



## 2013 Annual Report

As prescribed by the Columbus City Charter, the City Attorney is “the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties.”

The City Attorney also serves as “the prosecuting attorney of municipal court...and shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party.”

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## Overview

In 2013, City Attorney Richard C. Pfeiffer, Jr. placed added emphasis on problem hotels and large multi-unit apartment complexes. As a result of the office's task-force style approach, assistant city attorneys worked with the Ohio State Fire Marshal's office, Columbus Police Division, Code Enforcement, Building Services, and the Health Department to push for the permanent demolition of Motel One on the east side of the city, as well as permanent injunctions against Columbus Inn & Suites and the Red Carpet Inn on the city's north side.

Attorneys also devoted significant time and effort to assist the immigrant and refugee population located at troubled apartment complexes such as Summit Park.

City Attorney Pfeiffer also worked with staff from C-TV to produce a highly acclaimed documentary on domestic violence and stalking in central Ohio. The documentary aired extensively on Channel 3 (Insight and Time Warner) and Channel 99 (WOW and AT&T U-Verse). DVD copies were also distributed to the community.

The office also launched a summer strike initiative, led by Chief of Staff Bill Hedrick, to target Columbus' 12 most wanted animal abuse suspects. Ten out of the 12 suspects were brought to justice, with the other two presumed to have fled the jurisdiction.

Several staff members received honors and accolades in 2013. Chief of Staff Bill Hedrick received the Mayor's Award of Excellence for his "creative use of technology, resources, and community partnerships to improve services." Chief Prosecutor Lara Baker-Morrish was appointed to the Ohio Supreme Court's Commission on Specialized Dockets. Principal Assistant City Attorney Robert Tobias received the Capital Crossroads Unsung Hero Award. The Domestic Violence and Stalking Unit, led by Director Anne Murray, received the Promising Practice Award given by the Ohio Attorney General's office during the Two Days in May annual conference.

City Attorney Pfeiffer received a "Courage Award" bestowed by the Men of Courage. He also was named Citizen of the Year by the Columbus Board of Realtors.

## ADMINISTRATION

### **Administration Section • Bill R. Hedrick, Chief of Staff**

The Administration Section performs the human resources, fiscal, technology and facilities management functions for the office. Legislation previously enacted by City Council provides an authorized strength of 164 full-time employees and 49 part time employees (including 14 full-time and two part-time employees for the Division of Real Estate). However, due to internal fiscal policy decisions, the budgeted number of full-time employees in 2013 was 119 while the number of part-time employees was 37. Of the full-time employees, 62 were attorneys. Most employees' salaries were covered by the city's general fund, while others were paid through either internal service funds, fees, or grants secured by the office. The total budget from all funds was \$12,017,793 (\$11,274,768 from the General Fund and \$743,025 from the Land Acquisition Fund, as well as \$308,184 from grants).

The administrative staff devoted a significant amount of time in the first quarter of 2013 preparing for the Civil and Real Estate Divisions move from City Hall to the newly renovated “old police building” located at 77 N. Front St. Staff also continued to work for much of the year planning, preparing, and implementing a new digital-based case management system for all sections of the Civil Division.

## CIVIL DIVISION

**General Counsel Section • Joshua T. Cox, Chief Counsel & Section Chief**  
2013 Staff: 6 FTEs + 5 PTEs • 2013 Budget: \$851,798

The General Counsel Section serves as primary legal counsel to city officials on issues relating to city services, legislation, contracts, zoning and other vital issues associated with the day-to-day operations of city government. In addition, this section assists in the legal review and practical implementation of various development projects that foster the growth of our community. The section also works to keep our environment clean by assisting various city divisions in complying with state and federal environmental laws.

Last year, the General Counsel Section reviewed 1,871 contracts for city departments, involving expenditures of over \$578 million. The section also reviewed 1800 ordinances. General Counsel provided legal assistance on dozens of noteworthy projects and issues during 2013 as well.

