

# Legal and Judicial Services Department

## Departmental Programs

- City Attorney
- City Prosecutor
- Municipal Court

## *Department Description*

The City Attorney, City Prosecutor and the Municipal Court comprise the service area identified as Legal and Judicial Services. The City Council oversees City Attorney services via a contract with an outside legal firm. The program reports directly to the City Council and is responsible for attending all City Council and Planning Commission meetings and for supplying the City Council and staff with legal opinions regarding existing or proposed City operations and activities. All ordinances, resolutions, contracts and activities having legal implications are reviewed and approved by the City Attorney to assure compliance with intent, charter, State and Federal laws as well as the possibility of liability exposure or litigation.

The City Manager's Office oversees the City Prosecutor services via a contract. The City Prosecutor represents the City in Municipal Court and Appellate Courts. Prosecution services are provided for all misdemeanor criminal and traffic crimes and for any violation cases in which the defendant has retained counsel. The City Prosecutor represents the City in trials by court or by jury.

While the operations of the Municipal Court report to the Finance Department, the Municipal Judges report directly to the City Council. The Municipal Court provides judicial services for the administration of justice, case and jury management, the appointment of attorneys for indigent defense, probation monitoring, providing interpreters, and the enforcement and collection of bail, fines, and fees. The Municipal court has jurisdiction over misdemeanor crimes, traffic crimes and violations cited by the Springfield Police Department, nuisance code enforcement, animal control and parking control officers.

## *Mission*

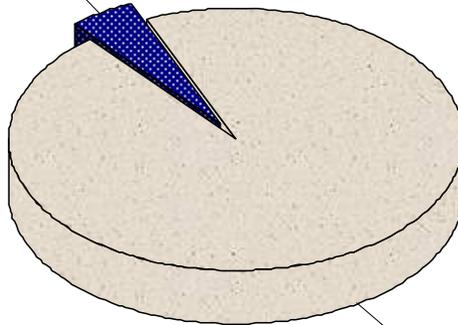
The City Attorney's Office strives to provide practical legal advice, effectively interpret laws, review and draft City ordinances, resolutions and contracts and works to minimize the City's exposure to liability and legal expenses.

The City Prosecutor's Office strives to maintain public confidence in the ability of the legal judicial system to pursue prosecution of criminal conduct, to resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

Municipal Court strives to maintain public confidence in the ability of the legal judicial system to impartially resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

**FY09 OPERATING BUDGET - General Fund**      **\$ 31,252,625**  
**Judicial and Legal Services:**      **\$ 1,484,514**

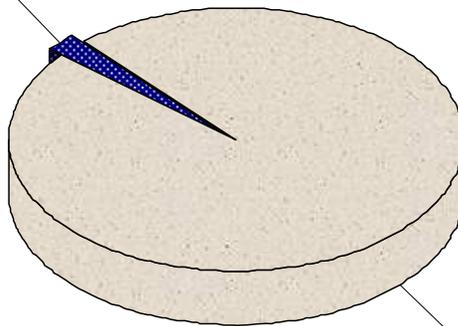
**Judicial and  
Legal Services**  
**\$1,484,514**  
**5%**



All Others  
\$29,768,111  
95%

**FY09 OPERATING BUDGET - All Funds**      **\$ 77,519,518**  
**Judicial and Legal Services:**      **\$ 1,697,823**

**Judicial and  
Legal Services**  
**\$1,697,823**  
**2%**



All Others  
\$75,821,695  
98%

## Legal and Judicial Services

### *Financial Summary*

	Actual FY06	Actual FY07	Amended FY08*	Adopted FY09
<b>Expenditures by Category:</b>				
Personal Services	\$ 506,414	\$ 514,269	\$ 560,876	\$ 592,260
Materials and Services	879,615	905,184	1,035,651	1,105,563
Capital Outlay	<u>7,775</u>	-	-	-
<b>Total</b>	<b><u>\$ 1,393,805</u></b>	<b><u>\$ 1,419,453</u></b>	<b><u>\$ 1,596,527</u></b>	<b><u>\$ 1,697,823</u></b>
<b>Expenditures by Fund:</b>				
General	\$ 1,236,759	\$ 1,286,996	\$ 1,393,364	\$ 1,484,514
Police Local Option Levy	151,566	130,457	201,321	212,109
Vehicle and Equipment	<u>5,480</u>	-	<u>1,842</u>	<u>1,200</u>
<b>Total</b>	<b><u>\$ 1,393,805</u></b>	<b><u>\$ 1,417,453</u></b>	<b><u>\$ 1,596,527</u></b>	<b><u>\$ 1,697,823</u></b>
<b>Expenditures by Sub-Program:</b>				
City Attorney	\$ 301,060	\$ 284,194	\$ 326,480	\$ 341,274
City Prosecutor	207,841	214,526	254,651	247,105
Municipal Court	<u>884,904</u>	<u>920,733</u>	<u>1,015,396</u>	<u>1,109,444</u>
<b>Total</b>	<b><u>\$ 1,393,805</u></b>	<b><u>\$ 1,419,453</u></b>	<b><u>\$ 1,596,527</u></b>	<b><u>\$ 1,697,823</u></b>

