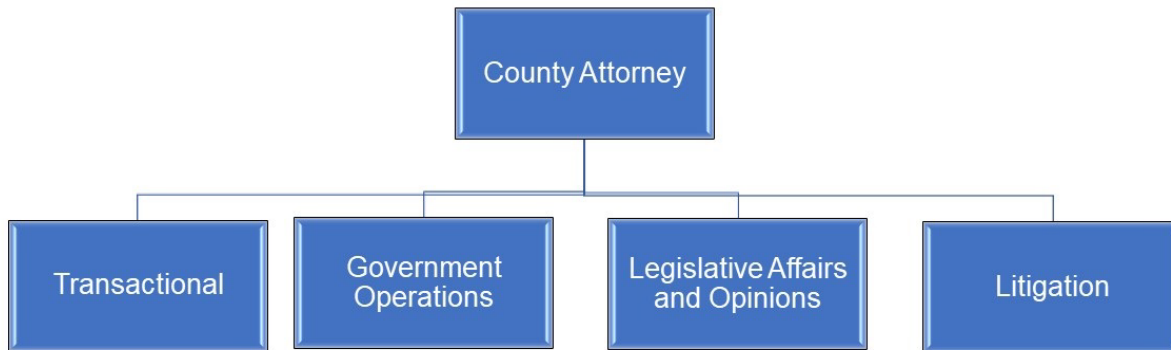


Office of Law



MISSION AND SERVICES

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
- Provides legal advice to County government officials and employees

FY 2022 KEY ACCOMPLISHMENTS

- Seth et. al. v. County: Litigation Division successfully defended a lawsuit against the Department of Corrections for alleged failure to protect inmates from the SARS 2 Coronavirus. A settlement favorable to the County was negotiated, and revised policies dealing with COVID-19 protection in the jail were implemented.
- Developed training on civil liability for the Department of Corrections.
- Assisted with the drafting, review and presentation of major legislative proposals/executive orders pertaining to resolutions for the continued Declaration of Emergency-Coronavirus (“COVID-19”), hazard pay for employees, vaccination policy and numerous other proposals necessary to continue and modify government operations.
- Assisted with drafting and negotiation of several essential commercial deals.
- Provided legal guidance/training on the implementation of the police reform legislation.

STRATEGIC FOCUS AND INITIATIVES FOR FY 2023

The office's top priorities in FY 2023 are:

- Work efficiently and effectively to provide legal guidance to clients that will help them achieve their operational goals.
- Attempt to reduce the amount of payouts and adverse decisions resulting from litigation against the County by monitoring cases to identify trends and consultation with the applicable agency.

FY 2023 BUDGET SUMMARY

The FY 2023 approved budget for the Office of Law is \$4,994,600, an increase of \$854,600 or 20.6% above the FY 2022 approved budget.

Expenditures by Fund Type

Fund Types	FY 2021 Actual		FY 2022 Budget		FY 2022 Estimate		FY 2023 Approved	
	Amount	% Total	Amount	% Total	Amount	% Total	Amount	% Total
General Fund	\$4,469,300	100.0%	\$4,140,000	100.0%	\$3,657,300	100.0%	\$4,994,600	100.0%
Total	\$4,469,300	100.0%	\$4,140,000	100.0%	\$3,657,300	100.0%	\$4,994,600	100.0%

Reconciliation from Prior Year

	Expenditures
FY 2022 Approved Budget	\$4,140,000
Increase Cost: Compensation - Mandated Salary Requirements — Annualization of FY 2022 and FY 2023 planned salary adjustments as well as anticipated grade changes within the staffing complement	\$692,700
Increase Cost: Fringe Benefits — Increase in the fringe benefit rate from 30.1% to 33.0% to align with projected costs as well as funding for two new Paralegal 3G positions and a new Attorney 5G position	402,200
Add: Compensation - New Positions — Funding for two new Paralegal 3G positions	120,000
Add: Compensation - New Positions — Funding for a new Attorney 5G position	112,500
Add: Operating — Funding for enhancements to the case management software system	28,400
Increase Cost: Operating - Technology Cost Allocation — Increase in OIT charges based on anticipated countywide costs for technology	18,000
Decrease Cost: Compensation — Increase in budgeted staff attrition from 9.0% to 10.0%	(175,400)
Decrease Cost: Recovery Increase — Increase in recovery rates to align with projected costs for salary adjustments and fringe benefit costs	(343,800)
FY 2023 Approved Budget	\$4,994,600

