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# New York City Law Department YEAR IN REVIEW 2014

With offices in all five boroughs and Kingston, New York, the New York City Law Department handles over 70,000 active or ongoing legal matters each year. In addition to litigating cases, attorneys draft and review local and State legislation; approve leases, contracts, and financial instruments for the sale of municipal bonds; negotiate and structure business transactions; and provide legal counsel to City officials on a wide range of issues, such as immigration, education, judicial election reform and environmental policy. Listed below are some major issues and matters handled by the Law Department in 2014.

## LEGAL DIVISIONS

### ADMINISTRATIVE LAW

Division Chief: Sheryl Neufeld | Deputy Chief: Michelle Goldberg-Cahn

- **Smoking:** Saved countless lives by enabling the City's ban on redemption of cigarette and tobacco product coupons to proceed.
- **Illegal Taxi Service:** Enhanced public safety by stopping a ridesharing technology-based company from launching service in New York City without required licenses for drivers and vehicles, which the company has now obtained.
- **Process Servers:** Promoted people's rights to due process by defending against a federal constitutional challenge to the regulatory system designed to address illegal process-serving activities.
- **Restaurants:** Protected restaurant patrons; won decision declaring the Health Department's letter grading program to be lawful.
- **Licensing:** Won first-ever revocation of trade waste-carting company's license based on connection to organized crime.

### AFFIRMATIVE LITIGATION

Division Chief: Gail Rubin | Deputy Chief: Eric Proshansky

- **Illegal Cigarettes:** Helped protect public health by reaching \$5-million settlement with a mail delivery service after a court upheld the City's claims alleging delivery of untaxed cigarettes.
- **Economic Development Recoveries:** Recouped over \$4 million from companies when properties were not used for the particular purpose for which financial incentives (like tax breaks) were provided.
- **Insurance:** Saved the City almost \$800 million through 2014 by ensuring that insurers of contractors, licensees, permittees, and others defend and indemnify the City as required under their policies.
- **Vendors:** Held design/construction vendors accountable by winning recoupment for extra work done on schools, bridges, etc.

### APPEALS

Division Chief: Richard Dearing | Deputy Chief: Francis Caputo

- **Restaurant in a Park:** Empowered the Parks Commissioner to be more responsive to public needs; successfully argued that under the public trust doctrine, the Commissioner -- with broad powers concerning the maintenance and improvement of City parkland -- has the discretion to choose various park uses, including as a site for a restaurant.
- **Campaign Finance:** Supported the City's ability to set reasonable limits on campaign contributions and defended against an attempt to bypass the City's campaign finance program.
- **Breathalyzer Test:** Enhanced public confidence by successfully fighting to maintain the NYPD's policy of requiring on-scene Breathalyzer tests for officers who discharge their weapons and cause injury; successfully opposed U.S. Supreme Court review.

### COMMERCIAL & REAL ESTATE LITIGATION

Division Chief: Nancy Brodie

Deputy Chiefs: Richard Schulsohn & Lawrence Spielberg

- **Rapid Repair:** Prevented a contractor from receiving a windfall by defeating its claim seeking an additional \$2.5 million in bonus payments in the Hurricane Sandy Rapid Repair program.
- **Construction:** Ensured that the City was appropriately compensated by obtaining a \$10-million settlement (including a cash payment and services) that will cover repairs on a major construction project.
- **Partnership:** Positioned City to pursue its \$11-million share from sale of partnership-owned property on 125 St.; successfully fought partner's claim of right to exercise option to purchase an Economic Development Corp. partnership interest for \$1.
- **School Buses:** Won or obtained voluntary withdrawal of several cases brought by contractors challenging school-bus contract procurements.



## CONTRACTS & REAL ESTATE

**Division Chief:** Howard Friedman | **Deputy Chief:** Amrita Prabhakar Barth

- **Pre-K for All:** Promoted better education for City schoolchildren by helping the Department of Education roll out its Pre-Kindergarten initiative.
  - **ID Cards:** Aided those needing official identification by working to obtain the services and space needed to institute Mayor's Municipal ID Program.
  - **Hurricane Sandy Recovery:** Worked on efforts to restructure this critical program and streamline City offerings.
  - **Bike Share:** Promoted healthier transportation options by helping the Department of Transportation amend its contract to provide for expanded service.
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## ECONOMIC DEVELOPMENT

