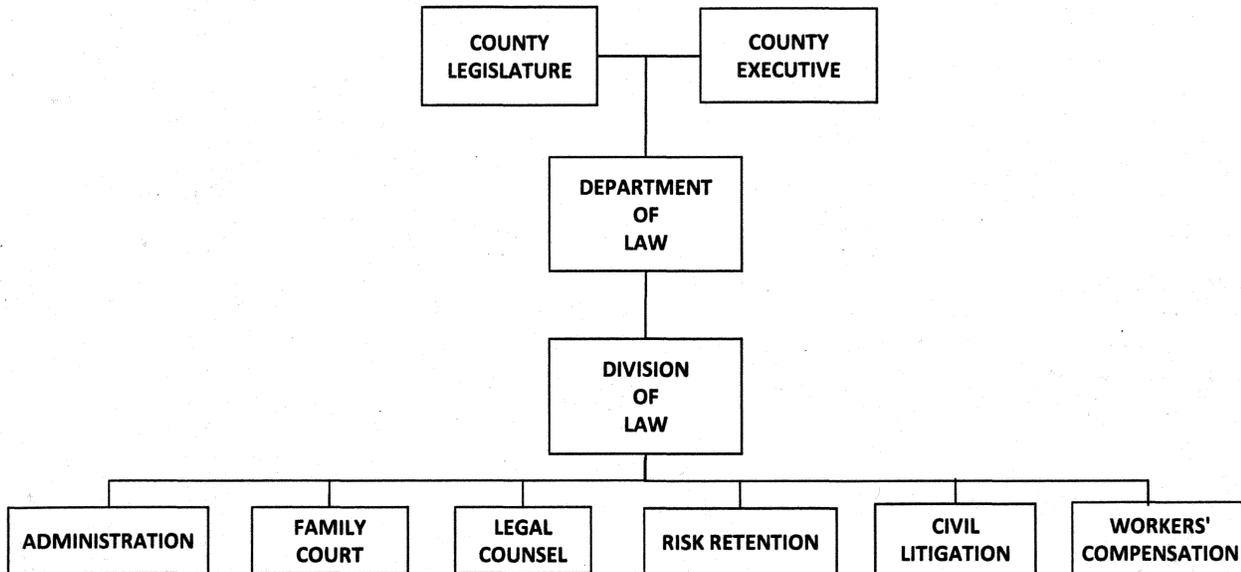


LAW - LAW DIVISION



LAW - LAW DIVISION	2013 Actual	2014 Adopted	2014 Adjusted	2015 Proposed
Personal Services	2,420,937	2,558,347	2,609,738	2,935,945
Other	<u>11,170,994</u>	<u>11,130,377</u>	<u>11,130,377</u>	<u>11,638,668</u>
Total Appropriation	13,591,931	13,688,724	13,740,115	14,574,613
Revenue	<u>1,024,904</u>	<u>495,043</u>	<u>495,043</u>	<u>35,000</u>
County Share	12,567,027	13,193,681	13,245,072	14,539,613

DESCRIPTION

The Division of Law consists of three major practice areas – litigation, transactional and family court. It provides all legal services to the County of Erie, as mandated by law. Such services are of a broad nature and encompass many areas of the law; they include the negotiation, preparation and review of contracts, the completion of comprehensive legal research projects, the drafting of Local Laws and Resolutions and the preparation of all necessary documents in connection therewith, and the crafting of many opinion letters for the various departments, divisions and other administrative units of the County.

The Division of Law prosecutes and defends all civil matters brought by or against the County, including negligence, civil rights, discrimination, harassment, insurance coverage, labor law, property recovery, medical malpractice claims, Article 78 proceedings, in-rem proceedings, applications for poor person status, administrative hearings, arbitrations involving either the interpretation of various collective bargaining agreements or the discipline of employees, representation of the Erie County Board of Elections in all matters involving the interpretation and application of the New York State Election Law, and any other civil matter involving the County and its various departments and functions.

