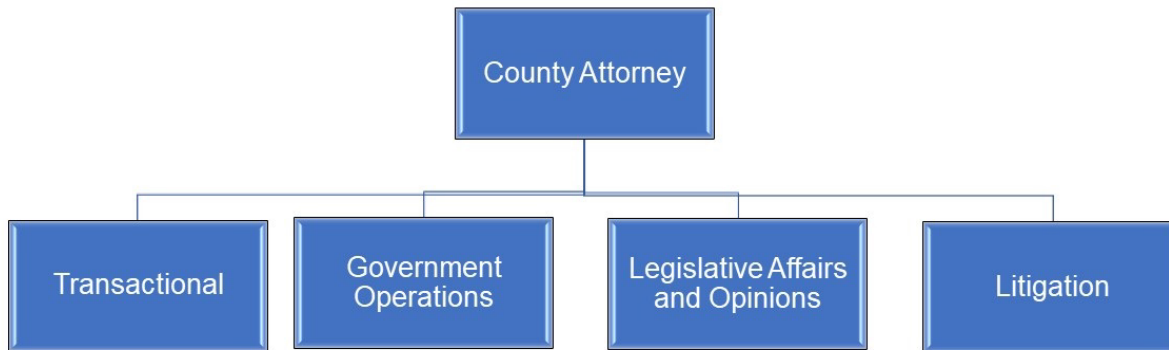


# Office of Law



## 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 2020 KEY ACCOMPLISHMENTS

- The Transactions Division assisted with drafting and the negotiation of several essential commercial deals: Hampton Park, Carillon PILOT and South Lake
- Assisted with the drafting, review and presentation of major legislative proposals pertaining to small cell technology and the updated animal control ordinance. This legislation was approved by the County Council.
- Coordinated County wide training for all public information officers regarding the Maryland Public Information Act. The training was conducted by representatives from the Office of the Attorney General.
- Varsity Investment Group Litigation: The Litigation Division successfully defended a lawsuit against a developer who argued they were not required to pay the full amount of the school facility surcharge fee. The ruling will bring to the County approximately \$2.63 million dollars in school surcharge fees. The case has been appealed to the Court of Special Appeals.

## STRATEGIC FOCUS AND INITIATIVES FOR FY 2021

The office's top priorities in FY 2021 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 2021 BUDGET SUMMARY

The FY 2021 approved budget for the Office of Law is \$4,469,300, a decrease of \$210,100 or 4.5% under the FY 2020 approved budget.

### Expenditures by Fund Type

Fund Types	FY 2019 Actual		FY 2020 Budget		FY 2020 Estimate		FY 2021 Approved	
	Amount	% Total	Amount	% Total	Amount	% Total	Amount	% Total
General Fund	\$4,089,225	100.0%	\$4,679,400	100.0%	\$4,595,200	100.0%	\$4,469,300	100.0%
<b>Total</b>	<b>\$4,089,225</b>	<b>100.0%</b>	<b>\$4,679,400</b>	<b>100.0%</b>	<b>\$4,595,200</b>	<b>100.0%</b>	<b>\$4,469,300</b>	<b>100.0%</b>

### Reconciliation from Prior Year

	Expenditures
<b>FY 2020 Approved Budget</b>	<b>\$4,679,400</b>
<b>Increase Cost: Operating - Technology Cost Allocation</b> — Increase in charges based on the new methodology to support anticipated countywide costs	\$48,500
<b>Increase Cost: Operating</b> — Increase in operating contracts and mileage reimbursement costs	8,700
<b>Decrease Cost: Fringe Benefits</b> — Decrease in fringe benefits as a result of the adjustment to compensation	(39,400)
<b>Decrease Cost: Recoveries</b> — Reflects an increase in recoveries due to salary and fringe benefit adjustments	(57,500)
<b>Decrease Cost: Compensation</b> — Decrease due to an increase in budgeted attrition and salary lapse	(170,400)
<b>FY 2021 Approved Budget</b>	<b>\$4,469,300</b>

### STAFF AND BUDGET RESOURCES

Authorized Positions	FY 2019 Budget	FY 2020 Budget	FY 2021 Approved	Change FY20-FY21
<b>General Fund</b>				
Full Time - Civilian	56	57	57	0
Full Time - Sworn	0	0	0	0
Subtotal - FT	56	57	57	0
Part Time	0	0	0	0
Limited Term	0	0	0	0
<b>TOTAL</b>				
Full Time - Civilian	56	57	57	0
Full Time - Sworn	0	0	0	0
Subtotal - FT	56	57	57	0
Part Time	0	0	0	0
Limited Term	0	0	0	0

Positions By Classification	FY 2021		
	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
<b>TOTAL</b>	<b>57</b>	<b>0</b>	<b>0</b>

