

COUNTY COUNSEL'S OFFICE

PERFORMANCE REPORT

I. DEPARTMENT MANDATES

The County Counsel's Office serves as civil legal advisor for County offices, departments, boards and commissions, and other selected public agencies in the County. The duties of the office include filing and litigating civil and administrative cases, and providing a wide range of other legal services to the Board of Supervisors, County departments, Board-governed special districts, authorities and agencies, the Contra Costa Local Agency Formation Commission (LAFCO), and the civil grand jury. The County Counsel's Office is designated by the Board of Supervisors to be the attorney for the Public Administrator, to handle Lanterman-Petris-Short (LPS) Conservatorship proceedings involving persons disabled by mental illness, drug and alcohol problems, and to represent the Children & Family Services Bureau in juvenile dependency matters.

By fee contract, the County Counsel's Office provides legal services to the County Superintendent of Schools, the County Board of Education, the Contra Costa County Schools Insurance Group, the Children and Family Services Commission (First Five), and the Delta Diablo Sanitation District.

II. MAJOR PROGRAM DESCRIPTIONS (as of January 1, 2013)

A. GENERAL COUNTY GOVERNMENT GENERAL LAW DIVISION

This program area includes the provision of all legal services to County departments, officers and boards, and outside public clients, other than those services provided by the Juvenile Dependency/Conservatorship and Tort and Civil Rights Litigation and Divisions, described below. Legal services provided by the General Law Division include advisory services, ordinance drafting, transactional services such as contract drafting and review, and litigating civil court and administrative cases. The General Law Division handles two types of litigation – administrative cases and all civil court cases, except cases where monetary damages are sought against the County. Civil cases litigated by the General Law Division include CEQA and land use cases, defending petitions for writs of mandate, litigating tax refund actions, handling Public Administrator probate actions, litigating eminent domain actions, and handling unlawful detainer cases. Administrative cases litigated by the General Law Division include disciplinary appeals, MOU interpretation disputes, discrimination and sexual harassment claims, DFEH and EEOC complaints, and unfair labor practice charges. The representative clients and services include:

1. Core County Departments. These core departments include the Board of Supervisors, County Administrator, Human Resources, Assessor,

Auditor-Controller, Treasurer-Tax Collector, County Clerk– Recorder, and the Merit Board.

2. Health, Sanitation and Community Protection. This category includes the Health Services Department, including its public health, environmental health and hazardous materials divisions, the hospital and clinics, CCHP, and mental health services. This category also covers legal services to those departments, programs and agencies that protect the general public, and provide services that preserve the environment and enhance quality of life. Representative departments include Public Works, Flood Control, the Department of Conservation and Development, the Contra Costa County Fire Protection District, Animal Services, and Agriculture.
3. Public Protection. This includes legal services provided to the County's justice system, including the Sheriff, Public Defender, District Attorney, and Probation Department.
4. Social Services and Probate. This category includes legal services for the Employment and Human Services Department (administrative advice, personnel matters, general assistance, IHSS Public Authority, Community Services Division, etc.) and services to Child Support Services, Veterans Services, the Public Guardian and Public Administrator.
5. Miscellaneous County and Outside Clients. This program includes legal services provided to various agencies governed by the Board of Supervisors (Libraries, Housing Authority, CATV, etc.) and to other public clients (LAFCO, County Office of Education, Delta Diablo Sanitation District, State Route 4 Bypass Authority, the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), etc.).

BUDGET: \$5,140,693
FTE 20

B. JUVENILE DEPENDENCY/CONSERVATORSHIP DIVISION

The Juvenile Dependency/Conservatorship Division provides legal services to the Children and Family Services Bureau of the Employment and Human Services Department regarding juvenile dependency matters. This Division also represents the Public Guardian's Office of the Health Services Department in Lanterman-Petris-Short (LPS) and other conservatorship proceedings, regarding those members of the County's adult population who are unable to otherwise provide for their basic needs of food, clothing and shelter.

