

Memorandum



CITY OF DALLAS

DATE March 18, 2016

TO Members of the Budget, Finance & Audit Committee: Councilmembers Jennifer S. Gates (Chair), Philip T. Kingston (Vice Chair), Erik Wilson, Rickey D. Callahan, Scott Griggs, and Lee M. Kleinman

SUBJECT Guest Litigator Program Code Amendment

On Monday, March 21, 2016, you will be briefed on a proposed amendment to Section 2-20.1 of the Dallas City Code to add a Guest Litigator Program to the Guest Prosecutor Program. A copy of the briefing is attached.

Please let me know if you have any questions.

Chris Bowers

Christopher D. Bowers
First Assistant City Attorney

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Maureen Milligan, Executive Assistant City Attorney
Gloria Carter, Director, Court and Detention Services

Jill A. Jordan, P.E., Assistant City Manager
Joey Zapata, Assistant City Manager
Mark McDaniel, Assistant City Manager
Eric D. Campbell, Assistant City Manager
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager
Mai Brock, Chief Prosecutor
Eileen Youens, Assistant City Attorney
Jeanne Chipperfield, Chief Financial Officer

Guest Litigator Program Code Amendment

Budget, Finance & Audit Committee
March 21, 2016

Christopher D. Bowers
First Assistant City Attorney

and

Maureen Milligan
Executive Assistant City Attorney/Chief of Community Courts and Community Prosecution



Overview

The City Attorney's Office seeks to amend Section 2-20.1 of the Dallas City Code to add a Guest Assistant City Attorney Program to the Guest Prosecutor Program.

Municipal Prosecutor Program

The purposes of the Guest Prosecutor Program are to:

- ❖ to allow attorneys in private law firms to obtain valuable trial experience at the municipal court level on a temporary and voluntary basis, and
- ❖ to provide a public service that benefits the City and its citizens.

Municipal Prosecutor Program

The Guest Prosecutor Program has been a success since commencing in 2000.

Several law firms have partnered with the City's prosecution office, allowing their junior attorneys to try dozens of criminal cases before judges and juries.

Municipal Prosecutor Program

- Those volunteer attorneys gained priceless experience from trying their first cases and arguing in their first hearings.
- The City benefited from having an additional attorney work the docket because it reduced the time citizens spent in court.

Guest Assistant City Attorney Program

Due to the success of the Guest Prosecutor Program, the CAO wants to expand the program to allow guest litigators to present civil cases in district and municipal courts and appear before City boards and commissions.

Guest Assistant City Attorney Program

The proposed purposes of the Guest Assistant City Attorney Program are:

- to allow new attorneys in private law firms to obtain valuable civil and criminal trial and hearing experience at the municipal level on a temporary and voluntary basis,
- to allow skilled attorneys in private law firms to assist in handling cases in district court on a temporary and voluntary basis, and
- to provide a public service that benefits the City and its citizens.

Guest Assistant City Attorney Program

The program's name will change to Guest Assistant City Attorney Program to describe both the guest prosecutors and the guest litigators that will be serving.

Guest Assistant City Attorney Program

The amendment would allow the guest attorneys to appear and argue before the City's:

- Hearing Officer's Court
- Board of Adjustment
- Landmark Commission
- City Plan Commission
- Municipal Court's civil dockets, including:
 - Urban Rehabilitation (demolition) docket
 - Chapter 214 (dangerous structure) docket
 - Animal docket

The amendment would also allow the guest attorneys to work in district court on code compliance lawsuits.

Guest Assistant City Attorney Program

- Community prosecutors have used the new Chapter 214 docket to seek repairs of dangerous structures.
- The community prosecutors' heavy work loads have limited the use of this docket.
- Guest litigators could help community prosecutors file many more cases on this docket.

Guest Assistant City Attorney Program

The guest assistant city attorney will:

- be supervised by attorneys in the City Attorney's Office
- be deemed an assistant city attorney for purposes of state law and city ordinances only while working on City matters
- not be performing legal work for the City except as described above
- not be paid

Guest Assistant City Attorney Program

The guest assistant city attorney must:

- be approved by the city attorney
- pass a background check
- pass a conflict of interests check
- not owe the City any delinquent taxes, fees, charges, or penalties
- comply with the City's code of ethics

The attorney's firm cannot represent any person in a lawsuit, claim, or any other proceeding against the City while in the program.



QUESTIONS?