



# 2020: Year in Review



City of Philadelphia  
**Law Department**





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# About Us



The Executive Team of the Law Department is comprised of:

City Solicitor  
**Diana P. Cortes**

First Deputy City Solicitor  
**Craig Straw**

Chair, Corporate & Tax  
**Valerie M. Robinson**

Chair, Litigation  
**Renee Garcia**

Chair, Social Services  
**Nicolette Burgess-Bolden**

Administrative Services Director  
**David Torres**

Director of Professional Development,  
Diversity and Inclusion  
**Nicole Seawright**

Chief of Staff to the Solicitor  
**Andrew Richman**



# Mission Statement

The City of Philadelphia Law Department acts as general counsel for the entire City government structure. We provide legal advice to all City officials, employees, departments, agencies, boards, and commissions concerning any matter related to the exercise of their official powers.

## Our responsibilities include:

- Representing the City and its officials and employees in all litigation, including tort, commercial, employment, civil rights, affirmative, and code enforcement matters;
- Negotiating, drafting, and approving City contracts for commercial, real estate, and finance transactions;
- Collecting unpaid taxes, fines, and other debts owed to the City;
- Advising the City on compliance with regulatory law, including environmental, transportation, and public utility matters;
- Representing the City in social services matters, including child welfare and health matters; and
- Analyzing and drafting legislation for introduction in City Council.

We employ over 300 public servants—including approximately 225 attorneys and 100 professional staff. The Law Department is led by the City Solicitor, who is appointed by the Mayor with the advice and consent of City Council.

Our mission is to serve the residents of Philadelphia by providing legal counsel of the highest quality to all City of Philadelphia officials, employees, departments, agencies, boards, and commissions. Our office proudly celebrates the rich diversity of our staff, the City's workforce, and the residents whom we serve.





# Message from City Solicitor Diana P. Cortes

This edition of the Law Department's Year in Review presents an opportunity to reflect on the challenges, successes, and goals arising from 2020. The year 2020 has presented us, our City, and country with unimaginable and unprecedented challenges. The pandemic and its exposure of the depths of systemic racial inequity have and continue to traumatize our City, country, and world. What our City, will do in response will continue to impact every facet of our lives for the foreseeable future.

Amidst the trauma, loss, reconciliation, and significant adjustment to the virtual world, the Law Department continued to exhibit its collective legal prowess, but also its resilience, compassion, and outstanding work ethic.

## This year we:

Continued to **prioritize diversity, equity, and inclusion** and became a model for municipal law departments across the country.

**Raised the professional profile** of the Law Department within local government, in our City, and nationally.

Confronted the **unprecedented challenges of 2020** together.

We also **changed and continued to improve** the way we do business by:

- Adopting an after-action review policy for litigation units; it formalized a risk-mitigation process after paying large verdicts and settlements. The policy enables us to proactively advise our clients, such as the Police Department, on improving policy, practice, and training.
- Utilizing mock jury concepts and engaged staff, not just attorneys, to assess case values and strategies.
- Placing a greater emphasis on the use of data to drive outcomes in social services.
- Institutionalizing training for our managers and leaders, including sessions on team-building and coaching, and addressing implicit biases. We increased our financial investment in professional development by sending more attorneys to conferences and paying for external CLEs.

Finally, we remain grateful to our clients — the many City officials, departments, boards, and agencies—for their tremendous support and confidence in our lawyers and staff. The Law Department and its partnership with our City clients are why our City has and will grow and develop from the challenges presented by 2020.





