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County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District
YVONNE BRATHWAITE BURKE
Second District
ZEV YAROSLAVSKY
Third District
DON KNABE
Fourth District
MICHAEL D. ANTONOVICH
Fifth District

January 22, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Lloyd W. Pellman
County Counsel

J. Tyler McCauley
Auditor-Controller

COUNTY COUNSEL'S NEW LITIGATION COST MANAGER AND CHIEF DEPUTY

On November 12, 2002, on a motion by Supervisors Molina and Burke, your Board instructed the Chief Administrative Officer (CAO), with assistance from County Counsel (CoCo) and the Auditor-Controller (A-C), to report back in two weeks with an implementation timeline for the recruitment and selection of a new Chief Deputy and Litigation Cost Manager for County Counsel to manage countywide litigation services. Specifically, your Board requested information on implementing the following directives:

- Identify a recruitment and selection process for these positions.
- Develop job descriptions and performance goals and measures for these positions as well as a new organizational chart.
- Define responsibilities for the new Litigation Cost Manager position.
- Provide the Board with projected legal cost savings each Fiscal Year (FY) and a status report submitted quarterly by County Counsel of expected savings verified by the CAO and A-C.
- Make recommendations with input from the Chief Information Office (CIO) to realign the County's budget/accounting processes to ensure all legal costs are tracked efficiently.
- Hire a second Chief Deputy County Counsel offset by the deletion of a Senior Assistant County Counsel position.

United We Stand

Implementation Timeline

Recruitment and Selection Process for the Litigation Cost Manager

Your Board specifically requested that the person hired as the Litigation Cost Manager should have extensive private sector experience managing and tracking litigation. Based on discussions with Department of Human Resources (DHR) regarding the level of responsibilities and scope of duties specified by your Board, we concluded that this new position should be an attorney with compensation at the level of Range A-4, control point $12,809 per month, and be Unclassified (UC), in accordance with Measure A. In order to expedite the recruitment process, CoCo requested DHR to contract with an Executive Search Firm, upon completion of the position description. Costs for this recruitment could range as high as $120,000 and include professional fees, reimbursement for direct expenses, background investigations, and advertising. Funding is available within County Counsel's 2002-2003 Adopted Budget.

Attachment I is a Recruitment and Selection Action Plan and timeframe developed by DHR to identify highly qualified candidates with extensive private sector experience in managing and tracking litigation. After the selection of an Executive Search Firm, the duration for the entire recruitment process is estimated to be 100 calendar days. Additionally, as instructed by your Board, the CAO and the A-C will be involved in the selection process.

Ordinance Amending County Code, Title 6 – Salaries

On December 10, 2002, your Board approved DHR's Final Budget Change Board letter for FY 2002-2003. Included in the letter was an ordinance that added the Litigation Cost Manager, County Counsel (UC) class to the County Classification Plan and amended the CoCo Departmental Provisions of the County Code to include the ordinance; Litigation Cost Manager and the Chief Deputy items. The ordinance became effective upon the second reading on December 17, 2002.

Responsibilities of the Litigation Cost Manager/Projected Cost Savings

In accordance with your Board's instructions, the focus of the Litigation Cost Manager is to ensure that quality and cost-effective litigation services are provided to the County. Therefore, the individual selected after the recruitment must have sufficient time to work with staff within County Counsel along with personnel from other affected Departments to evaluate the issues related to the County's legal costs.

Consequently, 60 days after being hired, the Litigation Cost Manager will report back to your Board on the following:

- A plan to lower in-house and outside legal costs including strengthening performance measures for the evaluation of in-house and outside lawyers.
- Findings and recommendations on problem areas in collaboration with the County Risk Manager.
- A reasonable and attainable goal for reduction of legal costs countywide each FY, commencing with the FY 2002-2003, if feasible.

In addition, by September 30, 2003, the Litigation Cost Manager will identify a goal for the reduction of legal costs for FY 2003-2004. Thereafter, this information will be presented to your Board during the annual budget deliberations.

Position Descriptions and Performance Goals and Measures for the Litigation Cost Manager and Chief Deputy

As requested, Attachment II A and B, are position descriptions prepared by CoCo and reviewed by the DHR, which detail the different responsibilities for both positions. The performance goals and measures are included on Attachment III.

