



Office of Multnomah County Attorney

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2005-2006 Annual Litigation Report

*County Attorney's Litigation Report
to the Multnomah County
Board of Commissioners
November 7, 2006*



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MEMORANDUM

TO: Board of County Commissioners
Diane Linn, Chair
Maria Rojo de Steffey, Commissioner
Serena Cruz, Commissioner
Lisa Naito, Commissioner
Lonnie Roberts, Commissioner

FROM: Agnes Sowle

DATE: November 7, 2006

RE: 2005-2006 Annual Litigation Report

INTRODUCTION

Our office has fourteen 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.

During the fiscal year 2004-2005, we provided 20,229 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training. This is

slightly fewer hours than we provided the previous year due, in part, because of FMLA leaves and vacancies required to replace two attorneys.

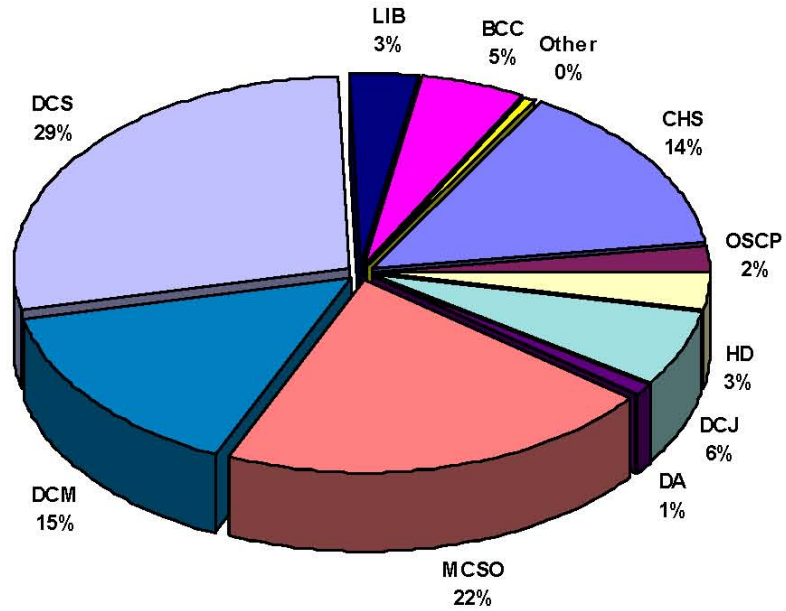
DIRECT SERVICE HOURS

Graph 1 breaks down our direct services hours by department. The greatest amount of direct service time was devoted to Community Services with 29%. This increase from previous years resulted from several major transportation issues and the implementation of and litigation required by Measure 37. The total hours for the Sheriff increased slightly to 22%. County Management had 15% with County Human Services at 14%, about the same as previous years. The hours spent on Health Department legal matters remained the same as last year at 3%. Community Justice decreased to 6%. Services for the Board increased slightly to 5% this year.

Graph 2 depicts direct service hours expended by the various work types. Litigation was down for the third year; it required 42% of our time down from 45% last year and 52% the year prior. Time spent in preparation and review of contracts and other legal documents was slightly down at 12%, legal consultation was 45%, up from 40% last year, and at 1% client training remained the same.

