



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Ted Wheeler, Chair**

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Portland, Or 97214

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Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

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**Jeff Cogen, Commission Dist. 2**

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## **OCTOBER 7, 2008 BOARD MEETINGS**

### **FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	9:00 a.m. Tuesday if needed Executive Session
Pg 2	10:00 a.m. Tuesday Office of the Multnomah County Attorney 2007-2008 Annual Litigation Report
	<b>The Thursday October 9, 2008 Board Meeting is CANCELLED</b>

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30  
Saturday, 10:00 AM, Channel 29  
Sunday, 11:00 AM, Channel 30  
Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media  
(503) 667-8848, ext. 332 for further info  
or: <http://www.metroeast.org>

Tuesday, October 7, 2008 - 7:30 AM to 9:00 AM  
Multnomah Building, Third Floor Conference Room 315  
501 SE Hawthorne Boulevard, Portland

## **LOCAL PUBLIC SAFETY COORDINATING COUNCIL MEETING**

A quorum of the Multnomah County Board of Commissioners *may* be attending the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For agenda topics and/or further information, contact Carol Wessinger at 503 988-5217.

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Tuesday, October 7, 2008 - 9:00 AM  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **IF NEEDED EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
- 

Tuesday, October 7, 2008 - 10:00 AM  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

- B-1 Office of the Multnomah County Attorney 2007-2008 Annual Litigation Report. Presented by Agnes Sowle, John Thomas, Jenny Morf and Stephen Madkour. 30 MINUTES REQUESTED.



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
501 S.E. HAWTHORNE BLVD. , Room 600  
PORTLAND, OREGON 97204  
(503) 988-5213

Lonnie Roberts • DISTRICT 4 COMMISSIONER

# MEMORANDUM

TO: Chair Ted Wheeler  
Commissioner Maria Rojo de Steffey  
Commissioner Jeff Cogen  
Commissioner Lisa Naito  
Board Clerk Deb Bogstad

FROM: Sam Peterson  
Staff Assistant to Commissioner Lonnie Roberts

DATE: October 6, 2008

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Commissioner Roberts will be speaking at the Grand Opening of Multnomah County's Mobile Medical Clinic Site in Rockwood on the morning of October 7, 2008. Therefore, he will not be attending the Executive Session or Board Briefing scheduled for October 7, 2008.

Thank you,

Sam Peterson

**Tuesday, October 7, 2008**  
**7:15am Coffee / 7:30am to 9:00am**  
**501 SE Hawthorne Blvd**  
**Multnomah Building, Room 315**

## **FOCUS ON PROSTITUTION AND HUMAN TRAFFICKING – Part 1**

*Mayor Tom Potter and Commissioner Lisa Naito are sponsoring a two-part LPSCC conversation on the brutal and damaging issue of prostitution and human trafficking. This first meeting will focus on the scope of the issue, history, services, and actions taken. We will also talk about suggestions for improvement, and identify additional groups and individuals that should be included in this discussion. The next discussion will include development of an action plan and a list of contact information.*

### **Draft AGENDA**

<b>Announcements</b>	5 minutes
<b>Introductions</b>	
<i>Mayor Potter and Commissioner Naito</i>	5 minutes
<i>Mayor-elect Sam Adams [invited]</i>	5 minutes
<i>Commissioner Randy Leonard [invited]</i>	5 minutes
<b>Overview</b>	10 minutes
<i>James Pond, Transitions Global, Inc.</i>	
<b>Juveniles and the Judiciary</b>	
<i>The Honorable Nan Waller</i>	
<i>The Honorable Merri Souther Wyatt</i>	10 minutes
<b>Law Enforcement</b>	
<i>U.S. Attorney Karin Immergut, Immigration and Customs Enforcement</i>	5 minutes
<i>Sheriff Bob Skipper</i>	
<i>Deputy Keith Bickford, Oregon Human Trafficking Task Force</i>	5 minutes
<i>Assistant Police Chief Lynnae Berg</i>	5 minutes
<b>Prosecution</b>	
<i>District Attorney Mike Schrunk</i>	5 minutes
<b>Services</b>	
<i>Caroline Homes, FBI Victim Specialist [invited]</i>	5 minutes
<i>Chiquita Rollins, Director of Multnomah County Domestic Violence Services</i>	5 minutes
<b>Discussion / Next Steps</b>	20 minutes

