <li>Corporate, Consumer, Insurance, &amp; Legislation</li> <li>Litigation &amp; Resolutions</li> <li>Supervision</li> </ul>	<u>Staff : Manager</u> 11 : 1	<ul style="list-style-type: none"> <li>Expansive office requires delegation to Deputy, Associate, and Assistant GCs</li> <li>Assistant GCs are section chiefs, each with several units under them</li> <li>CCIL section shows potential integration of general law functions</li> </ul>
NCUA	  Chief Deputy + Functional	<ul style="list-style-type: none"> <li>Administration Law</li> <li>Enforcement &amp; Litigation</li> <li>Regulations &amp; Legislation</li> </ul>	<u>Staff : Manager</u> 6 : 1 <u>Attorney : Non-Attorney</u> 4.6 : 1	<ul style="list-style-type: none"> <li>Illustrates potential Chief Deputy structure</li> <li>Additionally, GC employs special counsel to assist with NCUA Board matters</li> </ul>
CPSC	  Functional	<ul style="list-style-type: none"> <li>Regulatory Affairs</li> <li>Enforcement &amp; Information</li> <li>Compliance</li> <li>General Law</li> </ul>	<u>Staff : Manager</u> 4.4 : 1 <u>Attorney : Non-Attorney</u> 19 : 1	<ul style="list-style-type: none"> <li>CPSC only uses 2 administrative staff – a Legal Editor and Admin Officer – directly under the GC for the whole office</li> <li>Example of information office within GC</li> </ul>

Note: Additional section details, responsibilities, and other facts on benchmark organizations can be found in the appendix

\* Includes vacant positions scheduled to be hired and excludes detailees to Commission



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## We identified seven requirements for a future state GC Organization based on our current state analysis

Future State Design Requirements	Requirement Source
1. <i>Provide timely, accurate legal advice to all customers</i>	Internal and Customer Feedback
2. <i>Be consistent and proactive in service provision</i>	Customer Feedback
3. <i>Improved mission clarity between Division and OGC responsibilities</i>	Customer Feedback
4. <i>Services align to major functions, with clear accountability and reporting for services and customers</i>	Customer Feedback
5. <i>Balanced (and well-communicated) workload across all staff</i>	Staff Feedback
6. <i>Clarity of development and promotion opportunities</i>	Internal Feedback
7. <i>Formally defined performance expectations, including staff development responsibilities</i>	Leader Preference

***Focus of all changes must be to address concerns about timeliness, quality, and accountability***

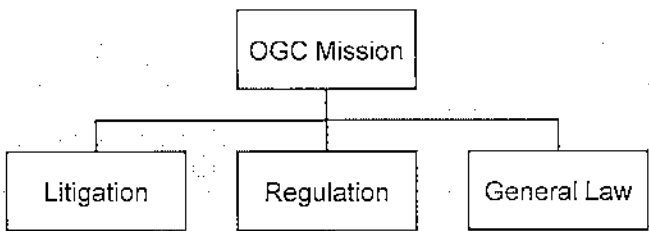
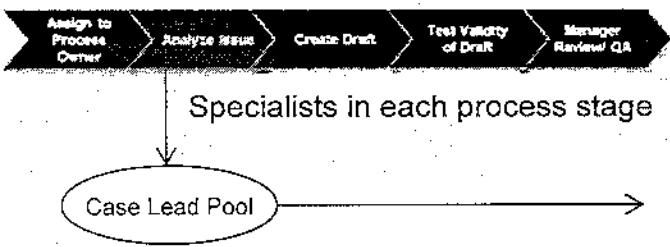
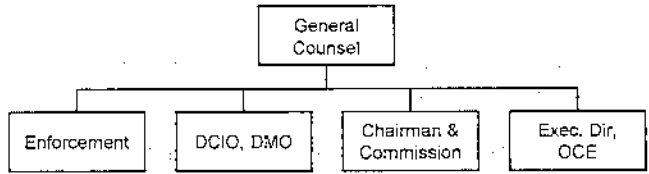


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# We evaluated OGC in terms of three common organizational structure types

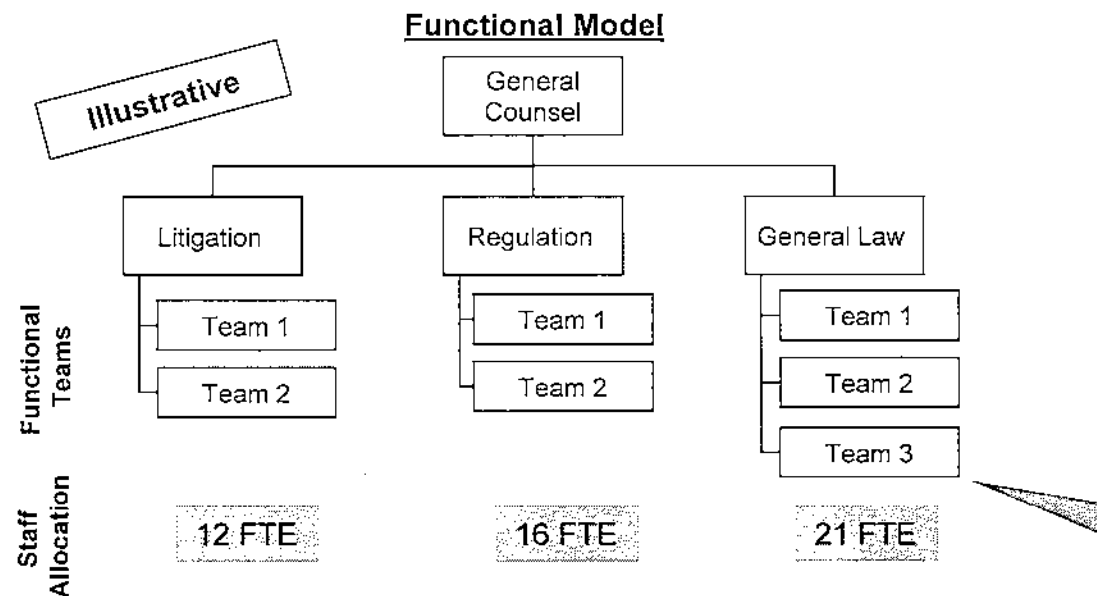
Org Structure	Description	Benefits	Disadvantages
<b>Functional Model</b>  <p>Statutory Functions</p>	<p>Each section is responsible for a mission-defined function</p>	<ul style="list-style-type: none"> <li>▪ Easy to explain/justify to external constituents</li> <li>▪ Align best with traditional legal skill sets/specialties</li> <li>▪ Greatest scale in best practice sharing (within functions)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Least customer responsive</li> <li>▪ Lower levels of accountability and transparency</li> <li>▪ Less able to respond to change</li> <li>▪ Few incentives for managerial coordination</li> </ul>
<b>Process-Centric Model</b> 	<p>OGC products are developed through a standard process, shepherded through by individual case owners</p>	<ul style="list-style-type: none"> <li>▪ Easy to track progress</li> <li>▪ Greater accountability for results and transparency should increase timeliness</li> <li>▪ Enables both customer focus and specialization</li> <li>▪ Adaptable to changing performance requirements</li> </ul>	<ul style="list-style-type: none"> <li>▪ Most complex to implement v. current state</li> <li>▪ Could create lower levels specialization among the rank and file</li> <li>▪ Significant change management required</li> </ul>
<b>Customer-Centric Model</b> 	<p>Each section is responsible for serving a particular customer, but would have Division level chief legal counsel report in to GC (dotted line)</p>	<ul style="list-style-type: none"> <li>▪ Most responsive to customer needs</li> <li>▪ Creates highest level of (non-legal) subject matter expertise</li> <li>▪ Most responsive to growth and change in CFTC Market</li> </ul>	<ul style="list-style-type: none"> <li>▪ Threatens GCs mandate for impartiality</li> <li>▪ Fewer economies of scale for resource</li> <li>▪ Less stable and predictable</li> </ul>



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## A functionally- focused organization aligns departments directly with the responsibilities outlined in the mission



### Key Changes from Current State :

- ▶ Opinions and Legislation sections would be combined into a larger General Law section
- ▶ Cross-functional skills, like cost benefit considerations and APA would fall under General Law
- ▶ Team leads relieve some of the quality review process required of deputies, while developing management competencies
- ▶ Functional teams designed to devolve work responsibilities from Deputies to functional experts who have smaller spans of control (6-12 staff each)
- ▶ Team leads are not necessarily another management layer, rather they are more senior staff who lead tasks and perform initial quality review of work products from more junior staff

### Mission Critical Functions

- ▶ Enforcement Action Review
- ▶ Appellate Litigation
- ▶ Defensive Litigation
- ▶ Subpoenas
- ▶ eDiscovery
- ▶ Bankruptcy
- ▶ Litigation Risk Advisory
- ▶ Policy Advice
- ▶ Leg Draft and Review
- ▶ Regulatory Affairs
  - Approve Applications for Designation
  - Review Registration Grants
  - Review NFA Registration Actions
  - Review the Divisions' Interpretations of Regulations
  - Interpretations and No-action requests
- ▶ Federal Advisory Committee Act
- ▶ Sunshine Act compliance
- ▶ Administrative Law compliance (PRA, SBREFA, CB)
- ▶ Ethics
- ▶ FOIA
- ▶ Privacy Act
- ▶ Appropriations Law
- ▶ Procurement reviews
- ▶ Intergovernmental Affairs
- ▶ ALJ Opinions

Key Sub-function movements

### Key stumbling blocks:

- ▶ Most likely to perpetuate current stage challenges given lack of transparency
- ▶ An increase in Deputy responsibilities required by this structure, will worsen current demands on management, especially with present emphasis in rulemaking