\* Amended as of June 16, 2008

**LEGAL and JUDICIAL SERVICES**  
TOTAL FTE: 8.0\*

**Municipal Court Operations**  
**Finance Director**  
*(See Finance Tab)*

Court Supervisor (1.0)

Senior Clerk (1.0)

Court Clerk (6.0)

\* Note: 0.55 FTE for Municipal Court Judges report directly to the City Council and do not appear on any departmental organization chart, although the positions are funded through Legal and Judicial Services.

## Legal and Judicial Services

### FTE Summary by Fund

Number of Full-Time Equivalents	Actual FY06	Actual FY07	Adopted FY08	Adopted FY09
General	5.54	5.54	5.54	6.54
Police Local Option Levy	2.01	2.01	2.01	2.01
<b>Total Full-Time Equivalents</b>	<b>7.55</b>	<b>7.55</b>	<b>7.55</b>	<b>8.55</b>

### Position Summary

Job Title/Classification	Actual FY06	Actual FY07	Adopted FY08	Adopted FY09
Court Clerk	5.00	5.00	5.00	6.00
Court Clerk, Senior	1.00	1.00	1.00	1.00
Court Supervisor	1.00	1.00	1.00	1.00
Judge*	0.50	0.55	0.55	0.55
Judge Pro-Tem	0.05	0.00	0.00	0.00
<b>Total Full-Time Equivalents</b>	<b>7.55</b>	<b>7.55</b>	<b>7.55</b>	<b>8.55</b>

\*Note: .55 FTE for Municipal Court Judges report directly to the City Council and do not appear on any departmental organization chart; although the positions are funded through Legal and Judicial Services.

## Legal and Judicial Services

### **Program:** City Attorney

#### **Program Description:**

The City Council contracts with the firm of Leahy, Van Vactor & Cox, LLP for legal services. The City Attorney's Office is responsible for attending all City Council and Planning Commission meetings and for supplying the City Council and staff with legal opinions regarding existing or proposed City operations and activities. All ordinances, resolutions, contracts and activities having legal implications are reviewed and approved to assure compliance with intent, charter, State and Federal laws, as well as the possibility of liability exposure or litigation.

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#### **Budget Highlights and Service Level Changes:**

**Highlights:** Provided general counsel to City Council, Planning Commission and staff regarding planning and development proposals, economic development initiatives, contract development and review, code enforcement, Justice Center, Fire Station Construction, Glenwood Development, Gateway Area, Human Resources, BOLI Issues, Environmental Services, Municipal Court, risk consultation, public records, public meetings, ethics, and general counsel to Council and staff.

The City Attorney Budget provides for the entire budget of the City Attorney's office: Attorneys, Legal Administrative Assistants, Support Staff, Law Clerks, office space, equipment including information systems, telephones and fax, furniture, office supplies, maintenance of current legal library and resource materials, State and Local Bar Membership, Insurance and Training which includes Continuing Legal Education (Professional Development). This does not include representation of the Urban Renewal District which is budgeted through the District budget.

**Service Level Changes:** No FY09 changes to the program. Actual recorded hours based on tracking for fiscal year 2006 - 2007 were 2211.40. Actual hours for fiscal year 2007 - 2008 through December 31, 2007 are 1100.19. Reported hours (reflecting a discount for Law Clerk hours) are 1000.79. Our contracted hours for fiscal year 2007 - 2008 are 2004. Our proposed hours for 2008 - 2009 remain constant at 2004.

