Legal Department



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How many lawyers does it take to change a lightbulb?

Three: One to climb, one to shake it, and one to sue the ladder company.

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What's the difference between a lawyer and a herd of buffalo?

The lawyer charges more.

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My father was a lawyer for 25 years before he went to culinary school.

Now, he's a sue chef.

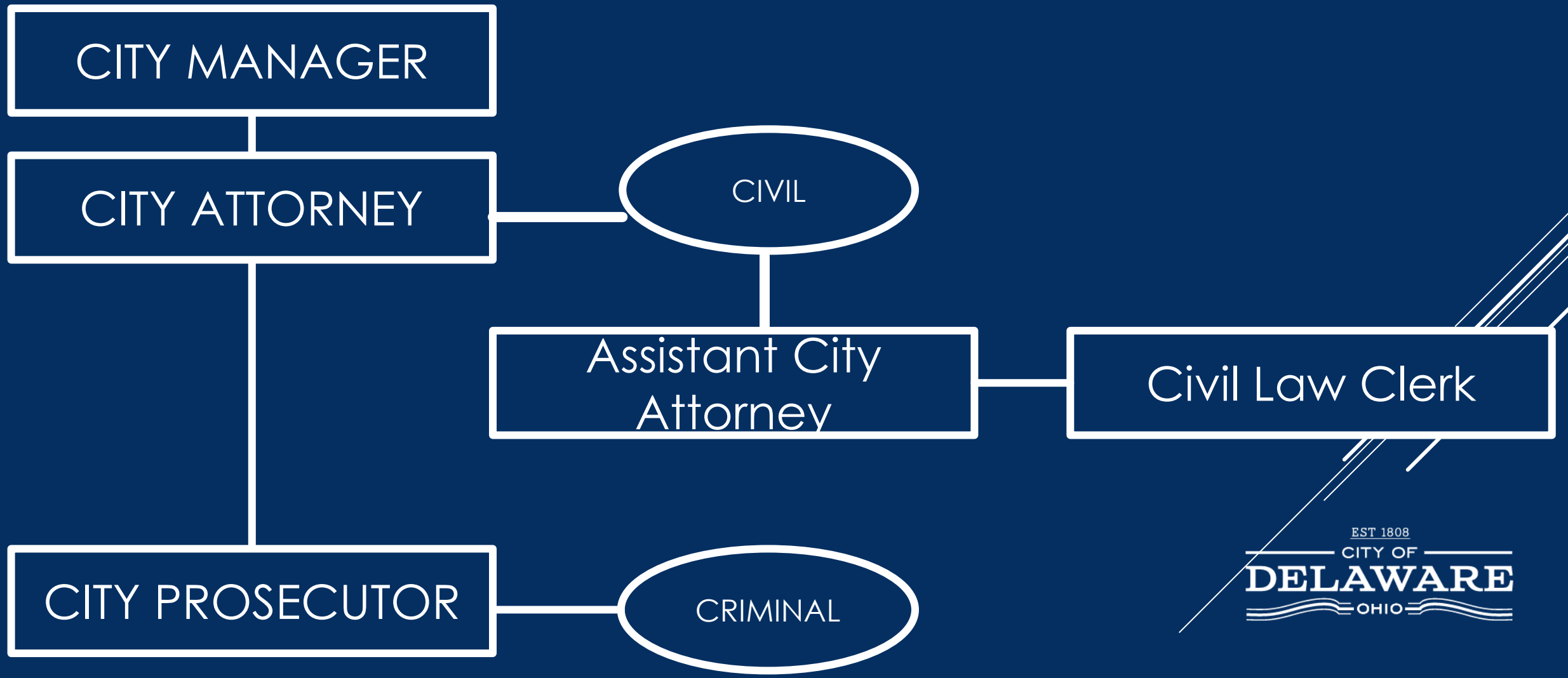
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THE LEGAL DEPARTMENT TEAM

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Organization – The Civil Side



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CITY ATTORNEY'S OFFICE



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From the City Charter…..

The City Manager shall appoint a City Attorney who shall be the chief law officer of the City. They are the legal advisor of and attorney and counsel for the City and for all officers and departments thereof in all matters relating to their official duties and powers.

City Departments and Employees serve as clients of the City Attorney.

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CITY ATTORNEY & CITY COUNCIL

- Advise on legal matters
- Opinions (formal and informal)
- Referendums
- Charter Review
- Meeting "Parliamentarian"



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FIRST RESPONDERS

Among other contracts and negotiations around the city, the City Attorney's Office works with Police and Fire unions to ensure the city's first responders are taken care of.

PUBLIC RECORDS

Public records are the departments point of contact to Delaware citizens.

