

Legal and Judicial Services

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.

The Municipal Judges report to the City Council. The operations of the Municipal Court report to the Finance Director. 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 criminal, traffic crimes and violations cited by the Springfield Police Department, Nuisance Code Enforcement, Animal Control and Parking Control Officers.

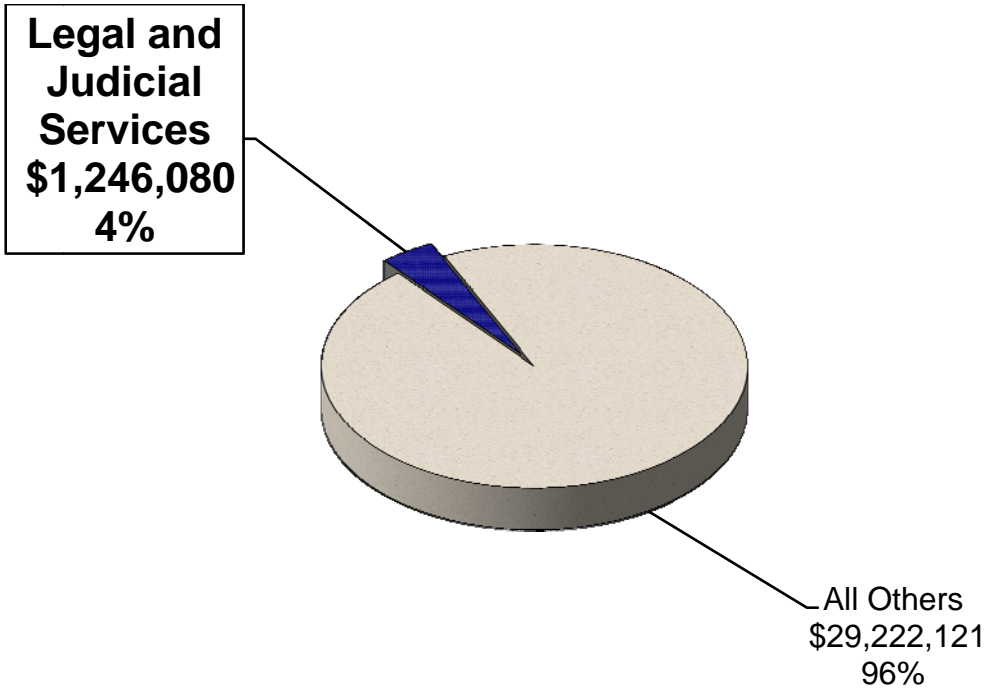
Mission

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

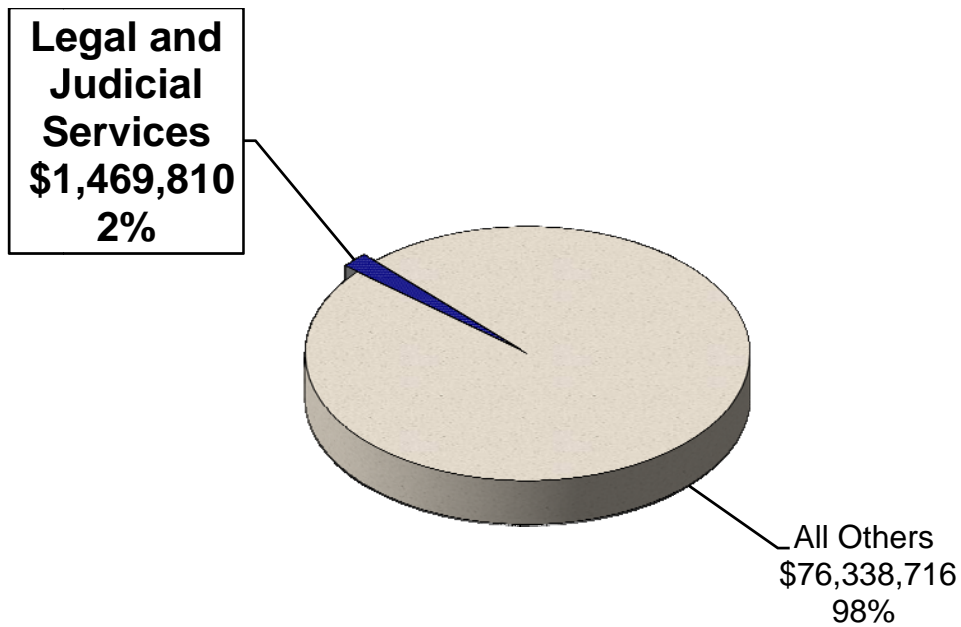
The City Prosecutor's Office strives to maintain public confidence in the ability of the legal judicial system to pursue prosecution of criminal conduct, to resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

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.