Attorneys in the Division of Law appear on behalf of the County in Family Court proceedings involving juvenile delinquency, persons in need of supervision (PINS) and advise in matters relating to the Uniform Interstate Family Support Act and payments that are owed to Erie County residents by persons residing out of state.

The Division of Law investigates various workers' compensation claims and assists with the handling of workers' compensation matters.

The Division of Law also provides legal assistance in the sale of county liens representing properties foreclosed for failure to pay back taxes. It represents the County in condemnation proceedings and other matters necessary to secure property for the public good. The Division actively represents the County's interests in court in connection with challenges to the assessment of real property and the taxes collected there under.

The Division of Law also administers the Indigent Defense Program. This program provides operating funds to assure legal services to individuals who cannot afford a private attorney consistent with a strict screening process.

The Division of Law derives revenues from legal proceedings bought on behalf of the County of Erie from legal services provided to the Sheriff, the Health Department and the Sewer Districts. It is also reimbursed by the Department of Social Services for the salaries of attorneys assigned to prosecute juvenile delinquency petitions, advise on child support payments owed to County residents by parties who reside out of state and to practice before the Family Court on behalf of the department in such matters.

MISSION STATEMENT

To provide professional, efficient and thorough legal representation to the County, its elected officials, officers, boards, departments and agencies with regard to County operations, including all legal matters related to such operations and compliance with applicable federal, state and local laws.

ADMINISTRATION

Program Description

The Division of Law is administered by the County Attorney, First Assistant County Attorney and Second Assistant County Attorney. These individuals are responsible for overseeing all of the divisions within the Department of Law and all operations within the office. The oversight includes, but is not limited to, the processing and management of the financial accounts utilized by the different programs within the Law Division.

Program and Service Objectives

The objectives of the administration division are to make operations in the Department of Law more efficient and cost effective. The administration division is committed to streamlining operations within the office by

better utilizing technology and by creating more uniform policies. With the increased use of technology, administration will be able to better track the use of time of staff, the efficiency with which tasks are completed, as well as costs. This will result in lower settlements for lawsuits, as well as more effective handling of claims.

Top Priorities for 2015

- Maintain through control and management of matters referred to outside counsel by requiring compliance with Department of Law billing guidelines and conducting cost benefit analysis and all matters handled by outside counsel.
- Negotiate with outside counsel to attempt to obtain more competitive hourly rates for the County.
- Continue the 207-c Recovery system which will ensure that the County of Erie is proactive in tracking and pursuing the reimbursement of 207-c benefits from third-parties for injuries sustained by Erie County Sheriff's Department personnel injured in the line of duty.
- Utilize Pro-Law case management software to more efficiently manage work flow both internally and for each of the County's elected officials, departments, divisions and other administrative units of the County.
- Continue, through the Medicaid Anti-Fraud unit funded by New York State, to pursue Medicaid fraud and to refer findings as required to the New York State Office of Medicaid Inspector General (OMIG) for action.

FAMILY COURT

Program Description

Attorneys in the Family Court Division appear on behalf of the County in Family Court proceedings involving juvenile delinquency, persons in need of supervision and advise on matters relating to the Uniform Interstate Family Support Act. Duties relative to juvenile proceedings include: assisting local police agencies regarding juvenile arrests, appearance ticketing, and review of supporting depositions and affidavits; drafting and filing of juvenile delinquency petitions; presentment of juvenile petitions before the Family Court; conducting pre-trial, trial and post trial hearings; representation of local school districts, police agencies, parents and the Erie County Probation Department on juvenile petitions. Advise relative to the Uniform Interstate Support Act regarding interstate petitions for legal sufficiency, and on representation of out-of-state custodial parents within the Family Court.

Program and Service Objectives

The Family Court Division prosecutes juvenile offenders in Family Court. It is anticipated that the filings for 2015 will increase as they have each year.

