PERFORMANCE METRICS

IMLA Chief Legal Officers Forum

April 17, 2016

Things for Show, Things for Dough, Things to Know

- Identifying Metrics that are important to the public
- Identifying Metrics that are important to management and budgeting
- Identifying Metrics that help chief legal officers manage
- Recognizing what's public information
- Blurred purposes

Why Metrics?

- *Why can't I just get a yes or no answer?*
- *Why is the lawyer always telling me about how to do my business, I just want legal advice, not comments about why what I'm planning costs too much or could be done differently?*
- *It is difficult to get the lawyer to return my calls and emails.*
- *It always seems that my work is put at the bottom of the pile, because it takes forever to get the law office to finish my work and I can never get them to set a deadline and if they do to stick to it.*

- *I'm always hearing why something can't be done, but I rarely hear the lawyers tell me how I can make it work.*
- *The law office never seems to offer training on legal issues or explain what it has learned from handling contracts or litigation.*
- *We'd like to know how the law office handles workflow issues.*
- *I don't feel that the law office really cares how I feel about its service to my department.*

- *I see other counties and cities that are doing what I've asked to do but have been told by legal that I can't do it.*
- *When I ask department staff why a project is not complete, I'm always told that it is hung up in legal.*
- *The law office makes me draft (contracts/ordinances) and when it reviews my draft always sends it back marked up and then when I make the changes, the law office sends it back again for more changes. Why can't they just finish the document?*

Importance of Metrics

- No Metric without a purpose
- Performing Client survey – Measuring results
  - What does client think about legal services received
    - Timeliness
    - Clarity of advice
    - Separation Anxiety – Business vs. Legal advice
    - Memoranda effectiveness
  - What are client expectations
    - How well are they being met
  - Push Poll – helping frame client expectations
    - Hiring additional person to save x percent of cost of outside counsel
    - Increasing monthly retainer to reduce by x percent time in contract review

Client Expectations

- Allow client to value the function being rated
  - Accessibility
  - Timeliness
  - Communications
  - Clarity of Advice
  - Practical Solutions
  - Client training
  - Cost
  - Receptive to feedback
- Regular Formal Survey
- Regular Discussion with Top Management

Monthly Report

- Tout successes
- Let management know what you've been working on and what you have to do
- Describe and discuss new law – court decisions, legislation, pending cases or legislation that may affect operations
- Summary of preventive work taken – trainings given, bulletins issued
- Summarize significant matters or litigation handled, opened or closed

Things for Show

- Ratio of legal services budget to City total budget
- Cost of legal services per capita
- Number of lawyers per total workforce (FTE's)
- Loaded cost per hour vs outside counsel cost per hour
- Liability Claims per 10K population
- The numbers game:
  - Contracts reviewed
  - Ordinances written
  - Meetings attended
- Cases won, lost or settled

Other Objective Measures - Amount of work

- Number of citizen calls received
- Number of FOIA requests handled
- Number of contracts drafted/reviewed
- Number of other legal instruments drafted/ reviewed
- Number of ordinances drafted
- Number of meetings attended (Commission, Board, staff, etc.)
- Number of public hearings attended
- Number of written legal opinions issued

The Numbers Game continued

- Numbers of cases opened, and closed annually by case type and representation (insurance, in-house, outside counsel)
- Number of Litigation cases by client departments
  - Helpful in risk management and supervision -
- Number of new matters opened each year by issue type
  - If a spike in type of case – why?
- Number of new assignments by client department
  - How does litigation and request for service align?

Timely service

- Time to respond to citizen phone call
- Time to respond to request for opinion
- Time to review/draft contract
- Time to draft ordinance
- Time to review/draft other legal instrument
- Time spent at meetings attended (Commission, Board, staff, etc.)
- Time spent to research and draft legal opinion

Economics

- Percentage cost of collection for collection matters
- Cost per case, savings accrued by win or handling in-house
- Savings obtained by contract review
- Percentage of claims resolved without payment
- Result as related to last demand and last offer
- Result based on original ad damnum
- Savings through claims being resolved pre-suit

2009 Law office - City Attorney Performance Snapshot 3-08-10.pdf - Adobe Acrobat Pro
File Edit View Window Help
Create
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Tools Comment Share

training to city employees.

2. Key Performance Measures

White: No goal; Green: Fully met the goal; Yellow: Missed the goal, but are close OR provided limited service; Red: Clearly missed the goal OR a very bad trend; FPY = From Previous Year; up= trend better; down= trend worse; ≤ is "less than or equal"; ≥ means "greater or equal"

Outcomes and Performance Measures	Goal	2007	2008	2009	Trend	Comment or Analysis
Civil legal support to the City is timely						
Internal clients reporting document preparation was timely	≥ 85%*	76%	76%	89%	up	Significant increase in client satisfaction with timely document production
Internal clients reporting legal advice was timely	≥ 85%*	73%	76%	82%	up	Similar increase in client satisfaction with timeliness of legal advice
Internal client satisfaction with Civil Support Staff	≥ 85%*	91%	95%	85%		Overall support down but still within range; timeliness not the issue
Civil legal support to the City is effective						
Internal clients reporting document preparation achieved client objectives	≥ 85%	87%	88%	94%	up	Significant improvement
Internal clients reporting legal advice was clear and relevant	≥ 85%	94%	88%	90%	up	Stable
Internal clients reporting litigation and administrative hearings were effective	≥ 85%	New measure in 2008	96%	96%	up	Stable
Civil legal support to the City is a good value						
Legal Services cost per hour compared to outside counsel	Less than outside counsel	$117 vs. $275	$122 vs. $275	$122 vs. $ 275		No change from 2008 survey.

Links
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City of Vancouver, Washington Performance Reports

Legal Services cost per hour as a percent of outside counsel average cost	< 50%	42%	44%	44%		Budget reductions have kept costs of providing legal services neutral
Criminal prosecution is timely and effective						
Decisions to charge individuals with crimes are made in a timely manner	charges in < 30 days	27	28	32		Slight reduction in timeliness due to workload and reduced staffing in this area
Non- Domestic violence cases appropriately resolved by conviction, diversion, deferred prosecution, or civil compromise	≥ 90%	96%	96%	95%		Stable
Domestic violence cases appropriately resolved by conviction, diversion or deferred prosecution	>80%	82%	84%	81%		Slight drop from 2008 but stable over the past three years
Criminal Prosecution partners are satisfied						
Judges' overall satisfaction with criminal prosecutors	>85%*	100%	100%	100%		Judicial satisfaction with city prosecution remains consistently high
County Clerk's satisfaction with criminal prosecution team	>85%	97%	88%	97%		Significant improvement over 2008
Police Department's overall satisfaction with prosecution team	>85%*	89%	87%	87%		VPD satisfaction with prosecution team remains consistently high for the third year
Budgeted management to staff ratio on December 31st	≥ 1:7			1:10		

**Note: All Civil-Legal goals upgraded from 80% to 85% satisfaction for 2009 since the lower goal has been achieved*

3. Sample costs	2007	2008	2009

Caseloads

- Litigation
  - Tort –
  - Civil Rights –
- Transactional -
- Criminal
  - Misdemeanors
- Code Enforcement