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**City of Detroit**  
**CITY COUNCIL**  
LEGISLATIVE POLICY DIVISION  
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TO: Conrad Mallett, Corporate Counsel  
Law Department

FROM: David Whitaker, Director   
Legislative Policy Division

DATE: March 20, 2024

RE: 2024-2025 Budget Analysis

Attached is our budget analysis regarding your department's budget for the 2024-2025 Fiscal Year.

Please be prepared to respond to the issues/questions raised in our analysis during your scheduled hearing on **Thursday, March 21, 2024, at 10:00 a.m.** We would then appreciate a written response to the issues/questions at your earliest convenience before or after your budget hearing. Please forward a copy of your responses to the Council members and the City Clerk's Office.

Please contact us if you have any questions regarding our budget analysis.

Thank you for your cooperation in this matter.

Attachments:  
Issues and Questions  
Agency Plan: Mission, Goals and Activity Summary  
Budget Summary

cc: Councilmembers  
Auditor General's Office  
Jay Rising, CFO  
Tanya Stoudemire, Chief Deputy CFO-Policy & Administration Director  
Steven Watson, Deputy CFO/Budget Director  
Malcolm Walker, Budget Analysis  
James George, Agency CFO for Governmental Operation Departments  
Malik Washington, Mayor's Office

**Law Department (32)**  
**FY 2024-25 Budget Analysis by the Legislative Policy Division**

**Mission**

The Law Department strives to deliver exceptional and efficient legal counsel and representation to the Executive and Legislative branches of City government as mandated by the City Charter. The Law Department is headed by the Corporation Counsel, who is appointed by the Mayor with approval by City Council.

The Department is required by Charter to represent the City of Detroit in all civil actions or proceedings filed against the City. The Corporation Counsel may also prosecute any action or proceeding in which the City has a legal interest, and is the City prosecutor on cases arising from the provisions of the Charter or City ordinances and prosecute all actions for the recovery of fines, penalties and forfeitures. The Department provides advice and opinions to the Mayor, members of City Council or the head of any City agency, approving the form and substance of all contracts, bonds and written instruments, and drafting, upon the request of the Mayor or any member of City Council, any ordinance or resolution for introduction.

**Issues and Questions**

1. Please briefly explain the Law Department's new expense initiatives, new capital funding requests, operational reform and savings proposals, and new revenue initiatives/proposals to be implemented in FY 2025. Please provide which appropriation/cost center the new initiative/request/proposal is impacting in FY 2025.
2. B32-6: The Budget Summary shows 121.5 positions in the Law Department on February 9, 2024. This is 9.5 position greater than the FY 2024 adopted budgeted positions of 112. Please briefly describe the need for additional positions in FY 2024.
3. The Mayor's FY 2025 recommended total appropriations for the Law Department is \$18.8 million a \$407,061 million increase from the \$18.4 million in FY 2024.
4. On page B32-7, please explain why salaries and wages increased by \$454,939 in FY 2025.
5. On page B32-7, please explain why operating supplies increased by \$404,565 in FY 2025.
6. On page B32-7, please explain why operating services decreased by \$522,668 in FY 2025.
7. Please list the contracts which comprise the FY 2024 and FY 2025 professional and contractual services budgets for the Law Department. Please list the services that the contracted professional provides. Also, list the amount of the contract expected to be expended for each contract in FY 2024 and FY 2025.
8. What is the total number of open litigation cases against the City as of March 19, 2024 or the latest date where data is available? What is the total amount reserved for the open litigation cases?
9. Is the City settling litigation cases without taking them to trial? What is the Law Department's strategy to minimize large litigation payouts?

# LAW (32)

## Mission

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## Operating Programs and Services

The Law Department is organized in seven divisions, responsible for matters arising from discrete areas of the law. The City also engages the services of a legislative liaison in Lansing, and contracts for federal lobbyist services in Washington, D.C.