STAFF AND BUDGET RESOURCES

Authorized Positions	FY 2021 Budget	FY 2022 Budget	FY 2023 Approved	Change FY22-FY23
General Fund				
Full Time - Civilian	57	59	62	3
Full Time - Sworn	0	0	0	0
Subtotal - FT	57	59	62	3
Part Time	0	0	0	0
Limited Term	0	0	0	0
TOTAL				
Full Time - Civilian	57	59	62	3
Full Time - Sworn	0	0	0	0
Subtotal - FT	57	59	62	3
Part Time	0	0	0	0
Limited Term	0	0	0	0

Positions By Classification	FY 2023		
	Full Time	Part Time	Limited Term
Administrative Assistant	4	0	0
Administrative Support	11	0	0
Attorney	36	0	0
Deputy Director	3	0	0
Director	1	0	0
Investigator	1	0	0
Law Clerk	3	0	0
Paralegal	3	0	0
TOTAL	62	0	0

Expenditures by Category - General Fund

Category	FY 2021 Actual	FY 2022 Budget	FY 2022 Estimate	FY 2023 Approved	Change FY22-FY23	
					Amount (\$)	Percent (%)
Compensation	\$5,379,745	\$5,381,400	\$4,766,500	\$6,131,200	\$749,800	13.9%
Fringe Benefits	1,685,902	1,619,800	1,479,300	2,022,000	402,200	24.8%
Operating	418,537	559,400	532,200	605,800	46,400	8.3%
Capital Outlay	—	—	—	—	—	
SubTotal	\$7,484,184	\$7,560,600	\$6,778,000	\$8,759,000	\$1,198,400	15.9%
Recoveries	(3,014,884)	(3,420,600)	(3,120,700)	(3,764,400)	(343,800)	10.1%
Total	\$4,469,300	\$4,140,000	\$3,657,300	\$4,994,600	\$854,600	20.6%

In FY 2023, compensation expenditures increase 13.9% over the FY 2022 budget primarily due to the addition of two paralegal positions, an Attorney 5G position, the annualization of FY 2022 merit increases and FY 2023 planned salary adjustments. The new paralegal positions will handle the Maryland Public Information Act (MPIA) requests. The compensation budget includes funding for all 62 full time employees. Fringe benefit expenditures increase 24.8% above the FY 2022 budget due to the increase in the fringe benefit rate from 30.1% to 33.0% and compensation adjustments.

Operating expenses increase 8.3% over the FY 2022 budget due to an increase in the technology allocation charge and funding for enhancements to the case management software system.

Recoveries increase 10.1% above the FY 2022 budget to align with projected costs for salary adjustments and fringe costs.

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 (millions).

FY 2027 Target	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected	Trend
\$3.0	\$4.1	\$21.0	\$6.0	\$5.0	↓

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, applicable law, courtroom factors, and the timing of a payout. Another significant factor are recent police-involved events throughout the country that have revised contemporary views on police misconduct issues. The Maryland General Assembly amended the Local Government Tort Claims Act to increase the cap on the County's liability for police intentional torts and violations of the Maryland Declaration of Rights to \$890,000 for all claims arising out of an incident and increased the cap for wrongful death actions for police misconduct to \$1,335,000. This will likely result in an upward trend of payouts in subsequent fiscal years. One or two litigation cases can greatly impact the amount of payouts in any given reporting period. While there are several pending cases which have the probability of a potential payout of \$400,000 or more, the Office of Law anticipates staying within our projections for the fiscal years noted under this objective. The Office of Law continues to monitor cases to identify trends and address problems with the applicable agency, to include agency training, in an attempt to minimize the impact of litigation on the County.

