

Administrative Conference of the United States  
Office of the Chairman

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# Resource Papers in Administrative Law

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## The Ombudsman: A Primer for Federal Agencies

# INTRODUCTION

The Administrative Conference of the United States was established by statute as an independent agency of the federal government in 1964. Its purpose is to promote improvement in the efficiency, adequacy, and fairness of procedures by which federal agencies conduct regulatory programs, administer grants and benefits, and perform related governmental functions.

To this end, the Conference conducts research and issues reports concerning various aspects of the administrative process and, when warranted, makes recommendations to the President, Congress, particular departments and agencies, and the judiciary concerning the need for procedural reforms. Implementation of Conference recommendations may be accomplished through direct action on the part of the affected agencies or through legislative changes on the part of Congress.

As part of the Conference's series of Resource Papers in Administrative Law, *The Ombudsman: A Primer for Federal Agencies* is intended to assist agency officials interested in establishing ombudsman programs. This document is an outgrowth of Conference Recommendation 90-2, "The Ombudsman in Federal Agencies," and a Conference-sponsored roundtable on ombudsmen. The Conference is indebted to David R. Anderson, a consultant to the Conference, and Larry B. Hill, Professor of Political Science at the University of Oklahoma, for preparing *The Ombudsman*.

The Conference is also indebted to Professor Walter Gellhorn, who has energized research in the area of ombudsman programs as he has in so much of administrative law.

Marshall J. Breger  
Chairman  
May 1991

# The Ombudsman: A Primer for Federal Agencies\*

In June 1990 the Administrative Conference of the United States recommended that all government agencies that interact frequently with the public consider establishing an ombudsman service to deal with grievances from the public. The Conference suggested these agencies consider setting up agency-wide or program-specific ombudsmen not only to gain experience with the concept but also to improve service to the public in the process.

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*"The ombudsman . . . was another attempt to send a message that we wanted to do things right."*

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In December 1990 the Conference sponsored a roundtable to examine issues involved in setting up grievance-handling ombudsmen in federal agencies. The meeting, chaired by Conference Council member Walter Gellhorn, one of the nation's leading authorities on the use of ombudsmen, was attended by more than 100 persons, including those from some three dozen federal agencies. The discussions revealed growing interest in this approach to public administration.

This brochure provides a starting place for department and agency personnel interested in setting up an ombudsman's office.

## What Is an Ombudsman?

"Ombudsman," a Scandinavian term that has entered the English language over the last 25 years, describes a special kind of grievance-handling official—one who investigates citizens' complaints against administrative agencies. Depending on the outcome of the investigation, the ombudsman may recommend relief or persuade the complainant that the government acted properly. When an investigation indicates the problem results from a system failure the ombudsman may also propose reforms.

Recommendation 90-2, "The Ombudsman in Federal Agencies" [reprinted on pages 13 and 14 and published at 1 CFR 305.90-2 (1991)], was

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\*Prepared by David R. Anderson and Larry B. Hill.  
Note: Quotations are from panel members at the December 5, 1990 roundtable on ombudsmen sponsored by the Administrative Conference.

the outgrowth of a report prepared for the Conference, "Ombudsmen in Federal Agencies: The Theory and the Practice," and has attracted considerable interest. For example, Dr. Louis W. Sullivan, the Secretary of Health and Human Services, asked the various components of HHS to consider the desirability of establishing an ombudsman. To date, two HHS components—the Food and Drug Administration, which has an ombudsman for external complaints, and the Social Security Administration, which has an internal complaints ombudsman—have done so. In addition, the Office of Federal Procurement Policy in the Office of Management and Budget sent copies of the report and the recommendation to senior contracting officials at some 40 agencies accompanied by a letter from OFPP's director encouraging agencies "to give serious consideration to an ombudsman for the procurement function."

## How Does an Ombudsman Operate?

Ombudsmen come in a variety of forms. For example, internal employee grievance officers and information-and-referral officers may use

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*" . . . the whole point . . . ought to be to work on solving the immediate problem, but in doing that . . . look for the systemic problems, look at the process and try to make the process work."*

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the name. This brochure deals with ombudsmen who investigate external grievances against the government and recommend ways of dealing with the grievances they consider meritorious. Either upon complaint or their own initiative, ombudsmen investigate the circumstances that gave rise to the situation. This is usually done by interviewing the complainant and the civil servants familiar with the matter and by reviewing the relevant files. Based on the investigation, the ombudsman decides what, if any, action to recommend. More often than not the investigation will confirm the agency's action. In those cases, the ombudsman explains to the complainant why the agency acted as it did. For example, the agency may have been required by law to act as it did, or its action may have been within its discretion. On the other hand, if ombudsmen are not satisfied the agency acted correctly, they will try to persuade the agency to make amends. As a rule, American ombudsmen lack authority to impose a solution on either party.

