

Judicial Department - Courts and Probation FY 24 Comeback Request

March 13, 2023

Department:	Judicial Department Courts and Probation
Title:	R04-Judicial Security Office and Security Grant Funding Reinstatement

	FY23 Appropriation	FY24 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$3,327,084	\$1,094,776	\$0	\$931,663	\$931,663
FTE	1.0	2.0	0.0	3.0	3.0
GF	796,449	1,094,776	0	\$931,663	\$931,663
CF	2,530,635	0	0	0	0
RF	0	0	0	0	0
FF	0	0	0	0	0

Summary of Initial Request:

The Judicial Department (Courts and Probation) requests \$594,776 General Fund and a net increase of 3.0 FTE for the creation of a Judicial Security Office and \$500,000 General Fund for the reinstatement of funds for the Courthouse Security appropriation that was eliminated during the COVID-19 budget reductions. This request included funding for a State Patrol Trooper to serve as a liaison between the two agencies.

Committee Action:

During JBC staff figure setting presentation, the Committee denied the Department's request.

Judicial Department Comeback:

The Department requests reconsideration of its R-04 Security Grant Funding Reinstatement and Judicial Security Office request, and requests that the Joint Budget Committee consider sponsoring legislation authorizing POST certification of the Judicial Security Officer positions. The revised request does not include funding for the State Patrol Trooper position as that position is not critical at this time.

Court Security Grant Cash Fund Reinstatement

- The Judicial Department is requesting \$500,000 for the restoration of General Fund to the Court Security Grant appropriation that was eliminated during the COVID-19 budget reductions.
- The Court Security Cash Fund and Commission were established in S.B. 07-118. The Commission and the Fund provide grants to counties for supplemental security funding at a

facility containing a state court or probation office. While county governments are responsible for providing security for court facilities, the level of funding and services that each county can provide varies throughout the State.

- The Commission historically receives far more grant requests than has available funds. This General Fund addition will help ensure there is adequate security at the courthouses in counties needing assistance.
- The Commission received approximately \$4.3 million in grant requests for FY 2022-23 and was able to award \$2.01 to 37 counties for security personnel-related expenditures. In addition, approximately \$125,000 in grant funds were provided to seven counties for emergency and high-profile trial related expenses.

Judicial Department Security Program Creation

- Since 2007, with the creation of the Court Security Commission, the Department has been working towards enhancing the security of all Department staff across the State. This has become a priority for the Department because of the recent increased frequency and levels of threats made against judges and staff as detailed in R04.
 - Due to the current single FTE program, responsiveness and coordination with local law enforcement is not always adequate. The new positions will provide additional capacity to work with the 246 law enforcement agencies around the state when threats or emergencies occur.
 - The level of coordination on security matters with counties is further complicated due to the need to place probation functions outside of the courthouse. This puts additional strain on the current program to address the needed security and safety planning and coordination of these locations. The additional staff will be able to better meet the security planning and response needs of probation staff.
 - These new FTE will be dedicated as regional staff assigned to the districts. Each staff will be required to travel throughout their assigned regions as necessary and will provide facility and residential assessments and training.
-

Department:	Judicial Department Courts and Probation
Title:	R05-Contract Management Unit Staffing

	FY23 Appropriation	FY24 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$58,491,457	\$554,648	\$554,648	\$554,648	\$0
FTE	293.3	6.0	6.0	6.0	0.0
GF	22,705,489	554,648	554,648	122,985	(431,663)
CF	33,329,323	0	0	431,663	431,663
RF	2,456,645	0	0	0	0
FF	0	0	0	0	0

Summary of Initial Request:

The Judicial Department (Courts and Probation) requests \$554,648 General Fund and 6.0 FTE for the Contract Management and Purchasing Units of the State Court Administrator’s Office.

Committee Action:

During JBC staff figure setting presentation, the Committee approved the department’s request.

Judicial Department Comeback:

The Department requests a refinance of \$431,663 of the previously approved General Fund appropriation for its FY 2023-24 R-05 Contract Management and Purchasing Staff budget request with Offender Treatment and Services Cash Funds in order to offset the General Fund request for the FTE in R-04 (see above).



