



2012 Annual Report

As prescribed by the Columbus City Charter, the City Attorney is “the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties.”

The City Attorney also serves as “the prosecuting attorney of municipal court...and shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party.”

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ADMINISTRATION

Administration Section • Bill R. Hedrick, Chief of Staff

The Administration Section performs the human resources, fiscal, technology and facilities management functions for the office. Legislation previously enacted by City Council provides an authorized strength of 164 full-time employees and 49 part time employees (including 14 full-time and two part-time employees for the Division of Real Estate). However, due to internal fiscal policy decisions, the budgeted number of full-time employees heading into 2013 was 119 while the number of part-time employees was 36. Of the full-time employees, 62 were attorneys. Most employees' salaries were covered by the city's general fund, while others were paid through either internal service funds, fees, or grants secured by the office. The total budget from all funds was \$11,630,643 (\$10,696,635 from the General Fund, \$724,607 from the Land Acquisition Fund, and \$462,471.67 from grants).

In 2012, Chief of Staff Bill Hedrick expanded the City Attorney's Outstanding Warrant program by creating a broadcast television component called "Fugitive Files." The television program, which is co-produced in cooperation with the staff of CTV, airs regularly on channels 3 and 99. The overall warrant program continues to be a success as over seventy-five percent of the targets have either surrendered or were arrested. For his efforts, Chief of Staff Hedrick received a City of Columbus Mayor's Award of Excellence for Outstanding Service.

The administrative staff devoted a significant amount of time in 2012 preparing for the Civil and Real Estate Divisions move from City Hall to the newly renovated "old police building" located at 77 N. Front St. Staff also worked for much of the year planning, preparing, and implementing a new digital-based case management system for all sections of the Civil Division.

CIVIL DIVISION

General Counsel Section • Joshua T. Cox, Chief Counsel & Section Chief

2012 Staff: 5 FTEs + 5 PTEs • 2012 Budget: \$832,963

The General Counsel Section serves as primary legal counsel to city officials on issues relating to city services, legislation, contracts, zoning and other vital issues associated with the day-to-day operations of city government. In addition, this section assists in the legal review and practical implementation of various development projects that foster the growth of our community. The section also works to keep our environment clean by assisting various city divisions in complying with state and federal environmental laws.

Last year, the General Counsel Section reviewed 1985 contracts for City departments, involving expenditures of over \$1.1 billion. The section also reviewed 1535 ordinances. General Counsel provided legal assistance on dozens of noteworthy projects and issues during 2012 as well.

Labor and Employment Section • Pamela J. Gordon, Section Chief

2012 Staff: 7 FTEs • 2012 Budget: \$772,024

The Labor and Employment Section, consisting of six attorneys and one support staff member, is responsible for handling all labor and employment-related litigation involving the city, and for rendering legal advice to city officials on labor and employment matters involving issues related to the city's seven collective bargaining agreements and the city's approximately 9,000 employees.

On a daily basis, the attorneys field questions on various employment laws such as the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII, and Ohio Civil Rights Act. The attorneys handle cases in various forums, including arbitration, federal court (at both the trial and appellate levels), state court (at both the trial and appellate levels), the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the State Employee Relations Board, the Industrial Commission of Ohio, the Ohio Bureau of Workers' Compensation, the Unemployment Compensation Review Commission, the Columbus Community Relations Commission and the Columbus Civil Service Commission.

The Section started 2012 with 109 open cases pending in various forums. To date, over the course of the year, 72 new cases were filed against the City of Columbus and/or its employees and 92 cases were closed. Fifty-eight of the closed cases were successfully resolved in favor of the City (this includes cases that were voluntarily dismissed or withdrawn) as follows:

- 19 arbitrations
- 15 cases before the Equal Employment Opportunity Commission and Ohio Civil Rights Commission
- 22 court and administrative cases (Franklin County Court of Common Pleas, United States District Court, 10th District Court of Appeals, Unemployment Compensation Review Commission)
- 2 threatened litigation that did not result in a lawsuit.

Of the remaining 34 cases, 30 cases were settled (15 arbitrations, 15 Franklin County Court of Common Pleas – all of these cases were settlements of Bureau of Workers' Compensation appeals; BWC paid the settlements, 1 Civil Service Commission and 1 Industrial Commission), 2 arbitrations resulted in split decisions and 2 arbitrations were resolved against the City.