BUDGET: \$2,991,217
FTE: 19

C. TORT AND CIVIL RIGHTS LITIGATION DIVISION

This program covers legal services necessary to defend the County from claims and lawsuits involving allegations of personal injury, property damage, civil rights violations and other matters where damages are sought against the County or its employees, as well as assistance with the supervision of outside litigation counsel in conjunction with Risk Management.

BUDGET: \$1,734,901
FTE: 10

D. DEPARTMENT DATA

BUDGET: \$9,866,811
FTE: 49

CLASS	ALLOCATED POSITIONS (as of 1-1-13)
Attorneys	31
Clerical	14
Management	4

EMPLOYEE PROFILE:

	Male	Female	Total	Percent
Caucasian	8	19	27	55.1%
Hispanic/Latino	0	1	1	2%
African/American	1	7	8	16.3%
Pacific Is/Asian	1	4	5	10.2%
Native American	0	0	0	0
Vacant	N/A	N/A	8	16.3%
Total	10	31	49	100%
Percent	24%	76%		

III. DEPARTMENT ACCOMPLISHMENTS

A. PERSONAL INJURY AND CIVIL RIGHTS LITIGATION

The Tort and Civil Rights Litigation Division of the County Counsel's Office

handles claims and lawsuits involving allegations of personal injury, property damage, civil rights violations, unlawful employment practices, medical malpractice and other matters where damages are sought against the County or its employees. The Division's practice of early, focused efforts to evaluate and oppose lawsuits filed against the County promotes prompt resolution of many cases, and saves the County significant legal costs. The County Counsel's Office aggressively defends cases through dispositive motions, trial and appeal.

As the chart in Section V. of this report (Performance Indicators) demonstrates, in calendar year 2012, this office was able to resolve 78% of Risk Management cases handled in-house with no payment to plaintiffs. In 2011, 64% were resolved without payment.

B. JUVENILE DEPENDENCY/CONSERVATORSHIP SERVICES

The Juvenile Dependency/Conservatorship Division of the County Counsel's Office represents the Children and Family Services Bureau of the Employment and Human Services Department (EHSD) in all juvenile court dependency proceedings from the initial petition seeking to protect a child through family reunification or permanency planning, and any subsequent appeal. This Division also represents the Public Guardian's Office of the Health Services Department in Lanterman-Petris-Short (LPS) and other conservatorship proceedings, regarding those members of the County's adult population who are unable to otherwise provide for their basic needs of food, clothing, and shelter. The attorneys in this Division appear on between 600 and 800 cases each month. In calendar year 2012, the Juvenile Dependency/ Conservatorship Division opened 616 new juvenile dependency cases and filed 511 conservatorship petitions, compared to 639 new juvenile cases and 461 conservatorship petitions in calendar year 2011.

Juvenile dependency cases continue to be complex and challenging. Attorneys spend considerable time working with the Children and Family Services Bureau assisting staff in preparing cases for court to aid in the mission of protecting children and to assure compliance with state and federal law. This Division conducts annual training to the Children and Family Services Bureau on various topics from writing legally valid dependency petitions to statutory and case law updates. The attorneys in this Division also provide weekly on-site office hours for the Children and Family Services Bureau in Antioch, Pleasant Hill, and Richmond, where deputies provide case advice to social workers.

In 2012, the Juvenile Dependency/Conservatorship Division increased its office hours provided to the Children and Family Services Bureau with a focus on assisting social workers in drafting petitions and the initial court reports. In late 2012, the Contra Costa Superior Court shuttered juvenile courtrooms located in Pittsburg and Richmond. Now all County dependency cases are heard in Martinez. This Division has been working closely with Children and Families Services, as well as the juvenile court, to best serve the needs of the Bureau and the families affected by this change.

C. BUSINESS TRANSACTIONS AND CONTRACTS.

The General Law Division reviews between 1,500 and 2,000 contracts per year. Attorneys in this Division analyze and assist in drafting contracts for services, real estate acquisition, leases, complex software agreements, joint exercise of powers agreements, construction documents, and similar matters. In 2012, attorneys in this Division assisted with many significant business transactions including those listed below.

