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City of Seattle
Public Defense Services
Request for Proposals

Draft – January 25, 2008

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INTRODUCTION AND OVERVIEW

Purpose: The City of Seattle's Office of Policy and Management (OPM) is seeking proposals from law firms that can provide effective counsel to indigent defendants charged in Seattle Municipal Court with misdemeanor and gross misdemeanor crimes. Proposals meeting the requirements of this RFP will only be accepted from non-profit law firms (i.e. a 501(c)3 or similar IRS tax status) hereinafter referred to as "firm."

Background: The City of Seattle is responsible for providing indigent defense services to persons charged with misdemeanor and gross misdemeanor crimes who meet certain financial eligibility criteria. Seattle currently contracts with two non-profit law firms to provide public defense services. This RFP will change the structure of the City's defense services by seeking to contract with three non-profit law firms. Seattle will contract directly with a single non-profit law firm to handle approximately 4,180 cases as the primary public defender (Primary Defender) for the City. A contract with a second non-profit law firm (Secondary Defender) will handle approximately 2,660 cases. A third public defender agency (Third Defender) will handle cases where both the Primary and Secondary agencies have a conflict (estimated to be 75-130 cases) in addition to the administration of assigned counsel cases (where all three defender agencies have identified a conflict.) Please see Attachment I for historical workload information.

Period of Performance: The period of performance for the Primary, Secondary and Third Defender contracts will be from July 1, 2008 through June 30, 2011. At the conclusion of the contract period, the City will reissue a Request for Proposals for public defense services.

Funding Available: This is a competitive bid process. Up to \$X,XXX,000 annually is available to fund a 2008 contract with the Primary Defender to handle an estimated total of 4,180 credits; Seattle Mental Health Court; Community Court; DWLS Diversion Court; and arraignment and intake calendars (see page 13, "Scope of Services" section for further detail). Up to \$XXX,000 annually is available to fund a 2008 contract with the Secondary Defender to handle a caseload of 2,660 credits. Up to \$XXX is available to fund a 2008 contract with the Third Defender to handle a caseload of 75-130 cases and the administration of assigned counsel. These figures use the City's caseload standard of 380 assigned credits per attorney annually. Case credits are defined as follows:

- Misdemeanor Case = 1 case credit
- Misdemeanor Probation = 0.6 case credit
- Misdemeanor Appeal = 4 case credits
- Misdemeanor Writ = 3 case credits

Firms may submit bids either at or less than the amount of funding available. Proposals that exceed the available funding limits will not be considered.

The City is giving these dollar and workload figures to provide a basis for a comparison between the RFP responses. Actual funding for these contracts will be determined during contract negotiations and will be dependent on the projected workload for 2008 and the amount of funds

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provided in the 2008 City budget. Funds will be pro-rated in 2008 to reflect the 6 month contract period.

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PROPOSAL PROCESS

RFP Coordinator

The RFP Coordinator is:

Linda Taylor-Manning, Policy Advisor
Office of Policy and Management
P.O. Box 94745
Seattle, WA 98124-4745

Telephone: 206-684-8376
Email: Linda.Taylor-Manning@seattle.gov
Agency website: <http://www.seattle.gov/financedepartment/>
Fax: 206-233-0085

The Office of Policy and Management is located on the sixth floor of Seattle City Hall (600 Fourth Avenue between Cherry and James).

Communications

All proposer communications concerning this RFP should be directed in writing to Linda Taylor-Manning, the RFP Coordinator or Catherine Cornwall, Senior Policy Analyst, OPM. No other City officials or employees are empowered to speak for the City with respect to this Project. Proposers who seek to obtain information, clarification, or interpretation from other City officials or employees are advised that such material is used at the proposer's own risk, and the City will not be bound by any such representations. Any attempt to bypass may be grounds for rejection of the proposer's proposal.

RFP Schedule

OPM reserves the right to change the dates as needed.

Request for Proposals Issued	February 11, 2008
Proposers Conference	February 13, 2008 at 1:00 pm in Conference Room 370 on the third floor of Seattle City Hall (600 Fourth Avenue between Cherry and James).
Due Date for Proposals	March 10, 2008 Must be received by 4:00 p.m. <u>Late proposals will not be accepted</u>
Notification of Awards Issued	March 28, 2008
Deadline for Appeals	April 4, 2008 Must be received by 4:00 p.m. <u>Late appeals will not be accepted</u>

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Complete Contract Negotiations

May 16, 2008

Contract Period

July 1, 2008 – June 30, 2011

Proposers' Conference

To assist firms in the preparation of their proposals, a proposers' conference will be conducted on February 13, 2008 at 1:00 p.m. in Conference Room 370 on the third floor of Seattle City Hall (600 Fourth Avenue between Cherry and James). This meeting will be your best opportunity to get your questions answered. If you are unable to attend this meeting, you may submit questions in writing to Linda Taylor-Manning. No questions after 4:00 p.m. on February 13, 2008 will be accepted. Questions will be documented, answered in written form, and posted on the Department of Finance website (www.seattle.gov/financedepartment/). Should any changes need to be made in the RFP, an amendment will be published and posted on the website.

Addenda

Proposers who wish to receive addenda to this RFP (if any), answers to questions posed by other proposers, and related information, must submit a Letter of Intent to the RFP Coordinator.

The Letter of Intent must designate the officer, employee, or agent who will be the proposer's contact for all communications regarding this RFP. The following information should be provided for this individual:

Name
Firm
Mailing Address
Telephone
Fax Number
Email Address

Proposal Submittal

Proposals must be typed or produced by a word processor using a 12 point type size. All pages must be numbered sequentially. Please print double-sided. Questions must be answered in the order presented in the RFP.

An original and ten (10) copies of each proposal must be submitted to:

Seattle Office of Policy and Management
ATTN.: Linda Taylor-Manning
600 Fourth Avenue, 6th Floor
P.O. Box 94745
Seattle, WA 98124-4745

Proposals may be mailed or delivered in person but must be received at the above address **no later than 4:00 p.m. Monday, March 10, 2008**. Late proposals will not be accepted. Faxed or emailed copies will not be accepted. Firms are solely responsible for ensuring that Proposals are

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delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of Proposals.

General Guidelines and Requirements

- This RFP should be interpreted in a manner consistent with the Rules of Professional Conduct, and the constitutions of the United States and Washington State. Nothing should be read to limit the representation or scope of duties of counsel with respect to the Rules of Professional Conduct.
- This RFP does not, under any circumstances, commit the City to pay any costs incurred by any proposer in the submission of a proposal. The proposer is responsible for all costs associated with its response to this RFP.
- The City reserves the right to reject any or all proposals at any time with no penalty and to waive immaterial defects and minor irregularities in proposals.
- All materials submitted in response to this RFP will become the property of the City upon delivery to the RFP Coordinator.
- The City reserves the right to revise the RFP schedule, to revise the RFP and/or to issue amendments to the RFP. The City reserves the right to cancel or to reissue the RFP in whole or in part prior to the execution of a contract. The City also reserves the right to refrain from contracting with any and all firms and/or to contract with a qualified firm at a date later than the date specified in this RFP. The release of the RFP does not compel the City to enter into any contract pursuant to the RFP.
- If a firm wishes to withdraw its response, it must submit a written request signed by an authorized representative of the firm to the RFP Coordinator.
- Clarification of responses: As part of the evaluation process, and at the discretion of OPM staff and/or the review panel, firms may be asked to clarify specific points in their respective responses. The City reserves the right to request oral presentations from applicants.
- The City may attempt to negotiate a contract with the firm or firms selected on terms that it determines to be fair and reasonable and in the best interest of the city. If the City is unable to negotiate such a contract with any one or more of the firms first selected on terms that it determines to be fair and reasonable and in the best interest of the City, negotiations with any one or more of the firms shall be terminated or suspended and another qualified firm or firms may be selected in accordance with the procedures set forth in this section. If the City decides to continue the process of selection, negotiations shall continue with a qualified firm or firms in accordance with this section at the sole discretion of the City until an agreement is reached with one or more qualified firms, or the process is terminated by the City. The process may be repeated until an agreement is reached.
- Any contract resulting from this RFP will be between the City of Seattle's Department of Executive Administration, and the firm. It is required that the selected firm will provide all services and will not subcontract or otherwise assign any of the work awarded through this contract without formal, written authorization from the contract administrator.