Litigation Section • Glenn B. Redick, Section Chief

2012 Staff: 7 FTEs • 2012 Budget: \$917,464

While litigation occurs in other sections of the office, the Litigation Section, consisting of six attorneys and one support staff member, deals principally with claims against the city and its employees that seek monetary damages based on allegations of personal injury or property damage or violation of constitutional rights. In 2012, the City Attorney's Litigation Section was assigned to handle 32 new cases that were filed against the City, seeking a total of \$118 million in damages.

45 total cases were closed this year, which resulted in the City paying \$10,390,441 to resolve lawsuits in 2012. A total of 80 cases are still active.

Additionally, the Litigation Section worked with city departments and their employees through training, advice, and counsel to improve city practices and policies so that future lawsuits may be successfully defended or prevented.

Claims Division • Nancy L. Weidman, Division Chief

2012 Staff: 10 FTEs • 2012 Budget: \$856,145

The Claims Section is responsible for the collection of debt owed to the city of Columbus and for investigating and paying or denying, claims for personal injury and property damage made against the city. In-house collections from the City Attorney's Claims Section were \$1,592,761. Outside collection agencies hired by the City Attorney recovered another \$2,272,455 for a total of \$3,865, 216 collected from delinquent taxpayers.

Both in-house and outside agency tax collections have doubled since City Attorney Pfeiffer took office in 2003.

| Year | Outside Agency Tax Collections | In-House Tax Collections |
|-------------|---------------------------------------|---------------------------------|
| 2002 | \$911,453 | \$882,878.73 |
| 2003 | \$730,575 | \$1,067,244.67 |
| 2004 | \$568,913 | \$1,395,328.56 |
| 2005 | \$452,331 | \$1,516,249.98 |
| 2006 | \$813,392 | \$1,449,280.87 |
| 2007 | \$1,035,252 | \$1,418,153.63 |
| 2008 | \$1,038,303 | \$1,679,901.56 |
| 2009 | \$1,222,862 | \$1,946,599.65 |
| 2010 | \$1,779,954 | \$2,125,521.37 |
| 2011 | \$2,489,957.00 | \$2,406,479.57 |
| 2012 | \$2,272,455 | \$1,592,761 |

Additionally, the Claims Section continued the work load of the Police Department's claims officer when that position was eliminated and also works closely with the City Auditor's office to step up collection enforcement against delinquent hotel-motel excise tax debtors and city vendors who are also tax delinquent.

POLICE LEGAL BUREAU

Police Legal Advisor's Office • Jeffrey S. Furbee, Section Chief

2012 Staff: 2 FTEs + 1 PTE • 2012 Budget: \$273,624

The Police Legal Advisor Section provides comprehensive legal advice specifically to the Columbus Division of Police on policies, procedures, and labor issues. Attorneys in this section also deliver around the clock "real time" advice to police personnel. In addition, this section tracks lawsuits, case reviews, and property damage/medical claims against the Division.

- Training: (300+ hours in 2012) The demands made of the Legal Advisor section by police for legal training has continually increased over the past several year -- and more legal training was provided this past year than ever before. Our advisors literally spent hundreds of hours providing legal training to current Division of Police Officers, as well police recruits. On-going-in-service legal training of all current officers is conducted twice a week, every week, from early April thru the end of September. The training took place on all shifts and afforded face-to-face contact with every Columbus Police Officer. Our advisors also provided legal training to two police recruit classes this year. This too involved hundreds of hours of preparation and presentation. The legal advisors also provided bureau-specific training wherein they went to individual police sections and conducted training on their specific issues.
- Real-time Legal Advice: Historically, the police legal advisors have received about 30-40 inquiries from officers every day. These inquiries vary from brief, easily answered questions to complex legal questions. Inquiries are made via email, phone, and in-person. Several hours a day are spent giving legal advice to the Division of Police.
- Legal Updates and Roll Calls: (12+ Written Updates/Roll-Calls 2012) The police legal advisors distribute Legal Updates to all Division of Police Officers for up-to-date legal information generally on a monthly basis. They also prepared several written-roll-call trainings on specific issues for specialized bureaus such as Internal Affairs.
- Videos: (10 videos produced 2012) This year our office added short-video presentations to our training repertoire. These videos were required viewing for all officers. The videos are typically 2-4 minutes in length covering important legal topics which the officers are able to watch from their substations. We have received excellent feedback on these as a training tool.

