



# Budget Office

CITY OF PHILADELPHIA

April 25, 2023

The Honorable Darrell Clarke  
City Council President  
City Hall, Room 490  
Philadelphia, PA 19107

Dear Council President Clarke,

This letter is in response to questions raised by Councilmembers regarding the Proposed FY24 Operating and Capital Budget.

1. You note in your testimony that Law is exploring affirmative litigation strategies to combat climate change. Can you please provide more information about these strategies?

*Other than the PFAS suit, Law regularly monitors litigation concerning other environmental hazards for which we could bring claims under Pennsylvania and federal law. In addition, Law regularly monitors other best practices on the federal and state level to ensure that we advise our clients of developments in the law so that operational practices meet current needs. If there are particular environmental issues that Councilmember Gilmore-Richardson would like to discuss, please have her reach out to City Solicitor Diana Cortes directly.*

2. You note in your testimony that you are working to enforce against nuisance businesses, which have been plaguing our communities, but you are not asking for any additional increases in Class 100 funds to hire additional attorneys to work on this crucial issue.
  - a. Do you feel this unit is fully staffed?

*By adding 4 paralegals and 8 attorneys (1 Senior, 2 Deputies, and 5 Assistants) it would reduce the case load per attorney by approximately 100 per attorney. The ideal case load per attorney is a maximum 150 matters per attorney. This decreased case load number would help avoid attorney burnout and allow for more strategic litigation (which is more time consuming per case), such as bringing litigation against repeat offenders and individuals/businesses that reduce the quality of life of the City's residents.*

- b. If not, what additional resources are needed?

*Please see response to 2a.*

3. You note in your testimony that your class 100 increase is meant to address equity and parity in pay within your department.



# Budget Office

CITY OF PHILADELPHIA

- a. Can you please explain how this increase will help you achieve those goals?

*Law does have a pay plan that it follows to ensure that like employees are paid similarly based on skill and experience; however, the additional increases are needed across the board to ensure Law employees are paid comparably to counterparts in the public sector.*

*This Administration has made great strides to address historic equity and parity issues with Law Department pay, which has helped with our retention and recruitment efforts. Nevertheless, on occasion, it appears that Law Department salaries may not be competitive with our peers in the District Attorney's Office ("DAO"), Defender's Association of Philadelphia ("Defenders"), and Philadelphia School District ("School District"). We base this belief upon 1) exit interviews we routinely conduct with exiting employees who report that they are receiving significantly higher salaries from the DAO and School District than their current pay at Law; 2) when we make offers of employment, attorneys report they are making significantly more at the DAO, Defenders, and School District, than Law's current funding and pay scale would allow.*

*Thus, we greatly appreciate the increase in class 100 funding as it will help Law's pay scale become potentially closer to what our public sector counterparts and will allow us to retain the employees that we have invested so much in recruiting and training.*

- b. Will there be any additional needs to ensure pay parity?

*Continued and sustained investment in class 100 funding for cost-of-living increases, longevity, equity, and merit-based increases will help us ensure pay parity.*

4. Of the 130 minority identified full time staff in your department, how many are attorneys?

*Of the identified 130 minority full time staff, 51% or 66 are attorneys.*

5. How does Law recruit diverse attorneys? Do you work directly with any HBCUs?

*Law works with local affinity bar associations such as the Barristers' Association of Philadelphia, Inc., the Hispanic Bar Association of Pennsylvania, the Asian Pacific Bar Association, the South Asian Bar Association of Philadelphia, the National Bar Association Women Lawyer's Division, Philadelphia Chapter, and the Philadelphia LGBTQ Bar Association to disseminate job postings. Law's Director of Professional Development, Diversity, Equity, and Inclusion attends meetings and liaises with these organizations and local affinity law school organizations throughout the year. Where possible, Law also sends representatives to the programming of these organizations to spread the word about opportunities available at the Law Department. Additionally, our internship program has proven a fruitful recruiting tool, where four diverse interns have transitioned to full time employees since Spring 2022. We do not work directly with HBCUs at this time, but plan to expand our reach to them over the course of the*



# Budget Office

CITY OF PHILADELPHIA

next year. We are also grateful for the creation of a fall class of 15 attorneys, which will help us solidify our reach and contacts with all law schools, including HBCUs.

6. You note in your testimony that you want to work to strengthen national pipelines to sustain diverse law students. Can you please provide more information on this goal?

*Currently our reach of diverse law students is targeted in the local geographic area, but Law knows that diverse talent is all over the nation. We want to widen our footprint to capture the attention of diverse talent in municipalities across the United States. Law will start with concerted recruitment of diverse law students from HBCUs and alma maters of Law Department employees, but we recognize that the residency requirement and compensation may present challenges for students who are from (or went to schools in) different states or cities.*

7. You are one of the few departments we've seen so far that has almost full staff capacity. How have you worked to retain your staff, especially when we've seen other departments, including those with significant numbers of attorneys, struggle?