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- The selected firms will be required to maintain books, records, documents, and other evidence directly related to performance of the work and financial records in accordance with generally acceptable accounting procedures. All such records must be retained for a period of seven years after completion of work. The City of Seattle, or any of its duly authorized representatives, shall have access to any such books, records and documents for inspection, audit and copying.
- Firms participating in this RFP shall not coordinate or discuss their bids to provide legal services to the City of Seattle. Federal and Washington State antitrust laws make it per se illegal for such competitors to agree to fix prices, reduce output, allocate customers, or rig bids. See 15 U.S.C. § 1; RCW 19.86.030. Any agreement to, for example, coordinate bids, refuse to bid, or establish the rates at which services would be offered, would be a per se violation of the antitrust laws and could subject the participants to criminal penalties. See *Federal Trade Commission v. Superior Court Trial Lawyers Association*, 493 U.S. 411 (1990) (Antitrust laws prohibit lawyers from colluding as to the amount they would charge the District of Columbia government for their services.)
- All proposals and materials submitted under this RFP shall be considered public documents at the time of the proposal deadline and may be reviewed by appointment by anyone requesting to do. If a Proposer considers any portion of his/her Proposal to be protected under Washington State law, the Proposer shall clearly identify each such portion with words such as “CONFIDENTIAL,” PROPRIETARY” or BUSINESS SECRET.” If a request is made for disclosure of such portion, the City will determine whether the material should be made available under Washington State law. If the material does not appear to be exempt from public disclosure under the law, the City will notify the Proposer of the request and allow the Proposer five (5) days to take whatever action it deems necessary to protect its interests. If the Proposer fails or neglects to take such action within said period, the City will release the portion of the Proposal deemed subject to disclosure. By submitting a Proposal, the Proposer assents to the procedure outlined in this paragraph and shall have no claim against the City on account of actions taken under such procedure.
- Firms which currently provide defense services to the City of Seattle but are not selected as the Primary or Secondary Defenders may need to lay off staff who work in their Seattle misdemeanor unit due to the loss of work on City misdemeanor cases. If these firms lay off staff who worked in their Seattle misdemeanor unit, the firms are requested to submit a layoff list with the names of the staff that will be laid off to the firms selected to serve as the City's Primary or Secondary Defenders and the City. The information should include the position held by the person (e.g. attorney, social worker, investigator, etc.), the dates of service with the firm and in the firm's Seattle misdemeanor unit, and contact information including an address and phone number. If any employee requests that their contact information not be included, the firm is not requested to submit such information.

The Primary and Secondary Defenders will keep the layoff list of names of people who were laid off for 6 months from the award of the contract. If openings in the misdemeanor unit of the Primary or Secondary Defenders occur during the first 6 months after the contract is awarded, they will give first consideration to (but are not required to hire) the people on the lay-off list. First consideration shall include an offer to interview people on the layoff list by

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appropriate classification. The requirement to maintain the layoff list and offer interviews to people on the layoff list is subject to audit by the City.

- Each defender firm is required to sign labor peace/labor harmony agreements between the firm and any labor organization that has informed the City or the firm that it seeks to represent employees at the firm. The labor peace/labor harmony agreements will be for the purpose of establishing ground rules for the conduct of the firm and the union during any union organizing effort and collective bargaining process that will guarantee uninterrupted services and to avoid picketing and/or other economic action at the firm that might adversely affect the interests of the City.
- **NONDISCRIMINATION IN EMPLOYEE BENEFITS**
In order to contract with the City, the Primary, Secondary and Third Defender agencies must comply with the requirements of the Equal Benefits Program, Seattle Municipal Code Ch. 20.45, and related Rules. The law requires certain consultants to the City to provide the same or equivalent benefits (“equal benefits”) to its employees with domestic partners as the consultant provides to its employees with spouses. At the City’s request, the Primary or Secondary Defender shall provide complete information about their benefits programs, including verification of compliance with this non-discrimination requirement. We encourage proposers to contact the City in advance of proposing if you have any concerns about whether or not your benefits program does or can be brought into compliance with this requirement. For further information about the Equal Benefits Program, call 206-684-0430 or review program information at www.seattle.gov/contract/equalbenefits/.

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SELECTION PROCESS

Proposal Review Process

A review panel will evaluate the proposals submitted. Proposals will be rated based upon the criteria and requirements contained in this RFP. If additional information or clarification is requested by the panel, City staff may contact the law firms to obtain this information. The review panel may also choose to interview one or more of the law firms. The review panel will then make a recommendation to the Mayor who will select the Primary, Secondary, and Third Defender agencies. Staff may conduct telephone interviews as needed to clarify information provided in a firm's response.

Most Favorable Terms

The City reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be submitted on the most favorable terms. If awarded, firms should be prepared to accept the terms they proposed for incorporation into a contract resulting from this RFP.

Selection Criteria

Proposals will be rated according to criteria specifically described and weighted for the Primary, Secondary and Third Defenders under "Proposal Requirements" beginning on page 24. It includes the following areas.

Criteria
Responsiveness to Proposal Requirements
Experience in Providing Defense Services and Contract Performance,
Financial Management and Stability of Firm
Collaborative Justice Programs (Primary Defender only)
Proposed Delivery of Services
Proposed Services and Cost
References

Contract Negotiations:

The City intends to complete contract negotiations with the firms by May 16, 2008. Per Ordinance 122602, the City Council must approve Public Defense contracts prior to execution. The City intends to provide all contracts and appropriate legislation to City Council by May 19, 2008. It is estimated that Council will approve the contracts and legislation by June 23, 2008 for implementation by July 1, 2008. In the event of a negotiation impasse with any firm, OPM reserves the right without penalty and at its sole discretion to:

1. Reject the firm's proposal and select the next preferred firm, or
2. Take no further action to continue award of contracts under this RFP, or
3. Reissue the RFP with any changes OPM deems appropriate.

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APPEAL PROCESS

OPM will notify all proposers in writing of the status of their proposal(s). Written appeals may be made to the RFP Coordinator: Linda Taylor-Manning, Policy Advisor, Office of Policy & Management, 600 Fourth Avenue, 6th Floor, P.O. Box 94745, Seattle, WA 98124-4745 within ten business days of official notification of awards (Due April 4, 2008). OPM will respond to appeals within twenty business days. An appeal must clearly state a rationale based on one or more of the following criteria:

- Violation of policies or guidelines established in the Request for Proposals
- Failure to adhere to publicized criteria and/or procedures in carrying out the RFP process.

Protest Procedures:

1. Firms protesting this process must follow the procedures described herein. Protests that do not follow these procedures will not be considered. This protest procedure constitutes the sole administrative remedy available under this RFP.
2. All protests must be in writing, and signed by the protesting party. The protest must state all facts and arguments on which the protesting party is relying. All protests shall be addressed to the RFP Coordinator.
3. Only protests setting forth an issue of fact concerning a matter of bias, discrimination, conflict of interest, or non-compliance with procedures described in the RFP shall be considered. Protests based on non-procedural matters will not be considered.
4. In the event a protest may affect the interest of other firms who submitted a RFP, such firms will be given an opportunity to submit their views and any relevant information on the protest to the RFP Coordinator.
5. Upon receipt of a protest, a protest review will be conducted by the Director of the City's Contracting Services Division/Department of Executive Administration, to review the RFP process. This protest review is not a review of responses submitted or the evaluation scores received. The purpose of the protest review is to insure that procedures described in the RFP document were followed, all requirements were met and all firms were treated equally and fairly.
6. Protests will not be accepted prior to selection of the successful firms. Protests must be received by April 4, 2008. Protests may be sent by mail, fax or be hand-delivered. **They must be received by OPM no later than 4:00 p.m., April 4, 2008.** Firms are solely responsible for ensuring that protests are delivered on time. Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the deadline for the receipt of protests.

