

# **COUNSEL'S OFFICE**

## **PERFORMANCE REPORT**

### **I. DEPARTMENT MANDATES**

The County Counsel's Office serves as civil legal advisor to the Board of Supervisors, the County Administrator, County elected officials, County departments, boards and commissions, and various other public agencies in the County. The duties of the Office include 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 represent the Public Guardian/ Public Conservator in conservatorship proceedings involving persons disabled by mental illness and dementia; provides legal services to the County's Assisted Outpatient Treatment program (Laura's Law); and represents the Children and 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), Contra Costa Resource Conservation District, and Delta Diablo, a sanitation district.

### **II. MAJOR PROGRAM DESCRIPTIONS (as of January 1, 2020)**

#### **A. GENERAL COUNTY GOVERNMENT GENERAL LAW DIVISION**

This program area includes all legal services to County departments, officers and boards, and outside public clients, other than those services provided by the Juvenile Dependency/Conservatorship Division and the Tort and Civil Rights Litigation Division, described below. Legal services provided by the General Law Division include transactional services such as reviewing and preparing contracts, and general government advice and

representation including land use, finance, election law, property taxation, public works, construction and transportation, real property and conflict of interest. In this way, the County Counsel's Office helps the County provide cost-effective services that benefit this County's residents and avoid unnecessary risk of liability. The General Law Division also handles two types of litigation—administrative cases and all federal and state civil court cases, except cases where monetary damages are sought against the County. Civil cases litigated by the General Law Division include cases arising under California Environmental Quality Act (CEQA), land use cases, petitions for writs of mandate, tax refund actions, eminent domain actions, unlawful detainer cases, and Public Administrator probate actions. Administrative cases litigated by the General Law Division include employee disciplinary appeals, labor contract disputes, wrongful discrimination and sexual harassment claims, Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC), and Department of Labor Standards Enforcement (DLSE) complaints, and unfair labor practice charges. The representative clients and services are described below:

1. **Core County Departments.** The core County departments are the Board of Supervisors, County Administrator, Human Resources, Assessor, Auditor-Controller, Treasurer-Tax Collector, County Clerk-Recorder/Elections and the Merit Board.
2. **Health, Sanitation and Community Protection.** This category encompasses the Health Services Department, including its Public Health, Environmental Health and Hazardous Materials divisions, the hospital and clinics, the Contra Costa County Health Plan, and Behavioral Health Services. This category also covers legal services to County departments, programs and agencies that protect the general public and work to 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 category involves legal services to the County's justice system, including the Sheriff, Public Defender, District Attorney, and the Probation Department.
4. **Social Services and Probate.** Legal services to the Employment and Human Services Department (such as contract review, administrative advice, personnel matters, general assistance, IHSS Public Authority, Community Services Division) and services to Child Support Services, Veterans Services, the Public Guardian and the Public Administrator, are included in this category.
5. **Miscellaneous County and Outside Clients.** This category includes legal services to various agencies governed by the Board of Supervisors (Libraries, Housing Authority, CATV, etc.) and to other public clients (LAFCO, Grand Jury, County Office of Education, Contra Costa County Schools Insurance Group, Delta Diablo, State Route 4 Bypass Authority, and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA)).

BUDGET: \$6,120,933  
FTE 25

**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. The County Counsel's Office is designated by the Board of Supervisors to represent the Public Guardian/Public Conservator in conservatorship proceedings involving persons disabled by mental illness, and dementia, This Division also provides legal services to the County's Assisted Outpatient Treatment program (Laura's Law).

BUDGET: \$3,847,108  
FTE: 17

**C. TORT AND CIVIL RIGHTS LITIGATION DIVISION**

The Tort and Civil Rights Litigation Division defends claims and lawsuits where monetary damages are sought against the County, the Contra Costa Fire Protection District and their officers, and employees. The Division defends cases involving allegations of personal injury, property damage, and medical malpractice, as well as cases concerning employment conditions and civil rights.

BUDGET: \$2,518,959  
FTE: 10

**D. DEPARTMENT DATA**

BUDGET: \$13,792,000  
FTE: 52

CLASS	ALLOCATED POSITIONS (as of 12-31-20)
Deputy County Counsel	29
Clerical	17
Management	6

EMPLOYEE PROFILE:

	Male	Female	Total	Percent
African/American	0	7	7	13%
Caucasian	11	20	31	60%
Hispanic/Latino	1	1	2	4%
Native American	0	0	0	0%
Pacific Is/Asian	2	6	8	15%
Not Classified	0	1	1	2%
*Vacant	N/A	N/A	3	6%
Total	14	35	52	100%
Percent	29%	71%		

\*Not included in percent total

### **III. DEPARTMENT ACCOMPLISHMENTS**

#### **A. PERSONAL INJURY AND CIVIL RIGHTS LITIGATION**

The County Counsel's Office aggressively defends cases through dispositive motions, trial and appeal. The Tort and Civil Rights Litigation 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.