Top Priorities for 2015

- Utilize Pro-Law software to more efficiently process cases handled by the Family Court Division by the use of templates and automatic form generation.
- Review and identify whether there is any additional funding that can be obtained to partially fund the Family Court Division, including state funds.
- Streamline petition processing to ensure efficient processing of juvenile and support proceedings.

Key Performance Indicators

For 2015, it is anticipated the number of filings will increase even with the emphasis on preventative measures. The Family Court Division is a key stakeholder in the Model Court program with the goal to reduce the costs of residential placement of juvenile delinquents by diverting youth into preventative service programs. The Family Court attorneys made an estimated 5,000 court appearances in 2014 and that number will increase in 2015. Additionally the Family Court Attorneys participate weekly in the juvenile Drug Treatment Court.

State legislation was passed creating an additional Family Court Judge in Erie County commencing on January 1, 2016. Therefore, an additional assistant county attorney will be needed to handle all matters before the newly elected judge.

Outcome Measures

The case load processed by the Family Court Division has increased. Outcome measures are measured by the amount of cases processed by the attorneys and staff in the Family Court Division over the year. Additionally, outcome measures include:

- Cases processed.
- The reduction of youth placed in Detention facilities as well as Residential facilities.

Performance Goals

It is the goal of the Family Court Division to continually evaluate its operations and find ways to process cases more efficiently while reducing the costs to the taxpayers of Erie County.

LEGAL COUNSEL

Program Description

The Legal Counsel Division attorneys provide legal opinions, advice and counsel to County elected officials, officers, boards, agencies and departments on all County operations. The Legal Counsel Division reviews, drafts and/or negotiates the terms of contracts, licenses, permits, leases and various other agreements and documents on behalf of the County, with federal, state and local governments, contractors and consultants, covering a diverse range of matters. The Division's attorneys also review or assist in the preparation of bids and requests for proposals and other procurement documents for the County. The Legal Counsel Division also reviews or drafts legislation (local laws and resolutions) to be submitted to the Erie County Legislature. The attorneys of this Division often act as legal counsel for a project team consisting of key County personnel who have been assigned to carry out a particular project for the County. This Division also provides technical support to the Litigation Division in lawsuits, administrative proceedings and arbitrations. The Division provides its County clients with proactive services, such as reviewing projects either before they are undertaken or in their infancy to identify and address potential legal impediments or constraints before significant resources are expended.

Program and Service Objectives

The Legal Counsel Division provides thorough, timely and effective legal counsel to the County Executive, the County Legislature, elected officials and all departments, divisions and other administrative units of the County. It is also the goal of the Legal Counsel Division to provide prompt contract negotiation, preparation and review that incorporates risk analysis to the County Executive, the County Legislature, and all departments, divisions and other administrative units of the County. It is also the goal of Legal Counsel Division, to create and maintain uniformity in transactions on behalf of the County in an effort to increase efficiency and decrease the County's exposure to liability. The Legal Counsel Division also strives to insure improved collection of unpaid real property taxes and maximizes the return on the sale of property through tax foreclosure.

Top Priorities for 2015

- Manage, organize, store and track transactional files which will lead to greater efficiency and quicker results.
- Provide services necessary to reform County contracts and create and enhance uniform processes which lessen the County's exposure to liability.

Key Performance Indicators

The Legal Counsel Division will utilize its new and existing technology to better organize, store and track transactional files which will lead to greater efficiency and quicker results. The Legal Counsel Division will provide services necessary to reform County contracts and create and ensure uniform processes which lessen the County's exposure to liability.

Outcome Measures

- Number of contracts processed.
- Number of insurance certificates processed.

Performance Goals

The Legal Counsel division will process over 1,000 contracts and related documents. The Legal Counsel will also process thousands of insurance certificates.