**Labor and Employment Section • Pamela J. Gordon, Section Chief**  
2013 Staff: 7 FTEs • 2013 Budget: \$796,332

The Labor and Employment Section, consisting of six attorneys and one support staff member, is responsible for handling all labor and employment-related litigation involving the city, and for rendering legal advice to city officials on labor and employment matters involving issues related to the city’s seven collective bargaining agreements and approximately 9,000 employees.

On a daily basis, the attorneys field questions on various employment laws such as the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII, and Ohio Civil Rights Act. The attorneys handle cases in various forums, including arbitration, federal court (at both the trial and appellate levels), state court (at both the trial and appellate levels), the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the State Employee Relations Board, the Industrial Commission of Ohio, the Ohio Bureau of Workers’ Compensation, the Unemployment Compensation Review Commission, the Columbus Community Relations Commission and the Columbus Civil Service Commission.

The section started 2013 with 97 open cases pending in various forums. To date over the course of the year, 69 new cases were filed against the city and/or its employees, while 80 cases were closed. Thirty-seven of the closed cases were successfully resolved in the city’s favor as follows:

- 12 arbitrations
- Six cases before the Equal Employment Opportunity Commission and the Ohio Civil Service Commission
- 18 court and administrative cases (Court of Common Pleas, U.S. District Court, Court of Appeals, and
- Unemployment Compensation Review Commission
- One threatened litigation but did not result in a lawsuit

In the remaining 34 cases, 30 were settled (15 arbitrations and 15 filings in the Franklin County Court of Common Pleas), two arbitrations resulted in split decisions and two arbitrations were resolved against the city.

**Litigation Section • Glenn B. Redick, Section Chief**

2013 Staff: 7 FTEs • 2013 Budget: \$929,274

While litigation occurs in other sections of the office, the Litigation Section, consisting of six attorneys and one support staff member, deals principally with claims against the city and its employees that seek monetary damages based on allegations of personal injury or property damage or violation of constitutional rights. In 2013, the City Attorney’s Litigation Section was assigned to handle 37 new cases that were filed against the city, seeking a total of \$20 million in damages.

A total of 56 cases were closed this year, which resulted in the city paying \$1,887,400 out of a total of \$71,750,000 in damages being sought. A total of 65 cases are still active.

Additionally, the Litigation Section worked with city departments and their employees through training, advice, and counsel to improve city practices and policies so that future lawsuits may be successfully defended or prevented.

**Claims Division • Nancy L. Weidman, Division Chief**

2013 Staff: 10 FTEs • 2013 Budget: \$880,271

The Claims Section is responsible for the collection of debt owed to the city of Columbus and for investigating and paying—or denying—claims for personal injury and property damage made against the city. In-house collections from the City Attorney’s Claims Section were \$ 1,984,575. Outside collection agencies hired by the City Attorney recovered another \$2,367,136.90 for a total of \$4,351,712 collected from delinquent taxpayers.

Both in-house and outside agency tax collections have doubled since City Attorney Pfeiffer took office in 2003.

| <b>Year</b> | <b>Outside Agency Tax Collections</b> | <b>In-House Tax Collections</b> |
|-------------|---------------------------------------|---------------------------------|
| 2002        | \$911,453                             | \$882,879                       |
| 2003        | \$730,575                             | \$1,067,245                     |
| 2004        | \$568,913                             | \$1,395,329                     |

|      |             |             |
|------|-------------|-------------|
| 2005 | \$452,331   | \$1,516,250 |
| 2006 | \$813,392   | \$1,449,281 |
| 2007 | \$1,035,252 | \$1,418,154 |
| 2008 | \$1,038,303 | \$1,679,902 |
| 2009 | \$1,222,862 | \$1,946,600 |
| 2010 | \$1,779,954 | \$2,125,521 |
| 2011 | \$2,489,957 | \$2,406,480 |
| 2012 | \$2,272,455 | \$1,592,761 |
| 2013 | \$2,367,137 | \$1,984,575 |

Additionally, \$153,285.11 was collected for other than tax-related indebtedness. Another \$178,648.44 was collected as a result of the efforts of the outside agencies for other than tax-related indebtedness, for a combined total of \$331,933.55. 2,241 new tax and 110 non-tax collection suits were filed in 2013.

