



## Office of Multnomah County Attorney

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501 SE Hawthorne Blvd., Ste. 500,  
Portland, OR 97214

# **2007-2008 Annual Litigation Report**

*County Attorney's Litigation Report  
to the Multnomah County  
Board of Commissioners  
October 2008*



# OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE  
*County Attorney*

501 S.E. HAWTHORNE, SUITE 500  
PORTLAND, OREGON 97214

FAX 503.988.3377  
503.988.3138

JOHN S. THOMAS  
*Deputy County Attorney*

DAVID N. BLANKFELD  
CARLOS J. CALANDRIELLO  
SANDRA N. DUFFY  
SUSAN M. DUNAWAY  
STEPHANIE E. DUVALL  
PATRICK W. HENRY  
STEPHEN L. MADKOUR  
JENNY M. MORF  
BERNADETTE D. NUNLEY  
MATTHEW O. RYAN  
KATHRYN A. SHORT  
JED R. TOMKINS  
JACQUELINE A. WEBER  
*Assistants*

## MEMORANDUM

**TO:** Board of County Commissioners  
Ted Wheeler, Chair  
Maria Rojo de Steffey, Commissioner  
Jeff Cogen, Commissioner  
Lisa Naito, Commissioner  
Lonnie Roberts, Commissioner

**FROM:** Agnes Sowle

**DATE:** October 1, 2008

**RE:** 2007-2008 Annual Litigation Report

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## INTRODUCTION

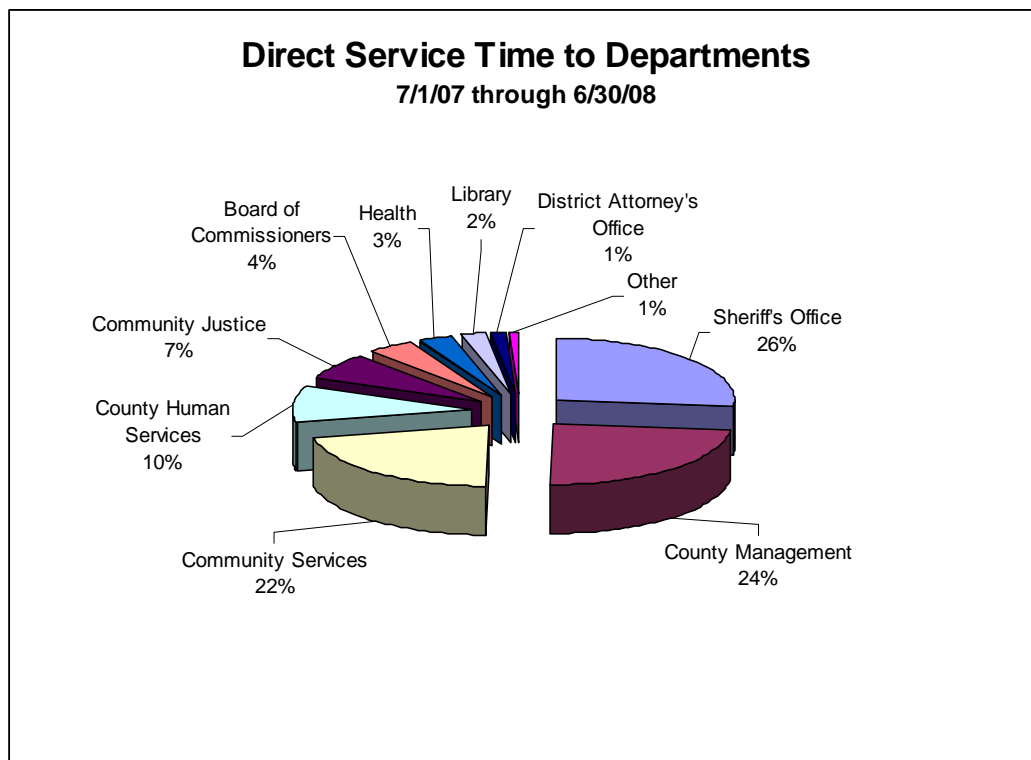
During the 2007 – 2008 fiscal year, our office had fifteen lawyers, six permanent support staff and five limited duration ITAX support staff. The office provides legal services for all county elected officials, officers and departments. Multnomah County Code Section 7.201(I) requires the County Attorney to submit a formal annual litigation report to the Board. This Annual Litigation Report summarizes the legal services we provided to county clients last fiscal year giving detail to litigation.

During the fiscal year 2007-2008, we provided 22,343.80 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training.

## DIRECT SERVICE HOURS

Graph 1 shows all of our direct services hours broken down by department. The greatest amount of direct service time was devoted to the Sheriff's Office with 26% of the hours, an 7% increase from last year. Community Services decreased considerably to 22% largely due to the ending of Measure 37 claims. The total hours for County Management increased to 24% with County Human Services needing 10%, slightly higher than previous years. The hours spent on Community Justice legal matters increased slightly to 7% while Health Department decreased to 3%. Services for the Board decreased to 4% this year.

