

OFFICE OF LAW - 121

MISSION AND SERVICES

Mission - The Office of Law provides legal services to the County Executive, the County Council, and County agencies, boards and commissions to help ensure that County government is operating in a lawful manner.

Core Services -

- Represents the County in all civil actions before federal/State/local courts and administrative bodies
- Drafts legislative and transactional documents along with providing legal advice and counsel to the County Executive, County Council, County agencies, boards and commissions

Strategic Focus in FY 2018 -

The agency's top priorities in FY 2018 are:

- Reduce the amount of payouts resulting from litigation against the County by monitoring cases to identify trends and addressing problems with the applicable agency.
- Reduce the average response time of requests for transactional review and legal opinions by conducting training for agency personnel to ensure documents presented for legal review are complete.

FY 2018 BUDGET SUMMARY

The FY 2018 approved budget for the Office of Law is \$3,933,900, an increase of \$105,000 or 2.7% over the FY 2017 approved budget.

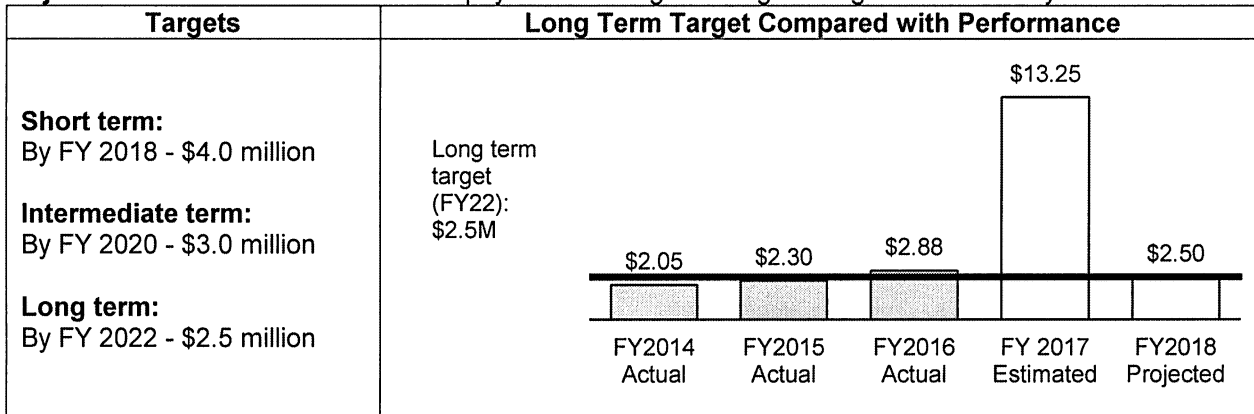
Budgetary Changes -

FY 2017 APPROVED BUDGET	\$3,828,900
Increase Cost: Fringe Benefits - Increase in fringe benefit rate from 29.8% to 31.0% and compensation adjustments	\$105,300
Increase Cost: Compensation - Mandated Salary Requirements	\$94,300
Increase Cost: Compensation - Funded Vacancies - Increase in compensation for funding a vacant Administrative Aide position	\$60,000
Increase Cost: Operating - Increase in operating to account for contract renewal and legal file maintenance costs	\$7,400
Decrease Cost: Recovery Increase - Increase in recoveries to capture salary adjustments and increase in rates from the Risk Management Fund	(\$162,000)
FY 2018 APPROVED BUDGET	\$3,933,900

SERVICE DELIVERY PLAN AND PERFORMANCE

GOAL 1 - To provide legal representation and advice to the County Executive, the County Council, and County agencies in order to reduce the County’s exposure to legal liability.

Objective 1.1 - Reduce the amount of payouts resulting from litigation against the County.



Trend and Analysis -

The number and amount of payouts for lawsuits can vary from year to year due to multiple factors including: facts of the case, court room factors and the timing of a payout. In FY 2014, there was an 80% reduction in payouts compared to FY 2013. To date, the Office of Law continues to maintain this lower payout trend by keeping payouts under \$3 million per fiscal year. In addition, the Office of Law continues to close the vast majority of litigation against the County at or below the estimated reserves. Please note, that one or two litigation cases can greatly impact the amount of payouts in any given reporting period. The current trend has been materially impacted by an increase in case reserves related to a single general liability claim valued over \$5 million and workers’ compensation claims showing increased loss severity. The agency continues its strategies in order to minimize the impact of litigation on the County.

