



## 2015 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.”

### Table of Contents

Overview.....	<a href="#">Page Two</a>
Administration Section.....	<a href="#">Page Two</a>
Civil Division > General Counsel Section.....	<a href="#">Page Three</a>
Civil Division > Labor & Employment Section.....	<a href="#">Page Three</a>
Civil Division > Litigation Section.....	<a href="#">Page Four</a>
Civil Division > Claims Section.....	<a href="#">Page Four</a>
Police Legal Bureau.....	<a href="#">Page Five</a>
Prosecution Division > Assistant City Prosecutors.....	<a href="#">Page Six</a>
Prosecution Division > Legal Assistant Unit.....	<a href="#">Page Seven</a>
Prosecution Division > Prosecution Resource Unit.....	<a href="#">Page Seven</a>
Prosecution Division > Domestic Violence & Stalking Unit.....	<a href="#">Page Eight</a>
Prosecution Division > Appellate Unit.....	<a href="#">Page Eight</a>
Real Estate Division.....	<a href="#">Page Eight</a>
Zone Initiative Unit.....	<a href="#">Page Nine</a>

## Overview

In 2015, City Attorney Richard C. Pfeiffer, Jr. continued to focus on problem hotels and large multi-unit apartment complexes. As a result of working with community leaders and members of the Columbus Division of Police, the office helped craft legislation sponsored by Columbus City Council Member Zach Klein that requires hotels to file annual operating permits with the city.

Assistant City Attorney Bill Sperlazza also testified before the Ohio Senate Civil Justice Committee about S.B. 201, a bill that would add "acts of violence" to the state's nuisance abatement code.

Several staff members received honors and accolades in 2015. Anne Murray, Director of the Domestic Violence and Stalking Unit, received the Peacemaker Award along with Columbus Police Division Domestic Violence Squad Sgt. Rick Ketcham for their work in making Franklin County the first in Ohio to implement the Lethality Assessment Program to help predict and prevent intimate partner homicides.

Chief City Prosecutor Lara Baker-Morrish was appointed to the Advisory Committee of the Ohio Criminal Sentencing Commission and also was installed as President of the Columbus Bar Association Alliance.

Vanessa Perkins, a Domestic Violence Legal Assistant, received the Special Courage Model of Justice Award from the Justice League of Ohio.

Assistant City Attorney Bill Sperlazza won a City of Columbus Award of Excellence after being nominated by Columbus Police Division Sgt. Steve Livingston for his work on the team that shut down several of Columbus' most crime-infested hotels.

Chief of Staff Bill Hedrick was nominated for the Award for Professional Innovation in Victim Services by the Office for Victims of Crime, a division within The United States Department of Justice's Office of Justice Programs.

Assistant City Attorney Natalia Harris departed the office after 11 years of service to become Chief Counsel of the Prosecutor Division in the Cincinnati Solicitor's Office.

Litigation Section Chief Glenn Redick retired in January of 2015 after serving 28 years in the office.

## 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 in 2015 was 122 while the number of part-time employees was 38. 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 \$12,878,457 (\$11,685,213 from the General Fund and \$857,568 from the Land Acquisition Fund, as well as \$295,676 from grants and \$40,000 from fees).

## CIVIL DIVISION

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

2015 Staff: 6 FTEs + 7 PTEs • 2015 Budget: \$ 982,295

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 1,778 contracts for city departments, involving expenditures of just under \$1.3 billion. The section also reviewed 1,961 ordinances. General Counsel provided legal assistance on dozens of noteworthy projects and issues during 2015 as well.

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

2015 Staff: 6 FTEs • 2015 Budget: \$ 642,738

The Labor and Employment Section is responsible for handling all labor and employment-related litigation involving the city and renders legal advice to city officials and managers on labor and employment matters involving the city's six collective bargaining units and its full-time and part-time 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 2015 with 89 cases pending in various forums and currently has 110 pending cases.

Over the course of the year, 65 cases were resolved. Forty-seven of those cases were successfully resolved in the city's favor (this includes 25 cases that were voluntarily dismissed or withdrawn) as follows:

- Six arbitrations

- Nine cases before the Equal Employment Opportunity Commission and Ohio Civil Service Commission
- 32 court and administrative cases (Franklin County Court of Common Pleas, U.S. District Court, 10th District Court of Appeals, 6th Circuit Court of Appeals, State Employment Relations Board, and the Civil Service Commission)

In the remaining 18 cases, 13 were settled (including seven arbitrations and six filings in the Franklin County Court of Common Pleas—all of these cases were settlements of Bureau of Workers' Compensation appeals), three arbitrations resulted in split decisions and one arbitration was resolved against the city. One threatened litigation matter resulted in litigation and is currently pending.

Additionally, over the course of the year, the Labor and Employment attorneys fielded approximately 210 calls/requests for legal advice and assistance unrelated to pending cases.

