



City of Boston, Massachusetts  
Office of the Mayor  
**MICHELLE WU**

June 24, 2024

**TO THE CITY COUNCIL**

Dear Councilors:

This is the response to the 17F: Order requesting certain information under Section 17F relative to legal spending.

Sincerely,

Michelle Wu  
Mayor of Boston



City of Boston  
Law Department

June 11, 2024

Councilor Julia Mejia  
Boston City Councilor, At-Large  
Boston City Council  
1 City Hall Square, Suite 550  
Boston, MA 02201

Re: Docket #0937: June 5, 2024 Section 17F Request for Records

Dear Councilor Mejia,

On June 5, 2024, the Law Department received your 17F filed on the same date, stating the following:

*Order of Councilor Julia Mejia*

*ORDERED: That under the provisions of section 17F of Chapter 452 of the Acts of 1948, as amended, and any other applicable provision of law, the Mayor, be, and hereby is, requested to obtain and deliver to the City Council, within one week of the receipt hereof, the following information relative to legal spend:*

- 1. The amount of money the City of Boston has spent on lawsuits in the last five years, including spending on outside counsel and the amount of money spent on settling lawsuits*

Section 17F of Chapter 452 of the Acts of 1948 is found in Chapter 190 of the Acts of 1982. Section 17F was introduced in Chapter 376 of the Acts of 1951 as an amendment to Chapter 452 of the Acts of 1948 and states:

*Section 17F. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.*

Section 17F was amended by Section 16 of Chapter 190 of the Acts of 1982. This section adds to Section 17F of the Acts of 1951 as follows:

*SECTION 16. Section 17F of chapter 452 of the acts of 1948, inserted by chapter 376 of the acts of 1951, is hereby amended by inserting after the second sentence the following sentence:-  
Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven [sic] of chapter four of*





City of Boston  
Law Department

*the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section.*

As indicated in Section 16, “clause Twenty-six of section seventy-seven [sic] of chapter four of the General Laws.” This part of the General Laws is also known as the Massachusetts public records law. See G. L. c. 4, § 7 (26). It is presumed this reference is to section seven as there is no “section seventy-seven” of chapter four, nor has there ever been such a section. See <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4>.

Massachusetts courts have consistently held that: “[w]here, as here, a statute contains an obvious clerical error, a court may depart from the statute's literal meaning in order to effectuate legislative intent.” Com. v. Maloney, 447 Mass. 577 (2006) *citing* Cohen v. Commissioner of Div. of Med. Assistance, 423 Mass. 399, 409 (1996). Further, “[i]n criminal cases no less than in civil, ‘where the draftsmanship of a statute is faulty or lacks precision, it is [the court’s] duty to give the statute a reasonable construction.’” Com. v. Maloney, 447 Mass. 577 (2006) *citing* Com. v. Pagan, 445 Mass. 315, 319 (2005) *quoting* Capone v. Zoning Bd. of Appeals of Fitchburg, 389 Mass. 617 (1983).

As indicated in the Acts of 1982, any record provided under Section 17F is subject to the exemptions provided by the Massachusetts public records law. Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. Portions of records responsive to your request contain information that is exempt from disclosure.

**Response to Request 1:** The tables on the following page show the total spend on outside counsel by the Law Department and the total spend for settlements, both from agreements that result in voluntary dismissal of litigation and adverse judgment payments for the fiscal years 2020 through 2024.

Outside counsel is paid from our Contracted Services budget line item, which also pays for other services contracted by the Law Department. The information presented accounts for the segment of Contracted Services used for the specific service of legal representation in a case.

Settlements are paid from the Execution of Courts budget line item under the Finance Cabinet. Execution of Courts provides funding for settlements, awards, and court orders resulting from claims against the City of Boston and its agencies and employees for damages to persons or property.





Outside Counsel

<b>Fiscal Year</b>	<b>Total Spend</b>
FY20	\$1,747,446.78
FY21	\$1,564,649.28
FY22	\$2,191,134.25
FY23	\$2,044,848.79
FY24*	\$1,720,950.25

Settlement Payments

<b>Fiscal Year</b>	<b>Total Spend</b>
FY20	\$ 9,261,972.47
FY21	\$ 10,106,925.24
FY22	\$ 28,422,949.42
FY23	\$ 25,520,084.03
FY24*	\$ 12,980,316.71

\* paid as of 6/7/24

Sincerely,

Adam N. Cederbaum  
Corporation Counsel