*NOTE: A photographer will be present to take photos for the LPSCC Two Year Update Report.*

**NEXT MEETING**  
**Tuesday, November 4, 2008**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

### Board Clerk Use Only

Meeting Date: 10-07-08  
Agenda Item #: E-1  
Est. Start Time: 9:00 AM  
Date Submitted: 09/30/08

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Requested Meeting Date: October 7, 2008 Amount of Time Needed: 15-55 minutes  
Department: Non-Departmental Division: County Attorney  
Contact(s): Agnes Sowle  
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500  
Presenter(s): Agnes Sowle and Invited Others

### General Information

**1. What action are you requesting from the Board?**

No final decision will be made in the Executive Session.

**2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

**3. Explain the fiscal impact (current year and ongoing).**

**4. Explain any legal and/or policy issues involved.**

ORS 192.660(2)(d),(e)and/or(h)

**5. Explain any citizen and/or other government participation that has or will take place.**

### Required Signature

Elected Official or  
Department/  
Agency Director:

Date: 09/30/08



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

**Board Clerk Use Only**

**Meeting Date:** 10/07/08  
**Agenda Item #:** B-1  
**Est. Start Time:** 10:00 AM  
**Date Submitted:** 09/30/08

**Agenda Title:** Office of the Multnomah County Attorney 2007-2008 Annual Litigation Report

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** October 7, 2008 **Amount of Time Needed:** 30 minutes  
**Department:** Non-Departmental **Division:** County Attorney  
**Contact(s):** Agnes Sowle, County Attorney  
**Phone:** 503-988-3138 **Ext.** 83138 **I/O Address:** 503/500  
**Presenter(s):** Agnes Sowle, John Thomas, Jenny Morf, Stephen Madkour

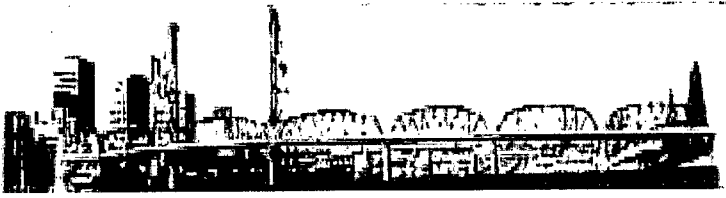
**General Information**

1. What action are you requesting from the Board?  
Informational Only
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.  
Presentation of the County Attorney's FY 07/08 Litigation Report
3. Explain the fiscal impact (current year and ongoing).  
N/A
4. Explain any legal and/or policy issues involved.  
N/A
5. Explain any citizen and/or other government participation that has or will take place.  
N/A

**Required Signature**

**Elected Official or  
Department/  
Agency Director:**

**Date:** 10/1/2008



## Office of Multnomah County Attorney

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501 SE Hawthorne Blvd., Ste. 500,  
Portland, OR 97214

# 2007-2008 Annual Litigation Report

*County Attorney's Litigation Report  
to the Multnomah County  
Board of Commissioners  
October 2008*



AGNES SOWLE  
*County Attorney*

JOHN S. THOMAS  
*Deputy County Attorney*

# OFFICE OF MULTNOMAH COUNTY ATTORNEY

501 S.E. HAWTHORNE, SUITE 500  
PORTLAND, OREGON 97214

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PATRICK W. HENRY  
STEPHEN L. MADKOUR  
JENNY M. MORF  
BERNADETTE D. NUNLEY  
MATTHEW O. RYAN  
KATHRYN A. SHORT  
JED R. TOMKINS  
JACQUELINE A. WEBER  
*Assistants*

