

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 20 2002

WENDY MAYER HUNTINGTON, CLERK
U.S. DISTRICT COURT

JOY EVANS, *et al.*,)
)
 Plaintiffs,)
)
 UNITED STATES OF AMERICA,)
)
 Plaintiff-Intervenor,)
)
 v.)
)
 ANTHONY A. WILLIAMS, *et al.*,)
)
 Defendants.)

Civil Action No. 76-293 (ESH)

ORDER

Before the Court is the submission by Court Monitor, Jane Haddad, Psy.D., of her request that the Court issue an order reflecting an increase in the annual budget for the *Evans* Monitoring Office. On March 29, 2001, Judge Stanley S. Harris approved the Court Monitor's proposed annual budget commencing October 1, 2001 and ordered that an amount of \$711,458.00 be paid into the Court's Registry by defendants on October 1, 2001, and each succeeding October 1 until the Court's Order was amended or vacated. By letter dated September 11, 2002 (*see* Attachment A), the Court Monitor informed the Court that plaintiffs, defendants, and plaintiff-intervenor, the United States, have reviewed and approved a proposed annual budget for Fiscal Year 2003 for the Monitoring Office (*see* Attachment B), and the parties have agreed to an increase in the Monitoring Office's annual budget from \$711,458.00 to \$834,567.00.

Based on the foregoing, it is hereby

ORDERED that Section II of the Court's Order, dated March 29, 2001, is **AMENDED**;

it is

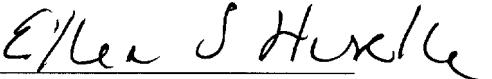
(2)

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FURTHER ORDERED that on October 1, 2002, and on each succeeding October 1 until this order is amended or vacated, defendants shall deposit the sum of Eight Hundred Thirty-Four Thousand and Five-Hundred Sixty-Seven Dollars (\$834,567.00) into the Registry of the Court, as payment of the costs of the Court Monitor; and it is

FURTHER ORDERED that the Clerk of the Court shall pay the Court Monitor the sum of Two Hundred Eight Thousand and Six-Hundred Forty-One Dollars and Seventy-Five Cents (\$208,641.75) at the beginning of each quarter in accordance with the terms set forth in the Court's Consent Order, dated March 29, 2001.

SO ORDERED.



Judge Ellen Segal Huvelle
United States District Judge

Date: 9/29/02

ATTACHMENT A

Evans Monitoring Office

Jane Haddad and Associates, Inc.
817 Varnum Street NE
Washington DC 20017
Phone: 202-832-6860
Fax: 202-832-2180

September 11, 2002

Judge Ellen Segal Huvelle
United States District Court
For the District of Columbia
United States Courthouse
333 Constitution Avenue NW
Washington, DC 20001

Re: *Evans v. Williams*
Civil Action No. 1:76-00293 (ESH)

Dear Judge Huvelle,

The Consent Order signed by Judge Stanley S. Harris and filed March 28, 2001 established the Monitoring Office's annual budget commencing October 1, 2001. While the Monitoring Office has been able to maintain operations within the established budget during FY2002, compliance with the budget has required significant changes in how proposed funds were allocated.

A Monitoring Office budget for FY2003, which is based on experience rather than the assumptions of the FY2002 budget, has been submitted to all parties for review and comment. The defendants, plaintiffs and the plaintiff-intervenor have approved an increase in the Monitoring Office budget from \$711,458 to \$834,567. A detail of the proposed FY2003 budget as compared to the FY2002 budget and rationale for the modifications is attached.

I am requesting a Court Order reflecting the increased budget for the Monitoring Office in FY2003. The new budget would require the defendants to deposit the sum of \$834,567 into the Registry of the Court on October 1, 2002 for payment of the costs of the Court Monitor. Payments of \$208,641.75 would be paid to the Monitoring Office by the Clerk of the Court at the beginning of each quarter in accordance with the present Consent Order.

Thank you for consideration of my request. Please contact me if clarification is needed.

Respectfully submitted,



Jane Haddad, Psy.D.
Evans Court Monitor

Attachment

cc: Margaret G. Farrell, Esq. Co-Special Master
Clarence Sundram, Esq., Co-Special Master
Joseph B. Tulman, Esq., Counsel for the Plaintiffs
Kelly Bagby, Esq., Co-Counsel for the Plaintiffs
Regan Bailey, Esq., Co-Counsel for the Plaintiffs
Richard Farano, Esq., Counsel for the Plaintiff-Intervenor
John Henderson, Esq. Counsel for the Plaintiff-Intervenor
Michelle Svonkin, Esq., Counsel for the Plaintiff-Intervenor
Maria Amato, Esq., DC Corporation Counsel
George Valentine, Esq., Department of Human Services
Carolyn Colvin, Director, Department of Human Services
Delores Shepherd, Chief Financial Officer, Department of Human Services

