



CITY OF PHILADELPHIA
Law Department

2021 - 22
**Year in
Review**



phila.gov/law

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Letter from the Solicitor

Through the past two years, our team of committed public servants provided legal counsel of the highest quality to support government operations.

In the midst of an unprecedented gun violence epidemic, the Law Department advocated on behalf of the countless victims and impacted families by helping to draft legislation to prohibit the creation and distribution of ghost guns. We continue to challenge the firearm preemption statutes under the Pennsylvania Constitution, which prevent local officials from enacting stricter gun laws.

We held corporations accountable for inflicting danger and nuisance on residents, including manufacturers who have contaminated our natural resources or contributed to the opioid crisis afflicting our communities. We also initiated civil prosecutions against companies and individuals impacting quality of life by short-dumping our neighborhoods.

I am proud to lead the Law Department and serve the City of Philadelphia as legal counsel to City officials, departments, boards and agencies. We remain grateful to our clients for their confidence in our lawyers and staff, and look forward to continuing to serve the City in the years ahead.



With Gratitude,

Diana Cortes

Diana Cortes, City Solicitor

2022



CITY OF PHILADELPHIA Law Department

Our mission is to serve Philadelphia residents by providing quality legal counsel to all City employees, officials, departments, agencies, boards, and commissions.

Our responsibilities include:

- Advising and representing the City and its officials and employees in all legal matters;
- Negotiating, drafting, and approving contracts;
- Collecting unpaid taxes, fines, and other debts;
- Preparing laws for introduction in City Council.

The Law Department employs **215+** attorneys, **100+** professional staff, and **30+** interns.



Our Practice Groups

The Law Department specializes in a range of issues, providing legal counsel to clients across the City of Philadelphia government.



NEW: Compliance, Investigations, + Privacy

- Communications
- E-Discovery
- HIPAA + Privacy Unit
- Right To Know Unit



Corporate + Tax

- Commercial Law Unit
- Property Assessment Unit
- Tax + Revenue Unit
- Real Estate + Development Unit
- Regulatory Law Unit



Legislation + Legal Counsel

Litigation

- Civil Rights Unit
- Code + Public Nuisance Unit
- Labor + Employment Unit
- Tort Litigation Unit
- Affirmative + Special Litigation Unit
- Appeals Unit



Social Services

- Child Welfare Unit
- Health + Adult Services Unit



Diversity, Equity, and Inclusion

We celebrate the diversity of our staff, the City's workforce, and the residents whom we serve, and are committed to fostering an inclusive and equitable work environment.



Based on a self-identification survey,

66% of staff are **women**

25% of staff are **Black or African American**

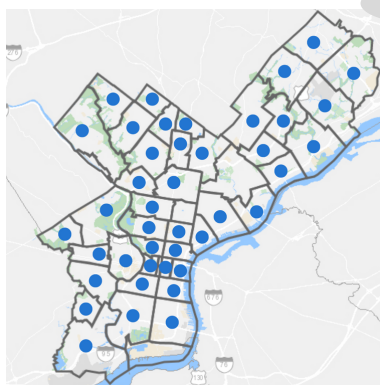
8% of staff are **Asian**

5% of staff are **Hispanic or Latino**



Our staff lives all over the city, representing **43 different zip codes**.

100% of staff are **residents of Philadelphia**.



We are **Mansfield Plus** certified, employing **30%** historically underrepresented lawyers, including women lawyers, underrepresented racial and ethnic lawyers, LGBTQ+ lawyers, and lawyers with disabilities.

Budget

FY 2021: July 1, 2020 - June 30, 2021

Materials, Supplies, Equipment

\$85,983

Purchase of Services

\$7,391,567

Employee Compensation

\$13,872,133

Total 2021 Operating Budget

▶ **\$21,349,683**

FY 2022: July 1, 2021 - June 30, 2022

Materials, Supplies, Equipment

\$125,065

Purchase of Services

\$8,619,045

Employee Compensation

\$18,474,809

Total 2022 Operating Budget

▶ **\$27,218,919**

2021-2022 Overview



Social Services

2021	2022	
9,667	10,287	commitment orders drafted by the Health + Adult Services Unit to ensure adults struggling with mental health conditions receive treatment
327	238	lead cases litigated
46	31	new lead complaints
265	288	record requests fulfilled for firearms background checks from State Police