# Quick Facts

**The majority of our department leaders—practice group chairs and unit chiefs—are women; the majority of our executive team is diverse.**

**The Law Department has 15 units.**

## LITIGATION GROUP

**Affirmative & Special  
Litigation**  
**Appeals**  
**Civil Rights**

**Code & Public Nuisance  
Litigation**  
**Labor & Employment**  
**Tort Litigation**

## CORPORATE GROUP

**Commercial Law**  
**Property Assessment**  
**Real Estate &  
Development**

**Regulatory Law**  
**Tax & Revenue**

## SOCIAL SERVICES GROUP

**Child Welfare**  
**Health & Adult Services**

**HIPAA & Privacy Law**

## LEGISLATION & LEGAL COUNSEL UNIT

**Right to Know Division**

**The Law Department has three department-wide committees:**

- **Diversity, Equity, and Inclusion Committee**
- **Professional Development Committee**
- **Public Service Committee**



**Law Department attorneys are active leaders in the Philadelphia legal community as exemplified by the dedication of the following attorneys:**

**Julie Assis**

**International Association of Privacy Professionals**  
Advisory Board Member

**Claudia M. Becker**

**Philadelphia Bar Association**  
Executive Committee Member of Real Property Section

**Laura Bonnington**

**Villanova University Paralegal Professional Certificate Program**  
Advisory Board Member

**Ken Butensky**

**Philadelphia Association of Defense Counsel**  
Executive Committee

**Meghan Claiborne**

**Philadelphia Bar Association**  
Board of Governors

**Adam Coleman**

**Philadelphia Bar Association**  
Communications Officer of the Executive Committee of the Business Law Section

**Deborah Cunningham**

**Philadelphia Association of Paralegals**  
President

**R. Ian Evans**

**Philadelphia Bar Association**  
Co-Chair of LGBTQ Right Committee

**Renee Garcia**

**Hispanic Bar Association of Pennsylvania**  
Director

**Kia Ghee**

**Foundation of the National Bar Association – Women Lawyers Division**  
President

**Bradford Ham**

**Philadelphia Bar Association**  
Co-Chair of Government & Public Service Lawyers Committee

**Eugene Hsue**

**Philadelphia Bar Association**  
Co-Chair of Government and Public Service Lawyers Committee

**Ji Jun**

**Delaware Valley Environmental Inn of Court**  
Membership Committee

**Joanna Klein**

**Philadelphia Bar Association - Young Lawyers Division**  
Executive Committee

**Linda Medley**

**Foundation of the National Bar Association – Women Lawyers Division**  
Board Member

**Ndidiamaka Onejeme**

**Barristers' Association of Philadelphia**  
Scholarship Committee

**Patrick O'Neill**

**Delaware Valley Environmental Inn of Court**  
Membership Committee

**Julia Park**

**Asian Pacific American Bar Association of Pennsylvania**  
Board of Directors

**Laurice Smith**

**Philadelphia Bar Association**  
Tax Section Council

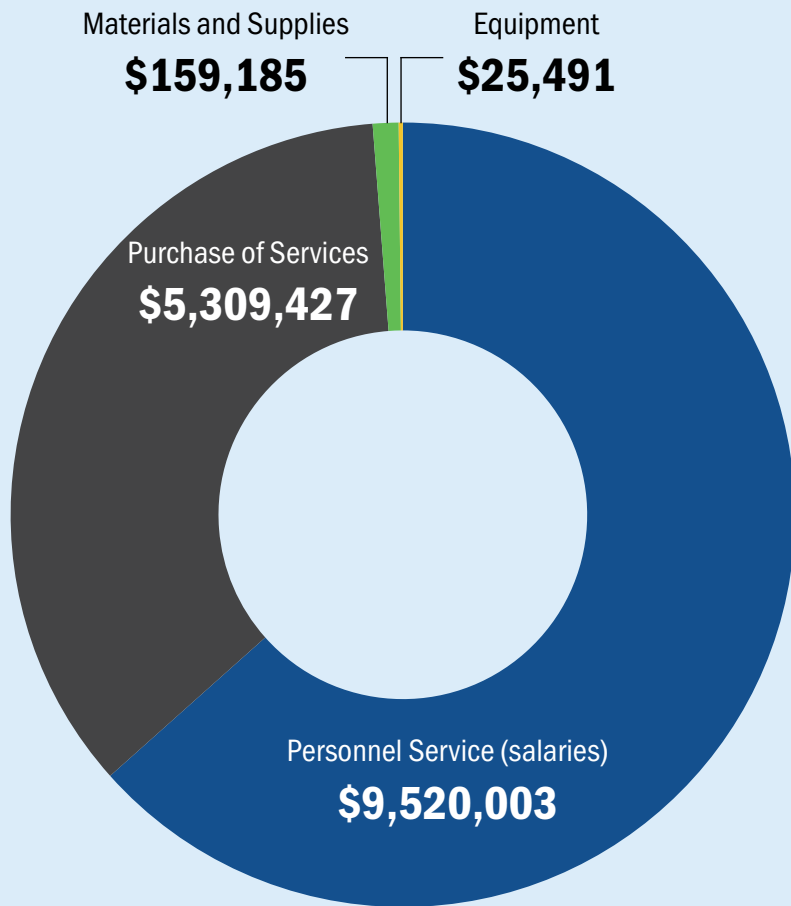