## MEMORANDUM

**TO:** Board of County Commissioners  
Ted Wheeler, Chair  
Maria Rojo de Steffey, Commissioner  
Jeff Cogen, Commissioner  
Lisa Naito, Commissioner  
Lonnie Roberts, Commissioner

**FROM:** Agnes Sowle

**DATE:** October 1, 2008

**RE:** 2007-2008 Annual Litigation Report

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## INTRODUCTION

During the 2007 – 2008 fiscal year, our office had fifteen lawyers, six permanent support staff and five limited duration ITAX support staff. The office provides legal services for all county elected officials, officers and departments. Multnomah County Code Section 7.201(I) requires the County Attorney to submit a formal annual litigation report to the Board. This Annual Litigation Report summarizes the legal services we provided to county clients last fiscal year giving detail to litigation.

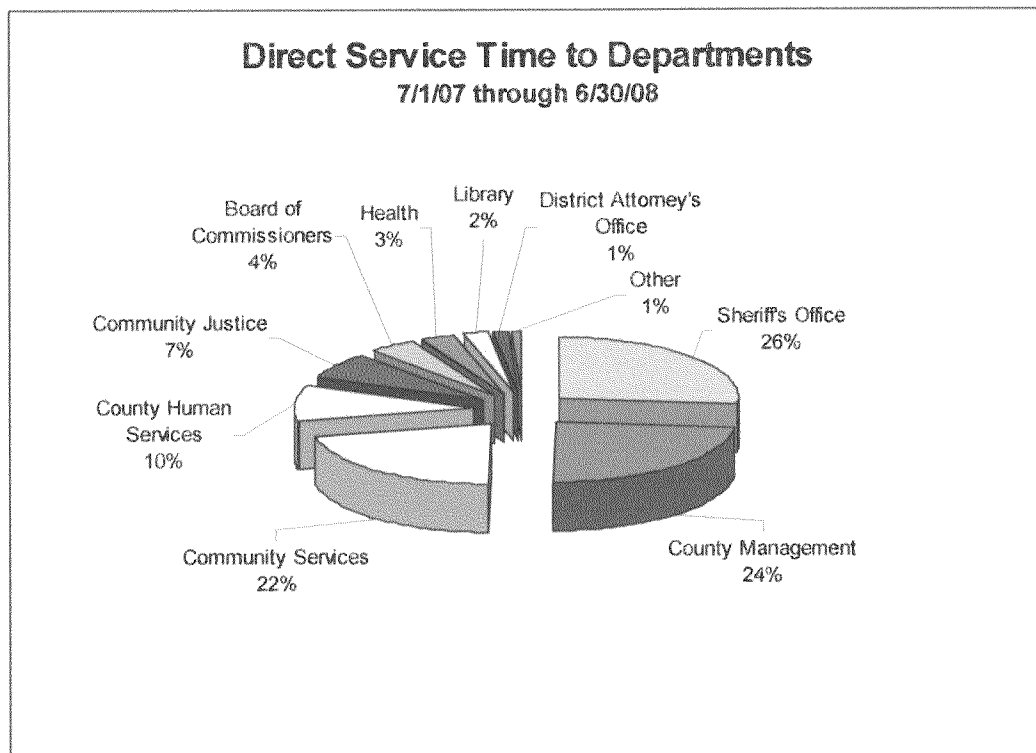
During the fiscal year 2007-2008, we provided 22,343.80 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training.



## DIRECT SERVICE HOURS

Graph 1 shows all of our direct services hours broken down by department. The greatest amount of direct service time was devoted to the Sheriff's Office with 26% of the hours, an 7% increase from last year. Community Services decreased considerably to 22% largely due to the ending of Measure 37 claims. The total hours for County Management increased to 24% with County Human Services needing 10%, slightly higher than previous years. The hours spent on Community Justice legal matters increased slightly to 7% while Health Department decreased to 3%. Services for the Board decreased to 4% this year.

