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M E M O R A N D U M

TO: Joseph Trotter, Director, ATAP

FROM: Dr. Peter Haynes

SUBJ: Comments on Draft RFP for City of Seattle Court Study -
ATAP TA #2-021

DATE: September 22, 1989

Generally, the draft proposed by the Study Committee had covered the essential activities which would be needed to address the questions of concern to the Council. The involvement of a cooperative group of staffers, which included experienced evaluators, is particularly beneficial to the effort. Hopefully my comments, most of which were shared at the meeting on September 8th, will help refine the final product.

The task information is detailed but it is suggested that it be emphasized in the Introduction that the tasks to be completed are a means to an end, which is a set of policy options (based on the empirical analyses) which can be acted on by the appropriate decision-makers.

The core effort is included in Task I. It is suggested that 60% of the effort be devoted here. Essentially, the consultant must be able to describe the nature of the workload demands on all participants, the available resources in work productivity terms, and assess the extent to which resources and workload can be brought into balance.

At present, it appears that an imbalance exists which is causing many of the symptoms described in the press. Worse than that, breakdowns appear to be feeding on themselves exacerbating the dilemma.

Regaining control is essential and achieving that should allow the downward cycle to be reversed. Several possible strategies can be considered. These should include:

- a) Improved productivity through better management of existing resources, if feasible.



- b) Methods of reducing workload demands on Courts, either through excluding types of litigation or by utilizing existing discretionary powers.
- c) Areas in need of resource enhancement to maximize case processing ability.

The work plan to address this Task should be the responsibility of the consultant, i.e., number of cases to be sampled from different stages in process and design of instruments to collect needed data. Abstracting data from case files can and should be done by those familiar with the documents, i.e., by Court staff. Key punching can be done by either consultant or staff, depending on circumstances.

Requests for comparisons with other jurisdictions should be handled carefully. Clearly it is not feasible to extend empirical work to other court systems in Washington or elsewhere. Comparisons can be made using performance measures reported in other studies in the literature. This should be the preferred source of comparison data.

Task II deals with a number of issues which interrelate with the case control issues as well as some organizational issues. One quarter (25%) of the total effort should be devoted here.

The primary emphasis should be an extent to which data availability (or lack thereof) influences case processing. There appears to be evidence that ability to screen cases is impacted by lack of needed data.

Lack of effective data dissemination can be costly in such things, as police overtime. Analyses of costs of any proposed changes should take careful note, not only of direct costs of having units in different locations but also the consequential costs of alternatives. An option may, on its face, be more expensive but in reality be cheaper when all costs are considered.

Policy review in Task III should consume the remaining 15% of effort. To a certain extent, this component will be a follow up of some of the analyses performed in Task I. This is true in subsections A, C, and D. The recommendations made should be firmly grounded to the data analysis and not just unsubstantiated professional opinions of the consultant.

The work should be scheduled to allow the information to be utilized in the next budget cycle. I understand that a report in April would be ideal. This should be a required delivery data for the consultant. If more time appears to be needed, the City might consider an additional time period to produce a final bound and reviewed copy while preserving the April 1990 data for the core recommendations.

The scheduling of the work tasks should be submitted by the consultant. I would expect that Task I would begin immediately with the bulk of the activity to be completed 75% into the project time. Task II activities should start shortly after Task I with more of the effort towards the end of the project time period. Task III should start somewhat later than Task II with most of the effort at the end of the time period. Some components of Task III are not dependent on performance of earlier tasks and could, therefore, be used as a filler earlier in time period if resources are available.

The estimated cost of the project by the Committee (approx. \$100,000) is generous. The City should be able to easily obtain the services needed. Indeed, if saving resources is more important than obtaining a review of all the satellite issues, I would think that an \$80,000 figure would still be an adequate funding level.

There are quite a number of individuals and organizations with the requisite abilities and experience to do this sort of study. I am forwarding a list of some possibilities separately. Actually, the greatest difficulty may be obtaining individuals able to commit the time required on relatively short notice.

The Committee should continue to work directly with the Consultant and, on its own, monitor parallel efforts by the Bar Association and projects pursued by the State Court Administrative Office e.g., weighted caseload studies in the District Court.

A complete list of prior studies should be prepared and made available to the potential bidders. It will also help if Council staff can prepare a profile of available data to allow consultants to judge the time required and difficulty of work.

I will be happy to assist with review of proposals at the appropriate time.

JAT:jg