**Raina Yancey**

**Barristers' Association of Philadelphia**  
Scholarship Committee

# By The Numbers

Total Operating Budget FY2021

**\$15,014,106**



**\$45.4 million**

in Delinquent real estate taxes collected by the Tax & Revenue Unit;

**\$46.3 million**

in other delinquent taxes collected, and

**\$10.1 million**

in delinquent water debt collected in FY 2020.



**\$638K**

Fines, fees, and court costs collected by the Code & Public Nuisance Litigation Unit. In addition, the Code & Public Nuisance Litigation Unit obtained

**\$1.95 million**

in judgments for outstanding fines, fees, and court costs.





**805**

Code Enforcement Cases Litigated  
in FY 2020



**\$52.9 million**

Amount the City expended on  
claims, settlements, and judgments  
in FY 2020

**229**

Number of attorneys in the Law  
Department



**325**

Total number of employees in the  
Law Department

**4,500**

City employees who attended  
training presented by our HIPAA &  
Privacy Unit.



**41%**

Law Department employees who  
identify as racially diverse

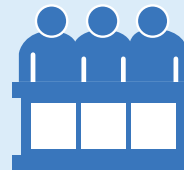


**1,470**

Total number of Right To Know  
Requests resolved

**153**

Total number of Right To Know  
Appeals resolved



**8,826**

Cases handled by Health and Adult  
Services attorneys



**3,875**

CLE Hours awarded through  
in-house training programs



**2.4 million**

Square Feet of Space involved in  
transactions closed by Real Estate  
& Development Unit attorneys,  
valued at

**nearly \$43 million.**



**\$1.36 Billion**

Value of bond transactions  
completed in FY2020



# Impact Work

In 2020, the work of the Law Department was uniquely placed in the spotlight, as we worked on the front lines to defend the City and protect the health, safety and welfare of our residents. We are not strangers to this type of scrutiny. In 2020, however, the pressures felt different and more intense, not only due to the high stakes nature of the work, but also because we were at the same time adjusting to new realities and routines.

Beginning with the start of the pandemic, continuing through the unrest during the summer and culminating with the November 2020 election season, we worked rapidly to collaborate with one another and meet each challenge we faced. Below are three examples of how the unique challenges of 2020 defined the work of the Department.

## Pandemic Response

From the start of the COVID-19 pandemic, attorneys and staff from across the Law Department worked overtime to protect our residents and ensure that the City received full support for every initiative related to the pandemic. We did all of this all while caring for young children and family members, and transitioning to a remote working environment. As the conditions of the worst public health crisis we have seen in over a century changed almost daily, we kept the municipal government functioning at the highest levels.