The power of the office lies in the ombudsman's ability to persuade the parties involved to accept the recommendation advanced by the ombuds-

man for resolving the complaint. If this solution is not acceptable, the complainant is free to pursue other remedies.

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*"... any government agency with programs with significant interaction with the public that does not now have an ombudsman should consider establishing one."*

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## **Ombudsmen for American Government?**

Most European democracies and other countries such as Australia, New Zealand, and Israel employ national ombudsmen who have jurisdiction to consider a broad range of complaints against government agencies at all levels.

Many other countries have appointed special-function and subnational ombudsmen. For example, Canada has national correctional and official language ombudsmen, and each of the more populous provinces has an ombudsman.

Since 1969 when the first state ombudsman began operation in Hawaii, three other states (Iowa, Nebraska, and Alaska) have established the office, as have such cities as Anchorage, Alaska; Dayton-Montgomery County, Ohio; and Detroit, Michigan. In addition, a number of state and local jurisdictions have created ombudsmen for prisons, nursing homes, and universities. And, some federal agencies—such as the Internal Revenue Service (IRS), the Army Materiel Command, and the Food and Drug Administration—now have ombudsmen.

## **Why Create an Ombudsman?**

Creating an ombudsman provides both the citizen and the government a way to resolve a dispute that persists in spite of efforts to deal with it at the operational level. Ombudsmen do not normally step into a case unless they find the way the matter is being handled at the operational level provides a basis for the complaint.

Perhaps because the ombudsman may only propose and persuade, existing federal ombudsman programs are popular with citizens and agencies and achieve a remarkable degree of success.

The success comes at two levels. First, the percentage of cases settled to the parties' satisfaction is quite high, increasing public confidence in the way the agency does its job. Second, in handling individual complaints, ombudsmen can identify and track systemic problems and suggest ways for coping with them. In the long run, this aspect of ombudsmen's work may likely yield the most significant returns.

## **What Are the Main Issues to Consider in Creating an Ombudsman?**

### **Qualifications**

Ombudsmen should be highly regarded persons with mature judgment and considerable experience with the issues that commonly arise in the government's dealings with the public. Because many grievances involve legal questions, some authorities recommend that ombudsmen have a legal background; others note that successful ombudsmen are drawn from the clergy, social workers, the diplomatic corps, university faculties and the civil service. The judgment, character and mediation skills of the

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*"The ombudsman gives an agency a fresh chance to correct its mistakes through the good offices of someone not involved in the action that gives rise to the complaint . . ."*

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person selected may be more important than his or her particular professional background.

A case can be made for selecting someone with knowledge of the workings of the agency. This is particularly true when an ombudsman is being selected to handle internal grievances (e.g., a personnel ombudsman). In any event, selecting a person who understands administrative issues from a broad public policy perspective and who is able to explain effectively to the public how the agency works and why it behaves as it does is important. It is not a job for a person with a narrow perspective.

### **Position in the Agency**

The ombudsman is not in the direct management line of a program or activity. Moreover, it is important that ombudsmen be independent of the line offices and that they are seen as independent. To maintain the

independence of state government ombudsmen, all state legislatures have required the ombudsman report to it rather than to the governor.

On the other hand, executive ombudsmen, which are the rule in the federal government, should report to the head of the agency, as do the IRS and the Army Materiel Command ombudsmen, or the official in charge of the program. This demonstrates to the public and to agency personnel alike the nature and extent of the ombudsman's authority and status in the agency. This vantage point also provides ombudsmen with a bird's-eye view of all agency or program activities, which allows them to evaluate operations and suggest needed reforms. And, it ensures direct communication with the agency head or program director about the agency's problems.