**Division Chief:** James McSpirtt | **Deputy Chief:** Betty Woo

- **Draper Hall:** Created 202 units of low-income senior and disabled housing by coordinating lease for \$78-million renovation of former nursing dormitory.
  - **Telecom:** Found creative uses for obsolete pay phones by facilitating completion of franchise for free broadband wi-fi and voice-over internet installations.
  - **World Trade Center:** Helped finance Tower 3 construction through \$200-million from City in connection with \$1.59 billion in Liberty Bonds financing.
  - **Hudson Yards:** Allowed development on nearby site by completing a \$90-million closing on first transfer of development rights of Eastern Rail Yards.
  - **Staten Island Closings:** Advanced retail development by handling sale of 10.6-acre site in Charleston and multi-phased, mixed-use development by handling lease of 3.3 acres at historic Lighthouse Point.
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## ENVIRONMENTAL LAW

**Division Chief:** Susan Amron | **Deputy Chief:** Hilary Meltzer

- **Air Quality:** Supported EPA's efforts to limit greenhouse gases and hazardous emissions by joining with states and other cities in several litigations.
  - **Extended Producer Responsibility:** Required that home appliance manufacturers accept responsibility for discarded refrigerant-containing appliances by successfully resolving litigation challenging a local law.
  - **National Advocacy for Effective Watershed Management:** Supported EPA's holistic approach to addressing all sources of water quality impairment by joining amicus brief on behalf of six major cities; plan developed for the Chesapeake Bay.
  - **Environmental Reviews:** Advised City agencies on numerous important environmental reviews, including those for free phone/wi-fi stations in streets, rezoning of the Vanderbilt Avenue corridor, and proposed United Nations security measures; also defeated challenges to several reviews, including New York University's proposed expansion and the new Memorial Sloan Kettering facility.
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## FAMILY COURT

**Division Chief:** Angela Albertus | **Deputy Chief:** Jennifer Gilroy Ruiz

- **Interstate Child Support Unit:** Established paternity, obtained child support, and modified/enforced existing child support orders on behalf of local and out-of-state families in collaboration with the Office of Child Support Enforcement.
  - **Training:** Presented on a collaboration to improve outcomes for youth involved in both the child welfare and juvenile justice systems, the "Cross-Over Youth Practice Model." Addressed potential ethical issues that can arise in interstate child support litigation.
  - **Special Victims Unit:** Expanded key program pairing junior attorneys with senior division members; continued responding to Child Advocacy Centers to assist child sexual assault victims and coordinate with law enforcement, child welfare, medical providers, and victim service providers.
  - **Community Outreach:** Promoted crime prevention by continuing "National Night Out Against Crime" participation and attending local precinct council meetings and community events; worked with students at various Youth Courts and conducted presentations on the juvenile justice system.
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## GENERAL LITIGATION

**Division Chief:** Thomas Crane | **Deputy Chiefs:** Marilyn Richter & Jonathan Pines

- **Vaccinations:** Protected the lives of children and overall public health by winning several challenges to denials of exemption from the state law requirement that children must receive prescribed vaccinations to attend school.
  - **Students:** Helped avoid unnecessary emergency room visits for public school students experiencing emotional, behavioral or psychiatric events by settling a federal case that implemented new protocols and expanded school staff training.
  - **Americans with Disabilities Act:** Strengthened City's emergency evacuation and sheltering plans for people with disabilities; settled ADA class action.
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## LABOR & EMPLOYMENT LAW

**Division Chief:** Eric Eichenholtz | **Deputy Chiefs:** Paul Marks & Andrea O'Connor

- **Labor Relations:** Enabled the City to achieve contracts with more than 75 percent of its workforce to date by advising the Office of Labor Relations on multiple critical issues arising from collective bargaining agreement negotiations.
- **NYPD Counseling:** Affirmed that the NYPD could continue its approach of requiring counseling and rehab instead of terminating officers who are diagnosed with alcohol dependence; won summary judgment in a series of 11 consolidated cases.
- **FDNY Resolution:** Put into place future FDNY reforms and allowed back pay for some candidates in a long-standing class action alleging that the firefighter civil service exam had a disparate impact against blacks and Hispanics.
- **Defending the City at Trial:** Prevailed in several cases that proceeded to trial, including a Department of Environmental Protection case against an employee who alleged a hostile work environment; demonstrated that the employee's claims were without merit.