1. **Software and Technology Agreements.** Attorneys in this Division reviewed, drafted and negotiated several software and technology agreements for various County departments. The software licensed under these agreements include constituent database management software for the Board of Supervisors, child welfare program tracking software and case data software for the Employment and Human Services Department, County website and public document access software for the County Administrator's Office, electronic posting and bidding software for Treasurer-Tax Collector sales of tax defaulted real property, and communications equipment asset management software for the Sheriff's Office. Division attorneys negotiated agreements with the California Electronic Recording Transaction Network Authority, a statewide authority, to allow the Clerk-Recorder's Office to receive and record real property documents electronically.
2. **"Green" Agreements.** Attorneys in the General Law Division assisted County staff in negotiating and drafting a multi-agency agreement involving the creation of an internet-based regional recycling database tool. The tool will be placed on each agency's website as a "widget," which the public can use to search for facilities that recycle various types of materials. The Division assisted the Public Works Department in negotiating an agreement with about 30 Bay Area jurisdictions to solicit large volume purchases of renewable energy generation equipment through a regional, multi-jurisdictional purchasing arrangement. The Division also assisted in negotiating and drafting an agreement for a "food-waste-to-energy" project, which requires commercial establishments to separate their food waste from other forms of waste for separate collection, and to deliver the food waste through the Contra Costa Transfer and Recovery Station to the EBMUD processing facility in Alameda County.
3. **Other Selected Contracts and Transactions.** Attorneys in the General Law Division prepared documents for several affordable and senior housing projects, including Robine Lane, Rumrill Place, Lafayette Senior Housing, Orinda Senior Housing, and Berrellesa Palms. This office also assisted County staff in negotiating and drafting an agreement for the use of a portion of the former Concord Naval Weapons Station as a site for providing homeless services.

D. SIGNIFICANT COUNTY PROJECTS AND GENERAL LAW LITIGATION

- 1. Redevelopment Dissolution Act.** The Redevelopment Agency dissolved on February 1, 2012, after legislation terminating all redevelopment agencies in the state was upheld by the California Supreme Court. Since then, the County Counsel's Office has been assisting the Department of Conservation and Development with post-Redevelopment Agency issues and litigation as further discussed in Section IV. of this report (Department Challenges). The responsibilities of the County Auditor-Controller were also impacted by the dissolution of redevelopment agencies, and include administering property tax trust funds and performing audits of each former redevelopment agency within the County. The County Counsel's Office is legal adviser to the Auditor-Controller on these issues and represents the Auditor-Controller in lawsuits filed by public agencies and other entities that challenge the administration and distribution of property tax revenues under the Redevelopment Dissolution.
- 2. Major Road Projects.** The County Counsel's Office continues to address legal issues pertaining to the State Route 4 East Project in the Pittsburg area, which involves the County, the Contra Costa Transportation Authority and Caltrans. In 2012, attorneys in the General Law Division handled legal issues involving the widening of the portion of State Route 4 between Somersville Road and State Route 160.
- 3. General Law Litigation.** In addition to redevelopment and State Route 4 East litigation, the County Counsel's Office was involved in the successful resolution of significant cases in 2012. In *Ellis v. Weir*, a political party that challenged the Elections Division's method of processing vote by mail ballots and provisional ballots dropped its lawsuit after the County Counsel's Office filed a motion asking the court to resolve the case by summary judgment. In *Ambrose Recreation and Park District v. County of Contra Costa*, the General Law Division assisted staff in negotiating a settlement where the park district agreed to assume ownership of five Bay Point parks owned by the County. In *Attard v. Board of Supervisors*, the County prevailed in a lawsuit involving code enforcement actions taken against two properties near the Caldecott Tunnel.

E. LABOR RELATIONS AND TIMEKEEPING

Over the past two years the County Counsel's Office has been extensively involved in assisting the Human Resources Department and the County Administrator's Office with issues relating to labor relations. This includes providing advice on compliance with collective bargaining laws and procedures, including imposition of contract terms and new fact-finding procedures,

representing the County before the Public Employee Relations Board, reviewing MOU language for legality and clarity, providing legal advice on the new state Public Employee Pension Reform Act (PEPRA) and other pension and retiree health matters, and representing the County in arbitrations concerning interpretation of labor agreements. This office also assists the Auditor's Office with the Countywide timekeeping project by providing legal advice concerning the Fair Labor Standards act and related collective bargaining matters.

