



New York City Council

Christine C. Quinn, Speaker

Finance Division

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**Hearing on the Mayor's Fiscal Year 2012 Preliminary Budget &
The Fiscal Year 2011 Preliminary Mayor's Management Report**

Law Department

March 16, 2011

Committee on Governmental Operations

Hon. Gale A. Brewer, Chair

Andy Grossman, Deputy Director, Finance Division
Eisha Wright, Supervising Legislative Financial Analyst

Summary and Highlights

Law Department Financial Summary

Dollars in Thousands

| | 2009 Actual | 2010 Actual | 2011 Adopted | 2011 Feb Plan | 2012 Feb Plan | Difference, 2011 – 2012* |
|------------------------------|------------------|------------------|------------------|------------------|------------------|-----------------------------|
| Personal Services | \$93,695 | \$100,153 | \$98,529 | \$97,799 | \$99,010 | \$481 |
| Other Than Personal Services | 38,510 | 39,621 | 35,506 | 42,068 | 37,285 | 1,780 |
| Table Total | \$132,205 | \$139,774 | \$134,035 | \$139,868 | \$136,295 | \$2,260 |

* Difference refers to the variance between the Fiscal 2011 Adopted Budget and the Fiscal 2012 Preliminary

In the February Plan, the Law Department’s Personal Services (PS) Budget for Fiscal 2012 increases by \$481,000 when compared to the Fiscal 2011 Adopted Budget. This increase is largely due to the agency’s increase of six authorized positions (1,248 versus 1,242). The \$1.78-million OTPS increase in the agency’s Fiscal 2012 Budget compared to its Adopted Fiscal 2011 Budget is primarily due to the addition of new need funding for special counsel and experts. It should be noted that the Law Department’s Fiscal 2012 Budget at the time of Fiscal 2011 Adoption was approximately \$2.5 million lower than the agency’s Fiscal 2011 figure. This was the result of prior Plan actions.

- **Increased Revenue Collections.** According to the February Plan, “The Department has realized additional revenue from the Amtrak litigation judgment in conjunction with the Department of Transportation and from the World Trade Center Captive Insurance reimbursement.” This one-time revenue of approximately \$6.4 million in Fiscal 2011 has allowed the Law Department to avoid any Expense Budget Program to Eliminate the Gap (PEG) reductions in either the November or February Plans.
- **Special Counsel and Experts (funded in the Law Department).** In order to meet its needs relating to major cases, the February Plan proposed adding the following amounts to the Law Department’s Budget for special counsel and experts: \$2.7 million in Fiscal 2011, \$4.7 million in Fiscal 2012, \$4 million in Fiscal 2013, and \$1.725 in both Fiscal 2014 and 2015.

The Law Department has explained this new need in the following way:

“On the PS side, staffing and funding was provided to retain special counsel and to create a unit to handle the multitude of tasks that have arisen as a result of the reporting and recovery requirements mandated by the Medicare Secondary Payer Act of 1980 and Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007.

On the OTPS side, additional funding was provided for Intra-city telecommunications expenses (\$300k) and 50-h Hearings (\$880k) as well as litigation support and consulting services for various matters that includes, but is not limited to, catastrophic injuries (\$1,068k) and flooding (\$356k) cases.”

- **Special Counsel and Experts (funded in the Miscellaneous Budget).** In order to meet its contractual needs relating to major cases, the February Plan proposed adding the following amounts to the Law Department’s Budget for Special Counsel and Experts: \$7.3 million in Fiscal 2011, \$2.3 million in Fiscal 2012, \$2.9 million in Fiscal 2013, and \$990,000 in both Fiscal 2014 and 2015.

The Law Department has explained this new need in the following way:

“Funding was provided for various cases that include, but are not limited to, Central Park Jogger (\$300k), Collection Agency (\$670k), Guns (\$2,000k), RNC (\$705k), Med Mal (\$270k), FLSA (\$250k) litigations and support for our Special Federal Litigation Division (\$920k). These amounts were added to the Miscellaneous Budget because they represent large one-shot cases that would artificially inflate our baseline budget.”

