

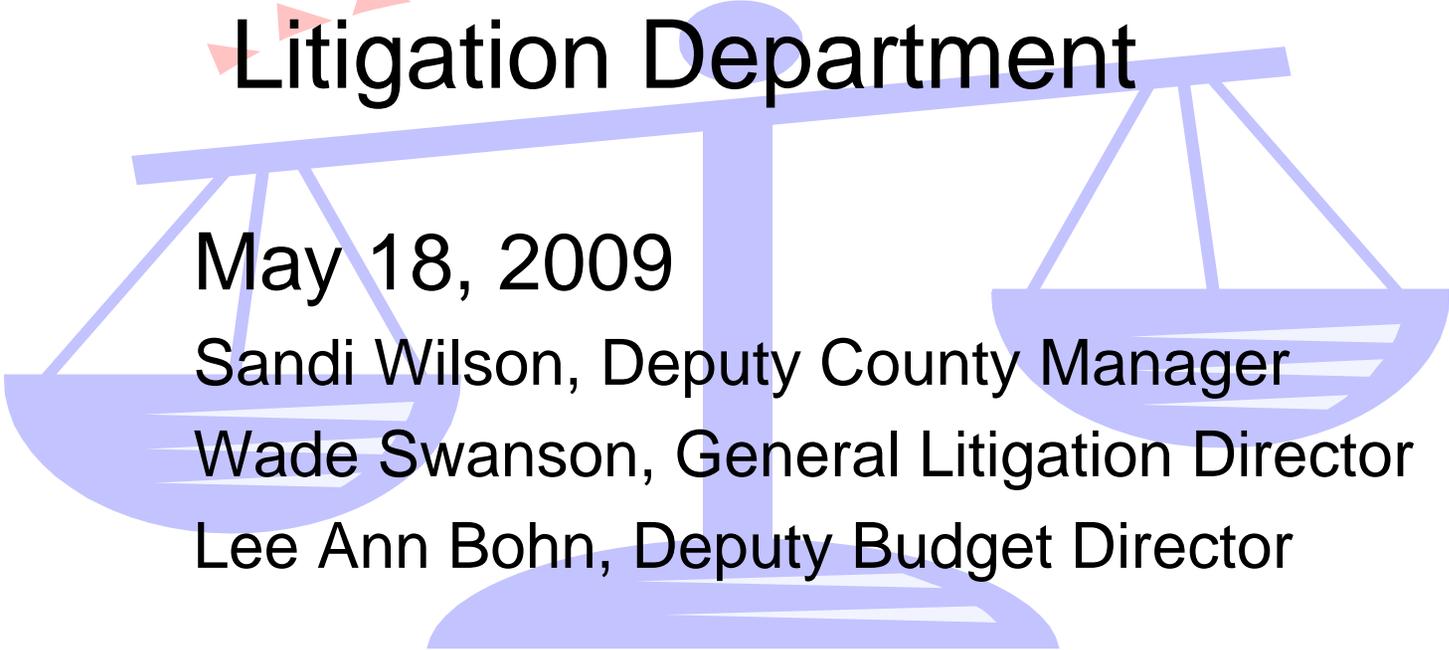
# Full Funding of General Litigation Department & Creation of New Special Litigation Department

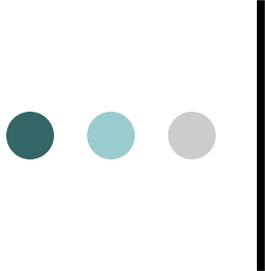
May 18, 2009

Sandi Wilson, Deputy County Manager

Wade Swanson, General Litigation Director

Lee Ann Bohn, Deputy Budget Director





# Background of Deposition

Q. Okay. So the Civil Litigation Department does not plan to hire any further employees –

A. The General Litigation Department.

Q. I'm sorry.

A. Yeah, yes, sir. Not at this point.

Q. At least until there is a ruling by the Superior Court on the legality of the department, or the Board setting up the department.