### A sample of this work included:

- Drafting and reviewed all of the COVID-19 emergency closure orders and other emergency regulations;
- Advising on the distribution of the vaccine including drafting and revising RFPs, agreements, and response letters; and researching regulatory and procedural issues

- Answering Right to Know and Media requests related to vaccine distribution efforts;
- Researching policies for residents requiring isolation as a result of COVID-19;
- Drafting policies for using personal devices while working remotely;





- Developing a remote work readiness initiative for the Law Department;
- Serving as members on the City's COVID-19 recovery steering committee;
- Drafting agreements for the opening of the surge hospital at the Liacouras Center;
- Advising the Water, Sewer and Storm Water Rate Board on dealing with the COVID-19 shut down;
- Working with the Commerce Department and the Mayor's Office on the rollout of the Small Business Relief Fund Grant program;
- Drafting agreements for the fixed location COVID-19 testing sites around the city;
- Reviewing labor and confidentiality policies for employees with COVID-19;
- Participating in emergency operation and planning with the Philadelphia Water Department;
- Assisting in the City's planning of temporary morgue sites;
- Drafting changes to tax laws, extending tax deadlines, and working with the Administration on federal and state COVID-19 tax legislation;
- Drafting quarantine and isolation site lease agreements and leases for COVID-19 related storage space;
- Drafting and filing emergency Philadelphia Water Department regulations;
- Drafting emergency regulations governing standard competitive bidding during the COVID-19 event for the Gas Commission;
- Working with Planning and Development on emergency regulations to extend time for review of permit application materials during the COVID-19 city closure;
- Filing Amicus Briefs supporting Governor's Exec Covid-19 Closure Order when the Governor faced two King Bench petitions from various businesses and business owners moving to strike down the Governor's order deeming businesses non-life-sustaining and life-sustaining;
- Advising on Sunshine Act questions related to virtual meetings and settings;
- Defending against a lawsuit filed against Philadelphia's prisons regarding Covid-19 compliance;
- Advising on how to enforce against businesses who were not in compliance with the City's closure orders;
- Advising various administrative hearing boards on the effect of the emergency, drafting regulations to stay hearings and filing deadlines, and setting up processes for emergency hearings to be conducted;
- Advising the Airport on how to respond to homelessness on the property during the pandemic;
- Advising on privacy matters concerning COVID-19 exposures in the workplace;
- Drafting Civil Service Regulations, which provided temporary additional compensation for essential employees working during the initial period of the City's shut-down;
- Drafting and/or reviewing all of the City's COVID-19 workplace policy updates;
- Drafting FAQs and answered questions from departments regarding the appropriate use of COVID Excused Time;
- Drafting Administrative Board Rule 11.1, which provided for incentive compensation for exempt employees during city closure;

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- Advising administration on new FMLA and emergency sick leave entitlements in FFCRA; and
- Advising on the City's potential liabilities and indemnities regarding electronic medical records, and on the lease of the Marriott Courtyard for the Covid-19 pandemic.

## 2020 Election or Saving Democracy

A large team of Law Department lawyers and staff assisted the City through the most significant and logistically complex election in decades—advising clients through the day and night while working onsite or at polling locations. On election day, a team of 10 attorneys staffed Election Court, held in person at the Criminal Justice Center, and worked to rapidly and successfully beat back multiple challenges in court including a late night case that eventually worked its way up to the Pennsylvania Supreme Court. The work continued for weeks and months after election day to ensure that the vote was certified and that all legal challenges were met in both state and federal courts.

Because of the complex nature of the multiple challenges the City was facing, we partnered with litigation teams from Hangley, Aronchick, Segal, Pudlin, and Schiller; DLA Piper; and Berger Montague during the election cycle. Their contributions to the success of the 2020 election cannot be understated. We again want to thank all of their attorneys and staff who contributed to the best election legal team the City has ever had a privilege to work with.

