

RFP Meeting in Denver 5/3/2010

1. What is staff model office?

Linda explained that a staff model office is a multidisciplinary law firm committed to GAL representation. This model is gaining national attention as a better service delivery model for high quality best interest representation. The model involves establishing a law firm or non profit that employs attorneys, social science professionals and support staff who work as a team to provide best interest representation for children. Several states have implemented such a model and found good results. The model is endorsed by the ABA and NACC as cutting edge in child welfare. . OCR currently has such an office in the 4th judicial district that has been in existence since prior to OCR's establishment in 2000. That office employs attorneys, social workers and support staff all of whom are state employees. We are exploring a multi-disciplinary model for Denver Juvenile Court through a Request for Proposals asking attorneys to propose establishing this kind of office. The term for RFP is 2.5 years, possible to have 3 RFPs in Denver one for each division.

2. Will this result in attorneys becoming state employees? No, although that is something we initially considered. Rather than start up a state run Staff Model Office like the office in the 4th judicial district, OCR is giving attorneys the opportunity to innovate and create such an office through an RFP. The staff model office or division should be 100% committed to do GAL work and the entity will have a contract with OCR to pick up a minimum number of cases. Attorneys are free to propose any system they would like re: staffing for that office.
3. How does this work with conflicts? This could be an issue for some proposers. Proposer will need plan to track potential conflicts and try to minimize conflicts.
4. What about current contracts? Are you going to give the K to the attorney or to an entity? Current contractors in Denver who submitted an application for next year will have a contract covering 7/1/2010-12/31/2010. As of 1/1/2011, the multi-disciplinary offices will begin to take appointments.
5. What about offices? Do you need separate offices? Linda provided a written clarification:

The OCR believes that an office which has dedicated space for a GAL practice will better allow for collaboration by professionals in this practice area and would create a sense of camaraderie and synergy which would improve the practice in this area. Linda was asked about office space being used for both a GAL practice and another practice. We discussed this issue and want to clarify by way of example:

If there are 10 offices in a law firm and 5 are used by a GAL practice and 5 are used by attorneys in other practice areas that would be fine, as long as the OCR is paying only the proportion of overhead pertaining to the GAL practice and conflict issues do not interfere with the GAL practice's ability to pick up the required number of cases. The issue arises when 3 of the 5 "GAL" offices and attorneys are using the space to provide GAL representation as well as other types of legal representation. However, we can envision office situations like this which might strengthen best-interest representation for children. Therefore, we are willing to entertain proposals which would permit some of the "dedicated" GALs to engage in other types of representation. In any proposal involving a mixed legal practice, the proposer must explain how this office sharing system benefits the GAL practice; the plan to ensure that the other areas of practice will not interfere with the case pick up requirements (addressing both conflict and caseload issues); and

the plan to ensure that OCR funds are only used to cover overhead costs associated with the GAL practice.

