

### **Unfunded Litigation Costs**

The Department of Fish and Game (DFG) incurs significant unbudgeted litigation expenses each year. Litigation expenses include the cost of paying for its own attorneys (usually the Attorney General's office) and, at times, paying some portion of the attorney's fees of those who sue DFG, either as agreed in a settlement or as ordered by a court. Litigation expenses also include the significant amount of staff time involved in participating in litigation, assisting in the preparation of discovery responses, preparing administrative records, etc.

DFG's mission necessitates that it be involved in a number of highly controversial matters. Particularly in the current economic and environmental climate, the nature of DFG's statutory responsibilities, the importance of its mission and the significance of its decisions, however made, will result in a substantial amount of litigation brought against it by persons and entities that would have preferred a different result.

DFG's detractors argue that the amount of litigation filed against it reflects flaws in DFG's decision-making processes, lack of stakeholder outreach, and/or decision-making based on policy and politics rather than science.

DFG believes that its status as trustee for the state's biological resources and its administration of the myriad laws enacted by the Legislature with regard to the regulation of those resources ensures that DFG will remain a frequent target of litigation, whether from environmental interests or the regulated community. DFG will continue its outreach to stakeholders in an effort to minimize that litigation, however, and is working diligently to manage its litigation such that it can vigorously defend itself without incurring unnecessary and wasteful litigation expenses whenever possible.