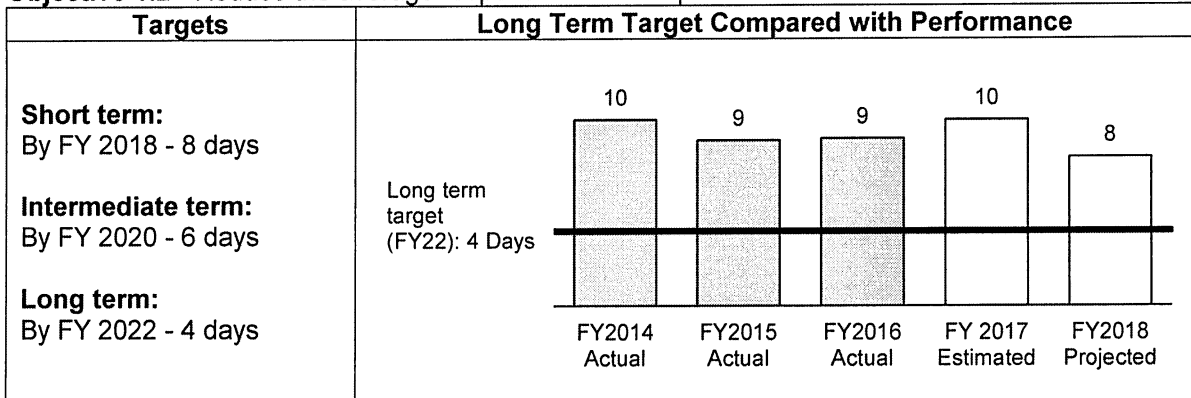
Performance Measures -

Measure Name	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Estimated	FY 2018 Projected
Resources (input)					
Number of litigation attorneys	9	9	8.5	8.5	9
Workload, Demand and Production (output)					
Number of new lawsuits received	110	88	97	80	90
Number of lawsuits closed	102	95	106	102	105
Number of active lawsuits	132	123	130	109	120
Efficiency					
Average number of active lawsuits per litigation attorney	14.7	13.7	15.3	12.8	13.3
Average number of new lawsuits per litigation attorney	12.2	9.8	11.4	9.4	10.0
Quality					
Percent of lawsuits closed at or below amount of money set aside by the County to pay for lawsuits	99%	90%	96%	90%	95%
Impact (outcome)					
Amount of payouts resulting from litigation against the County (in millions)	\$2.05	\$2.30	\$2.88	\$13.25	\$2.50

Strategies to Accomplish the Objective -

- **Strategy 1.1.1** - Monitor cases to identify trends and address problems with the applicable agency
- **Strategy 1.1.2** - Ensure attorneys are properly trained in legal strategy, effective and persuasive legal writing, and oral presentation
- **Strategy 1.1.3** - Recruit and retain lawyers with diverse subject matter expertise

Objective 1.2 - Reduce the average response time to requests for transactional review.



Trend and Analysis -

The timetable for transactional reviews can range from three to ten business days depending on the complexity of the matter. The vast majority of requests are completed within that range and are closed by the designated due date. The agency is experiencing longer response times and/or additional reviews as agencies are submitting more complex requests or requests which require substantial changes prior to approval for legal sufficiency. Continued inter-agency collaboration is necessary in order to limit the number of requests requiring lengthy review times or substantial changes. Transactional requests received increased 29% from FY 2014 to FY 2016. So far in FY 2017, this trend continues. The large number of requests as well as the increase in complexity may impact response times for transactional reviews.

