

**STATEMENT OF CORPORATION COUNSEL MARK FLESSNER
IN SUPPORT OF THE DEPARTMENT OF LAW'S
PROPOSED 2019 BUDGET
NOVEMBER 8, 2018**

Good morning Chairman Dowell, members of the Budget Committee and other members of the City Council. On behalf of the Chicago Department of Law (DOL), I want to thank you for the opportunity to testify in support of DOL's proposed 2020 budget.

Since I started as Corporation Counsel in May 2019, I have met individually with almost every attorney in Law, and I am honored to lead this incredible group of professionals who are exemplary public servants. Each day I am impressed by their expertise and commitment as they work to improve the lives of residents; support the Mayor, City Departments, and City Council; and defend our shared values in the courtroom.

I have also met with many aldermen and their staff to discuss your concerns, including the legal and budgetary challenges that the City faces. We continue to provide the City and taxpayers with the legal representation that it needs, and we are cognizant of the need to control and reduce costs. We are actively working to reduce our outside counsel costs, and at the same time we are working to introduce more diversity into our outside counsel hiring.

As part of our 2020 budget, we are reinforcing our commitment to work with you and other city departments to have a positive impact on the lives of Chicago's residents.

Our proposed budget includes a modest increase of \$1.2 million, or 3.5 percent. This increase reflects our desire to hire more attorneys in-house so that we can reduce our reliance on more-costly outside counsel.

I. Protecting Residents, Communities and Chicago's Values

The Law Department continues its efforts to resist what we see as unfair, unlawful, or unconstitutional actions by private and governmental entities, including the Trump Administration. Our Affirmative Litigation Division manages more than 100 active matters and has brought in more than \$11 million in fines and settlements since it was created in March of 2018. We have asked to add one lawyer to this division, which we expect will generate even more revenue for the City through ordinance-enforcement and reduction of reliance on outside counsel.

This work includes: (i) joining other cities in fighting against adding a citizenship question to the upcoming 2020 census; (ii) commenting on rules that would limit immigrants' abilities to accept public assistance; (iii) seeking to intervene in EPA actions that could adversely affect the quality of life for our residents; (iv) litigating a consumer-protection lawsuit against Equifax seeking restitution relating to its massive data breach; (v) pursuing similar data breach litigation against Uber; (vi) bringing groundbreaking litigation against manufacturers and marketers of

highly addictive opioid-based pain relievers, the distribution of which fueled a national health crisis; and (vii); and suing the top three distributors of opioids over their alleged role in over-prescribing and engendering abuse of pharmaceutical opioids.

II. Reforming the Police Department

The Law Department continues to work closely with the Mayor's Office and the Chicago Police Department (CPD) in connection with compliance with the Consent Decree. While the Police Department is adopting and implementing further improvements, the Law Department actively works to keep the independent monitor and the court informed of the progress.

III. Increasing Diversity in the Law Department

Increasing diversity within the DOL and retaining legal firms that are diverse are key goals for me and the leadership of the DOL. We frequently speak and reach out to diverse constituencies, such as diverse bar and student associations; Historically Black Colleges and Universities; and the Diverse Attorney Pipeline Program, to recruit attorneys. Under the Pipeline program, diverse students spend one summer working for the Law Department and the following summer working for law firms that do a significant amount of legal work for the City, and the law firms pay the students a stipend for both summers. We want to expand these efforts and relationships going forward.

IV. Pursuing Revenue and Protecting City Finances

The Law Department continues its effort to be vigilant in ensuring that the City of Chicago collects the revenues it is owed. Through October, we have collected over \$7 million in various City taxes and fees; this represents collections of about \$1 million per attorney staffing these cases. These amounts do not include the substantial additional revenues we help secure through advising and drafting ordinances, rulings, and information bulletins.

Overall, Law has collected \$142 million in fines, assessments, and other debts owed to the City, and we expect that number to exceed more than \$175 million this year. This is after our Collections Division collected almost \$180 million owed to the City during 2018.

Our work protecting taxpayers is not limited to simply pursuing money that is owed to the City. Our Finance Division works with both the Budget Office and the Department of Finance to play a key role to help improve the City's financial outlook. This includes providing legal counsel and helping close \$1.3 billion in bond transactions so far this year, over half of which will help fund the City's capital improvement program for libraries and other public infrastructure.

V. Enforcing Quality of Life Ordinances

Law also continues aggressively to enforce quality of life ordinances and to take other steps to make our communities safer and otherwise improve the lives of Chicago residents. For example, Law uses the prosecutorial tools at its disposal to shut down nuisance businesses and eliminate drug and crime hot spots.

CONCLUSION

The Law Department brings far more revenue into the City than it costs to run the department. Between the revenues we collect, the results of our affirmative litigation division, and the financing facilitated by our bond lawyers, we assist in bringing hundreds of millions of dollars into the City's coffers.

The Department of Law also performs many important functions beyond the few that I have discussed today. For example, we handle all of the City's commercial, aviation, environmental, regulatory, public utility, and telecommunications issues and lawsuits; we defend the City and its agents in hundreds of cases of alleged civil rights and constitutional violations; we litigate several hundred more cases involving claims of personal injury and property damage and handle labor administrative and litigation matters; we assist in negotiations with the City's dozens of labor unions; we provide legal assistance for drafting legislation at the request of our constituencies; and we provide legal assistance to client departments in connection with all manner of real estate transactions.

We are very busy. Put simply, we represent the country's third largest city, affirmatively and defensively, in virtually all civil matters

It is a great honor leading the Department of Law. I look forward to working with all of you on behalf of the residents of the City of Chicago in 2020.

Once again, thank you Chairman Dowell. I look forward to answering your questions.