6. Linda discussed downsides to independent contractor system, not as much support/ supervision, and benefits of a firm: allows for new lawyers to be brought into fold, institutional presence for GALs, problems with court can be better addressed, allowing others to cover some staffings, etc. increases the likelihood that someone from the office can attend the TDM or other staffing.
7. Should RFP cover entire division or entire court? Linda – up to you, 175 cases per year is the current number of cases we believe will be covered by the RFP. Current Denver attorneys can bring in open cases which might make those proposals more attractive to OCR because OCR obtains certainty for the costs for those cases.
8. Do we bill through case closure? Yes. Current GALs will stay on their open cases until the cases close.
9. Must we bring over current open cases if you join an office? Linda –yes, proposal must include cases that you bring in and also include the cost proposal for those cases.
10. Is there a set # of JD cases per year? We need to get that number; still working on it. We spent \$2.5 million in Denver for 9 months of this fiscal year for all case types, but it's not about the money.
11. Can you hire interns/law students? Yes. You will explain your plan in your proposal.
12. How do we delegate this work? Up to you and your structure of RFP, but really not delegating the work; attorney should oversee staff.
13. This seems less efficient to me? Is this a way to get rid of all of the current GALs? No. It is about providing the best legal services possible to kids for the best price for the taxpayers of Colorado.
14. Are you expecting social workers to take the place of Denver DHS? NO! The office will have its own social workers who will be able to provide the GAL with information that is not based upon what DHS can or wants to pay.
15. Is money driving this decision? You would file lots of motions under flat fee vs. hourly? No. The cost per case in Denver is lower than the statewide average. If OCR was piloting multi-disciplinary offices to save money, OCR would have picked a different district which cost OCR more than the state average. OCR spends over \$2.5 million in Denver last fiscal year. Average cost per D&N case in Denver is \$1086 and the statewide average is about \$1300.
16. Has anyone discussed with Denver DHS? No! DHS is aware that the OCR is issuing an RFP for legal services in Denver, but not the specifics. GALs do not work for DHS and are totally independent advocates for what is best for a particular child. One of the concerns often expressed in Denver is that GALs are relying upon DHS for their information. The idea of the staff model office is to support the GAL in conducting an independent investigation separate and apart from the Denver DHS social worker's report.
17. Why pick Denver and Arapahoe? Are attorneys not advocating as much as in other jurisdictions? Linda provide written clarification:
Linda believes that the D&N **systems** in these jurisdictions are particularly problematic, but she also understands that GALs are working hard with the best of intentions dealing with some problems that are not within the control of individual GALs. The OCR believes that staff offices in these jurisdictions would be able to identify and address these systemic problems by providing

an institutional presence. Such an organizational model provides economies of scale with attorneys sharing resources. When attorneys work together as a firm there is greater specialization, institutional memory, in-house mentoring, easy informational exchanges and greater sharing of case responsibilities.

18. An advantage of using social worker is they may testify.
19. Office space/overhead? Is OCR aware of the expenses and benefits piece of setting up office? What about policy and procedures of offices? Set up costs will be high said a GAL. Linda anticipates cost will be high.
20. How many cases does GAL office have? What is the salary schedule? What about case outcomes? Can we see that data? The historical data that we have about the GAL office in the 4th judicial district as well as Denver cases and expenditures will be provided before the proposer's conference on June 2. We want to make this process as transparent and efficient as possible and know that depends upon the proposers having as much data as we can provide.
21. How much is concrete in RFP process? RFP is issued on May 17th, proposers conference on June 2nd, actual proposals due July 12th and the contract is to be awarded July 23rd. Case appointments will begin on 1/1/2011, but the date is negotiable.
22. All of us are solo practitioners, do we need to set up a firm now, how does that work if we do not get bid? The filing fee to incorporate for some entities is \$50. Need to be incorporated before execute contract if proposal selected.
23. Can firm consist of all independent contractors? Another GAL said it is a tax question. Linda said that a firm of independent contractors is not the model we are looking for.
24. How can current attorneys find firms or legal aid entities that are submitting RFPs? Can you give us idea of who is submitting an RFP? We do not know who will submit an RFP. The information we have is based on what we hear from GALs.
25. Where will RFP be published? The notice will be published in the Newspaper, CBA entities, courts
26. This sounds like Alan Alderman model? Linda stated that is not what OCR wants, she discussed working for Alan and having 600 cases and 1.5 attorneys, a few social worker interns and the attorneys having no contact with the kids.
27. Is there a problem with firm doing other types of law, ie construction and D&N? Discussion about conflicts ensued.
28. Is the RFP only D&N or will it include JD cases? It will cover both.
29. Will only those in the selected firm(s) pick up cases in 2011? We do not know how many proposals we will receive or the number of divisions which will be covered.
30. What will selection process look like for independent contractors who do conflict work? Contract/conflict/overflow attorneys will be reviewed/ selected by the OCR as they always have. The number of conflict attorneys needed will depend upon the case pick up capacities of the successful proposers.
31. Is it best to do RFP for one division or all 3? Up to the proposer to figure out what is best for them. OCR certainly open to having a proposal for all 3 divisions.
32. What about team idea, how will the court respond? OCR has advised the Judges about the staff model concept and the RFP. We will have further conversations with the court going forward.
33. How many new JD cases do we have? OCR will provide historical data re: number of cases by type and expenditures on those cases prior to the June 2 proposer conference.