- Meetings: This is hard to quantify because the Police Legal Advisors are regularly asked to attend meetings where legal issues might arise, but they easily attended over 100 meetings in 2012.
- Review of Division Directives/SOPS: Division Policies are regularly reviewed for legality. This, too, is difficult to quantify, but the advisors spent at least 80 hours reviewing/rewriting such policies.

PROSECUTION DIVISION

Located at 375 South High Street in the Franklin County Courthouse complex, the Prosecutor Division is responsible for the prosecution of misdemeanor offenses on behalf of citizens of the City of Columbus and the State of Ohio. From case initiation in the Prosecution Resources Unit to defense of successful prosecutions in the Appellate Unit, the Prosecutor Division provides a wide array of services attendant to the resolution of criminal allegations and complaints. In addition to the services provided to the citizens of the City of Columbus and the unincorporated areas of Franklin County, this division also represented, by contractual agreement, a number of Franklin County municipalities.

Prosecutor Unit • Lara N. Baker, Chief Prosecutor & Bill Hedrick, Chief of Staff
 2012 Staff: 36 FTEs • 2012 Budget: \$3,165,652

The Prosecutor Unit—consisting of 17 courtroom prosecutors, four domestic violence prosecutors, an executive assistant, and three legal support staff—prosecuted a total of 128,824 misdemeanor cases in the Franklin County Municipal Court. Courtroom prosecutors worked dockets with an average caseload of 404 criminal/traffic cases per month.

Prosecutions initiate in the four arraignment courtrooms of the Franklin County Municipal Court. Rob Levering, the assigned 4C arraignment court prosecutor, resolved 38% of all OVI cases with an 84% conviction rate, which diverted 1,846 OVI cases from being assigned to a courtroom docket. First offender Petty Theft cases are likewise resolved at an early stage through the Theft Diversion Program. In 2011, 950 individuals qualified for the Theft Diversion Program.

This unit also is responsible for processing requests for production of public records in the Prosecutor Division, as well as processing municipality billing for prosecution and domestic violence advocacy services. In 2012, 208 requests for public records were fulfilled in a timely fashion. The Division also generated \$79,535.75 in revenue by providing domestic violence advocacy and legal services to area municipalities.

Legal Assistant Unit • Jackie Keller, Coordinator

This 10 person staff processes and maintains case files for the 15 Municipal Court Judges. In 2012, 46,122 cases were processed as closed cases and stored. Overall, this unit initiated approximately 134,950 cases (6,794 of which were OVIs), with each case having an average of three court dates.

Prosecution Resources Unit • Robert Tobias, Director

2012 Staff: 3 FTEs + 18 PTEs • 2012 Budget: \$557,327

The Prosecution Resources Unit provides a variety of services to citizens seeking to resolve conflict that may rise to the level of a misdemeanor criminal violation.

Consisting of the Intake Section, the Mediation Program, and the Check Resolution Program, this unit is involved in day-to-day interaction with crime victims.

- Intake Section – *Stefan Polihronopoulos, Lead Legal Intake Counselor*
Offering citizens the opportunity to have allegations of misdemeanor criminal violations reviewed by a prosecutor, the Intake Section processed 3,951 citizen complaints in 2012, resulting in 693 criminal charges filed. With a staff of approximately 18 intake officers, the unit averaged 329 criminal complaints a month.
- PRU Mediation Program – *Aaron Rinehart, Coordinator*
In 2012, this program operated in the evenings with mediators from the Moritz College of Law, Capital University Law School, and members of the alternative dispute resolution community in an effort to resolve disputes without resorting to criminal prosecution. The Program scheduled 316 mediation hearings in 2012, resulting in 185 hearings conducted. Of these 185 mediation hearings, 77% resolved with an agreement.
- Check Resolution Program – *Barbara Williams, Coordinator*
Seeking to resolve disputes where checks are dishonored without resorting to the filing of criminal charges, in 2012 this program scheduled 22,176 hearings resulting in the recovery of \$364,571.28 on dishonored checks. This process diverted 16,046 counts of passing bad checks from the criminal justice system.

Domestic Violence and Stalking Unit • Anne Murray, Director

2012 Staff: 22 FTEs (16 GF & 6 Grants) + 2 Contract (Grants) • 2012 Budget: \$1,434,068

This unit consists of a director, chief advocate, two lead advocates, 12 full-time victim advocates including a Spanish speaking advocate liaison, three support staff members, a Somali outreach advocate, a cyber-crimes investigator, liaisons from CHOICES, Franklin County Children Services, Southeast Mental Health, Inc., and Capital University Law School's Family Advocacy Clinic, along with two stalking investigators under contract. Additionally, this unit houses four specialized domestic violence prosecutors.

