

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 2019 -

The agency's top priorities in FY 2019 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 2019 BUDGET SUMMARY

The FY 2019 approved budget for the Office of Law is \$4,543,600, an increase of \$609,700 or 15.5% over the FY 2018 approved budget.

Budgetary Changes -

FY 2018 APPROVED BUDGET	\$3,933,900
Increase Cost: Compensation - Mandated Salary Requirements	\$260,700
Increase Cost: Fringe Benefits - Increase in the fringe benefit rate from 31.0% to 31.2%, salary adjustments and the creation of a new law clerk position	\$130,900
Increase Cost: Recovery Decrease - Decrease in recoveries due to backfilling positions at lower salaries	\$101,900
Increase Cost: Compensation - Increase due to funding a previously unfunded position; a vacant Investigator position has been reallocated to an Administrative Assistant I/II position	\$73,000
Add: Compensation - New Position - Creation of a law clerk position to provide additional operational support to the office in responding to Maryland Public Information Act (MPIA) requests	\$54,200
Increase Cost: Operating - Increase in telephones, printing, periodicals, court filing fees and general administrative contracts to align with historical expenditures as well as funding for additional software license needs for the new paralegal position	\$20,500
Decrease Cost: Operating - Reflects change in the office automation charge methodology based on the number of funded positions	(\$31,500)
FY 2019 APPROVED BUDGET	\$4,543,600

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.					
FY 2023 Target	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected	Trend
\$2.5 M	\$2.9M	\$8.2M	\$4.0M	\$4.0M	↑

Trend and Analysis

The Office of Law attempts to keep payouts under \$3 million per fiscal year. In addition, the agency 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. FY 2018 has been materially impacted by an increase in case reserves related to two general liability claims. The agency continues its strategies in order to minimize the impact of litigation on the County.

Of note, the General Assembly modified the Local Tort Claims Act, doubling the County's limit of liability for compensatory damages. The prior limit was \$200,000 per person/\$400,000 total claims per incident and increased to \$400,000/\$800,000 respectively; the General Assembly's action also increased the time to file a claim from six months to one year. This doubling the limits exposes the County to increased payouts and the agency will continue to monitor and attempt to minimize the impact of litigation on the County.

Performance Measures

Measure Name	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected
Resources (input)					
Number of litigation attorneys	9	8.5	9	9	9
Workload, Demand and Production (output)					
Number of new lawsuits received	88	97	88	85	85
Number of lawsuits closed	95	106	92	63	65
Number of active lawsuits	123	130	114	119	115
Efficiency					
Average number of active lawsuits per litigation attorney	13.7	15.3	12.7	13.2	12.8
Average number of new lawsuits per litigation attorney	9.8	11.4	9.8	9.4	9.4
Quality					
Percent of lawsuits closed at or below amount of money set aside by the County to pay for lawsuits	90%	96%	100%	90%	95%
Impact (outcome)					
Amount of payouts resulting from litigation against the County (in millions)	\$2.3	\$2.9	\$8.2	\$4.0	\$4.0

Objective 1.2 - Reduce the average response time to requests for transactional review (in days).					
FY 2023 Target	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected	Trend
4.0	9.0	7.8	8.0	8.0	↔

Trend and Analysis

Transactional reviews typically range from three to 10 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, with an average of eight days in FY 2017 and FY 2018 year-to-date. The agency receives approximately 1,600 requests for transactional reviews per fiscal year. For FY 2018, the agency has experienced a 5% increase in new transactional review requests compared to this historical average. If this trend continues along with the continued submittal of more complex requests or requests that require substantial changes prior to approval for legal sufficiency, the response time in providing a timely review could increase.

Performance Measures

Measure Name	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected
Resources (input)					
Number of transactional attorneys	5	4.5	5	5	5
Workload, Demand and Production (output)					
Number of transactional related inter-agency trainings conducted	0	2	1	2	2
Number of transactional review requests received	1,419	1,720	1,392	1,686	1,700
Efficiency					
Average number of transactional reviews per attorney	284	382	278	337	340
Quality					
Percent of transactional documents reviewed on or before due date	89%	82%	80%	80%	80%
Impact (outcome)					
Number of days to complete requests for transactional reviews	8.9	9.0	7.8	8.0	8.0

Objective 1.3 - Reduce the average response time for requests for legal opinions (in days).					
FY 2023 Target	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected	Trend
10.0	14.0	13.0	13.0	13.0	↔

Trend and Analysis

The standard timetable for fulfilling routine requests for legal opinions is 10-15 business days. The complexity of the matter can greatly impact the response time for individual requests. Starting in FY 2015, the number of requests have increased nearly 5% per year and the agency projects this trend to continue into the near future. This increase as well as the continued need to seek additional information from the requesting agency may have a negative impact on the overall response time in providing sound legal opinions for the County.