County Counsel's Organizational Chart

Attachment IV is a revised Departmental Organizational Chart reflecting the proposed positions that was prepared by CoCo and reviewed and approved by the CAO, together with a listing of the assignments and responsibilities of the eleven Law Divisions of CoCo.

Tracking of Legal Costs

The A-C is currently reviewing County Counsel's budgeting and accounting processes relating to litigation costs and anticipates providing a report to your Board in the near future with recommendations to improve the tracking of these costs.

Additionally, representatives from the CAO, CIO, A-C and CoCo have met to review the capabilities of the CAO's new Risk Management and Information System (RMIS) and have concluded that the new case management system will significantly improve the tracking of litigation costs. The implementation date for RMIS is scheduled for early

March 2003. Any further recommended policy or system improvements related to litigation cost tracking will be addressed in the FY 2003-2004 budget request.

Hiring of the Chief Deputy

Upon approval of the above-mentioned ordinance amendments by your Board, CoCo commenced recruitment from within the department to expedite the hiring of a new Chief Deputy Unclassified position. On January 13, 2003, County Counsel advised your Board of his intention to appoint Donovan M. Main to the new Chief Deputy position effective January 27, 2003.

The recommendations contained in this report required more than the two weeks allowed in your Board's action as the duties of the Litigation Cost Manager necessitated an extensive review. In addition, these recommendations do not result in a net increase in costs or positions.

Please let us know if you have any questions or your staff my contact Rick Cavataio (CAO) at (213) 974-1325, Donovan Main (CoCo) at (213) 974-1829 or Pat McMahon (A-C) at (213) 974-0831.

DEJ:LWP:JTM
RLM:RC:lbm

Attachments

c: Executive Officer, Board of Supervisors
Michael J. Henry, Director of Personnel
Jon Fullinwider, Chief Information Officer
Rocky Armfield, County Risk Manager

LITIGATION COST MANAGER, COUNTY COUNSEL RECRUITMENT AND SELECTION ACTION PLAN

EXECUTIVE SEARCH FIRM

STATEWIDE RECRUITMENT	
ACTIVITY	**ESTIMATED NUMBER OF CUMULATIVE CALENDAR DAYS[1]**
I. Develop, finalize, and print recruitment announcement. (20 days)	20
II. Filing Period. A. Distribution of announcement to targeted groups (County departments, employee organizations, special mailing lists, professional organizations, and community groups) as determined to be appropriate. B. Advertise. C. Executive search firm to utilize contacts, networking capabilities, and database to actively identify potential candidates, based upon minimum requirements and desirable qualifications. (45 days)	65
III. Conduct a qualifying assessment of applicants based upon resumes and reference materials. Participation in the interview assessment will be contingent upon the extent to which applicants meet or exceed the minimum requirements and desirable qualifications. (10 days)	75
IV. Select interview panel, conduct interview assessment, and commence background investigations. (10 days)	85
V. Submit a list of top candidates and background reports to the County Counsel, Chief Administrative Officer and Auditor-Controller for selection interviews. (15 days)	100

(1) Timeline commences after selection of an Executive Search Firm.

COUNTY OF LOS ANGELES

POSITION DESCRIPTION

TITLE: **LITIGATION COST MANAGER (UC)**

ITEM NUMBER: **9219**

DEFINITION:

This experienced attorney has responsibility for planning, managing and directing litigation expenditures and cost containment measures for the Department of County Counsel to ensure that the County receives quality and cost-effective representation from in-house and outside counsel.

STANDARDS:

This single, unclassified position reports to the County Counsel and serves as the County's Litigation Cost Manager focused on short and long term strategies to ensure that the County receives quality, directed and effective representation from both in-house and outside counsel that is also cost-effective. The position, in collaboration with the County Risk Manager, has overall responsibility for participating in the planning and directing of litigation strategy with a focus on cost-effectiveness, on both a short-term and long-term basis. Under policy direction from the County Counsel and the Board of Supervisors, the position develops new and revised plans for reducing costs, such as attorneys' fees and settlements and judgments, and increasing efficiency in collaboration with the County Counsel, department heads, and the County Risk Manager. The position, in collaboration with the County Risk Manager, will also develop individual case assessment strategies and performance standards for internal and external litigation attorneys, conduct reviews of all internal and external litigation costs, and develop monitoring systems to ensure that a cost-benefit analysis is prepared on every case and that all County litigation proceeds in a cost effective manner.