FY10 OPERATING BUDGET - General Fund \$ 30,468,201
Legal and Judicial Services: \$ 1,246,080



FY10 OPERATING BUDGET - All Funds \$ 77,808,526
Legal and Judicial Services: \$ 1,469,810



Legal and Judicial Services

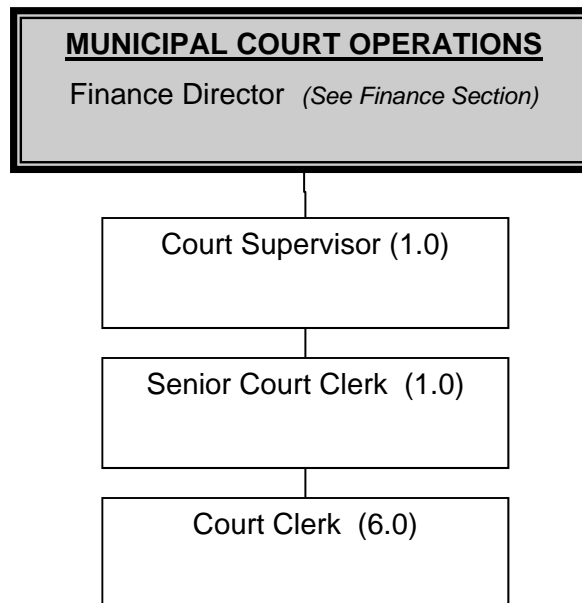
Financial Summary

	Actual FY07	Actual FY08	Amended FY09*	Adopted FY10
Expenditures by Category:				
Personal Services	\$ 514,269	\$ 486,579	\$ 592,260	\$ 600,541
Materials and Services	<u>905,184</u>	<u>969,875</u>	<u>1,105,563</u>	<u>869,269</u>
Total	<u>\$ 1,419,453</u>	<u>\$ 1,456,454</u>	<u>\$ 1,697,823</u>	<u>\$ 1,469,810</u>
Expenditures by Fund:				
General	\$ 1,286,996	\$ 1,322,135	\$ 1,484,514	\$ 1,246,080
Police Local Option Levy	130,457	132,478	212,109	218,580
Vehicle and Equipment	<u>-</u>	<u>1,841</u>	<u>1,200</u>	<u>5,150</u>
Total	<u>\$ 1,417,453</u>	<u>\$ 1,456,454</u>	<u>\$ 1,697,823</u>	<u>\$ 1,469,810</u>
Expenditures by Sub-Program:				
City Attorney	\$ 284,194	\$ 290,241	\$ 341,274	\$ 332,041
City Prosecutor	214,526	241,294	247,105	239,009
Municipal Court	<u>920,733</u>	<u>924,919</u>	<u>1,109,444</u>	<u>898,760</u>
Total	<u>\$ 1,419,453</u>	<u>\$ 1,456,454</u>	<u>\$ 1,697,823</u>	<u>\$ 1,469,810</u>

* Amended as of June 1, 2009

Legal and Judicial Services

Total FTE: 8.0*



* 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 FY07	Actual FY08	Adopted FY09	Adopted FY10
General	5.54	5.54	6.54	6.54
Police Local Option Levy	2.01	2.01	2.01	2.01
Total Full-Time Equivalents	7.55	7.55	8.55	8.55

Position Summary

Job Title/Classification:	Actual FY07	Actual FY08	Adopted FY09	Adopted FY10
Court Clerk	5.00	5.00	6.00	6.00
Court Clerk, Senior	1.00	1.00	1.00	1.00
Court Supervisor	1.00	1.00	1.00	1.00
Judge*	0.55	0.55	0.55	0.55
Judge Pro-Tem	0.00	0.00	0.00	0.00
Total Full-Time Equivalents	7.55	7.55	8.55	8.55

***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

Program: City Attorney

Program Description:

The City Council contracts with the firm of Leahy, Van Vactor, and 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.

Budget Highlights and Service Level Changes:

Highlights:

Provide 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, OLCC issues, public records, public meetings, ethics, and general counsel to Council and staff.

