

Questions and Answers
Optimizing Alternative Dispute Resolution Programs
To Efficiently Use Court Resources
RFP Number: OGC-ADR-01(B)-LM
Monday, April 30, 2012

Question 1: In what form is the "currently available data" that is to be analyzed? Raw surveys? Spreadsheets? Court records? Some other form? I ask this because (a) under 1.2, this RFP seems to suggest that the data have not been compiled due to staff time limitations and (b) there is a separate RFP seeking an Excel workbook template, but operating under the same time frame. The latter suggests that the data to be put into the Excel template would not be analyzed under the present RFP.

Answer to Question 1: The currently available *information and* data that this RFP seeks to have analyzed is descriptive and qualitative, as well as quantitative, in nature. The AOC will collaborate with the consultant to identify the data that it will be most beneficial for the consultant to analyze. Potential sources and formats of available information and data include:

- Trial court applications for funding for, and reports concerning, projects to plan, implement, improve, and maintain mediation and settlement programs. (Word or Acrobat/PDF format.)
- ADR program evaluation reports, such as the [Multi-Option ADR Project 2007-2008 Evaluation Report](#) prepared by the Superior Court of San Mateo County and the [Evaluation of the Early Mediation Pilot Programs](#) prepared by the AOC. (Word or PDF format.)
- Information and data that has been or can readily be extracted from individual courts' case management systems and ADR program databases. (Most commonly Excel or Access formats.)
- ADR program participants' responses to individual courts surveys that are similar (but not identical) to the recently developed "statewide" post-mediation surveys that are the subject of RFP OGC-ADR-02-RB. (Depending on the particular court and timeframe, hard copies, PDF, or Excel formats.)
- ADR program participants' responses to Judicial Council forms [ADR-100, Statement of Agreement and Nonagreement](#), and [ADR-101, ADR Information Form](#). (Most likely hard copies or PDF formats; some may be accessible in Excel.)
- Statewide court statistics and research reports, including the data that can readily be extracted from the Judicial Branch Statistical Information System (JBSIS), the [Court Statistics Report \(CSR\)](#), the [Judicial Workload Assessment](#), and the report [Procedural Justice and Effective Court Practices in Small Claims Cases](#). (Excel or PDF formats.)

Question 2: For how many courts and how many programs are data from how many different sources to be analyzed? I ask this in order to get a sense of the amount of data and, thus, the amount of work to be performed.

Answer to Question 2: Approximately 40 of the 58 California Superior Courts offer, or recently offered, one or more ADR programs for unlimited or limited civil cases or small claims, unlawful detainer, or civil harassment proceedings. These courts and programs vary considerably in size and other characteristics. The contractor will be expected to analyze data concerning a representative group, but not all, of these programs.

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Question 3: Aside from survey data and mediation outcomes, what data is being collected by the courts (e.g., demographic, time in mediation, case type, etc)?

Answer to Question 3: The available data will vary considerably between courts and ADR programs. Two statewide forms on which many courts have collected data are forms [ADR-100, Statement of Agreement and Nonagreement](#), and [ADR-101, ADR Information Form](#). However, the extent to which these forms, or the data from them, can be readily accessed is currently uncertain.

Question 4: What format is the data in (Excel, Access, etc)?

Answer to Question 4: The information and data is in a variety of formats, including Excel, Access, Word, and Acrobat (PDF). Please see Response to Question 1, for specific examples.

Question 5: How will the consultant obtain access to the existing data?

Answer to Question 5: AOC staff will collaborate with the consultant to identify the available information and data that it will be most beneficial for the consultant to analyze and the most expedient way to obtain and provide that information to the consultant.

Question 6: Is the data kept in such a way that case characteristics can be associated with survey data and outcomes?

Answer to Question 6: In some instances it may be possible to associate case characteristics with survey data and ADR outcomes, but often this will not be possible.

Question 7: Program effectiveness is based on the goals set by the programs (or the AOC), so the report should focus on those goals. Aside from the usual (settlement rate, procedural justice, satisfaction), does the AOC use other criteria to assess program effectiveness?

Answer to Question 7: The Judicial Council and the AOC have articulated goals of promoting the availability, use, and quality of ADR programs for these case types in general terms. For example, Goal IV of the Judicial Council's 2006-2012 Strategic Plan is to "[s]upport and expand the use of successful dispute resolution programs." (See [Justice in Focus: The Strategic Plan for California Judicial Branch 2006-2012](#), p. 23.) The objectives in the Judicial Council's 2008-2011 Operational Plan include "[i]ncreased alternatives to hearings, including such alternative dispute resolution (ADR) options as mediation, arbitration, neutral evaluation, and settlement conferences." (See [The Operational Plan for California's Judicial Branch, 2008-2011](#), p. 38.) In 2006, the Judicial Council adopted Standard 10.70(a) of the Standards of Judicial Administration, which states that: "[s]uperior courts should implement mediation programs for civil cases as part of their core operations."

To help achieve these goals, from 2004 through 2010, the Judicial Council has made Civil

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Mediation and Settlement Program Awards (grants) available for court projects to implement, improve, and maintain mediation and settlement programs for unlimited and limited civil cases and small claims, unlawful detainer and civil harassment proceedings. The courts' applications for these grants articulated specific goals and objectives for their proposed projects. The consultant who is contracted to prepare the report that is the subject of this RFP could identify common and unique goals of these projects by reviewing those applications.

Question 8: How many courts will be involved in this project?

Answer to Question 8: Please see the response to question 2, above.

Question 9: Who is the audience for the final product besides the AOC and the individual courts? Other stakeholders? The public?

Answer to Question 9: The California courts, the Judicial Council of California, and the AOC will be the primary audience for the consultant's report. Other interested stakeholders may include California legislative and executive branch leaders and staff and ADR trainers, neutrals, and provider organizations that partner with or serve court-connected ADR programs.

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