- **Appeals – Tax Appeals** handles tax appeals. Several involve many millions of dollars of tax in dispute.
- **Blight Litigation** - This division files affirmative litigation against owners of blighted properties in the City of Detroit in the Circuit Courts and District Courts. In addition, this team litigates cost-recovery matters against landowners to recover costs and expenses incurred by 3D, GSD and BSEED. Finally, this team litigates Blight matters before the DAH.
- **Criminal Enforcement/Qualify of Life** engages in, both, Civil and Criminal court litigation. First, this division is responsible for filing civil public nuisance lawsuits against owners of properties that illegally operate marijuana, scrapyard and auto related establishments. In addition, at 36<sup>th</sup> District Court, attorneys in this division handle criminal court dockets as more described fully below
- **Office of Eviction Defense** reports directly to the Corporation Counsel and Deputy Corporation Counsel and coordinates the provision of legal services to indigent occupants in residential evictions cases in the 36th District Court and in housing-

## LAW (32)

related administrative proceedings which threaten occupancy. With funding from the City, the OED is charged with implementing Chapter 22, Article VII of the Detroit City Code by coordinating with local organizations with expertise to provide such legal services.

- **Government Affairs (Municipal)** is responsible for the preparation of ordinances and for opinion requests made by the Mayor, City Council, and members of the City Council, City Clerk, or the head of any agency; The Municipal Section attorneys serve as General Counsel to the Board of Police Commissioners, the Board of Ethics, and the Election Commission; Processes all third-party document production subpoenas; Prepares all responses to Freedom of Information Act appeals; Reviews all criminal subpoenas prior to DPD Law preparing a response; The Law Department Liaison to City Council is also housed in the Municipal Section.
- **FOIA Division** is to ensure the City's compliance with the Freedom of Information Act (FOIA) and applicable laws. Under the Michigan FOIA statute, the public has a right to access public records to assist in their understanding of the functioning of their government. The FOIA Division facilitates these requests and works with City departments and agencies to respond to requests received. This is accomplished by obtaining responsive records, reviewing those records, and applying statutory exemptions consistent with state law and relevant case law. The records vary from simple auto accidents and contracts to complete homicide case files, as well as sensitive records. In addition to facilitating responses to requests for records, the FOIA Division also provides advice and guidance on FOIA matters, works to ensure that searches conducted are sufficient and that the documents produced are responsive. Lastly, the FOIA Division also coordinates and calculates statutory costs and fees based on information provided by responding departments.
- **Labor & Employment** section provides legal counseling and representation for nearly 100% of all employment litigation and labor relations and administrative proceedings in which the City of Detroit or its employees are a party. Specifically, these matters include, but are not limited to, union arbitration hearings, lawsuits, Civil Service Hearings; Michigan Department of Civil Rights/Equal Employment Opportunity Commissions claims (also provide advice and counsel to CRIO); Wage and Hour Complaints; MIOSHA complaints; Veteran's Preference and, Appeals. The section also responds to client inquiries, as well as, provide legal advice and counsel to client departments throughout the City of Detroit. Additionally,

## LAW (32)

this section provides training to employees on the substance and implementation of state and federal laws and regulations which impact upon labor and employment relations (e.g. FMLA, ADA, FLSA etc)

- **Litigation** reports directly to the Corporation Counsel and Deputy Corporation Counsel and provides direct legal counsel and litigation services to the Office of the Mayor, City Council, municipal departments, and individual municipal employees. The Litigation Division, one of the largest governmental civil litigation divisions in the State of Michigan, is charged with:
- **Transactions and Economic Development** is responsible for providing advice and counsel to City departments, agencies, and elected officials regarding transactions involving or impacting the City of Detroit. The two major areas of responsibility are real estate matters and contracts.
- **Workers' Compensation** answer and defend all Worker's Compensation lawsuits filed against the City of Detroit; Answer and defend the City of Detroit's interests in any Worker's Compensation action that names the City of Detroit; Handles all Worker's Compensation appellate matters up to and including the Michigan Supreme Court; Coordinates with the Third-Party Administrator (CompOne) regarding Worker's Compensation litigation; Provides Advice and Counsel to the Risk Management division regarding the Worker's Compensation Act; Provides Advice and Counsel to City departments regarding Worker's Compensation law and best practices in managing Worker's Compensation risk.