CIVIL LITIGATION

Program Description

The Civil Litigation Division prosecutes and defends all civil matters brought by or against the County, including negligence, civil rights, discrimination, harassment, property recovery, medical malpractice claims, Article 78 proceedings, in-rem proceedings, applications for poor person status, administrative hearings, arbitrations involving either the interpretation of various collective bargaining agreements or the discipline of employees, representation of the Erie County Board of Elections in all matters involving the interpretation and application of the New York State Election Law, and any other civil matter involving the County and its various departments and functions. The Civil Litigation Division also processes property damage claims brought against the County. The Civil Litigation Division also institutes recovery claims to recover damage to the County's property caused by third parties.

Program and Service Objectives

The Civil Litigation Division effectively and vigorously represents the county in litigated civil matters, particularly those arising under the self-insurance program. It is also the goal of Civil Litigation, to create and maintain an inventory of pending litigation, and to regularly review pending litigation files to define a consistent policy and to determine reasonable settlement and reserve values to accurately judge the County's exposure. The Civil Litigation Division works with county departments to identify areas of deficiency and areas of potential risk based upon trends in litigation and claims. This is necessary for the County to maintain an effective Risk Management Program. On occasion, the Civil Litigation Division reviews County projects or initiatives before they are undertaken or in their early stages to identify and address potential legal impediments and/or liability risks and constraints before significant resources are expended.

Top Priorities for 2015

- Continue to utilize Pro-Law software to better organize the litigation files and reserve system and to track the time spent on each litigation file.
- Provide better organization for county-wide risk retention and workers' compensation claims processing and assessment, and develop performance measures relative to same.
- In addition, with the use of the ProLaw software, the Civil Litigation Division will be able to easily identify and track claims by department with the goal of identifying and reducing risk and related costs.
- Continue, as necessary, the County's intervention in Article 7 assessment litigation.

Key Performance Indicators

The Civil Litigation Division will continue to utilize Pro-Law to better organize the litigation files and reserve system. The Civil Litigation Division will provide better organization for county-wide risk retention and workers' compensation claims processing and assessment and develop performance measures.

Outcome Measure

- Number of civil cases opened and closed.
- Number of civil cases handled and processed on average per attorney.
- Number of settlement dollars paid versus demands on cases.
- Number of settlement dollars paid compared to reserved amounts.
- Number of property damage cases processed.
- Number of recovery claims processed.
- Total dollars recovered as a result of recovery claims submitted by the Civil Litigation Division.

Performance Goals

The Civil Litigation Division will effectively represent the County on approximately 500 litigation files. The Civil Litigation Division will use new and existing technology to more efficiently track and process cases.

2015 Budget Estimate - Summary of Personal Services

Fund Center: 16010

Dept of Law/County Attorney

Job Group	Current Year 2014	-----	Ensuing Year 2015	-----
No:	Salary	No:	Dept-Req	No:
			Exec-Rec	No:
			Leg-Adopted	Remarks

Cost Center 1601010 Administration - County Attorney

Full-time Positions

1 COUNTY ATTORNEY	22	1	\$145,094	1	\$147,995	1	\$147,995	
2 FIRST ASSISTANT COUNTY ATTORNEY	19	1	\$104,588	1	\$112,545	1	\$112,545	
3 SECOND ASSISTANT COUNTY ATTORNEY	18	1	\$98,474	1	\$105,837	1	\$105,837	
4 EXECUTIVE ADMINISTRATIVE SECRETARY-LAW	10	1	\$52,004	1	\$54,269	1	\$54,269	
5 SECRETARY TO COUNTY ATTORNEY	08	1	\$39,645	1	\$42,434	1	\$42,434	
Total:		5	\$439,805	5	\$463,080	5	\$463,080	

Cost Center 1601020 Family Court

Full-time Positions

1 ASSISTANT COUNTY ATTORNEY VI	17	1	\$108,254	1	\$111,622	1	\$111,622	
2 ASSISTANT COUNTY ATTORNEY IV	15	1	\$84,132	1	\$86,848	1	\$86,848	
3 ASSISTANT COUNTY ATTORNEY III	14	1	\$75,685	1	\$77,200	1	\$77,200	
4 LEGAL SECRETARY	06	1	\$29,184	1	\$31,665	1	\$31,665	
Total:		4	\$297,255	4	\$307,335	4	\$307,335	