- **Reduction in the City’s Judgment and Claims Budget (funded in the Miscellaneous Budget).** The February Plan reduced the City’s Judgment and Claims (J&C) budget by \$410 million over the course of the Plan as follows: \$50 million in Fiscal 2011, \$60 million in Fiscal 2012, \$80 million in Fiscal 2013, \$100 million in Fiscal 2014, and \$120 million in 2015. With these reductions, the remaining amounts for each year are as follows: \$637 million in Fiscal 2011, \$675 million in Fiscal 2012, \$705 million in Fiscal 2013, \$738 in Fiscal 2014, \$774 million in 2015. As shown in the first of two performance measure charts that are included later in this document, actual judgment and claims payouts in Fiscal 2010 totaled \$542 million. If the payouts for Fiscal 2011 through Fiscal 2015 remain at that level, hundreds of millions of dollars may be liberated for alternative uses.

OMB has explained the J&C adjustment in the following way:

“Based on settlement trends over the past few years, the volume of medical malpractice is about 300 and average cost is about \$200,000, while the volume of non-medical malpractice is about 6,500 and average cost is about \$40,000 for personal injuries claims less than a million dollars. In order to align the J&C cost to the past few years’ trend, we have reduced the J&C budget. We anticipate that these trends should generally continue into the future. However, we are mindful that costs and volumes also tend to grow; therefore, there is growth in J&C from year to year, albeit from a lowered baseline.”

Law Department

Under the direction of the corporation counsel, the agency is responsible for acting as attorney and counsel for the city, and each agency and/or individual acting on behalf of the city; conducts all necessary legal business and proceedings; institutes actions in law or equity and any proceedings provided by law in all courts; maintains, defends and establishes the rights, interests, revenues, property, privilege, franchise or demands of the city through the following divisions: appeals, contracts and real estate (leases), tax and bankruptcy, family court, administrative law, pensions, affirmative litigation, workers' compensation, torts, economic development, environmental law, municipal finance, labor and employment law, special federal litigation, commercial and real estate litigation and general litigation.

The Law Department is responsible for more than 90,000 matters annually, and provides legal advice to all City agencies.

Key Public Services Areas

- Represent the City in Litigation and other legal matters involving the City's Interest
- Prosecute crimes involving youth under the age of 16.

Critical Objectives

- Limit the City's liability and assist City agencies to minimize their exposure to lawsuits
- Effectively prosecute juveniles in Family Court.

SOURCE: Mayor's Management Report

| <i>Dollars in Thousands</i> | 2009 Actual | 2010 Actual | 2011 Adopted | 2011 Feb Plan | 2012 Feb Plan | Difference, 2011 – 2012 |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|----------------------------|
| Spending | | | | | | |
| Personal Services | \$93,695 | \$100,153 | \$98,529 | \$97,799 | \$99,010 | \$481 |
| Full-Time Salaried – Civilian | 86,692 | 92,839 | 95,537 | 94,780 | 95,990 | 453 |
| Other Salaried & Unsalariated | 4,452 | 4,610 | 2,722 | 2,722 | 2,722 | 0 |
| Additional Gross Pay | 1,419 | 1,606 | 269 | 269 | 269 | 0 |
| Overtime - Civilian | 1,153 | 1,134 | 1 | 1 | 1 | 0 |
| Fringe Benefits | 0 | 0 | 0 | 28 | 28 | 28 |
| P.S. Other | (20) | (35) | 0 | 0 | 0 | 0 |
| Other Than Personal Services | \$38,510 | \$39,621 | \$35,506 | \$42,068 | \$37,285 | 1,780 |
| Supplies and Materials | 1,148 | 1,190 | 1,220 | 1,151 | 1,220 | 0 |
| Property and Equipment | 736 | 883 | 524 | 869 | 524 | 0 |
| Other Services and Charges | 18,006 | 19,414 | 18,950 | 22,261 | 23,127 | 4,177 |
| Contractual Services | 18,590 | 16,957 | 14,793 | 17,755 | 12,396 | (2,397) |
| Fixed and Misc. Charges | \$29 | 1,176 | 18 | 33 | 18 | 0 |
| TOTAL | \$132,205 | \$139,774 | \$134,035 | \$139,868 | \$136,295 | \$2,260 |
| Funding | | | | | | |
| <i>City Funds</i> | | | \$126,818 | \$129,677 | \$129,165 | \$2,346 |
| <i>Capital IFA</i> | | | 3,335 | 3,335 | 3,335 | 0 |
| <i>Intra City</i> | | | 3,445 | 5,751 | 3,225 | (220) |
| <i>Other Categorical</i> | | | 437 | 832 | 437 | 0 |
| <i>State</i> | | | 0 | 72 | 0 | 0 |
| <i>Federal - Other</i> | | | 0 | 201 | 134 | 134 |
| TOTAL | | | \$134,035 | \$139,868 | \$136,295 | \$2,260 |
| Positions | | | | | | |
| Full-Time Positions - Civilian | 1,277 | 1,265 | 1,242 | 1,252 | 1,248 | 6 |
| TOTAL | 1,277 | 1,265 | 1,242 | 1,252 | 1,248 | 6 |