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THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

FISCAL YEAR 2023-24 COMEBACK REQUEST

March 13th, 2023

Lindy Frolich, Director

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JBC STAFF OBSERVATIONS

“For all of its complexity and budget workload, staff believes that the independent agencies are incredibly effective and efficient in delivering on policy purposes established in statute. Unlike large organizations, and traditional department organizational structures with hierarchical layers of management and attendant bureaucracy, the independent agencies, guided by their governing boards and commissions, are almost fully engaging all the resources appropriated to them to deliver on their statutory purpose.”

“Unlike large agency budgets where budget “widgets” are added and results are washed out due to scale as much as bureaucracy, when staff makes a recommendation for additional funds for the independent agencies, staff is confident that the return on investment is tangible and faithful. Because of their scale, they are nimble, entrepreneurial, creative, and resourceful in their approach; however, more critically from an organizational resources perspective, they are tightly focused on their mission. It is reasonable to think of each of them as a JBC staff office unit and the sense of mission, purpose, expertise, and impact that comes with that model at each agency.”

“When staff began this JBC staff assignment for the Judicial Department, staff had no idea how effective and powerful this concept works in practice for delivering results. The key to maintaining this “magic formula” is – can we, on the legislative budget side, manage the accumulating effort that multiple small agencies bring to the budget process...”

OADC Mission Statement

*The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of **holistic public defense**, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC's **holistic practice model** fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. We advocate for every client's inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.*

The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. There is a disparate presence of violent policing, over-charging, and harsher sentencing outcomes for Colorado's people of color and

other vulnerable populations. The OADC is unwavering in its support of decarceration, the decriminalization of youth, and equity within the criminal legal system.

INTRODUCTION:

Each comeback request below is separate, yet they are all three interconnected and essential to advancing OADC's commitment to equitable and holistic criminal public defense. First, valuing *all* team members with pay rate increases will help the OADC retain interdisciplinary team members as contractors, and we know interdisciplinary teamwork benefits our clients most. Increasing the rates of non-attorney contractors impacts retention of both attorneys and non-attorneys. Non-attorney team members are significant cost savers for the state. If we pay them less, they will do less of our work because they are unable to keep up with cost of living demands at the current rates. Our non-attorney contractors are passionate about serving the most vulnerable in our state and are skilled in doing so. Without them, the state will have to pay attorneys for tasks other non-attorney team members were traditionally completing. This decreases the attorney's time to take additional cases and can lead to burnout as it places the burden on the attorney to "do it all", which is neither possible nor sustainable, and costs the state more. Interdisciplinary teams also help to prevent burnout by providing support among the team members. The Agency cannot publicly commit to equity and then ignore the inherent inequity that exists in increasing one team member's rate (attorneys – the highest paid team member) and declining to provide increases to the remainder of the defense team.

Second, we also know that interdisciplinary defense teams alone do not meet the demands of what it means to operate within a holistic defense model and a Holistic Defense Coordinator is critical to create and support this model within Colorado. Clients need resources and community connections to reduce barriers to re-entry and increase success both pre-trial and post-release. A Holistic Defense Coordinator will provide a cohesive approach to building and fostering relationships between communities, defenders, and system-wide service providers to help meet the needs of our clients. Our Agency has taken great strides to advance this best-practice holistic defense model, but without a strategic vision and full-time employee to achieve deliverables, that vision cannot be realized, and its desired outcomes will not be achieved.

Finally, our request for a Municipal Court Analyst is crucial and interrelated to our other two requests because municipal courts are often an individual's first interaction with the criminal legal system and have huge impacts on our clients' lives. Those who are charged criminally in municipal courts should also have the opportunity to receive holistic defense and representation from interdisciplinary team members. Intervention at this stage could interrupt ongoing criminal system involvement by helping clients connect with services that lead to greater stability in the community. In order for OADC to continue its work supporting municipal courts throughout Colorado, we need a Municipal Court Analyst to join our team and help alleviate the increasingly heavy workload our current staff working with municipal courts in Colorado face.