As a matter of information to you, both our experience with retainers and professional studies indicate that approximately 10% to 15% of work rendered is not logged and is not included. Because of the enhanced accessibility to attorneys provided by a retainer, occasionally informal contacts and conversations may be overlooked or forgotten and not recorded.

<b>Program Outcomes and Indicators:</b>	<b>Actual FY06</b>	<b>Actual FY07</b>	<b>Estimated FY08</b>	<b>Adopted FY09</b>
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**Provide effective legal representation to the City.**

<ul style="list-style-type: none"> <li>Total hours contracted to provide counsel to City Council and Planning Commission</li> </ul>	2,185	2,211	2,004	2,004
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**Review all ordinances, resolutions, contracts and legal proposals.**

<ul style="list-style-type: none"> <li>Total hours to draft and review resolutions</li> </ul>	10	20	20	20
<ul style="list-style-type: none"> <li>Total hours to draft, research and review ordinances</li> </ul>	120	120	120	120
<ul style="list-style-type: none"> <li>Total hours to draft, research and review contracts</li> </ul>	230	230	230	230

**Counsel or represent the City in potential litigation; minimize exposure of the City to liability and legal expenses. Advise the City Council and staff on legal issues.**

<ul style="list-style-type: none"> <li>Hours/write formal opinions</li> </ul>	200	200	200	200
<ul style="list-style-type: none"> <li>Hours for written, oral, telephone and email informal opinions</li> </ul>	450	450	450	450
<ul style="list-style-type: none"> <li>Hours in meetings and conferences</li> </ul>	630	630	630	630
<ul style="list-style-type: none"> <li>Hours of legal research</li> </ul>	400	400	400	400
<ul style="list-style-type: none"> <li>Total hours of review other materials.</li> </ul>	175	161	175	175

# Legal and Judicial Department

## Program: City Prosecutor

### Program Description:

The City contracts for Prosecution Services with David Logan. The City Prosecutor represents the City in Municipal Court and Appellate courts. Prosecution services are provided for all misdemeanor criminal and traffic crimes and for any violation cases in which the defendant has retained counsel. Services provided include screening of reports filed, negotiations for settlement of cases and for representation of the City in trials by court or by jury. The City Prosecutor also recommends revisions to the Municipal Code to conform to case law and state statutes, provides legal advice and training for the Police Department and maintains the criminal law library.

### Budget Highlights and Service Level Changes:

**Highlights:** The addition of eight levy-funded Police Officers is anticipated to increase caseload by 22% to 30%. Current economic factors and resulting social, mental health, and drug services cuts and continued lack of jail capacity will have a significant impact on prosecution services.

**Service Level Changes:** None

<b>Program Outcomes and Indicators:</b>	<b>Actual FY06</b>	<b>Actual FY07</b>	<b>Estimated FY08</b>	<b>Adopted FY09</b>
<b>Provide efficient case review and criminal case filings.</b>				
• Criminal cases filed (non-traffic)	2,447	2,212	2,562	2,562
• No complaint filings (includes cases that may have been subsequently filed)	499	292	336	336
<b>Provide effective prosecution and resolution of non-criminal cases</b>				
• Non-criminal trial cases prepared	1,453	1,826	1,380	1,380
• Coordinate trial by affidavits	-	27	35	35

<b>Program Outcomes and Indicators:</b>	<b>Actual FY06</b>	<b>Actual FY07</b>	<b>Estimated FY08</b>	<b>Adopted FY09</b>
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**Provide effective prosecution and resolution of criminal cases.**

• Percentage of misdemeanors set for trial	87%	96%	88%	88%
• Criminal cases prepared for trial	2,871	3,112	2,406	2,406
• Discovery provided	1,169	3,112	2,406	2,406
• Subpoenas issued	-	1,878	2,000	2,000
• Jury trials	8	3	8	8
• Number of cases resolved by Diversions	515	648	670	670
• Warrant motion & affidavits	1,839	2,129	2,129	2,129

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## Legal and Judicial Department

### Program: Municipal Court

#### Program Description:

The Municipal Court has jurisdiction over misdemeanor crimes, traffic crimes and violations cited by the Springfield Police Department, Nuisance Code Enforcement, and Parking Control officers. The Court provides judicial services for the administration of justice, case and jury management, appointments of attorneys for indigent defense and interpreters, probation monitoring and enforcement and collection of bail, fines, and fees. The Court strives to maintain public confidence in the ability of the legal judicial system to resolve legal contests in a timely manner and to compel compliance with the laws that protect the safety and quality of life in the community.