# LAW (32)

## Goals, Strategic Priorities and Related City Outcomes

Goals / Strategic Priorities	Timeframe	Related City Outcome
1. Maximize the level of client satisfaction with department services	July 2024 – June 2025	Effective Governance
2. Provide advice and counsel to assist the clients in achieving their business objectives with minimal legal exposure	July 2024 – June 2025	Efficient & Innovative Operations
3. Ensure staff and attorney preparedness for all legal proceedings and client contacts, demonstrating professionalism and integrity at all times	July 2024 – June 2025	Effective Governance
4. Provide necessary professional skills training to all lawyers and staff to maximize the quality and efficiency of legal services delivered	July 2024 – June 2025	Efficient & Innovative Operations
5. Provide effective legal representation and timely advice and counsel in commercial and development transactions	July 2024 – June 2025	Efficient & Innovative Operations
6. Assist with community empowerment through vigorous prosecution of crimes and blight violations pursuant to City ordinances.	July 2024 – June 2025	Safer Neighborhood
7. Defend all legal actions against the City and pursue litigation to protect the City's interests	July 2024 – June 2025	Efficient & Innovative Operations
8. Process records requests pursuant to state law	July 2024 – June 2025	Efficient & Innovative Operations
9. File affirmative litigation in Circuit Court against landowners not in compliance with the Detroit Municipal Code.	July 2024 – June 2025	Vibrant & Beautiful City
10. Capture billable time	July 2024 – June 2025	Efficient & Innovative Operations

# LAW (32)

## Budget By Service

Services	FY 2025 Mayor Proposed	FY 2025 Mayor Proposed FTE
Appeals	\$656,279	4.0
Blight Litigation	\$779,219	5.0
Criminal Enforcement & Quality of Life Issues	\$1,317,401	11.0
Development Negotiations and Contracts	\$2,285,998	14.0
Direct Support to Agencies, etc.	\$1,071,234	8.0
FOIA Response	\$2,054,141	18.0
Labor, Employment, & Workers' Compensation	\$1,012,036	7.0
Litigation & Claims	\$7,693,609	35.0
Program Management and Implementation	\$1,973,493	10.00
<b>Total:</b>	<b>\$18,843,410</b>	<b>112.0</b>

## Metrics and Data

Metrics	Data	Related Goal #
Direct support to legislative bodies, boards, commissions, and departments/agencies - # of hours recorded/submitted	1,233	2
Development negotiations - # of hours recorded/submitted	4,316.5 hours	5
Litigation and claims - # of hours recorded/submitted	4,945.44	7
FOIA response - # of hours recorded/submitted	3,759 hours	8
Blight litigation - # of hours recorded/submitted	350 hours	9
Direct support to legislative bodies, boards, commissions, and departments/agencies - # of hours recorded/submitted	1,233	2
Development negotiations - # of hours recorded/submitted	4,316.5 hours	5

### Department 32 - Law Department

#### Budget Summary

	FY2023 Actual		FY2024 Adopted		FY2025 Mayor Proposed	
	General Fund	All Funds	General Fund	All Funds	General Fund	All Funds
Total Revenues	2,630,873	6,002,780	1,716,000	1,716,000	1,698,000	1,698,000
Total Expenditures	19,561,809	23,898,456	18,436,349	18,436,349	18,843,410	18,843,410
<b>Net Tax Cost</b>	<b>16,930,937</b>	<b>17,895,676</b>	<b>16,720,349</b>	<b>16,720,349</b>	<b>17,145,410</b>	<b>17,145,410</b>

	FY2026 Forecast		FY2027 Forecast		FY2028 Forecast	
	General Fund	All Funds	General Fund	All Funds	General Fund	All Funds
Total Revenues	1,731,960	1,731,960	1,766,599	1,766,599	1,801,931	1,801,931
Total Expenditures	19,164,996	19,164,996	19,492,633	19,492,633	19,826,437	19,826,437
<b>Net Tax Cost</b>	<b>17,433,036</b>	<b>17,433,036</b>	<b>17,726,034</b>	<b>17,726,034</b>	<b>18,024,506</b>	<b>18,024,506</b>

#### General Fund Recurring vs One-Time Expenditures

	FY2024 Adopted	FY2025 Mayor Proposed
Recurring Expenditures	18,436,349	18,843,410
One-Time Expenditures	-	-
<b>Total Expenditures</b>	<b>18,436,349</b>	<b>18,843,410</b>

