

LAW DEPARTMENT

Zachary W. Carter, Corporation Counsel



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, education, intellectual property, land use and environmental policy.

FOCUS ON EQUITY

The 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 2016

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. In Fiscal 2016 the total payout for judgments and claims increased eight percent compared to Fiscal 2015 due to several settlements of ten million dollars or more. At the same time, cases commenced against the City in state and federal court decreased four percent.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
★ Total citywide payout for judgments and claims (\$000)	\$506,048	\$490,175	\$579,899	\$608,500	\$655,873	↓	↓	Down	Up
★ Total cases commenced against the City	9,695	9,528	9,045	9,922	9,507	*	*	Neutral	Neutral
- Cases commenced against the City in state court	7,682	7,745	7,258	8,112	8,009	7,900	8,000	Neutral	Neutral
- Cases commenced against the City in federal court	2,013	1,781	1,787	1,810	1,498	1,800	1,775	Neutral	Down

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

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

Cases pending in state court increased seven percent, continuing to adversely impact the City's ability to devote resources to affirmative motion practice, which continued to decrease this fiscal year, by nearly three percent.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
★ Cases pending in state court	17,020	17,884	19,039	20,059	21,452	21,000	21,500	Down	Up
- Cases pending on trial calendar	NA	2,256	2,260	2,255	2,425	2,300	2,500	Neutral	NA
Affirmative motions to dismiss or for summary judgment	NA	1,798	1,903	1,561	1,516	*	*	Neutral	NA
★ Win rate on affirmative motions (%)	NA	72%	78%	74%	75%	78%	78%	Up	NA

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

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

Dismissals and discontinuances in federal court increased seven percent during the reporting period. During Fiscal 2016 dismissals and discontinuances were 15 percent of actions pending in federal court, compared with 14 percent of actions pending in Fiscal 2015.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
★ Cases pending in federal court	NA	1,711	1,659	1,652	1,649	1,675	1,650	Down	NA
Dismissals and discontinuances	NA	264	173	228	243	*	*	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.

In Fiscal 2016, 66 of 81 juveniles in diversion programs, or 81 percent, received no new juvenile delinquency referrals within a year, compared to 65 of 77 juveniles, or 84 percent, in Fiscal 2015. As juvenile arrests, principally for misdemeanors, have been decreasing over the past two years, a smaller pool of cases have been referred to the Department, with fewer suitable for diversion.

Crime victims who were referred by the Department to community-based services increased three percentage points.

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Referred cases filed for prosecution (%)	55%	56%	58%	54%	54%	55%	55%	Neutral	Neutral
Juvenile conviction rate (%)	73%	73%	75%	75%	76%	70%	70%	Neutral	Neutral
★ Juveniles successfully referred to a diversion program with no new delinquency referral within one year (%)	NA	85%	85%	84%	81%	75%	75%	Up	NA
Crime victims referred for community-based services (%)	44%	36%	46%	50%	53%	40%	40%	Up	Up

★ 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.

During Fiscal 2016 the filing of enforcement referrals within 60 days remained steady. The percentage of families entitled to a support order that received a support order increased six percentage points compared to Fiscal 2013, the first full fiscal year of data collection. This increase is due, in part, to increased efforts in the area of service of process (serving notice of initial legal action).

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Filing of enforcement referrals within 60 days of referral (%)	NA	95%	94%	94%	95%	85%	85%	Up	NA
★ Families entitled to a support order that get a support order (%)	NA	65%	65%	68%	71%	65%	65%	Up	NA

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

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Desired Direction	5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17		
Customer Experience									
Completed requests for interpretation	763	705	860	762	1,002	*	*	Neutral	Up
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 ¹					Plan ²		5yr Trend
	FY12	FY13	FY14	FY15	FY16	FY16	FY17	
Expenditures (\$000,000) ³	\$137.4	\$143.9	\$162.7	\$175.6	\$195.1	\$196.6	\$211.5	Up
Revenues (\$000,000)	\$27.6	\$38.8	\$23.5	\$26.8	\$42.9	\$45.5	\$23.2	Up
Personnel	1,399	1,445	1,504	1,551	1,591	1,615	1,757	Up
Overtime paid (\$000)	\$969	\$1,374	\$1,650	\$1,354	\$1	\$1	\$1	Down

¹Actual financial amounts for the most current fiscal year are not yet final. Final fiscal year actuals, from the Comptroller's Comprehensive Annual Financial Report, will be reported in the next PMMR. Refer to the "Indicator Definitions" at nyc.gov/mmr for details. ²Authorized Budget Level ³Expenditures include all funds
 "NA" - Not Available in this report

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- The Department adjusted the Fiscal 2017 target for 'Cases commenced against the City in federal court' from 1,800 to 1,775 to reflect the results of an analysis of data over the past six full fiscal years.

ADDITIONAL RESOURCES

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