As the chart in Section V. of this report (Performance Indicators) shows, in calendar year 2020, this Office was able to resolve 65% of assigned cases without any monetary payment, with 73% resolved for under \$10,000, and 86% resolved for \$50,000 or under.

#### **B. JUVENILE DEPENDENCY/CONSERVATORSHIP SERVICES**

The Juvenile Dependency/Conservatorship Division provides legal services to the Children and Family Services Bureau (CFS) of the Employment and Human Services Department (EHSD) in all juvenile dependency proceedings; the Public Guardian/Public Conservator Division of the Health Services Department in conservatorship matters; and the Behavioral Health Services Division of the Health Services Department in Assisted Outpatient Treatment (Laura's Law) matters. At the onset of the COVID-19 pandemic and shelter in place orders, the attorneys in this Division pivoted to provide both legal advice and court representation through alternative means, other than in-person. Through a combination of teleconferences, email exchanges, and on-line platforms such as Zoom and Microsoft Teams, the attorneys in this Division have continued to provide full legal services to these clients. By law, juvenile dependency cases must proceed on a regimented timeline, and certain court findings must be timely made to maintain federal funding for cases involving AFDC-foster care. Following the initial Superior Court closure, from March to May 2020, there was a backlog of unheard

juvenile dependency matters. This Division worked with the juvenile court and CFS to process and clear the backlog of cases, by completing and circulating over 566 stipulations and orders to accomplish the required court findings in the absence of live hearings. This required the attorneys in this Division to become adept at handling contested and uncontested hearings through on-line, virtual platforms.

In calendar year 2020 the Juvenile Dependency/ Conservatorship Division opened 323 new juvenile dependency cases, and filed and appeared on 658 LPS/Probate matters and 10 petitions for Assisted Outpatient Treatment (Laura's Law) services. The COVID-19 pandemic resulted in an increase in the number of petitions filed seeking medical decisions for individuals under conservatorship orders. The Division assisted the Public Guardian/Conservator in responding to 23 criminal court referrals, pursuant to Penal Code Section 1370, for conservatorship investigation. This Division has continued to conduct periodic training for the Children and Family Services Bureau and the Health Services Conservatorship Division on various topics as well as provide weekly office hours via teleconference or on-line platforms for the Children and Family Services Bureau staff in Antioch, Pleasant Hill, and Richmond.

## **C. SIGNIFICANT COUNTY PROJECTS AND LITIGATION**

- 1. Compliance with Executive Orders and Federal Legislation issued to address COVID-19.** Commencing in March 2020, the Governor issued a series of Executive Orders waiving a variety of statutory requirements to permit local agencies to act quickly and safely to address the COVID-19 pandemic. Throughout the course of the pandemic the County Counsel's Office has continued to advise the Board of Supervisors, County Administrator, Clerk of the Board and various advisory bodies about compliance with the Ralph M. Brown Act and transparency measures in the context of virtual meetings and agenda preparation. In addition, this Office provided advice related to modified rules regarding the use of

retired employees to ensure necessary staffing, as well as a wide variety of other issues related to implementation of remote work locations, and safety requirements for employees remaining in the workplace, and drafted revisions to employee deferred compensation plans to implement temporary waivers of federal tax provisions.

2. **Response to the COVID-19 Pandemic.** This Office continues to advise the Board of Supervisors, County Health Officer, Health Services Department, and other County departments on legal issues related to the County's response to the COVID-19 pandemic. At the beginning of the pandemic, we prepared the Board resolution proclaiming a local emergency, and coordinated with counsel for other Bay Area counties to prepare the first joint areawide shelter-in-place order. As the pandemic continued throughout 2020, we prepared a total of 39 Health Officer orders and amendments. Typically drafted on a short deadline, these orders related to social distancing, outdoor gatherings, face coverings, business requirements, testing, quarantines, and other matters aimed at controlling the disease. We also helped the County comply with the federal C.A.R.E.S. Act employee leave and benefit provisions and various funding allocation requirements. In 2020, attorneys and clerical staff in the County Counsel's Office spent approximately 6,000 hours on matters related to the COVID-19 pandemic.
3. **Countywide Sales Tax.** This Office provided legal advice and assistance to facilitate the development of an ordinance establishing the County's half-cent general sales tax. The Board adopted the ordinance in August and placed it on the November ballot, where 58 percent of the voters passed the tax. The sales tax will last for 20 years and will generate an estimated \$81 million annually. We also prepared the ballot question and resolution adopted by the Board, drafted the special legislation that authorized the County to place the measure on the ballot, and defended a pre-election court challenge to the measure.

