



Budget Office

CITY OF PHILADELPHIA

April 19th, 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.

Councilmember Gilmore-Richardson: Are there any lawyers on staff that specialize in environmental litigation?

From the Litigation Group, Chief Deputy City Solicitor Benjamin Field and Deputy City Solicitor Sean McGrath, have developed expertise in environmental litigation. In addition, under the leadership of Chief Deputy City Solicitor Ji Jun and Divisional Deputy City Solicitor Vijya Patel, the entire Regulatory Law Unit, in the Law, Corporate and Tax Group, within the Law Department regularly advises and counsels client departments on environmental issues, inclusive of environmental justice issues.

Councilmember Thomas: How much "manpower" was required as it relates to the driver equality bill? Hours, costs, etc.

We have paid just over \$10,000 to Keir Bradford-Grey at Montgomery McCracken Walker Rhoads LLP. Internally, while we do not track our hours like private law firm attorneys, we estimate that the team has spent over 100 hours defending the suit.

Councilmember Thomas: How much is being spent on the School District's asbestos lawsuit?

Through February 2023, we have paid the law firm Dilworth Paxson approximately \$17,000. Internally, while we do not track our hours like private law firm attorneys, we estimate that the team has spent over 100 hours defending the suit.

Councilmember Gilmore-Richardson Can you please provide more information regarding the PFAS lawsuit? Is this a suit the city is leading? Are there other plaintiffs? How is Law working with PWD or other environmental experts?

We filed the suit on behalf of the City of Philadelphia. Law is consulting with the Water Department, Fire Department, and Airport. Law is supported by outside counsel Sher Edling, who has deep internal knowledge of the science regarding the effects of PFAS as they have been litigating these claims for other clients for some years.

Council President Clarke: Indemnities fund - Can you share detailed analysis of cases tried vs. cases settled.



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Law undergoes a rigorous review of each case to determine the appropriate resolution, a review that continues as cases progress. Dispositions include not only settlement and trial, but those resolved through motion practice. To give you a snapshot of our dispositions during the First Quarter for FY2023, Law received over 1,200 new non-tax matters, closed 814 without payment (meaning these cases were dismissed and closed), and 164 with payment. In the last 3 months, we have tried 6 civil rights cases and arbitrated three other civil rights matters; arbitrated several dozen labor and employment cases; and arbitrated 63 and tried 3 tort cases. Please note that nationally only 2-5% of civil cases are resolved with trial, but as the Law Department, our count of cases heard by judicial officers or arbitrators is much higher.

Councilmember Gauthier: Code enforcement unit - what might a bigger staff complement look like and what is an ideal case load?

Adding 4 paralegals and 8 attorneys (1 Senior, 2 Deputies, and 5 Assistants) would reduce 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.

Councilmember Harrity: If Law is representing both the Administration and City Council on the safe injection site (who may have differing opinions on the matter) is that a conflict of interest?

Differences of opinion regarding matters of policy do not, in and of themselves, constitute a legal conflict of interest. If Council, as a body, is concerned that there is a legal position it believes the City should be taking that it is not taking, or if Council wants to pursue a legal position that is adverse to the position the City is taking, Council may request separate representation. Law will then determine if a legal conflict of interest exists. For a more detailed and privileged conversation, please have Councilmember Harrity reach out directly to City Solicitor, Diana Cortes.