

Chapter 4 - Department of Corporation Counsel

The Department of the Corporation Counsel (COR) serves as the chief legal advisor and legal representative of all City and County of Honolulu agencies, the Honolulu City Council, and all officers and employees of the city in matters relating to their official powers and duties. The department represents the city in all legal proceedings and performs all other legal services required by the Revised Charter of the City and County of Honolulu or other laws.

The department's goals are to:

- Work proactively with departments to reduce liability that may arise from day-to-day operations;
- Deliver quality legal services in a responsive and efficient manner;
- Establish and maintain solid attorney-client relationships; and
- Maximize the intake of real property tax revenues by vigorously defending assessments and expeditiously resolving tax appeals.

The department's administration division oversees two divisions:

Counseling and Drafting

- Renders legal opinion to the mayor, city council, and other city entities
- Represents the city in court
- Drafts and reviews legal documents, ordinances, and resolutions
- Drafts state legislation

Litigation

- Represents the city and its employees before all courts in the State of Hawai'i
- Handles personal injury and property damage claims related to the city
- Seeks collections for monies owed to the city

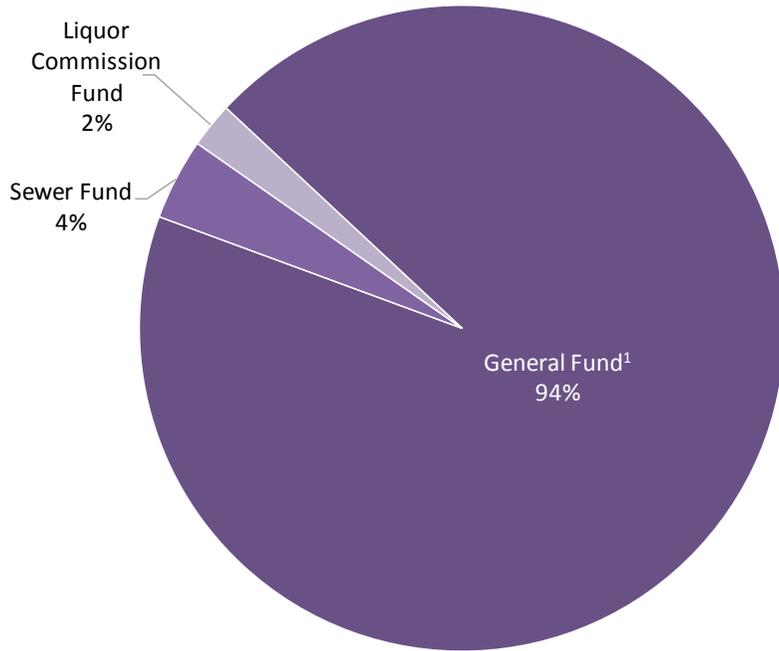


To meet the diverse legal needs of its clients, by advising its clients proactively, and by effectively representing and litigating their interests, while maintaining the highest standards of professionalism and ethics.

Mission Statement

Spending and Staffing

Fund Sources



Fund Uses



	Operating Expenditures (\$ millions)	Total Overtime Expenditures ²	Staffing		Cost Per FTE ³	Total Attorney FTE Filled	Total Attorney FTE Vacant
			Total Authorized FTE	Total Vacant FTE			
FY 2015	\$7.66	\$569	89	11.5	\$86,021	44	3
FY 2016	\$8.38	\$178	92	9	\$91,078	47	0
FY 2017	\$8.06	\$677	92	7	\$87,591	45	2
FY 2018	\$7.81	\$165	92	10	\$84,931	44	3
FY 2019	\$8.56	\$2,576	94	8	\$91,082	44	5
Change from last year	10%	1461%	2%	-20%	7%	0%	67%
Change over last 5 years	12%	353%	6%	-30%	6%	0%	67%

Source: Department of Budget and Fiscal Services and Department of the Corporation Counsel. ¹Under the charter, the Honolulu Ethics Commission is attached to the Department of Corporation Counsel for administrative purposes only. The commission is fully funded by the General Fund and is not included in this chart. ²Overtime pay is established by bargaining unit agreement, as applicable. ³Cost Per FTE = Total Operating Expenditures/Total Authorized FTE.