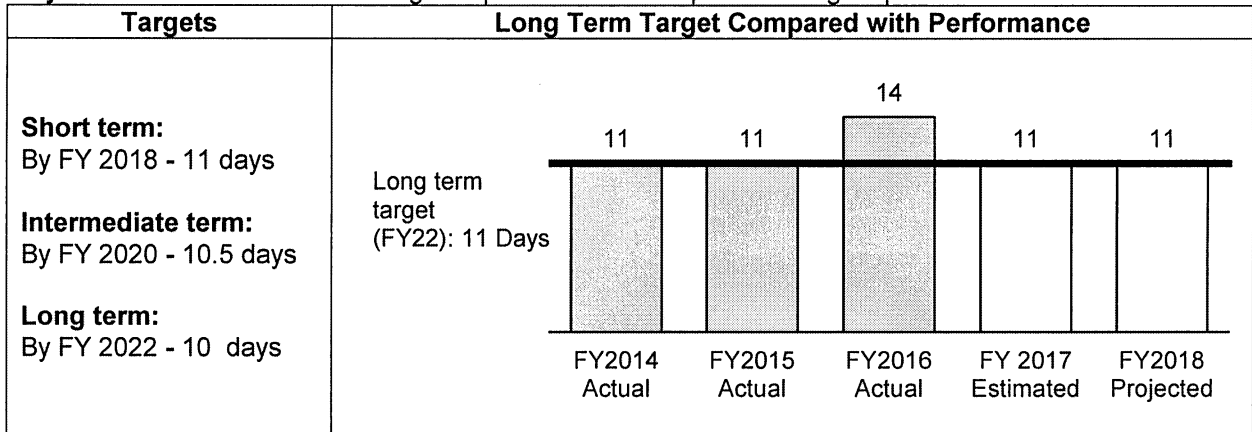
Performance Measures -

Measure Name	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Estimated	FY 2018 Projected
Resources (input)					
Number of transactional attorneys	5	5	4.5	5.5	6
Workload, Demand and Production (output)					
Number of transactional related inter-agency trainings conducted	0	0	2	2	1
Number of transactional review requests received	1,329	1,419	1,720	1,734	1,750
Efficiency					
Average number of transactional reviews per attorney	266	284	382	315	292
Quality					
Percent of transactional documents reviewed on or before due date	73%	89%	82%	80%	85%
Impact (outcome)					
Number of days to complete requests for transactional reviews	10	9	9	10	8

Strategies to Accomplish the Objective -

- **Strategy 1.2.1** - Conduct training for agency personnel to ensure that documents presented for legal review are complete
- **Strategy 1.2.2** - Institute a uniform and consistent response time for legal sufficiency reviews
- **Strategy 1.2.3** - Ensure that attorneys are equipped with the knowledge of sector-specific practices for legal counsel to service the varied operational needs of County government agencies

Objective 1.3 - Reduce the average response time for requests for legal opinions.



Trend and Analysis -

The standard timetable for fulfilling non-complex requests for legal opinions is 10-15 business days. The complexity of the matter can greatly increase the response time. The Office of Law averaged 10.9 days in FY 2015 to complete requests for legal opinions. The Office of Law experienced an upward trend in FY 2016 due to the complexity of several requests and/or the need of additional information from the requesting agency. This resulted in an average response time of 14 days. In FY 2017, the Office of Law response times are more consistent with our FY 2015 levels and are on track to meet our goals.

Performance Measures -

Measure Name	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Estimated	FY 2018 Projected
Resources (input)					
Number of legislative attorneys	1.5	2	2	2	2
Workload, Demand and Production (output)					
Number of legislative review requests received	230	259	266	300	300
Number of legislative related inter-agency trainings conducted	6	4	0	1	1
Efficiency					
Average number of legislative and advice reviews per attorney	153	130	133	150	150
Quality					
Percent of legislative and advice requests reviewed on or before due date	96%	97%	89%	80%	90%
Impact (outcome)					
Number of days to complete requests for legal opinions	11	11	14	11	11

Strategies to Accomplish the Objective -

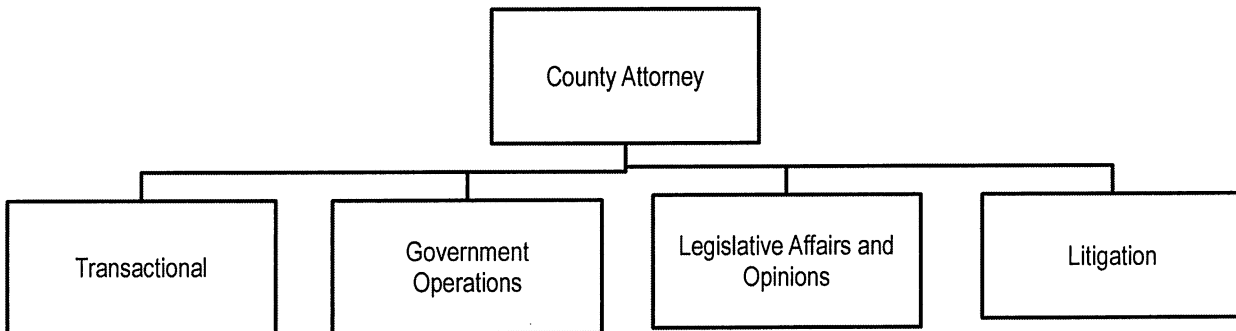
- **Strategy 1.3.1** - Conduct training for agency personnel to ensure that documents presented for legal review are accurate and concise