F. SELECTED ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS

During the past year, the County Counsel's Office assisted in the drafting, review and adoption of several significant County and Fire District ordinances:

Administrative Citations. This ordinance established administrative fines, enforcement, and collection remedies that the Contra Costa County Fire Protection District may pursue to address violations of the District Fire Code. The Board adopted the ordinance on February 14, 2012.

Daytime Curfew. This ordinance established a new daytime curfew for minors and modified the existing nighttime curfew for minors. The Board adopted the ordinance on February 28, 2012.

Off-Street Parking. This ordinance updated the County's off-street parking ordinance to establish new standards for vehicle and bicycle off-street parking. The ordinance encourages the use of features, design strategies, materials, products, and best construction practices to maximize energy efficiency in the design of parking facilities. The Board adopted the ordinance on October 16, 2012.

Emergency Response Fee. This ordinance authorizes the Contra Costa County Fire Protection District to obtain reimbursement for costs incurred by the fire district in responding to emergencies caused by certain negligent or criminal actions. The Board adopted the ordinance on December 11, 2012.

G. TRAINING

In support of the County's continuing efforts to avoid claims of discrimination, reduce litigation exposure, and educate staff, the County Counsel's Office provides advice and instruction to clients in areas such as risk management, employment law, discrimination, and disability. In conjunction with the Risk Management Division of the County Administrator's Office, this office provides a live, interactive sexual harassment prevention training program for supervisory employees. This office authored the training materials for this program. With the Risk Manager, attorneys from the General Law and Tort and Civil Rights Litigation Divisions provide training to supervisory employees at the new Risk Management training center on a bi-monthly basis.

This office also developed new training materials, including a new video presentation, and with the District Attorneys Office, provided training on the Brown Act to County employees and members of advisory bodies. In addition, we provided training on child welfare laws and the Public Records Act. Finally, in 2012, we provided fourteen training sessions to Housing Authority staff on how to prepare for administrative hearings, how to prepare for court appearances, and how to handle requests from public housing tenants for reasonable accommodations.

Below is a chart showing training presented in 2012.

Training Presented in 2012

DATE	FOR	SUBJECT
January 2012	Housing Authority	How to Prepare and Testify at Administrative Hearings and Court Trials
January 2012	Housing Authority	How to Prepare and Testify at Administrative Hearings and Court Trials
January 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
February 2012	Library	Sexual Harassment Prevention Training for Supervisors
February 2012	ConFire Battalion Chiefs	How to Investigate Employee Job-Related Misconduct
March 2012	ConFire Supervisors	Sexual Harassment Prevention Training
March 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
March 2012	Children and Family Services Bureau	Child Welfare Statutory Updates
March 2012	Housing Authority	How to Handle Section 8 Terminations
March 2012	Housing Authority	How to Handle Section 8 Terminations
March 2012	Housing Authority	How to Handle Section 8 Terminations
March 2012	Probation Department	Risk Management Training – When You Receive a Lawsuit
April 2012	Children and Family Services Bureau	Juvenile Dependency Petition Writing

Training Presented in 2012

DATE	FOR	SUBJECT
April 2012	County Staff and Advisory Bodies	Brown Act Training
May 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
June 2012	Housing Authority	How to Prepare and Testify at Administrative Hearings and Court Trials
June 2012	Housing Authority	How to Handle Reasonable Accommodation Claims
June 2012	County Board of Education	Expulsion Appeal Training
June 2012	Countywide	Risk Management Training – When You Receive a Lawsuit
July 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
August 2012	Probation Department	Risk Management Training – When You Receive a Lawsuit
August 2012	Clerk-Recorder's Office	Risk Management Training - When You Receive a Lawsuit
September 2012	Housing Authority	How to Handle Reasonable Accommodation Claims
September 2012	Housing Authority	How to Handle Section 8 Terminations
September 2012	Housing Authority	How to Prepare and Testify at Administrative Hearings and Court Trials
September 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
October 2012	Housing Authority	How to Handle Reasonable Accommodation Claims
October 2012	Countywide	Public Records Act Training
October 2012	Children and Family Services Bureau	Juvenile Dependency Petition Writing
October 2012	Countywide	Risk Management Training - When You Receive a Lawsuit

