

I. EXECUTIVE SUMMARY

The Office of Inspector General for the City of New Orleans (OIG) conducted an evaluation of the funding of the City of New Orleans Law Department, which provides in-house legal counsel for the City. The goals of this project were to determine taxpayer costs associated with the Law Department's role in the New Orleans justice system, and to ascertain how the Mayor, the New Orleans City Council (City Council), and the Law Department allocated resources to achieve the Law Department's justice system-related performance goals. The primary objectives of the evaluation were to determine if:

1. The Law Department had mechanisms in place to quantify spending by function, specifically, spending related to the justice system;
2. Decision-makers (i.e., City Council, Mayor, City Attorney) had access to the information needed to determine if the Law Department was funded and staffed adequately; and
3. The Law Department provided information to the NOPD and the Risk Manager that could help those entities reduce liability risk.

Evaluators found several ways the Law Department could improve its practices to increase the likelihood of achieving justice system goals and improve its transparency and accountability to the public. For example, Law Department attorneys did not track their time by case, which obscured the public's ability to determine how the Law Department used public resources. Some of the performance measures used by the Law Department also did not meet best practices and were not relevant to the work of the department. In addition to findings related to transparency, evaluators found processes in place that could lead to poor quality outcomes.

Possibly the largest impediment to the Law Department's transparency was its lack of effective data management processes. The Law Department's ineffective litigation data management practices presented the City and the public with a missed opportunity. Departments such as the New Orleans Police Department (NOPD) did not have access to information that could be used to mitigate risk by making changes to policy, and both city managers and the public did not have access to important information about the frequency, nature, and financial impact of civil lawsuits filed against the City.

The evaluation includes the following findings:

- The Law Department did not track how its resources were used to fulfill its litigation functions;
- Some of the Law Department's performance measures did not meet industry standards because they did not provide the information needed to assess workload or output;
- The Law Department allowed prosecuting attorneys to engage in outside legal employment, introducing the possibility of conflicts of interest and low quality work;
- The Law Department did not provide the NOPD, Public Integrity Bureau (PIB), or the Risk Manager with all of the information needed to mitigate the risk of litigation; and
- The Law Department did not have easy access to basic, reliable information about its cases and performance in both the Municipal and Traffic Court and Litigation units.

Based on these findings, the OIG made the following recommendations to the City of New Orleans:

- The Law Department should require litigation attorneys to track time by case;
- The Law Department should revise its performance measures to provide more relevant information to decision-makers;
- The Law Department should prohibit outside legal employment for prosecuting attorneys;
- The Law Department should establish and improve formal mechanisms to share information about civil lawsuits with PIB and the Risk Manager; and
- The Law Department should improve its data management processes to improve efficiency in its operations and its ability to report on its workload and performance.

The Law Department's activities and responsibilities have a significant impact on the functions of the justice system in New Orleans. Improving the processes discussed in this report should serve the public interest by providing information to policymakers to facilitate the effective management of resources, lower the potential for conflicts of interest for city attorneys with private clients, and reduce the risk of litigation and police misconduct.