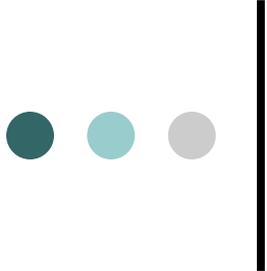
A. **We were *hoping* for a ruling before we would move forward, yes, sir.**

Q. Okay. Does that include a ruling by any Appellate Court?

A. No.

Q. Just by the trial court?

A. Yes.



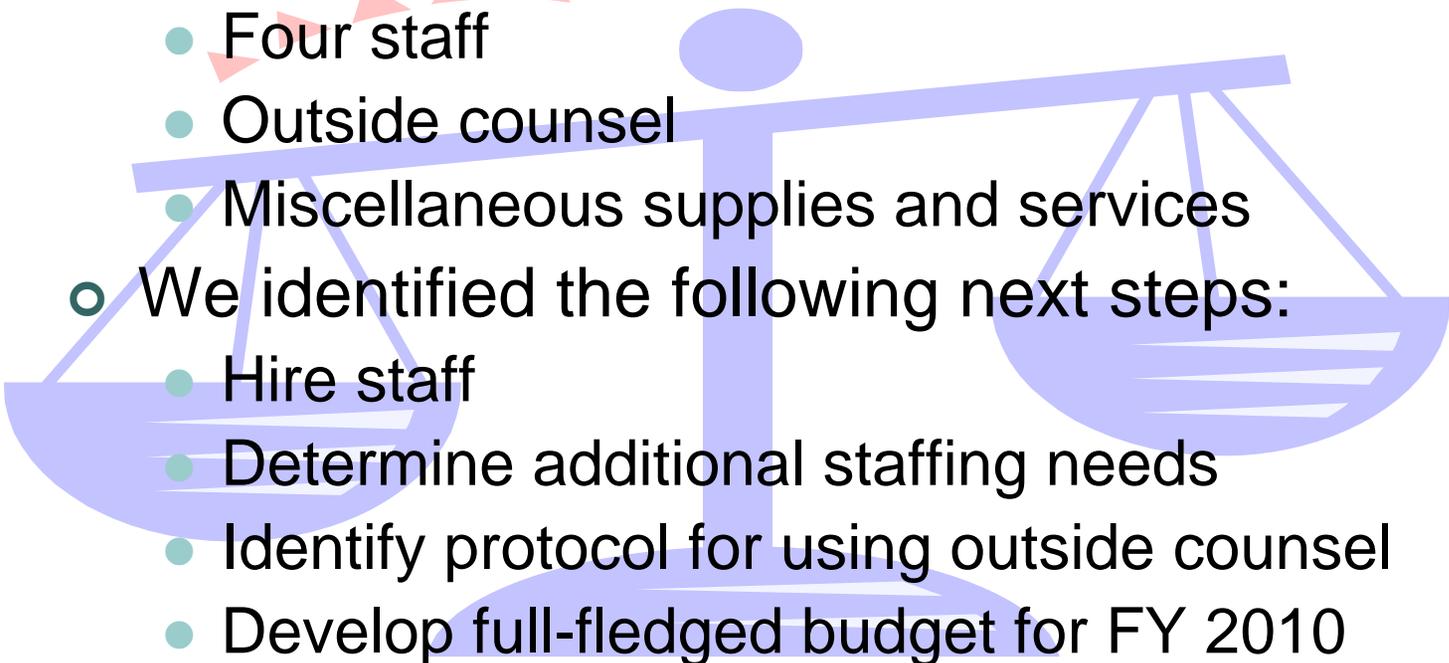
# Thomas v. Maricopa Deposition

Deposition was focusing on the budget creation, hiring freeze and timing of the Litigation Department. My statement regarding a trial court decision, was referring to the ***May 14<sup>th</sup> preliminary injunction hearing.*** With the cancellation of that hearing, we need to proceed with the expansion of the department in order to have this change in final budget adoption.



# General Litigation Department

- In March, Board approved creation of department and initial funding for:
  - Four staff
  - Outside counsel
  - Miscellaneous supplies and services
- We identified the following next steps:
  - Hire staff
  - Determine additional staffing needs
  - Identify protocol for using outside counsel
  - Develop full-fledged budget for FY 2010