### **Litigation Section • Tim Mangan, Section Chief**

2015 Staff: 6 FTEs + 1 PTE • 2015 Budget: \$908,226

The Litigation Section defends the city and its employees in all types of civil litigation. While litigation occurs in other sections of the office, the Litigation Section's caseload principally deals 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 2015, the City Attorney's Litigation Section was assigned to handle 58 new cases that were filed against the city, seeking a total of more than \$17.7 million in damages.

A total of 53 cases were closed this year, which resulted in the city paying \$337,500 out of a total of \$176,528,838 in damages being sought. A total of 85 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**

2015 Staff: 8 FTEs • 2015 Budget: \$736,791

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. The combination of both in-house and outside agency delinquent tax collections bring in millions to the City each year. As of December 31, 2015, a total of \$5,918,742.60 was brought into the General Fund through these collection efforts. This represents a 36 percent increase over collections in 2014.

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

<b>Year</b>	<b>Outside Agency Tax Collections</b>	<b>In-House Tax Collections</b>
2002	\$911,453	\$882,879
2003	\$730,575	\$1,067,245
2004	\$568,913	\$1,395,329
2005	\$452,331	\$1,516,250
2006	\$813,392	\$1,449,281
2007	\$1,035,252	\$1,418,154
2008	\$1,038,303	\$1,679,902
2009	\$1,222,862	\$1,946,600
2010	\$1,779,954	\$2,125,521
2011	\$2,489,957	\$2,406,480
2012	\$2,272,455	\$1,592,761
2013	\$2,367,137	\$1,984,575
2014	\$2,186,013	\$2,483,639

The Claims Section filed 3,246 tax cases and collected \$2,962,243.49 in delinquent city income taxes in-house. Outside collection agencies brought in another \$2,956,499.11. The section also collected \$147,196.46 on behalf of non-tax clients through both court actions and direct phone contact. Those clients include the Departments of Utilities, Transportation, Public Service, Licensing, and Recreation and Parks. A total of 101 cases were filed to collect non-tax debt.

There were 87 new claims over the \$2,500 threshold filed through December 31, 2015. Forty-four have been settled and 33 were denied. No claims became litigation matters this year. The remaining cases are in progress. In total, \$120,009.40 was paid (against \$385,092.26 in demands) on behalf of our clients to settle damage or personal injury claims filed against them through December 31, 2015.

## **POLICE LEGAL BUREAU**

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

**2015 Staff: 2 FTEs • 2015 Budget: \$ 266,243**

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 2015) The demands made of the legal advisor section by police for legal training has continually increased over the past several years -- 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 as police recruits.

On-going in-service legal training of all current officers was conducted twice a week, every week, throughout the spring. The training took place on all shifts and afforded face-to-face contact with every Columbus Police Officer.

The advisors also provided legal training to two police recruit class 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, such as Narcotics and SWAT, and conducted training on their specific issues.

- Real-time Legal Advice: The police legal advisors receive approximately 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: (10+ written updates/and over 60 roll-calls attended in 2015). The police legal advisors distribute legal updates to all Division of Police Officers for up-to-date legal information on a monthly basis. They also attended nearly every Division of Police Patrol Roll to take questions specific to those officers and the parts of town where they patrol.
- Videos: (Several videos produced 2015). This year our office continued providing short video presentations. 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.
- 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 2015.
- 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**  
2015 Staff: 38 FTEs and 1 PTE • 2015 Budget: \$3,409,803

The Prosecutor Unit—consisting of 17 courtroom prosecutors, four domestic violence prosecutors, two arraignment team prosecutors, two environmental prosecutors, an administrative assistant, and four legal support staff—prosecuted 117,430 misdemeanor cases initiated in the Franklin County Municipal Court. Courtroom prosecutors worked dockets with an average caseload of 4448 criminal/traffic cases per month.

Prosecutions initiate in the four arraignment courtrooms of the Franklin County Municipal Court. In 2015, 31 percent of all OVI cases were resolved in the arraignment courtrooms, primarily by Assistant City Prosecutor Michael Allbritain, with an 82 percent conviction rate; meaning that 1,064 OVI cases did not have to be assigned to a courtroom docket. First offender Petty Theft cases are likewise resolved at an early stage through the Theft Diversion program. In 2015, 875 individuals qualified for the Theft Diversion program.

This unit is also responsible for processing requests for production of public records in the Prosecutor Division, and for processing municipality billing for prosecution services. In 2015, 107 requests for public records were responded to in a timely fashion. The division also generated \$35,630 in revenue by providing legal services to area municipalities.

**Legal Assistant Unit • Jackie Keller, Coordinator**

This nine full-time and one part-time person staff processes and maintains prosecutor case files for the 15 judges of the Municipal Court. In 2015, 47,021 cases were processed to closure and stored. Overall, the unit initiated approximately 128,032 cases (6,004 of which were OVIs).