In 2012, the Domestic Violence/Stalking Unit provided victim advocacy services for 6,137 victims of domestic violence and 386 victims of menacing by stalking. 433 protection orders were issued in the arraignment courts. Of the 6,137 domestic violence cases, the four specialized domestic violence prosecutors handled 4,247 (72%).

Appellate Unit • Melanie Tobias, Director

2012 Staff: 3 FTEs + 8 PTEs • 2012 Budget: \$396,673

The Appellate Unit consists of a director, an assistant city prosecutor, a paralegal, and a staff of approximately nine law clerks. In 2012, this unit completed 27 briefs: one reply

to a petition for habeas relief in US District Court; one merit brief filed in the Ohio Supreme Court, 19 filed in the 10th District Court of Appeals, and four briefs contra and two briefs in support of certiorari filed in the Ohio Supreme Court. Twenty-two oral arguments were completed. Overall, the Appellate Unit was successful in 85% of its cases.

The Appellate Unit also was responsible for the filing of over 500 objections to applications for expungment as well as responding to over 1,300 defense motions

- Traffic Diversion Program
The Traffic Diversion Program is a coordinated effort of the Prosecution Resources Unit and the Appellate Unit designed to allow for a diversion alternative for traffic offenders. Of the 1,316 participants in 2012, 839 or 63.8% successfully completed the requirements of the program allowing for case resolution at the arraignment stage. Of the 728 minor misdemeanor only participants, 600 (82.4%) successfully complete.

REAL ESTATE DIVISION

Real Estate Division • John C. Klein, Chief Real Estate Attorney

2012 Staff: 7 FTEs + 2 PTEs • 2011 Budget: \$ 946,043

The Real Estate Division is responsible for the acquisition of all real property needed by city departments, the provision of legal assistance for all real estate matters, including the sale and leasing of property, tax abatements, tax increment financing, and certification of right-of-way clearance under federal regulations for federally funded projects.

In 2012, the Real Estate Division provided legal and negotiating advice for a number of major projects contributing to Columbus' development, including completing the acquisition of properties for projects for the widening of High Street North of Flint, Warner Road and Fifth Avenue.

In other acquisition activities for city projects, such as new roads, road widening, and storm and sanitary sewers, the Division completed acquisition of 202 parcels of land for various city projects.

ZONE INITIATIVE

Zone Initiative Unit • Assistant City Attorney Steve Dunbar

2012 Staff: 4 FTEs + 1PTE • 2012 Budget: \$329,348

The Zone Initiative Unit works closely with city agencies, particularly police and code enforcement, and with citizen groups such as area commissions, civic associations and block watches to identify neighborhood problems and to determine if there are solutions, whether legal or otherwise, to solve them. To that end, the four attorneys assigned to this unit were visible in the community attending meetings and making presentations on how

citizens and city government can work together to improve the quality of life in Columbus's neighborhoods.

City Attorney Pfeiffer and members of the Zone Initiative continued to make a concerted effort to bring neighborhood blight and the vacant and abandoned property epidemic to the forefront of public discourse in 2012. To that end, the City Attorney produced a documentary on the positive impact of the legal efforts to demolish several large brownfield sites, gave presentations at public hearings and various other types of public forums, met with community leaders, bank officials and state legislators, recommended several state legislative proposals, and aggressively pursued irresponsible property owners.

Meetings attended

- Approximately 160 community meetings
- Approximately 130 police meetings
- Approximately 100 Code Enforcement meetings

Ohio Revised Code Chapter 3767 – Criminal Nuisance Abatement

- 20 new cases filed in 2012
- 14 Temporary Restraining Orders granted in 2012
- 11 Agreed Entries granted in 2012
- 4 Default Judgments granted in 2012

Columbus City Code Title 47 – Housing / Building Code Nuisance A batement

- 173 new cases filed in 2012
- 32 property owners voluntarily came into compliance with code in 2011
- 30 Default Judgments granted in 2012
- 44 Contempt Orders granted in 2012
- 32 Demolition Orders granted in 2012

Liquor Permit Violations

- 9 Objections filed at the end of 2011
- 6 objections upheld
- 3 objections overruled
- 10 licenses objected to in 2012

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