\* Notional allocation of existing attorneys to customer model, including new hires

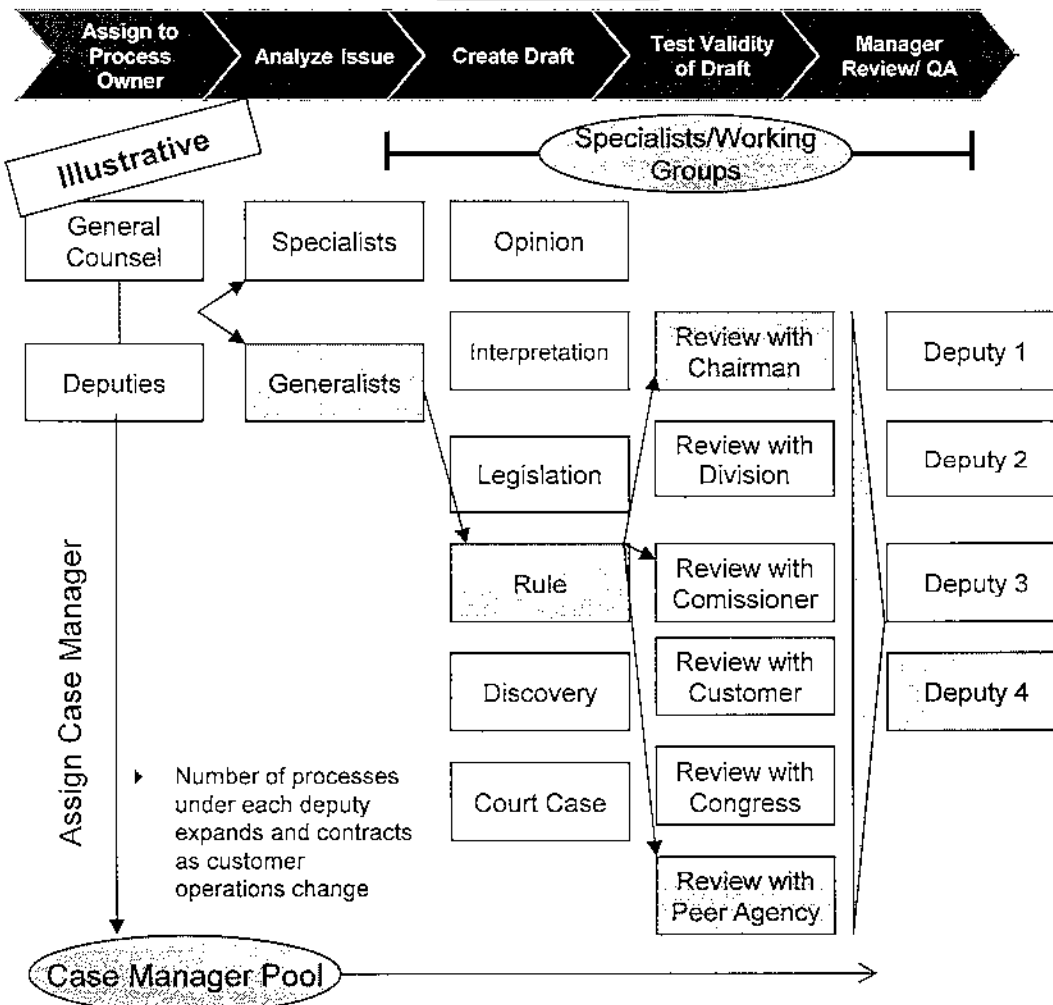


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# A process-focused organization design empowers process owners and increases visibility of bottlenecks

## Process Model



## Key Changes from Current State :

- Requires Deputies to manage processes broadly (i.e. they may not be expert in the process they are supervising)
  - Actual flow of work steps is similar to current operations and is more amenable to creating SOPs
- Empowers process owners and makes them accountable for managing tasks
  - Formalizes some current arrangements where customers go directly to process owners
- Deputies spend more time coaching and less time producing work products
- May require staff to work across normal responsibilities to support a demanding process (e.g. FOIA backlog)

## Key stumbling blocks:

- Complex to implement and maintain consistency across processes
- Different GC services may be too varied to fit within a single overarching process structure
- Requires non-managers to produce near customer-ready work since deputies and process owners will be managing multiple tasks

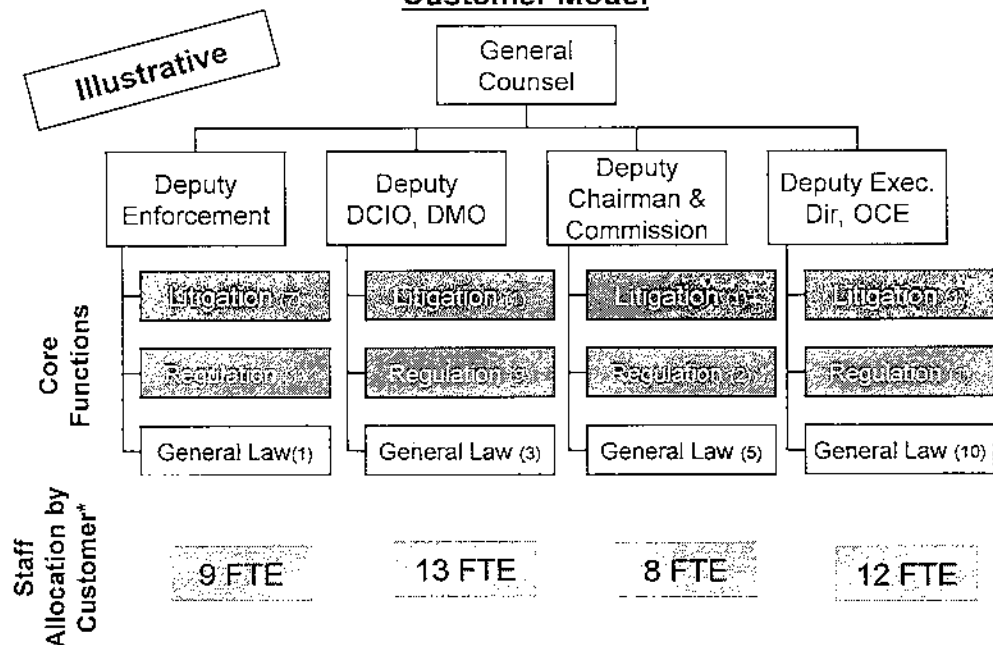


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## A customer-focused organization dedicates specific teams to key customers to make a more “responsive” organization

### Customer Model



### Key Changes from Current State :

- ▶ Clearly aligns staff to specific customers, identifying a single point of contact for all legal matters
- ▶ Encourages each customer “account team” to provide a full range of legal services
- ▶ Clear accountability for timeliness and quality of work product
- ▶ Expectations for timeliness can vary between different customer requirements

### Key stumbling blocks:

- ▶ Could reduce scale advantages of a centralized model
- ▶ Could compromise core GC requirement for objectivity and independent evaluation of policies as teams become “too” close to customers

\* Notional allocation of existing attorneys to customer model, including new hires



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**Each of the three models has strengths that OGC would want to leverage in a future state, with the customer model offering the best overall approach**

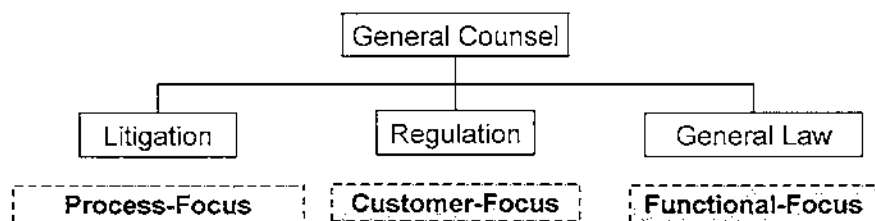
Future State Design Requirements	Functional	Process	Customer
1. Provide timely, accurate legal advice to all customers			
2. Be consistent and proactive in service provision			
3. Improved mission clarity between Division and OGC responsibilities			
4. Services align to major functions, with clear accountability and reporting for services and customers			
5. Balanced (and well-communicated) workload across all staff			
6. Clarity of development and promotion opportunities			
7. Formally defined performance expectations, including staff development responsibilities			
		<b>Increases transparency, and improves response to customer needs, but requires strong change management</b>	<b>Meets requirements from a customer perspective, but reduces scale and could undermine mission of unbiased advice</b>
<b>Overall</b>	<b>Does not Meet</b>	<b>Partially Meets</b>	<b>Partially Meets</b>



## We recommend OGC consider one of two possible future state organizational design options

### Mission Aligned Hybrid

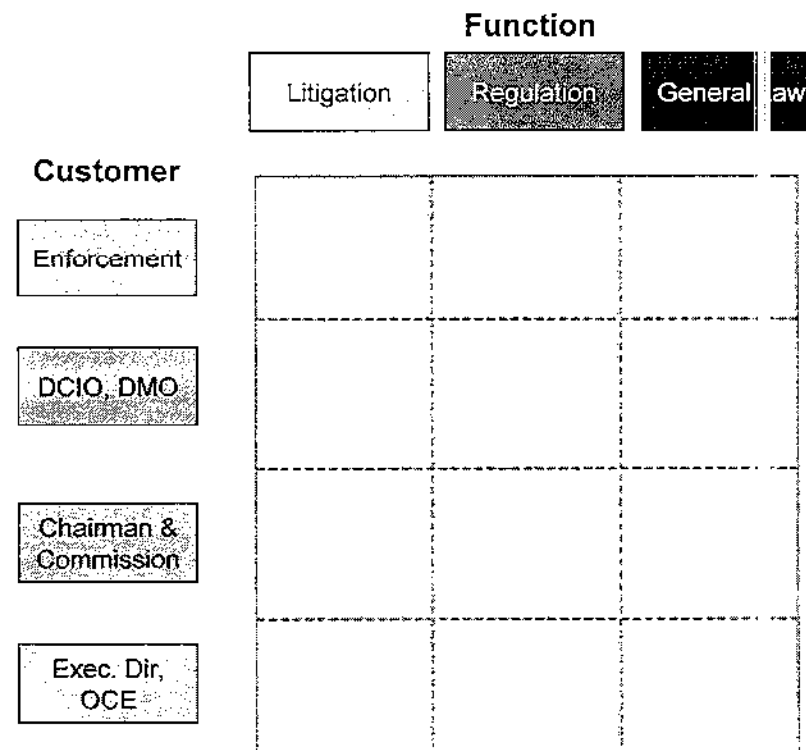
Most directly aligned to mission and draws on strengths of process, customer and functional models, while being most clearly aligned to the mission