Training Presented in 2012

DATE	FOR	SUBJECT
November 2012	Housing Authority	How to Handle Section 8 Terminations
November 2012	Housing Authority	How to Handle Reasonable Accommodation Claims
November 2012	Countywide	Sexual Harassment Prevention Training for Supervisors
December 2012	Housing Authority	How to Handle Reasonable Accommodation Claims
December 2012	Library	How to Conduct Personnel Investigations
December 2012	County Personnel Officers	How to Investigate Employee Job-Related Misconduct

H. SERVICE HOURS

For the calendar year 2012, the total revenues received and expended by the County Counsel's Office were \$6,324,451. The office provided 88,354.35 hours of service, which includes thousands of hours of uncompensated overtime worked by County Counsel attorneys. If all of these hours could have been billed out, they would have generated \$9,593,373 in revenue. The difference of \$3,268,622, represents a considerable value to the County, and is, in our view, a significant accomplishment.

IV. DEPARTMENT CHALLENGES

A. INTERNAL TO DEPARTMENT

1. Resources. An ongoing challenge faced by this office is stretching limited staff resources to meet the legal demands of our clients. The increasing demands of our general fund clients, in particular, is placing a strain on our staffing resources and adversely impacts our ability to generate revenue.
2. Recruitment. The most significant, continuing, major challenge facing the County Counsel's Office is the hiring and retention of qualified attorneys who have specialized training and experience in targeted areas of civil law, so that our office can efficiently and effectively meet the County's legal needs. The loss of a single attorney has a significant, direct and immediate impact on our daily ability to respond to our clients' needs and demands. Hiring delays places a substantial burden on our remaining employees. We continue to evaluate how

best to recruit and keep well-trained attorneys, and how to make initial employment offers faster and more attractive.

3. Staff Development and Training. In 2012, the attorneys in this office spent 858 hours in professional education and training. Keeping the senior staff current with legal trends, while integrating new attorneys into the office and training them, is an ongoing challenge.

B. INTERNAL TO COUNTY OPERATION

1. Impact of Budget Shortfall. In bad economic times, the demand on the County Counsel's Office increases. When County departments are impacted by program and staff reductions, they call upon the County Counsel's Office to advise them on the relevant legal issues and procedures, to review and prepare necessary documents and to represent them at hearings. For example, layoffs and hiring freezes generally result in an increase in employee grievances. Employees impacted by layoffs or a hiring freeze may challenge the layoff process, the redistribution of workloads or work shifts, required or limited overtime, limitations on sick leave, vacation and leaves of absence, and other workplace adjustments made necessary by requiring fewer employees to do the same work. The County Counsel's Office advises departments on these issues and represents them at grievance hearings.

In addition, a reduction in services to the public, at a time when a downturn in the economy is increasing the need for public services, gives rise to a myriad of procedural and legal concerns. To take one recent example, litigation was filed against the County challenging delays in determining eligibility for aid through the County's General Assistance (GA) program. The County Counsel's Office litigated the matter and continues to work with the Employment and Human Services Department on compliance issues during the three-year monitoring period.