- **Strategy 1.3.2** - Ensure that attorneys are equipped with the knowledge of sector-specific practices for legal counsel to service the varied operational needs of County government agencies

FY 2017 KEY ACCOMPLISHMENTS

- The Office of Law successfully defended the Office of the County Executive before the Court of Special Appeals in suit under the Maryland Public Information Act challenging the withholding of certain confidential commercial information in the case of *Amster v. Baker*.
- The Office of Law successfully defended CB-46-2010 and CB-56-2011 before the U.S. District Court for the District of Maryland in suits challenging the constitutionality of these statutes. These matters are now on appeal to the U.S. Court of Appeals for the Fourth Circuit.
- The Office of Law drafted the state law mandated County Watershed Protection and Restoration Financial Assurance Plan (CR-64-2016).
- Served as counsel on the Revenue Authority's first investment in County development by a private entity, i.e., the Brentwood mixed-use development.
- Negotiated multiple public-private partnership agreements related to the delivery of healthcare to the poor and the clinical training of Howard University nursing students.

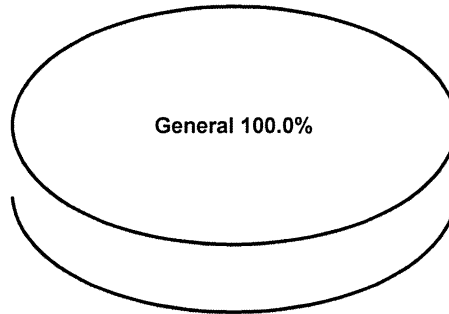
ORGANIZATIONAL CHART



	FY2016 ACTUAL	FY2017 BUDGET	FY2017 ESTIMATED	FY2018 APPROVED	CHANGE FY17-FY18
TOTAL EXPENDITURES	\$ 3,450,835	\$ 3,828,900	\$ 3,691,900	\$ 3,933,900	2.7%
EXPENDITURE DETAIL					
Office Of Law	6,152,444	6,661,700	6,486,400	6,928,700	4%
Recoveries	(2,701,609)	(2,832,800)	(2,794,500)	(2,994,800)	5.7%
TOTAL	\$ 3,450,835	\$ 3,828,900	\$ 3,691,900	\$ 3,933,900	2.7%
SOURCES OF FUNDS					
General Fund	\$ 3,450,835	\$ 3,828,900	\$ 3,691,900	\$ 3,933,900	2.7%
Other County Operating Funds:					
TOTAL	\$ 3,450,835	\$ 3,828,900	\$ 3,691,900	\$ 3,933,900	2.7%