*Findings indicate 3 Deputies may be most appropriate to manage workload requirements, but teams will need to be created to keep staff to manager ratios manageable (between 6-12)*

### Customer-Focused Matrix

Maintains current functional focus, but introduces significant customer facing role for deputies

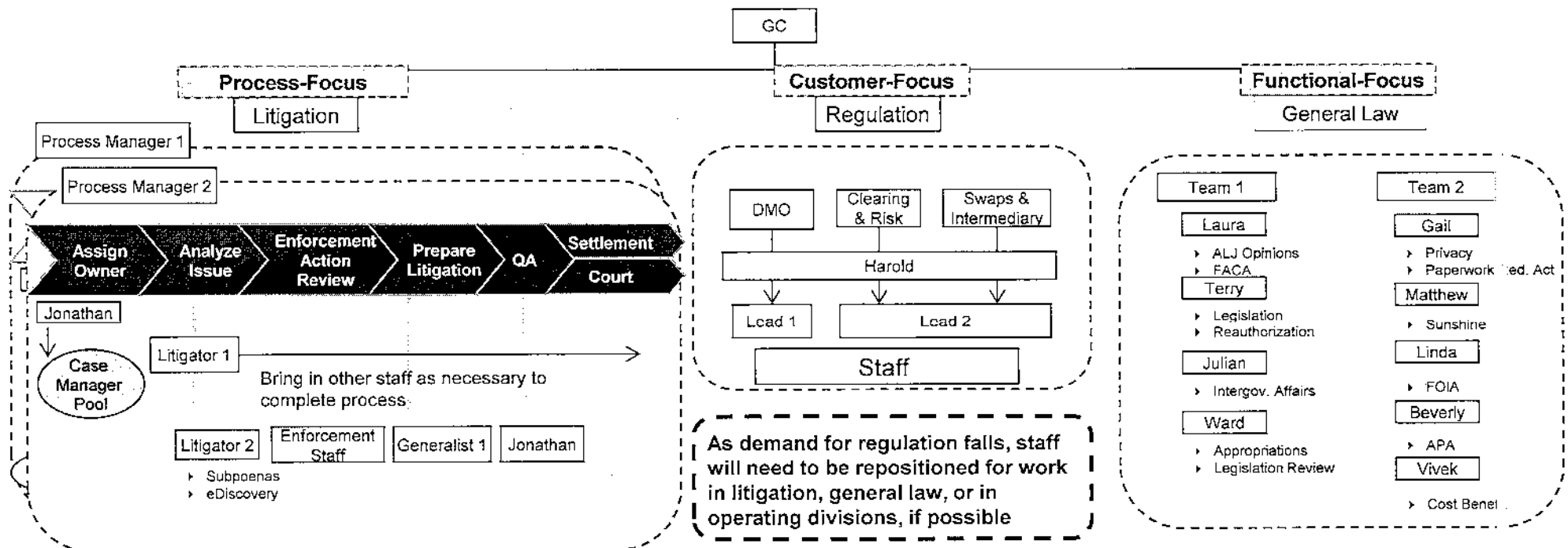


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# An integrated design that takes benefits of all 3 models can move CFTC toward a customer-centered approach

## Hybrid Future State



### Advantages

- Produces efficiencies by dividing labor
- Easier to track and drive accountability
- Improves customer response by identifying a single POC for each case
- Will be most flexible model as litigation workload increases

- Continues the positive coordination of Rule Writing Teams
- Improves customer identification of a single POC for all questions

- Clarifies general law functions
- Enables functional specialization
- Creates better management span across staff

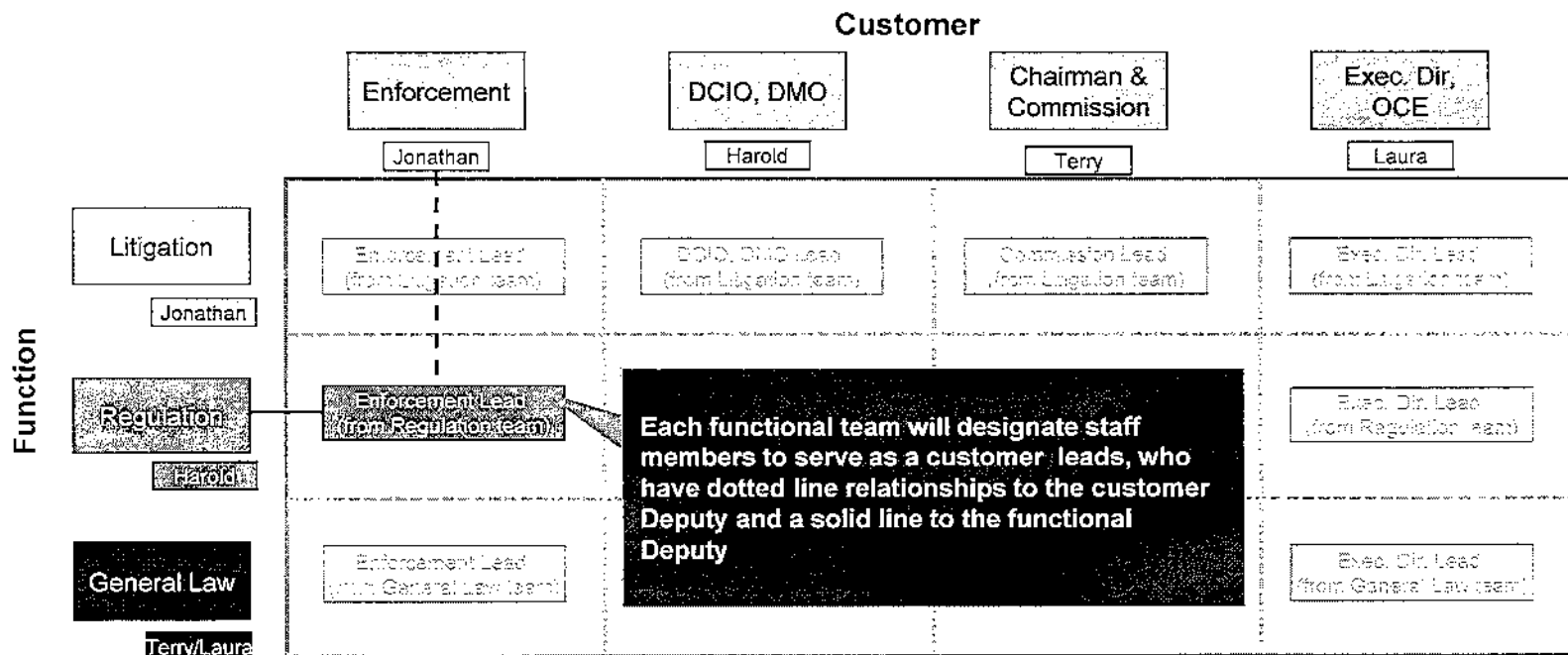


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# Another way to enable greater customer focus is to use a simple matrix organization

## Matrixed Future State Model



### Key Activities

- 1 Functional leads weekly meetings with key customers
- 2 Deputies serve as key intake point of contact for all customer concerns
- 3 Customer POC Deputy assigns task to correct function within customer team
- 4 Customer lead informs Functional deputy and brings in other functional staff if necessary
- 5 Customer deputy will monitor projects for their customers even if they do not directly work in the functional areas

### Advantages

- Forces Deputies to take on a CFTC-wide role
- Clarifies and streamlines key functions
- Introduces customer alignment without a full re-engineering of the office
- Creates customer focus
- Will drive greater resourcing discussions among deputies who will need to share resource more actively to address customer concerns



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**There are trade-offs between the two design options which should be considered based on priorities and practicality**

<b>Future State Design Requirements</b>	<b>Option 1: Functionally Aligned Hybrid</b>	<b>Option 2: Functional – Customer Matrix</b>
<i>Customer Focus</i>	Slightly Improved from Current State	Significantly Improved from Current State
<i>Change Requirement</i>	Slight Changes from Current State	Significant Changes from Current State

***While Option 1 requires the least amount of organizational and management change of the two options, it may prove less flexible in responding to customer demands and organizational and management changes***



## Regardless of which organization model is selected, OGC should consider restructuring its administrative staff functions

