

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.

The Municipal Judges report to the City Council. The operations of the Municipal Court report to the Finance Department. 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.

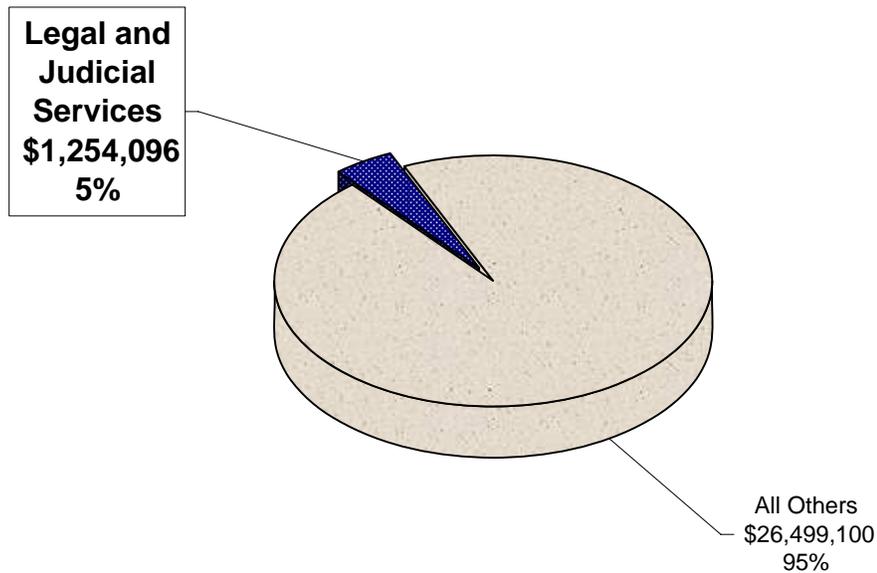
Mission

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.

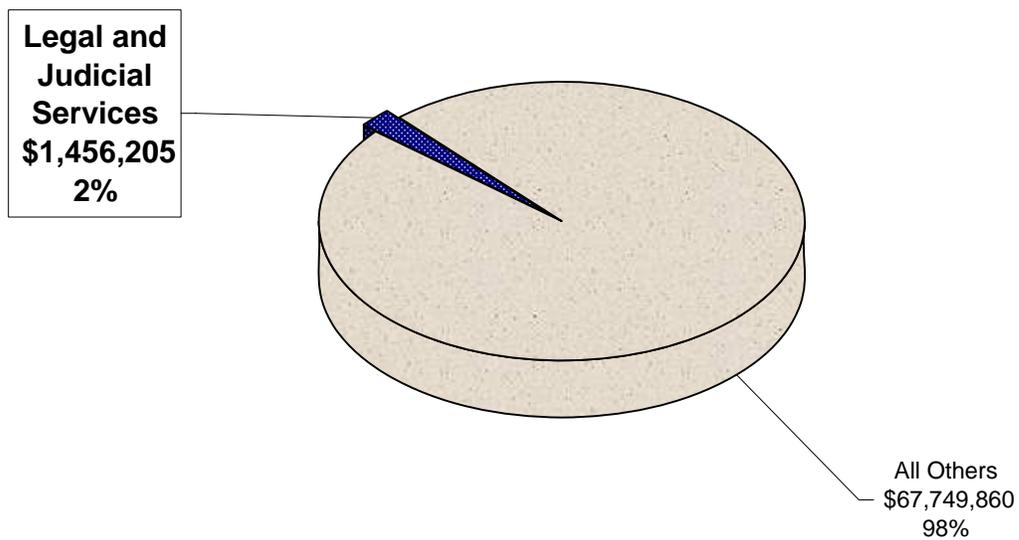
The City Prosecutor's Office strives to maintain public confidence in the ability of the legal judicial system to pursue prosecution of criminal conduct, to resolve legal contests in a timely manner, and to compel compliance with the laws that protect the safety and quality of life in the community.

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.

