

1. Program Title: Legal Services

Program Description: The County Counsel acts as general legal counsel to the County, its officers and related constituent local governmental entities and other, independent local agencies. The County Counsel prosecutes major caseloads of administration of general government, conservatorships and probate, child protection, labor relations, grievance arbitration and related litigation, personnel discipline, zoning and other code enforcement. This office provides general legal advice and prepares the legal instruments by which the County transacts business, including ordinances, resolutions, and contracts. This office also provides significant training to County officers and employees in ethics, contracts, and the Public Records Act.

	Base	Unfunded	Recommended	Percentage
Appropriations	15,070,564	168,253	14,902,311	1.1%
Reimbursements (-)	9,208,384	0	9,208,384	0
Net Appropriations	5,862,180	168,253	5,693,927	2.9%
Revenues:				
Federal				
State				
Realignment				
Prop 172				
Fees	3,534,474	(551,548)	4,086,022	15.6%
Other	25,000	0	25,000	0%
Total Revenues	3,559,474	(551,548)	4,111,022	15.5%
Carryover	0	0	0	
Net Cost	2,302,706	719,801	1,582,905	31.3%
Fulltime Equivalent Positions	77.0	0	77.0	0%

Program Impact: Given the proposed allocation of discretionary funds, the following will occur in fiscal year 2012-2013.

Children’s Protective Services

The budget continues underfunding of the services to Child Protective Services, CPS. The following reductions or service elimination will continue and may be acerbated:

1. Those provided before a dependency petition is filed, including work involving non-detaining petitions and petitions generated by CPS sections other than intake/court services;
2. Those provided for the child custody warrant process, such as rendering legal advice and preparation and review of the warrant materials;
3. Those related to CPS records, including but not limited to subpoenas, both *duces tecum* and social worker appearances in proceedings outside dependency court, Welfare and Institutions Code section 827 petitions and other requests for records, record review and redaction, and sealing of records;

4. Review of and consultation concerning Welfare and Institutions Code section 294 Notices; and

5. All general counsel services, including general advice and consultation resources for CPS social workers and management on a broad range of legal and procedural issues not directly related to open dependency court cases, cooperative linkage with other public agencies and attorneys, and provision of what is now a minimal degree of flexibility to cover shortages in staffing for court calendars and trials due to short and long-term leaves by attorney personnel, unexpected or emergency CPS events, and spikes in workload – which will leave the court coverage function sometimes understaffed.

The County Counsel is statutorily charged with appearing as attorney of record on behalf of CPS in virtually all dependency petition proceedings heard by the Sacramento Juvenile Court. The number of attorneys required to perform that function is largely dictated by the number of juvenile dependency courtrooms in operation. At present, the County Counsel's Juvenile Dependency Division is required to staff five full-time juvenile courtrooms. Absent a reduction in the number of dependency courtrooms or a distinct change in the organization of those courtrooms that would allow appearances in multiple courtrooms by attorneys, it is impossible to reduce or eliminate attorney positions assigned to handle court calendars and trials even if the number of petitions filed by CPS is reduced. County Counsel also represents CPS in all writs and appeals filed in connection with dependency petition proceedings – a particularly resource rich legal service that cannot be eliminated if the judgments in these cases are to withstand appellate challenge. However, with fewer attorneys available to do appeals, appellate legal services will, by necessity, be concomitantly less comprehensive and more errors by the court and CPS will need to be conceded, resulting in some additional reversals.

Those legal services identified for continued elimination or further reduction are those that are ancillary to the direct representation of CPS in court on dependency petitions and represent functions that, if cut or curtailed, are gauged to present *comparatively* less risk of liability to the County relative to other ancillary legal services, such as continuing to staff detaining petitions with CPS, including providing legal advice on exigency relating to warrantless entries and temporary child custody.

Potential Impact on other Departments/Program Partners: See above.

General Advisory Services

It may be necessary to eliminate general counsel on personnel matters to those departments not subject to direct payment for legal services.¹

Services to public safety (the Sheriff and Probation) will be further diminished. In 2005-2006, funding was transferred from the Sheriff and Probation for the express purpose of funding an additional attorney to provide legal services to these departments. This funding no longer exists.

It is possible that the following departments will receive minimal or no legal services: Regional Parks; Park Districts; Animal Care and Regulation; Agricultural Commissioner, staff of the Civil Service Commission; Conflict Criminal Defenders; Cooperative Extension;

¹ Because personnel discipline matters requiring hearings are billed to the self-insurance fund, these services will be continued.

Environmental Review and Assessment; General Services; Inspector General; Legislative Advocate; Personnel Services; Planning and Community Development; Public Defender; and Public Information Office

Defense of many Workers' Compensation claims will be transferred from outside counsel to this Office.

Without regard to decreased services, the experience of this Office is that distressed budgets require more, not less, devotion of general funded legal services. These range from advising individual departments regarding reductions to advising the County's administration on permissible program reductions. This Office cannot, as a fiscal reality, move attorneys from revenue production to provide these services. The availability of attorneys to provide them is severely constrained. Mandated Public Guardian services will be maintained. Other non-funded legal services will be provided by the equivalent of 2.5 attorney positions.

Potential Impact on other Departments/Program Partners: See above.