## LEGAL COUNSEL

**Division Chief:** Stephen Louis | **Deputy Chief:** Martha Mann Alfaro

- **Universal Pre-Kindergarten (UPK):** Assisted on a major Administration priority – UPK expansion to cover 51,000 seats in 2014-2015.
- **Vision Zero:** Partnered with City Hall on the Mayor's Vision Zero plan to reduce traffic-related deaths.
- **IDNYC:** Drafted legislation and rules establishing an identity card for NYC residents, allowing thousands (regardless of citizenship) a gateway to City services.
- **Reducing Riker's Violence:** Drafted rules creating a segregated housing unit for violent inmates; also drafted rules ending punitive segregation for those under 21.
- **Pensions:** Saved the City \$500 million over 10 years; won a Court of Appeals decision regarding increased-take-home-pay pension benefits.
- **Grants & Compliance:** Helped FDNY's World Trade Center Health Program become HIPAA-compliant so that it could resume claiming Zadroga Act funding of \$2 million a month.

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## MUNICIPAL FINANCE

**Division Chief:** Albert Rodriguez | **Deputy Chief:** Olivia O'Neill

- **Bonds:** Financed vitally important capital projects at historically low bond rates; worked on issuance of more than \$14 billion of municipal bonds, including City general obligation, Transitional Finance Authority and Municipal Water Finance Authority bonds, and commercial paper.
- **Direct Bond Placements:** Achieved significant City savings; oversaw major increase in direct placement of bonds without an intermediary or broker.
- **Bond Refunding:** Saved the City more than \$550 million of City debt service savings over the 2015-2018 financial plan years by handling refunding of the outstanding Sales Tax Asset Receivable Corp. bonds in September. Other City bond refundings saved an additional \$460 million.
- **Tax Lien Program:** Increased the City's ability to monitor the Tax Lien Program, allowing it to function more efficiently by initiating administrative changes.

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## SPECIAL FEDERAL LITIGATION

**Division Chief:** Muriel Goode-Trufant | **Deputy Chiefs:** Frances Sands, Patricia Miller & Peter Farrell

- **Trial Initiative:** Won 15 consecutive trials of cases tried to verdict in 2014 and had a near 80-percent overall win rate. Maintained for three straight years – since the Trial Initiative's inception – no growth in the number of incoming cases, which had increased annually during the previous 10 years.
- **Notable Settlements:** Settled the "Central Park Five" cases and the *Floyd* (stop, question & frisk) class action, resolving both longstanding key matters.
- **Attorney Fee Award:** Verified that the Law Department will seek sanctions in frivolous cases; won more than \$200,000 (affirmed by the Second Circuit) when a plaintiff was ordered to pay for the City's defense in such an instance.

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## TAX & BANKRUPTCY LITIGATION

**Division Chief:** Rita Dumain | **Deputy Chiefs:** Vincent D'Orazio & Rochelle Cohen

- **Bankruptcy:** Ensured a smooth transition for the Human Resources Administration (HRA) and a continuation of critical services for its clients by advising on assignment of HRA's largest job placement contract from an insolvent vendor to a new vendor.
- **Community Development:** Assured the continued operation of two Brooklyn libraries by acquiring through eminent domain the properties which the Brooklyn Public Library had previously leased. The City also acquired portions of streets in Ozone Park, allowing a large infrastructure project to proceed.
- **Property Taxes And Exemptions:** Obtained Court of Appeals review to address the correct standard to govern eligibility for a property tax exemption.
- **Excise Tax:** Upheld an important revenue source for the City by prevailing before the Tax Appeals Tribunal in an excise tax case.

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## TORT

**Division Chief:** Fay Leoussis | **Deputy Chiefs:** Ellen Lombardi, Steven Levi & Jenny Montana O'Connor

- **Defending the City at Trial:** Saved the City millions in damage payouts during fiscal year 2014 by obtaining 33 defense verdicts.
- **Pre-trial Dismissals:** Secured the dismissal of 73 percent of 2,080 actions that claimed hundreds of millions of dollars against the City.
- **Victories:** Won several important cases, including against a plaintiff who gave contradictory testimony about where he slipped on the ice, a plaintiff who seriously injured a school safety officer and then sued claiming she was hurt, and a plaintiff who had her claims rejected that she'd been struck by a City-owned vehicle.

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## WORKERS' COMPENSATION

**Division Chief:** John Sweeney | **Deputy Chief:** Mindy Roller

- **New Claims, Medical Bills, Hearings:** Handled one of the highest volumes of Workers' Comp cases nationwide – indexed over 15,000 new claims, processed over 240,000 medical bills, and appeared at 14,000 Workers' Compensation Board hearings.
- **E-Filing:** Streamlined the Workers' Comp Board claims process by introducing e-filing.