Work closely with Fire, Police, and other city departments to gather records





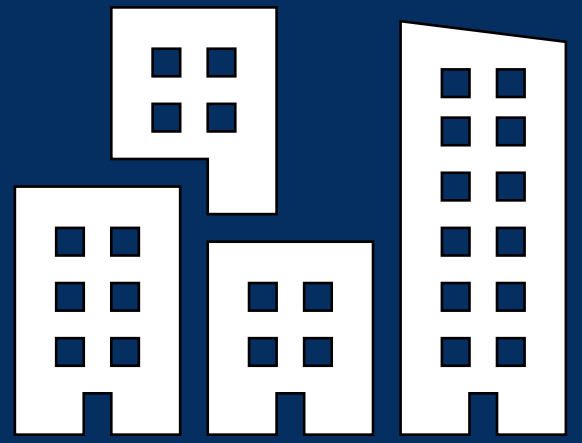


CITY ATTORNEY & CITY DEPARTMENTS

- Approximately 600 Requests for Legal Services every year
  - Contracts
  - Opinions
  - Policy
- Advise departments on ethics and policy
- Facilitate Records Retention

CITY ATTORNEY & CITY DEPARTMENTS – CONT'D

- Economic Development & Finance
  - Tax
  - TIFs & RFPs
- Planning & Engineering
  - Developments
  - Zoning & Code
- HR & IT
  - Personnel Management
  - City Software and Technical Programs



CITY DEVELOPMENT AND EXPANSION

- City Attorney's Office works with all departments on City-wide projects.
  - Construction Bids
  - Road Maintenance
  - New Fire Station 305
  - Housing Development
  - Permits



LITIGATION





- Defending civil claims filed in state and/or federal court
- Managing outside legal counsel
- Insurance considerations

CITY PROSECUTOR'S OFFICE



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Criminal Side



WHAT WE DO:

- Prosecute all misdemeanor offenses that occur in Delaware County
- Traffic and Criminal
- Diversion Program
- Victim Advocacy
- Specialty Court Dockets

WHAT WE DON'T DO:

- Prosecute any felony cases.
- Provide legal advice to the public.

OUR MISSION STATEMENT:

"[A prosecuting a]ttorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all, and whose interest, therefore, in a criminal prosecution *is not that it shall win a case, but that justice shall be done*. As such, [s]he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape or innocence suffer. [S]he may prosecute with earnestness and vigor -- indeed, [s]he should do so. But, while [s]he may strike hard blows, [s]he is not at liberty to strike foul ones. It is as much his[/her] duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." *Berger v. United States* (1935), 295 U.S. 78, 88. (Emphasis added.)

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CASE EVALUATION

- Charges
- Elements of the offense(s)
- Evidence (statements, witnesses, documents, photos, recordings)
- Egregiousness of the offense
- Victim's position
- Arresting officer's position
- Likelihood of success at trial

CASE PROCESS

- Arraignment
- Telephonic pretrial with defense attorney
- Pretrial motions (competency, suppression)
- Final pretrial/plea
- Trial
- Sentencing

2019

3,100 cases prosecuted

25 Jury Trials

2020

2,000 cases prosecuted

17 Jury Trials

2021

2,150 cases prosecuted

10 Jury Trials

2022

1,483 cases prosecuted

13 Jury Trials

2023

1,891 cases prosecuted

7 Jury Trials

2024

1,833 cases prosecuted

12 Jury Trials

DIVERSION PROGRAM

- **Eligible Offenses:**
  Theft
  Underage Possession/Consumption of Alcohol
  Possession of Marijuana/Marijuana paraphernalia
  Delaware City Income tax violations

- **Eligibility:**
  No previous criminal convictions as an adult
  No prior participation in a Diversion program
  No prior alcohol related traffic convictions
  No pending criminal or alcohol related traffic offenses

- **Outcome:**

  Case is dismissed if successfully completed

DIVERSION PROGRAM

Requirements:

- Must enter a guilty plea to the offense(s).
- Pay a Diversion fee and associated court costs.
- Complete 20 hours of community service at a non-profitable, charitable, or government organization.
- Complete an education program as directed by the Prosecutor's Office.
- Cannot be charged with any criminal or alcohol related traffic offense during your participation in the program.
- Subject to random drug and alcohol testing while participating in the program.

DIVERSION PROGRAM SUCCESS



Traffic Stops – An Overview



A police officer pulled me over and said, “Papers?”

I said, “Scissors, I win,” and drove off.

He must have wanted a rematch because he has been chasing me for 45 minutes.

Officer: “How high are you?”

Driver: “No, officer, it’s ‘Hi, how are you?’”

An officer observes a woman standing in the middle of the street.

He approaches her and asks, “Are you OK?”

The woman replies, “Yes, but how do I get to the hospital?”

The officer says, “Just keep standing there.”

QUESTIONS