



**Issue:** Discussion item for the April 11, 2022, City Council meeting regarding the funding of a full-time paralegal position.

**Date:** April 6, 2022.

**Submitted:** Nick Woodman, City Attorney

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### **Background**

As part of the City's 2022 Annual Budget discussions, staff submitted a request to fund a full-time paralegal. At the time, the motivation for the request was primarily based on the Council's decision to consolidate the municipal court with Christian County Associate Division.

During the discussion of the 2022 Annual Budget, the consensus of Council was to reevaluate the request after the first quarter of 2022.

### **Analysis**

Since the initial discussion of funding a paralegal position the needs of the City, in terms of legal representation, have increased. This is in part due to the consolidation of the municipal court but is more so because of the promotion of Mrs. Coffey as City Clerk. Prior to her promotion, part of Mrs. Coffey's duties was to assist the City Attorney with municipal prosecution matters. Mrs. Coffey has continued to assist in this capacity since her promotion but her duties as City Clerk and the time required to assist with prosecution items do not allow for this to be a long-term or sustainable situation.

Without assistance, the role of City Attorney will be primarily devoted to municipal prosecution matters. Most of these responsibilities can be performed by a non-attorney. Day-to-day municipal prosecution responsibilities are related to maintaining the City's electronic filing system, corresponding with defendant's and defendant's attorneys, drafting routine court filings, monitoring the State's electronic court notice system, and assisting the City Attorney with legal research. Individually these tasks are not burdensome but the City currently has approximately 787 active citations that are being prosecuted. Additionally, the docket for the April 14, 2022, court date, at the time of writing this memorandum indicates that there are 349 citations scheduled to be considered. This means that there are 349 distinct charges scheduled to be heard on that day.

The primary intention for the request for a paralegal is so that the City Attorney can focus on the priorities of Council and staff. Without assistance, more time will be devoted to municipal prosecution matters and less time will be available for legal services related to municipal operations.



Further, Nixa is not unique in its needs for additional legal support. Our peer neighboring communities have more than one employee in their Law Departments or City Attorney offices. For example, The City of Ozark has two full time attorneys as well as two support staff. The City of Republic has a full-time city attorney and a full-time paralegal/legal assistant.

In fact, Nixa has, until recently, had the support of multiple individuals to provide legal services. When the City contracted for legal services with private firms, those attorneys had support staff to assist them with providing services to the City.

It is not too foreign of a concept that the attorneys for organizations have some level of support staff.

### **Recommendation**

Staff's recommendation is for Council to consent to the drafting of a Council Bill to appropriate funds in the 2022 Budget to fund a full-time paralegal position. If this direction is given, staff will begin the additional steps needed to ensure that this position is filled as soon as practicable once approved.