2. Redevelopment Issues. The dissolution of the Contra Costa County Redevelopment Agency on February 1, 2012, created new challenges for the County. The County must take numerous actions over the next several years that will require legal assistance and advice as it winds down the affairs of the dissolved Redevelopment Agency. The County, in its capacity as successor agency to the County Redevelopment Agency, is responsible for making payments and performing other obligations due on bonds, redevelopment agency loans, payments required by the federal or state government or for employee pension obligations, judgments and settlements, and legally binding and enforceable agreement or contracts. The County, as successor agency, also is responsible for continuing to oversee the

development of properties until the contracted work has been completed or the contractual obligations of the former agency can be transferred to other parties, and for disposing of certain funds and assets of the former Redevelopment Agency. The activities of the successor agency are monitored and in some cases directed by the Contra Costa County Redevelopment Successor Agency Oversight Board. The County Auditor-Controller also has significant new responsibilities associated with the dissolution of the Redevelopment Agency, including administering a new property tax trust fund and performing audits of each former redevelopment agency within the County. This has generated extensive litigation, as described in subsection C, below.

3. Preventive Assistance. A continuing challenge is to provide timely preventive legal/administrative assistance to County department staff while being almost entirely occupied with addressing current occurring legal problems and/or crises. This is and will continue to be addressed as legal resources can be appropriately directed to preventive legal/administrative advice activities. In the past two years, hundreds of employees retired from County service. Many of those who retired from County service were experienced supervisors and managers. In many departments there was little time to do any succession planning or training. In 2012, the County Counsel's Office presented two new training courses for supervisors on conducting employment investigations, with the goal of enhancing management skills and minimizing employee grievances and County liability. We plan to continue to develop and present new training programs related to employment law in 2013.

C. EXTERNAL TO COUNTY OPERATION

1. Pension Law Changes and OPEB Issues. For the past four years, there has been a high level of public interest in pension reform and modification of retiree health benefits. This has resulted in multiple legislative proposals, proposed initiative measures, and litigation. The County Counsel's Office has been called upon to assist in drafting retiree health and pension reform measures for inclusion in labor agreements and pension reform bills for submission to the Legislature. In 2012, a major pension reform law, the California Public Employees Pension Reform Act (PEPRA) drastically changed the rules related to pension benefits. Since PEPRA passed, the Office has provided advice on a wide variety of interpretation and compliance issues. On an ongoing basis, we closely monitor the statewide implementation of PEPRA and provide legal advice about its impact on the County's retirement benefits. In addition, our office serves as part of CSAC's legal team on pension reform matters.

We also advise and represent the County on a number of matters related to retiree health benefits.

2. State Law Dissolving Redevelopment Agencies. The state-mandated dissolution of redevelopment agencies imposed significant new responsibilities on the County Auditor-Controller. These responsibilities require assistance from this office, including administering a new property tax trust fund and performing audits of each former redevelopment agency within the County. In administering the distribution of property tax revenues to various public agencies under the Redevelopment Dissolution Act, the Auditor-Controller has been named in five lawsuits challenging those distributions. The plaintiffs have been successor agencies to former city redevelopment agencies, a school district, and a private developer. The plaintiffs have challenged the distributions on the theory they are entitled to a larger share of property tax revenues than they received. The County Counsel's Office has spent a significant amount of time and effort representing the Auditor-Controller in what are essentially disputes between other public agencies.
3. Superior Court Budget Challenges. The cuts to the California State Courts that went into effect in Fall 2012, will have an impact on how all state court cases are handled. The number of judges handling civil assignments in Contra Costa County was reduced by one, and there is no longer a commissioner to handle discovery matters. In late 2012, the Contra Costa County Superior Court closed branch juvenile courtrooms located in Pittsburg and Richmond. As a result, all dependency cases are now heard in Martinez. The overall impacts of the reductions are still unknown. Lines of communication among Children and Family Services, the County Counsel's Office and the juvenile courts are changing, as are procedures that effect trials and law and motion proceedings in civil cases. Attorneys in this office will have to adapt to new ways of handling cases in light of the limited resources and evolving practices of the court and the County.
4. California's Fostering Connections to Success Act. Juvenile Dependency/Conservatorship Division attorneys continue to work closely with staff from the Children and Family Services Bureau on the presentation of cases for non-minor dependents, aged 18 to 21, brought under the Fostering Connections to Success Act to assure statutory compliance. The act focuses on transitioning youth from foster care to independent living, and it has undergone two substantial legislative revisions since its effective date of January 1, 2012.