And one of the proudest visuals from that week was seeing volunteers from the Department assist in the City's unprecedented election efforts during the pandemic. This included individuals going to polling

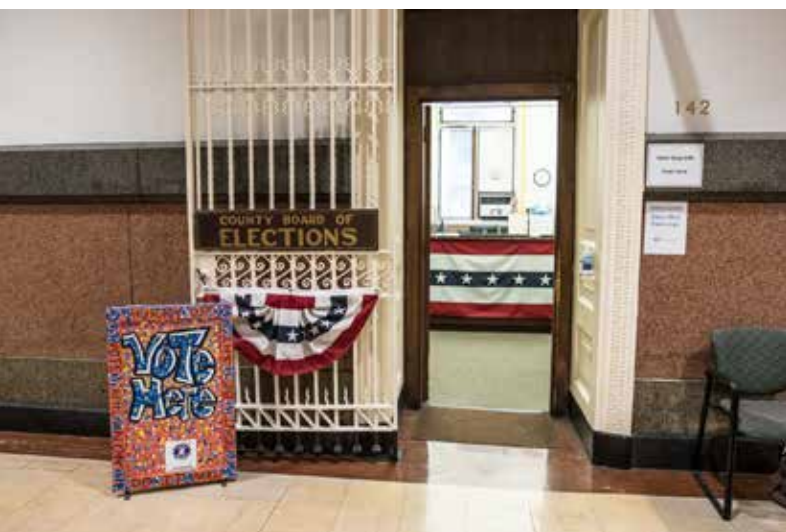
locations throughout the City to ensure the traditional in person voting operated smoothly, as well as working shifts from early in the morning throughout the night at the Pennsylvania Convention Center to assist with the mail-in ballot counting operations. These invaluable contributions helped provide the City with the around-the-clock coverage necessary to ensure that all votes were counted.

## June 2020 Civil Unrest


Following the civil unrest in response to the murder of George Floyd in Minneapolis, MN, and the national and local movements calling for an end to systemic, racial oppression, we endeavored to ensure that our employees had the space to express their views while also feeling safe, seen, and heard. We hosted a series of racial and social justice townhalls, and a virtual workshop on Racial Trauma, Systemic Injustice, and Mental Health in Communities of Color. Our vulnerability and willingness to have difficult conversations has changed the office for the better, creating a more inclusive environment. We understand that our unique experiences have a significant impact upon the work that we do in service of the diverse communities of Philadelphia, and want to ensure that we take the time to better understand the multitude of perspectives that inform any particular action.

We also recognize the need to continue grappling with these difficult issues as attorneys from various units work diligently alongside Administration and the Philadelphia Police Department to support the Mayor's police reform and reconciliation efforts. At the same time, attorneys from the Civil Rights Unit have been working on cases arising from the unrest this summer, the death of Walter Wallace Jr. and its aftermath. The challenges that we face are not new, but we are forging ahead with new determination to take them on and become better counselors and advocates for the City of Philadelphia.

**A large team of Law Department lawyers and staff assisted the City through the most significant and logistically complex election in decades**







# Success Stories

The Law Department helped our clients achieve major victories in 2020 that will have lasting impacts for the City and its residents. Here are some of these successes and updates on other significant projects and litigation that we worked on:

## **Continued Efforts to Build, Retain, and Support A Diverse Workforce:**

Last year, Law's Director of Professional Development, Diversity & Inclusion ensured that diversity, equity, and inclusion (DEI) remained a priority while navigating the pandemic and its effects. The Law Department recognized the disproportionate impact on marginalized groups and responded with virtual resources, including sessions on emotional well-being, racial and social justice, and implicit bias. Law participated in the Mansfield Rule Legal Department Edition, a national certification process to increase the representation of diverse lawyers in leadership.

**Increased Training and Education:** Law's dedication to legal excellence is inseparable from its commitment to DEI. Law has organized cultural competency trainings and events geared towards increasing inclusivity, support, and collaboration within the Department. These trainings were organized with input from our employee resource groups and will be provided on an ongoing quarterly basis.

**Appellate Success:** The Appeals Unit was successful in overturning three major verdicts this year. *In Allen v. City of Philadelphia*, the Pennsylvania's Commonwealth Court

overturned a large verdict in a whistleblower action; in *Degliomini v. ESM Prods., Inc.*, Commonwealth Court overturned a multi-million dollar verdict was reversed in a tort litigation matter; and the federal Third Circuit overturned a \$750,000 verdict in a civil rights matter, *Porter v. City of Philadelphia*.