EXAMPLES OF DUTIES:

Assists in the management and tracking of litigation, focusing on handling litigation in a cost-effective manner, including all in-house and outside legal costs; develops plans to ensure that litigation is handled in a cost-effective manner and that attorneys perform a vigorous cost-benefit analysis on every case.

In conjunction with the County Counsel, the CAO and Auditor-Controller, with input from the CIO, reviews the County's budgeting process and information systems to insure that all legal costs are captured in one place and all relevant data is collected in a coherent manner, so that legal expenditures can be easily tracked.

Works with the County Risk Manager, County Counsel, and Chief Deputy to analyze claims and cases from each County department, to identify trends and problem areas within each department.

Provides to the Board of Supervisors goals of how much in legal costs can be saved each fiscal year, without reducing non-legal (direct) County services.

Develops, implements and evaluates performance criteria and standards related to litigation case management (including at the claims stage) for attorneys and departmental staff.

Develops, plans and evaluates litigation cost containment strategies, identifies litigation patterns and administrative factors that contribute to increases in litigation costs.

Helps evaluate the types and the number of cases that should be assigned to outside counsel and in-house counsel.

Directs and conducts ongoing research into the effectiveness of litigation cost containment policies, procedures, and practices of other large public and private agencies to determine their applicability for use within the County.

Meets with risk management staff, attorneys, legal support staff, clients, and affected parties to evaluate the needs of a case and estimates potential cost impact.

Assists with training of staff attorneys and attorneys on contract regarding litigation best practices and processes, and develops performance measures for staff attorneys and attorneys on contract.

Develops and implements legal cost control strategies consistent with the strategic plan, local, state and federal law, court decisions, and rules and regulations of the County.

Provides consultation, and makes recommendations to the County Counsel, Chief Deputy, County department heads and management staff and the Board of Supervisors on litigation cost control issues that have broad implications.

Participates in the analysis of proposed legislation and regulations and makes recommendations on their litigation cost control implications to the County.

Prepares periodic reports by County Counsel on cost containment efforts and cost reductions achieved by the litigation cost containment programs to the Board of Supervisors.

EXPECTED REQUIREMENTS:

5 years' experience with the corporate legal department of a private corporation, 3 years' of which must have been managing litigation, combined with extensive experience as a litigator; -OR- at least 8 years' experience as a litigator -- with a proven ability to manage litigation – with a private law firm rated a-v by Martindale-Hubbell or an equivalent rating by other recognized law firm rating services, or equivalent experience with a non-profit organization; -AND– a demonstrated ability to effectively manage people and communicate legal strategies and concepts to non-lawyers.

DESIRABLE EXPERIENCE/QUALIFICATIONS:

- Extensive experience in the legal department of a major private corporation managing litigation or extensive experience providing such litigation services to a major private corporation.
- Extensive experience litigating a wide variety of cases with a private law firm rated a-v by Martindale-Hubbell or an equivalent rating by other recognized law firm rating services, or equivalent experience with a non-profit organization.
- Experience in liability exposure evaluation in a major private corporation or experience providing such litigation services to a major private corporation.
- Experience in legal expense management in a major private corporation, or experience providing such litigation services to a major private corporation.
- Extensive experience in the formulation of litigation plans and strategy, including alternate dispute resolution and settlement.
- Knowledge and experience with leading litigation support systems, such as CaseMap, Summation, Concordance, iConnect, JFS Litigator's Notebook, LiveNote and Trial Director.
- Proven ability to interact effectively and positively with elected public officials and their staffs, government managers and other governmental agencies.
- Proven ability to manage people and to communicate legal strategies and concepts to non-lawyers.

SPECIALTY REQUIREMENTS: Admission to practice law in all courts of California.

PHYSICAL CLASS: 2 – Light.