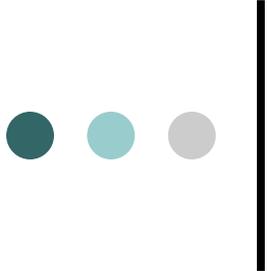




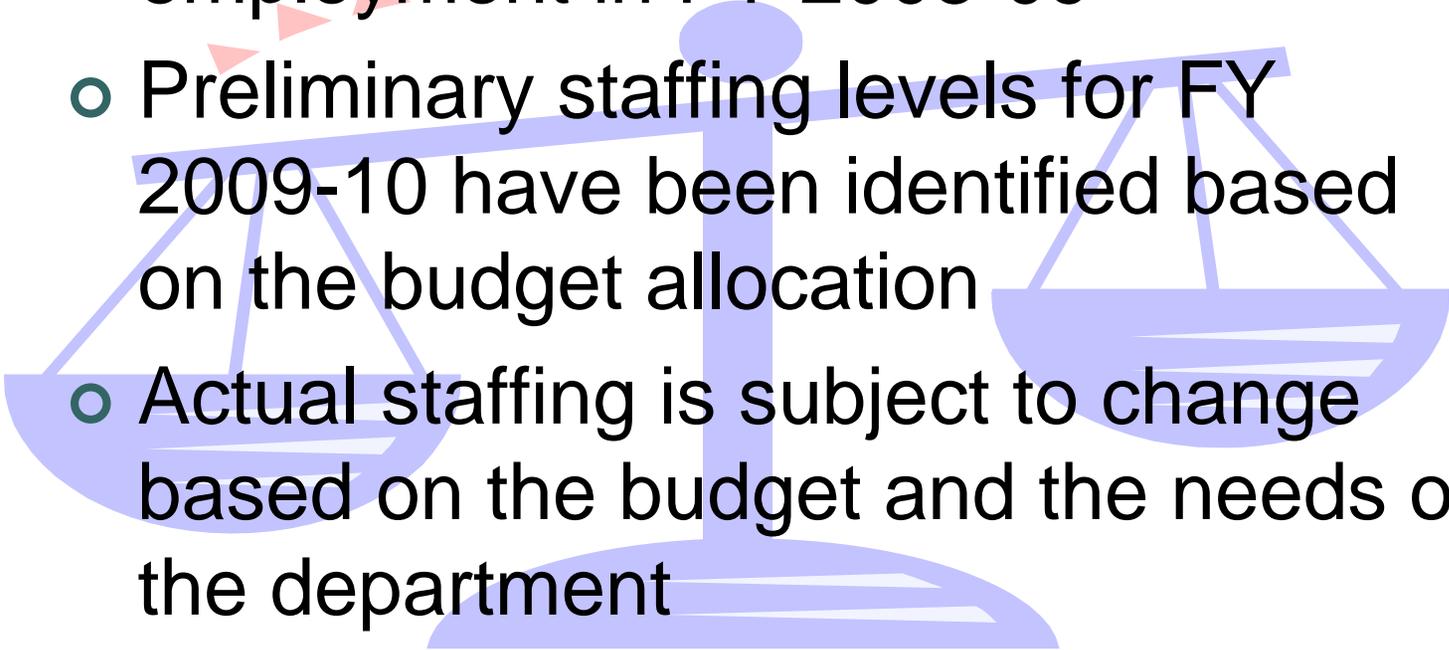
# Status of Hiring Staff

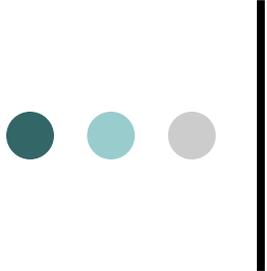
- Director: Hired
- Attorney: Hired
- Legal Assistant: Recruiting
- Administrative Manager: Hired



