

OFFICE OF THE ATTORNEY GENERAL FY 2025 BUDGET ADJUSTMENT ACT PRESENTATION

2025 House and Senate Appropriations
Committees



OFFICE OF THE ATTORNEY GENERAL FY 2025 BUDGET ADJUSTMENT ACT

Requests in Addition to Governor's Recommend

POSITION REQUEST: One (1) Permanent Classified Position

Act 180 (2024) – Potential Language – SEC. E.100 POSITIONS

(a) The establishment of one (1) permanent position is authorized in fiscal year 2025 for the Attorney General's Office to develop and administer a statewide Pre-Charge program as specified in 2024 Act 180 §163(a)(1) and §164(a)(1).

- Given the amount of time it can take to finalize the creation of a new classified position, and recruit to fill it, the AGO is asking for the position to be established in the FY 2025 BAA.
- This approach should position the AGO to be appropriately staffed to implement 2024 Act 180 §163(a)(1) and §164(a)(1) at the onset of FY 2026.
- There is no FY 2025 BAA funding request. Should the process move more quickly than anticipated, the AGO would find the needed funds to cover any costs incurred in FY 2025.
- For FY 2026, the funding request for the position would be \$119,300 in addition to the Governor's Recommend.



OFFICE OF THE ATTORNEY GENERAL FY 2025 BUDGET ADJUSTMENT ACT

Requests in Addition to Governor's Recommend

POSITION REQUEST: One (1) Permanent Exempt Position AND \$50,000 (3 months salary & benefits PLUS fit-up)

Appellate Unit AAG – Potential Language – SEC. E.100 POSITIONS

(b) The establishment of the following permanent exempt position is authorized in fiscal year 2025 for the Attorney General's Office:

(1) In the Office of the Attorney General – one (1) Assistant Attorney General to fill the position of staff attorney.

- An additional staff attorney for the increased work our appellate unit (two AAGs, our Solicitor General and his Deputy) has taken on, with more such pressure on the near-term horizon.
- The two main areas of this work are:
 1. Increased litigation surrounding legislative initiatives—which AG Clark fully supports— involving environmental policy, reproductive rights, LGBTQIA+ protections, and firearms.
 2. The tremendous additional work that the chaotic and disruptive actions of the current federal administration has brought on, which involves significant hours of research, analysis and (eventually) further litigation to protect the rights of Vermonters.



OFFICE OF THE ATTORNEY GENERAL FY 2025 BUDGET ADJUSTMENT ACT

Appellate Unit Responsibilities

- Oversight of state and federal appeals of lower court decisions;
- Supervisory authority for the roughly 100 appeals, argued in the Vermont Supreme Court, the U.S. Court of Appeals for the Second Circuit and other federal appellate courts, and the U.S. Supreme Court, handled by the AGO each year;
- Brief writing and arguments in the Civil and GCAL (General Counsel & Administrative Law) appeals that present significant constitutional issues.
- Oversee and support all other AAGs in complex litigation – to include motion writing.
- Respond to requests for briefing from the Vermont Supreme Court and oversee the filing of "friend of the court," or amicus, briefs in that Court when appropriate;
- Manages Vermont's authorship and participation in friend of the court briefs filed by states in the U.S. Supreme Court and federal appellate courts.
- Trial court litigation which tends to be some of the most high-exposure, resource-intensive cases. E.g., defending challenges from out-of-state legal groups challenging foster care policies, school funding, and environmental laws.



OFFICE OF THE ATTORNEY GENERAL FY 2025 BUDGET ADJUSTMENT ACT

Appellate Unit Responsibilities

- Federal Administration Accountability:
 - Last Trump Administration issues were focused more narrowly on culture war-type issues. Those issues continue to be important, and we will always defend Vermont values in those cases.
 - Current Trump Administration has thus far been focusing much more broadly on funding.
 - The federal funding freeze case Vermont joined is just the first shot across the bow. Although it was a relatively straightforward legal challenge, it has taken large amounts of time.
 - The administration has made clear that it wants to cut funding more specifically, and those cases will involve much more detailed dives into specific funding streams. Those will take much more time, and we anticipate many more of them.
 - Participating in these lawsuits is critical to ensure that any relief obtained (and federal funding on which our ability to serve our people depends) flows to Vermont.

Respectfully: Attorney General Clark

