

# Law Department

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<http://www.seattle.gov/cityattorney/>

## Department Overview

The Law Department serves as counsel to the City's elected officials and agencies, and as the prosecutor in Seattle Municipal Court. The Seattle City Attorney, Peter S. Holmes, is a nonpartisan elected official.

The department provides legal advice to City officials to help them achieve their goals, represents the City in litigation, and protects the public health, safety, and welfare of the community by prosecuting violations of City criminal and civil ordinances and state law. The four department divisions are described below.

The **Administration Division** provides executive leadership, communications, and operational support for the entire department. It is comprised of the executive leadership team for the department, human resources, finance, media relations, and information technology staff.

The **Civil Division** provides legal counsel and representation to the City's elected and appointed policymakers in litigation at all levels of county, state, federal courts, and administrative agencies. The Civil Division is organized into the following seven specialized areas of practice: Employment, Environmental Protection, Land Use, Government Affairs, Torts, Regulatory Enforcement & Economic Justice, and Utilities & Contracts.

The **Criminal Division** prosecutes misdemeanor crimes in Seattle Municipal Court, provides legal advice to City clients on criminal justice matters, monitors state criminal justice legislation of interest to the City, and participates in criminal justice policy development and management of the criminal justice system. In addition, the Criminal Division operates a Victims of Crime program which assists crime victims in obtaining restitution. The Criminal Division is comprised of a Trial Support Team, Domestic Violence Unit, Appellate/Filing Unit, Specialty Courts Unit (Mental Health, Community Court, Veterans' Court, DUI, and Infractions Program), and two trial teams.

The **Precinct Liaison** attorneys work in each of the City's five police precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, these attorneys coordinate with the Civil and Criminal divisions to ensure a consistent, thorough and effective approach to solving issues of concern to the community.

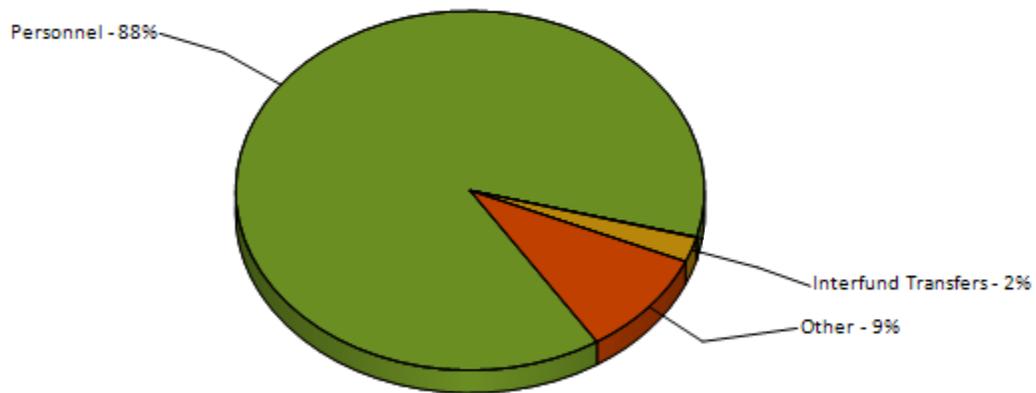
## Law Department

### Budget Snapshot

Department Support	2014 Actuals	2015 Adopted	2016 Endorsed	2016 Adopted
General Fund Support	\$22,497,734	\$23,697,337	\$23,906,239	\$24,348,261
<b>Total Operations</b>	<b>\$22,497,734</b>	<b>\$23,697,337</b>	<b>\$23,906,239</b>	<b>\$24,348,261</b>
<b>Total Appropriations</b>	<b>\$22,497,734</b>	<b>\$23,697,337</b>	<b>\$23,906,239</b>	<b>\$24,348,261</b>
Full-time Equivalent Total*	167.60	173.60	173.60	177.10

\* FTE totals are provided for information purposes only. Changes in FTEs resulting from City Council or Human Resources Director actions outside of the budget process may not be detailed here.

### 2016 Adopted Budget - Expenditure by Category



### Budget Overview

In the 2016 Adopted Budget, an important priority for the City Attorney is salary adjustment of the Civil Division attorneys. Market studies over the last few years have found the Civil attorneys to be consistently below market. Even with budget additions of \$425,000 in 2014 and \$300,000 in 2015, the attorney salaries remained well below market. An increase of \$550,000 in 2016 will bring those who are significantly below market to within 4% of the 2014 market study for government attorneys.

The Criminal Division workload has increased in two areas requiring the addition of an attorney. First, the Seattle Municipal Court will add more contested infraction calendar hours. There are currently 28 calendar dates (half-days) per month. The Court is adding four more since the case increase makes it difficult to set the cases timely as

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per court rules. Secondly, there has been a significant increase in motions, primarily related to Driving Under the Influence (DUI) cases. In 2010 there were 157 DUI motions filed. By 2014 there were 461 filed, and 2015 data shows this trend continuing. Motions, from either the prosecutor or defense, could include challenges to the science behind blood, breath or urine testing, witnesses, prior convictions, use of expert witness, and/or suppression of evidence. DUI cases have complex fact patterns. State law, and consequently case law, is often changing, requiring constant legal research.

