

# LAW DEPARTMENT

Hon. Sylvia O. Hinds-Radix, Corporation Counsel



## WHAT WE DO

The Law Department is responsible for all of the legal matters affecting the City. The Department represents the City, the Mayor, other elected officials, and the City's agencies in all affirmative and defensive civil litigation. The Department represents the City in juvenile delinquency prosecutions brought in Family Court, as well as in Administrative Code enforcement proceedings brought in Criminal Court. Law Department attorneys draft and review local and state legislation, real estate leases, procurement contracts, and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as civil rights, education, intellectual property, land use and environmental policy.

## FOCUS ON EQUITY

The Law Department's lawyers and support professionals work collaboratively to pursue justice while providing the City with the highest quality legal representation. Department staff are expected to treat all whom they encounter in litigation with professionalism, respect, and empathy, even as they vigorously pursue all appropriate legal defenses and claims in the best interests of the City. The Department acts to ensure that unrepresented claimants are treated fairly, explaining in plain language discovery orders and other documents. The Family Court Division conducts outreach to victims in delinquency cases to ensure that they are offered necessary services and personal protection, at the same time that it advocates dispositional alternatives that rehabilitate young offenders in a manner consistent with public safety. The Department also brings affirmative litigation that advances vital interests of the City and works with other agencies to manage the risks involved in large scale and widespread government operations. The Law Department advises agency clients on a wide range of issues affecting public safety and welfare, including the areas of education, health, environment, economic development, and law enforcement operations. Department attorneys play an important role in drafting legislation that advances significant City policies, including the protection of the civil rights of its residents.

# OUR SERVICES AND GOALS

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**SERVICE 1** Represent the City of New York in litigation and other legal matters involving the City’s interests.

- Goal 1a Limit the City’s liability as a result of claims.
- Goal 1b Reduce the City’s caseload in state court.
- Goal 1c Reduce the City’s caseload in federal court.

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**SERVICE 2** Prosecute juvenile delinquency cases in Family Court.

- Goal 2a Balance the needs of juveniles and the community in delinquency cases.

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**SERVICE 3** Establish and enforce child support orders in interstate cases.

- Goal 3a Increase the percentage of out-of-state families that receive child support.

## HOW WE PERFORMED

- In the first four months of Fiscal 2023, the payout for judgments and claims brought against the City in state and federal court decreased 17 percent compared to the same period of Fiscal 2022. Fiscal 2022 saw an unusually high total payout for judgements and claims, attributable in large part to the Court system's return to routine operations subsequent to the first wave of the pandemic and continued settlement activities of longstanding cases. The first four months of Fiscal 2023 represent a return towards pre-pandemic norms.
- Cases commenced during the first four months of Fiscal 2023 in state court increased two percent, while cases pending in state court increased by nearly six percent. Cases pending on the trial calendar decreased by nearly 42 percent in part due to a continued targeted effort to resolve meritorious trial ready cases. Affirmative motion practice increased nearly six percent while the win rate on affirmative motions decreased by 19 percentage points during the same period.
- The Special Federal Litigation Division's assertive approach to litigation, negotiations, and trials resulted in a slight decrease in new cases commenced against the city in federal court, as well as a 12 percent decrease in pending cases in federal court. It should be noted that the 42 percent downturn in dismissals and discontinuances is a product of both fewer cases filed as well as the complexity of pending matters (such as reverse conviction cases) generally requiring longer discovery periods.
- Families entitled to a support order that get a support order rose by nearly 34 percentage points in the first four months of Fiscal 2023 compared with the prior reporting period. This was primarily due to an increase in the number of cases in which personal jurisdiction over the non-custodial parents was obtained. The increase of personal jurisdiction findings by the Court is likely based on many factors including the Court's return to pre-pandemic child support operations and permitting new filings beginning in July 2021.

### SERVICE 1 Represent the City of New York in litigation and other legal matters involving the City's interests.

#### Goal 1a Limit the City's liability as a result of claims.

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
★ Total citywide payout for judgments and claims (\$000)	\$623,183	\$575,955	\$794,702	↓	↓	\$72,447	\$60,404
★ Total cases commenced against the City	7,468	9,103	8,284	*	*	2,791	2,838
– Cases commenced against the City in state court	6,805	8,533	7,586	7,600	7,600	2,568	2,619
– Cases commenced against the City in federal court	663	748	698	1,050	1,050	223	219
★ Critical Indicator      ● Equity Indicator      "NA" Not Available      ↑↓ Directional Target      * None							

#### Goal 1b Reduce the City's caseload in state court.

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
★ Cases pending in state court	21,858	25,273	26,732	23,700	23,700	26,225	27,737
– Cases pending on trial calendar	2,059	3,978	2,442	2,700	2,700	3,885	2,274
Affirmative motions to dismiss or for summary judgment	1,131	610	645	*	*	151	160
★ Win rate on affirmative motions (%)	74%	82%	85%	78%	78%	95%	76%
★ Critical Indicator      ● Equity Indicator      "NA" Not Available      ↑↓ Directional Target      * None							

Goal 1c

Reduce the City's caseload in federal court.