4. **Public Records Act.** In 2019, two new laws affecting the confidentiality of peace officer personnel records went into effect. SB 1421 and AB 748 mandate that certain types of peace officer personnel records and files, previously disclosable only under court order, must be released following a request under the California Public Records Act. In 2020, this Office continued to represent the County and Sheriff in state court litigation involving the interpretation of this new legislation and the release of these records. We will be working with that department in the coming year to facilitate ongoing compliance with these new laws. This Office also advised other County departments throughout the year in responding to numerous Public Records Act requests related to the Covid-19 pandemic and other matters.
5. **Jail Mental Health Treatment Issues.** This Office continues to work with County staff to refine programs to obtain court authorization for the psychiatric treatment of inmate situations when treatment is medically necessary and/or inmates represent a danger to themselves or others due to a mental illness. This caseload increased significantly in 2020 and required dedication of additional attorney services.

#### **D. BUSINESS TRANSACTIONS AND CONTRACTS**

In 2020, attorneys in the General Law Division assisted County departments in reviewing, negotiating and drafting more than 1,300 contracts for services, real estate acquisitions, leases, joint exercise of powers agreements, construction documents, and other matters where a formal agreement is needed. A few examples of these diverse and complex business transactions are described below.

1. **COVID-19 Transactions.** We prepared and reviewed numerous legal documents necessary for the County – in particular, the Health Services Department – to respond effectively and quickly to the COVID-19 pandemic. At the outset of the pandemic, we drafted and reviewed agreements to secure locations for overflow hospital beds

and drive-through testing. We also provided advice related to FEMA reimbursement for contracts that several departments entered into at the beginning of the pandemic. As the pandemic continued, we prepared and reviewed agreements for additional drive-through testing sites, vaccination locations, sites for temporary homeless shelters, and meal programs.

2. **Module M at the Downtown Martinez Jail.** The County Counsel's Office prepared and reviewed agreements for the design and construction of mental health treatment facilities and associated Americans with Disabilities Act upgrades at Module M in the Martinez Detention Facility. The Board approved the \$16.3 million project in March.
3. **Oak Park/Pleasant Hill Library.** The County Counsel's Office worked with County Real Estate Services staff and the County Librarian to finalize project documents for the future development of two County properties in south Pleasant Hill, along Oak Park Boulevard. This was a complex transaction involving negotiations with the City of Pleasant Hill, the Pleasant Hill Recreation and Park District, and the Mt. Diablo Unified School District to locate a new Pleasant Hill Library on a portion of a 10-acre County parcel, establish new recreation and park facilities on another portion of that parcel, and build 34 new single-family homes at the adjacent 5-acre site of the former Pleasant Hill Library. The Board approved conveyances of half the 10-acre parcel to the City and half to the Park District in May. The Board approved the sale of the former library site to a residential developer for \$13.8 million in July, and grading at the site began shortly thereafter.
4. **Homeless Services.** This Office prepared and reviewed agreements that allowed the County to purchase the former Motel 6 in Pittsburg for use as an emergency homeless shelter, using funds provided by the state through its Project Homekey program. The Board approved the purchase in October.

## **E. SELECTED ORDINANCES ADOPTED BY THE BOARD OF SUPERVISORS**

In 2020, the County Counsel's Office assisted in the preparation, review, and adoption of several significant County and Fire District ordinances:

**Accessory Dwelling Units.** In January, the Board adopted an ordinance authorizing junior accessory dwelling units and establishing a procedure for reviewing and approving their development.

**Business Licenses.** In February, the Board adopted an ordinance requiring that applicants for a business license obtain written verification from the Department of Conservation and Development confirming that the proposed business is consistent with all applicable zoning requirements before the license is issued.

**Cannabis.** In February, the Board adopted an ordinance to prohibit the transfer and assignment of cannabis permits, and to allow certain ownership changes in commercial cannabis businesses. The ordinance is part of the County's comprehensive cannabis regulatory program first adopted by the Board in 2018.