Cost Center 1601030 Legal Counsel

Full-time Positions

1 ASSISTANT COUNTY ATTORNEY VI	17	2	\$198,432	2	\$203,611	2	\$203,611	
2 ASSISTANT COUNTY ATTORNEY III	14	2	\$126,710	2	\$136,411	2	\$136,411	
3 LEGAL SECRETARY	06	1	\$36,698	1	\$37,432	1	\$37,432	
Total:		5	\$361,840	5	\$377,454	5	\$377,454	

Cost Center 1601050 Civil Litigation

Full-time Positions

1 ASSISTANT COUNTY ATTORNEY V	16	1	\$90,945	1	\$93,910	1	\$93,910	
2 ASSISTANT COUNTY ATTORNEY V	16	0	\$0	1	\$72,752	1	\$72,752	New
3 ASSISTANT COUNTY ATTORNEY IV	15	2	\$144,630	2	\$155,554	2	\$155,554	
4 ASSISTANT COUNTY ATTORNEY III	14	1	\$65,098	1	\$69,988	1	\$69,988	
5 LEGAL SECRETARY	06	2	\$79,165	2	\$80,749	2	\$80,749	
6 PARALEGAL	05	0	\$0	1	\$29,480	1	\$29,480	New
Total:		6	\$379,838	8	\$502,433	8	\$502,433	

Cost Center 1601060 Medicaid Anti-Fraud Task Force

Full-time Positions

1 CONFIDENTIAL INVESTIGATOR (COUNTY ATTY)	17	1	\$100,361	1	\$104,893	1	\$104,893	
2 SENIOR SPECIAL INVESTIGATOR	10	1	\$51,123	1	\$52,146	1	\$52,146	
3 CONFIDENTIAL AIDE (COUNTY ATTORNEY)	06	1	\$33,180	1	\$35,283	1	\$35,283	
Total:		3	\$184,664	3	\$192,322	3	\$192,322	

Fund Center Summary Totals

Full-time:	23	\$1,663,402	25	\$1,842,624	25	\$1,842,624
Fund Center Totals:	23	\$1,663,402	25	\$1,842,624	25	\$1,842,624

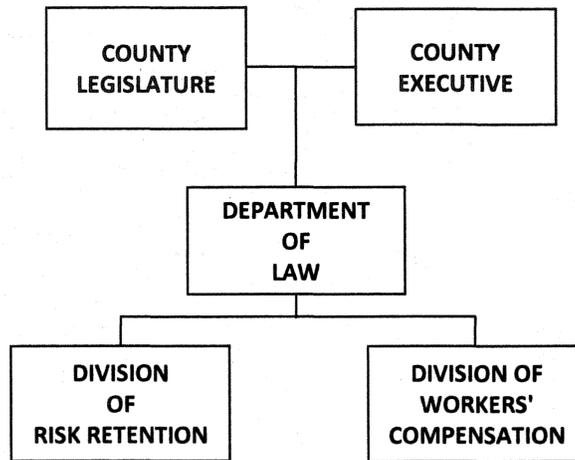
Fund: 110
 Department: Dept of Law/County Attorney
 Fund Center: 16010

