



To: Council President Mary Sheffield
From: Conrad Mallet, Corporation Counsel
Date: March 3, 2023
Re: Responses to FY24 Budget Questions from Council President Sheffield

Please find below responses to your questions sent on March 24, 2023, regarding the proposed Fiscal Year 2024 Proposed Budget for Law Dept

- 1. There are 112 proposed full time employee positions for the coming fiscal year. How many staffing vacancies does your department currently have? Is 112 the adequate number of full-time employees to fulfill the requirements of the Law Department? Relatively often, Council approves contracts for legal aid from private companies. Can we expect to see these outside counsel contracts less often in FY2024?**

As of the last payroll in February there were 10 vacancies as shown below:

320010 Law Admin	
FY23	Total
Budget Position	111
Filled position	
To date	101
Vacant Positions	
to date	10

Outside counsel fees are incurred based on very specific circumstances. For example, the Law Department is managing and defending numerous conviction integrity lawsuits. The expertise required is highly specialized and outside counsel sometimes necessary to supplement law department personnel. That said the law department has had recent success hiring lawyers that are skilled and experienced and with these new additions the Department is more capable than ever to doing as much of the city's legal work in-house as possible. City Council can expect to see less outside counsel contracts this fiscal year.

- 2. In terms of employee retention, what is the current turnover rate for full time employees? If necessary, are there plans this year to improve the Law Department's turnover rate? When was the most recent market study done to assess whether city attorneys are being competitively paid? If recently, please share the findings of this market study.**

As of the end of February, there are 10 vacancies.



Our legal staff budget as of the last payroll in February is \$9,954,631. The average number of lawyers that we have is 66. Eight lawyers have left the department for FY '23 as of the last payroll of February. Our turnover rate is 12%.

With the support of city Council and the administration, the law department has worked diligently to raise salaries for both attorney and support team personnel. We have been able to recruit excellent people across the board. We are grateful for City Council support.

- 3. Please provide a status update on Right to Counsel and the Office of Eviction Defense. How many residents have used the legal representation that has been made available to them? How much public outreach is done by the Law Department to ensure that residents know this assistance is available?**

The Right to Counsel program began providing services on March 1, 2023 via attorneys at the United Community Housing Coalition. A procurement process is underway to add other service providers and we anticipate those additional attorneys will be in the courtrooms under RTC on or around May 1, 2023.

The Law Department is exploring multiple ways to ensure that residents know about the RTC program. First, we have done a number of media interviews to make sure that the public knows how to obtain assistance. Second, we have set up the following city webpage and will continue to build out content: <https://detroitmi.gov/departments/law-department/office-eviction-defense>. And third, we have connected with other entities who will be able to make referrals and provide information about the program, including 211, Michigan Legal Help, and the City's Housing & Revitalization Department. We will continue to explore ways to connect with the community and provide public outreach.

- 4. It has been agreed on by Council, Mayor Duggan, the Law Department, and the Office of Eviction Defense that more residents currently need eviction defense than the Office has the funding to assist. If adequate funding is not allocated, what will under-funded eviction defense look like?**

As you are aware, the Administration is submitting to Council an amendment to the City's ARPA allocations that may include additional funding for eviction defense.

- 5. City Council often approves settlements between the city and residents, understanding that the settlements are the most advantageous option for the City. We don't, however, see how many cases do go to trial or get dismissed. Please provide a report of the results of all lawsuits against the city in FY2023. This report should indicate how many suits were settled, dismissed, or went to trial, as well as any other possible outcomes.**

Please see attached report.

The numbers reported do not reflect the time lawyers in support team members spent managing each of the cases. The numbers reported are simply snap shots in time because cases often require more than 12 months to resolve.



6. **Capturing billable time is one of the Law Department’s goals for FY2024. Please share more details on what steps will be taken to capture more billable time. How does the Law Department plan to be more efficient and effective in the coming fiscal year?**

The Law Department thanks to the City Council and the Mayor will soon benefit from a new software system that will allow law department lawyers to accurately charge their time and chargeback to client departments the costs associated with services rendered.

7. **What metrics are used to evaluate the performance of your department each year? How do your FY2024 goals and strategies differ from previous years?**

The Law Department has with the Human Resources department developed a performance measurement system that will measure lawyer and support team member performance. These measurements will include quality of work, timeliness of performance, client satisfaction and agreed-upon professional development.

8. **Please share staffing demographics for your department. Demographics report should indicate how many employees are Detroit residents, minorities, and/or women.**

The following represents both general fund and ARPA employees.

As of 2/28/23, the Law Department has the following demographics:

Detroit Residents: 37, Non-City of Detroit Residents: 87

77 are women, 47 are male.

55 are Black/African American, 53 are White, 2 are Asian, 2 Hispanic, 1 Native American
2 have 2 or more races, 9 are N/A

9. **Please explain the following budget changes:**
 - a. **Decrease in expected revenue from \$2.26M in FY2023 to \$1.72M in FY2024.**

Revenues for FY24 have been right-sized to reflect the findings of Revenue Estimating Conference(s).

- b. **Decrease in Professional and Contractual Service expenditures from \$4.63M in FY2023 to \$1.95M is FY2024.**

The reduction in FY24 is due primarily to Outside Counsel Costs being shifted to Risk Mgmt from Law Dept.



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- c. **Decrease in Operating Services expenditures from \$2.43M in FY2023 to \$1.79M in FY2024.**

The FY23 Adopted Budget represents an outdated revenue forecast. The FY24 Revenue forecast is reduced based on historic billing trend for personnel legal services provided to enterprise agencies.

- d. **Decrease in General Fund expenditures from \$22.6M in FY2023 to \$18.4M in FY2024.**

General Fund expenditures decreased primarily due to the following: Fringe Rate decreased in FY24, Rent Consolidation, Project Clean Slate Staff and Non-Personnel charges moving to Non-Dept. Outside Counsel Costs being shifted to Risk Mgmt Fund.

10. **Last October, the City accepted the FY2023 Michigan Indigent Defense Commission Grant for a total of \$2.44M. Please share how this grant funding has been used and will continue to be used to support Detroit residents in need.**

The FY23 MIDC Grant to the City of Detroit is used for compliance with the Michigan Indigent Defense Act (MCL 780.991). This Act was implemented to assist indigent citizens who have been charged with a crime by ensuring adequate legal representation at all stages of their criminal procedures.

The majority of the MIDC grant funding has provided the necessary compensation for the MIDC contract attorneys that provide the criminal legal representation for indigent defendants charged with crimes in the City of Detroit. The attorneys are compensated for their time in client interviews, case work and all Court appearances. Court appearances include the Arraignment, the Pre-trial conference, the Final conference, the Trial, and the Sentencing if applicable.

The remainder of the MIDC Grant Funds have been used to provide the cost of continuing legal education which includes memberships in State Appellate Defenders Office and National Association for Public Defenders for contract attorneys as well as the staffing costs for the program itself. We will continue the program as described and welcome new attorneys to continue the efforts to protect the constitutional rights of the citizens of Detroit.