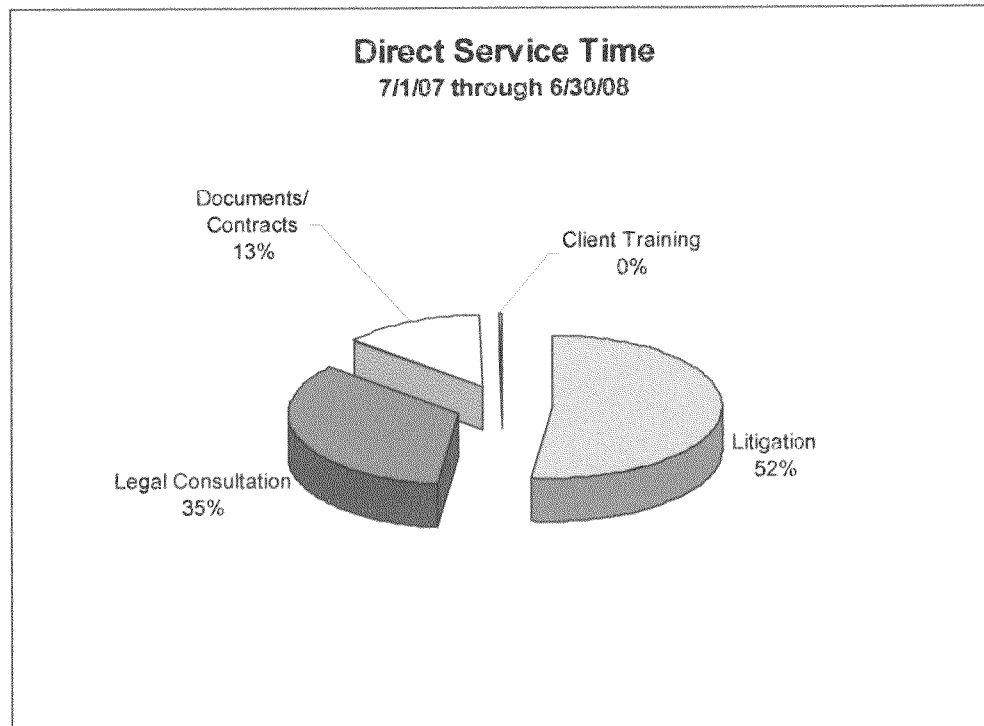
Graph 1



Department	Hours
Sheriff's Office	5,936.85
County Management	5,287.10
Community Services	4,807.30
County Human Services	2,138.00
Community Justice	1,564.05
Board of Commissioners	927.05
Health	685.75
Library	507.25
District Attorney's Office	312.1
Other	178.35
	22,343.80

Graph 2 depicts direct service hours expended by the various work types. At 52%, litigation was up from last year's 45% and legal consultation, at 35% was down from last year's 42%. Time spent in preparation and review of contracts and other legal documents was slightly higher at 13%, and client training hours decreased from last year. These numbers vary slightly each year but have remained fairly consistent over a number of years.

**Graph 2**



Work Type	Hours
Litigation	11,583.00
Legal Consultation	7,735.25
Documents/Contracts	2,966.95
Client Training	58.6
<b>Total</b>	<b>22,343.80</b>

## LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 45% of the litigation hours. That was up slightly from last year but consistent with MCSO's yearly use of about one third of our litigation hours. Community Services required 19% of our litigation hours, a substantial decrease from last year with the end of Measure 37 cases. County Human Services took 2% which is a substantial decrease from the previous year. County Management required 17% and Community Justice, 11%. It only takes one or two cases to change the numbers substantially from year to year.