COUNTY OF LOS ANGELES

POSITION DESCRIPTION

TITLE: CHIEF DEPUTY COUNTY COUNSEL (UC)

ITEM NUMBER: 9218

DEFINITION:

Acts as assistant head of the Department of County Counsel, which provides legal advice to the Board of Supervisors and all County officers, agencies and departments and represents the Board of Supervisors, the County and its officers, agencies and departments in litigation to which they are parties.

STANDARDS:

These two unclassified positions are distinguished by their executive and administrative responsibility for assisting the County Counsel in the direction and management of the Department and for assuming complete responsibility in the latter's absence, as designated by the County Counsel. Persons serving in this position must possess the requisite knowledge, skills and abilities required to manage a large and complex public law office, including the direction of budget, personnel, fiscal, supply, risk management, cost control and other administrative functions.

EXAMPLES OF DUTIES:

Assists in directing the work of deputies and outside contract counsel in preparing and trying cases involving the County and in giving legal advice regarding the powers, functions, jurisdiction and operation of County departments, districts, commissions, boards and other official bodies.

Assists in directing the work of deputies in drafting ordinances, legislation and amendments to State and County codes.

Assists in directing the work of deputies in preparing contracts, leases, resolutions, opinions and other documents.

Assists in the coordination and application of department-wide administrative and information database systems and programs among all legal divisions or units within the Department, including risk management, personnel and litigation cost control programs.

Prepares special reports and opinions on complex questions involving problems of policy and law.

Approves and releases communications to the Board of Supervisors, the Chief Administrative Officer and other County officers in the name of the County Counsel.

Maintains public relations with other departments, agencies and the public.

Acts for the County Counsel in his absence.

EXPECTED REQUIREMENTS:

Five years' experience as an attorney in the Department of County Counsel, Los Angeles County, one year of which must have been as a Division Chief, County Counsel or higher.

- OR -

Five years' experience in the legal department of a federal or state agency or the legal department of a county or city which shall have included: preparation for and trial of civil suits; providing legal advice to the officials of the agency; and at least one year's supervisory experience involving the technical and administrative direction of attorneys and the preparation of budgets and other administrative duties necessary to the conduct of the department's affairs.

- OR -

Five years' experience in a law firm involved in civil litigation, a portion of which concerns public entities; one year of this experience must have included supervisory responsibility for the technical direction of attorneys handling public entity cases coupled with responsibility for the administrative direction of business affairs of the firm.

DESIRABLE QUALIFICATIONS:

- Proven ability to interact effectively and positively with public officials, Board Deputies, County staff, and other governmental agencies.
- Proven ability to manage multiple high level managers, and coordinate their operations to achieve Departmental goals.
- Demonstrated ability to deal with major legal problems and meet significant challenges in highly sensitive matters.
- Proactive team player who is able to work effectively as part of the executive management team.

SPECIALTY REQUIREMENTS: Admission to practice law in all courts of California.

PHYSICAL CLASS: "2" - Light.

PERFORMANCE GOALS AND MEASURES
Litigation Management and Cost Control

Litigation Cost Manager

Goals:

- Develop a plan to lower County litigation costs, including performance measures for the evaluation of in-house and outside contract counsel.
- Assure performance of a vigorous cost-benefit analysis on each County liability lawsuit.
- Analyze cases from each County Department, to identify liability risk trends and any problem areas within the Department affecting litigation costs.
- Identify a reasonable and attainable goal for reduction of legal costs County-wide per fiscal year, commencing with the 2002-2003 fiscal year.
- Identify and recommend improvements to the County Counsel's budgeting and accounting processes which will assure that all legal costs can be readily and efficiently tracked and are uniform and consistent as to legal costs data maintained by the CAO and Auditor-Controller.

Measures:

- Provide to the County Counsel a plan to lower County litigation costs to be presented to the Board of Supervisors.
- Include a cost-benefit analysis in each Case Evaluation Plan.
- Provide to the County Counsel a report on liability cases of at least three major County Departments by September 30, 2003, including identification of risk management trends and legal cost problem areas.
- Provide to the County Counsel and Board of Supervisors, within 60 days after being hired, a goal for reduction of legal costs County-wide for the 2002-2003 fiscal year, if feasible, and by September 30, 2003, a goal for the 2003-2004 fiscal year.
- Provide a report to County Counsel recommending improvements to the County Counsel's budgeting and accounting processes.