Account Appropriations	2013 Actuals	2014 Legislative Adopted	2014 Adjusted Budget	2015 Department Request	2015 Executive Recommendation	2015 Legislative Adopted
500000 Full Time - Salaries	1,529,594	1,595,967	1,647,358	1,842,624	1,842,624	-
500350 Other Employee Payments	200	3,000	3,000	10,000	10,000	-
502000 Fringe Benefits	891,143	959,380	959,380	1,142,427	1,083,321	-
505000 Office Supplies	7,920	12,000	12,000	12,000	12,000	-
506200 Maintenance & Repair	215	500	500	500	500	-
510000 Local Mileage Reimbursement	511	500	600	500	500	-
510100 Out Of Area Travel	615	1,000	1,000	2,000	2,000	-
510200 Training And Education	36,133	39,000	39,000	39,000	39,000	-
516020 Professional Svcs Contracts & Fees	451,740	458,000	447,950	458,000	458,000	-
516030 Maintenance Contracts	60	1,000	1,000	1,000	1,000	-
516042 Foreclosure Action	260,005	175,000	175,000	175,000	175,000	-
516601 Legal Aid Bureau Indigent Defense	3,597,553	3,633,528	3,633,528	3,938,818	3,820,900	-
516602 EC Bar Association Indigent Defense	7,887,313	7,952,477	7,952,477	8,025,713	8,025,713	-
530000 Other Expenses	513	2,500	2,500	3,500	3,500	-
545000 Rental Charges	1,794	2,500	2,500	2,500	2,500	-
561410 Lab & Technical Equipment	1,458	7,500	17,450	15,000	15,000	-
561420 Office Eqmt, Furniture & Fixtures	-	-	-	1,000	1,000	-
910600 ID Purchasing Services	5,190	5,535	5,535	5,535	4,579	-
910700 ID Fleet Services	3,631	4,369	4,369	4,369	4,417	-
912215 ID DPW Mail Svcs	2	15	15	15	15	-
916000 ID County Attorney Services	(1,160,748)	(1,229,717)	(1,229,717)	(1,002,597)	(1,011,477)	-
980000 ID DISS Services	77,091	64,670	64,670	64,670	84,521	-
Total Appropriations	13,591,933	13,688,724	13,740,115	14,741,574	14,574,613	-

Account Revenues	2013 Actuals	2014 Legislative Adopted	2014 Adjusted Budget	2015 Department Request	2015 Executive Recommendation	2015 Legislative Adopted
405210 State Aid Indigent Defense	970,085	485,043	485,043	-	-	-
408530 State Aid - Criminal Justice Prog	35,706	-	-	25,000	25,000	-
414020 Miscellaneous Federal Aid	1,371	-	-	-	-	-
423000 Refunds Of Prior Years Expenses	1,841	-	-	-	-	-
466130 Other Unclassified Revenues	19,452	10,000	10,000	10,000	10,000	-
466290 Local Source - EC Home & Infirmary	(3,550)	-	-	-	-	-
Total Revenues	1,024,905	495,043	495,043	35,000	35,000	-

LAW

DIVISIONS OF RISK MANAGEMENT AND WORKERS' COMPENSATION



LAW - RISK RETENTION & WORKERS' COMPENSATION	2013 Actual	2014 Adopted	2014 Adjusted	2015 Proposed
Personal Services	0	0	0	0
Other	<u>2,221,931</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
Total Appropriation	2,221,931	2,000,000	2,000,000	2,000,000
Revenue	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
County Share	2,221,931	2,000,000	2,000,000	2,000,000

RISK RETENTION

DESCRIPTION

Statement No. 10 of the Governmental Accounting Standards Board (GASB) established accounting and financial reporting standards for risk financing and insurance related activities of state and local governments. If state and local governments are using a single budgetary fund, either the General Fund or an Internal Services Fund must be used to account for risk financing activities. Erie County has elected to use the General Fund for such accounting.

In prior years, a Self Insurance Fund was used to accommodate risk financing transactions. The 1995 Budget reflected the creation of the Division of Risk Retention in the General Fund to ensure compliance with the GASB standard. Personnel are not budgeted in the Division of Risk Retention.

State and local government entities are required to report an estimated loss from a claim as an expenditure/expense and as a liability if information available before the financial statements are issued indicates that it is probable an asset has been impaired or a liability has been incurred at the date of the financial statements, and the amount of the loss can be reasonably estimated. The amount of estimated losses to be recognized is established through a review of asserted claims and an evaluation of the exposure to "Incurred But Not Reported" (IBNR) conditions. Asserted claims can be estimated based on a case-by-case review of all claims, the application of historical experience to outstanding claims, or a combination of these methods. Estimates of IBNR losses are based on historical experience. Once the amount of loss is established, it can be allocated among the funds in any manner. Related expenditures and liabilities are recognized using the modified accrual basis of accounting. Loss liabilities are only recognized as expenditures and fund liabilities are recognized to the extent that the amounts are payable with expendable available financial resources. Any remaining liabilities are reported in the General Long Term Debt Account Fund.