**Prosecution Resources Unit • Robert Tobias, Director**

2015 Staff: 4 FTEs + 17 PTEs • 2015 Budget: \$618,467

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 – *Jessica Cain, Lead Legal Intake Counselor*  
Offering citizens the opportunity to have allegations of misdemeanor criminal violations reviewed by a prosecutor, the Intake Section processed 2,980 citizen complaints, resulting in the filing of 416 criminal charges. With a staff of approximately 18 intake officers, the Intake Section averaged 248 criminal complaints a month.
- PRU Mediation Program – *Catherine Graham/Claire Lysaght, Coordinator*  
This program operated in the evenings with volunteer mediators from the Moritz College of Law, Capital University Law School, Nationwide Insurance and members of the alternative dispute resolution community in an effort to resolve

disputes without resorting to criminal prosecution. The program scheduled 300 mediation hearings, resulting in 149 hearings conducted. Of these 149 mediation hearings, 59 percent 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, this program scheduled a total of 5,359 first and second hearings resulting in the recovery of \$235,210.76 on dishonored checks. This process diverted 1,558 check writers from the criminal justice system.

### **Domestic Violence and Stalking Unit • Anne Murray, Director**

2015 Staff: 17 General Fund FTEs + 2 Contract (Grants) • 2015 Budget: \$1,446,798

This unit consists of a director, a chief advocate, two lead advocates, 12 full-time victim advocates, including a Spanish speaking advocate, two support staff members, a cyber crime investigator, a stalking specialist, a grant-funded stalking advocate, and liaisons from CHOICES, Franklin County Children Services, and Capital University Law School's Family Advocacy Clinic. Additionally, the unit houses the four specialized domestic violence prosecutors.

According to data compiled internally, the Domestic Violence & Stalking Unit provided victim advocacy services for victims of domestic violence in 3,106 cases. The DV prosecutors resolved 3,899 cases.

### **Appellate Unit • Melanie Tobias, Director**

2015 Staff: 3 FTEs + 7 PTEs • 2015 Budget: \$389,401

The Appellate Unit consists of a director, an assistant city prosecutor, a paralegal, and a staff of approximately seven law clerks. The Appellate Unit completed 25 briefs – 20 filed in the 10<sup>th</sup> District Court of Appeals, and three briefs contra and two briefs in support of certiorari filed in the Ohio Supreme Court. Twenty oral arguments were completed. Overall, the unit was successful in 85 percent of its cases.

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

- Traffic Diversion Program  
The Traffic Diversion program is a coordinated effort of the PRU and the Appellate Unit designed to allow for a diversion alternative for traffic offenders. Of the 1,405 participants in 2015, 1,152 (80 percent) successfully completed the requirements allowing for case resolution at the arraignment stage. Of the 1,288 minor-misdemeanor-only participants, 1,092 (85 percent) successfully completed.

## **REAL ESTATE DIVISION**

### **Real Estate Division • Dave Peterson, Chief Real Estate Attorney**

2015 Staff: 8 FTEs + 1 PTE • 2015 Budget: \$1,052,814



The Real Estate Division is responsible for the acquisition of all real property interests needed by city departments, the provision of legal assistance with regard to all real estate matters—including the sale and leasing of property—utility easements, right-of-way dedications, and matters related to real estate property taxes. The Real Estate Division also provides legal and negotiating advice for a number of major projects, including acquisition of the real property needed for the future 111 Front Street parking garage and the former State Detention Facility on Home Road for a possible future water treatment plant, and the future Central Ohio Area Agency on Aging offices on South High Street.

In 2015, the Real Estate Division provided legal and negotiating services involving 70 ordinances and resolutions, for projects comprising more than 161 land acquisitions, which will contribute to Columbus' development.

Major projects include continued acquisition on the Fairwood Avenue Sidewalks, American Addition Phases 2 & 3, Joyce Avenue Phase 3, Gender Road at Refugee Road, and Georgesville Road at Holt Road Projects and commencing an additional 225 acquisitions involving the Hamilton Road Phase B, Moler Road Sidewalks, Parsons Avenue Sidewalks, Cleveland Avenue and Schrock Road, COTA Sidewalks Phase 2, COTA BRT, Portage Grove Sewer, and Alumcreek Avenue Refugee to Route 104 Projects.

The Real Estate Division also handled deed and instrument preparation and other assistance related to 220 easement or property donations, 550 deeds for the city's land bank, and the preparation and submittal of 30 real estate tax exemption applications for new construction and newly acquired properties.

The Real Estate Division also participates in and provides guidance to the Columbus Land Review Commission including the preparation and valuation of city property being considered by the Commission for sale and the preparation of promissory notes and mortgages in connection with the Department of Public Utilities' Septic Tank Elimination Program.

## ZONE INITIATIVE

### **Zone Initiative Unit • Assistant City Attorney Steve Dunbar**

2015 Staff: 6 FTEs + 1PTE • 2015 Budget: \$524,641

Working closely with the Division of Police, Code Enforcement, Columbus Public Health, Sanitation and community organizations, this unit focuses on the elimination of public nuisances that blight the city's neighborhoods. Whether it is abandoned and deteriorating houses, open dumping, street prostitution, boot joints, excessive noise or trash and debris, this unit seeks to eliminate these problems.

To that end, the five 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.

Using the statutory jurisdiction of the Environmental Division of the Franklin County Municipal Court, this unit will file complaints for injunctive relief, seeking equitable solutions to persistent problems.

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 2015.

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