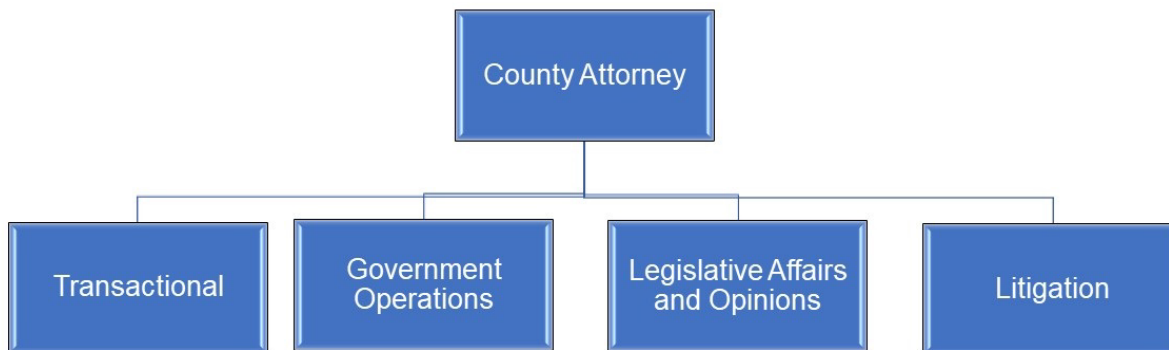


# Office of Law



## 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 2021 KEY ACCOMPLISHMENTS

- Varsity Investment Group Litigation: Litigation Division successfully defended lawsuit against developer who argued they were not required to pay the full amount of the school facility surcharge fee. The ruling awarded approximately \$2.651 million dollars in school surcharge fees.
- Increased police training on civil liability and employment discrimination issues.
- Prince George's County Volunteer Fire & Rescue Association v. Prince George's County. The Office of Law successfully defended a lawsuit by volunteer fire companies that challenged the career fire department management's operational authority at the scene of emergencies.
- The Transactions Division assisted with drafting and negotiation of several essential commercial deals.
- Assisted with drafting, reviewing and presenting major legislative proposals pertaining to resolutions for the continued Declaration of Emergency-Coronavirus ("COVID-19") hazard.

## STRATEGIC FOCUS AND INITIATIVES FOR FY 2022

The office's top priorities in FY 2022 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 2022 BUDGET SUMMARY

The FY 2022 proposed budget for the Office of Law is \$4,140,000, a decrease of \$329,300 or 7.4% under the FY 2021 approved budget.

### Expenditures by Fund Type

Fund Types	FY 2020 Actual		FY 2021 Budget		FY 2021 Estimate		FY 2022 Proposed	
	Amount	% Total	Amount	% Total	Amount	% Total	Amount	% Total
General Fund	\$4,408,560	100.0%	\$4,469,300	100.0%	\$3,926,700	100.0%	\$4,140,000	100.0%
<b>Total</b>	<b>\$4,408,560</b>	<b>100.0%</b>	<b>\$4,469,300</b>	<b>100.0%</b>	<b>\$3,926,700</b>	<b>100.0%</b>	<b>\$4,140,000</b>	<b>100.0%</b>

### Reconciliation from Prior Year

	Expenditures
<b>FY 2021 Approved Budget</b>	<b>\$4,469,300</b>
<b>Add: Compensation - New Positions</b> — The staffing complement increases by two new positions (Attorney 3G and Attorney 4G) to support the Government Operations Unit; the Attorney 4 position is funded for 50% of the fiscal year	\$159,300
<b>Increase Cost: Operating - Technology Cost Allocation</b> — Increase in OIT charges based on anticipated countywide costs for technology	26,800
<b>Decrease Cost: Operating</b> — Net operating adjustments due to align to historical spending (membership, training and mileage expenses)	(21,600)
<b>Decrease Cost: Fringe Benefits</b> — Decrease in fringe benefit costs as a result of compensation adjustments; the fringe benefit rate increases from 29.9% to 30.1%	(48,400)
<b>Decrease Cost: Recoveries</b> — Reflects an increase in recovery rates to the Litigation Unit	(88,400)
<b>Decrease Cost: Compensation - Increase in Salary Lapse and Staff Attrition</b> — Reflects a decrease in compensation as a result of an increase in anticipated employee attrition and half year funding for three vacant positions	(357,000)
<b>FY 2022 Proposed Budget</b>	<b>\$4,140,000</b>

### STAFF AND BUDGET RESOURCES

Authorized Positions	FY 2020 Budget	FY 2021 Budget	FY 2022 Proposed	Change FY21-FY22
<b>General Fund</b>				
Full Time - Civilian	57	57	59	2
Full Time - Sworn	0	0	0	0
Subtotal - FT	57	57	59	2
Part Time	0	0	0	0
Limited Term	0	0	0	0
<b>TOTAL</b>				
Full Time - Civilian	57	57	59	2
Full Time - Sworn	0	0	0	0
Subtotal - FT	57	57	59	2
Part Time	0	0	0	0
Limited Term	0	0	0	0