Funding each of our requests builds on the other and is essential to fulfilling OADC's mission. Each request, if not funded, will create a gap in our Agency's overall vision and impede our ability to provide excellent public defense in Colorado in a holistic public defense model. We can continue to put band aids on problems, but our goal is to make a larger positive impact on our

community. The OADC's enabling statute, enacted in 1996, was updated during this legislative session to accurately reflect the Agency's practice of contracting with a variety of team members to provide the best representation possible. See [HB23-1033](#)

COMEBACK REQUEST 1:

DI # 9 Legal Teams – Contractor Rate Increase COMEBACK:

INCREASED COST OF LIVING AND INFLATION

"I recently was made aware that one of our most experienced investigators who often works on our most complex cases...took a job doing investigatory work for a county school district. She absolutely needs health insurance and does not have it doing our work. She has found the older she gets, the harder and more expensive it becomes to get decent health insurance. She will make more as a base salary and receive benefits at her new job. She was very disappointed to leave OADC contract work but literally had no choice given her options." (for a full list of feedback from contractors see Appendices A and B)

The cost of living has increased across Colorado and OADC's non-attorney rates have not kept pace with inflation. The OADC is currently experiencing attrition of more experienced and seasoned non-attorney contractors, many of whom have dedicated their lives to serving Colorado's most vulnerable through their work. The OADC operates from a cost-savings model by asking non-attorneys to utilize their expertise to do work that attorneys would otherwise have to do while billing for it at a higher rate. Affording a rate increase only to attorneys and not to non-attorneys will not only hasten the attrition of more experienced non-attorney contractors, it will also cost the taxpayer more in the long run, in multiple ways.

"I believe in working on behalf of indigent clients but I have to do federal and private work to subsidize what the ADC pays in order to survive." (for a full list of feedback from contractors see Appendices A and B)

Experienced contractors generally have fewer training needs and can not only take on more clients efficiently but can also take on more complex cases. As more seasoned contractors have faced the burden of the pandemic, increases to the cost of healthcare, and increasing familial and other financial obligations, they have looked elsewhere to find what the market would offer. For those non-attorneys who carry student loans, loan forbearance during the pandemic is set to end and the Federal Government has failed to recognize contractors, even those who work full-time hours, for Public Service Loan Forgiveness.

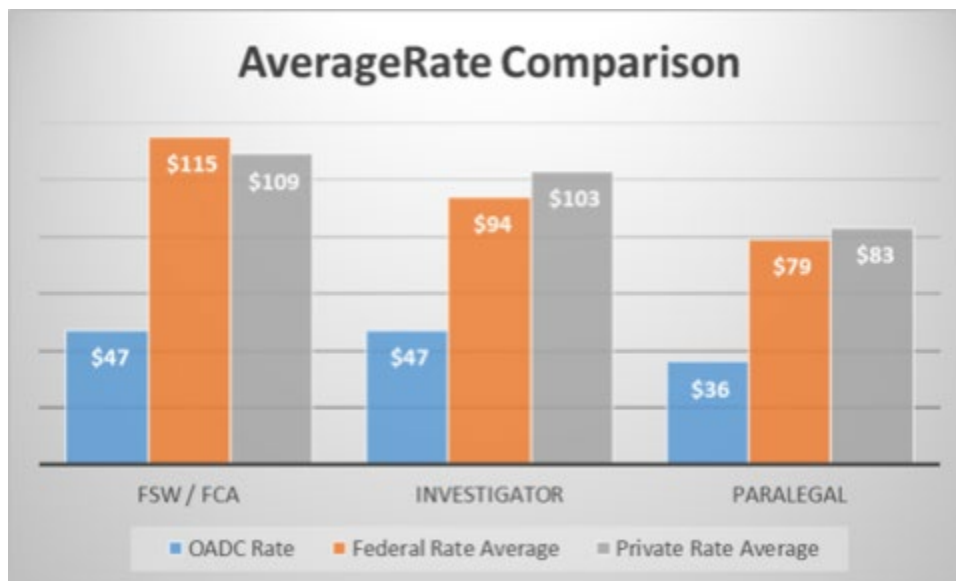
The social workers and clinical advocates who practice with advanced degrees also incur licensing and testing fees, they require malpractice insurance, and carry requirements for ongoing continuing education, often at significant cost. For many non-attorney contractors, the rate for OADC work is less than half of the rate they can be paid to work through Criminal Justice Act (the Federal equivalent of ADC) or on private pay cases. Those who have had health concerns or a

need to provide for dependents have found it more sustainable to work at higher-paying salaried jobs that offer healthcare or the opportunity to qualify for student loan forgiveness.

