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**OFFICE OF THE CITY ATTORNEY**

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May 13, 2022

TO: Mayor John Engen  
Budget Committee of the Whole

RE: Request for 1.0 FTE Civil Legal Assistant

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The City Attorney's Office (CAO) requests a new position for one FTE Civil Legal Assistant (LA). The position is requested to support fulltime the three civil attorneys that do not have a dedicated staff person assisting them. The civil attorneys are performing tasks and managing files and records that would be more efficiently and effectively overseen by the requested LA. The additional LA would provide procedural as well as monetary cost benefits.

Key areas that civil attorneys require a dedicated staff member to assist include:

**CAO support of Elected Officials / Departments**

- Review, edit, format and finalize legal opinions and correspondence;
- Review draft ordinances and resolutions;
- Review and approval of contracts;
- Manage records and civil files related to contracts, disputes, administrative hearings, and litigation. Review, edit, format, and finalize pleadings.

**CAO representing Missoula Housing Authority (MHA)**

- Case prep including assisting in drafting, formatting, and finalizing eviction documents.
- Review, edit, format, and finalize documents and correspondence.

**CAO representing Missoula Urban Transportation District (MUTD)**

- Review, edit, format, and finalize documents and correspondence.
- Copying and organizing records for arbitration and personnel matters.

**Confidential Criminal Justice Information (CCJI) Requests**

Open files, pull records, redact and edit, and produce approved records.

**Public Record Request Reviews**

Open files, manage records, and produce approved records.

**Expungement Petition Review and Response**

Open file, order criminal history, and contact victims initially. Review, edit, format, and finalize pleadings.

**Montana Municipal Interlocal Authority (MMIA) Claims Management**

Contact claimant and provide appropriate claim form, open claims, gather and provide records to MMIA working in conjunction with involved departments and staff.

These are not all-inclusive duties but a sampling of those areas taking significant portions of time in the civil division. Civil attorneys are logging more hours in all of these areas; as well as

additional hours in various Teams the Administration has requested they participate in. Civil attorneys need the assistance of a LA specifically trained to assist with civil duties. Currently prosecution LA's assist as they can but often times, they cannot immediately offer help with their prosecution workload taking priority. Factors driven by the Court and PD have put a strain on prosecution support staff. The Court, with a third courtroom and three new judges has resulted in significant changes in procedure. The PD, with always increasing evidence, particularly digital evidence, continues to increase the discovery process for staff. The prosecution LAs cannot offer individual and focused support to civil.

As to civil attorney duties, there are multiple factors driving workload increase. As the City becomes more active in construction projects, buying property, expanding City departments (Missoula Water, Missoula Compost) as well as a growing employee base more contract and document review is required. More consultation with department personnel occurs and citizen inquiries increase and are often referred to CAO for response.

MHA is adding approximately 300 units under management in the next couple of years. With the new units, MHA is going from approximately 750 units under management to approximately 1000 units. In addition, MHA converted public housing units to Section 8 vouchers, with the units managed by MHA. The change may result in increased eviction cases as there will no longer be an informal hearing to address issues before tenants must move out.

The City doubled the amount of the contract with MUTD for FY 2022 as the hours in FY 2021 significantly increased. MUTD delayed the extension of service initially scheduled for January 2022 but is working at a July 2022 extension. Preparation for the additional services which include running buses longer evening hours as well as on Sundays and Holidays has resulted in hiring additional employees. With additional service hours and a larger employee base issues requiring legal representation is expected to continue to increase as the transition occurs.

Public record requests require working closely with the associated department(s) to pull all records and review those for release. A public record request often requires review of hundreds of emails for attorney/client privilege and attorney work product as well as those not public record for privacy reasons.

CCJI requests require review of all records and redaction of information and editing of digital media. One police incident may have multiple videos including body cam footage from each officer on scene as well as car video from multiple cars at the scene. It can result in hours of video to review. Requests increased with the national movement for police reform and accountability. The scrutiny of police actions and policies increase CCJI requests.

Montana state law authorizes a person to petition the district court for a one-time expungement of their misdemeanor convictions. Depending on the nature of the crime and taking into account if there is a victim and any victim input, the City may contest the expungement requiring filing a response and further court proceedings.

The retirement of the city attorney is anticipated in Fiscal Year 2023. The retirement presents an additional need to devote a FTE to civil attorneys. Replacing a 47+ year attorney will be a significant undertaking as the person implements their own policies and procedures.

The City's continued growth necessitates more time from the civil attorneys offering legal guidance, drafting and reviewing documents, and attending meetings as legal representative. The civil attorneys and CAO as a whole will benefit from a dedicated civil legal assistant.