

LAW DEPARTMENT

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WHAT WE DO

The Law Department is responsible for all of the legal matters affecting the City. The Department represents the City, the Mayor, other elected officials and the City's agencies in all affirmative and defensive civil litigation. The Department represents the City in juvenile delinquency prosecutions brought in Family Court and Administrative Code enforcement proceedings brought in Criminal Court. Law Department attorneys draft and review local and state legislation, real estate leases, procurement contracts and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as civil rights, immigration, education, intellectual property, land use and environmental policy.

FOCUS ON EQUITY

The New York City Law Department's lawyers and support professionals work collaboratively to pursue justice while providing the City with the highest quality legal representation. Department staff are expected to treat all whom they encounter in litigation with professionalism, respect and empathy, even as they vigorously pursue all appropriate legal defenses and claims in the best interests of the City. The Department acts to ensure that unrepresented claimants are treated fairly, explaining in plain language discovery orders and other documents. The Family Court Division conducts outreach to victims in delinquency cases to ensure that they are offered necessary services and personal protection, at the same time that it advocates dispositional alternatives that rehabilitate young offenders in a manner consistent with public safety. The Department advises agency clients on a wide range of issues affecting public safety and welfare, including in the areas of education, health, environment, economic development and law enforcement operations. Department attorneys play an important role in drafting legislation that advances significant City policies, including the protection of the civil rights of its residents.

OUR SERVICES AND GOALS

SERVICE 1 Represent the City of New York in litigation and other legal matters involving the City's interests.

- Goal 1a Limit the City's liability as a result of claims.
- Goal 1b Reduce the City's caseload in state court.
- Goal 1c Reduce the City's caseload in federal court.

SERVICE 2 Prosecute juvenile delinquency cases in Family Court.

- Goal 2a Balance the needs of juveniles and the community in delinquency cases.

SERVICE 3 Establish and enforce child support orders in interstate cases.

- Goal 3a Increase the percentage of out-of-state families that receive child support.

HOW WE PERFORMED IN FISCAL 2015

SERVICE 1 Represent the City of New York in litigation and other legal matters involving the City's interests.

Goal 1a Limit the City's liability as a result of claims.

While the Department does not have direct control over the number of claims or legal actions brought against the City, it attempts to limit the City's exposure by working with agencies to make assessments of possible liability and advise agencies on minimizing risk. The Department also assesses new cases to determine their suitability for early settlement and moves aggressively to dismiss those cases that are without merit. The Department's focus on risk management has contributed to practices at City agencies that have reduced the City's exposure to liability. Citywide settlement and judgment payouts on all claims are down approximately eight percent compared to Fiscal 2014. Tort payouts were \$608.5 million in judgments and claims, an increase of nearly five percent compared to Fiscal 2014. The total number of cases commenced against the City increased by nearly 10 percent, or 877 cases, compared to Fiscal 2014, which was largely attributable to extreme winter weather conditions over the past two seasons leading to increased filings of claims in state court. The number of cases commenced in federal court remained stable.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
★ Total citywide payout for judgments and claims (\$000)	\$560,852	\$506,048	\$490,175	\$579,899	\$608,500	↓	↓	Down	Up
★ Total cases commenced against the City	9,030	9,695	9,528	9,045	9,922	*	*	Neutral	Neutral
- Cases commenced against the City in state court	6,838	7,682	7,745	7,258	8,112	*	*	Neutral	Up
- Cases commenced against the City in federal court	2,192	2,013	1,781	1,787	1,810	*	*	Neutral	Down

★ Critical Indicator "NA" - means Not Available in this report ↓↑ shows desired direction

Goal 1b Reduce the City's caseload in state court.