## Operational Standards

Ombudsmen should devote all their attention to the mission of the ombudsman's office, and should not be asked to perform other duties such

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***"The ombudsman is client centered but not anti-bureaucratic, and rather than being a client advocate, the ombudsman is nonpartisan and impartial as an investigator. Complaining is made as inexpensive and risk-free as possible, and attempting to help citizens quickly is emphasized."***

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as auditing or public relations. It is the *sine qua non* of the position that ombudsmen be objective in their approach to problems. And while it is important that the ombudsman be perceived as offering a problem-solving service to the members of the public who seek assistance, it is also important that the office not be seen as one pitting the public against the agency. The contrary is also true. Over time, the public will not respect an ombudsman who is perceived as an apologist for the agency or becomes an uncritical advocate for complaints lodged by the public.

The more hands-on experience the ombudsman has, the better. Indeed, experience, seniority, access to the head of the agency, and tenure (i.e., protection from pressure caused by the prospect of career-threatening setbacks due to unpopular recommendations), help ensure the ombudsman's independence and effectiveness. In one way or another it is important that both the agency staff and the public sense the respect accorded the ombudsman by the agency executive. If this impression is not reinforced by offering the ombudsman the salary and other perquisites of high level office, then it is doubly important that all concerned be made aware of the authority of the position by the esteem and respect accorded the ombudsman's work.

The size of the office depends on the mission. The Army Materiel Command ombudsman's office is made up of two people, the ombudsman and a secretary. Alternatively, the IRS ombudsman supervises a national staff of some 225 professionals.

An ombudsman will enable an agency to maintain a good record or to improve on a weak record. In either case, it is important to publicize the availability of the office and to suggest that other offices in the agency refer cases to it. The ombudsman's value to the agency likely will increase in direct proportion to the percentage of grievances referred to it.

## **Powers**

The ombudsman's principal powers are to investigate and to recommend. Access to the facts is essential to the workings of the office. Subject to very limited exceptions, an ombudsman should have the power to examine any agency documents or records—including notes and memoranda that employees may not consider a part of the official record. The ombudsman should, in general, have the power to conduct a formal interview of all agency personnel on any matter under investigation.

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***"... the ombudsman does serve ideally a function that is not fully served by the existing organs of government."***

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(Ombudsmen created by state laws normally are given the power to subpoena documents and witnesses and interview the latter under oath.) These powers should be clearly spelled out and made known to agency personnel.

To be credible, ombudsmen must be thorough and evenhanded in conducting inquiries. The ombudsman's office will wither if it becomes known for conducting slipshod investigations, for simply accepting whatever rationalization is provided by agency personnel, or for becoming an indiscriminate advocate of complainants. As a rule, ombudsmen should have the power to investigate on their own motion, with any exceptions to this power specified at the time the office is created.

In most cases, ombudsmen will be able to explain the reasons for the decision or other action to the complainant's satisfaction. If, after an investigation, the ombudsman concludes the agency erred, he or she will propose a method for rectifying the error. Usually, the ombudsman's findings and reasoning will persuade the operational level personnel



involved to adopt the suggestion, and make whatever systemic changes are called for so the problem will not recur. Sometimes the ombudsman's role is virtually that of a mediator. If those complained against are not persuaded, the ombudsman's recourse is to transmit those findings in a report to the head of the agency—along with a recommended resolution. (Ombudsmen created by state laws may publicize their findings and recommendations as a way of bringing attention to the problem and of increasing public awareness of the existence and role of the office.)

In rare instances an ombudsman may need to issue a formal report in a matter where the officials involved decline to act on the recommendation. The report should speak with sufficient authority to be accepted by the body to which it is made and ultimately by the public.

## **Legal Basis**

Ombudsmen established by law, such as the state ombudsmen, are likely to be more durable and independent than those lacking such tenure. Most of the federal government's ombudsmen—such as those of the Commerce Department, the Interstate Commerce Commission, the Army Materiel Command, and the Internal Revenue Service—were created by agency order. Thus, it was possible, for example, for later Secretaries of Commerce to issue orders reducing the ombudsman's authority to the vanishing point. The IRS and EPA Hazardous Waste

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*"To work, an agency ombudsman must have the full support of the agency head, otherwise a creative and defensive bureaucracy will find too many ways to circumvent the ombudsman's authority."*

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ombudsmen, on the other hand, have a statutory basis that gives them some protection from changing priorities within the agency.