	Add Office Manager	Add Office Manager and Keep Dedicated EA for GC	Pooled Admins Report to Business Manager
<b>Structure</b>			
<b>Relationships</b>	<p><i>New Office Manager position would supervise and distribute work to admin staff under each Deputy</i></p>	<p><i>New Office Manager would supervise other admin staff, but one Executive Admin would remain focused on the GC to help with inbox management</i></p>	<p><i>Business manager supervises all admin staff directly</i></p>
<b>Responsibilities</b>	<ul style="list-style-type: none"> <li>▶ Office Manager works with Deputies &amp; Business Manager to ensure their support needs are met by all admin staff</li> <li>▶ Business Manager works with all managers on cross-cutting strategy, budget, HR, and related tasks</li> </ul>	<ul style="list-style-type: none"> <li>▶ Executive Assistant responsible for inbox monitoring and tracking action items</li> <li>▶ Office Manager and Business Manager responsibilities stay unchanged from first option</li> </ul>	<ul style="list-style-type: none"> <li>▶ Business Manager supervises all admin staff, working with Deputies to ensure their support needs are met</li> <li>▶ Business Manager works with all managers on cross-cutting strategy, budget, HR, and related</li> </ul>



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## Organizational Assessment Report Outline

- ▶ Executive Summary
- ▶ Project Purpose and Charter
- ▶ Methodology
- ▶ Current State Assessment
  - Mission
  - Organization
  - Functions & Processes
  - People
  - Management Practices
- ▶ Best Practice and Benchmarking Analysis
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  - Structural Options and Recommendations (Longer Term)
  - General Management and Practice Recommendations (Immediate)
- ▶ Next Steps and Implementation Suggestions



**Regardless of structure chosen, there are ten management practices OGC should implement in the short to intermediate term to improve timeliness, quality and accountability**

General Management Recommendations	1	Keep GC focused on priorities by delegating "low priority tasks" and giving Inbox access and management instruction to an assistant	Easy Changes with High Potential Impact
	2	Make every meeting count by spending more time preparing for standing meetings and adopting a common format	
	3	Achieve a consistent quality of work product by sharing best and worst case examples	
	4	Resolve long-standing ambiguity around OGC's authority and service commitments by establishing a mission statement	
	5	Promote accountability for quality and timeliness and recognize excellence by spending less time on quarterly reviews and capturing customer and peer feedback annually	Early Center of Excellence (CoE) Development
	6	Address staff morale issues by using IDPs and mentoring opportunities to develop staff strengths and interests in line with organizational needs, including succession	
	7	Understand skill depth and breadth across OGC by identifying specialists and publishing an internal directory	
	8	More leading and less doing by devolving explicit roles, responsibilities and decision rights to experts	Longer term Management Changes
	9	Reach for excellence in ethics by adopting program enhancements	
	10	Save customer and staff time by creating a searchable document repository organizing historic work products	



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## Recommendation 1: Assign Inbox Management to an Assistant

### Summary of Findings

- ▶ Lack of strategic communication both within the organization (“Who’s on first?”) and sensing developments outside the organization
- ▶ Managers have too little time for administrative responsibilities
  - Staff are not held accountable for functional responsibility, timeliness of work products, and skill development
- ▶ All Commissioners stated that the nature of the GC position is such that Dan personally spends a lot of time meeting with the Chairman and Commission no matter who is in that role
- ▶ Division directors have stated that intake into OGC is disorganized, varied, and sometimes results in overlooked requests
- ▶ Work assignments often come directly from customers, the Commission, and managers, without a comprehensive intake policy, task tracking, or prioritization process
  - This is especially true for the GC position itself

### Recommended Action

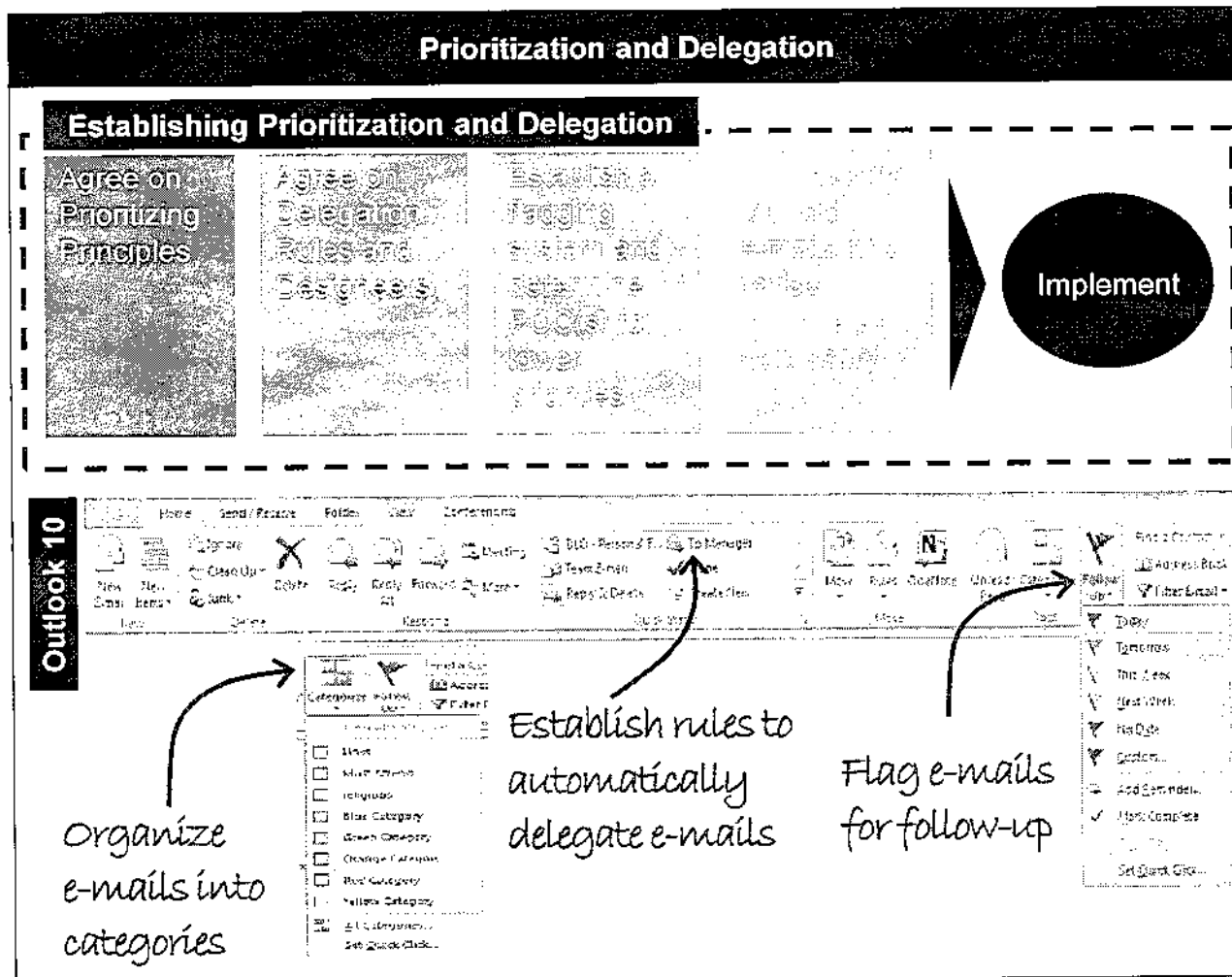
**Keep GC focused on priorities by delegating lower priorities and giving Inbox access and management instruction to an assistant**



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## Recommended Action 1: Keep GC focused on priorities by delegating lower priorities and giving Inbox access and management instruction to an assistant



### Expected Impact

- GC has more time to focus attention on Commission top priorities and lower priority requests are handled more timely by appropriate staff

### Key Considerations

- Keep the process simple and make use of MS Outlook flagging and categorization functions
- Make full use of the new functionality in MS Outlook 10, using the built-in Follow-up, Categorize and other automated Inbox management features

### Estimated LOE

- 3 days
- GC and Admin.



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## Recommendation 2: Adopt a common meeting process and format

### Summary of Findings

- ▶ Some Commissioners expressed interest in gaining more formal briefings, with advanced preparation, during senior CFTC Staff meetings
- ▶ The time pressure of rulemaking activity leads some managers to question whether work products are meeting quality standards
- ▶ Although over 80% of respondents self-rated 4+ for “Coaches for Performance” in the workforce survey, managers take a non-confrontational approach to performance assessments
- ▶ Managers have too little time for administrative responsibilities
  - Staff are not held accountable for functional responsibility, timeliness of work products, and skill development

### Recommended Action 2

**Make every meeting count by spending more time preparing for standing meetings and adopting a common format**



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## Recommended Action 2: Make every meeting count by spending more time preparing for standing meetings and adopting a common format

### Meeting Agenda and Action Tracker Templates

#### Agenda Format

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Version: 1.0

MEETING NAME: \_\_\_\_\_

AGENDA & MEETING MINUTES

MEETING DETAILS

Meeting Date: _____	Planned Start Time to End Time: _____	Planned Duration: _____
Meeting Location: _____	Actual Start Time to End Time: _____	Actual Duration: _____
Meeting Purpose: _____		

ATTENDEES

No.	Name
1	_____
2	_____

AGENDA

Topic	Requested Outcomes	Discussion Leader
1. _____	_____	_____
2. _____	_____	_____

MEETING SUMMARY

Discussion Highlights

1. _____
2. _____

Decisions Made

1. _____
2. _____

Action Items

Item No.	Description	Assigned To	Status (Start/End)	Follow-up Date
1	_____	_____	Start/End	_____
2	_____	_____	Start/End	_____

Action Tracker	ID	Action Item	Person Responsible	Date Identified	Planned Date of Completion	Actual Date of Completion	Status (Pending; Completed; Canceled)
	1						
	2						
	3						

#### Expected Impact

- Meeting purpose/objectives are clearly thought through and decisions and actions are captured

#### Key Considerations

- Standing meetings should rarely be canceled—if GC is unable to lead, Deputy should act
- Action items identified during meetings should be captured and tracked to completion
- Staff should be leveraged to help prepare for meetings