**Solar Energy Facilities.** In February, the Board adopted ordinances establishing a solar energy overlay district, allowing commercial solar energy facilities to be established in commercial, industrial, planned unit, and solar energy overlay zoning districts.

**Dangerous Animals.** In March, the Board adopted an ordinance revising procedures for the Animal Services Department to designate animals as potentially dangerous or dangerous.

**County Recorder Archive Program Fee.** In March, the Board adopted an ordinance establishing a \$1 fee to implement and fund a county recorder archive program,

which will allow the Clerk-Recorder to restore and preserve archived microfilmed documents.

**Eviction and Rent Increase Moratoriums.** In April, to minimize the economic impact of COVID-19, the Board adopted a countywide urgency ordinance that temporarily prohibited evictions of residential and commercial real property tenants who had been impacted by the virus, and established a moratorium on certain rent increases. The County Counsel's Office also developed a "Frequently Asked Questions" document for the County website that explains the ordinance. Through the end of 2020, as the pandemic continued and the Health Officer continued the shelter in place orders, we assisted the Board in adopting six additional urgency ordinances continuing and modifying the eviction and rent moratoriums.

**Emergency Medical Services Fees.** The Fire District provides advanced life support and basic life support emergency medical services, and critical care transport, in response to 911 calls. In May, the Fire District Board adopted an ordinance allowing the Fire District to recover its costs for providing emergency ambulance services to residents in most areas of Contra Costa County.

**Short-Term Rentals.** In June, the Board adopted an ordinance to regulate the renting of residential dwelling units for periods of 30 consecutive days or less; establish a procedure for reviewing and approving short-term rental permit applications; and establish location, parking, occupancy, and other standards for short-term rentals to limit the impact on neighbors.

**Administrative Fines for Violations of Public Health Orders.** In July, the Board adopted an urgency ordinance authorizing administrative fines for violations of public health orders pertaining to the COVID-19 pandemic. The ordinance allows the County and cities to impose fines on people and businesses who violate orders issued by the County Health Officer and the State Public Health Officer. The fines range from \$100 to \$1,000. We also prepared

forms for enforcement officers to use when issuing fines, provided advice to staff on using hearing officers for administrative appeals of fines, and participated in a County staff task force on the enforcement of Public Health Officer orders.

**Fire Protection Facilities Fees.** In November, the Board adopted an ordinance establishing fire protection facilities fees for the portions of unincorporated Contra Costa County that are located within the boundaries of the East Contra Costa Fire Protection District. The ordinance authorizes the County to impose the fees and the District to collect, retain, and use the fees.

**Industrial Hemp.** In November, the Board adopted an urgency ordinance establishing a temporary moratorium on industrial hemp cultivation while the County develops regulations to mitigate the impact and regulate the location of the cultivation of industrial hemp. In December, the Board extended the moratorium through early 2021.

## **F. LABOR RELATIONS**

Over the past several years, the County Counsel's Office has been extensively involved in assisting the Human Resources Department and the County Administrator's Office with labor relations matters. This includes providing advice on compliance with collective bargaining laws and procedures, including imposition of contract terms, unit modification and decertification, and fact-finding procedures; representing the County before the Public Employee Relations Board; and reviewing MOU language for legality and clarity. In 2020 a special area of emphasis was providing legal advice on the federal CARES Act and its various employee leave and benefit provisions, and new state laws and OSHA regulations for employee safety during the COVID-19 pandemic. In 2020, 33 new administrative cases, including Merit Board complaints, EEOC/DFEH matters, PERB charges and arbitrations were added to the County Counsel caseload.

## **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 on a variety of topics including conflicts of interest, the Brown Act, the Public Records Act, and other substantive legal issues affecting our various client departments. Below is a chart showing training presented in 2020.