Service Level Changes:

Actual recorded hours based on tracking for FY08 were 2,369. Our contracted hours for FY09 are 2,125. Our proposed hours for FY10 are an increase by 121 hours to 2,246 hours.

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

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
Provide effective legal representation to the City				
• Total hours contracted to provide counsel to City Council and Planning Commission	2,211	2,369	2,369	2,125

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
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Review all ordinances, resolutions, contracts and legal proposals

• Total hours to draft and review resolutions	20	29	29	20
• Total hours to draft, research and review ordinances	120	120	120	120
• Total hours to draft, research and review contracts	230	280	280	300

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

• Hours/write formal opinions	200	200	200	175
• Hours for written, oral, telephone and email informal opinions	450	470	470	435
• Hours in meetings and conferences	630	670	670	500
• Hours of legal research	400	400	400	400
• Total hours of review other materials	161	200	200	175

Legal and Judicial Services

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 with 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 at Lane County will have a significant impact on prosecution services.

Service Level Changes: 1 FTE secretary.

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
Provide efficient case review and criminal case filings.				
• Criminal cases filed (non-traffic)	2,212	2,655	3,052	3,052
• No complaint filings (includes cases that may have been subsequently filed)	292	437	370	370
Provide effective prosecution and resolution of non-criminal cases				
• Non-criminal trial cases prepared	1,826	1,590	1,492	1,492
• Coordinate trial by affidavits	27	27	27	27
Provide effective prosecution and resolution of criminal cases.				
• Percentage of misdemeanors set for trial	96%	89%	97%	97%
• Criminal cases prepared for trial	3,112	3,139	3,026	3,026
• Discovery provided	3,112	1,080	1,080	1,080

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
• Subpoenas issued	1,878	2,032	2,032	2,032
• Jury trials	3	6	16	16
• Number of cases resolved by Diversions	648	684	542	542
• Warrant motion & affidavits	2,129	1,552	1,824	1,824

Legal and Judicial Services

Program: Municipal Court

Program Description:

The Municipal Court has jurisdiction over misdemeanor criminal, 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.

An increase of 12.9% is projected for misdemeanor crime filing in FY10. Current economic factors and resulting social, mental health, and drug services cuts and continued lack of Lane County 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:

FY09 1 FTE service level change approved for hire in January 2009. No service level change for FY10.

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
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)	96%	98%	94%	94%
• Total cases filed	12,610	11,919	11,826	11,826
• Total cases adjudicated	12,134	11,714	11,196	11,196

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
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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)	95%	93%	80%	80%
• Misdemeanor cases filed	3,108	3,461	3,908	3,908
• Misdemeanor cases adjudicated	2,946	3,223	3,000	3,138
• Percentage of cases considered as backlog (disposition pending; Standard 2.1.3 avoid backlog)	32%	43%	43%	43%
• Percentage of cases meeting Standard for 100% disposition within 90 days (including FTA days)	32%	36%	28%	28%
• Number of Failure to Appear events	2,030	1,610	1,834	1,834
• Percentage of trial cases set in fiscal year with more than 1 trial setting (Standard 2.1.4 disposition at first trial per case)	23%	27%	17%	17%

The Court strives to meet National Trial Court Standard 4.5 for Courts 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	\$1,334,920	\$1,360,425	\$1,409,268	\$1,409,268
• Total Collected (included state and county fees)	\$1,472,471	\$1,594,453	\$1,494,694	\$1,603,410
• Fines Collected (includes all fee revenue)	\$1,083,416	\$1,155,815	\$1,068,364	\$1,603,410
• Number of Show Cause Orders issued	1,160	724	801	801
• Number of Warrants issued	1,660	772	1,488	1,488
• Number of CBR (Matrix) releases from Lane County Adult Corrections (Lane County Jail). (LCAC statistics)	684	935	1,220	610

Program Outcomes & Indicators:	Actual FY07	Actual FY08	Estimated FY09	Adopted FY10
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	430	410	454	454
• Number of DUII trials set	478	440	428	428
• Number of DUII disposed	316	367	262	262
• Number of Diversion Agreements (1st offender program)	272	277	234	234
• Number of DUII dismissed (agreement completed or other reason)	194	186	144	144
• Number of agreements revoked	84	80	58	58
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	48	43	56	56
• Number of Trials Scheduled	86	77	74	74
• Number of Assaults Disposed	60	48	46	46