In 2015, the Law Department loaned a Precinct Liaison attorney to work with City staff, Seattle Police and the Council of State Governments to address chronic recidivism through recent initiatives including LEAD (Law Enforcement Assisted Diversion program) and the 9 1/2 Block Strategy. The addition of a sunset attorney position and associated funding will extend the loan through 2016.

In April 2015, the Law Department consolidated all offices with a move to Columbia Center. The terms of the lease included a Tenant Improvement Allowance, which provided funding to remodel the department's new space. The remodel was completed under budget and the fund balance will be applied as a partial lease payment in 2016. This will allow a one-time reduction in Law's budget and a savings for the General Subfund.

## City Council Changes to the Proposed Budget

A technical adjustment to the Law Department provides the space rent budget which was inadvertently omitted in the proposed budget for the department's move from City-owned space to the Columbia Center.

## Incremental Budget Changes

### Law Department

	2016	
	Budget	FTE
<b>Total 2016 Endorsed Budget</b>	<b>\$ 23,906,239</b>	<b>173.60</b>
<b>Baseline Changes</b>		
Citywide Adjustments for Standard Cost Changes	-\$ 1,800,224	0.00
<b>Proposed Changes</b>		
Fund Civil Division Attorneys Salary Market Adjustment	\$ 550,000	0.00
Addition of Criminal Division Attorney	\$ 131,381	1.00
Addition of Attorney and Funding to Support Mayoral Priorities	\$ 146,365	1.00
Addition of Attorney for Duwamish Allocation Project	\$ 0	1.00
Position Transfers Within Law	\$ 0	0.50
One-time Reduction to Space Rental Costs	-\$ 300,000	0.00
Citywide Summit Re-Implementation Project	\$ 88,500	0.00
<b>Council Changes</b>		
Technical Adjustment to Law Department Rental Budget	\$ 1,626,000	0.00

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Total Incremental Changes	\$ 442,022	3.50
2016 Adopted Budget	\$ 24,348,261	177.10

## Descriptions of Incremental Budget Changes

### Baseline Changes

#### **Citywide Adjustments for Standard Cost Changes - (\$1,800,224)**

Citywide technical adjustments made in the initial planning phase reflect changes in the internal services costs, health care rate reduction, retirement contribution rate reduction, and updates to unemployment and industrial insurance charges. There was also an adjustment made to the 2016 base to recoup savings from a higher-than-expected inflation provided in the 2015 Adopted Budget for non-labor expenses. These adjustments reflect initial assumptions about these costs and inflators early in the budget process.

### Proposed Changes

#### **Fund Civil Division Attorneys Salary Market Adjustment - \$550,000**

This item adds \$550,000 to fund attorney salary increases in the Civil Division. Salaries have been consistently below market by 10-12% over the last several years. This funding adjusts the attorney salaries from significantly below market to within 4% of the 2014 market for government attorneys. Once ongoing negotiations with the coalition of city unions are complete, a further cost of living adjustment will address the impacts of inflation since 2014.

#### **Addition of Criminal Division Attorney - \$131,381/1.00 FTE**

This position will address two staffing issues in the Criminal Division. In September 2015, the Seattle Municipal Court will add more contested infraction calendar hours increasing the Division's workload. This attorney will assist the current fulltime attorney assigned to this calendar. Secondly, another increase in attorney workload is directly related to the 40% increase in DUI motions. DUI cases have complex fact patterns. State law, and consequently case-law, is often changing, requiring constant legal research.

#### **Addition of Attorney and Funding to Support Mayoral Priorities - \$146,365/1.00 FTE**

The Law Department has loaned an attorney to work with City staff, the Seattle Police Department and the Council of State Governments on issues and data related to the effectiveness of criminal justice programs. Funding includes a transfer of \$25,000 from the Precinct Liaison Division to Civil Division. The addition of a sunset attorney position and associated funding will extend the loan through 2016.

#### **Addition of Attorney for Duwamish Allocation Project/1.00 FTE**

This item creates a sunset attorney position for the Duwamish Allocation Project. The project continues to review documents and records in order to determine what portion of the \$400 million remedy for reducing contamination in the waterway will be paid by Seattle City Light (SCL) and Seattle Public Utilities (SPU). A temporary position expires in February 2016. This change does not include additional appropriation authority as the Law Department costs will be billed directly to the project through the Judgment and Claims Subfund.

