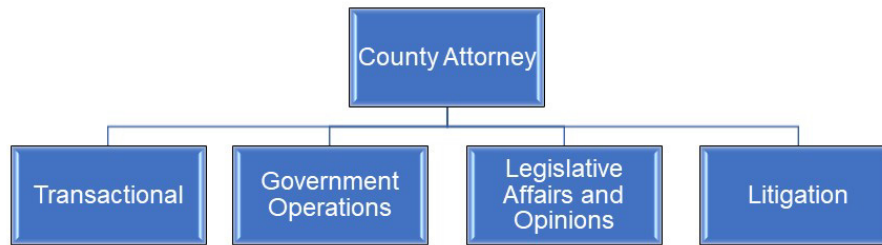


Office of Law



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 along with providing legal advice and counsel to the County Executive, County Council, County agencies, boards and commissions

FY 2019 KEY ACCOMPLISHMENTS

- Completed the negotiation and purchase of 26 properties and leases in Suitland, Maryland on behalf of the Revenue Authority, which enabled the Revenue Authority to commence demolition of the Suitland Shopping Center and construction of the new Suitland Federal Towne Square Project.
- Drafted, negotiated and assisted County agencies on a number of economic development projects, including the Balk Hill, New Carrollton, Hampton Park, Westphalia, Suitland Federal Towne Square Project, Regional Medical Center Garage, College Park Marriott Hotel, developments.
- Assisted M-NCPPC in obtaining certiorari to the Supreme Court of the U.S. in a case challenging the constitutionality of maintenance funding by MNCPPC for the Peace Cross at Bladensburg crossroads.
- Drafted and presented legislation, CB-10-2018 and CB-11-2018, to the County Council regulating short-term rentals in the County.

STRATEGIC FOCUS AND INITIATIVES FOR FY 2020

The agency's top priorities in FY 2020 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 2020 BUDGET SUMMARY

The FY 2020 proposed budget for the Office of Law is \$4,679,400, an increase of \$135,800 or 3.0% over the FY 2019 approved budget.

Expenditure by Fund Type

Fund Types	FY 2018 Actual		FY 2019 Budget		FY 2019 Estimate		FY 2020 Proposed	
	Amount	% Total	Amount	% Total	Amount	% Total	Amount	% Total
General Fund	\$3,758,790	100.0%	\$4,543,600	100.0%	\$4,017,800	100.0%	\$4,679,400	100.0%
Total Expenditures	\$3,758,790	100.0%	\$4,543,600	100.0%	\$4,017,800	100.0%	\$4,679,400	100.0%

Reconciliation from Prior Year

	Expenditures
FY 2019 Approved Budget	\$4,543,600
Increase Cost: Compensation - Mandated Salary Requirements	\$300,100
Increase Cost: Compensation - Salary Adjustment — New position for Attorney 4G for Legislative Unit	115,000
Increase Cost: Fringe Benefits — Decrease in fringe benefits rate from 31.2% to 29.7% and an increase in fringe benefit expenditures due to compensation adjustments and a new position	43,300
Increase Cost: Operating - Office Automation Charge — Increase in OIT charges to support anticipated costs for SAP maintenance and the countywide laptop refresh program	42,000
Increase Cost: Operating — Increase in mileage, membership fees and IT costs for new position	17,200
Decrease Cost: Recoveries — Reflect recovery increase related to salary and fringe benefit adjustments	(381,800)
FY 2020 Proposed Budget	\$4,679,400

STAFF AND BUDGET RESOURCES

Authorized Positions	FY 2018 Budget	FY 2019 Budget	FY 2020 Proposed	Change FY19-FY20
General Fund				
Full Time - Civilian	55	56	57	1
Full Time - Sworn	0	0	0	0
Subtotal - FT	55	56	57	1
Part Time	0	0	0	0
Limited Term	0	0	0	0
TOTAL				
Full Time - Civilian	55	56	57	1
Full Time - Sworn	0	0	0	0
Subtotal - FT	55	56	57	1
Part Time	0	0	0	0
Limited Term	0	0	0	0

Positions By Classification	FY 2020		
	Full Time	Part Time	Limited Term
Administrative Assistant	4	0	0
Administrative Support	12	0	0
Attorney	33	0	0
Deputy Director	3	0	0
Director	1	0	0
Investigator	1	0	0
Law Clerk	2	0	0
Paralegal	1	0	0
TOTAL	57	0	0

Expenditure by Category - General Fund

Category	FY 2018 Actual	FY 2019 Budget	FY 2019 Estimate	FY 2020 Proposed	Change FY19-FY20	
					Amount (\$)	Percent (%)
Compensation	\$4,858,826	\$5,334,400	\$4,924,000	\$5,749,500	\$415,100	7.8%
Fringe Benefits	1,382,683	1,664,300	1,397,400	1,707,600	43,300	2.6%
Operating	446,361	437,800	442,100	497,000	59,200	13.5%
SubTotal	\$6,687,870	\$7,436,500	\$6,763,500	\$7,954,100	\$517,600	7.0%
Recoveries	(2,929,080)	(2,892,900)	(2,745,700)	(3,274,700)	(381,800)	13.2%
Total Expenditures	\$3,758,790	\$4,543,600	\$4,017,800	\$4,679,400	\$135,800	3.0%

In FY 2020, compensation expenditures increase 7.8% over the FY 2019 budget to support salary requirements for current staffing complements and funding for a new Attorney IV position. The new position is for the Legislation Unit. Compensation includes funding for all 57 full-time employees. Fringe benefit expenditures increase 2.6% over the FY 2019 budget due to anticipated compensation adjustments and funding for a new position.