The Claims Section investigated and processed 82 new claims against the city and paid negotiated settlements on 39 of those. On demands totaling \$283,183.09, the city paid out \$109,921.96.

The Claims Section continued the work load of the Police Department's claims officer after the position was eliminated and also works closely with the City Auditor's office to step up collection enforcement against delinquent hotel-motel excise tax debtors and city vendors who are tax delinquent.

## POLICE LEGAL BUREAU

**Police Legal Advisor's Office • Jeffrey S. Furbee, Section Chief**

2013 Staff: 2 FTEs + 1 PTE • 2013 Budget: \$281,582

The Police Legal Advisor Section provides comprehensive legal advice specifically to the Columbus Division of Police on policies, procedures, and labor issues. Attorneys in this section also deliver around the clock "real time" advice to police personnel. In addition, this section tracks lawsuits, case reviews, and property damage/medical claims against the Division.

- Training: (300+ hours in 2013) The demands made of this section by police for legal training has continually increased over the past several years -- and more legal training was provided this past year than ever before. Our advisors literally spent hundreds of hours providing legal training to current Division of Police Officers, as well police recruits.

On-going in-service legal training of all current officers was conducted twice a week, every week, from early April thru the end of September. The training took

place on all shifts and afforded face-to-face contact with every Columbus Police Officer.

The advisors also provided legal training to two police recruit classes. This too involved hundreds of hours of preparation and presentation. The legal advisors also provided bureau-specific training wherein they went to individual police sections and conducted training on their specific issues.

- Real-time Legal Advice: Historically, the police legal advisors have received about 30-40 inquiries from officers every day. These inquiries vary from brief, easily answered questions to complex legal questions. Inquiries are made via email, phone, and in-person. Several hours a day are spent giving legal advice to the Division of Police.
- Legal Updates and Roll Calls: (12+ Written Updates/Roll-Calls 2013) The police legal advisors distribute Legal Updates to all Division of Police Officers for up-to-date legal information generally on a monthly basis. They also prepared several written-roll-call trainings on specific issues for specialized bureaus such as Internal Affairs.
- Videos: (Several videos produced 2013) The City Attorney's office continued providing short video presentations. These videos were required viewing for all officers. The videos are typically 2-4 minutes in length covering important legal topics which the officers are able to watch from their substations. We have received excellent feedback on these as a training tool.
- Meetings: This is hard to quantify because the Police Legal Advisors are regularly asked to attend meetings where legal issues might arise, but they easily attended over 100 meetings in 2013.
- Review of Division Directives/SOPS: Division Policies are regularly reviewed for legality. This, too, is difficult to quantify, but the advisors spent at least 80 hours reviewing/rewriting such policies.

## PROSECUTION DIVISION

Located at 375 South High Street in the Franklin County Courthouse complex, the Prosecutor Division is responsible for the prosecution of misdemeanor offenses on behalf of citizens of the City of Columbus and the State of Ohio. From case initiation in the Prosecution Resources Unit to defense of successful prosecutions in the Appellate Unit, the Prosecutor Division provides a wide array of services attendant to the resolution of criminal allegations and complaints. In addition to the services provided to the citizens of the City of Columbus and the unincorporated areas of Franklin County, this division also represented, by contractual agreement, a number of Franklin County municipalities.

**Prosecutor Unit • Lara N. Baker, Chief Prosecutor & Bill Hedrick, Chief of Staff**  
2013 Staff: 34 FTEs and 1 PTE • 2013 Budget: \$3,140,559

The Prosecutor Unit—consisting of 14 courtroom prosecutors, four domestic violence prosecutors, three arraignment team prosecutors, two environmental prosecutors, an administrative assistant, and three legal support staff—prosecuted 123,206 misdemeanor cases initiated in the Franklin County Municipal Court. Courtroom prosecutors worked dockets with an average caseload of 440 criminal/traffic cases per month.