#### Budget Highlights and Service Level Changes:

**Highlights:** Since adoption of State statutes in November of 1997, case filings at the municipal rather than State level has ensured prosecution of misdemeanor crimes committed in the City of Springfield.

The hiring of eight police officers through the local option levy is anticipated to increase caseload by 20% to 30%. Current economic factors and resulting social, mental health, and drug services cuts and continued lack of jail capacity will have a significant impact on Court services. Program outcomes changed to National Center for State Court (NCSC) performance standards to reflect movement towards meeting standards.

**Service Level Changes:** No FY09 service level changes.

Program Outcomes and Indicators:	Actual FY06	Actual FY07	Estimated FY08	Adopted FY09
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#### The Court strives to meet National Trial Court Standards for expeditious and timely case processing (All cases)

• Percentage of cases meeting Standard 2.1.2 (trend of 1:1 ratio of cases filed to disposed; excludes pending cases)	102%	96%	97%	97%
• Total cases filed	11,250	12,610	11,352	11,352
• Total cases adjudicated	11,473	12,134	11,056	11,056

<b>Program Outcomes and Indicators:</b>	<b>Actual FY06</b>	<b>Actual FY07</b>	<b>Estimated FY08</b>	<b>Adopted FY09</b>
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**The Court strives to meet National Trial Court Standards for expeditious and timely case processing. (Misdemeanor Crimes Only)**

• Percentage of cases meeting Standard 2.1.2 (consistent trend of 1:1 ratio of cases filed to disposed; excludes pending cases)	102%	95%	87%	87%
• Misdemeanor cases filed	3,256	3,108	3,328	3,328
• Misdemeanor cases adjudicated	3,336	2,946	2,940	2,940
• Percentage of cases considered as backlog (disposition pending; Standard 2.1.3 avoid backlog)	42%	42%	58%	58%
• Percentage of cases meeting Standard for 100% disposition within 90 days (including FTA days)	40%	32%	33%	33%
• Number of Failure to Appear events	2,322	2,030	1,748	1,748
• Percentage of trial cases set in fiscal year with more than 1 trial setting (Standard 2.1.4 disposition at first trial per case)	29%	23%	22%	22%

**The Court strives to meet National Trial Court Standard 4.5 for Courts to take appropriate responsibility for enforcement of orders to avoid patterns of systematic failure to fulfill criminal sentences which are contrary to the purpose of courts, undermine the rule of law and diminish public trust and confidence in the courts. (All cases)**

• Fines imposed	\$ 1,234,117	\$ 1,334,920	\$ 1,279,816	\$ 1,279,816
• Total Collected (included State and County fees)	\$ 1,357,111	\$ 1,472,471	\$ 1,514,515	\$ 1,514,515
• Fines Collected (includes all fee revenue)	\$ 998,732	\$ 1,083,416	\$ 1,178,055	\$ 1,178,055

<b>Program Outcomes and Indicators:</b>	<b>Actual FY06</b>	<b>Actual FY07</b>	<b>Estimated FY08</b>	<b>Adopted FY09</b>
• Number of Show Cause Orders issued	1,272	1,160	1,048	1,048
• Number of Warrants issued	1,839	1,660	1,148	1,148
• Number of CBR (Matrix) releases from Lane County Adult Corrections (Lane County Jail) (LCAC statistics)	656	684	566	566

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**The Court strives to meet National Trial Court Standard 4.5 for Courts to respond appropriately to emergent public issues to provide a stabilizing force in society by acting consistently within its role of maintaining the rule of law. Driving Under the Influence charges are managed at a high priority level.**

• Number of DUII Charges filed	397	430	380	380
• Number of DUII trials set	429	478	376	376
• Number of DUII disposed	385	316	328	328
• Number of Diversion Agreements (1st offender program)	249	272	268	268
• Number of DUII dismissed (agreement completed or other reason)	227	194	202	202
• Number of agreements revoked	65	84	54	54

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**The Court strives to meet National Trial Court Standard 4.5 for Courts to respond appropriately to emergent public issues to provide a stabilizing force in society by acting consistently within its role of maintaining the rule of law. Assault charges are managed at a high priority level.**

• Number of Assault Charges Filed	69	48	44	44
• Number of Trials Scheduled	96	86	72	72
• Number of Assaults Disposed	70	60	46	46

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