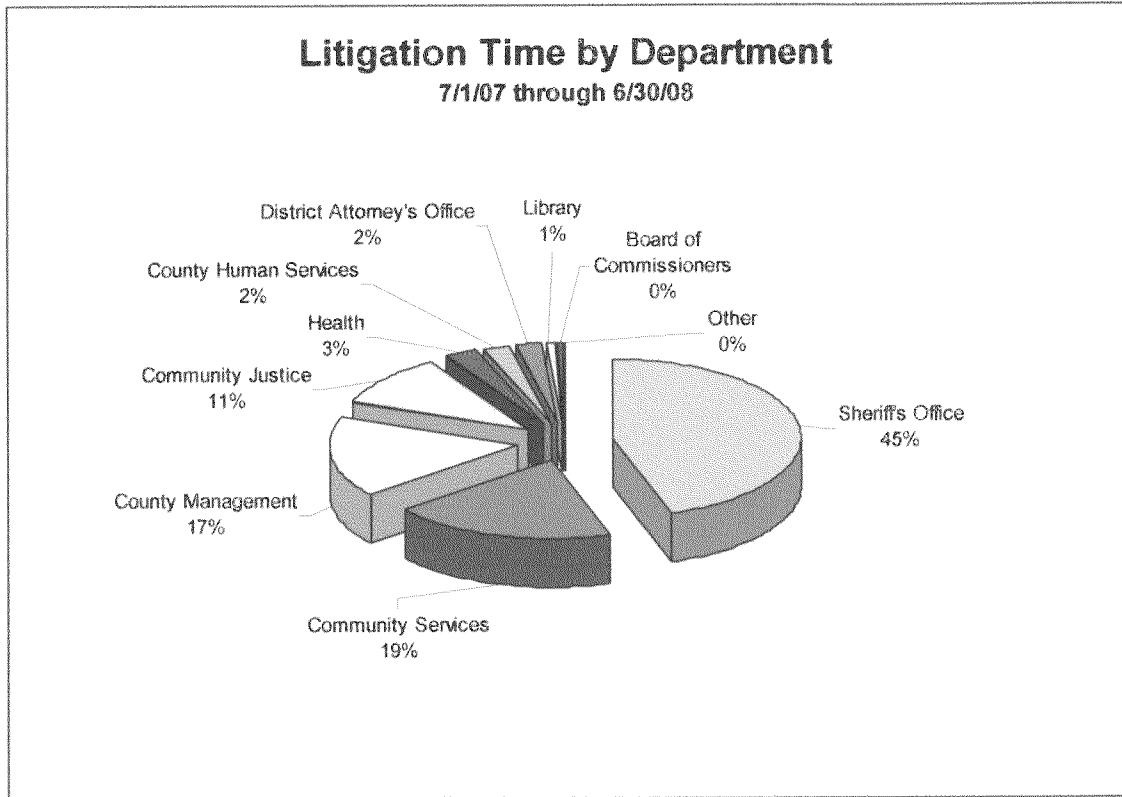
During the year, we received 264 new claims. We received 32 new lawsuits to defend, not including those involving tax matters or land use appeals. The number of lawsuits is up from 29 last year. About one half of the lawsuits were brought against the Sheriff's Office which is usual. Many of those cases are brought by inmates (many representing themselves) and include excessive force, religious discrimination, violation of ADA, and other various civil rights claims. Community Services received a number of the lawsuits, including those alleging Measure 37 and several lawsuits regarding maintenance of roadways, signs, etc. There were several lawsuits resulting from post prison supervision and one wrongful death case against Corrections Health.

In Fiscal Year 2005-2006, we paid out \$780,011 for claims including one jury verdict and several settlements; and in Fiscal Year 2006-2007, we paid out \$361,020.