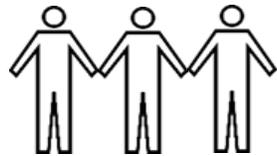
Spending and Staffing



Operating Expenditures

\$8.56M ▲ **10%**

The department attributes the FY 2018 - FY 2019 increase in total expenditures to COR's efforts to fill its funded vacancies and an increase in the number and types of legal cases that required outside legal counsel and expert consultant services.



Vacant FTE

8 FTE ▼ **20%**

The department attributes the one-year decrease in vacant FTE to the department's efforts to fill its funded vacancies.

Five Year Trend



- Operating expenditures have increased 12% over a five year period from \$7.66 million in FY 2015 to \$8.56 million in FY 2019.

FY 2019 ACCOMPLISHMENTS

- Obtained an order terminating a 1997 Consent Decree addressing city street and sidewalk accessibility. The order found that the city substantially complied with all work and other requirements for five stipulated agreements and orders, which helped to develop and implement a comprehensive program addressing accessibility design guidelines and general policies and procedures for future curb ramp installation with public rights-of-way.
- Assisted the Department of Budget and Fiscal Services (BFS) in establishing a claim recovery pilot program for damage to city property caused by motor vehicles.
- Obtained a jury trial verdict in favor of three Honolulu Police Department officers accused of using excessive force when deploying a taser and pepper spray. The city also prevailed on a motion to dismiss a related case involving allegations that the city failed to properly train and supervise its police officers.

CHALLENGES MOVING FORWARD — FY 2020

- *Ensuring that adequate resources are available to represent the city, its officers, and employees acting within the course and scope of their positions in response to an increasing number of cases filed against the city.*

Counseling and Drafting, and Litigation

The Counseling and Drafting Division renders legal opinions to the mayor, city council, and other city entities; represents the city in court; drafts and reviews legal documents, ordinances, and resolutions; and drafts state legislation.

The Litigation Division represents the city and its employees before all courts in the State of Hawai'i; handles personal injury and property damage claims related to the city; and seeks collections for monies owed to the city.

Over the past five years, litigation cases decreased 27% from 2,969 in FY 2015 to 2,154 in FY 2019. The department attributes the reduction to efforts by the Litigation Division to complete and close cases over time.

Of the total litigation cases in FY 2019, 1,062 were newly requested while 1,092 cases were outstanding from prior fiscal years. In FY 2019 the department was able to complete 993 cases leaving a remainder of 1,161 litigation cases outstanding.

Real Property Tax Recoveries increased 47% in the last five years from \$3.4 million in FY 2015 to \$5 million in FY 2019. According to COR, the increased amount of real property tax recoveries for FY 2019 is, in part, due to a court judgement in the city's favor years after COR completed a four month trial of 390 appeals filed by a large condominium project for FY 2012 and FY 2013. COR obtained a dismissal of the project's appeal of the judgment to the Intermediate Court of Appeals. As a result of the rulings, COR was able to negotiate favorable settlements of the project's FY 2015, FY 2016 and FY 2017 appeals and secured dismissals of the appeals for FY 2014 and

FY 2018. The real property tax recoveries for FY 2019 also reflect favorable rulings on COR's motions to dismiss other appeals and several favorable settlements negotiated on behalf of the city.

	Counsel and Drafting Cases ^{1,2}	Litigation Cases	Total Number of Cases ²	Real Property Tax Recoveries (\$ millions)	Expenditures for Consulting Services		
					Legal Counsel	Other	Total Expenditures
FY 2015	14,948	2,969	17,917	\$3.4	\$875,000	\$283,844	\$1,158,844
FY 2016	16,728	1,663	18,391	\$3.2	\$1,229,533	\$393,104	\$1,622,637
FY 2017	17,638	1,821	19,459	\$2.9	\$1,055,000	\$204,009	\$1,259,009
FY 2018	17,672	2,066	19,738	\$2.0	\$703,540	\$159,845	\$863,385
FY 2019	--	2,154	--	\$5.0	\$1,128,351	\$377,526	\$1,505,877
Change from last year	--	4%	--	150%	60%	136%	74%
Change over last 5 years	--	-27%	--	47%	29%	33%	30%

Source: Department of the Corporation Counsel. ¹FY 2015, and FY 2016 Real Property Tax Cases are included in the Counseling and Drafting Cases total. ²FY 2019 reports created by COR's case management system reflected incorrect statistics. COR is working with the vendor to correct this issue.