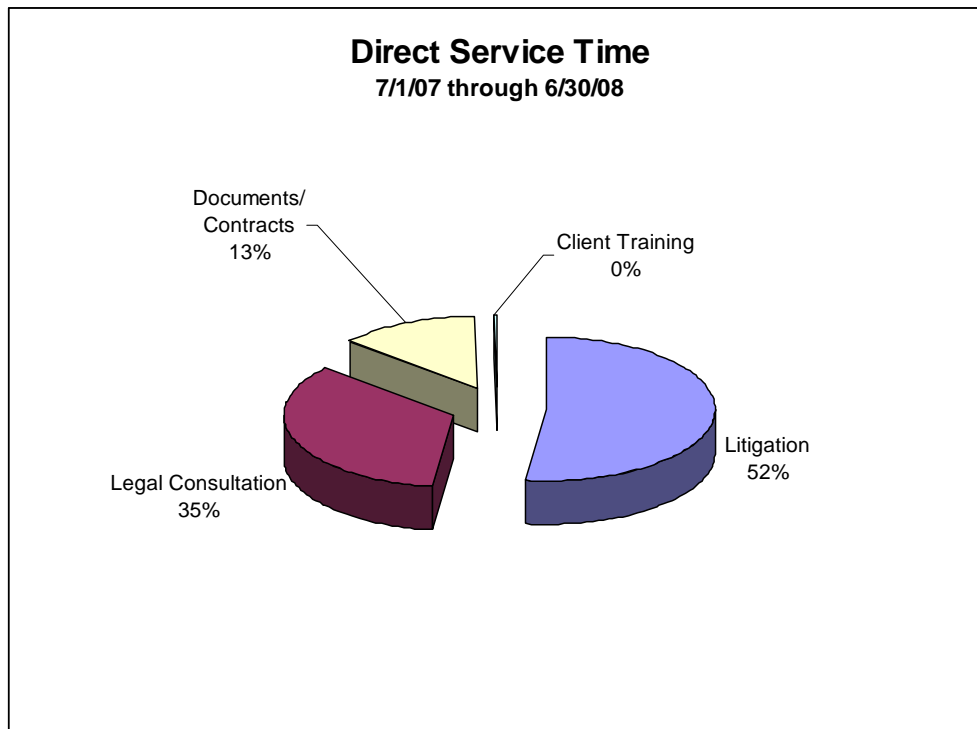
**Graph 1**



Department	Hours
Sheriff's Office	5,936.85
County Management	5,287.10
Community Services	4,807.30
County Human Services	2,138.00
Community Justice	1,564.05
Board of Commissioners	927.05
Health	685.75
Library	507.25
District Attorney's Office	312.1
Other	178.35
	<b>22,343.80</b>

Graph 2 depicts direct service hours expended by the various work types. At 52%, litigation was up from last year's 45% and legal consultation, at 35% was down from last year's 42%. Time spent in preparation and review of contracts and other legal documents was slightly higher at 13%, and client training hours decreased from last year. These numbers vary slightly each year but have remained fairly consistent over a number of years.

**Graph 2**



<b>Work Type</b>	<b>Hours</b>
Litigation	11,583.00
Legal Consultation	7,735.25
Documents/Contracts	2,966.95
Client Training	58.6
<b>Total</b>	<b>22,343.80</b>

## LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 45% of the litigation hours. That was up slightly from last year but consistent with MCSO's yearly use of about one third of our litigation hours. Community Services required 19% of our litigation hours, a substantial decrease from last year with the end of Measure 37 cases. County Human Services took 2% which is a substantial decrease from the previous year. County Management required 17% and Community Justice, 11%. It only takes one or two cases to change the numbers substantially from year to year.