Performance Measures

| Representation of the City in Litigation & Other Matters | FY 08 | FY 09 | FY 10 | 4-Month Actual FY10 | 4-Month Actual FY11 | Target FY12 |
|---|--------------|--------------|--------------|----------------------------|----------------------------|--------------------|
| Total Tort Cases Pending | 20,084 | 17,791 | 17,362 | 17,716 | 17,450 | 17,800 |
| Tort Cases Commenced – Citywide | 6,190 | 6,337 | 6,442 | 2,189 | 2,136 | * |
| Tort Dispositions – Citywide | 7,116 | 6,730 | 6,921 | 2,097 | 1,929 | 6,100 |
| Total Tort Payout -- Citywide (\$000) | \$554,326 | \$570,581 | \$541,595 | \$131,515 | \$124,547 | * |

Performance Measures

| Prosecution of Crimes Involving Youth Under Age 16 | FY 08 | FY 09 | FY 10 | 4-Month Actual FY10 | 4-Month Actual FY11 | Target FY12 |
|---|--------------|--------------|--------------|----------------------------|----------------------------|--------------------|
| Referred Cases Filed for Prosecution (%) | 62% | 59% | 55% | 55% | 55% | 55% |
| Crime Victims Assessed for Community-Based Services (%) | 28% | 34% | 34% | 32% | 48% | 35% |
| Juvenile Conviction Rate (%) | 70% | 71% | 72% | 70% | 69% | 70% |

Fiscal 2012 Preliminary Contracts Budget

The New York City Charter mandates the preparation of a Contract Budget to identify expenditures for contractual services, which are defined as any technical, consultant or personal service provided to the City by means of a contract. The Contract Budget is actually a subset of the Other Than Personal Services (OTPS) portion of the City's Expense Budget. The Administration prepares a Contract Budget twice each fiscal year. In January, it is prepared with the Departmental Estimates, and in late April it is submitted to the Council with the Executive Budget.