Performance Measures

Measure Name	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected
Resources (Input)					
Litigation attorneys	9	9	7	9	9
Workload, Demand and Production (Output)					
New lawsuits received	60	57	60	50	50
Lawsuits closed	66	68	41	20	20
Active lawsuits	107	107	163	170	170
Number of new Administrative Hearing cases received	1,481	59	59	60	60
MPIA requests received	282	252	558	600	600
Department of Social Services (DSS) cases received	277	202	164	170	170
Workers' Compensation Cases Received	1,481	1,221	1,660	1,700	1,700
Efficiency					
Active lawsuits per litigation attorney	12	14	23	25	25
New lawsuits per litigation attorney	9	6	7	7	7

Performance Measures *(continued)*

Measure Name	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected
Quality					
Lawsuits closed at or below amount of money set aside to pay for lawsuits	66%	40%	98%	98%	98%
Impact (Outcome)					
Payouts resulting from litigation against the County (millions)	\$2.2	\$4.1	\$21.0	\$6.0	\$5.0

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

FY 2027 Target	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected	Trend
7	6	7	7	7	↔

Trend and Analysis

The timetable for transactional reviews range from three to ten business days depending on the complexity of the matter and condition of items received. The majority of requests are completed within that range and are closed by the designated due date, with an average of eight days in FY 2020 and seven days in FY 2021. The Office of Law receives over 1,400 transactional review requests per fiscal year. In FY 2021, the transactional review requests received were over 1,600. The Office of Law has been able to reduce its review of contracts for aid provided to individuals and businesses in the County from certain grant sources through the use of online contracting. With the use of the County's new e-procurement system, the Office of Law has been able to conduct reviews in that system within an average of four days. From FY 2015 through FY 2020, the Office Law experienced an upward trend each year in the number of transactional review requests. In addition, the Office of Law is experiencing an increase in the number of complex requests, which require additional handling time. Please note that the more complex requests, or requests that require substantial changes prior to approval for legal sufficiency, will most likely fall outside the statistical periods referenced above.

Performance Measures

Measure Name	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected
Resources (Input)					
Transactional attorneys	7	6	7	5	6
Workload, Demand and Production (Output)					
Transactional related inter-agency trainings conducted	2	2	5	5	5
Transactional review requests received	1,402	1,796	1,623	1,700	1,700
Efficiency					
Transactional reviews per attorney	200	299	232	260	260

Performance Measures *(continued)*

Measure Name	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected
Quality					
Transactional documents reviewed on or before due	93%	82%	83%	85%	85%
Impact (Outcome)					
Days to complete requests for transactional review	7	6	7	7	7

Objective 1.3 — Reduce the average response time for requests for legal opinions (in days).

FY 2027 Target	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected	Trend
7	7	7	7	7	↔

Trend and Analysis

The standard timetable for fulfilling non-complex requests for legal opinions is 10-15 business days, and for formal legal opinions it is 30 days. The complexity of the matter and the number of requests can increase the response time. The Office of Law has experienced a significant increase in the number of requests received. From FY 2019 through FY 2020, the number of requests increased by 15.5%. We anticipate a continued upward trend. Also, the Office of Law is not yet capturing all relevant numbers for legal services statistics because often attorneys are responding orally or via email and not making note in the case management system. The Office of Law is working to correct this issue. During FY 2021, the requests for legal review and opinions has increased significantly due to issues concerning the Declaration of Emergency.

Performance Measures

Measure Name	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimated	FY 2023 Projected
Resources (Input)					
Legislative attorneys	4	4	4	4	4
Workload, Demand and Production (Output)					
Legislative review requests received	264	223	352	400	400
Legislative related inter-agency trainings conducted	0	3	3	3	3
Efficiency					
Legislative and advice reviews per attorney	61	56	56	60	60
Quality					
Legislative and advice requests reviewed on or before due date	95%	85%	85%	90%	90%
Impact (Outcome)					
Days to complete requests for legal opinions	30	7	7	7	7