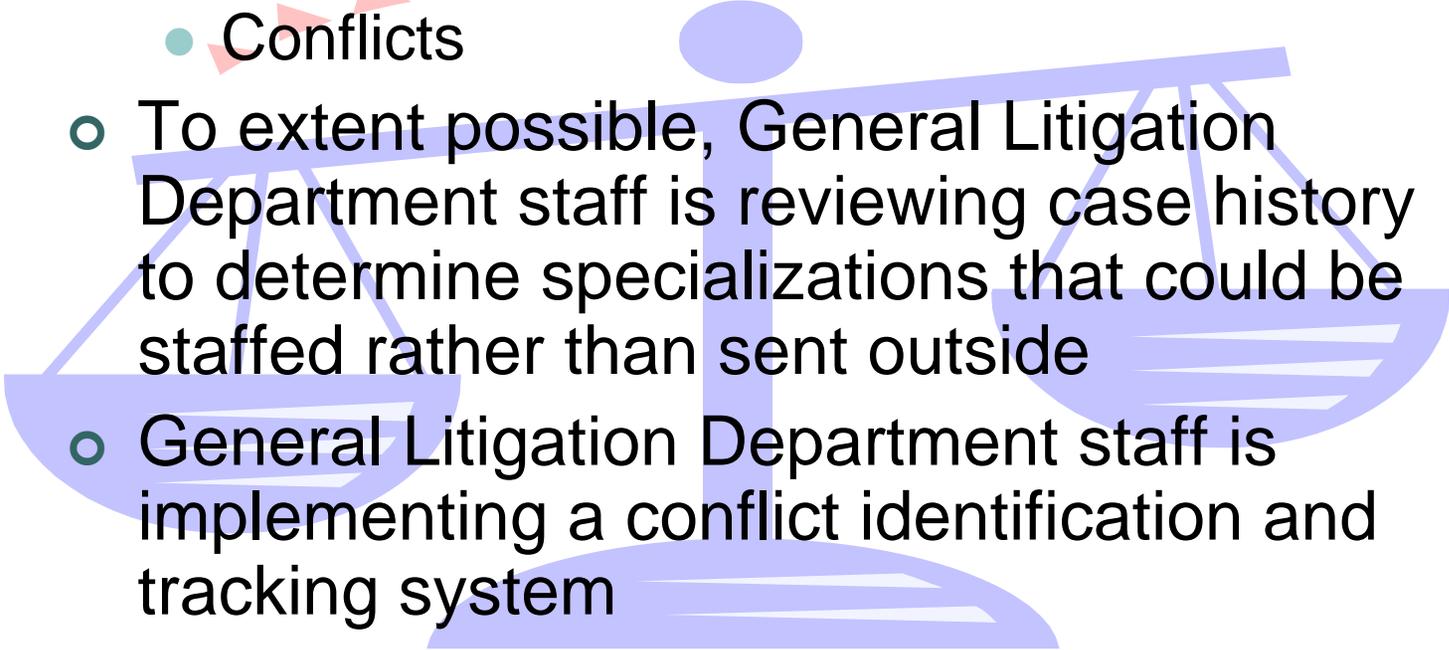


# Status of Determining Additional Staffing Needs

- 
- No additional staff will start employment in FY 2008-09
  - Preliminary staffing levels for FY 2009-10 have been identified based on the budget allocation
  - Actual staffing is subject to change based on the budget and the needs of the department



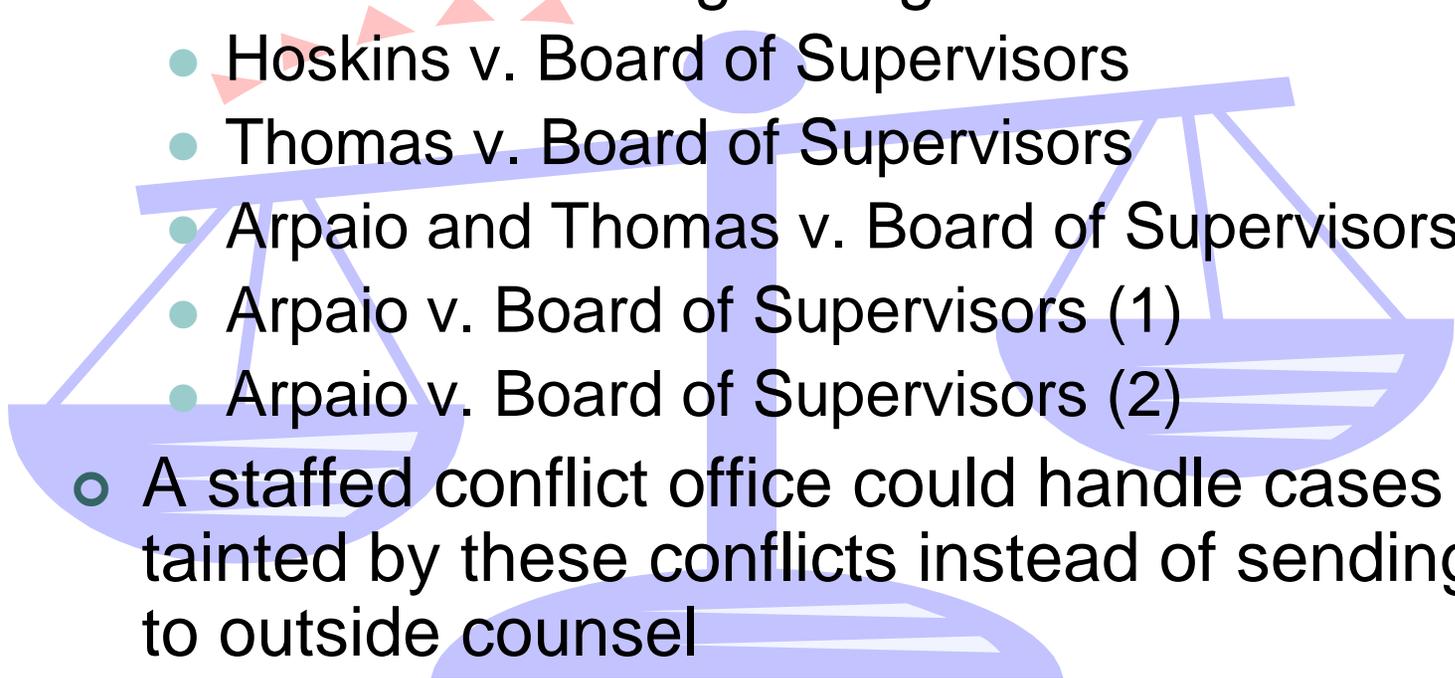
# Status of Identifying Protocol for Using Outside Counsel