In the 2007-2008 fiscal year, we paid out \$724,346. During this period, we tried several cases. We prevailed on one with a jury verdict; and one was dismissed during trial. Most of the Measure 37 cases were resolved in the County's favor; three remain at the Court of appeals. We had only one lawsuit that resulted in a jury verdict -- \$1.8 million. On motions filed after trial the verdict was reduced to approximately \$600,000 and the Court stayed payment pending the plaintiff's appeal.

Our litigation team continued to be very successful in obtaining dismissals as the result of successful motions to dismiss or motions for summary judgment. It is difficult to provide comparative numbers of dismissals because of the two to three year life of a lawsuit, but approximately one half of the lawsuits filed are disposed of with no liability to the County.

**Graph 3**



Department	Time
Sheriff's Office	5,222.90
Community Services	2,199.45
County Management	1,937.95
Community Justice	1,234.25
Health	300.65
County Human Services	274.1
District Attorney's Office	264.6
Library	95.65
Board of Commissioners	48.65
Other	4.8
<b>Total</b>	<b>11,583.00</b>

## EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$130.94, up from last year's \$125.42. The rate is calculated by dividing the actual expenditures of the office, including payroll for attorneys and staff, rent, supplies, professional dues and the like, by the hours of direct service provided by the attorneys. The rate has been calculated by using direct service hours only and does not take into account the 1915 hours spent on office administration and continuing legal education activities. This hourly rate pays for a very experienced staff: Four of our attorneys have 25 or more years of experience and five have more than 10 years experience.

Despite the increase in our rate from last year, we saved the county and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms to represent government clients now exceed \$225 per hour and, in some cases, are as high as \$350 or more per hour.

Of all hours reported by county attorneys 92.1% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 7.9%, a little less than last year. Those hours include management of the office, staff meetings, litigation meetings, library maintenance, and professional development including the hours attorneys attend Mandatory Continuing Legal Education.

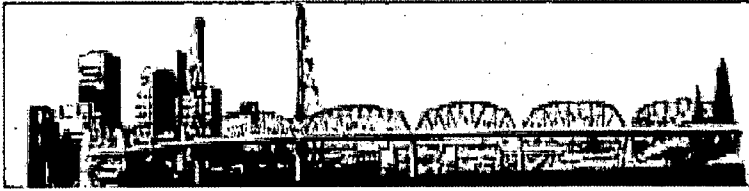
The following chart summarizes the effective hourly rate computation:

Total Hours Reported		24,259
Direct Service	(92.1%)	22,343
Non-Direct Service	(7.9%)	1915
<b>15 Lawyer FTE Average Direct Service Hours</b>		1489
Office Actual Expenditures 2007-08		\$2925719
Divided by Direct Service Hours		22,343
<b>Effective Hourly Rate</b>		<b>\$130.94</b>

## **CONCLUSION**

We have now compiled nine years of legal service data permitting us to quantify the hours of legal services, the nature of the services and the clients that receive services. The data allows us to more efficiently manage, monitor and deploy county legal assets. We continue to work to improve the accuracy of our data.

Our challenge is to continue to provide efficient and effective legal services and increase appropriate non-litigation use of our resources. We also must meet the increasing demands of more complex and serious litigation. We continue to work closely with the Sheriff, the department that uses a large share of our resources. We continue to seek opportunities to effectively use county legal resources and look for ways to improve our services to best meet the county's legal needs. Our mission is to provide the highest quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.



## Office of Multnomah County Attorney

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501 SE Hawthorne Blvd., Ste. 500,  
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# 2007-2008 Annual Litigation Report

*County Attorney's Litigation Report  
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AGNES SOWLE  
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## MEMORANDUM