FY07 OPERATING BUDGET - General Fund	\$ 27,753,196
Legal and Judicial Services:	\$ 1,254,096



FY07 OPERATING BUDGET - All Funds	\$ 69,206,065
Legal and Judicial Services:	\$ 1,456,205



Legal and Judicial Services

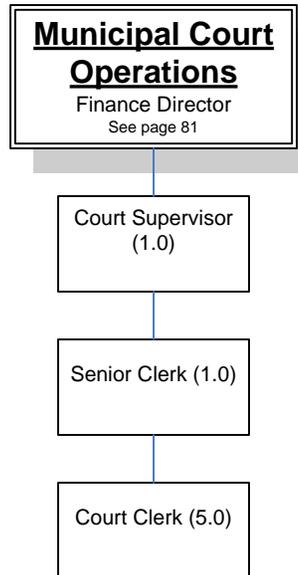
Financial Summary

	Actual FY04	Actual FY05	Adopted FY06	Adopted FY07
Expenditures by Category:				
Personal Services	\$ 429,767	\$ 467,273	\$ 514,713	\$ 529,337
Materials and Services	711,567	789,878	881,131	926,868
Capital Outlay	4,919	2,439	-	-
Total	<u>\$ 1,146,253</u>	<u>\$ 1,259,590</u>	<u>\$ 1,395,844</u>	<u>\$ 1,456,205</u>
Expenditures by Fund:				
General	\$ 1,086,984	\$ 1,137,980	\$ 1,179,920	\$ 1,254,096
Police Local Option Levy	56,729	121,610	206,624	202,109
Vehicle and Equipment	2,540	-	9,300	-
Total	<u>\$ 1,146,253</u>	<u>\$ 1,259,590</u>	<u>\$ 1,395,844</u>	<u>\$ 1,456,205</u>
Expenditures by Sub-Program:				
City Attorney	\$ 262,438	\$ 278,231	\$ 291,613	\$ 315,440
City Prosecutor	175,398	207,130	219,541	225,257
Municipal Court	708,417	774,229	884,690	915,508
Total	<u>\$ 1,146,253</u>	<u>\$ 1,259,590</u>	<u>\$ 1,395,844</u>	<u>\$ 1,456,205</u>

Legal and Judicial Services

City of Springfield

Total FTE = 7.0*



***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 FY04	Actual FY05	Adopted FY06	Adopted FY07
General	6.55	5.55	5.54	5.54
Police Local Option Levy	0.00	2.00	2.01	2.01
Total Full-Time Equivalents	6.55	7.55	7.55	7.55

Position Summary

Job Title/Classification:	Actual FY04	Actual FY05	Adopted FY06	Adopted FY07
Court Clerk	4.00	5.00	5.00	5.00
Court Clerk, Senior	1.00	1.00	1.00	1.00
Court Supervisor	1.00	1.00	1.00	1.00
Judge*	0.50	0.50	0.50	0.55
Judge Pro-Tem	0.05	0.05	0.05	0.00
Total Full-Time Equivalents	6.55	7.55	7.55	7.55

*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 Harold, Leahy & Kieran 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: Provided extensive general counsel to City Council, Planning Commission and staff regarding hospital plan amendment and development proposals, economic development initiatives, code enforcement, Justice Center, Glenwood Development, Gray Jaqua Proposal, Gateway Area, Human Resources, Environmental Services, Municipal Court, risk consultation, public records, public meetings, and ethics.

This budget request provides for the entire budget of the City Attorney's office: Attorneys, Administrative Assistants, Support Staff, office space, equipment, furniture, office supplies, library and resource materials, State Bar Membership, and Continuing Legal Education (Professional Development).

Service Level Changes: No FY07 changes to the program. Although actual recorded hours based on 6 months tracking are 1884.20, our experience with the City and professional studies indicate that approximately 10% to 15% of work rendered is not logged and is not included in the above.

Program Outcomes and Indicators:	Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
Provide effective legal representation to the City				
♦ Total hours contracted to provide counsel to City Council and Planning Commission	2,137	2,185	2,185	2,185
Review all ordinances, resolutions, contracts and legal proposals				
♦ Total hours to draft and review resolutions	10	10	10	10
♦ Total hours to draft and review ordinances	130	130	130	130
♦ Total hours to draft and review contracts	250	250	250	250

**Program Outcomes and Indicators:
continued**

Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
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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	200
◆ Hours for written and oral informal opinions	500	500	500	500
◆ Hours in meetings and conference	650	650	650	650
◆ Hours of legal research	445	445	445	445

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 provide for 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 hiring of eight new, 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: The voter-approved Police Local Option Levy has provided increased funding to maintain services through the addition of a secretary position (1.0 FTE).