| Category | Number | Budgeted | Pct. of LAW Total | Pct. of City Total | Pct. Change from 2011 Adopted |
|---|------------|---------------------|-------------------|--------------------|-------------------------------|
| Contractual Services General | 12 | \$410,300 | 3.3% | 0.08% | 0.0% |
| Maint. & Repair, General | 40 | 2,125,801 | 17.1% | 2.15% | 0.0% |
| Office Equipment Maintenance | 53 | 200,000 | 1.6% | 1.40% | 0.0% |
| Data Processing Equipment | 9 | 701,200 | 5.7% | 0.53% | 0.0% |
| Temporary Services | 20 | 3,378,973 | 27.3% | 9.47% | 0.0% |
| Cleaning Services | 7 | 15,000 | 0.1% | 0.07% | 0.0% |
| Transportation Expenditures | 2 | 165,000 | 1.3% | 1.26% | 0.0% |
| Training Programs for City Employees | 2 | 85,450 | 0.7% | 0.60% | 0.0% |
| Professional Services: Accounting & Auditing | 5 | 100,000 | 0.8% | 0.40% | 0.0% |
| Professional Services: Legal Services | 17 | 923,000 | 7.4% | 0.89% | -65.5% |
| Professional Services: Engineering & Architecture | 11 | 130,000 | 1.0% | 9.14% | 0.0% |
| Professional Services: Other | 39 | 4,161,773 | 33.6% | 3.26% | -13.4% |
| Preliminary Budget | 217 | \$12,396,497 | 100.0% | 0.12% | -16.2% |

Appendix A: Budget Actions in the November and February Plans

| Description | Fiscal 2011 | | | Fiscal 2012 | | |
|---|------------------|-----------------|------------------|------------------|----------------|------------------|
| | City | Non-City | Total | City | Non-City | Total |
| Agency Budget as per June 2010 Plan | \$126,819 | \$7,217 | \$134,036 | \$124,497 | \$6,997 | \$131,494 |
| Program to Eliminate the Gap (PEGs) | | | | | | |
| none | | | \$0 | | | \$0 |
| Total PEGs | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| New Needs | | | | | | |
| Special Counsel and Experts (Feb.) | \$2,733 | | \$2,733 | \$4,668 | | \$4,668 |
| Total New Needs | \$2,733 | \$0 | \$2,733 | \$4,668 | \$0 | \$4,668 |
| Other Adjustments | | | | | | |
| Couch White Contract | | \$200 | \$200 | | | \$0 |
| Couch White Contract DEP (Hydr) | | \$1,500 | \$1,500 | | | \$0 |
| Couch White MDO Contract EDC (Hydr) | | \$60 | \$60 | | | |
| FY11 DORIS - NYS Grant | | \$72 | \$72 | | | \$0 |
| FY11 FC Division - DFP Grant | | \$68 | \$68 | | | \$0 |
| FY11 NYC & Company Mod. | | \$335 | \$335 | | | \$0 |
| Intra-City - 1004 | | \$30 | \$30 | | | \$0 |
| Intra-City - LGRMIF | | \$73 | \$73 | | | \$0 |
| Intra-City - NYC Law | | \$400 | \$400 | | | \$0 |
| Intra-City - DEP EH&S Contract Rev. (Feb.) | | \$103 | \$103 | | | \$0 |
| FY11 & FY12 Intellectual Property (Feb.) | | \$96 | \$96 | | \$96 | \$96 |
| FY11 & FY12 VAWA Grant (Feb.) | | \$38 | \$38 | | \$38 | \$38 |
| Lease Adjustment (Feb.) | \$126 | | \$126 | | | \$0 |
| Total Other Adjustments | \$126 | \$2,974 | \$3,100 | \$0 | \$134 | \$134 |
| PEG Restorations and Substitutions (PRS) | | | | | | |
| none | | | \$0 | | | |
| Total PEG Restorations and Substitutions (PRS) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total January Plan Budget Changes | \$2,859 | \$2,974 | \$5,833 | \$4,668 | \$134 | \$4,802 |
| Agency Budget as per the February 2011 Plan | \$129,678 | \$10,191 | \$139,869 | \$129,165 | \$7,131 | \$136,296 |