# SUPPORT DIVISIONS & UNITS

## ADMINISTRATION

**Division Chief:** Malachy Higgins | **Deputy Chief:** Kenneth Majerus

- **Collections:** Improved the collection process and the monthly reconciliation by working with Affirmative Litigation and the Department of Finance to re-engineer how checks received as payment of certain fines go directly to a City account.
- **Renovation:** Enabled all offices to function better by overseeing major Refresh Projects at 100 Church St. and 350 Jay St.; managed the design, preparation, and renovation at 52 Duane St.; and managed the build-out and furnishing of a document review room at 100 Church St.
- **Telephones:** Coordinated/facilitated the rollout of 1,600 voice-over-internet-protocol phones in seven borough offices, leading to more reliable service.
- **Procurement:** Handled over 4,000 procurements/contracting events for office functions.
- **Furniture:** Coordinated the purchasing/installation of over 1,700 new office chairs and seating; procured installed 20 new desks for attorneys.

## INFORMATION TECHNOLOGY

**Chief Information Officer:** Joseph Merces | **Deputy Chief/Director of Network Services:** Keith Williams

- **New Computer Deployment:** Provided updated technology to staff in configuring and installing 1301 new Dell 9020 computers agencywide.
- **Windows 7/Office 2010:** Implemented Microsoft Windows 7 Operating System and Microsoft Office 2010 deployment to agency desktops.
- **Software, HelpDesk:** Upgraded frequently used business computer programs. Offered seamless tech support on 11,089 calls and 21,172 trouble tickets.
- **Telephones:** Implemented the network infrastructure required to support office's voice-over-internet-protocol phones.
- **Renovation:** Installed all telephone and desktop computer gear during the 350 Jay St. Refresh Project.

## OPERATIONS

**Division Chief:** Jonathan Pinn | **Deputy Chief:** Omer Soykan

- **Central Services:** Handled a variety of services related to duplication and facilities requests, and processed 315,000 pieces of mail.
- **Communications & Docketing:** Received and processed over 400,000 pieces of mail, and initiated over 26,000 new matters.
- **Computer Training:** Conducted 115 training sessions for Windows 7/Office 2010 migration; expanded training to include other courses.
- **Document & Data Processing:** Handled 6,100 requests for data entry, typing, and proofreading assistance.
- **Duplication & Finishing:** Produced over 7.2 million pages from nearly 10,000 requests, and created 6,000 copies of CDs/DVDs.
- **Electronic Information:** Reviewed over 71,000 e-mails; processed 7,200 tort answers and nearly 5,000 requests for legal representation.
- **HotDocs:** Planned, coordinated, and facilitated the migration to a centralized server-based version of HotDocs; responded to over 1,100 help calls.
- **Process & Courier:** Served papers resulting in 3,500 affidavits and facilitated over 7,500 requests to serve papers.

## LITIGATION SUPPORT

**Division Chief:** John Hupper | **Litigation Support Directors:** Heidi Grygiel, Beth Nedow & Elsa Rodriguez

- **Electronic Discovery:** Handled expanding electronic discovery in almost every litigating division, including large public policy and commercial cases with millions of documents. Counseled client agencies on electronic record retention policies and litigation readiness strategies.
- **Practice Management:** Enhanced intra-agency communications; rolled-out discovery and witness request module in matter management system.
- **Agency-Based Discovery:** Supervised and managed completion of 600-plus agency affidavits in support of motions for summary judgment. Supervised and managed production of discovery responses in 2,700-plus matters.

## LAW LIBRARY

**Chief Librarian:** Catherine FitzGerald | **Deputy:** James Meece

- **Research:** Conducted extensive research for all legal divisions, including collecting legislative histories, conducting extensive case research, and structuring litigant and witness profile information for trial.
- **Information Resources:** Continued coordinating online legal research sources with the print collection, reaping significant office savings. Empowered attorneys and paralegals through training on emerging online research outlets.

## PROFESSIONAL DEVELOPMENT

**Director:** June Witterschein | **Deputy Director:** John Campbell

- **Employee Development:** Enhanced team development in divisions by coordinating office projects and programs.
- **Continuing Legal Education (CLE):** Offered expanded orientation and CLEs in new training center, and coordinated online agency CLEs.
- **Lateral Introductions:** Advanced agencywide knowledge among laterals by arranging for meetings across divisions; also introduced learning plans.

## RECRUITMENT

**Director:** Stuart Smith | **Deputy Director:** Lillian Evans

- **Legal Additions:** Hired 78 new Assistant Corporation Counsels, including 34 recent law school graduates and 44 experienced attorneys; also hosted 44 law students in the Corporation Counsel Summer Honors Program and 92 law student externs during the school year.
- **Post-Grad Fellowships:** Recruited 24 full-time volunteer attorneys, securing invaluable pro bono help and providing them with hands-on experience.