New Chief Deputy County Counsel

Goals:

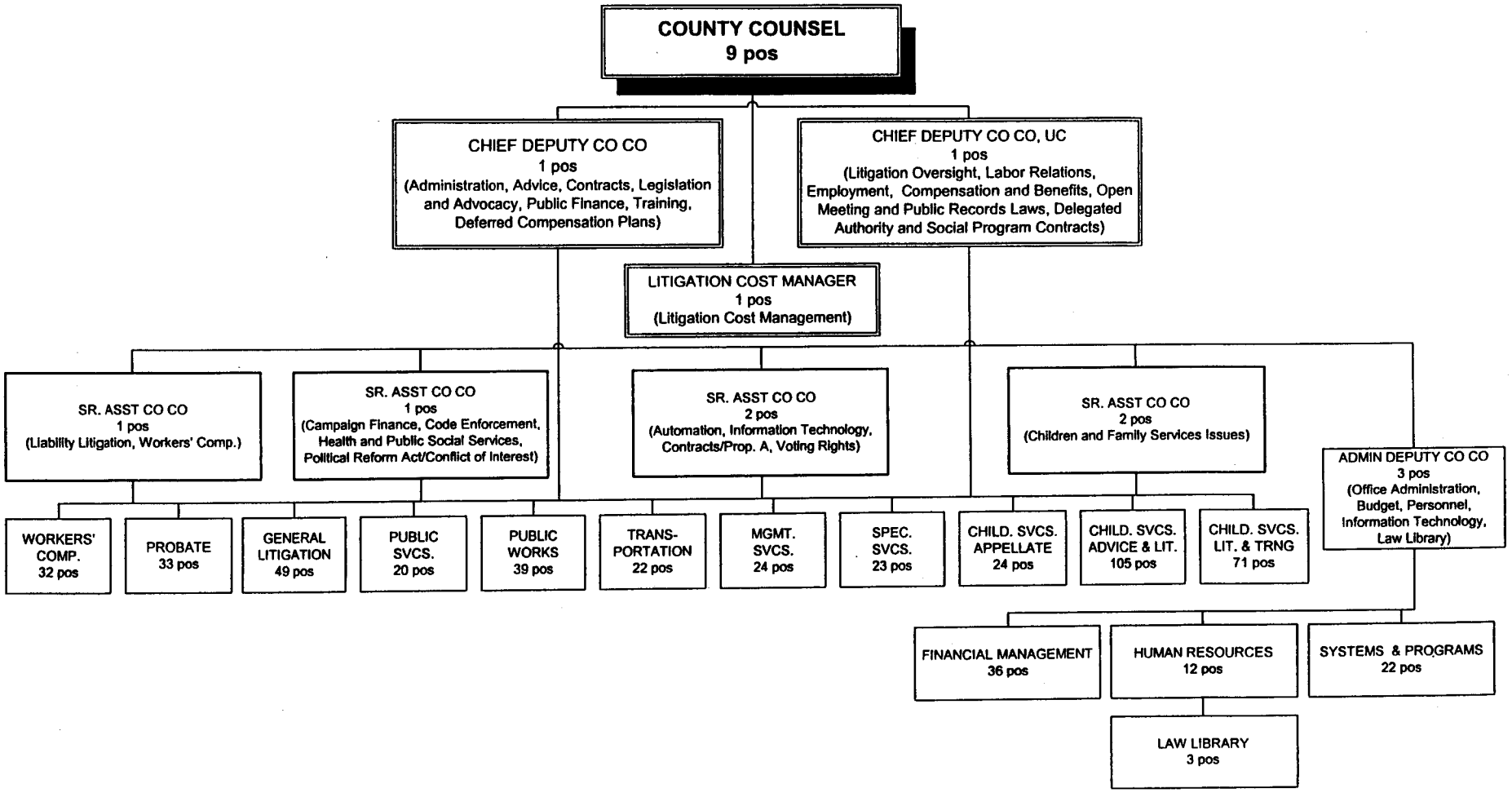
- Achieve full implementation of County Counsel Protocols and Procedures for Assessment, Monitoring and Review of County Liability Litigation in all County Counsel Divisions handling liability cases by the end of the 2002-2003 fiscal year.