Operating expenses increase 13.5% over the FY 2019 budget due to the changes in mileage, membership fees, and IT costs to support the new position.

Recoveries increase 13.2% over the FY 2019 budget due to salary and fringe benefit adjustments.

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 2024 Target	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected	Trend
2.10	8.20	4.80	2.50	2.40	↓

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. One or two litigation cases can greatly impact the amount of payouts in any given reporting period.

So far in FY 2019, the payout trend indicates a decrease in payouts compared to FY 2018. While there are several pending cases which have the probability of a potential payout of \$300,000 or more, the Office of Law anticipates staying within our projections for the fiscal year. In addition, changes made to the Tort Claims Act essentially doubled 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. Doubling the limit exposes the County to increased payouts.

The Office of Law continues to monitor cases to identify trends and address problems with the applicable agency to minimize the impact of litigation on the County.

Performance Measures

Measure Name	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected
Resources (Input)					
Number of litigation attorneys	9	9	8	8	8
Workload, Demand and Production (Output)					
Number of new lawsuits received	97	88	57	60	70
Number of lawsuits closed	106	92	94	60	60
Number of active lawsuits	130	114	107	92	90
Number of MPIA requests received	—	—	—	330	340
Number of new DSS cases received	—	—	—	500	525
Number of Workers' Compensation Cases Received	—	—	—	800	850
Efficiency					
Average number of active lawsuits per litigation attorney	15.3	12.7	13.0	12.0	11.0
Average number of new lawsuits per litigation attorney	11.4	9.8	7.0	8.0	9.0
Quality					
Pct of lawsuits closed at or below amount of money set aside to pay for lawsuits	96%	100%	92%	95%	95%
Impact (Outcome)					
Amount of payouts resulting from litigation against the County (in millions)	\$2.90	\$8.20	\$4.75	\$2.5	\$2.4

Objective 1.2 — Reduce the average response time to requests for transactional review. (in days)

FY 2024 Target	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected	Trend
5	8	7	8	7	↓

Trend and Analysis

The timetable for transactional reviews range from three to ten business days depending on the complexity of the matter. Approximately 80% of requests are completed within that range and are closed by the designated due date, with an average of 7.5 days in FY 2018 and FY 2019 to date. The office receives approximately 1,400 transactional review requests per fiscal year. From FY 2011 through FY 2017, the office experienced an upward trend each year in the number of transactional review requests. While the agency has been steady state in FY 2018 and so far in FY 2019, there have not been any decreases in workload and we anticipate a possible influx of new requests with the change of administration. In addition, 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 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected
Resources (Input)					
Number of transactional attorneys	5	5	5	6	6
Workload, Demand and Production (Output)					
Number of transactional related inter-agency trainings conducted	2	1	12	6	6
Number of transactional review requests received	1,720	1,392	1,492	1,450	1,500
Efficiency					
Average number of transactional reviews per attorney	382.2	278.0	298.0	333.0	350.0
Quality					
Percent of transactional documents reviewed on or before due date	82%	80%	82%	80%	82%
Impact (Outcome)					
Number of days to complete requests for transactional reviews	9	8	7	8	7

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

FY 2024 Target	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected	Trend
9	13	13	10	10	↓

Trend and Analysis

The agency internal timetable for fulfilling non-complex requests for legal opinions in less than 15 business days. The complexity of the matter can greatly increase the response time. In FY 2016 the Office of Law experienced an upward trend due to the complexity of several requests and/or the need of additional information from the requesting agency

resulting an average response time of 15.8 days. During FY 2017 the average response time was reduced to 13 days has been maintained through the reporting period.

The office has experienced an upward trend in the number of requests received and an increase in the complexity of the requests; at this point the number of complex cases is not a separate performance measure.

Performance Measures

Measure Name	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimated	FY 2020 Projected
Resources (Input)					
Number of legislative attorneys	2	2	2	—	3
Workload, Demand and Production (Output)					
Number of legislative review requests received	266	312	207	200	230
Number of legislative related inter-agency trainings conducted	—	7	5	50	5
Efficiency					
Average number of legislative and advice reviews per attorney	133.0	156.0	104.0	100.0	76.0
Quality					
Percent of legislative and advice requests reviewed on or before due date	89%	85%	93%	95%	95%
Impact (Outcome)					
Number of days to complete requests for legal opinions	14	13	13	10	10