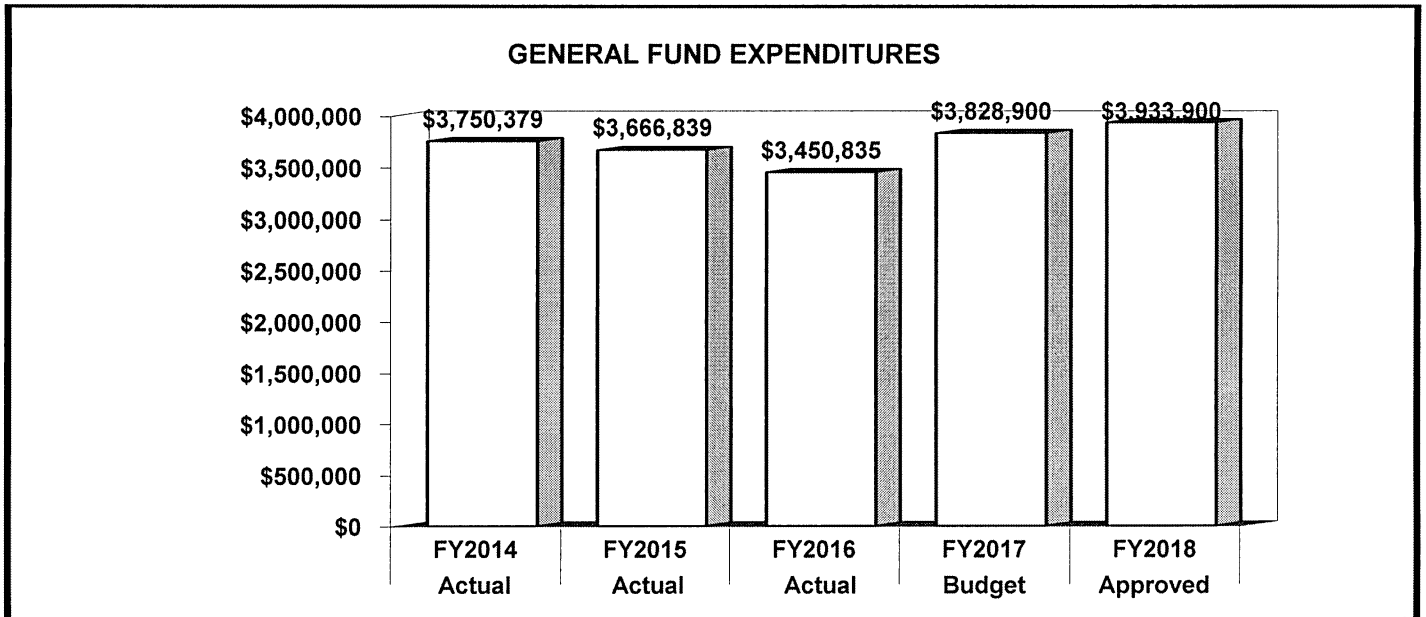
FY2018 SOURCES OF FUNDS

This agency's funding is derived from the County's General Fund. A portion of the costs are allocated to other sources through recoveries.