“I love doing indigent representation, it’s really why I got into this field. It’s becoming more and more tempting to take private and federal cases because the pay rate is so much better considering we have zero benefits and running a business is extremely expensive. It would be really helpful to have a pay raise so we can keep doing this wonderful work and improve recruitment and retention. Having social workers is fiscally smart because we make less than attorneys and do the mitigation work that attorneys would normally do. Saving the state money in the long run, even with a rate increase.” (for a full list of feedback from contractors, see Appendices A and B)

The OADC’s contract rate has not kept up with inflation and is far surpassed by both the CJA (Federal) and private rate for services. Non-attorney contractors are doing less OADC work to keep up with the rising cost of living and overall financial responsibilities as outlined above.

Group	OADC Rate	Federal Rate Average	Private Rate Average
FSW / FCA	\$ 47	\$ 115	\$ 109
Investigator	\$ 47	\$ 94	\$ 103
Paralegal	\$ 36	\$ 79	\$ 83



INCREASED BURDEN ON OADC FTE STAFF

The attrition of experienced non-attorney contractors also drains OADC FTE resources. The work to orient and train newer contractors is important but time consuming and drags the overall efficiency of the Office. As staff are more consumed by recruiting, retention, and the training of

new contractors, their time implementing additional cost-saving measures decreases and will likely result in further duplicative FTE requests. The OADC has, insofar, been judicious in its requests for FTEs, seeking only those FTEs which are necessary to streamline and fulfil its mission with a cost-savings strategy.

INCREASED CASE COSTS

The cost increase incurred by lengthier sentences due to the lack of support from these non-attorney contractors cannot be understated. Attorneys can't do the myriad of tasks that multiple contractors on a team can perform and when they try it increases case cost and decreases the efficacy of their representation. Clients will suffer from the lack of quality representation, and the taxpayer will be saddled with the enmeshed consequences of paying for longer sentences and medical care for OADC's clients aging within the prison system as a result of these lengthier sentences.

A REFLECTION OF OADC'S VALUES

The OADC believes that the denial of this decision item (DI #9) increases inequality between attorneys and the other non-attorney members of legal teams. Non-attorney contractors play critical roles on defense teams and shoulder important parts of defense work. By not providing a rate increase to these contractors, we message to them that they are not as valuable on defense teams.



Summary of Initial Request :

In conjunction with the Office of the Respondent Parent's Counsel (ORPC) and the Office of the Child's Representative (OCR), the OADC is seeking an 18% hourly rate increase for its non-attorney team members to remain competitive with current federal, state, and private sector rates.

Joint Budget Committee Action:

The JBC staff and Committee did not approve this Decision Item.

OADC/OCR/ORPC Comeback:

	General Fund	Reappropriated Funds	Total Funds
OADC (R-9)	\$ 1,361,808	\$ -	\$ 1,361,808
OCR (R-4)	\$ 350,753	\$ 16,091	\$ 366,844
ORPC (R-4)	\$ 1,263,685		\$ 1,263,685
	\$ 2,976,246	\$ 16,091	\$ 2,992,337

State savings due to OADC efficiencies:

In FY22 the OADC **saved** the State of Colorado more than **\$3.2 million** in General Fund by identifying and utilizing cost saving strategies. One cost saving strategy is utilizing non-attorney contractors, and failing to pay them more will potentially result in cost increases if attorneys must complete this work.