## **Method of Appointment**

To date, federal ombudsmen have been selected by the head of the agency or program involved without formal participation by Congress. On the other hand, most state ombudsmen are appointed by the executive subject to confirmation by the legislature. Requiring legislative participation in the official's appointment makes it less likely that the executive will replace an ombudsman for purely political reasons.

## **Jurisdiction**

As a general rule, the ombudsman's jurisdiction should encompass all the grievances arising from the agency's dealings with the public. Among the potential advantages of the office are its accessibility for citizens, its speed, its flexibility, and its informality. Restrictions on the kinds of matters that may be brought to the office not only limit its utility to the public but also reduce its effectiveness as an instrument for improving the way the agency operates. The ombudsman should be encouraged to look into a complaint even where no "case or controversy" exists, other remedies have not been "exhausted," or the complaint is not "ripe" in the legal sense. Precluding the ombudsman from investigating such cases deprives the agency of the benefits gained from investigating grievances before they mature into formal complaints. From such involvement, agencies may learn about procedural problems before they have serious consequences, and before they provoke lawsuits that might otherwise follow.

## **Confidentiality**

There are times when it may be desirable or even necessary that a grievance be treated in confidence. Several recent court cases afford generally strong protection to ombudsman investigations. In any event, any limits on the ability of an ombudsman to protect grievance records should be disclosed to the complainant at the outset.

## **Ombudsmen in the Federal Government: Some Examples**

The use of ombudsmen to handle grievances from the public is still the exception, not the rule, in the federal government. There is, however, enough current experience with the use of ombudsmen to provide a number of models to anyone who is thinking about setting up an ombudsman or who is actually in the process of starting an office. While the materials and knowhow developed by these ombudsmen may not match your needs precisely, there is much you may learn and borrow from the programs already in operation. You may have to redesign the wheel, but you should not have to reinvent it.

Government agencies may be classified along functional lines as follows:

- Client-serving agencies (for example, those dealing with housing and employment problems).

- ❑ Client-processing agencies (such as those dealing with licensing, taxation, customs and immigration matters).
- ❑ Regulatory and resource management agencies (those dealing with the environment and resource and land-use management are examples).

There are federal ombudsman programs in each category. Examples of each follow.

## Client-Serving Agencies

### Army Materiel Command

This office, created by agency order in 1984, responds to and investigates complaints arising from the Command's extensive procurement

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*"... if somebody is thinking that the ombudsman needs to be an army unto itself, that is a wrong notion . . . . [T]ypically . . . create a little ad hoc problem-solving team."*

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functions for the Army. It also has jurisdiction over complaints lodged by whistleblowers. This office has become the model for procurement ombudsmen in the six subcommands with procurement responsibilities, for the counterpart command in the Air Force.

**Contact:** Lewis J. Ashley, Ombudsman, Headquarters, U.S. Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, Virginia 22333-0001. Telephone (703) 274-8252.

**Materials available:** The ombudsman's four-page charter spelling out the powers and duties of the office.

## Client-Processing Agencies

### Internal Revenue Service (The Taxpayer Ombudsman)

Originally established by agency order in 1980, the taxpayer ombudsman and the nationwide Problems Resolution Program she heads, are incorporated into law as part of the Omnibus Taxpayer Bill of Rights of 1988 (Technical and Miscellaneous Revenue Act, P.L. 100-647, Title VI, Subtitle J, November 10, 1988). The staff of 225 located in the district, region, service center and headquarters offices of the IRS respond to individual taxpayer complaints if efforts to solve the problem through regular channels are unsuccessful. The ombudsman also represents taxpayer viewpoints in IRS policy-making matters and identifies and

proposes solutions to systemic problems. Typical cases include those dealing with late and missing refunds, faulty billings, Social Security number mixups, taxpayer errors, and hardship relief.

**Contact:** Linda Martin, Director, Problem Resolution Program, Internal Revenue Service, Washington, DC 20224. Telephone (202) 566-4948.

**Materials available:** "Operation Link," IRS publication 1320, describes the service provided and spells out the case acceptance criteria. The "Problem Resolution Program Handbook," Internal Revenue Manual 1279 (issued January 18, 1989), is a detailed sourcebook for use by the PRP staff in the identification, handling, and disposition of matters PRP considers.