V. PERFORMANCE INDICATORS

A. TORT and CIVIL RIGHTS LITIGATION WORKLOAD REPORT

Files Opened

Litigation Division Files Opened	Year 2010	Year 2011	Year 2012
Civil Rights Cases	17	23	17
Employment Cases	7	7	10
Medical Malpractice Cases	8	14	12
Dangerous Condition Cases	4	10	1
Other Cases	14	11	13
Total files Opened	50	65	53

Files Resolved/Closed

Litigation Division Files Resolved/Closed	Year 2010	Year 2011	Year 2012
Files Resolved for \$0	35	34	39
Files Resolved for under \$10k	8	8	6
Files Resolved between \$10k and \$50k	9	6	5
Files Resolved between \$51k and \$100k	3	0	0
Files Resolved for over \$100k	5	4	0
Total Files Resolved/Closed	60	53	50

B. GENERAL LAW WORKLOAD REPORT

General Law Division – Civil and Administrative Litigation	Year 2010	Year 2011	Year 2012
New Court Cases Opened	77	88	65
New Administrative Cases Opened	31	32	30
Department Personnel Decisions upheld	81%	80%	75%

General Law Division Advisory Services	Year 2010	Year 2011	Year 2012
Standard Form Contracts Reviewed	1730	1651	1701
Responses to Written Requests for Advisory Services	192	281	538

C. JUVENILE DEPENDENCY/TEMPORARY CONSERVATORSHIP WORKLOAD REPORT

Juvenile Dependency/Temporary Conservatorship Services	Year 2010	Year 2011	Year 2012
New Dependency Cases Opened	453	639	616
Contests	1147	1411	1280
Briefs and Appeals	38	27	20
Conservatorship (LPS)/Probate Petitions Filed	438	461	511

D. LITIGATION PERFORMANCE MEASURES**1. Tort and Civil Rights Litigation Division, Assigned Cases.**

(a) Resolve 90% of cases with a remote chance of liability by dismissal or judgment within estimated cost-of-defense liability targets.

Outcome for 2012: 100% of cases resolved within this standard.

- (b) Resolve 90% of cases with a reasonable possibility of liability at a cost equal to or less than 75% of amount administratively reported at risk and within liability targets.

Outcome for 2012: 100% of cases resolved within this standard.

- (c) Resolve 90% of cases with a probability of liability at a cost equal to or less than the amount administratively reported at risk and within liability targets.

Outcome for 2012: 100% of cases resolved within this standard.

- (d) No liability in 80% of assigned civil rights cases.

Outcome for 2012: There were no liability findings and no adverse verdicts or judgments against the County in civil rights cases in 2012. Six of 10 cases were resolved without any payment to the Plaintiff.

2. Civil and Administrative Litigation – General Law Division.

- (a) Resolve with a favorable outcome at least 80 % of civil cases litigated by the General Law Division.

Outcome for 2012: Of the 72 civil cases resolved by the General Law Division in 2012, 99% resulted in an outcome favorable to the client.

- (b) Resolve with a favorable outcome at least 80 % of administrative cases litigated by the General Law Division.

Outcome for 2012: Of the 31 administrative labor and employment cases resolved by the General Law Division in 2012, 88% resulted in an outcome favorable to the client.

- (c) Uphold at least 75% of department personnel decisions and actions in administrative proceedings (Merit Board, arbitration, etc.).

Outcome for 2012: 75% of department personnel decisions that were referred to hearing in administrative proceedings such as arbitration, Merit Board, etc., were upheld.

E. **ADVISORY PERFORMANCE MEASURES**

1. Respond to 90% of written requests for services requiring drafting or legal analysis within 30 days or negotiated time targets, including extensions.

Outcome for 2012: The General Law Division responded to 97.6% of written requests for services requiring drafting or legal analysis within 30 days or negotiated time targets, including extensions.