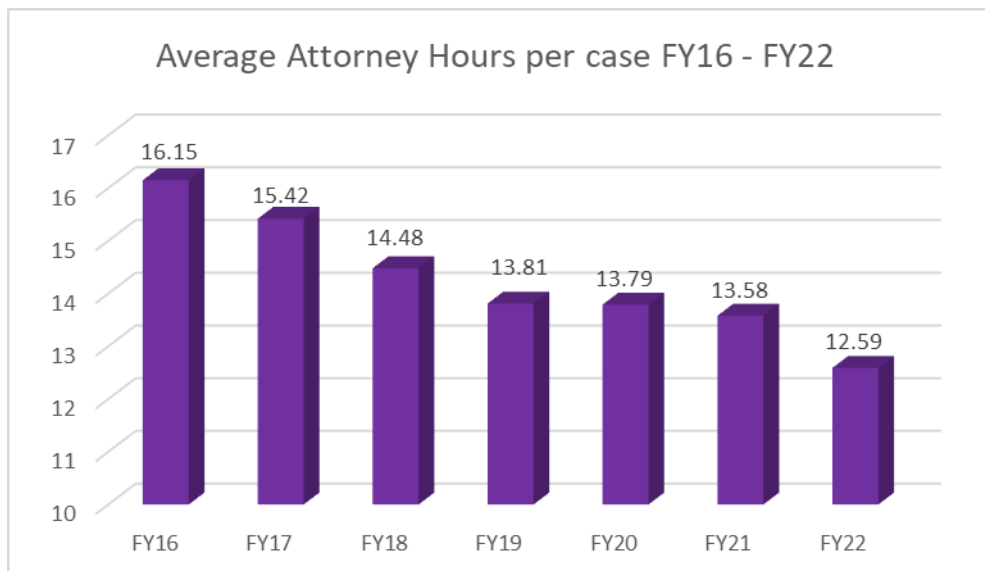
	FY16	FY17	FY18	FY19*	FY20	FY21	FY22
Overall Average Cost per Case	\$ 1,581	\$ 1,523	\$ 1,456	\$ 1,474	\$ 1,498	\$ 1,451	\$ 1,449
<i>change from prev FY</i>	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.1%	-0.1%

$$(\$1,581 - \$1,449) = \$132 \times 24,897 = \$3,286,404$$

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

This cost-savings has been driven primarily by a **steady** decrease in the Agency’s total number of attorney hours per case from 16.15 in FY16 to 12.59 in FY22, representing a 22% decrease.

Contain Case Costs		FY16	FY17	FY18	FY19	FY20	FY21	FY22
Contain the total number of Attorney hours per case. Includes all case type hours.	Actual	16.15	15.42	14.48	13.81	13.79	13.58	12.59
	<i>% change</i>	-	-	-	-	-0.14%	-1.52%	-7.29%



The overall budget request approved by the JBC for the OADC in FY2022-23 is \$50,570,572. This Budget Request Comeback is \$1,361,808 or **3.0%** of the total budget approved by the JBC.

COMEBACK REQUEST 2:

DI # 2 Holistic Defense Coordinator COMEBACK:

THE IMPORTANCE OF THE HOLISTIC DEFENSE COORDINATOR TO OADC’S OVERALL MISSION

The Holistic Defense Coordinator will develop a cohesive Agency strategy towards incorporating all aspects of the Agency’s operations into a holistic defense approach. The Holistic Defense Coordinator will work to recruit contractors who are invested in pursuing the holistic model of practice in the community in which they are practicing, by learning what needs are unique to the community where their clients live. The Holistic Defense Coordinator will assist the Municipal Court Innovations Coordinator, the Attorney Development Coordinator, the Youth Defense Coordinator, and the Post-Conviction Unit Coordinator in seeking out and contracting with both youth and adult defense attorneys who are committed to the interdisciplinary team practice necessary to provide adequate legal representation for clients at all levels of the system. The Holistic Defense Coordinator will also work with the Greater Colorado and Inclusivity attorney and social worker fellows and future post-conviction unit staff to ensure that each sector and program created by the OADC incorporates holistic principles at the outset. Since these projects are all launching in 2023 and 2024, a Holistic Defense Coordinator is essential to ensure a streamlined vision and approach.