#### Positions (by FTE)

	2/9/2024 Actual	FY2024 Adopted	FY2025 Mayor Proposed	FY2026 Forecast	FY2027 Forecast	FY2028 Forecast
General Fund	110.00	110.00	110.00	110.00	110.00	110.00
Non-General Fund	7.50	2.00	2.00	2.00	2.00	2.00
ARPA	4.00	-	-	-	-	-
<b>Total Positions</b>	<b>121.50</b>	<b>112.00</b>	<b>112.00</b>	<b>112.00</b>	<b>112.00</b>	<b>112.00</b>



**CITY OF DETROIT  
BUDGET DEVELOPMENT  
EXPENDITURES BY SUMMARY CATEGORY - ALL FUNDS  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name Summary Category	FY2024 Adopted	FY2025 Mayor Proposed	FY2026 Forecast	FY2027 Forecast	FY2028 Forecast
<b>32 - Law Department</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>
Salaries & Wages	10,956,690	11,411,629	11,639,862	11,872,659	12,110,112
Employee Benefits	3,491,589	3,626,613	3,681,914	3,738,321	3,795,856
Professional & Contractual Services	1,952,782	1,886,983	1,905,853	1,924,912	1,944,161
Operating Supplies	227,881	632,446	638,770	645,158	651,609
Operating Services	1,788,407	1,265,739	1,278,397	1,291,181	1,304,093
Other Expenses	19,000	20,000	20,200	20,402	20,606
<b>Grand Total</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>

**CITY OF DETROIT  
BUDGET DEVELOPMENT  
REVENUES BY SUMMARY CATEGORY - ALL FUNDS  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name Summary Category	FY2024 Adopted	FY2025 Mayor Proposed	FY2026 Forecast	FY2027 Forecast	FY2028 Forecast
<b>32 - Law Department</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
Sales & Charges for Services	1,716,000	1,661,000	1,694,220	1,728,105	1,762,667
Revenues from Use of Assets	-	1,000	1,020	1,040	1,061
Miscellaneous	-	36,000	36,720	37,454	38,203
<b>Grand Total</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>

**CITY OF DETROIT  
BUDGET DEVELOPMENT  
EXPENDITURES BY SUMMARY CATEGORY - FUND DETAIL  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name Fund # - Fund Name Summary Category	FY2024 Adopted	FY2025 Mayor Proposed	FY2026 Forecast	FY2027 Forecast	FY2028 Forecast
<b>32 - Law Department</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>
<b>1000 - General Fund</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>
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**CITY OF DETROIT  
BUDGET DEVELOPMENT  
REVENUES BY SUMMARY CATEGORY - FUND DETAIL  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name Fund # - Fund Name Summary Category	FY2024 Adopted	FY2025 Mayor Proposed	FY2026 Forecast	FY2027 Forecast	FY2028 Forecast
<b>32 - Law Department</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
<b>1000 - General Fund</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
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**CITY OF DETROIT  
BUDGET DEVELOPMENT  
FINANCIAL DETAIL BY DEPARTMENT, FUND, APPROPRIATION, & COST CENTER - EXPENDITURES  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name	FY2024	FY2025	FY2026	FY2027	FY2028
Fund # - Fund Name	Adopted	Mayor Proposed	Forecast	Forecast	Forecast
Appropriation # - Appropriation Name					
Cost Center # - Cost Center Name					
<b>32 - Law Department</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>
<b>1000 - General Fund</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>
<b>28320 - Effective Governance - Legislative Services</b>	<b>474,000</b>	<b>378,000</b>	<b>381,780</b>	<b>385,598</b>	<b>389,454</b>
320055 - Legislative Services	474,000	378,000	381,780	385,598	389,454
<b>29320 - Efficient and Innovative Operations Support - Law</b>	<b>17,962,349</b>	<b>18,465,410</b>	<b>18,783,216</b>	<b>19,107,035</b>	<b>19,436,983</b>
320010 - Law Administration	17,962,349	18,465,410	18,783,216	19,107,035	19,436,983
<b>Grand Total</b>	<b>18,436,349</b>	<b>18,843,410</b>	<b>19,164,996</b>	<b>19,492,633</b>	<b>19,826,437</b>