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
Cases pending in federal court	814	882	770	1,150	1,150	855	756
Dismissals and discontinuances	166	146	142	*	*	53	31
★ Critical Indicator   ● Equity Indicator   "NA" Not Available   ⇅ Directional Target   * None							

## SERVICE 2 Prosecute juvenile delinquency cases in Family Court.

Goal 2a

Balance the needs of juveniles and the community in delinquency cases.

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
Referred cases filed for prosecution (%)	30%	30%	35%	55%	55%	36%	32%
Juvenile conviction rate (%)	68%	77%	75%	75%	75%	71%	70%
Juveniles successfully referred to a diversion program with no new delinquency referral within one year (%)	87%	82%	89%	75%	75%	92%	83%
Crime victims referred for community-based services (%)	66%	48%	52%	45%	45%	49%	53%
★ Critical Indicator   ● Equity Indicator   "NA" Not Available   ⇅ Directional Target   * None							

## SERVICE 3 Establish and enforce child support orders in interstate cases.

Goal 3a

Increase the percentage of out-of-state families that receive child support.

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
Filing of enforcement referrals within 60 days of referral (%)	NA	NA	96%	90%	90%	NA	94%
Families entitled to a support order that get a support order (%)	66%	81%	62%	65%	65%	55%	86%
★ Critical Indicator   ● Equity Indicator   "NA" Not Available   ⇅ Directional Target   * None							

## AGENCY CUSTOMER SERVICE

Performance Indicators	Actual			Target		4-Month Actual	
	FY20	FY21	FY22	FY23	FY24	FY22	FY23
Customer Experience							
Completed requests for interpretation	1,095	413	703	*	*	NA	NA
Letters responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
E-mails responded to in 14 days (%)	100%	100%	100%	*	*	100%	100%
★ Critical Indicator   ● Equity Indicator   "NA" Not Available   ⇅ Directional Target   * None							

## AGENCY RESOURCES

Resource Indicators	Actual			Sept. 2022 MMR Plan	Updated Plan	Plan	4-Month Actual	
	FY20	FY21	FY22	FY23	FY23 <sup>1</sup>	FY24 <sup>1</sup>	FY22	FY23
Expenditures (\$000,000) <sup>2</sup>	\$275.3	\$263.1	\$264.6	\$280.0	\$271.7	\$220.9	\$95.2	\$102.9
Revenues (\$000,000)	\$35.4	\$67.9	\$18.0	\$18.0	\$19.0	\$18.0	\$4.8	\$10.0
Personnel	1,809	1,705	1,530	1,837	1,666	1,631	1,658	1,513
Overtime paid (\$000)	\$1,692	\$355	\$1,817	\$2,131	\$2,296	\$2,131	\$253	\$573
<sup>1</sup> January 2023 Financial Plan. <sup>2</sup> Expenditures include all funds   "NA" - Not Available								

## SPENDING AND BUDGET INFORMATION

Where possible, the relationship between an agency's goals and its expenditures and planned resources, by budgetary unit of appropriation (UA), is shown in the 'Applicable MMR Goals' column. Each relationship is not necessarily exhaustive or exclusive. Any one goal may be connected to multiple UAs, and any UA may be connected to multiple goals.

Unit of Appropriation	Expenditures FY22 <sup>1</sup> (\$000,000)	January 2023 Financial Plan FY23 <sup>2</sup> (\$000,000)	Applicable MMR Goals <sup>3</sup>
001 - Personal Services	\$148.0	\$148.8	All
002 - Other Than Personal Services	\$116.6	\$122.8	All
Agency Total	\$264.6	\$271.7	
<sup>1</sup> Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended June 30, 2022. Includes all funds. <sup>2</sup> Includes all funds. <sup>3</sup> Refer to agency goals listed at front of chapter. "NA" Not Available * None			

## NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- 'Total citywide payout for judgments and claims (\$000)' in the first four months of Fiscal 2022 was adjusted down to \$72,447 from \$162,468 to reflect the Office of Management and Budget's accounting of judgements and claims rather than the Law Department's internal accounting, per policy.

## ADDITIONAL RESOURCES

For more information on the agency, please visit: [www.nyc.gov/law](http://www.nyc.gov/law).