**Expenditures by Category - General Fund**

Category	FY 2019 Actual	FY 2020 Budget	FY 2020 Estimate	FY 2021 Approved	Change FY20-FY21	
					Amount (\$)	Percent (%)
Compensation	\$5,130,748	\$5,749,500	\$5,679,000	\$5,579,100	\$(170,400)	-3.0%
Fringe Benefits	1,497,214	1,707,600	1,686,700	1,668,200	(39,400)	-2.3%
Operating	424,072	497,000	462,400	554,200	57,200	11.5%
Capital Outlay	—	—	—	—	—	
<b>SubTotal</b>	<b>\$7,052,035</b>	<b>\$7,954,100</b>	<b>\$7,828,100</b>	<b>\$7,801,500</b>	<b>\$(152,600)</b>	<b>-1.9%</b>
Recoveries	(2,962,809)	(3,274,700)	(3,232,900)	(3,332,200)	(57,500)	1.8%
<b>Total</b>	<b>\$4,089,225</b>	<b>\$4,679,400</b>	<b>\$4,595,200</b>	<b>\$4,469,300</b>	<b>\$(210,100)</b>	<b>-4.5%</b>

In FY 2021, compensation expenditures decrease 3.0% under the FY 2020 budget due to an increase in attrition and salary lapse. Compensation includes funding for all 57 full time employees. Fringe benefit expenditures decrease 2.3% under the FY 2020 budget as a result of the adjustment to compensation.

Operating expenses increase 11.5% over the FY 2020 budget due to the changes in the technology allocation charge, legal research contractual services and mileage reimbursements.

Recoveries increase 1.8% over the FY 2020 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. (dollars in millions)

FY 2025 Target	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected	Trend
\$2.3	\$4.8	\$2.2	\$2.3	\$2.3	↓

### 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, courtroom factors, and the timing of a payout. A small number of litigation cases may 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 agency anticipates staying within the projections for the fiscal years noted under this objective. The agency 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 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected
<b>Resources (Input)</b>					
Litigation attorneys	9	8	9	9	9
<b>Workload, Demand and Production (Output)</b>					
New lawsuits received	88	57	60	70	80
Lawsuits closed	92	94	66	66	66
Active lawsuits	114	107	107	120	130
MPIA requests received	298	324	282	282	282
Department of Social Services (DSS) cases received	271	280	277	280	280
Workers' Compensation Cases Received	761	764	827	830	830
<b>Efficiency</b>					
Active lawsuits per litigation attorney	13	13	12	16	18
New lawsuits per litigation attorney	10	7	9	11	13
<b>Quality</b>					
Lawsuits closed at or below amount of money set aside to pay for lawsuits	100%	92%	66%	66%	66%
<b>Impact (Outcome)</b>					
Payouts resulting from litigation against the County (millions)	\$8.2	\$4.8	\$2.2	\$2.3	\$2.3

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

FY 2025 Target	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected	Trend
7	7	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. 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 agency receives approximately 1,400 transactional review requests per fiscal year. From FY 2015 through FY 2019, the agency experienced an upward trend each year in the number of transactional review requests.

### Performance Measures

Measure Name	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected
<b>Resources (Input)</b>					
Transactional attorneys	5	5	7	7	7
<b>Workload, Demand and Production (Output)</b>					
Transactional related inter-agency trainings conducted	1	12	2	2	3
Transactional review requests received	1,392	1,492	1,402	1,400	1,400
<b>Efficiency</b>					
Transactional reviews per attorney	278	298	200	200	200
<b>Quality</b>					
Transactional documents reviewed on or before due date	82%	82%	93%	95%	95%
<b>Impact (Outcome)</b>					
Days to complete requests for transactional review	8	7	7	7	7

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

FY 2025 Target	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected	Trend
30	13	30	30	30	↔

**Trend and Analysis**

The Service Level Agreement 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 agency has experienced an upward trend in the number of requests received. From FY 2018 through FY 2019, the number of requests increased by 15.5 %. The agency anticipates a continued upward trend; however, the agency is not properly capturing all relevant data for legal services statistics due to some portions of the internal workflow not being part of the case management system. The agency is working to correct this issue and has reflected the potential impact in the Objective's measure.

**Performance Measures**

Measure Name	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Estimated	FY 2021 Projected
<b>Resources (Input)</b>					
Legislative attorneys	2	2	4	4	4
<b>Workload, Demand and Production (Output)</b>					
Legislative review requests received	312	207	264	264	264
Legislative related inter-agency trainings conducted	7	5	0	5	5
<b>Efficiency</b>					
Legislative and advice reviews per attorney	156	104	188	188	188
<b>Quality</b>					
Legislative and advice requests reviewed on or before due date	89%	93%	95%	95%	95%
<b>Impact (Outcome)</b>					
Days to complete requests for legal opinions	13	13	30	30	30