The protest will be reviewed as soon as possible to evaluate the protest and respond. If additional time is required, the protesting party will be notified of the delay.

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SCOPE OF SERVICES

General Description: The Primary, Secondary, and Third Defenders will provide legal representation to indigent defendants charged with misdemeanor and gross misdemeanor crimes in Seattle Municipal Court. Representation will be provided for each of these defendants from the initial appearance through the end of the case (including trial, sentencing, post-conviction review and any appeals to Superior Court). The Primary Defender will also staff the calendars for Mental Health Court, Community Court, Driving with License Suspended 3, in-custody and out-of-custody arraignment (intake) hearings including meeting with indigent defendants who are in-custody in a King County Jail Facility (Seattle or Kent locations).

Some Seattle misdemeanor defendants who are in-custody may be housed at a Yakima County corrections facility for a portion of their stay. If a defendant is sent to Yakima County, attorneys may meet with their clients in King County before the defendant is transferred and after the defendant is brought back (defendants will be brought back several days prior to the Court hearing). Attorneys may also request that clients be brought back from Yakima to King County, so they may meet with them in-person. In addition, attorneys may use video conferencing (currently located in the Seattle Justice Center) to conference with their clients and may also contact them by phone. Seattle inmates housed at Yakima County are able to make free phone calls to their attorneys.

Screening: Determination of indigency for eligibility for appointed counsel for this contract will be determined by the Seattle Municipal Court Indigent Screening staff pursuant to RCW 10.101.010 and 10.101.020. The City will be responsible for the costs and operation of the screening process. Should the Primary, Secondary, or Third Defender determine that a defendant is not eligible for assigned counsel, the firm will so inform the court and either move to withdraw from the case or establish a recoupment process.

Reporting: The Primary, Secondary, and Third Defenders will be required to provide the City with monthly electronic reports in single line spreadsheet format on all closed cases. (An example is included as Attachment II.) Cases must be closed within 60 days after the last hearing on the case. These reports must contain:

- Defendant's name
- Cause number(s)
- Criminal charges filed
- If it was a probation review hearing
- Disposition of each charge
- Whether an appeal was filed
- Attorney(s) name(s)
- Date case assigned
- Date case closed
- Hours spent by attorney
- Hours spent by each type of support staff, investigators, social workers, or paralegals

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The City of Seattle, or any of its duly authorized representatives, shall have access to any such books, records and documents for inspection, audit and copying. The report is due on or before the twentieth (20th) day of the following month for services of the prior month. Payment may be withheld if reports are not submitted on time.

Attorney Conflict: In the event the Primary Defender must withdraw from a case because of a conflict of interest, the Secondary Defender shall be responsible for handling the case. If the Secondary Defender also has a conflict of interest, the case is transferred to the Third Defender. In the event the Third Defender also has a conflict, then private counsel will be appointed at City expense. Each agency shall be responsible for checking for conflicts and identifying if a conflict exists for cases referred to them. Each agency shall have a written policy which explains how they define conflict cases. Each agency shall perform a conflicts check before any substantial work is done on the case. No payment shall be made for work done on cases which are subsequently identified as conflicts with the exception of cases in which the client obtains a new attorney at his own expense or through a request to the Court; or for other extraordinary circumstances approved by the City including, but not limited to, information or evidence which defense counsel did not have reason to know at the time of the initial conflicts check.

Attorney Wages: It is the intent of the City that defender agency attorneys receive compensation comparable to that outlined in the King County Kenny Plan.

Expert Witness: In the event an expert witness is needed, the attorney shall make a request for approval to the Court. If the Court approves the request, the expert witness fees shall be paid by Seattle Municipal Court.

Twenty-Four Hour Telephone Access: The Primary Defender shall provide legal advice twenty-four (24) hours each day, seven days per week via beeper access for critical stage advice to defendants during the course of police investigations and/or arrests.

Estimated Workload – Primary Defender: The Primary Defender will provide a minimum of 15.0 FTE attorneys for an estimated workload including calendar schedules and individual cases. Calendar schedules are subject to change by the Court and may be refined during contract negotiations. All numbers are on an annual basis. The City is estimating the workload to be as follows.

- The City will contract with the Primary Defender for 4,180 credits. The City's caseload standard is 380 assigned case credits per attorney annually. Case credits are defined as follows:

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Misdemeanor Case¹ = 1 case credit
 Misdemeanor Probation = 0.6 case credit
 Misdemeanor Appeal = 4 case credits²
 Misdemeanor Writ = 3 case credits

- In 2007, the Primary Defender has staffed the following calendars:
 - In-custody arraignment - 6 days per week (Monday – Saturday). Services provided at this calendar shall include representation of all otherwise unrepresented defendants. Three attorneys Monday through Friday and 2 attorneys on Saturday (or 3.4 FTE) are needed to cover this calendar.
 - Out-of-custody intake (arraignment) - 1 half day per week (Tuesday morning). Driving with License Suspended 3 (DWLS3) - two half days per week (Wednesday and Thursday mornings). Three attorneys (.90 FTE) are needed to cover both of these calendars.
 - Seattle Mental Health Court: 2.0 FTE attorneys and 1.0 FTE social worker
 - Seattle Community Court: 3 half days per week (Tuesday, Wednesday and Thursday afternoons); 1 attorney (or .30 FTE) is needed to cover this calendar

2007 Schedule for Calendar Attorneys

	Mon	Tue	Wed	Thur	Fri	Sat	FTE
all day	Arraign.	Arraign.	Arraign.	Arraign.	Arraign.	Arraign.	3.40
am		Intake	DWLS 3	DWLS 3	Intake		1.20
pm		Comm Ct.	Comm Ct.	Comm Ct.			0.30
Subtotal							4.90
Mental Health Court							2.00
Total Calendar Attorneys							6.90

Seattle Mental Health Court

The Primary Defender will staff the Seattle Mental Health Court (MHC). The goals of the Seattle MHC are to: protect public safety; reduce the use of jail and repeated interactions with the criminal justice system for mentally ill persons; connect or re-connect mentally ill persons with needed mental health services; and improve their likelihood of ongoing success with treatment, their access to housing or shelter, and linkages with other critical support. MHC uses a therapeutic jurisprudence, problem-solving approach. The MHC team—the judge, defense

¹A case is any one charge or series of related charges filed against one defendant/respondent in a single citation, complaint or information, or a series of cases set for one court hearing that will ultimately lead to one disposition. A completed case involves all necessary legal action from arraignment through disposition. This includes the filing of a notice of appeal upon the client’s request, application to proceed in forma pauperis on appeal, and a motion for appointment of appellate counsel. A case in which the defendant has an outstanding warrant of 12 months or less will not be considered a new case when that warrant is quashed or served and new hearing dates are set.

² If the defense attorney withdraws an appeal, only partial payment may be paid.

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attorneys, prosecutor, court monitor and probation staff-- works collaboratively and shares information to determine what type(s) of intervention is most appropriate in each case. When there is disagreement among the MHC team regarding whether the defendant is appropriate for MHC, the sentence, probation incentives and sanctions for non-compliance, and whether the defendant should be removed from MHC, the judge will consider the views of the team members but ultimately makes the final decision.

The MHC model uses an individualized, defendant-based, long-term, problem-solving approach in which the assigned public defender remains the Attorney of Record for as long as the defendant participates in MHC. This commitment includes keeping abreast of the defendant's participation in and compliance with the MHC Conditions of Release or Sentence, appearing with the defendant at scheduled reviews or other hearings, and being assigned to the defendant for any new cases in the MHC filed with Seattle Municipal Court.

Seattle Mental Health Court Population Profile

The population served by the MHC comprises mentally ill misdemeanants in the Seattle Municipal Court³. Referrals to MHC are as follows:

Year	Individuals	Cases	Hearings
2004	664 individuals	913 cases	5,037 hearings
2005	679 individuals	978 cases	4,694 hearings
2006	708 individuals	978 cases	4,700 hearings
2007	XXX individuals	XXX cases	X,XXX hearings

Research data presented in the MHC evaluation indicates that more than half (52%) of the defendants had a primary diagnosis of chronic psychosis. The remaining diagnoses and proportions are as follows: mood disorder (28%), brief psychosis (18%) and delusional disorder (2%).