Code Enforcement

2021

2,589

2022

3,670

code enforcement cases handled



2021

\$3,072,842.35

2022

\$3,151,677.54

finest, fees, and costs collected



Right-to-Know

2021

2,816

152

2022

2,799

173

Right-to-Know
requests fulfilled

Appeals of
Right-to-Know reponses



HIPAA + Privacy

2021

108

2022

70

privacy reviews fulfilled

4,200

City employees across
9 departments received
privacy training each year



[Impact Issues]

The Law Department advocates for Philadelphia communities through legislation and litigation.

Factors degrading quality of life across the city include ongoing gun violence, widespread opioid addiction, and frequent short dumping of commercial and household waste. Most often, historically marginalized communities experience the biggest impact of these crises.

We are committed to holding those that threaten residents' quality of life accountable under the law, and working alongside the Administration and City Council to address public safety issues through legislation.

In partnership with client departments, officials, and boards, the Law Department continues to find creative legal strategies to combat City's most pressing issues.



Gun Violence

Between 2021 and 2022, there were **980 fatal shootings**, and **3,620 non-fatal shootings**.

During that same period, over **1000 ghost guns** were recovered by the Philadelphia Police Department.

The Law Department continues to fight for common sense gun legislation and challenge Pennsylvania's firearm preemption statutes, which prevent cities from enacting stricter gun regulations than required by state law.

→ **Ghost Guns:** [Bill Number 200593](#) entitled "Use of Three-Dimensional Printer to Manufacture Firearms," was signed into law to prohibit the use, transfer, manufacturing, and conversion of unfinished firearms and certain equipment. The Bill outlines penalties for violations, including fines and criminal charges for individuals that commit multiple violations. Gun Owners of America challenged the bill to prohibit the City from enforcing the ordinance. The City won in the trial court and the case is now on appeal in the Commonwealth Court.

→ **Firearms Preemption:** *Crawford v. Commonwealth* is a case brought by the City of Philadelphia, CeasefirePA, and residents who have been impacted by gun violence, to challenge the firearm preemption statutes under the Pennsylvania Constitution. Through this lawsuit, the City seeks to declare the firearm preemption statutes unconstitutional to enable Philadelphia to enact and enforce gun laws at the local level. The lawsuit alleges that the statutes violate the PA Constitution, which protects the right to enjoy and defend life and liberty. We continue to challenge the firearm preemption statutes in the Pennsylvania Supreme Court, and anticipate a decision in this case in 2023.

→ **Lost and Stolen Guns:** In 2019, we announced a partnership with the District Attorney's Office to investigate and prosecute offenses under the City's "Failure to Report Lost and Stolen Firearms" law, enacted in 2008. The City's first and successful enforcement action under the law, *City of Philadelphia v. Armstrong*, alleged that the defendant, who has a history of straw purchasing firearms, failed to report a firearm missing or stolen to the Philadelphia Police Department within 24 hours. The defendant appealed the \$2,000 fine sought by the City, arguing that the ordinance was preempted by State law. The appeal was held by the Court. The City challenged this ruling, asserting that the ordinance falls outside the scope of the Pennsylvania firearms preemption statutes. The Pennsylvania Supreme Court, has paused further litigation until a decision in *Crawford v. Commonwealth*, described above, is issued.



Short Dumping

In 2021, the Streets Department removed **7,171 tons** of illegally dumped materials, including **83,600 tires**, from **1,309 sites**.

The City spends approximately **\$1.5 Million** in clean-up costs per year at the expense of taxpayers.

The condition of a community's environment is a strong determinant of the rate of violence in that area. The Law Department works to stop polluters from threatening quality of life and safety in our communities.

→ Law provided counsel to operational departments for the creation of a civil prosecution program to combat short dumping, which degrades environmental quality in Philadelphia. We led the development of violation notices and advised the amendment of the short-dumping ordinance to allow for stiffer penalties against violators who are polluting our neighborhoods. We have also aggressively prosecuted short-dumpers who were caught in the act, pursued penalties against repeat offenders, and collected fines and clean-up costs on behalf of the City. Since 2021, the Law Department obtained judgments for **\$49,000** in fines and **\$36,074.55** in clean-up costs from short-dumpers.