**TO:** Board of County Commissioners  
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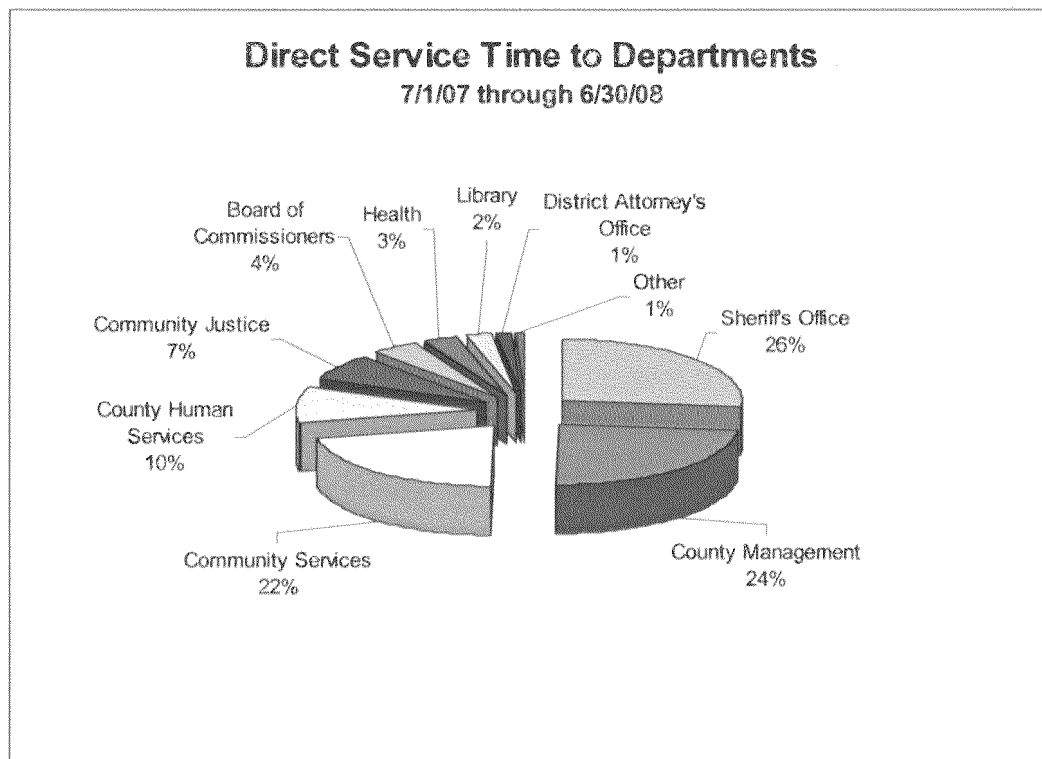
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