Positions By Classification	FY 2022		
	Full Time	Part Time	Limited Term
Administrative Assistant	4	0	0
Administrative Support	11	0	0
Attorney	35	0	0
Deputy Director	3	0	0
Director	1	0	0
Investigator	1	0	0
Law Clerk	3	0	0
Paralegal	1	0	0
<b>TOTAL</b>	<b>59</b>	<b>0</b>	<b>0</b>

**Expenditures by Category - General Fund**

Category	FY 2020 Actual	FY 2021 Budget	FY 2021 Estimate	FY 2022 Proposed	Change FY21-FY22	
					Amount (\$)	Percent (%)
Compensation	\$5,294,509	\$5,579,100	\$5,215,000	\$5,381,400	\$(197,700)	-3.5%
Fringe Benefits	1,582,601	1,668,200	1,520,900	1,619,800	(48,400)	-2.9%
Operating	454,718	554,200	482,200	559,400	5,200	0.9%
Capital Outlay	—	—	—	—	—	
<b>SubTotal</b>	<b>\$7,331,828</b>	<b>\$7,801,500</b>	<b>\$7,218,100</b>	<b>\$7,560,600</b>	<b>\$(240,900)</b>	<b>-3.1%</b>
Recoveries	(2,923,268)	(3,332,200)	(3,291,400)	(3,420,600)	(88,400)	2.7%
<b>Total</b>	<b>\$4,408,560</b>	<b>\$4,469,300</b>	<b>\$3,926,700</b>	<b>\$4,140,000</b>	<b>\$(329,300)</b>	<b>-7.4%</b>

In FY 2022, compensation expenditures decrease 3.5% under the FY 2021 budget due to an increase in salary lapse and staff attrition. The complement increases by two new positions - Attorney 3G and Attorney 4G. The new positions support the Government Operations Unit. Compensation includes funding for all 59 full time employees. Fringe benefit expenditures decrease 2.9% under the FY 2021 budget as a result of the adjustment to compensation.

Operating expenses increase 0.9% over the FY 2021 budget due to the changes in the technology allocation charge and legal research contractual services.

Recoveries increase 2.7% over the FY 2021 budget reflects an increase in recovery rates to the Litigation Unit.

## 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. (dollars in millions)

FY 2026 Target	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected	Trend
\$2.6	\$2.2	\$4.2	\$28.0	\$3.2	↑

### 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. 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 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 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected
<b>Resources (Input)</b>					
Litigation attorneys	8	9	9	9	9
<b>Workload, Demand and Production (Output)</b>					
New lawsuits received	57	60	57	50	50
Lawsuits closed	94	66	68	40	40
Active lawsuits	107	107	107	102	102
Number of new Administrative Hearing cases received	2,070	1,481	59	60	60
MPIA requests received	324	282	252	260	260
Department of Social Services (DSS) cases received	280	277	202	205	205
Workers' Compensation Cases Received	2,070	1,481	1,221	1,300	1,300
<b>Efficiency</b>					
Active lawsuits per litigation attorney	13	12	14	14	14
New lawsuits per litigation attorney	7	9	6	6	6

**Performance Measures** *(continued)*

Measure Name	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected
<b>Quality</b>					
Lawsuits closed at or below amount of money set aside to pay for lawsuits	92%	66%	40%	40%	40%
<b>Impact (Outcome)</b>					
Payouts resulting from litigation against the County (millions)	\$4.8	\$2.2	\$4.2	\$28.0	\$3.2

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

FY 2026 Target	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected	Trend
7	7	6	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 vast majority of requests are completed within that range and are closed by the designated due date, with an average of 7.5 days in FY 2019 and FY 2020 to date. The office receives approximately 1,400 transactional review requests per fiscal year. Due to County initiatives to provide aid to County businesses, the office reviewed an additional 400 requests tied to those initiatives before the end of FY 2020. From FY 2015 through FY 2020, the office experienced an upward trend each year in the number of transactional review requests. In addition, the office 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 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected
<b>Resources (Input)</b>					
Transactional attorneys	5	7	6	7	7
<b>Workload, Demand and Production (Output)</b>					
Transactional related inter-agency trainings conducted	12	2	2	2	2
Transactional review requests received	1,492	1,402	1,796	1,900	1,900
<b>Efficiency</b>					
Transactional reviews per attorney	298	200	299	271	271

**Performance Measures** *(continued)*

Measure Name	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected
<b>Quality</b>					
Transactional documents reviewed on or before due date	82%	93%	82%	85%	85%
<b>Impact (Outcome)</b>					
Days to complete requests for transactional review	7	7	6	7	7

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

FY 2026 Target	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected	Trend
7	30	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 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, all relevant numbers for legal services statistics are not being completely captured due to outdated internal work processes of some attorneys responding orally or via email and not making proper notes in the case management system. The office 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 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Estimated	FY 2022 Projected
<b>Resources (Input)</b>					
Legislative attorneys	2	4	4	4	4
<b>Workload, Demand and Production (Output)</b>					
Legislative review requests received	207	264	223	275	260
Legislative related inter-agency trainings conducted	5	0	3	3	3
<b>Efficiency</b>					
Legislative and advice reviews per attorney	104	188	56	69	65
<b>Quality</b>					
Legislative and advice requests reviewed on or before due date	93%	95%	85%	90%	90%
<b>Impact (Outcome)</b>					
Days to complete requests for legal opinions	13	30	7	7	7