Annual statistics from 2006 include the following demographic characteristics of MHC defendants:

- 74% male
- 59% homeless
- 60% with co-occurring mental health and chemical dependency disorder
- Age 18-29, 27% ; Age 30-59, 66%; Age 61 and older 7%, average age 39
- 85% referred at arraignment
- 54% complete probation successfully with no new offense

Currently, the city does not have accurate data on the proportion of clients enrolled in County mental health services.

³All types of misdemeanor offenses are "eligible" for referral to MHC. However, DV offenses are screened by the city attorney's DV unit for determination as to which 'track' the case will follow.

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Mental Health Court Scope of Services

- The Primary Defender and the attorneys assigned to MHC shall embrace the MHC goals, philosophy and principles, including working collaboratively with the MHC team, provided that such collaborative approach is not in conflict with counsel's duties under the Rules of Professional Conduct of zealous representation, confidentiality and undivided loyalty, and the constitutions of the United States and Washington State.
- The Primary Defender shall assign specific attorneys who are experienced in working with mentally ill misdemeanants to the MHC for a period of two (2) years to assure consistency of experienced staff. The attorneys assigned to MHC shall continue the assignment on cases of MHC defendants through the length of jurisdiction (up to 2 years) and appear for all hearings, including review hearings, status hearings, etc.
- The Primary Defender and the attorneys assigned to MHC shall assure (through developed protocols) expeditious integration of referral and assessment and appropriate referrals to the MHC *prior to* arraignment and without undue delay in the schedule for arraignment. This shall include MHC referrals from the night and weekend calendars.
- The Primary Defender and the attorneys assigned to MHC shall address all hearings as defined in RCW 10.77 for MHC defendants.
- The Primary Defender and the attorneys assigned to MHC shall participate as required by SMC for future and on-going evaluation efforts and in MHC program development processes as scheduled.

Community Court

The Primary Defender will also staff the Seattle Community Court. Community Court takes a different approach to chronic social, human, and legal problems that are resistant to conventional solutions. The problem-solving approach of Seattle Community Court recognizes that communities can be victims of crimes just as individuals. Community Court holds low-level offenders accountable and provides opportunities for them to give back to the communities that have been harmed. Additionally, Community Court fosters more effective stewardship of limited public resources through community work programs in lieu of traditional sanctions (jail time) for low-level offenders while helping to address the underlying issues driving repeat criminal behavior.

The Seattle Community Court serves "chronic public system users" – offenders who repeatedly commit low-level crimes, fail to comply with sanctions, fail to appear for Court, and who use jail days when they could be more effectively rehabilitated through alternative strategies. This population creates serious impacts on the quality of life in Seattle's downtown core.

Seattle Community Court Population Profile

Community Court started out as a pilot program and was limited to defendants whose alleged crimes occurred in downtown Seattle. In 2007, Community Court expanded city-wide. Below is a demographic profile of Community Court Defendants in 2007. These clients were:

- 69% male
- 54% homeless with six years being the average length of homelessness
- 54% report chemical dependency issues

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- Average age for men was 41
- Average age for women was 38

The number of defendants who opted into Community Court are as follows:

Year	Individuals	Cases
2006	291 individuals	466 cases
2007	896 individuals	1190 cases

Seattle Community Court Scope of Services

- The Primary Defender and the attorneys assigned to Community Court shall embrace the Community Court goals, philosophy and principles, including working collaboratively with the Community Court team, provided that such collaborative approach is not in conflict with counsel's duties under the Rules of Professional Conduct of zealous representation, confidentiality and undivided loyalty, and the constitutions of the United States and Washington State.
- The Primary Defender shall assign specific attorneys who are experienced in working with chronic homeless, alcoholic and mentally ill misdemeanants who voluntarily opt-in to the Community Court for a period of, usually, up to 90 days. The attorneys assigned to Community Court shall continue the assignment on cases of Community Court defendants through the length of jurisdiction and appear for all hearings, including review hearings, status hearings, etc....
- The Primary Defender will provide defense services at in-custody and out-of-custody arraignment (intake) hearings and will be available to talk and meet with Community Court defendants who are in-custody in the King County Jail Facilities.
- The Primary Defender and the attorneys assigned to Community Court shall assure (through developed protocols) expeditious integration of referral and assessment and appropriate referrals to the Community Court *prior to* arraignment and without undue delay in the schedule for arraignment. This shall include Community Court referrals from the night and weekend calendars.
- The Primary Defender and the attorneys assigned to Community Court shall participate as required by SMC for future and on-going evaluation efforts and in Community Court program development processes as scheduled.

Estimated Workload – Secondary Defender: The Secondary Defender will represent defendants in cases where the Primary Defender has a conflict and is unable to provide representation. The Secondary Defender will also handle regular cases. After the contracts are awarded, the City, Primary and Secondary Defenders will work to establish a case assignment protocol. In addition, the Secondary Defender may handle appeal cases that are heard in King County Superior Court. In 2007, the Secondary Defender was assigned 482 case credits that were due to conflicts and 98 case credits for RALJ cases⁴.

⁴ The 98 RALJ case credits are the equivalent of 49 RALJ cases; 2 case credits are paid upon case assignment and 2 case credits are paid upon case closure.

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All numbers are on an annual basis. The City's caseload standard is 380 assigned case credits per attorney annually. In each year of the contract, the City will guarantee funding for seven (7) attorneys for a total of 2,660 credits. If the Secondary Defender's workload exceeds 2,660 credits, the City will pay for additional staffing based on the 380 case credit standard. Case credits are defined as follows:

- Misdemeanor Case⁵ = 1 case credit
- Misdemeanor Probation = 0.6 case credit
- Misdemeanor Appeal = 4 case credits⁶
- Misdemeanor Writ = 3 case credits
- Mental Health Court = 1 case credit

Immediate Case Assignment: The Secondary Defender shall accept case assignments from the Court if there is an immediate need for representation at a hearing and the Primary Defender is unable to represent the client due to a conflict. Immediate case assignments include situations where the Secondary Defender must report to a bench warrant hearing because the Primary Defender is unable to represent the client due to a conflict. In 2007, the Court requested that the Secondary Defender appear for court hearings to represent defendants (usually brought in on warrants) an average of 8 times per month.

Estimated Workload – Third Defender: The Third Defender will represent defendants in cases where the Primary Defender and the Secondary Defender both have a conflict and are unable to provide representation. It is estimated that the Third Defender will handle 75-130 conflict cases. In cases where the Third Defender also has a conflict, the Third Defender will handle the administration of assigning these cases to private counsel.

In each year of the contract, the City will guarantee funding equivalent to one (1) attorney to represent defendants where both the Primary and Secondary Defenders have conflicts and to administer the assignment of cases to assigned counsel. The Third Defender funding includes administrative, overhead and supply costs. All numbers are on an annual basis. The City's caseload standard is 380 assigned case credits per attorney annually. Case credits are defined as follows:

- Misdemeanor Case⁷ = 1 case credit
- Misdemeanor Probation = 0.6 case credit
- Misdemeanor Appeal = 4 case credits
- Misdemeanor Writ = 3 case credits
- Mental Health Court = 1 case credit

Case Management of Assigned Counsel: The Third Defender, under the direction and oversight of Municipal Court, will be responsible for the Assigned Counsel program for conflict cases. SMC and the Third Defender will collaborate on developing Assigned Counsel protocols. This

⁵See footnote # 2.

⁶ See footnote # 3.

⁷ See footnote #2.

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administrative function is currently handled by the Seattle Municipal Court (SMC) and Office of Policy and Management (OPM) staff. With this RFP, the Third Defender would make the referral to private counsel when all three contracted defender agencies have a conflict. While the number of assigned counsel cases has increased over the last several years, it is expected to be lower through this RFP with the addition of the Third Defender.

