

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

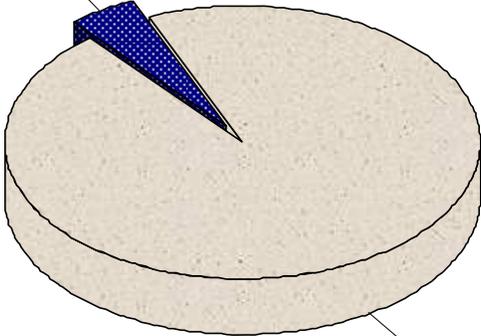
The City Attorney's Office strives to provide practical legal advice, effectively interpret laws, reviews and drafts City ordinances, resolutions and contracts and works to minimize the City's exposure to liability and legal expenses.

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.

FY08 OPERATING BUDGET – General Fund	\$ 29,152,101
Legal and Judicial Services:	\$ 1,347,364

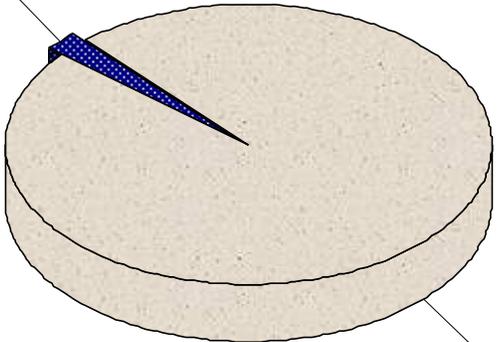
**Judicial and
Legal Services**
\$1,347,364
5%



All Others
\$27,804,737
95%

FY08 OPERATING BUDGET – All Funds	\$ 72,133,466
Legal and Judicial Services:	\$ 1,548,685

**Judicial and
Legal Services**
\$1,548,685
2%



All Others
\$70,584,781
98%

Legal and Judicial Services

Financial Summary

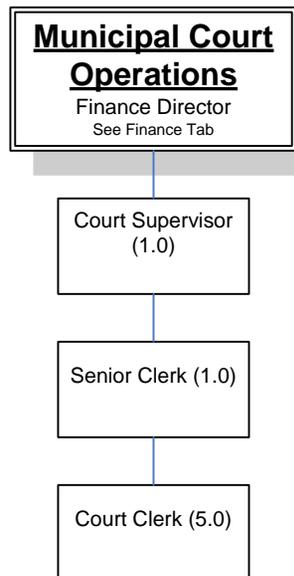
	Actual FY05	Actual FY06	Amended FY07*	Adopted FY08
Expenditures by Category:				
Personal Services	\$ 467,273	\$ 506,414	\$ 529,337	\$ 560,876
Materials and Services	789,878	879,615	961,868	987,809
Capital Outlay	<u>2,439</u>	<u>7,775</u>	-	-
Total	<u>\$ 1,259,590</u>	<u>\$ 1,393,805</u>	<u>\$ 1,491,205</u>	<u>\$ 1,548,685</u>
Expenditures by Fund:				
General	\$ 1,137,980	\$ 1,236,759	\$ 1,287,096	\$ 1,347,364
Police Local Option Levy	121,610	151,566	202,109	201,321
Vehicle and Equipment	-	<u>5,480</u>	-	-
Total	<u>\$ 1,259,590</u>	<u>\$ 1,393,805</u>	<u>\$ 1,489,205</u>	<u>\$ 1,548,685</u>
Expenditures by Sub-Program:				
City Attorney	\$ 278,231	\$ 301,060	\$ 315,440	\$ 326,480
City Prosecutor	207,130	207,841	225,257	252,809
Municipal Court	<u>774,229</u>	<u>884,904</u>	<u>950,508</u>	<u>969,396</u>
Total	<u>\$ 1,259,590</u>	<u>\$ 1,393,805</u>	<u>\$ 1,491,205</u>	<u>\$ 1,548,685</u>

* Amended as of June 4, 2007

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 FY05	Actual FY06	Adopted FY07	Adopted FY08
General	5.55	5.54	5.54	5.54
Police Local Option Levy	2.00	2.01	2.01	2.01
Total Full-Time Equivalents	7.55	7.55	7.55	7.55

Position Summary

Job Title/Classification:	Actual FY05	Actual FY06	Adopted FY07	Adopted FY08
Court Clerk	5.00	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	0.55	0.55
Judge Pro-Tem	0.05	0.05	0.00	0.00
Total Full-Time Equivalents	7.55	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.



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Legal and Judicial Services

Program: City Attorney

Program Description:

The City Council contracts with the firm of 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 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, Glenwood Development, Gateway Area, Human Resources, Environmental Services, Municipal Court, risk consultation, public records, public meetings, ethics, and general counsel to Council and staff.

This Budget and Service Level 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).