**Mental Health Cases:** From March 2020 to 2021 Health and Adult Services attorneys have litigated 7,579 mental health cases virtually. During this same time period, the Unit handled 221 record requests and 399 gun form requests.

**Privacy Investigations:** The HIPAA & Privacy Unit investigated 161 privacy related incidents and ensured that nine data breaches were mitigated appropriately. Timely notification was provided to the over 10,000 affected individuals.

**Improving Time for Adoptions:** The Child Welfare Unit continued to implement a new targeted approach and policy to reduce the time it takes for children to be adopted. This approach led to an almost 14% reduction in the number of children waiting to be adopted, from 1,127 as of January 2020 to 970 by the end of the year.

**Parkway Encampment:** The Code & Public Nuisance Litigation Unit successfully defended the City against the injunction brought in federal court seeking to stop the removal of the Parkway encampment. Prior to the injunction, Code had been active in advising the Managing Director and Office of Homeless Services on best practices when removing homeless encampments so that both the dignity of a vulnerable population and the right of the public to use public spaces were protected. Following a hearing in federal court, the federal court held that the City's policy on removing encampments passed constitutional muster and permitted the City to move forward with encampment removal, so long as they followed the procedure they had been following with past encampment removals.

**Outdoor Dining:** The Code & Public Nuisance Litigation Unit attorneys advised the Administration and City Council on how to quickly get outdoor dining in place for struggling restaurants. As a result of Code's advice, many restaurants were able to establish outdoor dining and survive during the pandemic.

**Drafted New Court Protocols Adopted by the First Judicial District of Pennsylvania:** Early in the COVID-19 crisis, the First Judicial District approached the plaintiffs' bar, defense bar and Philadelphia Bar Association's Civil Procedure Committee on generating proposals on how to manage the growing number of Discovery motions, which numbered approximately 4,000 and was growing. FJD judges were not able access the FJD's database (BANNER) or enter City Hall to review these motions. The Tort Litigation Unit proposed and authored an initial draft of a protocol for processing these motions. This proposal was reviewed and approved by the bar and the FJD. It was codified and renewed in formal FJD Notices to the Bar.

**Tort Litigation Unit assists in the Development of two City Parks:** The settlement of a tort case resulted in the development, maintenance and enhanced programming at two City parks. At Kern Park, the Escrow will fund such things as planting and improvements to the raised bed gardens, lighting, park benches, and tables for children's nature workshops, called "Nature Heroes." At the Huntingdon Emerald Firefighters Memorial Park, which was also the location of a Water Department Stormwater Management program, plans are being designed with a focus on usable landscaping for similar community events.

**Tax Sequestration Success:** By placing rental properties in sequestration, a process which appoints a court ordered sequestrator to collect the income from the property and satisfy City liabilities, collected \$8 million in water debt in the program's first 20 months, despite several months when the court process was suspended. By placing liens on commercial property where the landlord has failed to pay and/or file Use and Occupancy Tax, have collected more than \$2 million since March 2019. In response to COVID-19, successfully instituted a system that allows employees working remotely to provide customer service to taxpayers and water customers on-site at the Municipal Services Building via video conference.

**Supporting Philadelphia International Airport (PHL):** Attorneys supporting PHL negotiated an extension of the 2015 Airport-Airline Use and Lease Agreement to June 30, 2022; drafted emergency regulations requiring everyone at the airport to wear a face mask; prepared PHL's Air Service Recovery and Incentive Program to incentivize air carriers to reinstate and expand air service reduced on account of COVID; negotiated an agreement for Jefferson Health to operate a COVID testing facility at PHL; and supported the airport's ongoing initiative to purchase the airport garages.