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*"... any manager of any larger agency... can never, never get enough information. Information is the life blood of being a good manager. ... [Y]ou have got to know what is happening down there."*

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## **Regulatory and Resource Management Agencies**

### **The EPA RCRA Ombudsman**

There is an ombudsman in the Environmental Protection Agency who is responsible for providing assistance for grievances arising out of the administration of the Resource Recovery and Conservation Act (RCRA). Established in 1986 pursuant to the 1984 amendments to the RCRA aspects of the Solid Waste Disposal Act of 1976 (P.L. 98-616; 42 U.S.C. 6917), this ombudsman is located in EPA's Office of Solid Waste and Emergency Response. The national office ombudsman and the 10 regional ombudsmen handle questions arising from the administration of several environmental protection laws. These include the laws dealing with hazardous waste treatment, storage, and disposal and the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) matters (i.e., the Superfund program, emergency preparedness, community right-to-know, and energy recycling program questions).

**Contact:** Robert J. Knox, Director, Office of Ombudsman, U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response (WH-56A), Washington, DC 20460. Telephone (202) 475-9361.

**Materials available:** The "Hazardous Waste Ombudsman Handbook," is a comprehensive sourcebook for the regional and headquarters office staffs. Another manual, the "RCRA Orientation Manual," is an example of a handbook prepared to help ombudsman office staff and the

public grasp the underlying laws and regulations governing the matters within the ombudsman's jurisdiction.

## Setting Up an Ombudsman: The First Steps

The most important part of the process is mustering the agency's institutional will to support the formation of the ombudsman. It makes no sense to go forward until and unless agency management is persuaded that the ombudsman will help carry out the agency's mission and that the ombudsman will, with time and experience, win the support and approval of the staff.

Setting up an ombudsman will not require breaking new ground. There are working examples in place from which to learn. Manuals, forms, and valuable knowledge reside in many places in the government including those previously mentioned and in the list of source materials on page 12.

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*"... the great achievement of the ombudsman, when the system works well, is that what might become disputes, what might have to be fought over for a period of time, is sidetracked by explanation, by adjustment, by a suggestion that is made."*

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- Start with well-defined subject matters, perhaps the types of grievance that arise most often.
- Include the ombudsman in regular planning and operations review meetings among top management so that the flow of information about actual and potential trouble spots begins early in the life of the office.
- Ensure the office is well used by developing criteria for the mandatory reference to it of troublesome cases and by advertising its existence to the public. "Operation Link," a brochure distributed by the IRS ombudsman [Internal Revenue Publication 1320 (Rev. 12/87)], contains the case referral criteria used at IRS.

Good luck.

# Source Materials

Anderson, David R. and Stockton, Diane M., *Ombudsmen in Federal Agencies: The Theory and the Practice* (Washington, DC: Administrative Conference of the United States, 1990). This paper examines federal department and agency use of ombudsmen over the past two decades. It contains the executive orders setting up the Army Materiel Command and the old Department of Commerce Ombudsman for Business.

Anderson, Stanley V., *Ombudsmen for American Government* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1968). Among its other virtues, this book contains the Annotated Model Ombudsman Statute drafted by Professor Gellhorn for the American Assembly.

Gellhorn, Walter, *When Americans Complain: Governmental Grievance Procedures* (Cambridge, MA: Harvard University Press, 1966).

Gellhorn, Walter, *Ombudsmen and Others: Citizens' Protectors in Nine Countries* (Cambridge, MA: Harvard University Press, 1966).

Hill, Larry B., *The Model Ombudsman: Institutionalizing New Zealand's Democratic Experiment* (Princeton, NJ: Princeton University Press, 1976).

Millhauser, Marguerite and Pou, Charles, editors, *Sourcebook: Federal Agency Use of Alternative Means of Dispute Resolution* (Washington, DC: Administrative Conference of the United States, 1987).

Zagoria, Sam, *The Ombudsman: How Good Governments Handle Citizens' Grievances* (Cabin John, MD: Seven Locks Press, 1988).

***Recommendation 90-2: The Ombudsman in Federal Agencies***  
*(Adopted June 7, 1990)*

**A. Establishment of Ombudsmen<sup>1</sup>**

1. Federal agencies that administer programs with major responsibilities involving significant interactions with members of the general public are likely to benefit from establishing an ombudsman service. Examples of such programs include the following: licensing; revenue collection; procurement; award and distribution of welfare, pension, or disability benefits; oversight of public lands; administration of detention facilities; public assistance programs; immigration programs; and subsidy or grant programs.
2. In cases where agencies with significant interaction with the public seek legislation to provide funds or other statutory underpinnings for an ombudsman, the legislation should conform generally to the guidelines set forth in paragraph B, below, and should be prepared in consultation with knowledgeable agency personnel and outside entities and affected members of the public or their representatives.
3. Whether or not legislation is enacted, each federal agency with major responsibilities involving significant interaction with members of the general public should consider setting up an agency-wide or program-specific ombudsman as a means of gaining experience with the concept and improving service to the public. Agencies should follow the guidelines in paragraph B in establishing an agency ombudsman.