Prosecutions initiate in the four arraignment courtrooms of the Franklin County Municipal Court. In 2013, 37% of all OVI cases were resolved in the arraignment courtrooms, primarily by Assistant City Prosecutors Robert Levering and Melissa Hicks, with an 83% conviction rate meaning that 1,664 OVI cases did not have to be assigned to a courtroom docket. First offender Petty Theft cases are likewise resolved at an early stage through our Theft Diversion program. In 2013, 855 individuals qualified for the Theft Diversion program.

This unit is also responsible for processing requests for production of public records in the Prosecutor Division, and for processing municipality billing for prosecution services. In 2013, 149 requests for public records were responded to in a timely fashion. The division also generated \$69,245 in revenue by providing legal services to area municipalities.

### **Legal Assistant Unit • Jackie Keller, Coordinator**

This nine full-time and one part-time person staff processes and maintains prosecutor case files for the 15 judges of the Municipal Court. In 2013, 45,391 cases were processed to closure and stored. Overall, this unit initiated approximately 131,806 cases (6,379 of which were OVIs).

### **Prosecution Resources Unit • Robert Tobias, Director**

2013 Staff: 4 FTEs + 18 PTEs • 2013 Budget: \$619,279

The Prosecution Resources Unit provides a variety of services to citizens seeking to resolve conflict that may rise to the level of a misdemeanor criminal violation. Consisting of the Intake Section, the Mediation Program, and the Check Resolution Program, this unit is involved in day-to-day interaction with crime victims.

- Intake Section – *Jessica Cain, Lead Legal Intake Counselor*  
Offering citizens the opportunity to have allegations of misdemeanor criminal violations reviewed by a prosecutor, the Intake Section processed 3,560 citizen complaints, resulting in the filing of 469 criminal charges. With a staff of approximately 18 intake officers, the Intake Section averaged 297 criminal complaints a month.
- PRU Mediation Program – *Catherine Graham, Coordinator*  
This program operated in the evenings with mediators from the Moritz College of Law, Capital University Law School, and members of the alternative dispute resolution community in an effort to resolve disputes without resorting to criminal prosecution. The program scheduled 388 mediation hearings, resulting in 207 hearings conducted. Of these 207 mediation hearings, 52% resolved with an agreement.

- Check Resolution Program – *Barbara Williams, Coordinator*  
Seeking to resolve disputes where checks are dishonored without resorting to the filing of criminal charges, this program scheduled a total of 10,145 first and second hearings resulting in the recovery of \$358,735.90 on dishonored checks. This process diverted 2,861 check writers from the criminal justice system.

### **Domestic Violence and Stalking Unit • Anne Murray, Director**

2013 Staff: 18 General Fund FTEs + 2 Contract (Grants) • 2013 Budget: \$1,445,777

This unit consists of a director, a chief advocate, two lead advocates, 14 full-time victim advocates including a Spanish speaking advocate and a Somali speaking advocate, three support staff members, a cyber crimes investigator, liaisons from CHOICES, Franklin County Children Services, Southeast Mental Health, Inc., and Capital University Law School's Family Advocacy Clinic, and a stalking investigator under contract to the Unit. Additionally, the unit houses the four specialized domestic violence prosecutors.

According to data compiled internally, the Domestic Violence & Stalking Unit provided victim advocacy services for victims of domestic violence in 5,345 cases. Of the 5,345 domestic violence cases, four specialized domestic violence prosecutors handled 2,758 (52%).