ATTACHMENT B

PROPOSED ANNUAL EVANS MONITORING BUDGET
(October 1, 2002 - September 30, 2003)

	BUDGET (10/1/01 – 9/30/02)	PROPOSED BUDGET (10/1/02 – 9/30/03)
PERSONNEL COSTS		
Court Monitor (180 days at \$1000/day) <i>Initial budget assumed that Monitor would only work on Evans 2 to 3 days a week or 120 days a year. This proved unrealistic. Estimate of 180 days or 15 days a month is conservative.</i>	120,000	180,000
Monitoring Office		
Monitoring Coordinator/Oversight	60,000	62,400
Senior Monitors (1 at \$48,000)	86,000	48,000
Monitor (2 @ \$41,000)	38,000	82,000
Administrative Assistant	30,000	38,000
<i>Last budget inaccurately indicated prior salary of Administrative Assistant; was \$35,000 not \$30,000. Need to adjust salaries based on significant job duties and increased expertise.</i>		
Employee Related Expenses: Payroll Taxes, Worker's Compensation, Health Insurance, Retirement (28% of Salaries or \$230,400) <i>Need to increase % from 26 to 28 to account for increased insurance costs.</i>	55,640	64,512
Expert Monitoring and Consultation		
Nursing (48 days @ \$600/day)	28,800	
Physician (18 days @ \$1000/day)	18,000	
Behavioral/Psychology (36 days @ \$1000/day)	36,000	
Psychiatrist (18 days @ \$1200/day)	21,600	
Speech Therapist (18 days @ \$600/day)	10,800	
Physical Therapist (12 days @ \$600/day)	7,200	
Quality Assurance Consultant (18 days @ \$600/day)	10,800	
TOTAL	133,200	133,200
<i>Overall amount was adequate but need flexibility on choosing the disciplines needed. Confident that use of consultants past year was acceptable but did not follow the proposed budget as far as the disciplines included.</i>		
TOTAL PERSONNEL COSTS	\$522,840	\$608,112

	BUDGET (10/1/01 – 9/30/02)	PROPOSED BUDGET (10/1/02 – 9/30/03)
TRAVEL COSTS		
Court Monitor (50 trips @\$200: car expenses to drive from VA; local travel expenses; meals; lodging not reimbursable) <i>Increased number of trips because experience indicates that presence in DC is required most weeks.</i>	8,000	10,000
Monitoring Office Staff Local Travel (4 staff: 300 miles/month @ \$.35/mile)	5,040	5,040
Expert Monitoring and Consultation (Total of 168 days) Local Consultants (96 days @ \$50) Other Consultants (21 trips @ \$1200) TOTAL <i>Local travel costs have been minimal so were eliminated.</i>	4,800 25,200 30,000	25,000
TOTAL TRAVEL EXPENSES	\$43,040	\$40,040
OFFICE/ADMINISTRATIVE EXPENSES		
Office Rental: (\$6,000 per month) <i>Rental increased to permit co-location with the Quality Trust with flexibility to ensure parking for staff.</i>	60,000	72,000
Office Telephone Expenses (Phones/Internet Access) <i>Experience has been that phone use is \$700 a month, Internet access is \$25 a month, and lease of phones is \$250 a month.</i>	8,000	11,700
Cell Phones (4 @ \$500)	2,000	2,000
Lease of Copy Machine <i>Actual lease of copy machine is \$250 a month plus supplies.</i>	1,500	3,500
Postage <i>Experience has been postage/Fed-Ex is \$200 a month.</i>	1,000	2,400
Office Supplies/Document Preparation <i>Experience has been that supplies, etc. is \$600 a month.</i>	6,000	7,200
Computer Service Contracts <i>Cost of contract was much more than estimated, \$6000, so did not purchase. Ended up spending \$6500 in service calls for first 8 months of this Fiscal Year so need to contract.</i>	1,500	6,000
Monitor's Administrative Expenses (Telephone/Supplies) <i>Have not, and will not, charged for telephone calls from home but cost of supplies has been \$100 a month</i>	900	1,200
TOTAL OFFICE/ADMINISTRATIVE COSTS	\$80,900	\$106,000

	BUDGET (10/1/01 – 9/30/02)	PROPOSED BUDGET (10/1/02 – 9/30/03)
ADMINISTRATIVE OVERSIGHT – 10% of Proposed Expenses (Payroll processing; develop/administer benefit program; liability insurance, taxes, temporary services, staff recruitment/development, etc. Monitor only bills for actual expenses of administrative oversight services.)	\$64,678	\$75,415
MOVING COSTS <i>Cost of moving the office and establishing communication lines was originally estimated at \$5000; this was not realistic.</i>		\$5,000
TOTAL BUDGET	\$711,458	\$834,567

Monitor will retain management authority to adjust expenditures among budgeted items as long as total expenditures remain within overall amount approved by the Court.