*Our ability to maintain an almost full staff contingent is a result of constant hiring to combat rolling attrition (we lose approximately three (3) employees per month or more). Our efforts to retain staff have centered on highlighting and improving the culture of the Department and our continued focus on pay parity. Law is addressing institutional issues identified in exit interviews and our employee committees (Diversity Equity and Inclusion Committee, Professional Development Committee, and Public Service Committee) to improve the work environment and add to employee satisfaction. For instance, we have increased transparency in our advancement process by debuting Attorney Career Ladders, overhauled our evaluation process to enhance the significance of professional development and the number of times that employees discuss their goals with their supervisor, and increased training opportunities. Significantly, we have also grown the frequency and scope of communications with employees from the Executive Team and amplified the accomplishments of employees in these communications wherever possible.*

8. The Child Welfare Unit is working to reunify families and ensure placement with relatives, but I've heard from constituents that this does not always happen even when there are family members actively seeking to have the child placed with them. Can you please provide Council with additional information about child welfare placement with relatives?

*As of April 6, 2023, there were 3,069 children in home-based placements (in other words, youth who are not in group homes or other forms of substitute care). Of those 3,069 children, 1,758 are placed with "kinship care," which are relatives or persons who are very close with family, such as a friend. DHS's commitment to placing children with individuals known to the child is*



## Budget Office

CITY OF PHILADELPHIA

*demonstrated by the fact that nearly 60% of children in home-based foster are, in fact, in kinship care. In some very limited cases, DHS, based on social work determinations, does not believe that it would be in a child's best interest to be placed with a relative and, therefore, kinship care is not pursued. In most cases, DHS, with the assistance of the Child Welfare Unit attorneys, actively promote and achieve kinship care placement.*

### 9. How many cases does each child welfare attorney carry?

*On average, there are 103 children on each child welfare attorney's caseload. This figure includes the attorneys that staff the six core Dependency Court Rooms in the Common Pleas Court of Philadelphia. In addition to these cases, child welfare attorneys are called on to advise DHS in a variety of matters.*

### 10. How do child welfare attorneys work with DHS, the Courts, and legal services agencies to ensure good outcomes for our families?

*Child welfare attorneys work very closely with DHS, the Courts, and other attorneys to ensure good outcomes for families. They prepare DHS and its agents for Court and give them counsel and direction between Court hearings. At Court itself, DHS is the moving party and it is the responsibility of the child welfare attorney to present evidence to the Judge regarding what is in the child and family's best interest. While there are certainly cases where the parties do not agree, in many cases, child welfare attorneys collaborate in a positive and productive manner with child advocates, legal services attorneys and other parent attorneys to promote the safety, well-being, and permanency for children and families that are involved in Dependency court.*

### 11. We've heard that many of our young people caught up in violence often have or have previously had experience in the dependency system. How does Law work with our juvenile justice partners to help us reduce youth violence?

*We don't necessarily see that a majority youth who are caught up in violence have involvement with the dependency system at the time of arrest. In fact, of the 1,179 youth who were held at the PJJSC in 2022, only 39% had previous involvement in the dependent system. We do continue to see that youth who are arrested and charged with delinquent acts are referred to the dependent system as a means of preventing further entrenchment in the delinquent system.*

*The Law Department recognizes the complex needs of youth who are involved in the dependent and delinquent systems. As a consequence, Law works with many partners in the juvenile system to ensure youth are adequately supported by working with our partners in the Philadelphia Family Court, child advocate, and legal services attorneys. Within the Child Welfare Unit, Law has a specialized team of attorneys who work with DHS on Juvenile Justice issues and directly handle "shared youth" cases. Part of the work of this team is providing representation to DHS in Crossover Court. This is a specialized courtroom in Family Court that hears cases involving youth on delinquent supervision who also have an open dependent petition. The goal of this courtroom is to provide services and support through the dependent system first, **when possible**,*



## Budget Office

CITY OF PHILADELPHIA

*minimizing the need for further delinquent system involvement. It is our goal to add additional attorneys to this team to enhance the essential functions it serves on behalf of DHS in both the dependent and delinquent system.*

*In addition to Crossover Court, there are a number of youth who have cases in separate delinquent and dependent courtrooms. Our specially trained attorneys serve as a liaison between DHS, the dependent court and the delinquent court parties on these cases to ensure consistent communication between the cross-system parties and effectuation of both delinquent and dependent court orders.*

*There are also cases where a delinquent court Judge will order DHS to investigate whether underlying dependent issues are present in a youth's home. Our attorneys advise DHS on compliance with these orders and appear with DHS investigators in delinquent court rooms to advise the court on the outcome of the investigation and how DHS can effectively provide services to the family; this can sometimes be accomplished without dependent court involvement.*

*Finally, you have heard prior testimony about the ongoing struggle regarding lack of prompt and available delinquent placements for youth in need of treatment, supervision and rehabilitation, especially those committed to PA-DHS for secure placement by the Court. Delay in these placements is detrimental to our youth and hampers anti-violence efforts of providing prompt and comprehensive treatment and rehabilitative services to youth engaged in violent criminal and delinquent activity. Law filed suit against PA-DHS to compel them to uphold their legal mandate of providing safe and appropriate placement for delinquent youth. This litigation is ongoing and remains a top priority of the Law Department.*