



DEPARTMENT OF THE CORPORATION COUNSEL

Donna Y. L. Leong, Corporation Counsel

POWERS, DUTIES AND FUNCTIONS

The Department of the Corporation Counsel serves as the chief legal adviser and legal representative of all City agencies, the City Council and all officers and employees of the City in matters relating to their official powers and duties. This Department represents the City in all legal proceedings and performs all other legal services required by the Charter or other laws.

MISSION STATEMENT

The mission of this Department is to meet the diverse legal needs of its clients by advising its clients proactively and by effectively representing and litigating while maintaining the highest standards of professionalism and ethics.

ORGANIZATION OF DEPARTMENT

This Department has two divisions:

1. Counseling and Drafting Division, including Real Property Tax; and
2. Litigation Division, including Special Projects Litigation.

Under the Charter, the Ethics Commission is attached to the Department of the Corporation Counsel for administrative purposes only.

COUNSELING AND DRAFTING DIVISION, INCLUDING REAL PROPERTY TAX

The Counseling and Drafting Division (C&D) consists of five sections: 1) Finance, 2) Infrastructure/Community Service, 3) Land Use, 4) Personnel/Public Safety, and 5) Transportation and Parks.

C&D provides legal advice to the Mayor, all the City agencies, the City Council and its Committees, and the City boards and commissions. In this advisory capacity, C&D:

- renders oral and written opinions,
- drafts and/or reviews bills and resolutions for submission to the City Council or the State Legislature and advances the City's position on legal issues presented in state legislation by drafting and presenting testimony,
- reviews and approves legal documents to which the City is a signatory,
- attends meetings of the City Council, the Council Committees, and the City boards and commissions, and
- provides legal representation of the City in City and state administrative proceedings and in selected court proceedings, such as real property tax appeals, eminent domain proceedings, quiet title proceedings, partitions of land court property, administrative appeals, foreclosures, bankruptcy action, interpleader actions for the return of seized property and other matters as may be specially assigned.

Statistics

The numbers of requests addressed by C&D are categorized by the nature of the requests and assignments, namely: opinion requests, drafting requests, requests for review and approval of legal documents, pre-lawsuit cases, and case assignments in the state or federal courts. Chart A contains statistics for Fiscal Year July 2012 to June 2013 (FY 2013):

CHART A

	OUTSTANDING C&D REQUESTS AS AT 7/1/2012	NEW REQUESTS RECEIVED	TOTAL OPINION REQUESTS WORKLOAD	REQUESTS COMPLETED AND CLOSED	OUTSTANDING C&D REQUESTS AS AT 6/30/2013
Opinion Requests	2,969	1,235	4,204	874	3,330
Drafting Requests ¹	100	128	228	121	107
Requests for review and approval of legal documents	799	6,124	6,923	5,839	1,084
Pre-lawsuit cases ²	240	62	302	59	243
State and Federal Court Cases	959	522	1,481	479	1,002

¹ Drafting Requests are requests to drafts bills, resolutions, leases, easements, contracts, affidavits, etc.

² Adversarial proceedings before administrative bodies

During FY 2013, in resolving appeals before the State Tax Appeal Court, the Finance Section (Real Property Tax) recovered approximately \$16.3 million in total taxes and approximately \$7.3 million above the tax amounts claimed by the appellant taxpayers.

LITIGATION DIVISION

The Litigation Division (LIT) provides legal representation of the City in state and federal courts in the State of Hawaii, including the trial and appellate courts. LIT processes and, if necessary, litigates claims by or against the City, including tort, contract, civil rights, employment, and collection claims. LIT prosecutes liquor law violations before the Liquor Commission and advises and represents the Honolulu Police Department with regard to Subpoenas Duces Tecum.

Statistics

For FY 2013, the number of lawsuits and pre-lawsuit claims handled by LIT are set forth in Chart B.

HONOLULU ETHICS COMMISSION

Mission

The purpose of the Ethics Commission (Commission) is to ensure that City officers and employees understand and follow the standards of conduct governing their work for the public. The Commission’s main focus is to deter conflicts of interest and the misuse of government resources or posi-

tions by City personnel. The Commission implements its objectives through a balance of training programs, advisory opinions, enforcement actions and legislation.

Commission Members

The seven Commission members are appointed by the mayor and confirmed by the City Council. Commissioners serve staggered five-year terms.

Ethics Training

The Commission staff continued the mandatory ethics training program for all elected officials, managers, supervisors, and board and commission members. Honolulu’s mandatory ethics training and retraining program is one of the most ambitious in the United States. Over 9,000 public servants have been trained since the law was enacted in 2001. In FY 2013, the Commission trained 2,937 officers and employees.

Advice and Enforcement

For FY 2013, the Commission handled the matters in Chart C.

The Commission rendered six formal advisory opinions, including enforcement actions against a former deputy police chief that resulted in a civil fine of \$2,800 (Advisory Opinion No. 2012-7) and a deputy director of the Department of Parks and Recreation that resulted in a civil fine of \$2,000 (Advisory Opinion No. 2013-1).

CHART B

	OUTSTANDING LIT REQUESTS AS AT 7/1/2012	NEW REQUESTS RECEIVED	TOTAL REQUESTS WORKLOAD	REQUESTS COMPLETED AND CLOSED	OUTSTANDING LIT REQUESTS AS AT 6/30/2013
Pre-lawsuit cases ³	1720	473	2193	152	2041
State and Federal Court Cases	207	82	289	59	230
Subpoena Duces Tecum Requests	152	97	249	103	146

³ Claims filed with and handled by the claims investigators

CHART C

	OUTSTANDING MATTERS AS AT 7/1/2012	NEW MATTERS RECEIVED	TOTAL WORKLOAD	COMPLETED AND CLOSED MATTERS	OUTSTANDING MATTERS AS AT 6/30/2013
Requests for Ethics Advice	6	414	420	403	17
Investigations into Misconduct Complaints	21	86	107	72	35