**Judgment and Claims as per the Fiscal 2011 Adopted Plan
(\$ in millions)**

| | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 | FY 08 | FY 09 | FY 10 | FY 11 |
|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| PI < 1M | | | | | | | | | |
| MM | 290 | 304 | 291 | 259 | 265 | 289 | 264 | 260 | 267 |
| Avg. Cost | \$191,136 | \$203,272 | \$189,750 | \$186,615 | \$209,682 | \$210,824 | \$166,556 | \$186,891 | \$249,355 |
| Non-MM | \$55,429,476 | \$61,794,660 | \$55,217,327 | \$48,333,206 | \$55,565,856 | \$60,928,146 | \$43,970,682 | \$48,591,616 | \$66,577,738 |
| Defective Sidewalk | 2,859 | 2,640 | 2,241 | 1,680 | 1,469 | 1,318 | 1,044 | 1,611 | 1,636 |
| Avg. Cost | \$23,760 | \$26,792 | \$30,647 | \$31,329 | \$38,172 | \$40,707 | \$37,371 | \$39,238 | \$42,273 |
| School | \$67,930,339 | \$70,730,154 | \$68,680,158 | \$52,632,764 | \$56,074,315 | \$53,652,439 | \$39,015,260 | \$63,213,182 | \$69,158,081 |
| Auto Accident (PI) | 1,201 | 1,122 | 1,000 | 861 | 899 | 987 | 803 | 907 | 914 |
| Avg. Cost | \$25,066 | \$30,968 | \$29,504 | \$28,865 | \$41,117 | \$39,288 | \$37,851 | \$40,715 | \$43,867 |
| All Other | \$30,104,603 | \$34,745,925 | \$29,504,099 | \$24,853,037 | \$36,964,337 | \$38,777,144 | \$30,394,096 | \$36,928,747 | \$40,094,317 |
| | 1,167 | 1,107 | 1,207 | 927 | 940 | 1,027 | 885 | 947 | 997 |
| Avg. Cost | \$32,968 | \$27,690 | \$33,356 | \$30,339 | \$39,912 | \$33,358 | \$45,566 | \$42,216 | \$43,563 |
| | \$38,473,306 | \$30,652,868 | \$40,260,127 | \$28,124,312 | \$37,517,005 | \$34,258,256 | \$40,326,296 | \$39,978,764 | \$43,431,974 |
| | 2,958 | 3,339 | 3,032 | 2,791 | 3,265 | 3,450 | 3,569 | 2,955 | 3,086 |
| Avg. Cost | \$43,901 | \$41,642 | \$40,627 | \$36,894 | \$37,476 | \$42,428 | \$35,582 | \$43,985 | \$49,966 |
| | \$129,858,287 | \$139,043,539 | \$123,180,944 | \$102,970,551 | \$122,360,638 | \$146,375,205 | \$126,992,098 | \$129,976,910 | \$154,196,562 |
| Non-MM Subtotal | 8,185 | 8,208 | 7,480 | 6,259 | 6,573 | 6,782 | 6,301 | 6,420 | 6,633 |
| Avg. Cost | \$32,543 | \$33,525 | \$34,977 | \$33,325 | \$38,478 | \$40,263 | \$37,570 | \$42,071 | \$46,266 |
| | \$266,366,535 | \$275,172,486 | \$261,625,328 | \$208,580,664 | \$252,916,295 | \$273,063,044 | \$236,727,750 | \$270,097,603 | \$306,880,934 |
| | 8,475 | 8,512 | 7,771 | 6,518 | 6,838 | 7,071 | 6,565 | 6,680 | 6,900 |
| Avg. Cost | \$37,970 | \$39,587 | \$40,772 | \$39,416 | \$45,113 | \$47,234 | \$42,757 | \$47,708 | \$54,124 |
| PI Subtotal | \$321,796,011 | \$336,967,146 | \$316,842,655 | \$256,913,870 | \$308,482,151 | \$333,991,190 | \$280,698,432 | \$318,689,219 | \$373,458,672 |
| Heavy Hitter | | | | | | | | | |
| | 57 | 43 | 41 | 37 | 42 | 41 | 38 | 42 | 47 |
| Avg. Cost | \$2,485,892 | \$2,571,544 | \$2,373,144 | \$3,075,286 | \$2,377,982 | \$2,267,874 | \$2,341,966 | \$2,628,571 | \$2,731,489 |
| | \$141,695,871 | \$110,576,399 | \$97,298,906 | \$113,785,579 | \$99,875,255 | \$92,982,828 | \$88,994,713 | \$110,400,000 | \$128,380,000 |
| Non-MM | 45 | 53 | 38 | 41 | 46 | 51 | 74 | 48 | 53 |
| Avg. Cost | \$2,743,391 | \$2,123,460 | \$1,782,258 | \$2,319,749 | \$2,564,752 | \$2,213,610 | \$2,613,686 | \$2,491,667 | \$2,521,132 |