#### Estimated LOE

- 1 day
- Bus. Manager with Admin. support



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## Recommendation 3: Share best and worst examples

### Summary of Findings

- ▶ Although OGC managers delegate work to staff, they still find themselves either performing rework or executing tasks themselves due to broader or deeper knowledge of the particular subject, illustrating a break down in either skills or processes
- ▶ The time pressure of rulemaking activity leads some managers to question whether work products are meeting quality standards

### Recommended Action 3

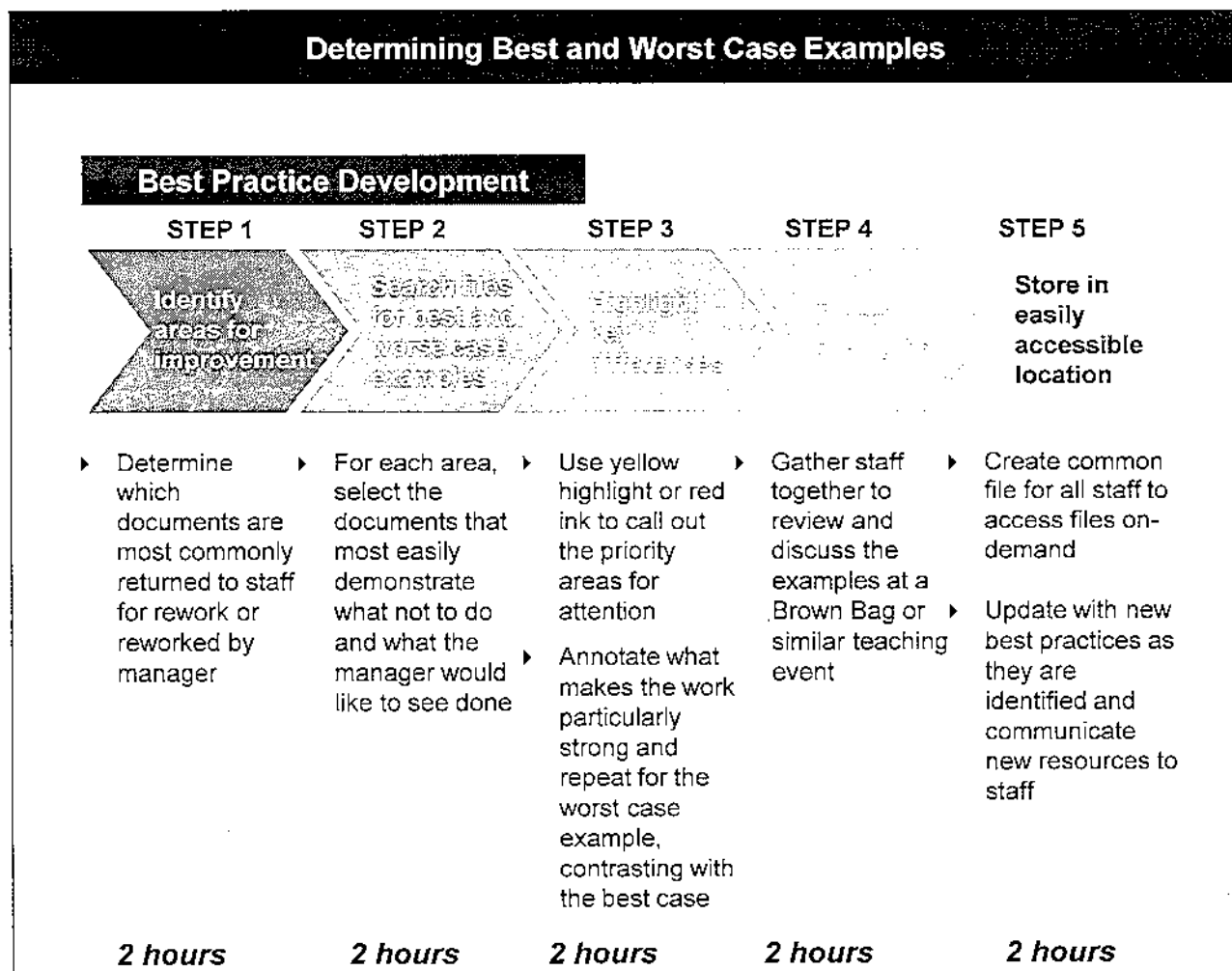
**Achieve a consistent quality of work product by sharing best and worst case examples**



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## Recommended Action 3: Achieve a consistent quality of work product by sharing best and worst case examples



### Expected Impact

- Make staff aware of management's expectations and definition/standards for quality

### Key Considerations

- Best practice is helpful, but identifying worst practice is a highly useful teaching aid
- Brown Bag sessions enable a dialogue about quality that is currently missing at OGC

### Estimated LOE

- 2 days
- GC and Deputies with Admin. support



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## Recommendation 4: Establish a mission statement

### Summary of Findings

- ▶ No formally defined, documented, and communicated mission statement
- ▶ Mission universally cited as being the legal council to the Commission, responsible for interpreting CEA and keeping the Commission out of trouble
  - Customers would like more from OGC in the areas of deeper analysis, balanced/unbiased services for all Commissioners, strategic services partnership, and explicit timeliness expectations
- ▶ Nearly every interviewee agreed OGC was meeting its basic mission requirement, with 2 Divisions citing OGC overstepping bounds and failing to provide expected expert advice
- ▶ Lack of mission definition causes ambiguity and dissatisfaction and divisions to take lead in defining their scope

### Recommended Action

**Resolve long-standing ambiguity around OGC's authority and service commitments by establish a mission**



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## Recommended Action 4: Resolve long-standing ambiguity around OGC's authority and service commitments by establishing a mission statement

### Mission Statement Considerations

► The mission statement should include the following:

- Role and activities of OGC
- Competencies of OGC
- Ultimate objectives of OGC
- Contribution of OGC to its stakeholders
- Beneficiaries of its service and activities

#### HUD OGC Mission

Our mission is to provide legal services, based on the highest professional and ethical standards, that support and facilitate the achievement of HUD's mission of strengthening our nation's communities, promoting affordable housing, dismantling the barriers to home ownership, expanding homeownership opportunities for all Americans, particularly low-and moderate income families, ending chronic homelessness and vigorously enforcing fair housing, civil rights and anti-discrimination laws. We seek to provide our clients with the highest quality legal services on a daily basis and to exceed our clients' expectations, in a caring, competent, convenient, cost-effective and professional manner.

### Expected Impact

- OGC defines its role relative to the Divisions to enable better working relationships

### Key Considerations

- Schedule a working group session with GC, Deputies, and Commission stakeholders to discuss OGC purpose and scope within the Commission
- Communicate agreed mission statement to all staff and post online

### Estimated LOE

- 2 weeks
- Deputies, Bus. Manager, Customers



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## Recommendation 5: Incorporate customer and peer input into assessments

### Summary of Findings

- ▶ Timeliness and quality of work products are not explicit focus points for OGC, but key requirements of customers
- ▶ No evidence that staff training and development is organized around organizational needs, such as quality and timeliness of work
- ▶ Customers and staff do not have input into manager performance ratings
- ▶ Staff in all focus groups stated that motivation is affected by pay policies, performance review standards, and problem individuals
  - Staff expressed frustration with performance standards for certain problem individuals, recognition, and work allocation

### Recommended Action 5

**Promote accountability for quality and timeliness and recognize excellence by spending less time on quarterly reviews and capturing customer and peer feedback**



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## Recommended Action 5: Promote accountability for quality and timeliness and recognize excellence by spending less time on quarterly reviews and capturing customer and peer feedback annually

### Key Elements of Managing Employee Performance

#### Performance Planning

- ▶ Individual performance planning
- ▶ Goal setting
- ▶ Competency and skill development

#### Performance Support

- ▶ Facilitation of employee development plans
- ▶ Coaching and feedback
- ▶ Training

#### Assessment/Evaluation

- ▶ Design and implementation of a multi-rater appraisal systems (including 360° appraisal systems)

#### Reward/Recognition

- ▶ Linkages to compensation systems and other reward systems

### Expected Impact

- ▶ Managers and staff are held accountable for quality and timeliness by customers and peers
- ▶ Less time spent on quarterly review

### Key Considerations

- ▶ Limit quarterly performance assessments to underperforming staff
- ▶ Expand annual assessment to include feedback from customers and peers
- ▶ Use awards to recognize quality and timely work products

### Estimated LOE

- ▶ 4 weeks
- ▶ Deputies, Bus. Manager, Staff



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## Recommendation 6: Use IDPs to plan for staff development

### Summary of Findings

- ▶ There is general agreement that staff morale is low among staff members
  - Key reasons relate to opportunities for professional growth and a need to link performance to organizational improvement
- ▶ Staff perceive training approval as subjective and disconnected (e.g., manager approves training, but Business Manager rejects)
- ▶ Succession planning is informal and no well defined

### **Recommended Action**

**Address staff morale issues by using IDPs and mentoring opportunities to develop staff strengths and interests in line with organizational needs, including**



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## **Recommended Action 6: Address staff morale issues by using IDPs and mentoring opportunities to develop staff strengths and interests in line with organizational needs, including succession**

### **IDP Considerations**

#### **What is an IDP?**

- ▶ An IDP provide a vehicle for employees to identify and plan developmental training and to gain work related experience for the employee's targeted position
- ▶ Primary purpose is to plan how an employee will accomplish achievable goals, assess their strengths and weaknesses, and evaluate their career development progress