Research has shown that holistic representation does not affect conviction rates, but it does reduce the likelihood of a custodial sentence by 16% and the expected sentence length by 24%. Over the ten-year study period, holistic representation in the Bronx has reduced custodial punishment sentences by nearly 1.1 million days, saving state and local taxpayers an estimated \$165 million on inmate housing costs alone. (*Harvard Law Review Volume 132, January 2019, Number 3*)

Annual Cost of Colorado Adult Sentencing Options Per Offender FY21-22

	1 yr of cost	3 yrs of cost	5 yrs of cost	25 yrs of cost
Probation	\$ 1,819	\$ 5,457	\$ 9,095	\$ 45,475
Community Corrections	\$ 12,032	\$ 36,096	\$ 60,160	\$ 300,800
Parole *	\$ 6,270	\$ 18,810	\$ 31,350	\$ 156,750
Department of Corrections **	\$ 55,716	\$ 167,148	\$ 278,580	\$ 1,392,900

Source: DOC: Office of Planning & Analysis; DCJ: Office of Community Corrections; Probation: Division of Probation Services. *This chart shows that it is approximately \$10K less expensive to have a client on Probation for 25 years than it is to keep them in the Department of Corrections for 1 year (\$55,716 – 45,475 = \$10,241.)*

Figure 1. Comparing Defense Models



SOURCE: Quattrone Center for the Fair Administration of Justice at Penn Law. Used with permission.

A crucial component to implementing and supporting a holistic representation model, starting at the Agency level, is for the OADC to build strategic partnerships with other governmental agencies with resource and benefit coffers that the OADC does not otherwise have access to through its funding. While the majority of OADC clients, by nature of their indigent status, qualify for public assistance such as Medicaid, SNAP, and housing assistance, OADC currently has no partnerships established between other governmental agencies to facilitate OADC clients finding quick and easy access to those benefits to help stabilize them in communities or upon release. The Holistic Defense Coordinator would work to serve as a liaison between agencies, building relationships to address whatever barriers to access exist for those clients.

The FTE for a Holistic Defense Coordinator is urgent and essential to developing early partnerships with nascent agencies such as the Behavioral Health Administration and initiatives such as Bridges. Our Coordinator will identify and collaborate on ways to remove barriers and streamline access to mental health services for OADC youth and adults facing detention or upon re-entry from detention facilities, jails, and the Department of Corrections. Approving this position now would allow OADC to be a part of these conversations at the outset and collaborate on the broader plan to reduce the number of competency filings, reduce recidivism, and keep people in communities to support the communities our clients live in or return to.

COMMUNITY ENGAGEMENT

Community engagement takes time. OADC Resource Advocates have identified at least 400 community organizations and businesses statewide whose partnerships could benefit OADC clients. Current staff lack the capacity to meet with each agency to build these connections in any meaningful way. OADC's contractors and teams have done a significant amount of work to identify community partners, but absent a cohesive community strategy, a strategic plan, and cognizable deliverables, the implementation of holistic defense principles will remain disjointed

and not nearly as effective. Absent a full-time employee devoted to this project, it is unlikely we will achieve desired outcomes, one of which is to reduce a client’s future interaction in the criminal system.

Summary of Initial Request:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$185,906 General Fund to create and staff the position of Holistic Defense Coordinator. This position will assist the Agency in achieving its mission of ensuring that a holistic public defense model is attained within the Agency and is offered through practice with indigent adults and youth facing criminal prosecution. This will ensure high quality legal services while also reducing the cost of representation and over-incarceration.

Joint Budget Committee Action:

The JBC staff and Committee did not approve this Decision Item.

Office of the Alternate Defense Counsel Comeback / Analysis:

	OADC Request	JBC Staff Recommendation	Agency Comeback Request
Total	\$ 185,906	\$ -	\$ 180,866
Holistic Defense Coordinator	\$ 185,906	\$ -	\$ 180,866

On page 52 of the JBC Staff Figure Setting FY2023-24 document for Judicial, JBC Analyst Alfredo Kemm states that “Staff is generally supportive of the OADC’s program orientation towards holistic defense.” However, due to funding constraints the Decision Item was denied. The OADC understands and respects Mr. Kemm’s analysis of this Decision Item. We would like to take this opportunity to highlight how the OADC’s mission and model has continued to bring General Fund savings to the State of Colorado. The OADC believes that this position will not only help to provide interdisciplinary team practice and the community partnership necessary to effect adequate legal representation for clients at all levels of the system but will also help create even more efficiencies within representation that will continue to bring further fiscal savings to the State of Colorado.