The Court will retain the lead in the selection of Assigned Counsel attorneys, conferring with representative of public defense agencies, King County Bar and others with criminal justice experience. The City's Office of Policy (OPM) and Management will continue to review the Assigned Counsel billings and approve payment. Additionally, the Third Defender will:

- With oversight from SMC, develop Assigned Counsel protocols.
- Advertise and recruit assigned counsel attorneys subject to the protocols noted above.
- Provide training for attorneys on the assigned counsel panel.
- Assign cases on a rotational bases to the Assigned Counsel panel.
- Develop a performance review system and conduct performance evaluations of panel attorneys.
- Develop a system, subject to Court oversight, to resolve and document complaints against panel attorneys.
- Recommend to the Court corrective action for panel attorneys.
- Provide regular reports on assignments to SMC and OPM.
- When requested by OPM, review Assigned Counsel billings which appear to exceed the usual or customary limits.

Conflict case referrals to Assigned Counsel are as follows (it is anticipated that the Third Defender will represent defendants in the majority of these cases and that only a few cases will continue to go out to Assigned Counsel):

Year	Assigned Counsel Cases
2005	52
2006	125
2007	92

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MINIMUM QUALIFICATIONS

All proposals must include the following information as set out in the next three sections:

- Minimum Qualifications
- Proposal Requirements, and
- Required Attachments.

Proposal Cover Page: Must indicate whether the firm is applying to be the Primary, Secondary or Third Defender or some combination thereof. Also include the following information in your cover page:

- Name of firm
- Address and Phone
- Director (include phone number and email address)
- Firm contact information if different than above
- Board Chair (include phone number and email address)
- Indicate whether the firm is applying to be the Primary Defender, Secondary Defender, Third agency or some combination there of.

Minimum Qualifications: The following requirements must be addressed in the proposal:

- Proposer must be a private non-profit law firm (i.e. a non-profit with a 501(c)3 or similar IRS tax status).
- The law firm must be able to demonstrate that they have practiced criminal defense law in Washington State for at least five years. Firms submitting proposals to be the Primary Defender must also be able to show they represented clients in at least 3,000 assigned criminal cases (excluding defendants represented at a first appearance calendar) in 2007.
- Insurance: Contractors with the City of Seattle must carry the following coverages and limits of liability:
 - General Liability with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
 - Automobile Liability covering owned and non-owned vehicles with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
 - Professional Liability (Errors, and Omissions) for attorneys with a minimum limit of liability of \$2,000,000 each claim.
 - Workers' Compensation per statutory requirements of the Washington industrial insurance RCW Title 51.
- Certificates of insurance must be enclosed in the applicant's proposal.

The following qualifications are required for attorneys performing under this contract. These qualifications should be acknowledged and incorporated into the proposal under this RFP.

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Licensing and Prior Experience:

- Every attorney providing indigent defense services must be a licensed member of the Washington State Bar and be a member in good standing of the Bar. The firm may employ interns pursuant to Admission to Practice Rule (APR) 9. No more than 5% of the cases handled by the Primary or Secondary Defender may be assigned to Rule 9 interns.
- The firm's attorneys who supervise the misdemeanor attorneys must have at least three years of criminal defense experience in superior, district or municipal courts in Washington State.
- No attorney may provide services under this contract if that attorney has been removed from representation in a case for failure to perform basic services necessary to the case or to the client, or in any manner has been found to be ineffective on appeal by either an ethics panel or by an appellate court.

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PROPOSAL REQUIREMENTS

Proposals will be rated according to the following criteria. Firms should address the criteria in their proposals as delineated in the following sections.

PRIMARY DEFENDER CRITERIA	Maximum Points
Responsiveness to Proposal Requirements	5
Experience in Providing Defense Services and Contract Performance	15
Financial Management and Stability of Firm	15
Administration of Collaborative Justice Programs	10
Proposed Delivery of Services	25
Proposed Services and Cost	15
References	10
Total Points	100

SECONDARY DEFENDER CRITERIA	Maximum Points
Responsiveness to Proposal Requirements	5
Experience in Providing Defense Services and Contract Performance	15
Financial Management and Stability of Firm	15
Proposed Delivery of Services	35
Proposed Services and Cost	20
References	10
Total Points	100

THIRD DEFENDER CRITERIA	Maximum Points
Responsiveness to Proposal Requirements	5
Experience in Providing Defense Services and Contract Performance	15
Financial Management and Stability of Firm	15
Proposed Delivery of Services	35
Proposed Services and Cost	20
References	10
Total Points	100

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Experience in Providing Defense Services & Contract Performance

General Overview/ Experience in Providing Public Defense Services

- Describe your firm's management structure (e.g. is your firm governed by a board of directors, executive committee, managing director, etc.).
- Does your firm practice in areas other than criminal defense?
- How long has your firm been in existence? How many years has it practiced criminal defense law?
- Has your firm handled indigent clients? Involving what type of cases?
- How many courts does your firm currently represent defendants in? Please specify which courts and approximately how many cases you represented clients in each court in 2007.
- What type of cases (felony, misdemeanor, etc.) did your firm handle in 2006 and 2007?
- How many cases (by type) did your firm handle in 2006 and 2007? How many criminal trials and how many appeals did your firm handle in 2006 and 2007?
- How many criminal defense attorneys (FTE) are currently employed by your firm?
- How many other staff (FTE) are currently employed by your firm?
- Does anyone employed by your firm have any conflicts of interest with any Seattle Municipal Court judge or staff?

Contract Performance

- Please include a copy of any city or county contract compliance reviews or any other audits completed in 2004, 2005, 2006, or 2007. Please note if there are any audits (in addition to King County OPD Contract Compliance Review, OPM Contract Compliance Review, and the annual audits of agency financial statements by a CPA) that will be undertaken in 2008 and whether the audit was initiated by your firm or by another agency.
- Has your firm ever had a contract that was terminated partly or wholly for performance? In the last five years, has your firm been placed on corrective action? If yes, please identify the contract involved and describe the reason for the termination or corrective action and the outcome.
- In the last five years, has your firm had an attorney who has been removed from representation in a case by order of the court for any reason other than conflict of interest or irreconcilable differences with a client, or has in any manner been found to be ineffective in the representation of his or her clients by an ethics panel or by any court? If yes, please list the incidents and explain the circumstances and any corrective action taken.
- Describe any past instances in the last five years when an attorney of your firm has been sanctioned by any court for any reason.
- Describe any lawsuits settled without filing or filed against any attorney in your firm or your firm during the last five years. The lawsuit must be related to the performance of work done for the firm.

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- Explain the process your firm has in place for dealing with complaints made to the State Bar Association regarding attorney professional misconduct.
- For the last five years, please describe each complaint, claim or case in which an attorney associated with your firm for which the Bar Association opened an investigation regarding any violation of the Rules of Profession Conduct (RPC). Please state the outcome of the complaint. Describe any corrective action taken by your firm as a result of a disciplinary finding and sanction.

Financial Management and Stability of Firm

- Funding awarded through this RFP process may only be used to serve financially indigent persons charged with misdemeanor offenses in Seattle Municipal Court. It may not be used to fund any other cases or projects of the law firm. Please describe how your firm would track and manage revenues and expenditures associated with this contract to ensure that funds are used solely for expenses (including pro-rated overhead) directly related to the cases that will be assigned to your attorneys through this contract. Please include a report showing the various cost centers for both revenue and expenditures, and how expenses are pro-rated across these cost centers.
- Please describe your firm's ability to meet program expenses in advance of reimbursement.
- Please describe your firm's accounting system.
- What types of internal financial controls are in place? When were these controls established?
- Please provide your firm's annual financial statements for 2004, 2005, and 2006, audits of the financial statements by a certified public accountant, and a copy of the accompanying management letters. If reserve accounts are not specifically called out in the financial statements, please include a copy of the year-end reports on reserve accounts for the last three years.
- In the 2006 and/or 2007 financial audit management letters, were any significant deficiencies or material weaknesses identified? If so, what were they? Have they ever been identified as issues in the previous 5 years?
- Please include a copy of the IRS form 990 (return for organization exempt from tax) for 2006.
- Are there any pending lawsuits that have been filed against your firm for any reason? If so, what is the amount of damages sought in the lawsuit? In the event of an adverse judgment, how would your firm pay the damages? How much would be covered by an insurance policy and how much would the firm pay out of pocket?
- Does your firm have a reserve fund or a fund balance policy? If so, what is the amount and what percentage of your total operating budget is your reserve fund? What sorts of liabilities has your firm reserved funds for (e.g. ensuring there are sufficient funds to complete cases that are assigned but not finished at the end of the year)?