**Purdue Pharma Bankruptcy:** Attorneys from the Tax & Revenue Unit actively participated in the Ad Hoc Committee of Supporting Governmental Entities and negotiations in the bankruptcy case to ensure Philadelphia (as well as other Cities/Counties across the U.S.) received a fair allocation in the Purdue bankruptcy. Philadelphia will use these future bankruptcy funds towards critical opioid abatement efforts for Philadelphia residents devastated by the opioid epidemic.



# Committee Highlights

## Diversity, Equity, and Inclusion

Chaired by:

**Richard Barzaga**

**Deputy City Solicitor**

Tort Litigation Unit

**Linda Medley**

**Divisional Deputy City Solicitor**

Commercial Law Unit

In 2020 the Diversity, Equity, and Inclusion Committee received the International Municipal Lawyer's Association's (IMLA) inaugural Diversity, Equity, and Inclusion Award for the Committee's dedication to advancing diversity and inclusion in the legal profession. In selecting the Committee for the award, IMLA evaluated the Committee's commitment to promoting diversity, inclusion, and cultural competency development within the workplace. IMLA also considered the Committee's external efforts to advance diversity and inclusion through community outreach and education.

Sponsored panel during Law Department's annual department-wide CLE program exploring implicit bias and its impact on legal professionals

## Public Service

Chaired by:

**Marissa OConnell**

**Divisional Deputy City Solicitor**

Tax & Revenue Unit

**Michael Gutierrez**

**Deputy City Solicitor**

Commercial Law Unit

Philadelphia VIP awarded the Law Department the 2020 Justice William J. Brennan, Jr. Award in the corporation category for its dedication to public service. It was the first time the Law Department received this award.

Even during the pandemic, the committee remained busy, helping coordinate the Department's involvement in Achieve Now, a scripted reading program a scripted to assist grade school children, and through its fundraising efforts on behalf of the Barristers' and the Bar Foundation.

## Professional Development

Chaired by:

**Joanna Klein**

**Divisional Deputy City Solicitor**

Code & Nuisance Litigation Unit

**Peter Kim**

**Divisional Deputy City Solicitor**

Commercial Law Unit

The Professional Development Committee held a very well received seminar on Financial Planning which included presentations on federal student loan forgiveness, the City's deferred compensation options, and creating a budget. The Committee also sponsored a panel during the Law Department's annual CLE "Behind the Gavel: What Judges Really Think". Additionally, the Committee took the Department's "book club" virtual and digital to include podcasts, ted talks, etc.

“ The City of Philadelphia Law Department serves our neighbors not only through their everyday jobs, but also through pro bono service with VIP. Over the past year, the Department's attorneys have impacted the lives of seven VIP clients by securing guardianship of incapacitated people, helping clients change their names, and representing parents in custody proceedings. The Department's attorneys had a strong showing at VIP's Nonprofit Legal Assessment Clinic last year, where they advised nonprofit organizations that strengthen our communities. As the Department's volunteers continue to partner with VIP, they evidence an impressive commitment to making Philadelphia a more just city for all. ”



# Goals for 2021

## Build on Diversity and Inclusion Efforts

- Participate in the **Mansfield Rule Legal Department Edition 2.0**, a national certification process recognizing Law's commitment to DEI efforts. Law will continue to consider at least 50% historically underrepresented lawyers for all of its positions, external hiring, internal transitions, promotions, and engaging outside counsel.
- Work to increase contracting with Minority, Women, Disabled Owned Business Support (MWDSBE) firms and continue encouraging firms who do not qualify as MWDSBE to assign minority/women/disabled partners and associates to City contracts through its outside counsel policy, which counts the work of these minority partners and associates similarly to an M/DSBE firm as long as the attorneys are an origination partner, billing partner, lead counsel, managing partner, or relationship partner.
- Incorporate DEI assessments into our performance evaluations in order to measure the effectiveness of our cultural competency work.
- Executive Team/Director of DEI and DEI Committee will provide Department with curricula on various DEI core competencies including but not limited to cultural heritage months, first person language, etc.
- DEI Committee will work with Mayor's Office of DEI regarding review of policies through a DEI lens.