Direct Service Time to Departments

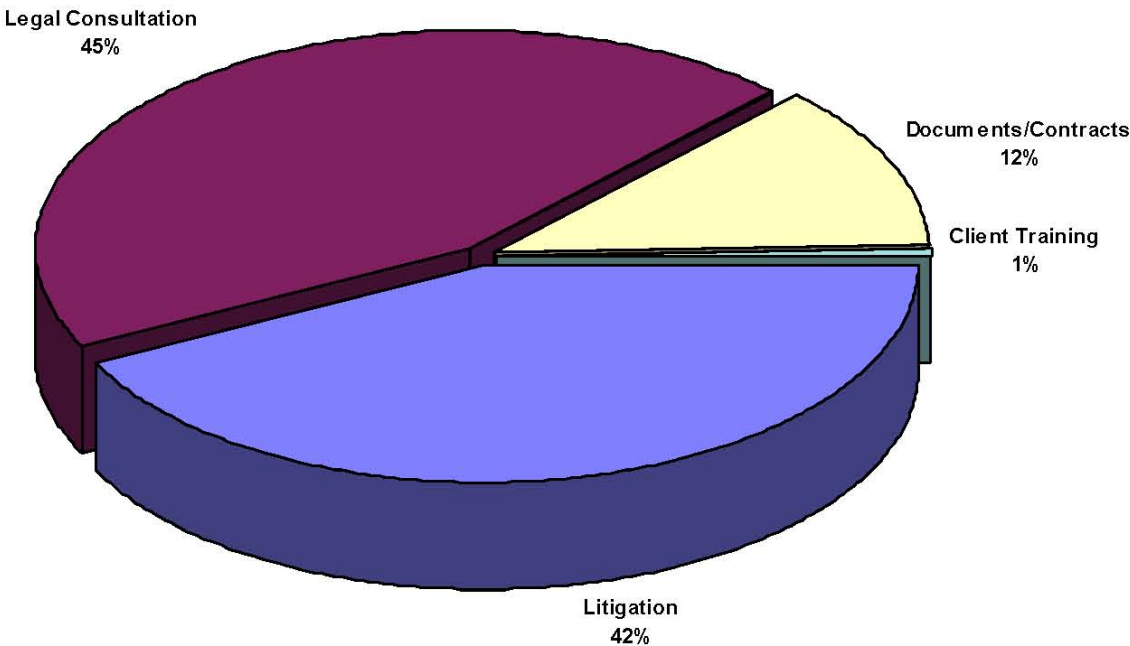
7/1/05 through 6/30/06



<u>Department</u>	<u>Hours</u>
Community Services	5,607.85
Sheriff	4,268.70
County Management	3,043.15
County Human Services	2,926.50
Community Justice	1,312.45
Board of Commissioners	1,049.55
Multnomah County Library	655.40
Health Department	583.10
School and Community Partnerships	467.75
District Attorney	216.15
Other County	98.50
	20,229.10

Direct Service Time

7/1/05 through 6/30/06



Work Type	Hours
Legal Consultation	9,133.30
Litigation	8,495.20
Documents/Contracts	2,497.80
Client Training	102.80
	20,229.10

LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 39% of the litigation hours. Although it was an increase from 28% last year, it was similar to past years as MCSO generally uses about one third of our litigation hours. Community Services required 18% of our litigation hours with County Human Services taking 15%. The County Management required 9% and Community Justice, 11%.

Graph 4 highlights the top twenty of last year's litigated cases based on hours expended. This past year the Sheriff had ten of the cases, three more than last year. These cases include inmate civil rights cases, corrections health cases and employment cases. The Health Department had no cases in the top 20; however, the corrections health division was involved in several MCSO cases. Community Services had four cases in the top twenty. Two of the cases are Measure 37 cases, one is a condemnation case, and one a death at a railroad crossing. Community Justice had three cases of the top 20. Two of the cases involved supervision of parolees; the last is an employment case. County Human Services had two cases, one of which was a contract case. In the past fiscal year, the total top 20 cases accounted for 47.1% of all litigation hours, down slightly from 51.34% last year.

During the year, we received approximately 130 new tort claims, the same as last year. We received 54 new lawsuits to defend, not including those involving tax matters. About one half of the lawsuits were brought against the Sheriff's Office. Community Services received a number of the lawsuits, including those alleging Measure 37 claims.

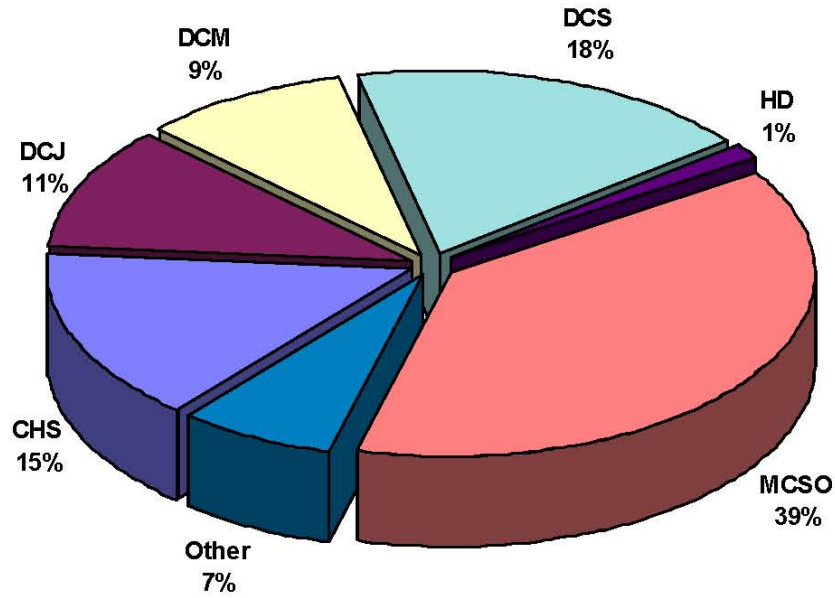
During the year we concluded 43 lawsuits. Of those lawsuits, 13 were settled with the County paying from a low of \$750 to a high of \$232,000. One lawsuit was lost at trial with a jury verdict of \$25,000. All of the rest were completed in the County's favor as the result of

motions to dismiss, motions for summary judgment and voluntary dismissals. One was won at trial.