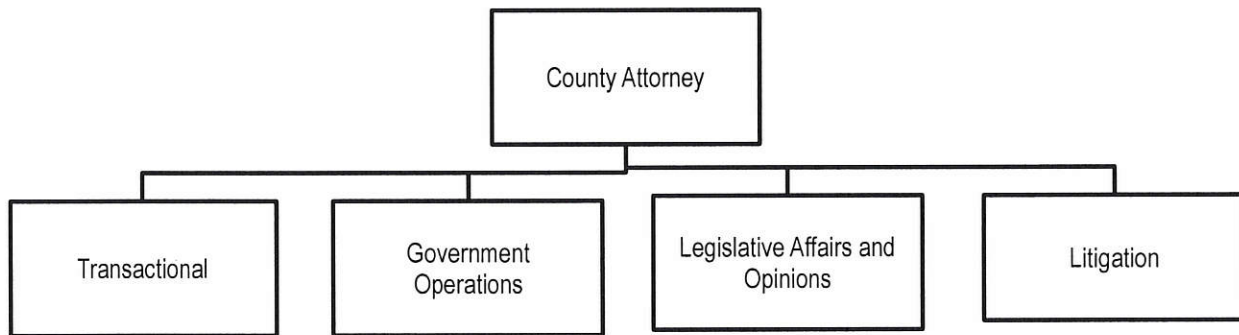
Performance Measures

Measure Name	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated	FY 2019 Projected
Resources (input)					
Number of legislative attorneys	2	2	2	2	2.25
Workload, Demand and Production (output)					
Number of legislative review requests received	259	266	312	325	330
Number of legislative related inter-agency trainings conducted	4	0	7	3	4
Efficiency					
Average number of legislative and advice reviews per attorney	130	133	156	163	147
Quality					
Percent of legislative and advice requests reviewed on or before due date	97%	89%	85%	85%	85%
Impact (outcome)					
Number of days to complete requests for legal opinions	11	14	13	13	13

FY 2018 KEY ACCOMPLISHMENTS

- The agency coordinated the collaborative efforts with Council and Executive staff to craft CB-115-2017, the RISE in Jobs First Act to improve the procurement process and expand opportunities for County businesses.
- The agency worked closely with administration officials to structure and assist in the issuance of the \$104 million in Certificates of Participation for the County's new Regional Medical Center.
- The agency successfully partnered with multiple County agencies working in concert to address the numerous fire code violations at the Lynnhill Condominiums, resulting in the permanent closure of the building and relocation of all residents.
- The agency successfully resolved the last of the pending challenges to the County Adult Entertainment laws, resulting in those laws passing constitutional muster for the first time in County history.

ORGANIZATIONAL CHART



	FY2017 ACTUAL	FY2018 BUDGET	FY2018 ESTIMATED	FY2019 APPROVED	CHANGE FY18-FY19
TOTAL EXPENDITURES	\$ 3,728,900	\$ 3,933,900	\$ 3,884,800	\$ 4,543,600	15.5%
EXPENDITURE DETAIL					
Office Of Law	6,323,270	6,928,700	6,639,200	7,436,500	7.3%
Recoveries	(2,594,370)	(2,994,800)	(2,754,400)	(2,892,900)	-3.4%
TOTAL	\$ 3,728,900	\$ 3,933,900	\$ 3,884,800	\$ 4,543,600	15.5%
SOURCES OF FUNDS					
General Fund	\$ 3,728,900	\$ 3,933,900	\$ 3,884,800	\$ 4,543,600	15.5%
Other County Operating Funds:					
TOTAL	\$ 3,728,900	\$ 3,933,900	\$ 3,884,800	\$ 4,543,600	15.5%

FY2019 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.