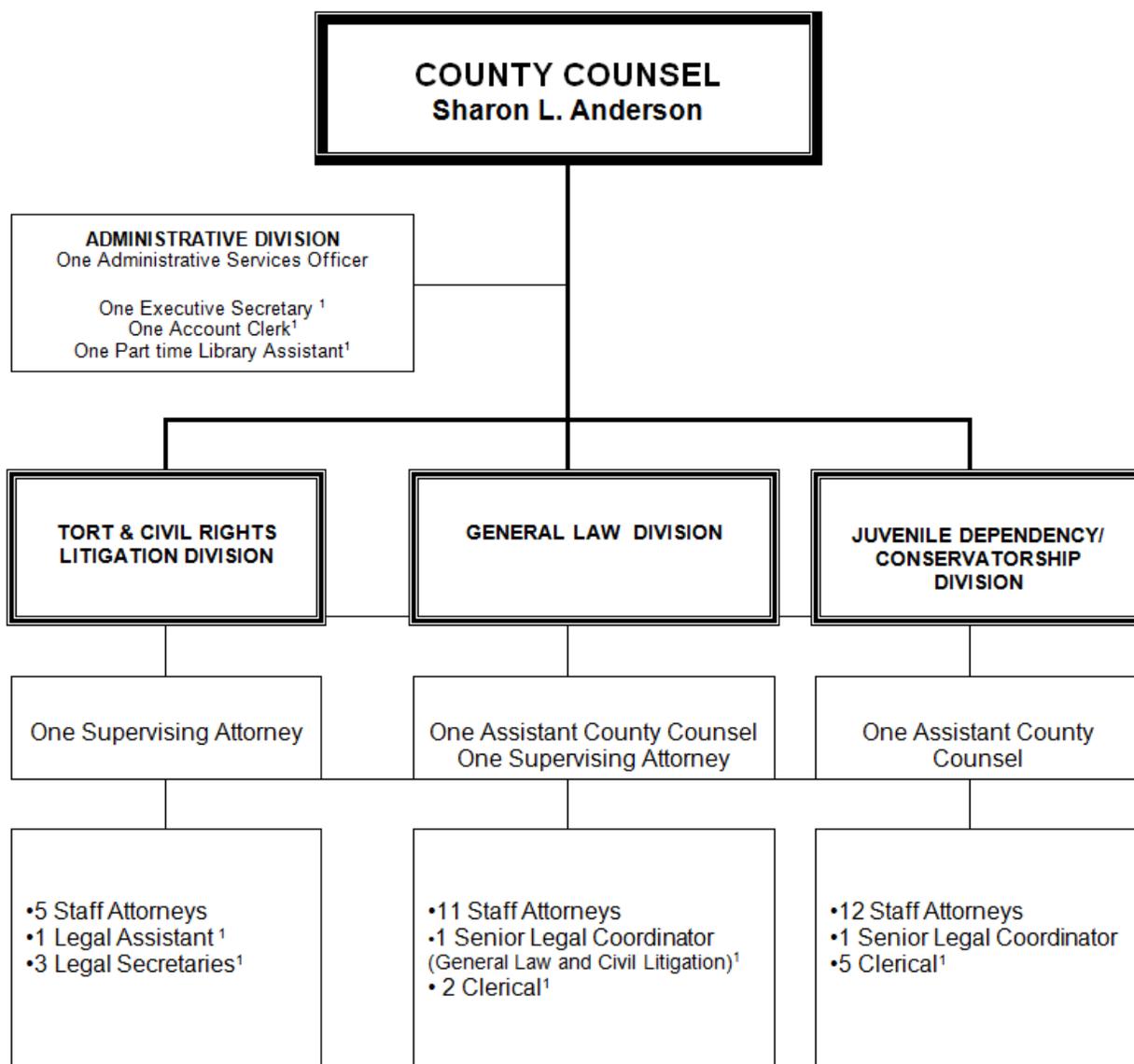
2. Respond to 90% of requests for approval as to form of County standard form contracts within seven working days after receipt of request.

Outcome for 2012: Responded to 99.8% of requests for approval as to form of County standard form contracts within seven working days after receipt of request.

VI. APPENDICES

A. DEPARTMENTAL ORGANIZATION CHART

County Counsel's Office



¹ Supervised by Administrative Services Officer