

# **Office of County Counsel** **2013 Business Plan Update**



PREPARED BY THE  
OFFICE OF

## **COUNTY COUNSEL COUNTY OF ORANGE**

333 WEST SANTA ANA BOULEVARD, SUITE 407  
MAILING ADDRESS: P.O. BOX 1379  
SANTA ANA, CA 92702-1379

NICHOLAS S. CHRISOS  
COUNTY COUNSEL

### **MISSION OF THE COUNTY COUNSEL:**

**TO PROVIDE THE HIGHEST QUALITY LEGAL ADVICE AND REPRESENTATION TO THE BOARD OF SUPERVISORS, ELECTED AND APPOINTED DEPARTMENT HEADS, COUNTY AGENCIES/DEPARTMENTS AND STAFF, AND BOARD-GOVERNED SPECIAL DISTRICTS.**

## **EXECUTIVE SUMMARY**

The Office of County Counsel is charged with providing civil legal services to County government, e.g., defending and prosecuting litigation, advising the Board of Supervisors, and providing written opinions to County and district officers on matters pertaining to their duties. The Office of County Counsel, as provided by the Government Code, was created on September 16, 1941, by Ordinance No. 432. Most of the Office of County Counsel's functions are defined and mandated by California statutes, County ordinances, Board resolutions, Board policy and case law.

## **KEY PERFORMANCE MEASURES & REPORTING**

***Goal #1: Provide highly competent legal advice to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with high ethical and professional standards.***

### **KEY PERFORMANCE MEASURES:**

- Percentage of clients rating advisory support as satisfactory or better.
- Percentage of written opinions challenged in court or administrative proceedings.
- Percentage of challenged written opinions that are upheld.

***Goal #2: Effectively prosecute and defend civil actions in which clients are involved.***

### **KEY PERFORMANCE MEASURES:**

- Percentage of clients rating litigation support as satisfactory or better.
- Percentage of dependency cases upheld on appeal.
- Percentage of mental health cases won or resolved with approval of client.
- Percentage of general litigation cases won or resolved with approval of client.

**Goal #3: Deliver all legal services to clients as efficiently and economically as possible.**

**KEY PERFORMANCE MEASURES:**

- Percentage of clients rating advisory and litigation support as satisfactory or better.

**KEY PERFORMANCE REPORTING**

<b><u>SCORE CODES</u></b>	<b>Meets or Exceeds Goal</b> 	<b>Close Monitoring</b> 	<b>Corrective Action</b> 
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<b>PERFORMANCE MEASURE: Percentage of clients rating Advisory and Litigation support as satisfactory or better.</b>				
<b>WHAT: Measurement of the quality and effectiveness of services provided.</b>				
<b>WHY: Client satisfaction is the primary measure of success for a service agency.</b>				
FY 2011-12 BUSINESS PLAN RESULTS	FY 2012-13 BUSINESS PLAN	FY 2012-13 ANTICIPATED RESULTS	FY 2013-14 BUSINESS PLAN	<b>HOW ARE WE DOING?</b> 
A comprehensive client satisfaction survey was last conducted in 2010, and over 95% of all client responses on specific criteria rated County Counsel's services as satisfactory (85% as "extremely satisfied"). Since then, we have monitored client satisfaction closely through regular conversations with department heads and other departmental management. Dialogue with client departments during this timeframe indicates they continue to be highly satisfied with the services and support provided by the office. County Counsel expects that these results will continue to be reflected in future business plans.	Continue to be rated as satisfactory or better.	County Counsel will be rated as satisfactory or better.	Be rated as satisfactory or better.	Based on past survey results and ongoing dialogue with clients, County Counsel's client departments and agencies are very satisfied with the services and support provided by the office.

