

Response to Questions on the FY 2016 Budget

Request By: Supervisor Cook

Question: What is the year-by-year annual FCPS expenditure for outside legal counsel over the last five years? How many hours of legal work were billed by outside counsel in each of those years?

Response: The following response was prepared by Fairfax County Public Schools (FCPS):

This is in response to the Board of Supervisors' request for year-by-year annual FCPS expenditure for outside legal counsel and hours of legal work billed.

For the purpose of this response, legal fees and billable hours are set forth below for the three most recently completed fiscal years. Disbursements for expenses such as copies, delivery/messenger services, online research, and Court fees are excluded from these figures. FY 2012, FY 2013, and FY 2014 are available pursuant to FCPS retention schedule. Legal fees and hours billed prior to FY 2012 would require extensive effort to retrieve from archives.

	FY 2012	FY 2013	FY 2014	TOTAL
Legal Fees Billed	\$2,661,041.78	\$1,438,709.06	\$1,393,084.68	\$5,492,835.52
Hours Billed to FCPS	8,479.68	4,916.30	4,718.88	18,114.86
Average Hourly Rate	\$313.81	\$292.64	\$295.22	\$303.22

As you can see, there is a significant downward trend in legal fees over the past three years. While future litigation costs remain difficult to predict because they are contingent on future suits that may be filed against FCPS by currently unknown parties, the Office of Division Counsel continues to seek ways in which to reduce legal fees, including the referral of certain litigation matters to the County Attorney's Office, which represents FCPS where the matter presents no conflict of interest, is within the County's expertise, and is manageable within the constraints of the County's litigation workload. On behalf of FCPS, the County Attorney's Office has defended a variety of cases including insurance, disability, and property damage, and has handled collection cases. The Office of Division Counsel consists of four attorneys, one paralegal, and one administrative assistant.