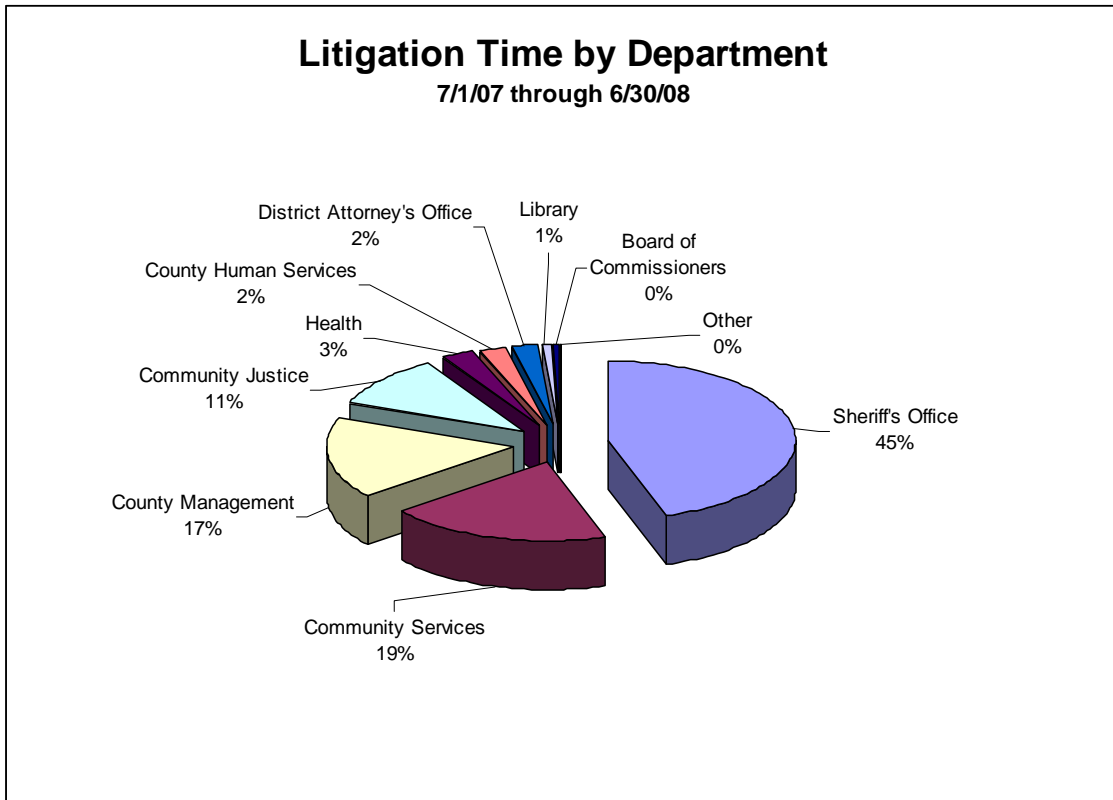
During the year, we received 264 new claims. We received 32 new lawsuits to defend, not including those involving tax matters or land use appeals. The number of lawsuits is up from 29 last year. About one half of the lawsuits were brought against the Sheriff's Office which is usual. Many of those cases are brought by inmates (many representing themselves) and include excessive force, religious discrimination, violation of ADA, and other various civil rights claims. Community Services received a number of the lawsuits, including those alleging Measure 37 and several lawsuits regarding maintenance of roadways, signs, etc. There were several lawsuits resulting from post prison supervision and one wrongful death case against Corrections Health.

In Fiscal Year 2005-2006, we paid out \$780,011 for claims including one jury verdict and several settlements; and in Fiscal Year 2006-2007, we paid out \$361,020.

In the 2007-2008 fiscal year, we paid out \$724,346. During this period, we tried several cases. We prevailed on one with a jury verdict; and one was dismissed during trial. Most of the Measure 37 cases were resolved in the County's favor; three remain at the Court of appeals. We had only one lawsuit that resulted in a jury verdict -- \$1.8 million. On motions filed after trial the verdict was reduced to approximately \$600,000 and the Court stayed payment pending the plaintiff's appeal.

Our litigation team continued to be very successful in obtaining dismissals as the result of successful motions to dismiss or motions for summary judgment. It is difficult to provide comparative numbers of dismissals because of the two to three year life of a lawsuit, but approximately one half of the lawsuits filed are disposed of with no liability to the County.

**Graph 3**



<b>Department</b>	<b>Time</b>
Sheriff's Office	5,222.90
Community Services	2,199.45
County Management	1,937.95
Community Justice	1,234.25
Health	300.65
County Human Services	274.1
District Attorney's Office	264.6
Library	95.65
Board of Commissioners	48.65
Other	4.8
<b>Total</b>	<b>11,583.00</b>

## EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$130.94, up from last year's \$125.42. The rate is calculated by dividing the actual expenditures of the office, including payroll for attorneys and staff, rent, supplies, professional dues and the like, by the hours of direct service provided by the attorneys. The rate has been calculated by using direct service hours only and does not take into account the 1915 hours spent on office administration and continuing legal education activities. This hourly rate pays for a very experienced staff: Four of our attorneys have 25 or more years of experience and five have more than 10 years experience.

Despite the increase in our rate from last year, we saved the county and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms to represent government clients now exceed \$225 per hour and, in some cases, are as high as \$350 or more per hour.

Of all hours reported by county attorneys 92.1% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 7.9%, a little less than last year. Those hours include management of the office, staff meetings, litigation meetings, library maintenance, and professional development including the hours attorneys attend Mandatory Continuing Legal Education.

The following chart summarizes the effective hourly rate computation:

Total Hours Reported		24,259
Direct Service	(92.1%)	22,343
Non-Direct Service	(7.9%)	1915
<b>15 Lawyer FTE Average Direct Service Hours</b>		1489
Office Actual Expenditures 2007-08		\$2925719
Divided by Direct Service Hours		22,343
<b>Effective Hourly Rate</b>		<b>\$130.94</b>

## **CONCLUSION**

We have now compiled nine years of legal service data permitting us to quantify the hours of legal services, the nature of the services and the clients that receive services. The data allows us to more efficiently manage, monitor and deploy county legal assets. We continue to work to improve the accuracy of our data.

Our challenge is to continue to provide efficient and effective legal services and increase appropriate non-litigation use of our resources. We also must meet the increasing demands of more complex and serious litigation. We continue to work closely with the Sheriff, the department that uses a large share of our resources. We continue to seek opportunities to effectively use county legal resources and look for ways to improve our services to best meet the county's legal needs. Our mission is to provide the highest quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.