

CHARLES A. PISATURO, ESQ.  
CITY SOLICITOR



VINCENT A. CIANCI, JR.  
MAYOR

## DEPARTMENT OF LAW

March 12, 1984

IN CITY COUNCIL

MAR 15 1984

READ

WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.

*Robert M. Mearns* CLERK

Honorable Members of the City Council  
c/o Office of the City Clerk  
City Hall  
Providence, Rhode Island 02903

RE: Response of Law Department to Resolution #104 (Effective  
February 13, 1984) as to management techniques to economize

Dear Honorable Members:

I submit herewith this memorandum outlining generally the projected management measures being used and which will be used to economize with this department.

(1) I have eliminated (and will continue to monitor) subscriptions to costly law books and periodical services which I felt were essentially duplicative in nature or not really essential to the efficient management of this department. Estimated savings: approximately \$2,000.00 yearly.

(2) I have instituted a policy of initially resisting the payment of pot-hole claims until and unless their existence at the time of the accident can be satisfactorily verified. Then in addition, as to those pot-hole claims actually settled, a discount is imposed to the motor vehicle damage estimate of 10 to 25% for comparative negligence. Estimated savings: \$5-10,000.00 annually.

(3) At my direction, this department has requested the Department of Public Works (and I will repeat the process with its' current Director, Mr. Tibaldi) to direct and instruct all of its drivers to report to the Director of Public Works all potentially hazardous pot-holes or road defects for correction; and also to institute a quarterly road inspection program.

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It is recommended that these two preventive maintenance measures or procedures be required to be followed (perhaps by ordinance or Executive Order) by all city departments having motor vehicles on the road.

Estimated savings are difficult to ascertain definitively, but I would venture \$50,000.00 annually - if all departments cooperate in good faith.

(4)a. As to Pending Suits: I have instituted a tougher policy as to pre-trial settlements. No case is settled simply because the city has been sued! As a trial approaches for a case, it is thoroughly evaluated by at least two lawyers in this office, plus myself. In advance of the pre-trial conference with the judge, this evaluation is presented to the Claims Committee, either by myself or the Assistant City Solicitor handling the case (or by both). After study and review by the Claims Committee, a confidential settlement authorization-- if any and where appropriate - is given the Law Department. If the Plaintiff is not willing to accept this offer (which is usually substantially less than the Plaintiff's demand) then the case is tried in court. (Note: In those cases tried in court after settlement negotiations have failed, the city has not gotten hurt - that is, generally the judgment has not been greater than our settlement offer). No case is settled without the prior approval of the Claims Committee unless for an amount not exceeding \$1,000.00.

Estimated savings: \$25,000.00 annually.

b. Structured payments: In practically every major case settled - that is exceeding \$25,000.00, payments to Plaintiff have been structured over two and three fiscal years. This eliminates the need for a supplementary appropriation to the claims account and the monies held by the city are earning interest. Estimated savings: \$12,000.00.

c. Interest: Since the R.I. Supreme Court decision in Gaumond -vs- Central Falls, March 18, 1983, the city is not required to pay pre-judgment interest on most types of cases where the city itself is a defendant. Consequently, as a general rule, the city is not penalized with interest by waiting for trial before settling significant cases. Estimated savings: \$12,000.00.

5. Investigative efforts by the department staff as to pending claims have been stepped up and increased. This provides the department with more evidence and ammunition to fight with (e.g. the wrongful death claim of the estate of former councilman Brennan). Estimated savings-difficult to assess definitively.

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6. Collections against motorists who have caused damage to city property, such as fire-hydrants, traffic facilities, etc., have also been stepped up and pursued. Estimated savings: \$2,000.00.

7. Collection of delinquent sewer use fees: This department, in cooperation with the City Collector and the Finance Director [and their departments]) has recently embarked on the huge task of attempting to assist in the collection of delinquent sewer use fees by utilizing court suits where necessary. In addition to the expected collection of a great deal of over-due money - to enable the city to pay its obligations to the Narragansett Bay Commission, this department will save the city the usual collection fee that would ordinarily be charged by outside collection lawyers (about  $\frac{1}{4}$  of the amount collected). Estimated savings: \$100,000.00. (projected)

8. I have enforced a policy of providing a lawyer (from this department) at practically every meeting of practically every council committee, city boards, agencies, commissions, etc., so that this department becomes more familiar with major city issues and business; and to assure that operations, and projects, ordinances, etc. are carried out lawfully so that the city is not subjected to liability or suits.

9. Expensive legal pads, pens and selected supplies have been placed under my direct control and supervision. Estimated savings: approximately \$400.00.

There is always room for improvement and learning; and thus, this department will continue to endeavor and to strive to consider and develop other measures or techniques that would result in savings to the city and the taxpayers.

Respectfully submitted:



CHARLES A. PISATURO  
City Solicitor

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