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Proposed Delivery of Services

The City is seeking innovative responses on how to best provide defense services. We want to know how you would improve how defense services are delivered to our defendants. The following questions are intended to help the City understand how you would propose delivering services. Your responses should be consistent with the costs shown in the next section. In your response, please address the following points:

- Please describe your firm's capacity to handle the estimated annual caseload and required services.
 - If applying to be the Primary Defender, how many additional attorneys, supervisors, and support staff would you anticipate needing to hire? How many attorneys and other staff does your firm currently employ?
 - If applying to be the Secondary Defender, how many additional attorneys, supervisors, and support staff would you anticipate needing to hire? How many attorneys and other staff does your firm currently employ?
- High quality defense is very important to the City. Describe how your firm would propose to deliver high quality indigent defense services.
 - Seattle's caseload standard maximum is 380 assigned misdemeanor case credits per attorney annually. What caseload standards would you propose for the attorneys handling these cases and why? Would you propose establishing different caseload standards for different types of charges (for example one caseload standard for DV cases and another for theft cases)? How would you propose monitoring each attorney's caseload? How would you propose to use support staff (investigator, paralegal, social worker and clerical)? If your proposed standards vary from Seattle's standard please explain what effect it will have on the level and type services provided.
 - Would attorneys be dedicated exclusively to defending cases in Seattle Municipal Court or would they also handle cases in other courts at the same time? If they would also concurrently handle cases in other courts, how would the Seattle misdemeanor cases be covered if the attorney was in extensive litigation on a case in another court?
 - As much as is possible, the City would like to have the same attorney represent the defendant at the first pre-trial hearing (after arraignment/intake) to the end (including probation violations). How would you propose accomplishing this?
 - Punctuality for court hearings is very important to the City. Does your firm have a proven track record in this area? How would your firm balance the need to provide consistent representation to your client with the need to cover hearings in multiple courtrooms?
 - How would you ensure that the attorney assigned to the case receives discovery as soon after the initial appearance as possible?
 - In providing indigent defense services it is important to resolve cases in an efficient and timely manner (particularly when your clients are in-custody) while at the same

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time protecting the due process rights of your clients. How would you provide services to ensure that these goals were met? What services would you provide to enhance the timely resolution of cases?

- What level of attorney supervision do you propose and why? Would the supervisory attorneys be expected to carry an active caseload and if so, what percentage of their time would be spent managing their caseload? What is the minimum number of years of criminal law experience the supervising attorneys would have?
- Would you assign attorneys to work in Seattle Municipal Court permanently or would the attorneys rotate to other courts? How long would attorneys and supervisors be assigned to handle cases at Seattle Municipal Court before rotating to another assignment? How long would staff assigned to Seattle Mental Health Court work there before rotating to another assignment?
- How will your firm cover absences if an attorney is unavailable (e.g. on sick leave or vacation)?
- The quality of attorneys assigned to handle the defense cases is very important to the City.
 - Describe the qualifications and experience of the attorneys your firm would assign to handle Seattle's indigent defense cases. Please describe the trial and appellate experience as well as any specialty court experience. What is the general mix of experience you would propose?
 - The City expects that more experienced attorneys would be assigned to staff Seattle Mental Health Court, Seattle Community Court and the arraignment/intake calendars. Please specify the level of experience that attorneys assigned to Seattle Mental Health Court and Seattle Community Court and the arraignment calendars would have.
 - Please state if you would use Rule 9 interns and if so, describe how you would propose using them. Please include how many Rule 9 interns you would propose using and how they would be supervised.
 - What type and how much training would be provided to the attorneys? What training around mental illness will you provide for your staff? Include training for the staff who are assigned to the MHC and the staff who are not assigned to the MHC.
 - Do you conduct annual performance evaluations of the attorneys at your firm? Do you have performance standards for attorneys that you use when conducting the evaluations?
- Making effective use of support staff is important to the City. Describe how staff at your firm would be used to support the attorneys.
 - What ratio of support staff (investigator, paralegal, social worker and clerical) to attorney would you propose and why? Please specify for each type of support staff you would propose using.
 - What is the relationship between the caseload standards you would propose and your firm's use of support staff?

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- What types of social workers would you assign to these cases and what would be their responsibilities?
- If an investigation is required, at what point in the case process would you assign an investigator to start working on the case?
- Do you conduct annual performance evaluations of the support staff at your firm? Do you have performance standards for support staff that you use when conducting the evaluations?
- Client contact and client service is very important to the City. It is expected that attorneys will initiate contact with their clients as soon as possible after assignment of the case. At a minimum, attorneys should meet with their clients prior to each scheduled court hearing so that the attorney and client are prepared to proceed at that hearing.
 - After an attorney is assigned a case, when and how would the first attorney-client contact take place? In your response, distinguish between in-custody and out-of-custody clients.
 - What steps would you take to ensure that out-of-custody clients appear for their court dates? Does your firm call out-of-custody clients to remind them of their court dates? Has your firm ever developed a system to notify and encourage clients to appear in court? If so, describe the system and its effectiveness.
 - What systems does your firm have in place to ensure that clients can easily contact their attorneys (phone systems, pagers, email, etc...)? When clients call your firm, are they able to speak with a live person if they desire or is the system completely automated?
 - What is your firm's policy on returning client calls? Do you have any minimum standards or expectations for attorneys in returning client calls?
 - What is your firm's capacity for working with non-English speaking clients? Explain in detail your firm's experience in representing non-English speaking clients.
 - Does your firm systematically solicit feedback from clients? If so, how does your firm obtain this feedback? How is the feedback shared with staff at your firm?
 - What is your firm's system for resolving client complaints about an attorney's performance? Explain in detail your firm's process for resolving client complaints.
 - Are there any former clients on your board of directors?
- Effective management of cases and reporting is very important to the City. It is expected that attorneys will effectively manage their caseloads and that the Primary and Secondary Defenders will have the necessary systems in place to generate required reports and meet all of the reporting deadlines specified in the contract.
 - Please describe the case management system your firm uses to manage its cases. Please include the software developer name.

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- Please attach examples of typical reports your firm uses in managing its cases (e.g. closed case reports, case allocation reports, year-end attorney case assignment reports).
- How do you monitor the caseload for your attorneys (i.e. if you have a particular standard for how many cases an attorney may handle in a year, how do you check to see if the number of cases assigned to the attorney is within the standard?)
- Please describe your technology infrastructure (e.g. ratio of computers to staff, etc.). Please include method of access to the Internet and speeds, and your Internet Service Provider.
- Do your attorneys have access to electronic legal research tools and databases (e.g. Lexis/Nexis, West Law, other)?

- Overall Philosophy
 - Describe your firm's general philosophy in providing indigent defense services.
 - How do you measure success for your clients?
 - If a client had multiple matters either within Seattle Municipal Court or in other jurisdictions (e.g. Superior or District Court), what sort of coordination would you provide?
 - What do you see as the defender's role in helping clients meet their court obligations (e.g. obtain treatment)?
 - What experience does your firm have working with agencies that serve the needs of ex-offenders?
 - A defense attorney's first obligation is to his client. However, there is also a need for the criminal justice agencies (court, prosecution, police and defense) to work together in order to make changes to the criminal justice system. What do you see as the defender's role in improving the criminal justice system, identifying efficiencies, etc.?
 - What recommendations would you make for improving the City's misdemeanor criminal justice system?

- Other
 - Please describe the standard your firm uses to determine if there is a conflict that would prevent your firm from providing defense services to a client. What steps do you take to determine if a conflict exists? Who performs the conflicts check? What type of computer system does your firm use to check for conflicts?
 - Where is your firm's office located? If it is not in downtown Seattle near the Seattle Municipal Court, do you plan on establishing an office in Seattle? If not, how will this affect your ability to provide services?