Opioid Epidemic

In 2021, Philadelphia reported the highest number of unintentional overdose deaths on record, with **1,276 fatalities**.

Of these deaths, over **80%** were attributed to opioid overdoses.

As the City continues to combat the opioid crisis that has claimed and impacted the lives of countless residents, the Law Department is prosecuting manufacturers that perpetuate addiction in our communities.

→ With efforts beginning in 2017, the Law Department sued manufacturers, distributors, and pharmacy dispensaries of prescription opioids for fueling the opioid epidemic in Philadelphia. In 2022, the City settled its litigation with four companies: AmerisourceBergen, Cardinal Health, McKesson, and Johnson & Johnson. Under the settlement agreements, the City will receive \$200 Million+ in compensation over 15 years to fund substance use education, addiction treatment, harm reduction and overdose prevention efforts, and targeted engagement for communities most affected by the opioid crisis.

Success Stories

→ **PFAS Litigation:** The City sued the chemical companies responsible for the presence of PFAS (per- and poly-fluoroalkyl substance, a class of toxic synthetic chemicals that do not occur naturally in the environment) on City property and in natural resources, including drinking water supplies. We continue to aggressively prosecute companies who contribute to pollution, seeking compensation to reimburse the City for loss-of-use of its natural resources, the cost of remediating pollutants, and its legal costs.



→ **Plastic Bag Ban:** The Law Department helped to draft legislation prohibiting retail establishments from providing single-use bags. The City began full enforcement of the legislation in 2022. A study commissioned by the City found that between June 2021 and August 2022, the use of single use plastic bags decreased significantly, while the use of reusable and recyclable paper bags increased. It is estimated that the legislation banning plastic bags at retail establishments has prevented over 200 million single use plastic bags from landfills.

→ Operation Allies Welcome:

Philadelphia International Airport (PHL) served as a United States entry point for individuals evacuating from Afghanistan. Over the course of ten days, **11,869 evacuees** came through PHL via **49 aircrafts**. As part of Operation Allies Welcome, the Law Department worked alongside other City departments and organizations to connect people arriving with resources for medical assistance, housing, and other services.



Success Stories

→ **Reducing Foster Care Population:** The Child Welfare Unit (CWU) maintained a caseload of approximately **4,000 foster care cases** in dependency court to protect the health and safety of Philadelphia's most vulnerable youth per year. As a result of CWU's advocacy for the Department of Human Services' (DHS) mission to achieve permanency and well-being for families, the number of foster care cases in dependency court has decreased significantly over the past two years, and DHS is increasingly placing youth with family members.

→ **Ending Juvenile Overcrowding:** The Child Welfare Unit and Affirmative & Special Litigation Unit initiated legal action against the Commonwealth of Pennsylvania to relieve overcrowding at the Philadelphia Juvenile Justice Services Center (PJJS) and were successful in obtaining a Court order requiring the Commonwealth to take 15 juveniles housed at PJJS into physical custody and relocate them.

→ **Youth Ombudsperson:** The Law Department assisted with the development of an Executive Order and several MOUs between City agencies to create an Office of a Youth Ombudsperson in the Inspector General's Office. We also prepared an extensive analysis of the City's ability to share confidential child welfare and health records between internal departments, and reframed the role of ombudsperson to conform with existing structures for managing the City's social service agencies.

→ ***Fulton v. the City of Philadelphia:***

In 2021, the Supreme Court ruled that the City's refusal to renew Catholic Social Services' (CSS) contract, due to CSS's policy not to accept same-sex couples as foster parents, violated CSS's right to religious freedom. However, the Court did not, as the plaintiffs sought, change existing law to permit court-ordered religious exemptions from civic obligations. The City maintains its commitment to ensuring equal opportunities for all Philadelphians, including LGBTQ+ families, and continues to assert that a non-discrimination policy is in the best interest of the children in the Department of Human Services' care.



Success Stories

→ Reproductive Rights:

The Law Department's Legislation and Legal Counsel Unit supported the drafting of legislative measures to protect the exercise of women's reproductive health rights.