Service Level Changes: No FY08 changes to the program. Actual recorded hours based on tracking for fiscal year 2005 – 2006 were 2048.10. Actual hours for fiscal year 2006 – 2007 through January 31, 2007 are 1177.80. Reported hours (reflecting a discount for Law Clerk hours) are 1096.56. Our contracted hours for fiscal year 2006 – 2007 are 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.

<i>Program Outcomes and Indicators:</i>	Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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Provide effective legal representation to the City.

<ul style="list-style-type: none"> Total hours contracted to provide counsel to City Council and Planning Commission 	2,185	2185	2004	2004
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**Program Outcomes and Indicators:
continued**

Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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Review all ordinances, resolutions, contracts and legal proposals.

• Total hours to draft and review resolutions	10	10	20	20
• Total hours to draft, research and review ordinances	130	130	140	140
• Total hours to draft, research and review contracts	250	250	240	240

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	180	180
• Hours for written, oral, telephone and email informal opinions	500	500	324	324
• Hours in meetings and conference	650	650	520	520
• Hours of legal research	445	445	400	400
• Total hours of review other materials	180	180	180	180

Legal 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 will have a significant impact on prosecution services.

Service Level Changes: 1 FTE secretary.

<i>Program Outcomes and Indicators:</i>	Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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Provide efficient case review and criminal case filings.

• Criminal Cases filed (non-traffic)	2541	2,447	2,196	2,196
• No complaint filings (includes cases that may have been subsequently filed)	583	499	406	406

Provide effective prosecution and resolution of non-criminal cases.

• Non-criminal trial cases prepared	1,188	1,453	768	768
• Coordinate trial by affidavits	-	-	15	15

***Program Outcomes and Indicators:
continued***

Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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Provide effective prosecution and resolution of criminal cases.

• % of misdemeanors set for trial	76 %	87 %	95 %	95 %
• Criminal cases prepared for trial	2,459	2,871	2,980	2,980
• Discovery provided	-	-	895	895
• Subpoenas issued	-	-	2,425	2,425
• Jury trials	7	8	8	8
• # of cases resolved by Diversions	414	515	624	624
• Warrant motion & affidavits	1,146	1,839	2,129	2,129

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.

Eight police officer hires (levy funded) 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 FY08 service level changes.

<i>Program Outcomes and Indicators:</i>	Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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The Court strives to meet National Trial Court Standards for expeditious & timely case processing (All cases)

<ul style="list-style-type: none"> • % cases meeting Standard 2.1.2 (trend of 1:1 ratio of cases filed to disposed) (excludes pending cases) 	95 %	102 %	96 %	96 %
<ul style="list-style-type: none"> • Total Cases Filed 	11,530	11,250	12,610	12,610
<ul style="list-style-type: none"> • Total Cases Adjudicated 	11,057	11,473	12,134	12,134

Program Outcomes and Indicators:
continued

Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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The Court strives to meet National Trial Court Standards for expeditious & timely case processing. (MISDEMEANOR CRIMES ONLY)

• % cases meeting Standard 2.1.2 (consistent trend of 1:1 ratio of cases filed to disposed; excludes pending cases)	90 %	102 %	95%	102 %
• Misdemeanor Cases Filed	3,227	3,256	3,108	3,108
• Misdemeanor Cases Adjudicated	2,909	3,336	2,946	2,946
• % of cases considered as backlog (disposition pending) (Standard 2.1.3 avoid backlog)	42 %	42 %	42 %	42 %
• % cases meeting Standard for 100% disposition within 90 days (includes FTA days)	53 %	40%	32%	32 %
• # of Failure to Appear events	1773	2322	2030	2030
• % of trial cases set in fiscal year with more than 1 trial setting (Standard 2.1.4 dispo at first trial per case)	29 %	29 %	23 %	23 %

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	\$1,283,520	\$1,234,117	\$1,334,920	\$1,334,920
• Total Collected (includes state & county fees)	\$1,309,869	\$1,357,111	\$1,472,471	\$1,472,471
• Fines Collected (includes all fee revenue)	\$938,278	\$998,732	\$1,083,416	\$1,083,416
• # Show Cause Orders issued	1001	1,272	1,160	1,160
• # Warrants issued	1,146	1,839	1,660	1,660
• # CBR (Matrix) releases from Lane County Jail (LCJ statistics)	3,697	656	684	684

Program Outcomes and Indicators:
continued

Actual FY05	Actual FY06	Estimated FY07	Adopted FY08
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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.

• # of DUII charges filed	332	397	430	430
• # of DUII trials set	406	429	478	478
• # of DUII disposed	311	385	316	316
• # of Diversion Agreements (1 st offender program)	204	249	272	272
• # of DUII dismissed (agreement completed or other reason)	174	227	194	194
• # of agreements revoked	60	65	84	84

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.

• # of Assault Charges Filed	49	69	48	48
• # of Trials Scheduled	79	96	86	86
• # of Assaults Disposed	41	70	60	60