PERFORMANCE MEASURE: Percentage of Written Opinions that are upheld.				
WHAT: Measurement of the quality of legal advice.				
WHY: Provides measure of quality of services provided..				
FY 2011-12 BUSINESS PLAN RESULTS	FY 2012-13 BUSINESS PLAN	FY 2012-13 ANTICIPATED RESULTS	FY 2013-14 BUSINESS PLAN	HOW ARE WE DOING? 
In addition to verbal legal advice, County Counsel issued 114 written opinions during this fiscal year, four of which were challenged. In all four civil litigation cases in which courts addressed legal positions taken by the County that were based on opinions and advice given by County Counsel prior to litigation (subject to pending appeals or proceedings in two of them), the County prevailed. In three of the four cases, the courts agreed with County's Counsel's positions in their entirety. In the fourth case, the court agreed with one portion of the Office's opinion but disagreed with another portion. However, the outcome of the case as a whole was viewed by the department involved as a success, based on the portion of County Counsel's opinion with which the court agreed (i.e. the department head had the discretion to take the action that was being challenged in the case).	Maintain 90% or better rate of success	County Counsel will maintain a 90% or better rate of success.	Maintain 90% or better rate of success.	County Counsel provides written legal advice is producing sound, well-analyzed and accurate legal opinions that withstand (and do not provoke) challenges in court.
PERFORMANCE MEASURE: Percentage of dependency cases upheld on appeal.				
WHAT: Measurement of the quality of services provided by County Counsel.				
WHY: Provides measure of quality and effectiveness of services provided.				
FY 2011-12 BUSINESS PLAN RESULTS	FY 2012-13 BUSINESS PLAN	FY 2012-13 ANTICIPATED RESULTS	FY 2013-14 BUSINESS PLAN	HOW ARE WE DOING? 
Over 94% of all appeals were won	The office's goal is to continue to maintain its already impressive record of success and once again to attain a 90% or better rate of success.	County Counsel will maintain its high rate of success on these appeals but it cannot yet be projected as to whether the rate of success will exceed the 90 % threshold.	Maintain 90% or better rate of success.	Unlike other areas of litigation, dependency appeals are not typically settled or resolved without a ruling by the Court of Appeal. In this area, the County Counsel's office is exceeding its own ambitious goal by 4%. A 94% success rate is an excellent result.

<b>PERFORMANCE MEASURE: Percentage of Mental Health cases on or resolved with approval of client.</b>				
<b>WHAT: Measurement of the quality of services provided by County Counsel.</b>				
<b>WHY: Provides measure of quality of services and effectiveness of provided by County Counsel.</b>				
<b>FY 2011-12 BUSINESS PLAN RESULTS</b>	<b>FY 2012-13 BUSINESS PLAN</b>	<b>FY 2012-13 ANTICIPATED RESULTS</b>	<b>FY 2013-14 BUSINESS PLAN</b>	<b>HOW ARE WE DOING?</b> 
Over 95% of cases were won or resolved to the client's satisfaction.	The office's goal is to continue to maintain its already impressive record of success and once again to attain a 90% or better rate of success.	County Counsel will maintain a 90% or better rate of success.	Maintain 90% or better rate of success.	In this area, the County Counsel's office is exceeding its own ambitious goal by 5 percent. A 95% rate of favorable results is very impressive.
<b>PERFORMANCE MEASURE: Percentage of General Litigation cases won or resolved with approval of client.</b>				
<b>WHAT: Measurement of the quality of services provided by County Counsel.</b>				
<b>WHY: Provides measure of quality and effectiveness of services provided.</b>				
<b>FY 2011-12 BUSINESS PLAN RESULTS</b>	<b>FY 2012-13 BUSINESS PLAN</b>	<b>FY 2012-13 ANTICIPATED RESULTS</b>	<b>FY 2013-14 BUSINESS PLAN</b>	<b>HOW ARE WE DOING?</b> 
Over 93% of all cases handled were won or resolved to the client's satisfaction	Maintain 90% or better rate of success.	County Counsel will maintain a 90% or better rate of success.	Maintain 90% or better rate of success.	The General Litigation Division continues its excellent performance, as shown by a success rate that exceeds 93 percent, above the office's goal.