From the risk management fund the County paid a total of \$929,236 in general liability and bodily injury for lawsuits and tort claims. Another \$239,517 was paid in property damage and costs to litigate cases for a total of \$1,168,753 paid in 2005-2006. This compares with \$838,128 in 2004-2005 and \$1,378,773 in 2003-2004.

Litigation Time by Department

7/1/05 through 6/30/06



Department	Time
Sheriff	3,321.80
Community Services	1,552.00
County Human Services	1,321.75
Community Justice	928.50
County Management	801.30
Board of Commissioners	168.50
County Attorney	148.00
Health Department	128.00
Multnomah County Library	127.60
District Attorney	122.55
School and Community Partnerships	21.80

Litigation Time - Top 20 Cases

7/1/05 through 6/30/06

736 total open litigation files

<i>Board of Commissioners</i>			1 of 4 open litigation files	Total	% of Dept's Lit
0514-05	MOR	Stoloff, Peter v. City of Portland		143.80	
				143.80	168.50 85.3%
<i>Community Justice</i>			3 of 44 open litigation files	Total	% of Dept's Lit
0447-05	JMM	Lakeside-Scott, Lea 9th Circuit Appeal - 05-35896		273.70	
0441-05	MAB	Lee, Robert Edward v. Jeremiah Jones & Sue Elfving 05-789-MO		114.90	
0283-04	SMD	Perez and Imel v. Richardson, et al; Washington County #C043646		100.80	
				489.40	928.50 52.7%
<i>Community Services</i>			4 of 70 open litigation files	Total	% of Dept's Lit
0477-05	JST	Multnomah County v. Larson et al 0509-09438		156.90	
0594-05	CDC	Hall, Fred Petition for Review		147.20	
0117-06	SND	Hall, Fred v. Multnomah County 0603-02342		99.20	
0379-05	MAB	Vann, Estate of Brian v. Union Pacific Railroad, et al		96.40	
				499.70	
<i>County Human Services</i>			2 of 35 open litigation files	Total	% of Dept's Lit
0343-01	SMD	Alpha Energy Savers, Inc., and Robert Obrist v. Multnomah County		796.95	
0270-04	PWH	Menashe, Lynn R. Estate of v. Multnomah County		133.50	
				930.45	1,321.75 70.4%
<i>Sheriff</i>			10 of 182 open litigation files	Total	% of Dept's Lit
0059-04	SMD	Estate of Gladys Loennig v. Multnomah County 0412-12464		560.50	
0166-03	MAB	Edwards, Rod v. MCSO (MCCC Case No. 0308-08282)		285.80	
0011-05	MAB	Walker, Steven v. Multnomah County 05-115-AA		190.00	
0023-05	SMD	Bundy, Henry E. v. Multnomah County 05-00002-HO		165.80	
0480-05	SMD	Estate of Dennis Saban v. Multnomah County 0509-09506		162.70	
0396-05	MAB	Phillips, Kenneth W. v. Multnomah County, et al 05-105-CO		129.50	
0575-05	SLM	Vaughn, Todd v. Deputy Schneider - 05-1750- MO		120.20	
0137-04	MAB	Anthony, Jacob v. Multnomah County, et al 04-229-MO		114.50	
0221-04	KAS	Obie, Sandra v. Multnomah County, USDC Case No. 04-1243-PK		104.90	
0565-05	MAB	Anderson, Deggeary v. State of OR 0505-05096		101.20	
				1,935.10	3,321.80 58.3%
Total Litigation Hours for these Cases				3,998.45	
Total Litigation Hours - All Departments				8,495.20	
% of Total Litigation Hours for these Cases					47.1%

EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$118.03, up from last year’s \$108.36. 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. Despite the increase, our rate 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 exceeds \$225 per hour and, in some cases, is as high as \$250 per hour. In recent litigation, private attorneys have requested the court approve fees at an hourly rate of \$300.

Of all hours reported by county attorneys 89% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 10.8%, a little less than last year, and significantly less than the several years before. Those hours include management of the office, staff meetings, litigation meetings, library maintenance. The greatest number of hours are the hours attorneys spend in professional development including the hours they attend Mandatory Continuing Legal Education to maintain their licenses.

The following chart summarizes the effective hourly rate computation:

Total Hours Reported		22,687.00
Direct Service	(89.17%)	20,229.10
Non-Direct Service	(10.83%)	2,457.90
14 Lawyer FTE Average Direct Service Hours*		1,444.94
Office Actual Budget Expenditures		\$2,387,720.00
Divided by Direct Service Hours		20,229.10
Effective Hourly Rate		\$118.03

CONCLUSION

We have now compiled seven 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.