**B. Guidelines for Ombudsman Legislation and Agency Programs**

**1. Powers, duties.**

a. Ombudsman legislation or agency guidelines should set out the functions to be performed by the ombudsman and confer the powers needed to enable the ombudsman to (i) receive and inquire into complaints, (ii) recommend solutions in individual matters and make recommendations for administrative and regulatory adjustments to deal with chronic problems and other systemic difficulties, (iii) advise within the agency concerning procedures, forms, and similar issues affecting the nature and delivery of services; and (iv) call attention to agency problems not yet adequately considered within.

b. The legislation or agency guidelines should require the ombudsman to submit periodic reports summarizing the grievances considered; investigations completed; recommendations for action, improvement in agency operations, or statutory changes; agency response; and any other matters the ombudsman believes should be brought to the attention of the agency head, Congress or the public.

c. The legislation or guidelines should also provide that the ombudsman should refrain from involvement in the merits of individual matters that are the subject of ongoing adjudication or litigation or investigations incident thereto.

**2. Qualifications, term.**

The legislation or guidelines should set forth the qualifications required for the position of ombudsman, the tenure of office, salary, safeguards protecting the independence and neutrality of the ombudsman, and means for ensuring access to the ombudsman. The Conference recommends that the ombudsman be a respected, senior person known for his or her judgment, probity, and persuasiveness.

**3. Confidentiality.**

a. The legislation or guidelines should protect communications to or from the ombudsman in connection with any investigation (other than reports intended to be made public), as well as the ombudsman's notes, memoranda and recollections, and documents provided in confidence to the ombudsman. The

legislation or guidelines should provide protection against disclosure in judicial, administrative, and congressional proceedings consistent with that recommended by Administrative Conference Recommendation 88-11, "Encouraging Settlements by Protecting Mediator Confidentiality," 1 CFR §305.88-11.<sup>2</sup>

b. An agency, when establishing an ombudsman, should explicitly disclaim authority ordinarily,<sup>3</sup> to discover or otherwise force disclosure of an ombudsman's notes, memoranda or recollections, or of documents provided to the ombudsman in confidence.

#### 4. Judicial review, liability.

Any such legislation should provide that (i) no inquiry, report, recommendation, or other action of the ombudsman shall be subject to examination or review in any court, unless the ombudsman is subject to criminal investigation; and (ii) no civil action shall lie against the ombudsman for any action, failure to act, or statement made in discharging the ombudsman's responsibilities.

#### 5. Access to agency officials and records.

The ombudsman should be given direct access to the head of the agency and to high-ranking officials within it. The legislation or guidelines should authorize the ombudsman to request agency officials to provide information (in person or in writing) or records the ombudsman deems necessary for the discharge of its responsibilities; and should require, absent countervailing compelling concerns relating to confidentiality or privacy, that such information be supplied to the extent permitted by law.

#### 6. Outreach.

An agency with an ombudsman should take effective steps to ensure that persons who deal with the agency are aware of the existence, purpose, and availability of the ombudsman service. These steps could include active campaigns to inform the public of the service.

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<sup>1</sup> "Ombudsman" is a Swedish word meaning "agent" or "representative," and its use here is not intended to discourage others from using more gender neutral terminology.

<sup>2</sup> As a practical matter, confidentiality guarantees in pending legislation—the Administrative Dispute Resolution Act, S. 971 and H.R. 2497 (101st Cong., 1st Sess.)—if enacted, would likely protect communications in ombudsman proceedings. (Note: The Act—Pub. L. No. 101-552—was signed into law November 15, 1990.)

<sup>3</sup> Exceptions might include cases where there is a duty to warn of a threat to personal health or safety, criminal matters, and other compelling exigent circumstances.







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***"... you can get a tremendous amount of satisfaction in not only solving the individual's problems but in ... improving the operation of government."***

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