WORKERS' COMPENSATION

Program Description

Similar to the Division of Risk Retention, the Division of Workers' Compensation is included in the Budget to ensure compliance with Statement No. 10 of the Governmental Accounting Standards Board.

Statement 10 requires that if a single budgetary fund is used for risk financing activities, either the General Fund or an Internal Services Fund must be used. Workers' Compensation is a category of risk financing. Payments to the General Fund by other funds for allocated loss expenditures/expenses must be reported as expenditures or expenses in the reimbursing fund and as reductions of the expenditures in the General Fund. The appropriation for Workers' Compensation for the General Fund portion continues to appear in Fund Center 140 – Countywide Budget Accounts.

Personnel are not budgeted in this division.

Program and Service Objectives

The objectives of the Workers' Compensation Division include timely and cost effective management of the County's new and existing Workers' Compensation Claims. Additionally, we are committed to tracking both existing and new workers' compensation claims occurring in each of the County Departments and counseling the respective Commissioner of each department with respect to loss cost drivers. Moreover, the Division of Law works closely with the third-party administrator in all aspects of claims management, seeking recommendations regarding training and safety programs that may be available to reduce and/or eliminate future claims, as well as settlement of existing workers' compensation claims.

Top Priority for 2014

To aggressively evaluate the workers' compensation claims through reduced cycle times, as well as additional workers' compensation initiatives for the establishment of standard operating procedures County wide.

Key Performance Indicators

Work closely with third-party administrator to get injured workers' back to work as quickly as possible, in addition to evaluating all existing claims throughout the year to develop strategies and outcomes that reduce the exposure to the County.

Outcome Measures

Baseline workers' compensation claims information is currently available and utilized to determine specific departments within the County where there are a high number of workers' compensation claims. Continue to utilize this information to work with each department, as necessary, to reduce future workers' compensation claims through training and education.

Performance Goals

It is the goal of this department to have a 5% to 10% reduction of new workers' compensation claims for the 2014 year, as well as a 10% reduction of the existing workers' compensation claims that are over 5 years old.

Fund: 110
 Department: Risk Retention Division
 Fund Center: 16020

Account Appropriations	2013 Actuals	2014 Legislative Adopted	2014 Adjusted Budget	2015 Department Request	2015 Executive Recommendation	2015 Legislative Adopted
555000 General Liability	(4,702)	2,000,000	2,000,000	2,000,000	2,000,000	-
555010 Settlements/Judgments - Litigation	1,005,195	-	-	-	-	-
555030 Litigation and Related Disbursement	84,407	-	-	-	-	-
555040 Expert/Consulting Fees-Litigation	799,522	-	-	-	-	-
555050 Insurance Premiums	337,509	-	-	-	-	-
Total Appropriations	2,221,931	2,000,000	2,000,000	2,000,000	2,000,000	-

Fund: 110
 Department: Workers' Compensation Division
 Fund Center: 16030

Account Appropriations	2013 Actuals	2014 Legislative Adopted	2014 Adjusted Budget	2015 Department Request	2015 Executive Recommendation	2015 Legislative Adopted
502050 Workers' Compensation	12,213,965	15,559,300	15,559,300	13,141,050	13,141,050	-
502130 Workers' Cmp Other Fd Reimbursement	(9,186,828)	(11,145,065)	(11,145,065)	(8,924,486)	(8,924,486)	-
502140 3rd Party Recoveries	(3,027,137)	(4,414,235)	(4,414,235)	(4,216,564)	(4,216,564)	-
Total Appropriations	-	-	-	-	-	-