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Administration of Collaborative Justice Programs *(Respond only if applying to be the Primary Defender)*

The City strongly believes in the importance of problem solving courts and collaborative justice programs. Seattle Municipal Court was one of the first jurisdictions to implement a mental health court and is currently operating Community Court.

Specialty Court Experience

Please describe your firm's experience with specialty courts such as drug court, domestic violence court, community court or mental health court.

- What is your firm's philosophy regarding specialty courts?
- What types of specialty courts has your firm staffed?
- Was your firm the primary defense firm providing staffing to these courts?
- How many FTEs were dedicated to staffing the specialty court(s)?
- How many years has your firm staffed these specialty courts?
- If your firm used to staff a specialty court but no longer does so, please explain why.

Seattle Mental Health Court

The following questions pertain to Seattle Mental Health Court (MHC). Please see page 15 for more information on MHC.

- Describe your experience in working with mentally ill misdemeanants. How were these experiences different from your work with non-mentally ill misdemeanants? Include specifics as to what programs, partnerships and/or training in working with mentally ill misdemeanants you sponsored or participated in.
- The MHC employs a problem-solving, collaborative approach wherein defense counsel works with the prosecutor, court monitor, probation staff, sharing information in an effort to reach a desirable outcome for the defendant and the community. At the same time, defense counsel under the Rules of Professional Conduct owes duties of zealous representation, undivided loyalty, and confidentiality to the client. How would you approach a situation where you felt a conflict between the "team" approach and your ethical duties to your client? Can you give examples of such situations and how you might resolve them? What does zealous advocacy mean to you in the context of MHC?
- Describe what you would see as a successful outcome for a MHC defendant. Include the role of the public defender in that outcome. Describe the differences this presents for a MHC defendant vs. a defendant in regular court. What is your vision of how a problem-solving court differs from traditional court?
- Under what circumstances would you advise a client against entering MHC?
- Describe your success in dealing with and in staying in touch with homeless or difficult to reach misdemeanor offenders. Be specific and explain strategies used.

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Seattle Community Court

The following questions pertain to Seattle Community Court (CC). Please see page 17 for more information on Community Court:

- In a recent study of CC, 54% of defendants report having chemical dependency issues. Describe your experience in working with chemically dependant misdemeanants. Include specifics as to what programs, partnerships and/or training in working with chemically dependant misdemeanants you sponsored or participated in.
- Describe what you would see as a successful outcome for a CC defendant. Include the role of the public defender in that outcome. Describe the differences this presents for a CC defendant vs. a defendant in regular court. What is your vision of how a problem-solving court differs from traditional court?
- Under what circumstances would you advise a client against entering CC?

Case Management of Assigned Counsel

(Respond only if applying to be the Third Defender)

Currently, in cases where the contracted defender agencies both have a conflict, the case is assigned to outside private counsel. This administrative function is currently handled by the Seattle Municipal Court (SMC) staff. With this RFP, the Third Defender would make this referral. While the number of assigned counsel cases has increased over the last several years, it is expected to be lower through this RFP with the addition of the Third Defender.

- Please describe how your firm would staff this function, including type of staff.
- Describe the protocol you would propose to assign these cases and follow-up that defendants are adequately represented by private counsel.
- SMC currently uses a roster of attorneys. How would you propose to maintain this roster with an adequate number of attorneys available for assignment in consultation with SMC?
- The Third Defender will need to develop a system for review of assigned counsel performance, including training, performance evaluation, reporting and resolution of complaints and possible corrective action. What type of system would you propose?

Proposed Services and Cost

Please provide your estimated cost to provide defense services to the City of Seattle based on the required scope of services as described on pages 13 to 20. Costs should be for a full year of service and should reflect 2008 rates. As part of the cost proposal, please show the following:

- Personnel Costs
- Operations and Maintenance (O&M) Costs (rent, supplies, phones, computers, etc.)
- Overhead (e.g. percentage share of firm's director) – please describe the methodology used to allocate the percentage share of overhead (e.g. it's based on percentage share of employees, dollars, cases, etc.). Please identify what charges are included in the overhead.
- Other (please specify)

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PRIMARY DEFENDER

Estimated 2008 Cost of Service for Seattle Misdemeanor Cases

Personnel	Number (FTE⁸)	Total Salaries	Total Benefits	Total Cost
Attorneys for arraignment/intake calendars				
Support staff for arraignment/intake calendars				
Mental Health Court Attorneys				
Mental Health Court Support Staff				
Community Court Attorneys				
Community Court Support				
DWLS Diversion Attorneys				
DWLS Diversion Support				
Attorneys to cover cases (assume 4,180 credits)				
Paralegals				
Investigators				
Social Workers				
Clerical Staff				
Direct Supervision				
Other Personnel Costs				
Sub-Total Personnel Costs				
O&M Costs				
<i>Add in as many rows as necessary to show O&M Costs</i>				
Sub-Total O&M Costs	N/A	N/A	N/A	
Other Costs				
<i>Add in as many rows as necessary to show Other Costs</i>				
Sub-Total Other Costs	N/A	N/A	N/A	
Overhead				
<i>Add in as many rows as necessary to show Overhead Costs</i>				
Sub-Total Overhead Costs	N/A	N/A	N/A	
Total All Costs				

⁸ FTE stands for full time equivalent (e.g. 2 half time positions would equal 1 FTE)

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SECONDARY DEFENDER

Estimated 2008 Cost of Service for Seattle Misdemeanor Cases

Personnel	Number (FTE⁹)	Total Salaries	Total Benefits	Total Cost
Attorneys to cover cases (assume 2,660 credits)				
Attorneys for immediate case assignment				
Paralegals				
Investigators				
Social Workers				
Clerical Staff				
Direct Supervision				
Other Personnel Costs				
Sub-Total Personnel Costs				
O&M Costs				
<i>Add in as many rows as necessary to show O&M Costs</i>				
Sub-Total O&M Costs	N/A	N/A	N/A	
Other Costs				
<i>Add in as many rows as necessary to show Other Costs</i>				
Sub-Total Other Costs	N/A	N/A	N/A	
Overhead				
<i>Add in as many rows as necessary to show Overhead Costs</i>				
Sub-Total Overhead Costs	N/A	N/A	N/A	
Total All Costs				

⁹ FTE stands for full time equivalent (e.g. 2 half time positions would equal 1 FTE)

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THIRD DEFENDER

Estimated 2008 Cost of Service for Seattle Misdemeanor Cases

Personnel	Number (FTE ¹⁰)	Total Salaries	Total Benefits	Total Cost
Attorney				
Paralegals				
Investigators				
Social Workers				
Clerical Staff				
Other Staff				
Direct Supervision				
Other Personnel Costs				
Sub-Total Personnel Costs				
O&M Costs				
<i>Add in as many rows as necessary to show O&M Costs</i>				
Sub-Total O&M Costs	N/A	N/A	N/A	
Other Costs				
<i>Add in as many rows as necessary to show Other Costs</i>				
Sub-Total Other Costs	N/A	N/A	N/A	
Overhead				
<i>Add in as many rows as necessary to show Overhead Costs</i>				
Sub-Total Overhead Costs	N/A	N/A	N/A	
Total All Costs				

References

- Please provide three references (with name, title, address and phone number) who can speak to your firm's ability to provide defense services to indigent persons charged with misdemeanor offenses. Include a brief statement describing the relationship between your firm and the reference.
- The City may go beyond these references and seek additional references from people who have experience with your firm.
- Please list all of the courts where your firm has provided criminal defense services in the last five years.

