

**County Counsel's Office
Final Performance Plan
FY 2008-09**

I. MISSION STATEMENT

The mission of the County Counsel's Office is to provide high quality and timely legal services supporting the County of Marin's mandated and discretionary governmental functions. Advisory and litigation services are furnished to County departments, boards and agencies in a manner that is cost-effective, professional and promotes excellence in delivery of government services contributing to the health, safety and welfare of county residents and visitors.

II. DEPARTMENT OVERVIEW

The County Counsel's Office provides responsive legal advice and assistance to the Board of Supervisors, County departments, boards and commissions, special districts and agencies. This assistance includes negotiating and drafting contracts and legal documents, and representing the County in civil litigation and administrative hearings. Other assistance includes administration of tort and other claims; legal services involving juvenile code enforcement; and Public Administrator, Public Guardian, and Lanterman-Petris Short conservatorships. The office also protects the County and its officers from liability and enables the Board of Supervisors to carry out its programs and policies within the limits of the law.

In addition, the County Counsel's Office assists the Civil Grand Jury, which consists of 19 residents selected annually by the Judges of the Superior Court. The Civil Grand Jury is charged with examining the conduct, policies and needs of public agencies (including the County) and elected officers within Marin County, as well as the conditions and management of the County Jail and San Quentin State Prison. The Civil Grand Jury is required to submit a final report of its findings to the Superior Court.

The County Counsel's Office provides timely legal advice to the Board of Supervisors, County departments, boards and commissions, and special districts and agencies. The County Counsel's office handles all incoming claims and attempts to dispose of them at the claims level, before they become lawsuits.

County Counsel includes the following programs:

- County Counsel
- Civil Grand Jury

III. ACCOMPLISHMENTS FY 2007-08

- Successfully resolved four employment law cases, winning a dismissal on one of them in U. S. District Court of Appeals, Ninth Circuit; one in U. S. District Court which is on appeal; one in Marin Superior Court (on appeal to the California Court of Appeal); and another in the California Courts of Appeal, upholding the decision of the Marin Superior Court
- Won a dismissal in civil rights class action lawsuit in U. S. District Court involving strip searches in jail, enabling the County to avoid significant punitive damages
- Developed a new warrant protocol regarding State and Federal requirements to remove children from abusive situations
- Won on summary judgment a case where an individual accused of child abuse demanded a jury trial, avoiding the trial expense
- Won a dismissal in a federal court case where the County prevailed by successfully attacking the testimony of a plaintiff's expert witness, based on the expert's incorrect assumptions

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- Won a personal injury case which would have resulted in a \$15.8 million dollar judgment against the County
- Successfully moved into new office space

IV. GOALS AND INITIATIVES FY 2008-09

GOAL 1: Provide exemplary legal services to assist clients in achieving their objectives

FY 2008-09 Initiatives
1. Work closer with departments to ensure greater accuracy of claims and proper investigation of defenses
2. Continue with Customer Service Program to measure attorney performance and make improvements where necessary
3. Continue aggressive defense of civil cases to minimize damages where the County is exposed to liability
4. Continue working with Human Resources to improve the disciplinary system in employment matters and reduce employment-related lawsuits

GOAL 2: Provide quality legal services in a cost-effective manner

FY 2008-09 Initiatives
1. Hire, train and monitor attorneys to form and maintain outstanding litigation teams
2. Provide excellent staff support for litigation team
3. Conduct annual customer service survey to measure staff performance in customer service
4. Continue to identify areas for improvement in employment matters by providing trainings where necessary and promoting a team approach with other County departments

GOAL 3: Provide departments and their representatives with the legal information they need to facilitate legal compliance, efficiency, and a safe and secure work environment

FY 2008-09 Initiatives
1. Attend trainings, seminars and conferences on special issues to maintain expertise in specific legal matters
2. Work closely with County departments to take a proactive role in providing a safe and secure work environment for county staff

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V. KEY CHALLENGES AND OUTSTANDING ISSUES

- If State budget cuts results in losing one deputy county counsel, this reduction puts a larger burden on the entire office as well as the departments, commissions, and special districts that the office serves.

VI. PERFORMANCE MEASURES

LEGAL SERVICES

PROGRAM DESCRIPTION

The County Counsel's Office strives to provide a high quality of legal services so that the County can fulfill its mission to its residents. This program is designed to measure the level of services provided to county departments from 2000 to 2006 and ongoing. Customer service surveys have been conducted four times over the past six years and will be conducted annually hereafter. This customer service program provides a vehicle to measure the satisfaction and make adjustments to improve the level of service.

OBJECTIVE: Achieve a high level of customer satisfaction

Measures	FY 06-07 Actual	FY 07-08 Estimate	FY 08-09 Estimate
Workload Measures			
Number of Child Protective Services trainings provided	54	50	50
Number of Brown Act and Public Records Act presentations given	41	20	25
Number of Public Records Act requests handled	n/a	152	150
Number of oral opinions provided	11,577	11,000	11,000
Number of customer satisfaction surveys distributed and completed	22	23	23
Efficiency Measures			
Percent cost savings in legal fees using office attorneys compared with outside counsel	37%	48%	45%
Effectiveness Measures			
Survey rating of good or outstanding	94%	95%	85%

Department Comments:

These measures indicate the overall effectiveness of the office in serving customers.

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OBJECTIVE: Ensure that the lead attorney in each case has sufficient resources to perform at an optimum level

Measures	FY 06-07 Actual	FY 07-08 Estimate	FY 08-09 Estimate
Workload Measures			
Number of employment law cases	7	10	12
Number of attorneys assigned to assist lead attorney	2-3	2-3	2-3
Efficiency Measures			
Number of lead attorneys surveyed to determine if approach is helpful	n/a	4	4

Department Comments:

Employment litigation is perhaps the most difficult task in the office. For the lead attorney to have assistance when needed ensures better preparation, higher morale and better results in these cases.

CLAIMS SETTLEMENT

PROGRAM DESCRIPTION

The County Counsel's Office is committed to disposing of claims against the County in the most cost-effective manner by rejecting or settling a high percentage of claims before they result in a lawsuit against the County.

OBJECTIVE: Successfully dispose claims against the County by either settlement or rejection

Measures	FY 06-07 Actual	FY 07-08 Estimate	FY 08-09 Estimate
Workload Measures			
Total number of claims received	200	487	75
Efficiency Measures			
Percent of claims resolved (sum of settled claims and denied claims that did not result in a lawsuit)	83%	21%	83%
Effectiveness Measures			
Percent of claims denied	63%	93%	80%
Percent of claims settled	37%	7%	20%
Percent of claims resulting in lawsuits	17%	79%	20%

Department Comments:

County Counsel handles all civil matters for the County. Tracking claim outcomes enables County Counsel to determine its effectiveness in managing claims so that resources can be directed as needed to do a better job in reducing the percentage of claims that result in lawsuits which ultimately saves the County money.