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## **Position Transfers Within Law/.50 FTE**

Two positions will transfer within the Law Department in 2016 in order to meet operational needs. A half-time position will transfer from Civil to Administration Division, increase to a full-time position and be reclassified to an administrative staff assistant. This position will expand support to the department and the director of administration. Additionally, a vacant paralegal position will transfer from the Criminal Division to the Civil Division to staff the new Regulatory Enforcement and Economic Justice section and provide legal support to that section. No increase in funding is required for these transfers.

## **One-time Reduction to Space Rental Costs - (\$300,000)**

In 2015, the Law Department relocated to the Columbia Center and consolidated department staff from City Hall and the Municipal Tower. The Columbia Center lease provided a generous tenant improvement budget, and provided that unspent funds could be applied to future rent. This item captures the rent savings for two months in 2016. The amount will be restored to the Law Department baseline in 2017.

## **Citywide Summit Re-Implementation Project - \$88,500**

This item represents the department's work in support of the Citywide Summit Re-Implementation project. A description of the Summit Re-Implementation project is located within the Department of Finance and Administrative Services.

## **Council Changes**

### **Technical Adjustment to Law Department Rental Budget - \$1,626,000**

This item increases support to the necessary space rent budget for the Law Department in the amount of \$1,626,000. This was inadvertently omitted in the proposed budget for the department's move from City-owned space to the Columbia Center.

## **City Council Provisos**

*There are no Council provisos.*

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## Expenditure Overview

Appropriations	Summit Code	2014 Actuals	2015 Adopted	2016 Endorsed	2016 Adopted
Administration Budget Control Level	J1100	2,228,076	2,507,713	2,435,819	2,395,813
Civil Budget Control Level	J1300	12,859,792	13,495,324	13,665,415	14,232,192
Criminal Budget Control Level	J1500	6,831,684	7,003,388	7,105,462	7,023,193
<b>General Fund Supported BCLs</b>					
Precinct Liaison Attorneys Budget Control Level	J1700	578,181	690,912	699,543	697,063
<b>Department Total</b>		<b>22,497,734</b>	<b>23,697,337</b>	<b>23,906,239</b>	<b>24,348,261</b>

Department Full-time Equivalents Total\*                      167.60                      173.60                      173.60                      177.10

\* FTE totals are provided for information purposes only. Changes in FTEs resulting from City Council or Human Resources Director actions outside of the budget process may not be detailed here.

## Appropriations By Budget Control Level (BCL) and Program

### Administration Budget Control Level

The purpose of the Administration Budget Control Level is to provide the financial, technological, administrative and managerial support for the Department.

Program Expenditures	2014 Actuals	2015 Adopted	2016 Endorsed	2016 Adopted
Administration	2,228,076	2,507,713	2,435,819	2,395,813
<b>Total</b>	<b>2,228,076</b>	<b>2,507,713</b>	<b>2,435,819</b>	<b>2,395,813</b>
Full-time Equivalents Total*	15.30	15.30	15.30	16.30

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### Civil Budget Control Level

The purpose of the Civil Budget Control Level is to provide legal advice to the City's policy-makers, and to defend and represent the City, its employees, and officials before a variety of county, state, federal courts, and administrative bodies.

Program Expenditures	2014	2015	2016	2016
	Actuals	Adopted	Endorsed	Adopted
Civil	12,859,792	13,495,324	13,665,415	14,232,192
<b>Total</b>	<b>12,859,792</b>	<b>13,495,324</b>	<b>13,665,415</b>	<b>14,232,192</b>
Full-time Equivalents Total*	88.80	93.80	93.80	96.30

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### Criminal Budget Control Level

The purpose of the Criminal Budget Control Level includes prosecuting ordinance violations and misdemeanor crimes, maintaining case information and preparing effective case files for the court appearances of prosecuting attorneys, and assisting and advocating for victims of domestic violence throughout the court process.

Program Expenditures	2014	2015	2016	2016
	Actuals	Adopted	Endorsed	Adopted
Criminal	6,831,684	7,003,388	7,105,462	7,023,193
<b>Total</b>	<b>6,831,684</b>	<b>7,003,388</b>	<b>7,105,462</b>	<b>7,023,193</b>
Full-time Equivalents Total*	59.50	59.50	59.50	59.50

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### Precinct Liaison Attorneys Budget Control Level

The purpose of the Precinct Liaison Budget Control Level is to support a program where attorneys work in each of the City's five precincts, providing legal advice to police and other City departments. In helping to address a variety of neighborhood and community problems, the precinct liaison attorneys coordinate with the Civil and Criminal divisions with the goal of providing a consistent, thorough and effective approach.

Program Expenditures	2014	2015	2016	2016
	Actuals	Adopted	Endorsed	Adopted
Precinct Liaison Program	578,181	690,912	699,543	697,063
<b>Total</b>	<b>578,181</b>	<b>690,912</b>	<b>699,543</b>	<b>697,063</b>
Full-time Equivalents Total*	4.00	5.00	5.00	5.00

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