#### **What are the Benefits of an IDP?**

- ▶ IDPs can benefit both the employee and the organization
  - Employees benefit, because implementing an IDP helps them enhance their knowledge, skills and experiences
  - Improved competencies help them achieve personal and career goals both inside of and external to the organization
  - The organization benefits by developing improved employee capabilities, work load planning, and resume needs
- ▶ Competent employee performance, plus the added bonus of improved morale, and personal job satisfaction can make the organization more effective

### **Expected Impact**

- ▶ Staff are encouraged to proactively address their areas of dissatisfaction
- ▶ Managers can define key skill development needs

### **Key Considerations**

- ▶ Support staff who want to deepen their professional expertise
- ▶ Challenge underperforming staff to design IDPs that are achievable and begin to address issues

### **Estimated LOE**

- ▶ 2 months
- ▶ GC, Deputies, and Bus. Manager



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## Recommendation 7: Identify specialist skills and communicate those experts through an internal directory

### Summary of Findings

- ▶ Few in the commission know what specialties GC supports
- ▶ Many interviewees perceive variations in quality depending on who performs the work within OGC
- ▶ Several Commissioners stated that they have poor visibility into the internal operations of OGC apart from their interactions with Dan

### Recommended Action

**Understand skill depth and breadth across OGC by identifying specialists and internally publishing a directory**



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## Recommended Action 7: Understand skill depth and breadth across OGC by identifying specialists and internally publishing a directory

### Specialist Directory

#### ▶ OGC Specialists

##### *E-Discovery*



#### **Jamie A. Brown**

Ms. Brown presently serves as the E-Discovery Counsel and Assistant General Counsel. In this capacity, she advises the agency on policies, practices and procedures that govern the preservation, collection, search and production of electronically stored information in connection with both affirmative and defensive litigation. She also serves as e-discovery counsel on litigation matters.

#### Key point of contact for:

- E-Discovery
- Subpoenas
- Litigation

Prior to the CFTC, Ms. Brown was a partner at Fennemore Craig, P.C. in Phoenix, Arizona, where she represented clients on a wide variety of commercial litigation disputes in both state and federal courts. A significant portion of her practice was also devoted to advising clients on various e-discovery issues, including pre-litigation planning and post-litigation response. Ms. Brown also served as coordinating e-discovery counsel on several large-scale litigation matters. Prior to Fennemore, Ms. Brown worked in the Enforcement Division for the CFTC, where she prosecuted trading fraud, ponzi schemes, and market manipulation cases. She began her career as a litigation associate in the D.C. office of King and Spalding.

Ms. Brown is a graduate of Arizona State University (B.S.), Duke Law School (J.D.), and a former law clerk to Chief Judge Roslyn O. Silver, U.S. District Court for the District of Arizona. She is an active member of the Federal E-Discovery Working Group (FEDWG) and other leading industry groups, and a frequent speaker on e-discovery topics.

#### Expected Impact

- ▶ Managers, staff, and customers are able to easily identify specialists
- ▶ Specialists are recognized for their expertise throughout CFTC

#### Key Considerations

- ▶ Experts of OGC's mission critical functions should formally identified and encouraged to take greater responsibility leading work products
- ▶ Non-expert staff should be encouraged to pair with experts in their areas of interest and areas of greatest need

#### Estimated LOE

- ▶ 3 weeks
- ▶ Bus. Manager and Admin.



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## Recommendation 8: More leading and less doing

### Summary of Findings

- ▶ OGC leadership and staff both commented that lines of accountability are informal and unclear
- ▶ Some staff are performing duties unrelated to their Section
- ▶ Bottlenecks are created because managers are performing both front-line work and quality control
- ▶ Staff and OGC managers agreed that work is unevenly distributed across staff

### Recommended Action

**More leading and less doing by devolving explicit roles, responsibilities and decision rights to experts**



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## Recommended Action 8: More leading and less doing by devolving explicit roles, responsibilities and decision rights to experts

### Documenting Roles, Responsibilities and Decision Rights

Functional Director Roles, Responsibilities & Decision Rights	
Quick Stats	<div>Direct Accountability</div> <div>Indirect Accountability</div> <div>Reporting Structure</div>
Operational	<ul style="list-style-type: none"> <li>Manages all resources in their function</li> <li>Drives functional excellence in executing within established performance parameters</li> <li>Creates a functional agenda for meeting budgets and ensuring effective execution that is aligned with organizational priorities</li> <li>Collaborates cross-functionally to ensure organizational needs are met</li> </ul>
Customer	<ul style="list-style-type: none"> <li>Works with customers to develop service requirements</li> <li>Accountable for the timely and quality delivery of services and for driving continuous improvement</li> <li>Works with customers to plan resource needs</li> </ul>
Training and Mentoring	<ul style="list-style-type: none"> <li>Performs assessments of staff in their function</li> <li>Develops staff skills in line with needed functional expertise</li> <li>Works with customers to plan resource needs</li> <li>Mentors staff through Brown Bag and other sharing opportunities</li> </ul>

#### Expected Impact

- Managers and staff have a clear understanding of how to perform their roles

#### Key Considerations

- Ensure Deputies are assuming leadership responsibilities and are not getting "lost in the work"
- Push responsibility down to experts, ensuring they have the information they need and are held accountable for quality and timeliness

#### Estimated LOE

- 3 weeks
- Deputies working with their staff



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## Recommendation 9: Enhance the ethics program

### Summary of Findings

- ▶ As CFTC grows, organizational demands for ethics will increase, generating a need to strengthen the ethics program
- ▶ Some leaders suggested ethics training was insufficient
- ▶ Staff cited the need to design the ethics program in a more user-friendly way, making guidance easier to understand

### Recommended Action

**Reach for excellence in ethics by adopting best practices and enhancing the program**



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# Recommended Action 9: Reach for excellence in ethics by adopting best practices and enhancing the program

**Ethics Best Practices**

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**  
Preventing Conflicts of Interest  
in the Executive Branch

HOME ABOUT LARGE REGULATIONS GUIDANCE DISCLOSURE OGC ADVISORIES ETHICS MANAGEMENT TRAINING

Home » Program Management » Agency Model Practices

**Agency Model Practices**

The model practices highlighted in this section have been the responsibility of various agency ethics officers, who, in many cases, have been recognized for their efforts in preventing conflicts of interest. The U.S. Office of Government Ethics (OGE) is proud to share these practices with the public to help other agencies improve their ethics programs.

OGE is pleased to have the opportunity to share these practices with the public. The model practices are available in a variety of formats, including PDF, PowerPoint, and video. For more information, please visit the OGE website.

**OGC'S EDUCATION AND COMMUNICATION  
AWARDS - 2010 WINNER'S CIRCLE  
FACT SHEET**

Federal Energy Regulatory Commission

**DESCRIPTION**

FERC embarked on a campaign to raise employee awareness of the ethics officer and to emphasize the importance of ethics. The initiative "Meet Your Ethics Team" campaign reached employees with a free desktop bulletin board, as well as a free laptop, pen and notepad. The bulletin board features a large graphic of the ethics officer's contact information. The free laptop and notepad include the ethics officer's contact information. The free laptop and notepad also include the ethics officer's contact information. The free laptop and notepad also include the ethics officer's contact information.

**OGC'S EDUCATION AND COMMUNICATION  
AWARDS - 2010 WINNER'S CIRCLE  
FACT SHEET**

Federal Trade Commission (FTC)

**DESCRIPTION**

FTC purchased game software to create "Ethics Wheel of Fortune" complete with a spinning wheel. However, instead of asking a word puzzle, employees (organized into 2 teams) respond to multiple choice questions. Teams play for bonuses in \$45 based on where the ethics wheel lands (the maximum's amount varies the 13th of the final destination is randomly determined by the computer program). The wheel, questions, and answers are projected onto a large screen.

**PURPOSE**

To test GS 14 and GS 15 employees' understanding of the ethics rules, including financial conflicts of interest, the Standards of Conduct, and FTC-specific regulations. (A slightly modified version of the game is used for senior officials - i.e., Commissioners, members of the Senior Executive Service, Commissioners, AEs, and others who file the SF 278.)

**PRODUCT ADAPTABILITY**

Agencies can either purchase or use free game software that permits the use of PowerPoint slides for the game content.

**CONTRIBUTORS**

OGE recognizes the contributors at FTC (in alphabetical order): Regina Davis, Kathleen Johnson, and Jennifer Pinsky.

**AGENCY CONTACT**

Lorelle Pinsky  
Associate, Deputy Ethics Official  
(202) 326-3105  
lpinsky@ftc.gov

**A Vision for Ethics Program  
Management:  
Benchmarking Success**

**A Report on the Cabinet Agencies'  
Incorporation of the Critical Success Factors  
for Ethics Program Management**

December 2010

## Expected Impact

- Use existing best practices in ethics management in a more formal program

## Key Considerations

- OGC's Ethics Officer should identify a few priority areas for improvement supported by government best practice resources (e.g., FERC's "Meet Your Ethics Team" or FTC's "Ethics Wheel of Fortune")
- Business Manager should consider a short 5-question survey to assess effectiveness of ethics services

## Estimated LOE

- 3 months
- Ethics Officer and Bus. Manager



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## Recommendation 10: Create a document repository

### Summary of Findings

- ▶ Previous work and intellectual capital is not easily shared among staff or even available
  - Customers cited not being able to find historic products produced by OGC and having to redo the work
  - Customers also noted the unnecessary time searching through old files when looking up historic OGC work products
- ▶ If staff don't have time to develop unique responses to customer requests they are more likely to just reject the request rather than provide options