### **Appellate Unit • Melanie Tobias, Director**

2013 Staff: 3 FTEs + 8 PTEs • 2013 Budget: \$414,397

The Appellate Unit consists of a director, an assistant city prosecutor, a paralegal, and a staff of approximately seven law clerks. The Appellate Unit completed 23 briefs – two merit briefs filed in the Ohio Supreme Court, 16 filed in the 10th District Court of Appeals, and three briefs contra and two briefs in support of certiorari filed in the Ohio Supreme Court. 14 oral arguments were completed. Overall, the unit was successful in 85.7% of its cases.

The Appellate Unit also was responsible for the filing of over 700 objections to applications for record sealing as well as responding to over 1,300 defense motions.

- Traffic Diversion Program  
The Traffic Diversion program is a coordinated effort of the PRU and the Appellate Unit designed to allow for a diversion alternative for traffic offenders. Of the 1,009 participants in 2013, 673 (66.7%) successfully completed the requirements allowing for case resolution at the arraignment stage. Of the 797 minor-misdemeanor-only participants, 612 (76.8%) successfully completed.

## **REAL ESTATE DIVISION**

### **Real Estate Division • John C. Klein, Chief Real Estate Attorney**

2013 Staff: 7 FTEs + 2 PTEs • 2013 Budget: \$ 952,226

The Real Estate Division is responsible for the acquisition of all real property needed by city departments, the provision of legal assistance for all real estate matters, including the

sale and leasing of property, tax abatements, tax increment financing, and certification of right-of-way clearance under federal regulations for federally funded projects.

In 2013, the Real Estate Division provided legal and negotiating advice for 20 projects—comprising a total of 202 acquisitions—that will contribute to Columbus’ development. Major projects included completion of the first phase of American Addition Infrastructure, Joyce Avenue Phase 2, Lockbourne-Frebis SR 104, North High to Flint Road, the South Wellfield Raw Water Line and the commencement of the acquisition of 82 parcels for Hard Road Widening, Phase A.

The Real Estate Division also handled deed preparation and other issues related to 42 property donations and the preparation and submittal of real estate tax exemptions for newly titled city properties. The division also provided services to the Columbus Land Review Commission in the preparation of valuations of city property considered by the commission.

## **ZONE INITIATIVE**

### **Zone Initiative Unit • Assistant City Attorney Steve Dunbar**

2013 Staff: 5 FTEs + 1PTE • 2013 Budget: \$416,725

The Zone Initiative unit works closely with city agencies, particularly police and code enforcement, and with citizen groups such as area commissions, civic associations and block watches to identify neighborhood problems and to determine if there are solutions, whether legal or otherwise, to solve them. To that end, the four attorneys assigned to this unit were visible in the community attending meetings and making presentations on how citizens and city government can work together to improve the quality of life in Columbus’s neighborhoods.

City Attorney Pfeiffer and members of the Zone Initiative continued to make a concerted effort to bring neighborhood blight and the vacant and abandoned property epidemic to the forefront of public discourse in 2013. City Attorney Pfeiffer continued to advocate for H.B. 223 to help expedite the transfer of blighted and abandoned property to responsible owners.

#### **Meetings attended**

- Approximately 197 community meetings
- Approximately 134 police meetings
- Approximately 100 Code Enforcement meetings

#### **Ohio Revised Code Chapter 3767 – Criminal Nuisance Abatement**

- Five new cases filed
- Five Temporary Restraining Orders granted
- Three Agreed Entries granted

#### **Columbus City Code Title 47 – Housing / Building Code Nuisance Abatement**

- 342 new cases filed
- 21 property owners voluntarily came into compliance with code
- 81 Default Judgments granted
- 26 Contempt Orders granted

- 67 Demolition Orders submitted to the VAP program for nuisance property demolition

- 

**Liquor Permit Violations**

- Investigated nearly 100 establishments for the 2013-2014 objection season
- Objected to 14 permits on December 16, 2013
- Nine objections filed at the end of 2012, and objected to one new permit request during the year
- Five objections upheld
- Two objections overruled
- Three rulings still pending final decision

-END-

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