In Fiscal 2015 cases pending in state court increased five percent, adversely impacting the Department's ability to devote resources to affirmative motion practice. Staff resources were diverted to other litigation-related tasks. As a result, the Department made 18 percent fewer motions to dismiss or for summary judgment compared to Fiscal 2014.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
★ Cases pending in state court	16,707	17,020	17,884	19,039	20,059	19,600	21,000	Down	Up
- Cases pending on trial calendar	NA	NA	2,256	2,260	2,255	*	*	Neutral	NA
Affirmative motions to dismiss or for summary judgment	NA	NA	1,798	1,903	1,561	*	*	Neutral	NA
★ Win rate on affirmative motions (%)	NA	NA	72%	78%	74%	65%	65%	Up	NA

★ Critical Indicator "NA" - means Not Available in this report ↓↑ shows desired direction

Goal 1c Reduce the City's caseload in federal court.

The Department secured 32 percent more dismissals and discontinuances in federal court compared to Fiscal 2014. In Fiscal 2015 dismissals and discontinuances were obtained in 14 percent of actions pending in federal court, compared to 10 percent obtained in actions pending in Fiscal 2014.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
★ Cases pending in federal court	NA	NA	1,711	1,659	1,652	1,700	1,625	Down	NA
Dismissals and discontinuances	NA	NA	264	173	228	*	*	Up	NA

★ Critical Indicator "NA" - means Not Available in this report ↕ ↑ shows desired direction

SERVICE 2 Prosecute juvenile delinquency cases in Family Court.

Goal 2a Balance the needs of juveniles and the community in delinquency cases.

After remaining stable for several fiscal years, the percentage of referred cases filed for prosecution decreased four percentage points compared to Fiscal 2014. However, the Department's juvenile conviction rate was unchanged compared to Fiscal 2014. Crime victims assessed for community-based services increased four percentage points compared to Fiscal 2014. The Department attributes this increase to enhanced efforts to ensure that victims are informed of, and encouraged to participate in, services offered by Safe Horizon, the City's primary provider of services to crime victims.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
Referred cases filed for prosecution (%)	55%	55%	56%	58%	54%	55%	55%	Neutral	Neutral
Juvenile conviction rate (%)	71%	73%	73%	75%	75%	70%	70%	Neutral	Neutral
★ Juveniles successfully referred to a diversion program with no new delinquency referral within one year (%)	NA	NA	85%	85%	84%	75%	75%	Up	NA
Crime victims assessed for community-based services (%)	46%	44%	36%	46%	50%	35%	40%	Up	Neutral

★ Critical Indicator "NA" - means Not Available in this report ↕ ↑ shows desired direction

SERVICE 3 Establish and enforce child support orders in interstate cases.

Goal 3a Increase the percentage of out-of-state families that receive child support.

The filing of enforcement referrals within 60 days was unchanged compared to Fiscal 2014. Families entitled to a support order that got a support order increased three percentage points compared to Fiscal 2014. Success in these areas is attributed to improved compliance with clearly established guidelines for handling referrals and the facilitation of support orders.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
Filing of enforcement referrals within 60 days of referral (%)	NA	NA	95%	94%	94%	*	*	Up	NA
★ Families entitled to a support order that get a support order (%)	NA	NA	65%	65%	68%	65%	65%	Up	NA

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AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16		
Customer Experience									
Completed requests for interpretation	772	763	705	860	762	*	*	Neutral	Neutral
Letters responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Up	Neutral
E-mails responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Up	Neutral

AGENCY RESOURCES

Resource Indicators	Actual					Plan ¹		5yr Trend
	FY11	FY12	FY13	FY14	FY15	FY15	FY16	
Expenditures (\$000,000) ²	\$135.0	\$137.4	\$143.9	\$162.7	\$178.5	\$182.9	\$186.6	Up
Revenues (\$000,000)	\$43.4	\$27.6	\$38.8	\$23.5	\$26.9	\$20.5	\$20.5	Down
Personnel	1,307	1,399	1,445	1,504	1,551	1,468	1,542	Up
Overtime paid (\$000)	\$763	\$969	\$1,374	\$1,650	\$1	\$1	\$1	Down

¹Authorized Budget Level "NA" - Not Available in this report ²Expenditures include all funds.

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

None.

ADDITIONAL RESOURCES

For more information on the agency, please visit: www.nyc.gov/law.