## Expand Affirmative Litigation Opportunities

The Law Department will continue to identify affirmative litigation opportunities to advance the City's policy and legal interests, combat systemic public nuisances, and challenge any conduct of any entity that threatens public welfare, health or safety.

## Risk Mitigation

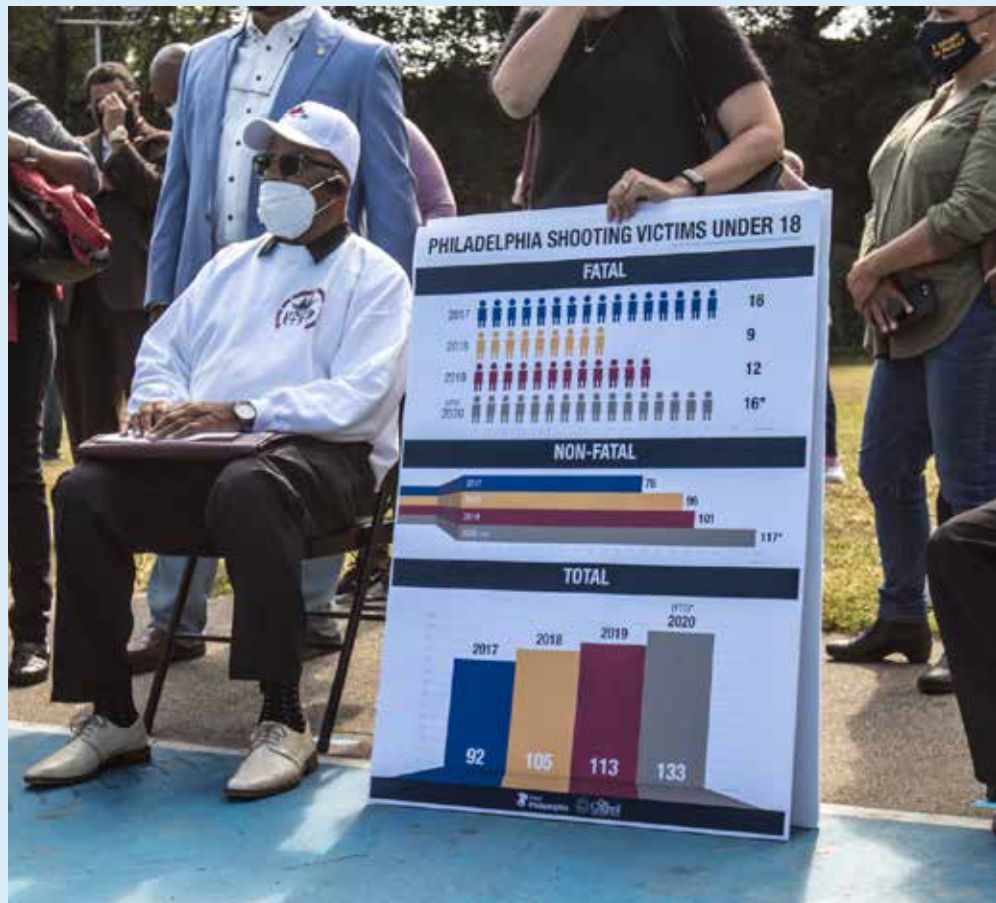
The Law Department will continue implementation of its After Review Policy, which utilizes our experiences and lessons from litigation to proactively counsel City clients on strategies for risk management and limiting legal liability in the future.

## New Case Management System

In 2021, the Law Department will explore ways to upgrade its Case Management System in order to better track and report on litigation, centralize storage of attorney work product, analyze data, and increase efficiency for drafting legal pleadings, contracts, memoranda and other legal documents.

## Continue to Build Leaders in the Legal Community

The Law Department will continue pursuing its initiative to raise its professional profile in the City and legal community through: increased membership and participation in local bar and affinity organizations; improving the Law Department's web presence; and generating informative materials about the Law Department.





**Law Department**

[phila.gov/law](http://phila.gov/law)