| | | | | | | | | | | |
|----------------------------------|-----------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| | | \$123,452,608 | \$112,543,399 | \$67,725,802 | \$95,109,708 | \$117,978,608 | \$112,894,092 | \$193,412,736 | \$119,600,000 | \$133,620,000 |
| | Volume | 102 | 96 | 79 | 78 | 88 | 92 | 112 | 90 | 100 |
| Heavy Hitter Subtotal | Avg. Cost | \$2,599,495 | \$2,324,165 | \$2,088,920 | \$2,678,145 | \$2,475,612 | \$2,237,793 | \$2,521,495 | \$2,555,556 | \$2,620,000 |
| PD | | \$265,148,479 | \$223,119,798 | \$165,024,708 | \$208,895,287 | \$217,853,863 | \$205,876,920 | \$282,407,449 | \$230,000,000 | \$262,000,000 |
| Non Tort | | \$11,722,364 | \$15,138,776 | \$7,342,109 | \$11,201,664 | \$8,654,134 | \$14,458,066 | \$7,475,084 | \$13,000,000 | \$14,500,000 |
| Special Cases | | \$28,248,880 | \$15,824,720 | \$28,466,066 | \$33,852,610 | \$29,046,597 | \$46,826,106 | \$23,619,664 | \$29,299,990 | \$37,000,000 |
| Comptroller Adjustment | | | | \$27,603,967 | | | \$24,242,239 | | | |
| Shortage in Prior Years Accruals | | | (\$49,479) | | | | | | | |
| | | | | \$45,014,005 | \$5,937,706 | | | | | |
| Total J&C | | \$626,915,734 | \$591,000,961 | \$590,293,510 | \$516,801,137 | \$564,036,745 | \$625,394,521 | \$623,192,315 | \$590,989,209 | \$686,958,672 |

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**Judgment and Claims as per the Fiscal 2011 Adopted Plan
(\$ in millions)**

| | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
|-----------------------------------|----------------|----------------|----------------|----------------|----------------|
| PERSONAL INJURY LT \$1,000,000 | 6,680 \$319 | 6,900 \$373 | 7,100 \$423 | 7,300 \$475 | 7,500 \$527 |
| HEAVYHITTERS GE \$1,000,000 | \$230 | \$262 | \$269 | \$276 | \$286 |
| SUB TOTAL PERSONAL INJURY | \$549 | \$635 | \$692 | \$751 | \$813 |
| PROPERTY DAMAGE LT \$1,000,000 | \$13 | \$15 | \$15 | \$15 | \$15 |
| TOTAL TORT | \$562 | \$650 | \$707 | \$766 | \$828 |
| NON TORT | \$29 | \$37 | \$38 | \$39 | \$40 |
| TOTAL SPENDING | \$591 | \$687 | \$745 | \$805 | \$868 |