### Recommended Action 10

**Save customer and staff time by creating a searchable document repository organizing historic**



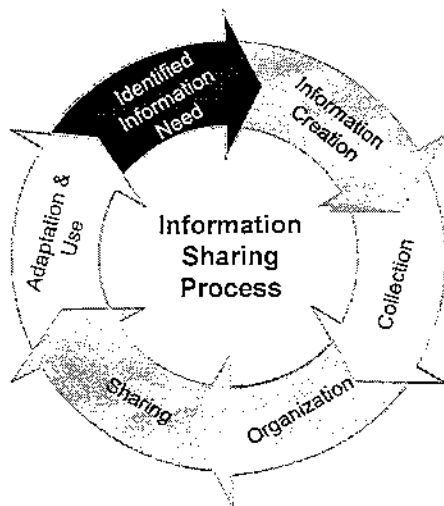
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## Recommended Action 10: Save customer and staff time by creating a searchable document repository organizing historic work products

### Central Repository

- ▶ A central repository will enable all OGC personnel and customers to access historic legal products provided to customers
- ▶ Retention of OGC intellectual property can:
  - ▶ Reduce redundant work
  - ▶ Distribute knowledge more widely
  - ▶ Reduce training time for new employees
  - ▶ Preserve knowledge as employees leave the organization



### Expected Impact

- ▶ More volume and better quality is possible if staff is not "re-inventing the wheel" with each project

### Key Considerations

- ▶ Customers have expressed a desire to access historic legal products
- ▶ New staff could benefit from previous work
- ▶ Work products should be well organized and easily searchable
- ▶ ED's office should take lead role in establishing the repository

### Estimated LOE

- ▶ 3 months
- ▶ Bus. Manager, ED's office, staff



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Each recommendation addresses the key themes of timeliness, quality, accountability discussed in the current state assessment



Prioritized Recommendations	Timeliness	Quality	Accountability
1. Keep GC focused on priorities by <b>delegating lower priorities and giving Inbox access</b> and management instruction to an assistant	✓		
2. Make every meeting count by spending more time <b>preparing for standing meetings</b> and adopting a common format		✓	
3. Achieve a consistent quality of work product by <b>sharing best and worst case examples</b>		✓	
4. Resolve long-standing ambiguity around OGC's authority and service commitments by <b>establishing a mission statement</b>	✓		✓
5. Promote accountability for quality and timeliness and recognize excellence by spending less time on quarterly reviews and <b>capturing customer and peer feedback</b> annually	✓	✓	✓
6. Address staff morale issues by <b>using IDPs and mentoring opportunities</b> to develop staff strengths and interests in line with organizational needs, including succession		✓	✓
7. Understand skill depth and breadth across OGC by <b>identifying specialists and internally publishing a directory</b>	✓	✓	
8. More leading and less doing by <b>devolving explicit roles, responsibilities and decision rights to experts</b>	✓		✓
9. Reach for excellence in <b>ethics</b> through <b>program enhancements</b>		✓	
10. Save customer and staff time by <b>creating a searchable document repository</b> organizing historic work products	✓	✓	



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## Next Steps and Implementation Suggestions

- ▶ **Communications:** Brief the Chairman and Commissioners on the final Report, with selected recommendations (we suggest the EA recommendation, Specialist Directory recommendation, and Mission Statement to highlight) and send summary to CFTC Staff

Staff Engagement

- ▶ Review and agree on prioritization of the 10 recommendations to meet short and long term goals
- ▶ Task key staff member to address identified HR issues around morale, EA reporting and professional development with an explicit deadline (this will ensure staff/deputies see immediate action following the study)

Customer Engagement

- ▶ Draft a Mission Statement
- ▶ Evaluate Org Design Options and conduct listening tour with key customers to validate models
- ▶ Develop detailed org structure implementation plans
- ▶ Create central knowledge sharing tools
- ▶ Launch succession planning evaluation to identify key gaps against selected future state structures and prioritize hiring needs



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# Appendix



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# We interviewed 35 people throughout OGC and CFTC through one-on-one interviews for management and focus groups for staff

## Commissioners

1	Gary Gensler	Chairman
2	Bart Chilton	Commissioner
3	Michael Dunn	Commissioner
4	Jill Sommers	Commissioner
5	Scott O'Malia	Commissioner

## Customers - Divisions and Offices Management

6	Ananda Radhakrishnan	Director, Division of Clearing and Intermediary Oversight
7	Rick Shilts	Acting Director, Division of Market Oversight
8	David Meister	Director, Division of Enforcement
9	Jacqueline Mesa	Director, International Affairs
10	Andrei Kirilenko	Chief Economist
11	Catherine McCoy	Director of Human Resources
12	Tony Thompson	Executive Director
13	Stacy Yochum	Executive Director Chief Counsel

## Office of the General Counsel Managers

14	Dan Berkovitz	General Counsel
15	Teresa Caravelli	Business Manager
16	Harold Hardman	Deputy General Counsel
17	Terry Arbit	Deputy General Counsel
18	Laura Richards	Deputy General Counsel
19	Jonathan Marcus	Deputy General Counsel

## Office of the General Counsel Legal Staff and Administrative Staff

20	Nancy Doyle	Assistant General Counsel
21	Jamie Brown	Assistant General Counsel
22	Bill Barwa	Counsel
23	John Dolan	Agency Ethics Officer
24	Jason Shafer	Counsel
25	Mary Connelly	Counsel
26	Gloria Clement	Attorney
27	Dhaval Patel	Counsel
28	Steven Seitz	Attorney
29	Neal Kumar	Attorney
30	Anthony Hays	Attorney
31	Linda Mauldin	Paralegal Specialist
32	Mary Chytry	Paralegal Specialist
33	Sharon Cannon	Legal Program Assistant
34	Wendy Cobb	Administrative Assistant
35	Lynn Bulan	Counsel

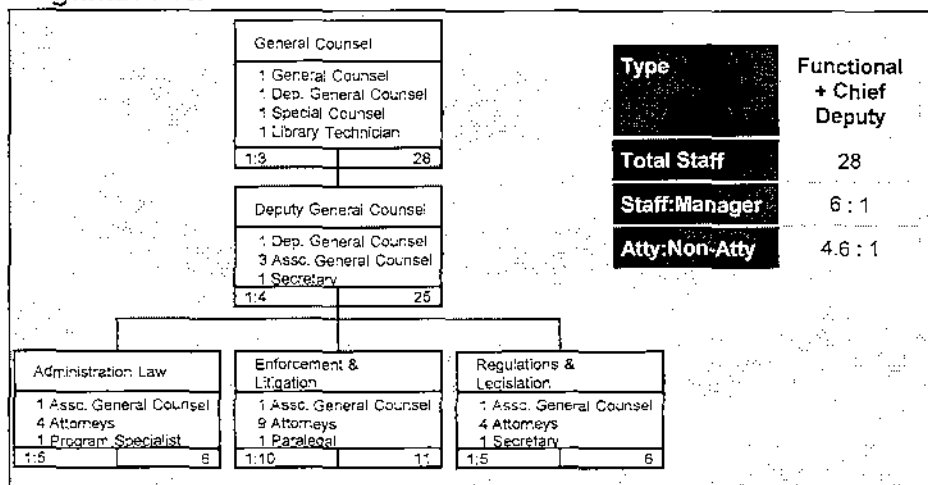


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# NCUA OGC is functionally organized around 3 teams, Regulations, Enforcement and Litigation, and Administrative Law

## Organization



## Mission Responsibilities

- ▶ Reports to the entire NCUA Board and has overall responsibility for all legal matters affecting NCUA
- ▶ Provides NCUA with legal advice and opinions on all matters of law, and the public with interpretations of the Federal Credit Union Act, the NCUA Rules and Regulations, and other NCUA Board directives
- ▶ Represents NCUA in all litigation and administrative hearings when direct representation is permitted by law
- ▶ Responsible for processing Freedom of Information requests and appeals
- ▶ Responsible for the drafting, reviewing, and publication of all items which appear in the Federal Register, including rules, regulations, and notices required by law and carrying out the Board's responsibilities under the Privacy Act.

## Key Section Descriptions

- ▶ Administration Law - This Division provides guidance on laws not affecting credit unions and laws affecting the administration of the NCUA, including issues relating to Federal contracting and the Office of Minority and Women Inclusion
- ▶ Enforcement and Litigation - This Division represents the agency in all litigation matters and personnel cases
- ▶ Regulations and Legislation - This Division is responsible for drafting regulations and providing legal opinions interpreting the Federal Credit Union Act, NCUA regulations, and other laws affecting credit unions

## Other Key Facts

- ▶ The General Counsel is appointed by the Chairman
- ▶ The Special Counsel handles appeals to the NCUA Board, including FOIA appeals, and is responsible for maintaining the Delegations of Authority
- ▶ The Deputy General Counsel manages the day-to-day activities of the OGC, has oversight of the three divisions within OGC, and also serves as the Chief FOIA Officer.

