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**MEMORANDUM**

Date: July 28, 2021

To: Honorable Chairman John Daley, Cook County Board of Commissioners  
Honorable Cook County Board of Commissioners

CC: Lanetta Haynes Turner, Chief of Staff  
Amy Crawford, Civil Actions Bureau Deputy Chief  
Annette Guzman, Budget Director  
Deanna Zalas, Risk Management Director

From: Ammar M. Rizki, Chief Financial Officer, Bureau of Finance *AMR*

Subject: **Fiscal Impact Note on Substitute to #21-3130 State's Attorney Amendment**

In accordance with Sec. 2-77 of the Cook County Code of Ordinances, this note is prepared to convey the fiscal impact of item **#21-3130 State's Attorney Amendment**.

Ordinance #21-3130 changes the rate structure at which Special State's Attorneys (SSAs) and Special Assistant State's Attorneys (SASAs), are paid by the County. It requires pre-approval for certain costs, including experts charging more than \$500/hour, and forbids reimbursement for food or clerical work. The maximum rate at which attorneys can be paid moves from \$185/hour to \$290/hour. Paralegals move from a cap of \$65/hour to \$90/hour. The substitute specifies that hourly rates for criminal attorneys will not exceed \$205/hour. The rate changes will only affect new engagements. This ordinance will be effective immediately upon passage.

The original ordinance would lead to an estimated fiscal impact of \$1.6 million through FY2023, and an annual fiscal impact of \$1.2 million in FY24, to grow with inflation until a new rate cap is established or attorneys and paralegals all reach their maximum rate, based on an initial 10% rate increase on new engagements combined with inflation. Estimating criminal attorneys as 20% of the attorneys with rates under \$290, this impact would be reduced, because their rates would not be continuously impacted by inflation, as they will reach their cap earlier.

Assuming engagements with criminal attorneys have the same 24-month average life as attorneys at large, the fiscal impact will be \$98,500 in FY2021 and have a cumulative fiscal impact of \$1.4 million through FY2023; at which point all engagements are expected to see the 10% increase, along with inflation concurrent with the year their engagement began for non-criminal attorneys. In FY2024, the fiscal impact is estimated at \$967,900 which would grow annually with inflation by \$150,800, until a new rate cap is put in place, or all attorneys and paralegals reach the new rate cap. Through FY2023, this cap specific to criminal attorneys would mean a fiscal impact of \$260,000 less than without a criminal attorney specific cap. In FY2024 and onward, the annual increasing impact of inflation would be \$30,000 less under this substitute ordinance. These calculations can be seen in the Litigation Expenses table below.

In total, the fiscal impact is expected to be \$1.4 million through FY2023, and an annual fiscal impact of \$968,000 in FY24, to grow with inflation until a new rate cap is established or attorneys and paralegals all reach their maximum rate.

LITIGATION EXPENSES							
	Invoice Sample Cost	Proportion of Cost	Estimated Annual Cost	FY21 Estimated Cost	FY22 Estimated Cost	FY23 Estimated Cost	FY24 Estimated Cost
<b>ATTORNEYS - LESS THAN \$290/HOUR</b>	\$ 518,700	46%	\$ 5,470,700	\$ 5,561,800	\$ 5,909,500	\$ 6,240,100	\$ 6,388,355
<b>CRIMINAL ATTORNEYS</b>	\$ 129,700	11%	\$ 1,367,700	\$ 1,373,500	\$ 1,390,800	\$ 1,402,400	\$ 1,402,400
<b>ATTORNEYS - \$290/HOUR OR MORE</b>	\$ 387,900	34%	\$ 4,091,400	\$ 4,091,400	\$ 4,091,400	\$ 4,091,400	\$ 4,091,400
<b>PARALEGALS/LEGAL ASSISTANTS - LESS THAN \$90/HOUR</b>	\$ 8,700	1%	\$ 92,100	\$ 93,600	\$ 99,400	\$ 105,000	\$ 107,503
<b>PARALEGALS/LEGAL ASSISTANTS - \$90/HOUR OR MORE</b>	\$ 11,500	1%	\$ 121,300	\$ 121,300	\$ 121,300	\$ 121,300	\$ 121,300
<b>OTHER -- DISBURSEMENTS, TRAVEL, PHOTOCOPY, ETC.</b>	\$ 77,700	7%	\$ 819,200	\$ 819,200	\$ 819,200	\$ 819,200	\$ 819,200
<b>TOTAL</b>			<b>\$ 11,962,200</b>	<b>\$ 12,060,700</b>	<b>\$ 12,431,600</b>	<b>\$ 12,779,400</b>	<b>\$ 12,930,100</b>
<b>ANNUAL FISCAL IMPACT OF SUBSTITUTE TO ORDINANCE 21-3130</b>				<b>\$ 98,500</b>	<b>\$ 469,400</b>	<b>\$ 817,200</b>	<b>\$ 967,900</b>
<b>ANNUAL FISCAL IMPACT, AS COMPARED TO ORIGINAL ORDINANCE 21-3130</b>				<b>\$ (17,000)</b>	<b>\$ (86,500)</b>	<b>\$ (157,600)</b>	<b>\$ (194,700)</b>