**CITY OF DETROIT  
BUDGET DEVELOPMENT  
FINANCIAL DETAIL BY DEPARTMENT, FUND, APPROPRIATION, & COST CENTER - REVENUES  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name	FY2024	FY2025	FY2026	FY2027	FY2028
Fund # - Fund Name	Adopted	Mayor Proposed	Forecast	Forecast	Forecast
Appropriation # - Appropriation Name					
Cost Center # - Cost Center Name					
<b>32 - Law Department</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
<b>1000 - General Fund</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
<b>29320 - Efficient and Innovative Operations Support - Law</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>
320010 - Law Administration	1,716,000	1,698,000	1,731,960	1,766,599	1,801,931
<b>Grand Total</b>	<b>1,716,000</b>	<b>1,698,000</b>	<b>1,731,960</b>	<b>1,766,599</b>	<b>1,801,931</b>

**CITY OF DETROIT  
BUDGET DEVELOPMENT  
POSITION DETAIL BY DEPARTMENT, FUND, APPROPRIATION, & COST CENTER  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name					
Fund # - Fund Name					
Appropriation # - Appropriation Name	FY2024	FY2025	FY2026	FY2027	FY2028
Cost Center # - Cost Center Name	Adopted	Mayor Proposed	Forecast	Forecast	Forecast
Job Code - Job Title					
<b>32 - Law Department</b>	<b>112</b>	<b>112</b>	<b>112</b>	<b>112</b>	<b>112</b>
<b>1000 - General Fund</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>
<b>29320 - Efficient and Innovative Operations Support - Law</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>
<b>320010 - Law Administration</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>	<b>110</b>
010104.Deputy Corporation Counsel	1	1	1	1	1
010127.Corporation Counsel Election Commissioner \$2000	1	1	1	1	1
012031.Senior Clerk	2	2	2	2	2
012249.Administrative Assistant Grade 2 Law	1	1	1	1	1
013325.Legal Secretary	10	10	10	10	10
013326.Senior Legal Secretary	3	3	3	3	3
013376.Executive Administrative Assistant 2	1	1	1	1	1
091133.Associate Assistant Corporation Counsel	3	3	3	3	3
091142.Assistant Corporation Counsel	21	19	19	19	19
091152.Senior Assistant Corporation Counsel	26	29	29	29	29
091157.Supervising Assistant Corporation Counsel	10	10	10	10	10
091191.Assistant Corporation Counsel Exempted	2	1	1	1	1
091192.Senior Assistant Corporation Counsel Exempted	3	3	3	3	3
091941.Legal Assistant	14	14	14	14	14
11931424.Chief Of Criminal Enforcement And Quality Of Life	1	1	1	1	1
13111002.Project Manager Analytics Specialist 2	1	1	1	1	1
13111004.Project Manager Analytics Specialist 4	3	4	4	4	4
81012051.Head Clerk	1	1	1	1	1
931420.Chief Legal Counsel For Transactional And Economic	1	1	1	1	1

**CITY OF DETROIT  
BUDGET DEVELOPMENT  
POSITION DETAIL BY DEPARTMENT, FUND, APPROPRIATION, & COST CENTER  
DEPARTMENT 32 - LAW DEPARTMENT**

Department # - Department Name					
Fund # - Fund Name					
Appropriation # - Appropriation Name	FY2024	FY2025	FY2026	FY2027	FY2028
Cost Center # - Cost Center Name	Adopted	Mayor Proposed	Forecast	Forecast	Forecast
Job Code - Job Title					
931421.Chief Administrative Corporation Counsel	3	2	2	2	2
931422.Chief Of Staff Law	1	1	1	1	1
931423.Chief Of Litigation	1	1	1	1	1
<b>2119 - FY2020 MIDC Grants Fund</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>20777 - Michigan Indigent Defense Commission Grant</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>321111 - Law Department Grants</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
13111004.Project Manager Analytics Specialist 4	2	0	0	0	0
<b>21206 - 2023 Michigan Indigent Defense Commission Grant</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>321111 - Law Department Grants</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
13111004.Project Manager Analytics Specialist 4	0	2	2	2	2
<b>Grand Total</b>	<b>112</b>	<b>112</b>	<b>112</b>	<b>112</b>	<b>112</b>