## Training Presented in 2020

DATE	FOR	SUBJECT
February 2020	Children and Family Services (Countywide)	ICWA – California Inquiry Duty
February 2020	Children and Family Services (Countywide)	New Laws Juvenile – Statutory Updates
March 2020	Children and Family Services (Richmond)	Exigency Training
March 2020	Children and Family Services (Antioch)	Exigency Training
March 2020	Children and Family Services (Pleasant Hill)	Exigency Training
April 2020	Children and Family Services (New Social Worker Training)	Petition Writing
April 2020	First Five Children and Families Commission	Conflict of Interest
May 2020	Children and Family Services (New Social Worker Training)	Parentage
May 2020	Children and Family Services (New Social Worker Training)	Testimony/Court
August 2020	Children and Family Services (New Social Worker Training)	Petition Writing
August 2020	Children and Family Services (New Social Worker Training)	Testimony/Court
August 2020	Children and Family Services (New Social Worker Training)	Parentage
November 2020	Employment and Human Services Department	Drafting Contracts – Written Material
December 2020	Department Personnel Officers	Reporting Requirements and Exposure to COVID-19 (AB 685)

During the summer of 2020, this Office again applied for and was granted State Bar of California Multiple Activity Provider status. This allows the County Counsel's Office to offer credit for continuing legal education trainings. Due to the pandemic only one training was provided in February of 2020. We anticipate conducting additional trainings in 2021.

#### **H. SERVICE HOURS**

For calendar year 2020, the total revenues received and expended by the County Counsel's Office were \$10,047,772. This Office provided 106,854 hours of legal services to our public clients, which includes thousands of hours of uncompensated overtime worked by County Counsel attorneys. If all of these hours could have been charged out, they would have generated \$15,443,403 in revenue. The difference of \$5,395,631, represents a considerable value to the County, and, in our view is a significant accomplishment.

### **IV. DEPARTMENT CHALLENGES**

#### **A. INTERNAL TO DEPARTMENT**

1. **Records Management and Retention.** The County Counsel's Office spent numerous staff hours reviewing, organizing, and indexing paper files so they can be digitized and ultimately purged. This was the first phase of the department's records and case management modernization program. We continue to work with the Department of Information Technology and its consultant to implement the second phase of document retention procedures, which will enable this Office to automate the process of scanning new files into the Laserfiche system. In 2021, we plan to select a case management system for use by the Office's three divisions.

2. **Staff Development and Training.** In 2020, County Counsel attorneys spent 873 hours in professional education and training. Keeping senior staff current with legal trends, while integrating new attorneys into the Office and training them, is an ongoing challenge.
3. **Resource Allocation.** The County Counsel's Office strives to provide outstanding legal services to all of our clients, including those whose legal services are supported only by the general fund. This year's budget reflects a \$145,000 reduction in our net County cost allocation. Over the past four years, this department's allocation has been reduced by \$1.7 million. Fulfilling our ethical obligation to provide superior legal advice and assistance to all of our clients with diminishing resources is an ongoing challenge.

We continue to look for ways to supplement direct legal services with more training opportunities for County departments, especially in responding to Public Record Act requests, handling employment matters, and in the use of online contract forms and contract administration so that departments are better able to develop internal expertise in these areas.

## **B. INTERNAL TO COUNTY OPERATION**

1. **Increase in Number of Conservatorship Hearings.** Over the past year there has been a significant increase in the number of hearings, trials, and appeals of LPS conservatorship cases. In addition to setting more cases for trial, the Office of the Public Defender has appealed almost every trial decision and contested all petitions for compensation filed in LPS conservatorships. A case from this County is currently pending before the California Supreme Court to decide whether a proposed LPS conservatee may refuse to testify in the civil trial to determine if he/she is gravely disabled. The Supreme Court case is presently fully briefed, and we are awaiting a date for oral argument.

The workload of the Juvenile Dependency/ Conservatorship Division allows for only a single attorney to cover the conservatorship cases. The Public Defender's practice of routinely challenging almost every conservatorship decision continues to severely tax our existing resources.

2. **Preventive Legal Services.** This Office continues to look for ways to streamline our existing services and provide timely, preventive legal and administrative assistance to County departments, while maintaining the flexibility to address immediate legal problems and/or crises. We emphasize a strategic approach to problem-solving and try to identify creative solutions that will enable client departments to effectively meet new challenges and manage risk.
3. **Medical and Mental Health Issues.** An important challenge for all California counties is to find ways to better support public health while addressing the needs of individuals who become involved in the criminal justice system. In this County, the question of how best to address the medical and behavioral health needs of individuals involved in the criminal justice system is the subject of an ongoing collaboration among the County Administrators' Office, the Sheriff's Department, the Health Services Department, and the County Counsel's Office. Most recently this includes assisting the Health Services Department with a new program to provide medical intervention to inmates who need treatment, but do not have the ability to consent to it.