Measures:

- Case Evaluation Plans will be completed and approved for each liability case.
- Round Table Meetings in each case will be held within six months of assignment and in all cases set for trial at least 45 days prior to trial.
- Peer Review Meetings will be held in each case where legal fees reach or exceed $25,000, in each case where total defense fees and costs reach or exceed $50,000, and/or where costs for experts reach or exceed $50,000.
- Peer Review Meetings will be held in each case where the estimated exposure, as set forth in the current Case Evaluation Plan, is $500,000 or more.
- Reports to each Department Head on all open lawsuits involving the Department will be made on a quarterly basis.

OFFICE OF THE COUNTY COUNSEL

Total 2002 - 2003 Budgeted Positions = 536



Prepared by: Personnel Services
Date: November 27, 2002

ATTACHMENT IV

OFFICE OF THE COUNTY COUNSEL

Law Divisions - Assignments/Responsibilities

Children's Services Advice and Litigation - litigation in dependency courts; general counsel to Department of Children and Family Services; Inter-Agency Children's Services Consortium; Commission for Children and Families; contracts; research; advice.

Children's Services Litigation and Training - litigation in dependency courts; oversight of outside counsel on foster care license litigation; MacLaren Children's Center; juvenile court policies and procedures; training for County Counsel attorneys and DCFS social workers in dependency law and related issues.

Children's Services Appellate - juvenile dependency appellate and writ matters in Courts of Appeal and Supreme Court.

General Litigation - County civil liability litigation, including law enforcement, medical negligence, road and general liability; government tort claims; bail bonds.

Management Services - advice and litigation in labor relations; employment and human resources matters; compensation; salaries and employee benefits; civil service; labor arbitrations and unfair practices hearings; County and school district financing transactions, including bond issues and certificates of participation; redevelopment agency matters; joint powers agencies; non-profit corporations; general counsel to Department of Community and Senior Services; advice to County Board of Education and Superintendent of Schools.

Probate - advice to and representation of Public Administrator; Public Guardian; Department of Coroner; District Attorney; Business License Commission; Interdepartmental Coordination Group; Narcotics and Dangerous Drugs Commission; Obscenity and Pornography Commission.

Public Services - advice to and representation of Department of Health Services, Department of Mental Health, Department of Public Social Services, and various County commissions and advisory bodies; conflict of interest issues; campaign finance issues; County lobbying issues.

Public Works - advice to and representation of Department of Public Works, Department of Regional Planning, Regional Planning Commission, Fire Department, Department of Parks and Recreation, Department of Beaches and Harbors, Community Development Commission/Housing Authority, Local Agency Formation Commission, Southern California Regional Rail Authority ("Metrolink") and Internal Services Department; land use, environmental, construction and condemnation litigation; contracts and financing transactions, including property acquisition, leasing and marketing.

Special Services - advice to and representation of Board of Supervisors and County departments in budgetary and financial issues, election issues, property tax assessment issues, open meeting laws and public records laws; general counsel to Assessor, Auditor-Controller, Chief Administrative Office, Probation Department, Registrar-Recorder/ County Clerk, Sheriff' Office, Treasurer/Tax Collector, and the departments of Animal Care and Control, Consumer Affairs, Military and Veterans Affairs, Public Defender and the Purchasing Agent; advice to numerous commissions and advisory bodies, including the Agricultural Commission, Assessment Appeals Board, Business License Appeals Board, Civil Service Commission, Consumer Affairs Commission, Contractor non-Responsibility and Debarment Hearing Board, Grand Jury, Judicial Procedures Commission and Commission on Women.

Transportation - serves as general counsel to the Metropolitan Transportation Authority, its governing board, officers and employees in all legal matters, including advice and litigation.

Workers' Compensation - defense of County in litigated workers' compensation claims before the Workers' Compensation Appeals Board, including supervision and monitoring of litigated claims assigned to outside law firms under contract with the County; subrogation claims; workers' compensation appellate litigation.