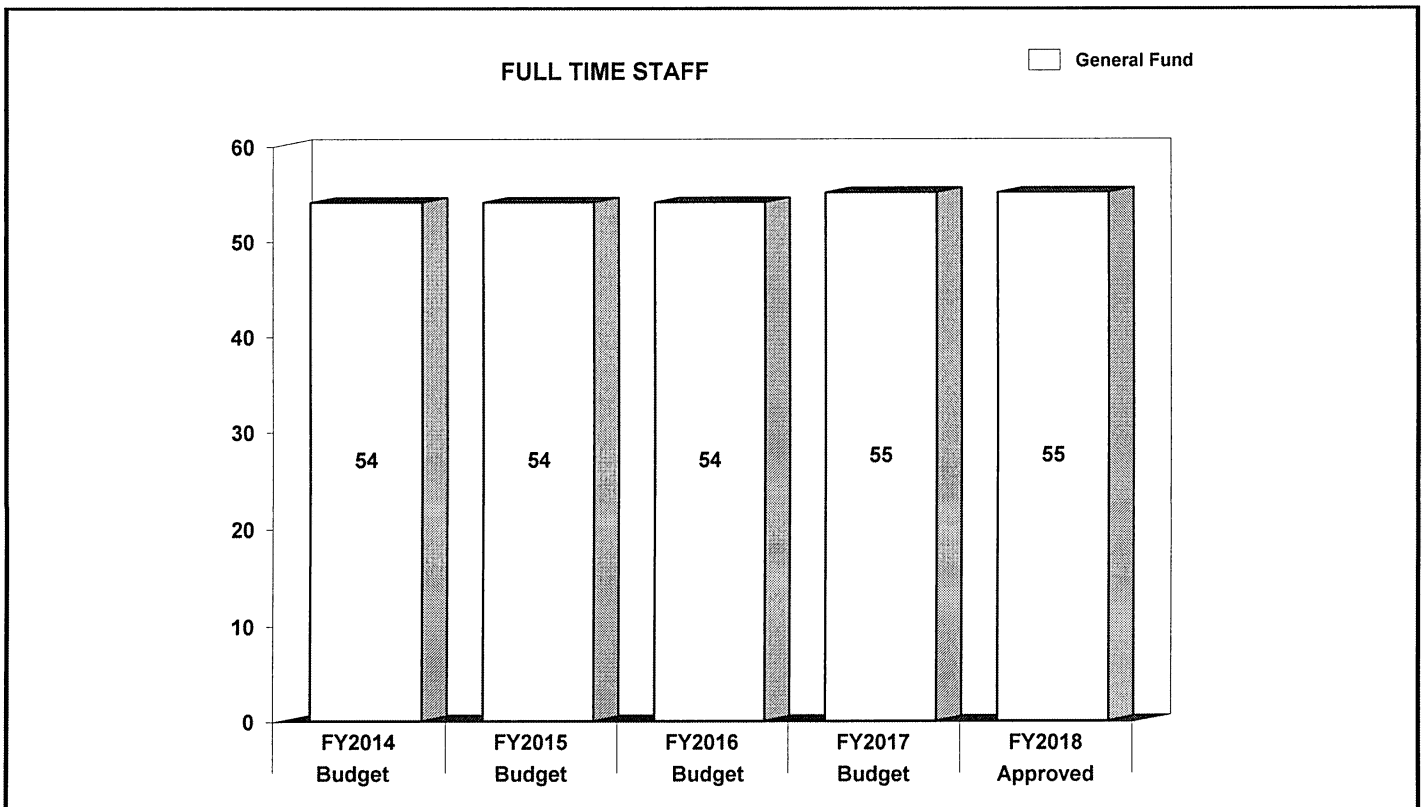


	FY2016 BUDGET	FY2017 BUDGET	FY2018 APPROVED	CHANGE FY17-FY18
GENERAL FUND STAFF				
Full Time - Civilian	54	55	55	0
Full Time - Sworn	0	0	0	0
Part Time	0	0	0	0
Limited Term	0	0	0	0
OTHER STAFF				
Full Time - Civilian				
Full Time - Sworn				
Part Time				
Limited Term Grant Funded				
TOTAL				
Full Time - Civilian	54	55	55	0
Full Time - Sworn	0	0	0	0
Part Time	0	0	0	0
Limited Term	0	0	0	0

POSITIONS BY CATEGORY	FULL TIME	PART TIME	LIMITED TERM
Directors	1	0	0
Deputy Directors	3	0	0
Attorneys	32	0	0
Administrative Assistants	2	0	0
Investigators	2	0	0
Law Clerks	2	0	0
Administrative Support	13	0	0
TOTAL	55	0	0



The agency's expenditures decreased 8.0% from FY 2014 to FY 2016. This decrease is primarily driven by attrition. The FY 2018 approved budget is 2.7% over the FY 2017 approved budget due to salary adjustments for employees and fringe benefit costs.



The agency's staffing increased by one attorney from FY 2014 to FY 2017. The FY 2018 staffing total remains unchanged from the FY 2017 level.

	FY2016 ACTUAL	FY2017 BUDGET	FY2017 ESTIMATED	FY2018 APPROVED	CHANGE FY17-FY18
EXPENDITURE SUMMARY					
Compensation	\$ 4,487,722	\$ 4,792,200	\$ 4,607,300	\$ 4,946,500	3.2%
Fringe Benefits	1,252,061	1,428,100	1,428,100	1,533,400	7.4%
Operating Expenses	412,661	441,400	451,000	448,800	1.7%
Capital Outlay	0	0	0	0	0%
	<u>\$ 6,152,444</u>	<u>\$ 6,661,700</u>	<u>\$ 6,486,400</u>	<u>\$ 6,928,700</u>	<u>4%</u>
Recoveries	(2,701,609)	(2,832,800)	(2,794,500)	(2,994,800)	5.7%
TOTAL	\$ 3,450,835	\$ 3,828,900	\$ 3,691,900	\$ 3,933,900	2.7%
STAFF					
Full Time - Civilian	-	55	-	55	0%
Full Time - Sworn	-	0	-	0	0%
Part Time	-	0	-	0	0%
Limited Term	-	0	-	0	0%

In FY 2018, compensation expenditures increase 3.2% over the FY 2017 budget due to anticipated cost of living and merit adjustments for employees and funding a vacant Administrative Aide position. Compensation includes funding for 54 out of 55 full-time employees. Fringe benefit expenditures increase 7.4% over the FY 2017 budget due to compensation adjustments and an increase in the fringe benefit rate.

Operating expenses increase 1.7% over the FY 2017 budget due to the renewal of contracts and legal file maintenance.

Recoveries increase 5.7% over the FY 2017 budget due to salary adjustments and a higher recovery rate in the Risk Management Fund.

MAJOR OPERATING EXPENDITURES FY2018	
Office Automation	\$ 208,400
General and Administrative	\$ 95,900
Contracts	
Miscellaneous	\$ 31,500
Training	\$ 28,000
Operating and Office Supplies	\$ 20,000