The legislation brought the protection of reproductive health decisions under the City's Fair Practices Ordinance, established local privacy protections for personal information related to reproductive healthcare, and implemented local legal protections for individuals and agencies seeking, providing, and assisting others to obtain reproductive health services.



→ **Funding Abortion for Those In Need:** The City provided a grant of \$500,000 from discretionary grant funding through the Managing Director's Office to the Abortion Liberation Fund (ALF), to provide emergency financial assistance to people seeking an abortion they are unable to afford. The announcement of the grant prompted a lawsuit brought by an anti-abortion group that argued the City co-mingled state funding to support abortions. The Law Department fought the lawsuit in court alongside the ACLU and after months of unsuccessful appeals of rulings in the City and ALF's favor, the plaintiffs dropped the lawsuit.



→ **Police Reform:** The Law Department provided extensive legal analysis and drafting work for City Council and the Administration to establish the Citizens Police Oversight Commission, an independent oversight body designed to replace the Police Advisory Commission, and an Executive Order to limit the use of vehicle stops that have historically impacted BIPOC at a disproportionate rate. We advised the Philadelphia Police Department in its Collective Bargaining Agreement, which included several important reforms, including: **(1)** requiring civilian oversight in the police discipline process **(2)** revision of its disciplinary code and **(3)** the creation of the Police Termination Arbitration Board to ensure that at least 40% of the mediation panel deciding on discharges of police is composed of people who identify as women, people of color, members of the LGBTQ+ community, or other underrepresented groups.



Success Stories



→ Growing the Parkway:

The Law Department facilitated negotiations related to a ground lease for the development and operation of the proposed Calder Gardens Museum on the Benjamin Franklin Parkway.

The new museum will bring more social and economic activity and additional public green space to a major cultural corridor of Philadelphia.



*Photos via Calder
Gardens*



→ **COVID Regulations:** The Law Department continued to be the primary source of counsel for the City's COVID-19 pandemic-based emergency health orders and regulations for stay-at-home, business closures, masking, and vaccination rules for the public. Additionally, the Law Department developed internal policies for City employees related to pandemic benefits and worker protections. We also supported the drafting of Council legislation concerning eviction prevention in response to the COVID-19 emergency and worked with Administration, Council offices, and the First Judicial District to implement the legislation.



→ **Compassionate Enforcement:** As Philadelphia recovered from the pandemic, the Tax and Revenue Unit partnered with the Revenue Department to resume enforcement with an emphasis on protecting vulnerable Philadelphians, while simultaneously pursuing property owners with delinquent taxes who could afford to pay. The Law Department staff helped to enroll homeowners with unpaid real estate taxes and water customers who cannot afford their bills in the City's assistance programs.

Success Stories

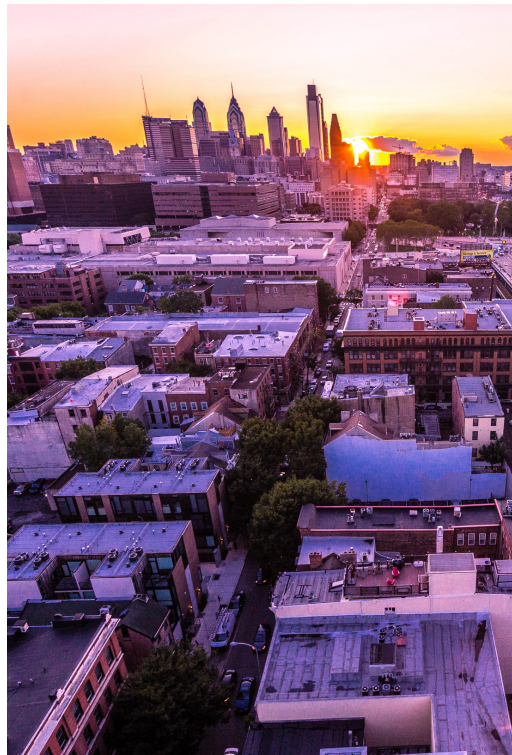


→ Sequestration Program:

The Tax and Revenue Unit's sequestration efforts have recovered more than **\$19.7 million in water revenue** since March of 2019 and more than **\$122.5 million in real estate taxes** since October of 2013. To satisfy City liabilities so that tenants will not be in danger of water shutoff because of their landlords' water debt, a court ordered sequestrator was appointed to collect the rental income from property owners with outstanding payments.