In FY22 the OADC **saved** the State of Colorado more than **\$3.2 million** in General Fund by identifying and utilizing cost saving strategies.

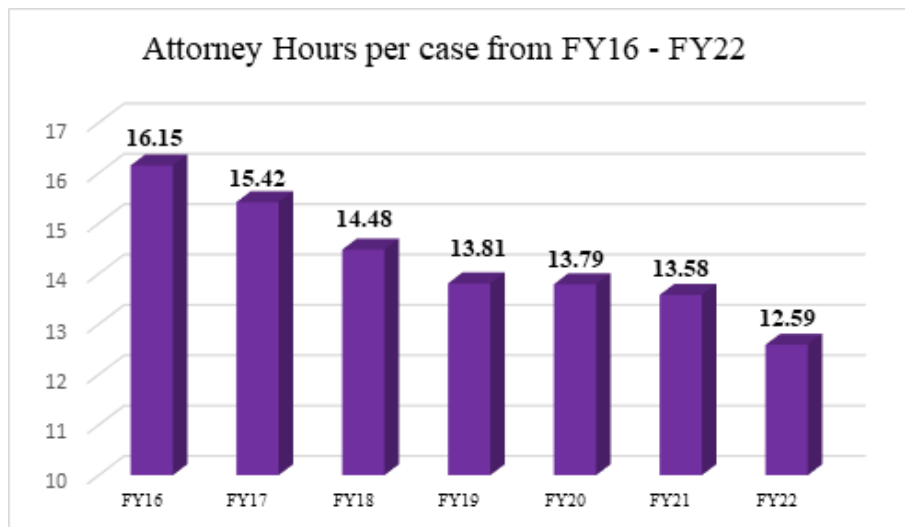
	FY16	FY17	FY18	FY19*	FY20	FY21	FY22
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<i>change from prev FY</i>	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.1%	-0.1%

$$(\$1,581 - \$1,449) = \$132 \times 24,897 = \$3,286,404$$

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

This cost-savings has been driven primarily by a **steady** decrease in the Agency’s total number of attorney hours per case from 16.15 in FY16 to 12.59 in FY22, representing a 22% decrease.

Contain Case Costs		FY16	FY17	FY18	FY19	FY20	FY21	FY22
Contain the total number of Attorney hours per case. Includes all case type hours.	Actual	16.15	15.42	14.48	13.81	13.79	13.58	12.59
	<i>% change</i>	-2.53%	-4.52%	-6.10%	-4.63%	-0.14%	-1.52%	-7.29%



Without the Agency’s continual work to adopt cost-saving measures, the Agency would not have been able to control these hours and costs. A full-time **Holistic Defense Coordinator** will allow the Agency to **explore** and **identify** additional **cost-saving measures while helping build better teams and support for OADC clients.**

The overall budget request approved by the JBC for the OADC in FY2022-23 is \$50,570,572. This Budget Request Comeback is \$180,866 or **less** than **0.36%** of the total budget approved by the JBC.

COMEBACK #3:

DI # 5 Municipal Court Programs Analyst COMEBACK:

History of OADC Municipal Court Program

Following a scathing report from the ACLU titled [JUSTICE DERAILED](#) about the lack of oversight in municipal courts, the General Assembly passed [SB18-203](#) as a first step in ensuring that indigent individuals in municipal courts received competent representation. As part of this bill, the General Assembly provided funding for two FTEs (a Coordinator and an Administrative Assistant) to provide support for the compilation of municipal evaluation contract materials, compile an evaluation schedule, and make travel arrangements for the various (at this time 58) municipalities' independent defense evaluations. However, in addition, it also created a Cash Fund within Treasury designed to take in revenue from municipalities that chose to opt in, to pay independent contractors approved by the OADC to be appointed on these municipal court cases. During the initial fiscal note process for this bill, the OADC did not anticipate such rapid growth of the program and the reporting requirements needed from these municipalities. Currently the Agency is providing quarterly reporting for 3 municipalities by current OADC staff, in addition to evaluating the lawyers and courts in 58 municipalities. We also provide monthly reporting for one municipality. Future growth of this program is not possible without the requested FTE. This request is made pursuant to SB18-203, and specifically the following provision:

21-2-108. Conflict-free defense for indigent persons in municipal courts - fund created.