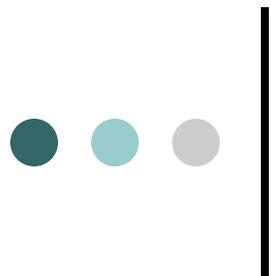
- Outside counsel used for:
    - Subject matter expertise
    - Conflicts
  - To extent possible, General Litigation Department staff is reviewing case history to determine specializations that could be staffed rather than sent outside
  - General Litigation Department staff is implementing a conflict identification and tracking system
- 



# Conflicts

- Outside counsel expenses associated with conflict matters is growing:
  - Hoskins v. Board of Supervisors
  - Thomas v. Board of Supervisors
  - Arpaio and Thomas v. Board of Supervisors
  - Arpaio v. Board of Supervisors (1)
  - Arpaio v. Board of Supervisors (2)
- A staffed conflict office could handle cases tainted by these conflicts instead of sending to outside counsel

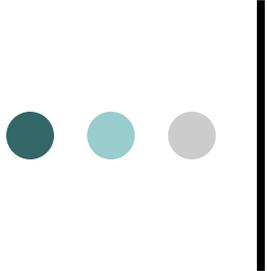




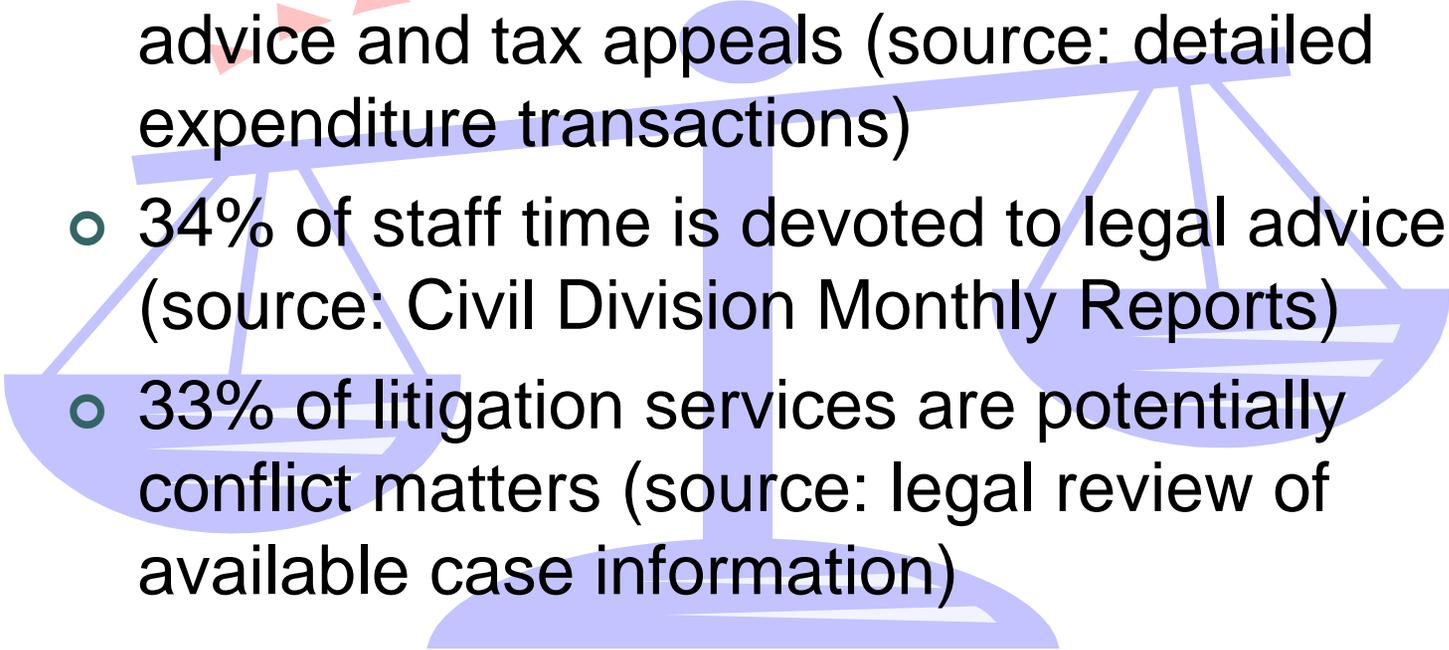
# Special Litigation Department

*Legal ethics are defined as: The standards of minimally acceptable conduct within the legal profession, involving the duties that its members owe one another, their clients, and the courts. Also termed “etiquette of the profession.”*

*(Source: Blacks Law Dictionary)*



# Status of Developing the FY 2009-10 Budget

- 
- 46% of Civil Division legal services expenditures are associated with legal advice and tax appeals (source: detailed expenditure transactions)
  - 34% of staff time is devoted to legal advice (source: Civil Division Monthly Reports)
  - 33% of litigation services are potentially conflict matters (source: legal review of available case information)