Program Outcomes and Indicators:	Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
Provide efficient case review and criminal case filings				
◆ Criminal Cases filed (non-traffic)	2,126	2,541	2,608	2,608
◆ No complaint filings	467	583	480	480
Provide effective prosecution and resolution of criminal cases				
◆ Percent of misdemeanors set for trial	87 %	76 %	83 %	83 %
◆ Criminal cases prepared for trial	2,361	2,459	2,690	2,690
◆ Discovery provided	-	-	-	-
◆ Subpoenas issued	-	-	-	-
◆ Jury trials	2	7	7	7
◆ Number of cases resolved by Diversions	430	414	506	506
◆ Warrant motion and affidavits	959	1,146	2,050	2,050

**Program Outcomes and Indicators:
continued**

Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
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Provide effective prosecution and resolution of non-criminal cases

♦ Non-criminal trial cases prepared	910	1,188	1,194	1,194
♦ Coordinate trial by affidavits	-	-	-	-
♦ Miscellaneous motions and memos	-	-	-	-

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 have ensured prosecution of misdemeanor crimes committed in the City of Springfield. The hiring of eight new 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 court services. Program outcomes changed to National Center for State Court (NCSC) performance standards to reflect movement towards meeting standards.

Service Level Changes:

(The voters approved a four-year Police Local Levy Option effective FY04 through FY07: funding for the addition of 2 FTE and M&S funding for the Municipal Court.) FY04 budget reduction of 1.0 FTE now funded by Levy.

Program Outcomes and Indicators:	Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
The Court strives to meet National Trial Court (NTC) Standards for expeditious and timely case processing (all cases)				
♦ Percent of cases meeting NTC Standard 2.1.2 (trend of 1:1 ratio of cases filed to disposed) (excludes pending cases)	101 %	95%	101%	101 %
♦ Total cases filed	9,348	11,530	11,262	11,262
♦ Total cases adjudicated	9,513	11,057	11,488	11,488

**Program Outcomes and Indicators:
Continued**

Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
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The Court strives to meet National Trial Court Standards for expeditious and timely case processing (misdemeanor crimes only)

◆ Percent of cases meeting NTC Standard 2.1.2 (consistent trend of 1:1 ratio of cases filed to disposed; excludes pending cases)	102%	90%	96%	96%
◆ Misdemeanor cases filed	2,711	3,227	3,224	3,224
◆ Misdemeanor cases adjudicated	2,780	2,909	3138	3138
◆ Percent of cases considered as backlog (disposition pending) (NTC Standard 2.1.3 avoid backlog)	39%	42%	58 %	58 %
◆ Percent of cases meeting NTC Standard for 100% disposition within 90 days (includes FTA days)	55 %	53 %	38 %	54 %
◆ Number of failure to appear events	1584	1773	1964	1964
◆ Percent of trial cases set in fiscal year with more than 1 trial setting (NTC Standard 2.1.4 dispo at first trial per case)	22 %	29 %	35 %	35 %

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	\$1,010,240	\$1,283,520	\$1,195,698	\$1,195,698
◆ Total Collected (includes state & county fees)	\$1,076,386	1,309,869	\$1,321,239	\$1,321,239
◆ Fines Collected	\$786,667	938,278	\$954,252	\$954,252
◆ Number Show Cause Orders issued	934	1001	1000	1000
◆ Number Warrants issued	959	1,146	2,208	2,208
◆ Number Matrix releases from Lane County Jail (jail statistics)	4,653	3,697	3,464	3,464

**Program Outcomes and Indicators:
continued**

Actual FY04	Actual FY05	Estimated FY06	Adopted FY07
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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	330	332	340	340
◆ Number of DUII trials set	434	406	360	360
◆ Number of DUII disposed	368	311	298	339
◆ Number of Diversion Agreements (1 st offender program)	212	204	230	230
◆ Number of DUII dismissed (agreement completed or other reason)	234	174	212	212
◆ Number of agreements revoked	54	60	54	56

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	49	49	39	39
◆ Number of trials scheduled	49	79	47	47
◆ Number of assaults disposed	42	41	37	37