**Judgment and Claims as per the Fiscal 2012 Preliminary Plan
(\$ in millions)**

| | FY 03 | FY 04 | FY 05 | FY 06 | FY 07 | FY 08 | FY 09 | FY 10 | FY 11 | FY 12 |
|------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| PI < 1M | | | | | | | | | | |
| MM | 290 | 304 | 291 | 259 | 265 | 289 | 264 | 294 | 292 | 295 |
| Volume | \$191,136 | \$203,272 | \$189,750 | \$186,615 | \$209,682 | \$210,824 | \$166,556 | \$190,943 | \$197,785 | \$207,340 |
| Avg. Cost | \$55,429,476 | \$61,794,660 | \$55,217,327 | \$48,333,206 | \$55,565,856 | \$60,928,146 | \$43,970,682 | \$56,137,172 | \$57,753,254 | \$61,165,188 |
| Non-MM | | | | | | | | | | |
| Defective Sidewalk | 2,859 | 2,640 | 2,241 | 1,680 | 1,469 | 1,318 | 1,044 | 940 | 1,131 | 1,148 |
| Volume | \$23,760 | \$26,792 | \$30,647 | \$31,329 | \$38,172 | \$40,707 | \$37,371 | \$38,143 | \$40,778 | \$42,548 |
| Avg. Cost | \$67,930,339 | \$70,730,154 | \$68,680,158 | \$52,632,764 | \$56,074,315 | \$53,652,439 | \$39,015,260 | \$35,854,491 | \$46,120,206 | \$48,844,886 |
| School | 1,201 | 1,122 | 1,000 | 861 | 899 | 987 | 803 | 837 | 901 | 914 |
| Volume | \$25,066 | \$30,968 | \$29,504 | \$28,865 | \$41,117 | \$39,288 | \$37,851 | \$36,098 | \$39,667 | \$41,413 |
| Avg. Cost | \$30,104,603 | \$34,745,925 | \$29,504,099 | \$24,853,037 | \$36,964,337 | \$38,777,144 | \$30,394,096 | \$30,214,135 | \$35,739,847 | \$37,851,278 |
| Auto Accident (PI) | 1,167 | 1,107 | 1,207 | 927 | 940 | 1,027 | 885 | 898 | 964 | 978 |
| Volume | \$32,968 | \$27,690 | \$33,356 | \$30,339 | \$39,912 | \$33,358 | \$45,566 | \$47,190 | \$44,104 | \$46,041 |
| Avg. Cost | \$38,473,306 | \$30,652,868 | \$40,260,127 | \$28,124,312 | \$37,517,005 | \$34,258,256 | \$40,326,296 | \$42,376,808 | \$42,516,133 | \$45,027,892 |
| All Other | 2,958 | 3,339 | 3,032 | 2,791 | 3,265 | 3,450 | 3,569 | 3,770 | 3,712 | 3,765 |
| Volume | \$43,901 | \$41,642 | \$40,627 | \$36,894 | \$37,476 | \$42,428 | \$35,582 | \$38,834 | \$40,768 | \$42,568 |
| Avg. Cost | \$129,858,287 | \$139,043,539 | \$123,180,944 | \$102,970,551 | \$122,360,638 | \$146,375,205 | \$126,992,098 | \$146,405,817 | \$151,329,232 | \$160,269,428 |
| Non-MM Subtotal | 8,185 | 8,208 | 7,480 | 6,259 | 6,573 | 6,782 | 6,301 | 6,445 | 6,708 | 6,805 |
| Volume | \$32,543 | \$33,525 | \$34,977 | \$33,325 | \$38,478 | \$40,263 | \$37,570 | \$39,542 | \$41,101 | \$42,909 |
| Avg. Cost | \$266,366,535 | \$275,172,486 | \$261,625,328 | \$208,580,664 | \$252,916,295 | \$273,063,044 | \$236,727,750 | \$254,851,251 | \$275,705,418 | \$291,993,484 |
| PI Subtotal | 8,475 | 8,512 | 7,771 | 6,518 | 6,838 | 7,071 | 6,565 | 6,739 | 7,000 | 7,100 |
| Volume | \$37,970 | \$39,587 | \$40,772 | \$39,416 | \$45,113 | \$47,234 | \$42,757 | \$46,148 | \$47,637 | \$49,741 |
| Avg. Cost | \$321,796,011 | \$336,967,146 | \$316,842,655 | \$256,913,870 | \$308,482,151 | \$333,991,190 | \$280,698,432 | \$310,988,423 | \$333,458,672 | \$353,158,672 |
| Heavy Hitter | 57 | 43 | 41 | 37 | 42 | 41 | 38 | 30 | 35 | 37 |
| Volume | \$2,485,892 | \$2,571,544 | \$2,373,144 | \$3,075,286 | \$2,377,982 | \$2,267,874 | \$2,341,966 | \$2,583,391 | \$2,880,000 | \$2,908,108 |
| Avg. Cost | \$141,695,871 | \$110,576,399 | \$97,298,906 | \$113,785,579 | \$99,875,255 | \$92,982,828 | \$88,994,713 | \$77,501,733 | \$100,800,000 | \$107,600,000 |
| Non-MM | 45 | 53 | 38 | 41 | 46 | 51 | 74 | 48 | 50 | 53 |
| Volume | \$2,743,391 | \$2,123,460 | \$1,782,258 | \$2,319,749 | \$2,564,752 | \$2,213,610 | \$2,613,686 | \$2,980,655 | \$3,024,000 | \$3,045,283 |
| Avg. Cost | \$123,452,608 | \$112,543,399 | \$67,725,802 | \$95,109,708 | \$117,978,608 | \$112,894,092 | \$193,412,736 | \$143,071,429 | \$151,200,000 | \$161,400,000 |