# Proposed Reallocation



	FY 2010 Reallocation			
	FY 2010 Civil Division Budget	General Litigation	Special Litigation	Civil Division
0701 - REGULAR PAY	4,958,259	2,177,638	1,072,568	1,708,053
0750 - FRINGE BENEFITS	1,386,550	608,965	299,938	477,648
0790 - OTHER PERSONNEL SERVICES	8,988	3,947	1,944	3,096
0796 - PERSONNEL SERVICES ALLOC-IN	641,364	281,683	138,740	220,941
0801 - GENERAL SUPPLIES	117,996	51,823	25,525	40,648
0810 - LEGAL SERVICES	2,814,681	858,367	422,778	1,533,537
0812 - OTHER SERVICES	4,014	1,763	868	1,383
0820 - RENT & OPERATING LEASES	47,748	20,971	10,329	16,449
0825 - REPAIRS AND MAINTENANCE	4,000	1,757	865	1,378
0842 - EDUCATION AND TRAINING	15,000	6,588	3,245	5,167
0843 - POSTAGE/FREIGHT/SHIPPING	14,000	6,149	3,028	4,823
<b>TOTAL USES - Total Uses</b>	<b>\$ 10,012,600</b>	<b>\$ 4,019,650</b>	<b>\$ 1,979,828</b>	<b>\$ 4,013,122</b>



# Projected Staffing



	<b>Total FTE</b>	<b>General Litigation</b>	<b>Special Litigation</b>	<b>Civil Division</b>
Attorney - Associate	2.00	1.00	-	1.00
Attorney - General Counsel	7.00	3.00	2.00	2.00
Attorney - Senior	17.00	7.00	4.00	6.00
Attorney - Senior Associate	7.50	3.00	2.00	2.50
Attorney Manager	1.00	1.00	-	-
Intern	1.50	1.00	-	0.50
Legal Assistant	17.00	7.00	4.00	6.00
Legal Assistant Supv	1.00	1.00	-	-
Legal Support Specialist	11.00	5.00	2.00	4.00
Legal Support Supervisor	5.00	2.00	1.00	2.00
Office Assistant	13.00	6.00	3.00	4.00
<b>Total</b>	<b>83.00</b>	<b>37.00</b>	<b>18.00</b>	<b>28.00</b>