

LAW DEPARTMENT

James E. Johnson, 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 also brings affirmative litigation that advances vital interests of the City and works with other agencies to manage the risks involved in large scale and widespread government operations. The Law Department advises agency clients on a wide range of issues affecting public safety and welfare, including 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 2020

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.

In Fiscal 2020, the payout for judgments and claims brought against the City in state and federal court decreased 1 percent compared to the same period of Fiscal 2019. This decrease is attributable, in part, to the City's diligent and consistent resolution of its legacy cases and there are many fewer left, resulting in lower payouts.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
★ Total citywide payout for judgments and claims (\$000)	\$655,873	\$722,046	\$674,001	\$642,112	\$636,961	↓	↓	Neutral	Down
★ Total cases commenced against the City	9,507	8,141	8,219	8,598	7,468	*	*	Down	*
– Cases commenced against the City in state court	8,009	7,132	7,367	7,816	6,805	7,600	7,600	Neutral	*
– Cases commenced against the City in federal court	1,498	1,009	852	782	663	1,050	1,050	Down	*
★ Critical Indicator	"NA" Not Available		↑↓ Directional Target	* None					

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

In Fiscal 2020, cases commenced in federal court decreased 15 percent, while cases pending in state court decreased by three percent. Fewer summary judgement motions were made due to the COVID-19 crisis. Since all agencies were and still are mostly working from home, there was inability to obtain the necessary affidavits and perform the necessary searches, which are requisite to making the motions.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
★ Cases pending in state court	21,452	20,667	21,630	22,611	21,858	23,700	23,700	Neutral	Down
– Cases pending on trial calendar	2,425	2,441	2,337	1,898	2,059	2,700	2,700	Down	*
Affirmative motions to dismiss or for summary judgment	1,516	1,648	1,713	1,461	1,131	*	*	Down	*
★ Win rate on affirmative motions (%)	75%	76%	71%	72%	74%	78%	78%	Neutral	Up
★ Critical Indicator	"NA" Not Available		↑↓ Directional Target	* None					

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

The Special Federal Litigation Division's assertive approach to motion practice and trials resulted in favorable verdicts, dismissals and discontinuances that were nearly 25 percent of all actions commenced in federal court in Fiscal 2020, continuing the significant percentage of dismissals and discontinuances for actions commenced during Fiscal 2019. This approach, together with the consequent settlement of actions, resulted in a 7 percent decrease in City cases pending in federal court to 814 for Fiscal 2020, compared to 877 for the same period of the previous year. These successful litigation outcomes have likely discouraged the filing of meritless claims and contributed to a 15 percent decline in new federal court filings in Fiscal 2020.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
★ Cases pending in federal court	1,649	1,363	1,049	877	814	1,150	1,150	Down	Down
Dismissals and discontinuances	243	280	273	262	166	*	*	Down	Up
★ Critical Indicator	"NA" Not Available		↑↓ Directional Target	* None					

SERVICE 2 Prosecute juvenile delinquency cases in Family Court.

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

Referred cases filed for prosecution in Family Court decreased eight percent in Fiscal 2020 compared to the prior fiscal year. This change is attributable, in part to a greater percentage of cases being diverted from prosecution as well as Family Court having limited the filing of cases during the pandemic to essential matters which has been defined by the Family Court as only cases where the youth was in detention.

The juvenile conviction rate kept par with the prior fiscal year for the majority of Fiscal 2020 though, due to the pandemic where proceedings were limited to only essential matters, the fiscal year ended, in total with a 5 percent decline in this area.

The percentage of crime victims referred for community-based services increased 9 points in Fiscal 2020, compared to the same period in the prior fiscal year, as a result of continued increased efforts aimed at ensuring victims are apprised of the services available to them.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Referred cases filed for prosecution (%)	54%	50%	44%	38%	30%	55%	55%	Down	*
Juvenile conviction rate (%)	76%	75%	77%	73%	68%	75%	75%	Neutral	*
★ Juveniles successfully referred to a diversion program with no new delinquency referral within one year (%)	81%	81%	86%	86%	87%	75%	75%	Neutral	Up
Crime victims referred for community-based services (%)	53%	46%	46%	57%	66%	45%	45%	Up	Up
★ Critical Indicator "NA" Not Available ⬆️⬆️ Directional Target * None									

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 of referral decreased six percentage points to 93 percent compared with Fiscal 2019, due in part to a significant increase in the number of applicable cases as compared with the prior period. During the latter part of Fiscal 20, additional resources were allocated to helping to address the change in volume.

In Fiscal 2019, 71 percent of families entitled to a support order received one. That number decreased to 66 percent in Fiscal 2020. This decrease was due, in part, to external limitations related to the facilitation of support orders.

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Filing of enforcement referrals within 60 days of referral (%)	95%	96%	96%	99%	93%	90%	90%	Neutral	Up
★ Families entitled to a support order that get a support order (%)	71%	70%	70%	71%	66%	65%	65%	Neutral	Up
★ Critical Indicator "NA" Not Available ⬆️⬆️ Directional Target * None									

AGENCY CUSTOMER SERVICE

Performance Indicators	Actual					Target		Trend	
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	5-Year	Desired Direction
Customer Experience									
Completed requests for interpretation	1,002	875	883	1,198	1,095	*	*	Up	*
Letters responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Neutral	Up
E-mails responded to in 14 days (%)	100%	100%	100%	100%	100%	*	*	Neutral	Up
★ Critical Indicator "NA" Not Available ⬆️⬆️ Directional Target * None									

AGENCY RESOURCES

Resource Indicators	Actual ¹					Plan ²		5yr Trend
	FY16	FY17	FY18	FY19	FY20	FY20	FY21	
Expenditures (\$000,000) ³	\$194.4	\$218.8	\$227.2	\$254.1	\$277.8	\$278.9	\$246.5	Up
Revenues (\$000,000)	\$42.7	\$28.5	\$22.5	\$48.4	\$38.0	\$30.3	\$21.3	Up
Personnel	1,591	1,760	1,743	1,875	1,809	2,027	1,913	Up
Overtime paid (\$000)	\$1,372	\$1,363	\$1,187	\$2,360	\$2,380	\$2,340	\$2,131	Up

¹Actual financial amounts for the 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 * None

SPENDING AND BUDGET INFORMATION

Where possible, the relationship between an agency's goals and its expenditures and planned resources, by budgetary unit of appropriation (UA), is shown in the 'Applicable MMR Goals' column. Each relationship is not necessarily exhaustive or exclusive. Any one goal may be connected to multiple UAs, and any UA may be connected to multiple goals.

Unit of Appropriation	Expenditures FY19 ¹ (\$000,000)	Modified Budget FY20 ² (\$000,000)	Applicable MMR Goals ³
001 - Personal Services	\$151.7	\$161.6	All
002 - Other Than Personal Services	\$102.4	\$116.2	All
Agency Total	\$254.1	\$277.8	

¹Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2019. Includes all funds. ²City of New York Adopted Budget for Fiscal 2020, as of June 2020. Includes all funds. ³Refer to agency goals listed at front of chapter. "NA" Not Available * None

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- Due to data lags during the COVID-19 pandemic, "Letters responded to in 14 days (%)" was calculated using only the first six months of Fiscal 2020. The remaining data will be revised in the Preliminary Fiscal 2021 Mayor's Management Report.

ADDITIONAL RESOURCES

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