¹⁰ FTE stands for full time equivalent (e.g. 2 half time positions would equal 1 FTE)

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REQUIRED ATTACHMENTS

- A copy of your organization's 2007 Actual Budget (actual revenues and expenses) and 2008 Estimated Budget.
- A list of the members of your organization's Board of Directors or Management Committee if any. Include name, position/title, length of time on the Board, and expiration of terms. Please indicate if there are any former clients on your board. Indicate any vacant positions.
- Copies of the minutes of your firm's board meetings for 2007.
- Insurance: Contractors with the City of Seattle must carry the following coverages and limits of liability:
 - General Liability with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
 - Automobile Liability covering owned and non-owned vehicles with a minimum limit of liability of \$1,000,000 combined single limit each occurrence bodily injury and property damage.
 - Professional Liability (Errors, and Omissions) for attorneys with a minimum limit of liability of \$2,000,000 each claim.
 - Workers' Compensation per statutory requirements of the Washington industrial insurance RCW Title 51.Certificates of insurance must be enclosed in the applicant's proposal.
- Proof of compliance with the City of Seattle's Equal Benefits Program, Seattle Municipal Code Ch. 20.45, and related rules.

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ATTACHMENT I – Historical Workload Information

NOTE TO RFP REVIEW PANEL: This data will be updated to include 2007 data before the final is released.

Table 1 shows the number of Seattle misdemeanor defense case credits by year and the number of cases sent to outside “Assigned Counsel.” The number of case credits reflects the number of credits paid to the two contract defense agencies and Assigned Counsel.

Table 1
Public Defense Case Credits by Year

Year	# Credits	# Assigned Counsel	Total
1999	11,301	64	11,365
2000	9,595	48	9,643
2001	8,562	24	8,586
2002	8,364	45	8,409
2003	7,713	34	7,747
2004	6,863	30	6,893
2005	4,735	52	4,787
2006	6,351	125	6,476

2005 reflects a change in tracking cases based on case closure rather than assignment

Case credits are defined as follows:

- Misdemeanor Case = 1 case credit
- Misdemeanor Probation = 0.6 case credit
- Misdemeanor Appeal = 4 case credits
- Misdemeanor Writ = 3 case credits

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Table 2 shows the distribution of the Primary Public Defender closed case credits by charge for 2005 and 2006.

Table 2

	2005	% of total	2006	% of total
Grand Total	4,307		5,892	
Assault, SMC	980	23%	1,238	21%
Theft, SMC	623	14%	800	14%
Driving Under the Influence, SMC	385	9%	609	10%
Probation Violation, SMC	458	11%	519	9%
Driving License Suspended 3, SMC	80	2%	292	5%
Violation of a No Contact Order, SMC	134	3%	217	4%
Driving License Suspended 2, SMC	134	3%	201	3%
Criminal Trespass 1, SMC	164	4%	201	3%
Harassment, SMC	118	3%	182	3%
Property Destruction, SMC	115	3%	132	2%
Obstructing a Public Officer, SMC	107	2%	131	2%
Prostitution, SMC	119	3%	130	2%
Criminal Trespass 2, SMC	82	2%	94	2%
Unlawful Use of Weapon, SMC	81	2%	91	2%
Reckless Driving, SMC	47	1%	69	1%
VUCSA, Possession, Marijuana	7	0%	64	1%
Hit and Run Attended, SMC	47	1%	63	1%
Vehicle Prowling, SMC	54	1%	56	1%
Driving License Suspended 1, SMC	43	1%	52	1%
Patronizing Prostitution, SMC	23	1%	50	1%
Negligent Driving 1, SMC	14	0%	46	1%
Park Violation, SMC	51	1%	43	1%
Possession of Marijuana, SMC	14	0%	40	1%
Malicious Mischief 3	1	0%	40	1%
Hit and Run Unattended, SMC	31	1%	38	1%
Failure to Respond, SMC	20	0%	36	1%
False Reporting, SMC	18	0%	33	1%
No Valid Operators License, SMC	21	0%	32	1%
Criminal Attempt	6	0%	26	0%
Minor in Possession of Alcohol, SMC	18	0%	22	0%
Possess Stolen Property, SMC	18	0%	17	0%
Pedestrian Interference, SMC	20	0%	17	0%
Indecent Exposure, SMC	9	0%	16	0%
Misdemeanor General	44	1%	15	0%
Physical Control, SMC	13	0%	14	0%
Drug-Traffic Loitering, SMC	24	1%	14	0%
Drug Paraphernalia, Possess, SMC	10	0%	13	0%
Hit and Run Property, SMC	11	0%	12	0%
Failure To Appear, SMC	46	1%	10	0%
Fail To Transfer Title, SMC	15	0%	9	0%
Animal Control Violation	4	0%	8	0%
Contributing to Dependency, SMC	1	0%	8	0%

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False information	23	1%	7	0%
Contributing to Delinquency, SMC	6	0%	6	0%
Anti-Harassment Order Violation, SMC	1	0%	5	0%
Hit and Run Pedestrian, SMC	3	0%	4	0%
Disorderly Conduct, SMC	3	0%	2	0%
License violation	3	0%	2	0%
Minor Driving After Consumption, SMC	1	0%	2	0%
Gambling, SMC	2	0%	2	0%
Escape, SMC	2	0%	1	0%
Failure To Obey	2	0%	1	0%
Possessing Drug Paraphernalia, SMC	1	0%	1	0%
Hindering Law Enforcement, SMC	1	0%	1	0%
Animal Cruelty	0	0%	1	0%
Fighting, SMC	2	0%	0	0%
Other	51	1%	156	3%
Total	4,307		5,892	

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Table 3
Court Filings – by Type and Year

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Non-Traffic Misdemeanor	14,115	12,997	12,976	12,948	10,283	10,502	10,708	12,098	12,582
Misdemeanor Traffic	8,913	7,417	6,838	5,770	5,718	6,313	2,699	2,098	4,156
DUI	1,771	1,838	1,963	1,844	1,809	1,666	1,600	1,437	1,496
Total	24,799	22,252	21,777	20,562	17,810	18,481	15,007	15,633	18,234
Mental Health Court Case Referrals (included in numbers above)					561	875	913	978	978
DV Filings (included in numbers above)					1,599	1,641	1,481	1,549	1,771
Data Source for DV Filings: City Attorney's Office									

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Table 4 shows the number of first appearance hearings scheduled and held in 2006.

Table 4

First Appearance: Number of Hearings Scheduled and Held Per Week in 2006

	Scheduled	Held	Held Per Week
DV Out of Custody Arraignment	1174	965	18.6
DUI Out of Custody Arraignment	1317	1199	23.1
DWLS Diversion Eligible	2103	1816	34.9
DWLS	1703	664	12.8
In Custody Arraignment	17883	15552	299.1
Intake	5654	3755	72.2

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Table 5
Criminal Justice Indicators (Monthly Average by Year)

Table 5 shows Seattle misdemeanor workload indicators across the system and includes misdemeanor criminal filings, defense case credits, jail average length of stay, jail bookings, and the average daily population (ADP) in jail, or on electronic home monitoring or work crew.

	1998	1999	2000	2001	2002	2003	2004	2005	2006	% Change 98-06
Average Monthly Criminal Filings	2,067	1,854	1,815	1,714	1,484	1,540	1,251	1,303	1,520	-26%
Annual Criminal Filings	24,804	22,248	21,780	20,562	17,810	18,481	15,007	15,633	18,234	
Average Monthly Jail Bookings	1,201	1,096	999	940	863	905	818	892	997	-17%
Annual Bookings	14,412	13,151	11,989	11,274	10,351	10,859	9,813	10,698	11,960	
Average Length of Stay (Total)	11.6	12.1	11.8	13.3	11.7	10.9	10.0	9.7	9.6	-17%
Average Length of Stay (King County)	11.6	12.1	11.8	13.3	11.7	8.1	7.0	6.9	7.4	-36%
Jail Average Daily Population	457	435	389	409	331	322	267	289	310	-32%
EHM Average Daily Population				27	34	52	81	70	94	
DRC Pre-Trial Check-In									29	
Work Crew Average Daily Population				2	3	3	3	2	4	
Average Jail + EHM + WC ADP	457	435	389	438	368	378	351	360	431	
King County Jail ADP	457	435	389	409	314	241	188	197	237	
Yakima/Renton Jail ADP					17	82	79	92	73	
Total Jail ADP	457	435	389	409	331	322	267	289	310	-32%

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ATTACHMENT II – Example of Closed Case Report