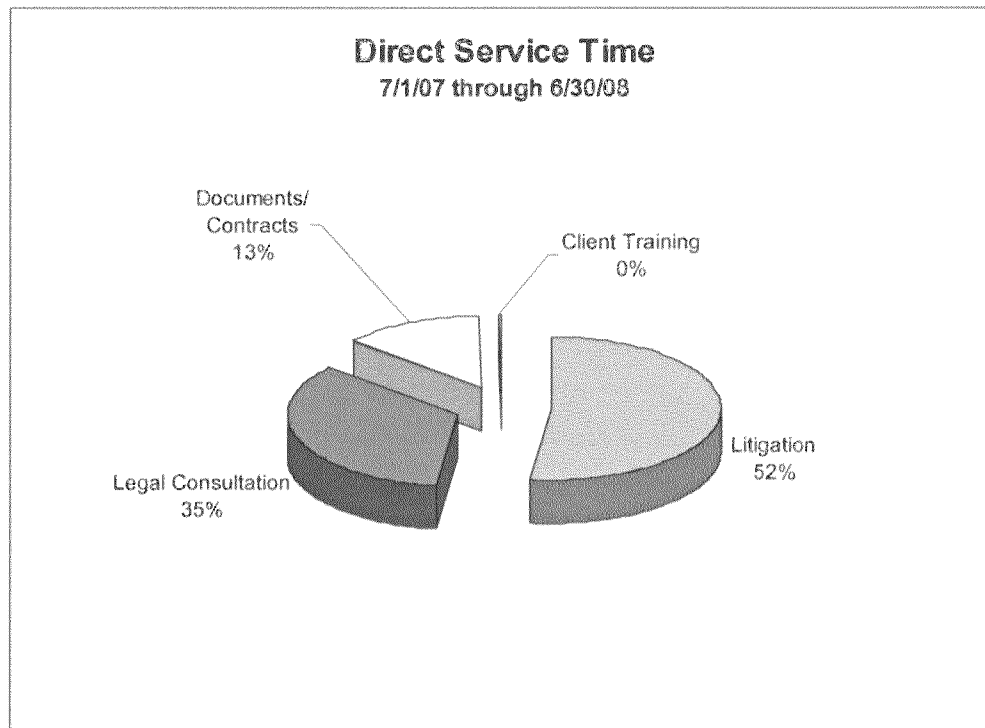
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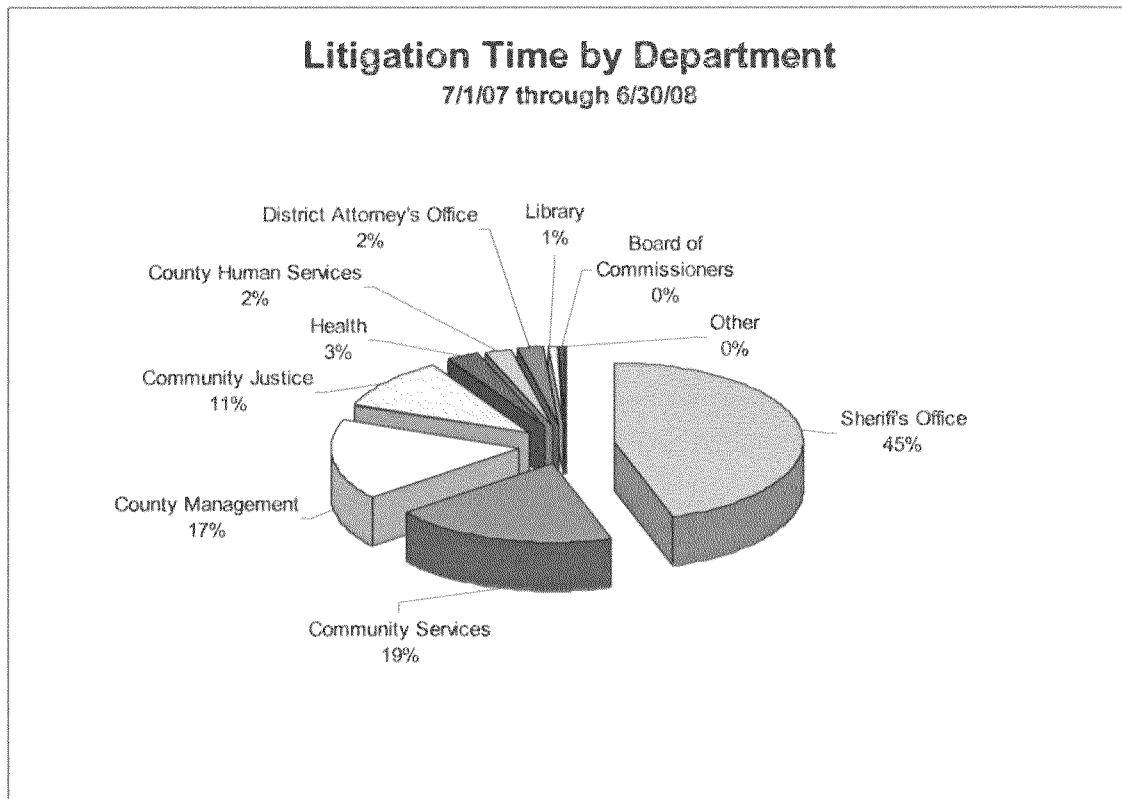
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