## C. EXTERNAL TO COUNTY OPERATION

1. **Covid-19 Pandemic.** The COVID-19 Pandemic absorbed considerable County Counsel resources in 2020, in terms of maintaining and managing our own staff as well as providing legal advice and assistance to our clients. This included a myriad of remote workplace considerations and the review and interpretation of COVID-19 related laws and regulations. The pandemic is not over, and we anticipate that new issues will continue to emerge in 2021.
2. **Increase in Complexity of Dependency Matters.** Since the onset of school closures due to Covid-19, there has been a sharp increase in the number of complex dependency cases. Prior to Covid-19, Children and Family Services (CFS) may have seen one to three cases of shaken (or broken bones) babies per year. Since the Covid-19 pandemic began, these cases have increased to nearly one per month. These cases require extensive case preparation, including the need to subpoena full medical records and work with experts to determine whether the injuries were the result of accidental or non-accidental trauma. It goes without saying that these cases are not only extremely complicated from a legal standpoint, they are also a heartbreaking concern to all involved.
3. **Responding to the Opioid Epidemic.** Contra Costa County is one of 30 California counties that filed litigation in May 2018 against opioid manufactures and distributors for contributing to an opioid epidemic in this state. These 30 counties represent approximately 10.5 million residents. These cases are being heard as part of a multi-district litigation in Ohio, where more than 500 public entitles have filed similar suits. This litigation is an important tool to help the County recover taxpayer funds needed to counteract the opioid epidemic. The court created a certified class of approximately 34,000 public entities nationwide. As part of this class, the County,

through this Office, is currently engaged in settlement negotiations with the defendants.

4. **Racial Equity and Social Justice.** The County Counsel's Office advises its clients on the legal requirements and policies that support Countywide and department-specific racial equity and social justice goals. In particular, this Office has been active in helping clients comply with laws that provide greater access to records of peace officer misconduct (SB 1421 and AB 748) and in supporting the Board's efforts to address the impact of eviction on residential tenants whose ability to pay rent has been affected by the pandemic. Assisting other County departments in responding to an increasing number of Public Records Act requests is proving to be a substantial drain on the resources of this Office. This task consumed over 1,100 County Counsel staff hours in 2020, a 12 percent increase from 2019.

## V. PERFORMANCE INDICATORS

### A. TORT and CIVIL RIGHTS LITIGATION WORKLOAD REPORT

#### Files Opened

Litigation Division Files Opened	Year 2020
Civil Rights Cases	13
Employment Cases	6
Medical Malpractice Cases	5
Dangerous Condition Cases	13
Other Cases	13
<b>Total Files Opened</b>	<b>50</b>

#### Files Resolved/Closed

Litigation Division Files Resolved/Closed	Year 2020
Files Resolved for \$0	32
Files Resolved for under \$10k	4
Files Resolved between \$10k and \$50k	6
Files Resolved between \$51k and \$100k	3
Files Resolved for over \$100k	4
<b>Total Files Resolved/Closed</b>	<b>49</b>

## B. GENERAL LAW WORKLOAD REPORT

General Law Division – Civil and Administrative Litigation	Year 2020
New Court Cases Opened	70
New Administrative Cases Opened	33

General Law Division Advisory Services	Year 2020
Standard Form Contracts Reviewed	1370
Responses to Written Requests for Complex Transactional and Advisory Services	614

## C. JUVENILE DEPENDENCY/TEMPORARY CONSERVATORSHIP WORKLOAD REPORT

Juvenile Dependency/Temporary Conservatorship Services	Year 2020
New Dependency Cases Opened	323
Contests	847
Briefs and Appeals	57
Conservatorship (LPS)/Probate Petitions Filed and Appeared	658

## **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 2020: 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 2020: 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 2020: 100% of cases resolved within this standard.

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

Outcome for 2020: 100% of civil rights cases were resolved with no liability findings and no adverse verdicts or judgments against the County. Out of 22 civil rights cases, 14 (64%) were resolved without any payment to the Plaintiff, and 16 (73%) were resolved for under \$13,000.

2. **Civil and Administrative Litigation – General Law Division.**

- (a) Resolve with a favorable outcome at least 75% of civil cases litigated by the General Law Division.

Outcome for 2020: Of the 74 civil cases resolved by the General Law Division in 2020, 98% 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 2020: Of the 15 administrative labor and employment cases resolved by the General Law Division in 2020, 100% 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, PERB etc.).

Outcome for 2020: 90% 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 2020: Of the 614 written requests for advisory services that the

General Law Division responded to in 2020, 100% were responded to 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 2020: This Office responded to 1370 requests for contract review. Ninety-nine percent of requests for approval as to form of County standard form contracts were responded to within seven working days after receipt of request.