→ Consolidated Actions:

The Consolidated Actions program began in 2019 to combine the real estate taxes, water/sewer debt and License & Inspection liabilities of a multi-property delinquent landlord into a single lawsuit, so that the resulting judgment applies to all of that landlord's properties. To date, this program has brought in over **\$2.7 million**.



→ **Election Litigation:** The Law Department defended the City of Philadelphia in several election-related lawsuits.

RNC, et al v. Schmidt, et al.: In 2022, a coalition of Republican party organizations and individual voters sued the Philadelphia County Board of Elections (BOE) and other PA election boards and officials, seeking to prevent counties from implementing “notice and cure” procedures that notify qualified voters of obvious technical errors with their mail-in ballots and enable those voters to remediate the errors. Both the Commonwealth Court and the PA Supreme Court ruled in the favor of the Philadelphia Board of Elections.



Success Stories

Ball, et al. v. Chapman, et al.: In 2022, a coalition of Republican party organizations and voters brought a Kings Bench action against the Philadelphia BOE to prevent the counting of mail ballots with a missing or “incorrect” handwritten date on the external return envelope. In November 2022, the PA Supreme Court ordered county boards of election to refrain from counting mail ballots returned in “undated or incorrectly dated outer envelopes” for the General Election. Days later, the PA Supreme Court clarified that incorrectly dated envelopes were those with dates that fell outside of statutory date ranges. In 2023, the PA Supreme Court held that county boards retain discretion to determine whether a mail ballot envelope is “correctly” dated.

PA State Conference of the NAACP, et al. v. Schmidt, et al. & Eakin, et al. v. Adams Co, et al.

In 2022, the ACLU, Democratic party organizations, and individual voters each filed a lawsuit in federal court against the Philadelphia BOE and other PA election boards to require the counting of mail ballots with a missing or “incorrect” date on the external return envelope. The lawsuits allege that not counting undated or misdated ballots violates the Materiality Provision of the Civil Rights Act. The Philadelphia BOE has stipulated that it does not oppose the relief sought. The plaintiffs filed motions for summary judgment.



Committees

Diversity, Equity, and Inclusion Committee (DEIC)

2021 Co-Chairs:

Elizabeth Okakpu, *Assistant City Solicitor*,
Labor & Employment Unit

Danielle Lavery, *Deputy City Solicitor*,
Tax & Revenue Unit, Mass Litigation Division

2022 Co-Chairs:

Zachary Strassburger, *Deputy City Solicitor*,
Appeals Unit

Jean Carn-Wolfe, *Deputy City Solicitor*,
Child Welfare Unit

Professional Development Committee (PDC)

2021-2022 Co-Chairs:

Brooke Darlington, *Divisional Deputy City Solicitor*,
Tax & Revenue Unit, Mass Litigation Division

Samuel Scavuzzo, *Assistant City Solicitor*,
Tax & Revenue Unit, Real Estate Tax Division

Public Service Committee (PSC)

2021-2022 Co-Chairs:

Eugene Hsue, *Assistant City Solicitor*,
Commercial Law Unit, Intellectual Property Division

Althea Udo-Inyang, *Deputy City Solicitor*,
Regulatory Law Unit, Water Division

Employee Spotlight



Tianna Kalogerakis

*Dir. of Diversity, Equity, Inclusion,
and Professional Development*

What are your three top goals for your work in the Law Department next year year?

- To continue to raise the profile of the Law Department.
- To further strengthen and grow our pipelines for diverse talent at the Law Department.
- To continue to institutionalize our robust internal trainings and protocols so that they become Law Department staples for decades to come.

What has surprised you about the work of the Law Department so far?

When you really think about it, the City needs attorneys to execute on everything.

Our attorneys can point to public bikes, airport terminals, museums, statues, parks, and emergency response as projects they've worked on. Our department enforces ordinances and laws to help keep people safe and collect the revenue the City needs to operate. We also help protect the children of Philadelphia who may have experienced abuse or neglect.

Our work is in the news every day regardless of whether people in the City would recognize it, and often, the work we do behind the scenes to keep the work of the City from becoming newsworthy is even more impressive.

