

A N N U A L R E P O R T

LEGAL DIVISION

Fiscal Year 1970-71

INTRODUCTION

This annual report supplements the first annual report of the Legal Division for the year ending September 30, 1970, and covers the year October 1, 1970-1971. The highlights of the quarterly reports of that year are included herein.

The Legal Division of Central Services is now comprised of 17 full-time attorneys and 13 secretaries. In addition, the Corporation Secretary of the City, his secretary, and the secretary to the Duval County Legislative Delegation are part of the Legal Division.

The Legal Division operates much like a large law firm serving a \$200 million dollar corporation with problems and requirements in all fields of law practice. Lawyers are assigned to the various clients and when disputes or unusual matters arise, the General Counsel and other lawyers in the Legal Division are brought in. Disputes between agencies are resolved by formal Legal Division advisory opinion promulgated by the General Counsel with consultation and advice from the lawyers representing the particular clients involved and an opinion review committee composed of three members of the Legal Division. This system has eliminated much costly intra-governmental litigation. Twenty-one formal advisory opinions and several hundred informal letter opinions were issued during 1970-71.

In addition to the legal advisory opinion review committee, there is established within the Legal Division a law library committee and a lawyer recruiting committee.

Firm meetings are held at least once a month at which written reports of activities are given by each lawyer and current problems are discussed.

The General Counsel or his designee also serves as a member of the Consolidated Government professional services committee; contract awards committee; insurance committee; and claims settlement committee; and the utilities acquisition committee.

All governmental agencies of the Consolidated Government and its independent agencies are required to use the services of the Legal Division except the Port Authority and the Transportation Authority which are permitted to retain outside counsel. During the past year, these agencies have begun to use the Legal Division voluntarily for most of their work. The State Department of Transportation and the Duval County Legislative Delegation also use the Legal Division for legal services in Duval County.

The most important function of the central legal services concept is that of providing a nerve center and clearing house for the entire government apparatus. The General Counsel must zealously guard his reputation for objectivity and carefully avoid crossing the fine line between his role as legal advisor and decision making in political or policy matters.

Legal Division attorneys represent various clients who sometimes are involved in conflicting positions in particular matters. It must be remembered that the City lawyer is not a partner in a private law firm with economic gain as an objective. He is employed to advise his assigned clients as a lawyer for the entire City, not to advocate a particular political or policy position. His advice in the law should be the same to both parties, even if their positions are in conflict. Where conflicting legal opinions among lawyers arise they are resolved by advisory opinions from the General Counsel, not by costly litigation. The Advisory Opinion serves to clarify the issue and pin point any need for change in the law by the Council or the Legislature.

Litigation between governmental agencies has not occurred under Consolidated Government, and probably will not. In such event, however, if outside counsel should be required, the Charter requires he be recommended by the General Counsel and approved by the City Council.

An excellent discussion of the usefulness of central legal services and the reasons why the usual conflict of interest questions which arise in private practice are not applicable to full time public lawyers can be found in the Report on the Office of Attorney General, February 1971, Section 5, pp. 271-303, issued by the National Association of Attorneys General.

OBJECTIVES FOR FISCAL YEAR 1970-71 AND DISPOSITION

1. Restructure legal staff organization and salary - implemented effective April 1, 1971.
2. Select, appoint, and provide for transition of a new General Counsel - implemented effective December 1971.
3. Publish Charter revision - 1970 legislative changes