

Law Department

Peter S. Holmes, City Attorney

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Department Description

The Law Department serves as counsel to the City's elected officials and agencies, and as the prosecutor in Seattle Municipal Court. Peter S. Holmes, the Seattle City Attorney, 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 public health, safety, and welfare by prosecuting violations of City criminal and civil ordinances and state law. The three department divisions are Civil, Criminal, and Administration.

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

The Criminal Division prosecutes in Seattle Municipal Court misdemeanor crimes punishable by up to a year in jail, 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 by providing information about the progress of their case. The Criminal Division is comprised of a Case Prep Unit, Domestic Violence Unit, Specialty Courts Unit (Mental Health, Community Court, and Infractions Program), two additional trial teams, and 4 Precinct Liaisons.

Policy and Program Changes

In developing the 2011 Adopted Budget, the City of Seattle's General Fund was facing a \$67 million shortfall for 2011. The 2011 Adopted Budget includes reductions for all General Fund-dependent functions. The Law Department's 2011 Adopted and 2012 Endorsed Budget reflects reductions of \$1.37 million and \$248,000 in net savings to the Judgment and Claims Subaccount, or 8.5% of the Law Department's baseline budget, in order to close the gap.

The Law Department made mid-year reductions in 2010 and continues these reductions in the 2011 Adopted Budget. This includes abrogating 3.0 FTE for a savings of \$339,798. There are no personnel layoffs, as these positions were vacant. In most cases, the work load was absorbed by existing staff. One Assistant City Attorney position was abrogated due to the reduction in Driving While License Suspended in the 3rd degree (DWLS3) caseload. The City Attorney has changed how DWLS3 cases are handled, which results in fewer cases. Additional personnel savings are achieved by returning the Rule 9 Legal Intern Program to an unpaid program. The Criminal Division uses these interns to prosecute infraction cases focused primarily on traffic related charges. Despite this change, the Department expects to continue to have qualified applicants for these positions.

The Law Department will generate additional savings in 2011 through a furlough program. Assistant City Attorneys and professional staff will take 80 hours of unpaid leave. This will achieve substantial savings and avoid layoffs of trained, professional personnel that would otherwise cause reduced prosecutions, more reliance on outside legal counsel at considerably higher costs, or both.

The Law Department budget is assigned an additional \$420,000 reduction in 2011 to assist in balancing the overall General Fund budget. Specific program reductions will be determined by the Seattle City Attorney.

In 2011, part of the Community Court Program will move to the Seattle Municipal Court (SMC) Probation Services Division. This program was originally initiated through a Department of Justice grant in 2005 and consists of one program coordinator and two AmeriCorps volunteers. Program staff solicit volunteer opportunities for Community Court participants to satisfy work requirements. Existing SMC staff will assume the coordinator role, and the AmeriCorps volunteers are moved to the Court, and the Law Department coordinator position is abrogated.

In the 2011 Adopted Budget, the Law Department will add budget authority of \$370,000 and 2.0 FTE Assistant City Attorney, 0.5 FTE Paralegal, and 0.5 FTE Legal Assistant. These positions will allow the Law Department to bring in-house a portion of Police Action cases currently handled by outside counsel. There is an off-setting reduction of \$617,000 in the Police Department, appropriated as payment to the Judgment and Claims Police Action Sub-fund. The overall objective is to reduce the City's expenditures for outside counsel through in-house staffing at a lower cost. Collectively, these changes are expected to generate a net savings to the City of \$248,000.

Direct and front-line services have been prioritized in the 2011 Adopted Budget. To achieve this goal, every department was asked to critically evaluate funding needs for departmental travel and training to determine which items were essential to include and those that could be forgone. As a result of this evaluation, the Law Department will reduce travel and training expenditures by approximately \$8,000. This amount is captured within the administrative efficiencies descriptions detailed in the following pages.

With the election of a new City Attorney, the Administrative Budget Control Level was reorganized and two new positions were created. A Chief of Staff position was created by transferring a vacant position from the Civil BCL. A Communications Director position was created by transferring a vacant position from the Criminal BCL. There is no budget increase to the 2011 Adopted Budget as a result of these new positions.

City Council Provisos

There are no City Council provisos.

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	Summit	2009	2010	2011	2012
Appropriations	Code	Actual	Adopted	Adopted	Endorsed
Administration Budget Control Level	J1100	1,378,566	1,344,167	1,658,041	1,705,122
Civil Budget Control Level	J1300	9,843,071	9,978,477	10,358,879	10,626,166
Criminal Budget Control Level	J1500	6,846,443	6,903,426	6,352,029	6,519,185
Department Total		18,068,080	18,226,070	18,368,949	18,850,472
Department Full-time Equivalents Total*		156.10	156.10	155.10	155.10

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

	2009	2010	2011	2012
Resources	Actual	Adopted	Adopted	Endorsed
General Subfund	18,068,080	18,226,070	18,368,949	18,850,472
Department Total	18,068,080	18,226,070	18,368,949	18,850,472

Administration Budget Control Level

Purpose Statement

The purpose of the Administration Budget Control Level is to collectively recruit, train, evaluate, and retain qualified personnel who reflect the community and can effectively complete their assigned tasks, operate and maintain computer systems that enable department personnel to effectively use work-enhancing technology, and promote the financial integrity of the Department.

Summary

Transfer in \$168,000 and 1.0 FTE Assistant City Attorney to the Administration BCL from the Civil BCL to create a Chief of Staff position. This transfer is part of the new City Attorney administrative reorganization.

Transfer in \$108,000 and 1.0 FTE Assistant City Attorney to the Administration BCL from the Criminal BCL to create a Communications Director. This transfer is part of the new City Attorney administrative reorganization.