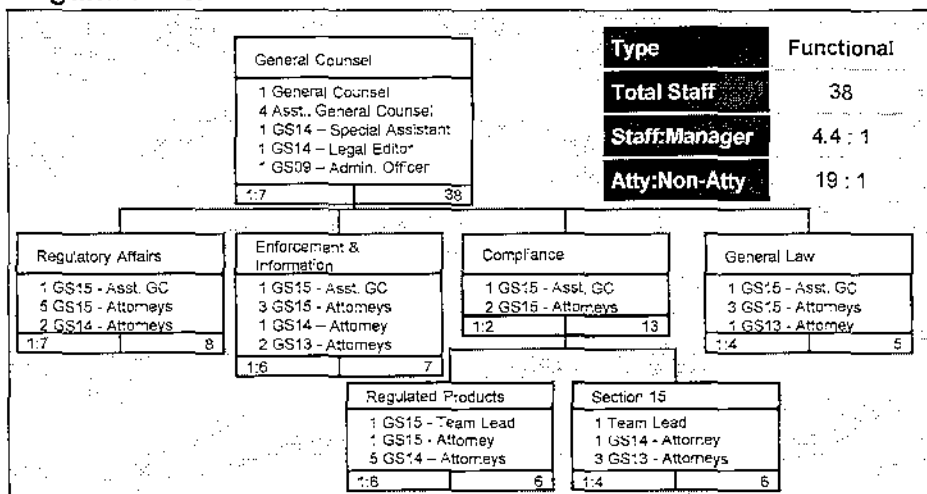


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# CPSC OGC is functionally organized around 4 teams, Regulatory Affairs, Enforcement & Information, Compliance, and General Law

## Organization



## Mission

- ▶ The Office of the General Counsel ("OGC") provides advice and legal counsel to the Commissioners and the organizational components of the Commission on matters of law arising under the Acts administered by the Commission related statutes, and any other statutes or regulations pertaining to the functions of the Commission. OGC conducts or supervises the conduct of administrative and judicial litigation to which the Commission is a party, and provides final legal review of standards, rules, and regulations issued by the Commission.

## Key Section Descriptions

- ▶ Regulatory Affairs - Works with staff to develop regulations, perform jurisdictional determinations, and review documents for clearance
- ▶ Enforcement and Information - Handles all federal court enforcement and defensive litigation and advises the Commission on adjudicative matters
  - Subpoenas of Commission employees, FOIA issues, public disclosure of information, the Sunshine Act, and the Commission Meeting Policy
- ▶ Compliance Division - Responsible for activities involving all administrative and judicial litigation, coordination with the Office of Compliance and Field Operations regarding enforcement matters
- ▶ General Law Division - The General Law Division handles contract and procurement issues, labor and employment, privacy issues, and ethics

## Other Key Facts

- ▶ Since 2008 when the current General Counsel began her tenure, this has been a career position. Prior to that time, the General Counsel position was filled through a political appointment.
- ▶ Each of the 5 Commissioners has two professional staff, for a total of ten. Nine of these assistants are attorneys. In addition, the Chairman has a chief of staff position in her office, and that position is also filled by an attorney. Each also has an office administrator.
- ▶ For the past three years, the Regulatory Affairs Division has drafted approximately 60 rules/notices per year. Prior to the passage of the CPRA in 2008, the average was 24 per year.



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# FCA OGC is composed of 1 General Counsel, 1 Deputy, and 12 generalists who have specific areas of expertise

## Organization

General Counsel	Type	N/A
1 SES – General Counsel	Total Staff	14
1 SES – Deputy GC	Staff:Manager	13 : 1
1 GS16 – Asst. GC (Ethics)	Atty:Non-Atty	4.7 : 1
6 GS15 – Senior Counsel		
1 GS14 – Senior Attorney		
1 GS13 – Attorney Advisor		
1 GS12 – Technical Editor		
1 GS09 – Senior Secretary		
1 GS08 – Division Secretary		
1:13		14

## Mission

- ▶ OGC's mission is to provide thorough, timely and constructive legal counsel and guidance to the FCA Board and staff in all offices at the Agency, including the Office of Secondary Market, which regulates Farmer Mac.
- ▶ Legal counsel includes guidance on general corporate, personnel, ethics and administrative matters.
- ▶ The office supports the Agency's development and promulgation of regulations, civil litigation, enforcement of applicable laws and regulations, and implementation of conservatorships and receiverships.
- ▶ The office serves as the liaison to the Federal Registrar and maintains the Agency's public rulemaking files. OGC also handles Freedom of Information Act requests and matters pertaining to the Privacy Act.

## Key Section Descriptions

- ▶ Given the small staff size in OGC, we no longer operate with divisions. Each attorney is a generalist, with specific areas of expertise.
- ▶ Hundreds of various assignments throughout any given year involving policymaking, review of corporate applications, enforcement actions, FOIA requests, legal opinions, ethics opinions and other mission-related and administrative matters.

## Other Key Facts

- ▶ The General Counsel is a career staff position that reports to FCA's 3-member Board for policy matters and to the Chairman, in his role as CEO, for administrative matters. **The General Counsel also maintains a confidential advisory relationship with each of the three Board members.**
- ▶ Although staff with legal backgrounds serve in other positions at FCA (for instance, attorneys serve as the Executive Assistant to one of our Board Members, the EEO Director, and the Chief Human Capital Officer) the only counsel authorized to advise the FCA Board and staff, and to otherwise represent the Agency on legal matters, is the General Counsel and his staff.



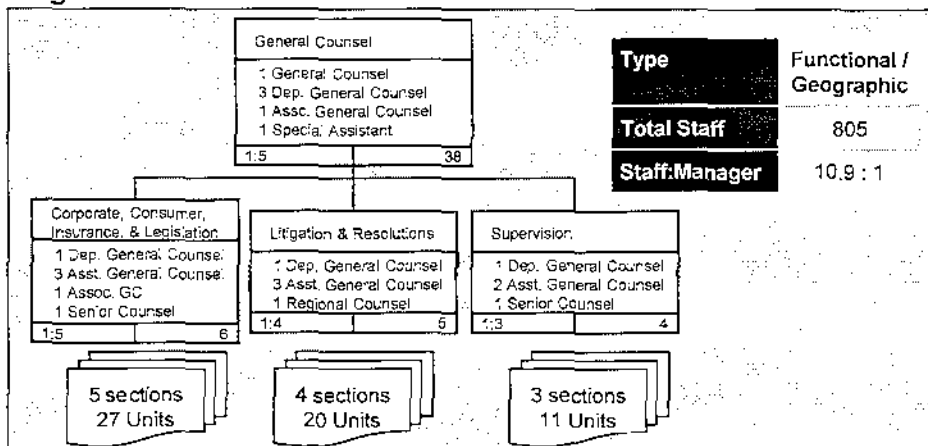
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# FDIC OGC is organized around 3 teams: Litigation and Resolution; Corporate, Consumer, Insurance & Legislation; and Supervision

## Organization



## Mission

- ▶ The mission of the Legal Division is to provide the FDIC with timely, comprehensive and cost effective legal services that support:
  - the Corporation's oversight of the safe and sound operation of insured depository institutions
  - the resolution of financially troubled and insolvent institutions
  - honoring of the Corporation's insurance obligation
  - the prosecution and defense of litigation related to the Corporation's operations, and
  - compliance with applicable civil and criminal laws and regulations, including appropriate measures in response to violations.

## Key Section Descriptions

- ▶ CCIL – carries out responsibilities directed primarily toward the FDIC's internal management and operations
- ▶ The Litigation and Resolutions Branch's mission is to deliver litigation services in support of all of the Corporation's business lines
- ▶ The Supervision Branch is responsible for providing legal support in the supervision of insured depository institutions and the administrative enforcement of laws applicable to insured depository institutions

## Other Key Facts

- ▶ The General Counsel is the chief legal officer of the Corporation and legal adviser to the Board of Directors and the officers of the Corporation; renders all legal services necessary to enable the Board of Directors and the corporation's various organizational units to discharge their respective duties and responsibilities; and otherwise has the powers and perform the duties usually vested in the general counsel of a corporation.

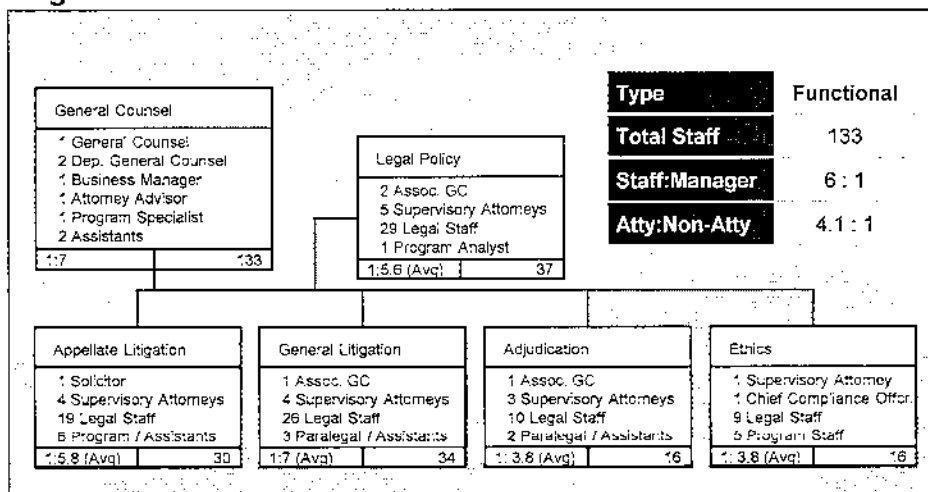


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# SEC OGC is organized around 5 practice groups, Legal Policy, Appellate Litigation, Adjudication, General Litigation, and Ethics

## Organization



## Mission

- ▶ The General Counsel is the chief legal officer of the Commission, and provides independent analysis and advice to the Commission and its operating divisions on the merits and risks of proposed action in all areas of agency practice

## Key Section Descriptions

- ▶ Legal Policy - provides independent analysis and advice to the Chairman, Commission, and the Divisions and Offices on the merits and risks of proposed action in all areas of the agency's business
- ▶ Appellate Litigation - represents the Commission in actions pending in courts of appeals and before the U.S. Supreme Court.
- ▶ Adjudication - advises and assists the Commission in resolving administrative appeals and motions
- ▶ General Litigation and Administrative Practice - represents the Commission and its officials and employees in actions filed against them
- ▶ Ethics - responsible for coordinating and managing the agency's ethics program

## Other Key Facts

- ▶ Annually, the Ethics Office handles over 2,500 ethics counseling matters for Commission officials and staff.



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