| | 102 | 96 | 79 | 78 | 88 | 92 | 112 | 78 | 85 | 90 |
|-------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Heavy Hitter Subtotal | Volume Avg. Cost | | | | | | | | | |
| | \$2,599,495 | \$2,324,165 | \$2,088,920 | \$2,678,145 | \$2,475,612 | \$2,237,793 | \$2,521,495 | \$2,827,861 | \$2,964,706 | \$2,988,889 |
| | \$265,148,479 | \$223,119,798 | \$165,024,708 | \$208,895,287 | \$217,853,863 | \$205,876,920 | \$282,407,449 | \$220,573,162 | \$252,000,000 | \$269,000,000 |
| PD | \$11,722,364 | \$15,138,776 | \$7,342,109 | \$11,201,664 | \$8,654,134 | \$14,458,066 | \$7,475,084 | \$10,033,502 | \$14,500,000 | \$14,800,000 |
| Non Tort | \$28,248,880 | \$15,824,720 | \$28,466,066 | \$33,852,610 | \$29,046,597 | \$46,826,106 | \$23,619,664 | \$28,120,341 | \$37,000,000 | \$38,000,000 |
| Special Cases | | | | | | | | | | |
| Comptroller Adjustment | | (\$49,479) | | | | | | (\$1,469,347) | | |
| Shortage in Prior Years Accruals | | | \$45,014,005 | \$5,937,706 | | \$24,242,239 | \$28,991,686 | | | |
| Total J&C | \$626,915,734 | \$591,000,961 | \$590,293,510 | \$516,801,137 | \$564,036,745 | \$625,394,521 | \$623,192,315 | \$568,246,081 | \$636,958,672 | \$674,958,672 |

*Continuation from previous page

**Judgment and Claims as per the Fiscal 2012 Preliminary Plan
(\$ in millions)**

| | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|-----------------------------------|----------------|----------------|----------------|----------------|----------------|
| PERSONAL INJURY LT \$1,000,000 | 7,000 \$333 | 7,100 \$353 | 7,200 \$375 | 7,300 \$397 | 7,400 \$421 |
| HEAVYHITTERS GE \$1,000,000 | \$252 | \$269 | \$276 | \$286 | \$296 |
| SUB TOTAL PERSONAL INJURY | \$585 | \$622 | \$651 | \$683 | \$717 |
| PROPERTY DAMAGE LT \$1,000,000 | \$15 | \$15 | \$15 | \$15 | \$15 |
| TOTAL TORT | \$600 | \$637 | \$666 | \$698 | \$732 |
| NON TORT | \$37 | \$38 | \$39 | \$40 | \$41 |
| TOTAL SPENDING | \$637 | \$675 | \$705 | \$738 | \$773 |