Reduce \$40,000 from the salary budget in the Administrative BCL. Non-represented employees in the Law Department will take 80 hours of unpaid leave.

The Mayor and the Council worked with the Coalition of City Labor Unions to identify mechanisms for reducing labor costs in the face of the City's strained financial situation. As a result of ratified agreements with represented employees and commensurate savings for non-represented positions in 'step-in-grade' classifications, this program will achieve \$3,000 in savings.

Citywide adjustments to labor and other operating costs increase the budget by \$81,000 for a net increase from the 2010 Adopted Budget to the 2011 Adopted Budget of approximately \$314,000.

	2009	2010	2011	2012
Expenditures/FTE	Actual	Adopted	Adopted	Endorsed
Administration	1,378,566	1,344,167	1,658,041	1,705,122
Full-time Equivalents Total*	11.30	11.30	13.30	13.30

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

Civil Budget Control Level

Purpose Statement

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, and federal courts and administrative bodies.

Summary

Transfer out \$168,000 and 1.0 FTE Assistant City Attorney to the Administration BCL to create a Chief of Staff position. This transfer is part of the new City Attorney administrative reorganization.

Reduce budget by \$40,000 and abrogate 0.5 FTE Legal Assistant. There is not a corresponding personnel layoff as the position is vacant. The work load will be absorbed by existing staff.

Reduce spending in the Civil BCL by \$2,000 to reflect a reduction of travel and training.

Reduce \$280,000 from the salary budget in the Civil BCL. Non-represented employees in the Civil BCL will take 80 hours of unpaid leave.

The Mayor and the Council worked with the Coalition of City Labor Unions to identify mechanisms for reducing labor costs in the face of the City's strained financial situation. As a result of ratified agreements with represented employees and commensurate savings for non-represented positions in 'step-in-grade' classifications, this program will achieve \$22,000 in savings.

Reduce spending in the Civil BCL by \$166,000 to assist in balancing the overall General Fund budget. Specific program reductions will be determined by the Seattle City Attorney.

Add \$369,000 and 2.0 FTE Assistant City Attorney, 0.5 FTE Paralegal, and 0.5 FTE Legal Assistant to the Civil BCL to resolve Police Action cases in house.

Transfer out 1.0 FTE Administrative Specialist II and \$66,000 from Civil to the Criminal BCL.

Transfer in 1.0 FTE Assistant City Attorney and \$114,000 to Civil from the Criminal BCL.

Citywide adjustments to labor and other operating costs increase the budget by \$641,000 for a net increase from the 2010 Adopted Budget to the 2011 Adopted Budget of approximately \$380,000.

Expenditures/FTE	2009 Actual	2010 Adopted	2011 Adopted	2012 Endorsed
Civil	9,843,071	9,978,477	10,358,879	10,626,166
Full-time Equivalents Total*	80.80	80.80	82.30	82.30

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

Criminal Budget Control Level

Purpose Statement

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.

Summary

Transfer out \$108,000 and 1.0 FTE Assistant City Attorney from the Criminal BCL to the Administration BCL to create a Communications Director. This transfer is part of the new City Attorney administrative reorganization.

Abrogate 1.0 FTE Administrative Specialist I and reduce the budget \$65,000 in Case Management. There is not a corresponding personnel layoff as the position is vacant after a retirement in 2010. Other staff in the Criminal Division have assumed the work load on a permanent basis.

Abrogate 0.5 FTE Assistant City Attorney (ACA) and reduce the budget \$68,000. There is not a corresponding personnel layoff as the position is vacant. A part-time ACA was moved into a vacant 1.0 FTE position, leaving this 0.5 FTE ACA position vacant. Other attorneys in the Criminal Division have assumed the work load on a permanent basis.

Abrogate 1.0 FTE Assistant City Attorney and reduce the budget \$121,000. This reduction is due to the City Attorney prosecuting fewer DWLS3 cases. There is not a corresponding personnel layoff, as the employee moved to a vacant position in the Civil Division.

Reduce the budget by \$46,000 and eliminate the paid Legal Intern program. This program will continue, however the Rule 9 Interns will be unpaid. The department expects to continue receiving qualified applicants.

Reduce the budget by \$6,000 to reflect a reduction of travel and training in the Criminal BCL.

Reduce \$180,000 from the salary budget of the Criminal BCL. Non-represented employees in the Criminal BCL will take 80 hours of unpaid leave.

The Mayor and the Council worked with the Coalition of City Labor Unions to identify mechanisms for reducing labor costs in the face of the City's strained financial situation. As a result of ratified agreements with represented employees and commensurate savings for non-represented positions in 'step-in-grade' classifications, this program will achieve \$14,000 in savings.

Reduce spending in the Criminal BCL by \$254,000 to assist in balancing the overall General Fund budget. Specific program reductions will be determined by the Seattle City Attorney.

Transfer in 1.0 FTE Administrative Specialist II and \$66,000 to Criminal from the Civil BCL.

Transfer out 1.0 FTE Assistant City Attorney and \$114,000 from Criminal to the Civil BCL.

Abrogate 1.0 FTE Strategic Advisor I position with the move of the Community Court Program to the Seattle Municipal Court for total reduction of \$106,000.

Citywide adjustments to labor and other operating costs increase the budget by \$464,000 for a net decrease from the 2010 Adopted Budget to the 2011 Adopted Budget of approximately \$551,000.

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Expenditures/FTE	2009 Actual	2010 Adopted	2011 Adopted	2012 Endorsed
Criminal	6,846,443	6,903,426	6,352,029	6,519,185
Full-time Equivalents Total*	64.00	64.00	59.50	59.50

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