

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 7/6/99

Reference No.: CR-22-1999

Proposer: County Executive

Draft No.: 2

Sponsors: Estep

Item Title: A Resolution approving a reimbursement schedule for full or partial legal fees and court costs for Personnel Board matters

Drafter: Barbara L. Holtz
Law

Resource Personnel: Douglas A. Brown
County Executive's Office

LEGISLATIVE HISTORY:

Date Presented:	__/__/__	Executive Action:	__/__/__	___
Committee Referral:	6/8/99	PSFM	Effective Date:	__/__/__
Committee Action:(1)	6/10/99	HELD		
Committee Action:(2)	6/24/99	FAV(A)		
Date Introduced:	6/8/99			
Pub. Hearing Date:	__/__/__	__:__		

Council Action: 7/6/99 ADOPTED
Council Votes: JE:A, DB:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A
Pass/Fail: P

Remarks: _____

PUBLIC SAFETY AND FISCAL MANAGEMENT COMMITTEE REPORT Date: 6/24/99

Committee Vote: Favorable as amended, 3-0-1, (In Favor: Council Members Maloney, Hendershot and Russell. Abstained: Scott).

This resolution will increase the rate of attorneys' fees which the Personnel Board can award when an Appellant is the prevailing party. This legislation reflects a fifty percent (50%) increase from \$50.00 to \$75.00 per hour. Also, the maximum amount of fees that can be awarded is increased fifty percent (50%) from \$1,500 to \$2,250.00.

The \$75.00 per hour rate is at the high end of government-reimbursed attorneys' fees. The State

Public Defender's Office pays up to \$35.00 per hour for panel attorneys. The Department of Social Services pays \$75.00 per hour for Child in Need of Assistance and guardianship cases. Special Assistant Attorneys General are paid \$40.00 per hour by the Office of Child Support Enforcement and Federal Court Panel Attorneys are paid up to \$65.00 per hour.

The fee schedule was set in 1977. The revised schedule is based upon the fact that the present schedule is significantly below the reasonable hourly fee in today's marketplace.

The Personnel Board conducted a survey of several similarly situated appeals processes within the Metropolitan Washington area. The survey revealed that employee grievance systems, comparable to that authorized by Prince George's County, consider attorney fees from \$140 to \$200 per hour to be reasonable.

This legislation was held in Committee on 6/10/99. The Legislative Officer requested additional time to notify attorneys of the proposed increases.

6/24/99: The Committee voted to increase the hourly rate by 100% from \$50 to \$100 and to increase the maximum amount of fees that can be awarded from \$1,500 to \$3,000.

There may be some negative fiscal impact on the County related to the increases in legal fees and court costs that can be awarded. The maximum negative fiscal impact would be \$2,000 per appeal in which legal fees and court costs are awarded. Historically, the Board has received requests for legal fees in eight cases and awarded fees in one case of 266 appeals processed over the past 5 years.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

This resolution will increase the rate of attorneys' fees which the Personnel Board can award when an Appellant is the prevailing party. This reflects a fifty percent increase to \$75 per hour, and also increases the maximum amount of fees that can be awarded by fifty percent to \$2,250.00.

CODE INDEX TOPICS: