

**Alternative Dispute Resolution  
System**

**RFP # 04-04-1614**

**Denton County Bar Association  
Proposal**

## **EXECUTIVE SUMMARY**

The Denton County Bar Association (DCBA) intends to conduct business as a 501(c) non-profit corporation for the purpose of providing Alternative Dispute Resolution services for Denton County. This non-profit corporation will be known as the Denton County ADR Program (DCAP). This proposal is submitted by DCBA in response to Request for Proposal #04-04-1614 (attached) issued by Denton County Commissioners Court.

The purpose of the proposed program is to facilitate the efficient and equitable resolution of lawsuits for litigants by providing mediation with qualified, experienced attorneys under the guidelines set forth in Section 152.004 of the Texas Civil Practice and Remedies Code. Mediation is an effective means to settle disputes without court intervention, thereby saving time and money for the county, litigants and courts.

Drawing mediators from local attorneys committed to the process is absolutely the most efficient and effective method for insuring that the services provided meet the highest standards possible. These attorneys not only have the benefit of years of practice in their chosen areas but they are educated in the customs and practices of our courts and they are familiar with the individual judges and their preferences.

DCBA is an award-winning local bar association, having been recognized by the State Bar of Texas multiple times as Outstanding Bar Association in the State of Texas because of its service to the profession, service to the public and because of its outstanding public response and awareness programs.

The DCBA's members are dedicated to the enhancement of legal services for the citizens of Denton County. As a core part of this proposal, the Board of Directors of DCBA have secured written agreements from over 50 attorneys willing to handle a minimum of 4 mediations over the 2004-2005 fiscal year for the DCAP. These first 200 guaranteed low-cost (\$0 - \$150.00) mediations are, however, just the beginning of the services offered under this proposal. Because of the structure of the process the actual number of mediations conducted during the fiscal year will be limited only by the number of cases referred by the court system.

There are several important aspects of this proposal which make it far more appealing than other ADR programs. Not only will the mediations be handled by experienced attorneys, many of the attorneys will be board certified specialists in their particular fields. In addition, the availability of so many attorneys will allow the DCAP to conduct multiple mediations on

a given day in our facility. This will eliminate the several months' delay that has been prevalent in other ADR programs and will result in a much more efficient court system.

Each mediation will be overseen by a "supervising attorney" from the membership of the DCAP Board of Directors. This attorney will be available in an advisory capacity during all mediations.

Key elements of this proposal are set forth below. All scheduled mediations are for a full day and include lunch. Full day mediation begins at 9:00 a.m. and concludes at 5:00 p.m. If the mediation process is not complete, the mediator may make arrangements to continue after hours at his or her discretion.

1. Any case involving individuals who have been judicially determined to be indigent will be mediated free of charge for that individual. This includes pro se litigants as well as litigants who are being represented pro bono by attorneys. These cases will normally (but not always) involve family law litigation. DCBA estimates that ten percent of the mediated cases will fall into this category.
2. The next tier will be for disputes where the estate is valued at less than \$100,000.00 net. As in all tiers set forth in this proposal, this tier may also include Suits Affecting Parent-Child Relationship. These first two aspects of the proposal will without question have the greatest impact on the children of divorce in Denton County. Facilitating a peaceful dissolution of the marriage goes a long way toward easing children into a new family environment. The more peaceful the parents' divorce, the less long-term damage will be caused to the children. The normal cost for this level will be \$150.00 per side for a full day of mediation. The mediators assigned to these (and all cases in part 1) cases will be volunteers from the DCBA.
3. The next level is for disputes in the \$100,000.00 - \$500,000.00 range. The cost of mediation will be \$900.00 per side for a full day of mediation. The after hours cost will be \$75.00 per hour. The mediator will receive \$700.00 of the charge, DCBA will receive \$200.00. The after hours charge will be divided with \$50.00 going to the mediator and \$25.00 to the DCBA. The mediators assigned under this part and part 4 will have their curriculum vitae on file and the parties will have their choice of mediator.
4. The last tier of this proposal is for disputes involving amounts over \$500,000.00. The cost per side is \$1,500.00 for a full day. The

after hours charge will be \$100.00 per hour. Of these fees, \$1,100.00 will be paid to the mediator, \$400.00 to the DCBA. The \$100.00 after hours charge will be divided by paying \$67.00 to the mediator and \$33.00 to the DCBA.

5. In order to insure that the pool of qualified mediators continues to expand, the DCBA will offer free mediation training to licensed attorneys willing to commit to the 4 mediations per year minimum.
6. Finally, the DCBA will facilitate, at no additional charge, two settlement weeks annually. These settlement weeks are mandated by law and DCBA will coordinate with the Local Administrative Judge and the Courts to obtain the best possible outcomes.

By the creation of this partnership with Denton County DCAP will be able to staff the ADR program with an ADR coordinator. This coordinator will be responsible for scheduling mediations, maintaining records, sending notifications of mediation success or failure to the appropriate courts as required by statute and preparing reports for submission to the Denton County Judge, the Local Administrative Judge and the Board of Directors charged with oversight of the project.

The ADR Coordinator shall maintain the appropriate demographics for each referred case and will compile statistical data which will be used to demonstrate the average age of each case at each service level, the success rate for each type of case mediated and the length of time from the date of referral to the date of mediation.

Another aspect of the ADR Coordinator's duties will be to report to the DCBA and DCAP Board of Directors any problems or concerns regarding the program or individual participants. The coordinator will maintain consistent, frequent contact with the "supervising attorney" in order to facilitate a seamless, productive service to the public.

### **Degree of Compliance**

This proposal is in complete compliance with the requirements of Denton County's Request for Proposal # 04-04-1614.

## Proposal Pricing/Delivery

The following pricing detail represents the charges to the public for mediation services under the various levels described in the Executive Summary. The price structure at levels 2 through 4 is representative of the complex nature of cases with the respective estate values.

Level 1, Indigent

Services.....no charge

It is estimated that 10% of mediated cases will fall into this category.

**Level 2, This is where the vast majority of cases will fall.**

Family Law with estates of less than \$100,000.00

\*\*at all Levels, cases will involve Divorce and

Suits Affecting Parent Child Relationship (SAPCR)

Civil Suits less than \$100,000.00.....\$150.00  
per side

Level 3, Family Law (and SAPCRs) with estates of  
\$100,000.00 to \$500,000.00

Civil Suits between \$100,000.00 and \$500,000.00.....\$900.00 per side

Level 4, Family Law (and SAPCRs) with estates of more  
than \$500,000.00

Civil Suits for more than \$500,000.00..... \$1,500.00 per side

Other services provided under this proposal:

Settlement week, held during 2 separate weeks  
each year at the direction of the Local

Administrative Judge.....no charge

Mediation training for attorneys.....no charge

**Denton County ADR Program  
Annual Budget**

**October 1, 2004 – September 30, 2005**

**Revenues**

	Contributions of
Mediator/attorneys.....	\$300,000.00
**based on an average hourly rate of \$200 per hour	
	Conference
fees.....	\$
	54,000.00
**200 guaranteed mediations at \$300.00 per mediation, less estimated 10% indigent services	
Denton County ADR contract.....	\$
	75,000.00
Total Revenue	\$429,000.00

**Expenses**

	Facility usage
charges.....	\$ 48,000.00
ADR Coordinator/secretarial services.....	\$
	21,600.00
**Total salary for this individual will be \$36,000.00 annually, including benefits. 60% of work hours will be devoted to DCAP, 40% to DCBA.	

services.....	Legal mediation	\$300,000.00
equipment.....	Office	\$ 5,000.00
supplies.....	Office	\$ 1,500.00
Printing.....		.....\$ 3,300.00
Accounting/Tax preparation services.....		\$ 1,200.00
Mediation lunches and refreshments.....		\$ 10,000.00
charges.....	Bank	\$ 300.00
taxes.....	Payroll	\$ 2,160.00
Utilities and maintenance.....		\$ 10,800.00
Health insurance for ADR Coordinator.....		\$ 2,880.00
Bar Association supervision fees.....		\$ 20,000.00

\*\*Based on \$75.00 per case fee for availability of supervising attorney.

Total expenses	<u>\$426,740.00</u>
Net income	\$ 2,260.00



# DCAP Descriptive Literature

The attached brochure represents the basic form for a tri-fold informational document that will be made available to the public through the efforts of DCAP.

## Contractor Background Information

### **a. Staffing Plan**

As previously stated, the DCAP will employ an ADR Coordinator. The minimum requirements for this position will include a high school diploma or GED equivalency, experience in light bookkeeping, basic computer skills and office management experience. This individual will devote sixty percent of their time to this project and will be working the remaining time for DCBA.

### **b. Demonstrated Experience in Dispute Resolution**

By definition, the mediator/attorneys that have committed to this project have vast experience in dispute resolution. It is a basic and fundamental part of the practice of law to resolve disputes in a favorable manner. All attorneys participate in the mediation process either in the course of representing their clients or in the process of actually serving as

mediators. The average attorney participates in some fashion in the mediation process many times over the course of a year.

**c. Demonstrated Experience with the District and County Court System**

The Board of Directors for the DCBA will have final approval of any attorney who commits to the program as a mediator. Reputation in the legal community, years of experience and familiarity with the court system are all factors that will be considered. All attorney/mediators will naturally be experienced in working within the Denton County court system.

**d. History of Agency**

The Denton County Bar Association has been in existence since the late 1800's. Throughout its history the bar has been home to community leaders. These legal professionals have spent countless hours devoting both professional and personal time to community service. Our members have served in almost every aspect of public office. Today, the DCBA has over 230 members who are attorneys in good standing with the State Bar of Texas. 73 of our members hold 95 Board Certifications in a field of specialization.

The DCBA has been honored to receive the Outstanding Bar Association in the State of Texas award of merit from the State Bar of Texas in 1993, 1994, 1996 and 2000. This year we were recognized again by the State Bar at the Annual State Convention and received the 2004 Outstanding Partnership Award for community service.

**e. Description of Ability to Meet Needs**

Because of the commitment of the Board of Directors and the individual members of the Bar Association, DCBA is flush with the necessary resources to meet the needs of the Denton County ADR Project. The availability of a vast pool of attorneys to conduct mediations, the facilities to pursue multiple mediations on a given day and the commitment to training and oversight of the project by bar leaders allows us to meet and exceed the expectations of this project.

**f. Description of Agency**

The Denton County Bar Association is a professional organization. The Bar has recently formed a non-profit organization under the Texas Non-Profit Corporation Act for the sole purpose of administering this project.

## Proposed Services

### **a. On-going Training**

The DCBA and DCAP will offer basic mediation training (8 hours) free of charge to any attorney that wishes to commit to this project. In addition, every licensed attorney is required to have 15 hours of continuing legal education annually.

### **b. Proposed Methods for Coordination and Reporting**

The DCAP will employ an ADR Coordinator who will be responsible for scheduling and monitoring the mediation process. This ADR Coordinator will maintain all records pertaining to this program, will report mediation results to the individual referring courts and submit required reports to the County Judge and the Local Administrative Judge as required in this proposal.

### **c. Methods for Monitoring and Evaluation**

Monitoring and evaluating the program will also be included in the duties of the ADR Coordinator. Statistical information will be recorded and reported monthly to the Board of Directors for DCAP. Litigants, or their attorneys, will be asked to voluntarily answer a brief questionnaire regarding the mediator and the process. These reports will be maintained by the coordinator and available for review by the Board of Directors and the County authorities. Success rates will be monitored by the board and complaints or concerns about individual mediators will be addressed immediately.

Demographic information voluntarily given by participants will be used to determine areas of future need for this project. This information will be maintained and evaluated regularly by the Board of Directors.

### **d. Complete Description of Proposed Services**

DCAP will provide Alternative Dispute Resolution Services as follows:

Upon referral by a Denton County court, the ADR Coordinator will schedule a full day of mediation after meeting the calendaring needs of both parties. Unless the individual parties are unable to do so, mediation

will be scheduled within 30 days of referral by a court. The coordinator will make sure the needs of the parties are met. Office supplies, equipment, copies, lunch, refreshments and any other necessary items will be made available. The coordinator will assist the attorneys (or the parties) if questions arise that need the assistance of the supervising attorney.

The ADR Coordinator will also be responsible for determining what service level the mediation will be under and for collecting fees as appropriate. The Coordinator shall maintain detailed records of fees collected and disbursed. The fee structure will be determined as set out below.

Any case involving individuals who have been judicially determined to be indigent will be mediated free of charge for that individual. Lunch will be provided. This includes pro se litigants as well as litigants who are being represented pro bono by attorneys. These cases will normally (but not always) involve family law litigation.

The next tier will be for disputes of less than \$100,000.00 net. This tier may also include Suits Affecting Parent-Child Relationship. The normal cost for this level will be \$150.00 per side for a full day of mediation. 9:00 a.m. – 5:00 p. m. Lunch will be provided and any time expended after 5:00 p.m. will be at the discretion of the mediator. The mediators assigned to these (and all cases in part 1) cases will be volunteers from the DCBA.

The next level is for disputes in the \$100,000.00 - \$500,000.00 range. The cost of mediation will be \$900.00 per side for a full day of mediation, with lunch provided. The after hours cost will be \$75.00 per hour. The mediator will receive \$700.00 of the charge, DCAP will receive \$200.00. The after hours charge will be divided with \$50.00 going to the mediator and \$25.00 to the DCAP. The mediators assigned under this part and part 4 will have their curriculum vitae on file and the parties will have their choice of mediator.

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The ADR Coordinator will gather all relevant information regarding the mediation process including whether or not the process was successful, any complaints or concerns and exit questionnaires. This information will be maintained and written into report form for the Board of Directors, the

Denton County Judge and the Local Administrative Judge. These reports will be submitted as required by the terms of the RFP.

**e. Additional Proposed Services with Associated Costs**

In order to insure that the pool of qualified mediators continues to expand, the DCBA will offer free mediation training to licensed attorneys willing to commit to the 4 mediations per year minimum for DCAP.

Finally, the DCBA and DCAP will facilitate, at no additional charge, two settlement weeks annually. These settlement weeks are mandated by law and DCAP will coordinate with the District Courts to obtain the best possible outcomes.

**References**

The required reference information sheet is attached along with written letters of recommendation from various individuals in the legal community.

The best references the DCBA can offer are those of its membership who are willing to commit to this project and those who benefit from our efforts. We invite you to contact the Denton County Judges for candid information as to the reliability and effectiveness of the DCBA and the members who have joined in this proposal.

The Board of Directors for the Denton County Bar Association are listed below. These individuals stand behind and recommend this project for approval by the Denton County Commissioners Court. The Board of Directors for DCAP will be taken from this list of individuals.

President:	David S. Bouschor, II	
President Elect:	Brian T. Cartwright	
Vice-President:	L. James Ashmore	
Secretary/Treasurer	Tiffany Haertling	
Continuing Directors:	Duane Coker	David Fox
	Darcy Loveless	Dena Reecer
	David P. Housel	Hugh Coleman