What advice could you offer to employees who are new to the Law Department?

Get to know your colleagues. Not only are our colleagues quite enjoyable, but the wealth of expertise and knowledge in the Law Department is unmatched. We are lucky to have so many seasoned professionals stay with us for large parts of their careers, and many of the folks who leave laud the rigorous training they receive at the Law Department as fundamental to their success.

Why did you choose a career in government?

I find working in government to be incredibly rewarding. Especially here in the Law Department, we get to play a role in developing the policies and procedures that impact neighborhoods and we see that impact as we move about the City. There are not many workplaces where you can so readily see the fruits of your labor and feel that you are making a positive difference in the world.

Have you read anything outside of work in the past year that has affected something that you have been working on? If so, how?

I like to keep up with national current events. News coverage in the last year has cumulatively shown that marginalized communities and the Diversity, Equity, and Inclusion programs in place to combat institutional discrimination are in jeopardy. As such, when I work on a project, I am constantly considering how I can design it to have principles of equity baked into the outcome.

Outside of work, what do you enjoy about being a Philadelphia resident?

Philadelphia is a dynamic and diverse City. There is so much to do in Philadelphia, no matter what your interests are. You can explore the rich history, eat world-class food, and there's always programming available if you are looking for a fun way to pass your time!

IMLA Awards

The Law Department submits nominations for the annual International Municipal Lawyers Association (IMLA) Conference, using suggestions and input from staff.

The following attorneys were recognized for their professional accomplishments:

Pat O'Neill (2022)

Posthumous recipient of the *Charles S. Rhyne* Lifetime Achievement in Municipal Law Award

Michelle Flamer (2021) Christine Bak (2022)

Recipients of the *James H. Epps III* Award for Longevity of Service to a Community

Raina Yancey (2021) R. Ian Evans (2022)

Recipients of the Diversity, Equity and Inclusion Award

Jo Rosenberger Altman (2022)

Burk E. (Buck) Delventhal Legal Advocacy Award

Lynda Moore (2021)

Brad D. Bailey Assistant City/County Attorney Award

Learn more about the award categories at [IMLA.org](https://www.imla.org).

2023-24 Goals

► Build on Diversity, Equity, Inclusion Efforts

The Law Department will hire a recruiting coordinator to build on our efforts to hire diverse talent, while continuing to ingrain equity in the Department's workplace culture and systems.

► Reinstitute Annual Class of Law Graduates

Starting in the Fall of 2023, 15+ newly graduated or practicing attorneys will join the Law Department.

► Expand Affirmative Litigation

The Law Department will continue to expand efforts to defend quality of life for all Philadelphians through litigation.

► Improve Institutional Technology Capacity

The Law Department will initiate a Request-for-Proposals process to select a new case management system, which will improve overall operations and enhance capacity of attorneys.

► Implement new Compliance, Investigations, + Privacy Group

The Compliance, Investigations and Privacy group will consist of the Right-to-Know Unit, the HIPAA & Privacy Law Unit, and the E-Discovery and Communications teams of the Department.

Why We Love the Law Department

"Working for the City's Law Department as IT Manager allows me to participate in meaningful work that affects the lives of its residents, which can be a fulfilling and rewarding experience. In addition, it's a pleasure to work with some of the brightest and most talented minds in the city."

Steve Blumberg, IT Manager

"I love working at the Law Department because we are dedicated change agents to the City we live in and love. We work with our City clients to pass and enforce environmental justice and police reform legislation, fight against all who are supporting the supply and access of illegal guns into our City, advise on agreements that creatively work towards addressing gun violence and other health-epidemic plights, and represent the City's most vulnerable in social services proceedings."

Diana Cortes, City Solicitor

"The Law Department is a most unique place to practice law. In the Health + Adult Services Unit we do what no one else in the city does. Among other duties, we represent the City in involuntary commitment proceedings which have a direct impact on the quality of life in the City. We also have the opportunity to work with and learn from other members of the Law Department. The Law Department provides the opportunity to work in a variety of disciplines and learn many areas of law. Your exposure is unlimited."

Lynda Moore, Chief Deputy City Solicitor
Health + Adult Services Unit



Law Department

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