...

(5) ON OR BEFORE MAY 1, 2021, AND ON OR BEFORE MAY 1 EACH YEAR THEREAFTER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL INFORM EACH MUNICIPALITY THAT REQUESTED THE LEGAL DEFENSE SERVICES OF THE OFFICE PURSUANT TO SUBSECTION (5) OF THIS SECTION WHETHER THE OFFICE HAS SUFFICIENT FUNDING TO PROVIDE THE SERVICES AND WHETHER THE OFFICE CAN COMMIT TO PROVIDING SUCH SERVICES DURING THE NEXT CALENDAR YEAR.

Initial Denial of Request:

On page 57 of the JBC Staff Figure Setting FY2023-24 document for Judicial, JBC Analyst Alfredo Kemm states that "Staff is generally supportive of the OADC's request for additional staff for this program." However, due to funding constraints the Decision Item was denied. Again, the OADC understands and respects Mr. Kemm's analysis of this Decision Item. We would once again like to take this opportunity to highlight how the OADC's mission and model have continued to bring General Fund savings to the State of Colorado by creating better legal teams (see Holistic Defense Model picture below) that are not only better support for OADC clients, but also create savings to the State.

Why Municipal Court Matters

Municipal courts are often the gateway for clients who later end up in State Court. Municipal court convictions have adverse immigration consequences which can lead to deportation, removal, or denial of legal status. Municipal court cases can cause a serious impediment on a state case for clients. A person on felony probation, a deferred sentence or on parole who is charged with a municipal case is not just facing the penalties of the municipal violation, but the ripple effect of what a conviction means for their probationary or parole cases. Effective, high-quality representation in municipal court, in all these instances, is tremendously important.

Why this position is important to the growth of the OADC Municipal Court Program and should be funded

The administration of such a program is incredibly time consuming as the individual reporting requirements for each municipality are different. The Municipal Courts Innovations Coordinator needs to focus their time on growing and improving the current program instead of spending time on analytics and reporting.

By using a similar holistic model for Municipal court legal teams, the OADC could potentially see a drop in caseload and/or lesser charges when/if brought to state court, which would again bring legal teams' costs down as a whole for the State. To do this efficiently and effectively, the Municipal Court Program needs a solid FTE foundation that is not reliant on the Cash Fund from Municipalities whose funding resources would not be able to support the administrative needs of the program.

Multiple municipalities have stated that this is a state mandated office that should be state funded. Municipalities would find it very challenging to get approval from City Council to fund an outside position and are not currently budgeted to absorb the proposed cost. The following are quotes from several municipalities that have contracted with the OADC to provide counsel:

“Numerous unfunded changes in legislation relating to ADC representation over the past several years should be considered by the JBC when considering covering this position. Legislation has expanded the roles of and requirements for ADC without providing funding to the municipalities.”

“The state set up the oversight program and they need to pay for it. The conflict program with OADC is working great with better representation and smoother process. I hope we can continue to with the contract.”

“We don’t have the money available to support this position. We would have to look for an alternative option if the program cannot go forward.”

If this is not funded, OADC will have to stop accepting new Municipalities into the program, as the present infrastructure is not capable of absorbing additional workload. That would deprive

those Municipalities, and those indigent clients, of the benefits that this program brings to the municipalities where it presently serves, Aurora, Denver, Northglenn, and Westminster.

Summary of Initial Request:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$87,312 General Fund to create a position of Municipal Court Program Analyst to support the financial review, processing, reporting requirements, and the internal audit of the program’s billing system.

Joint Budget Committee Action:

The JBC staff and Committee did not approve this Decision Item.

Office of the Alternate Defense Counsel Comeback:

	OADC Request	JBC Staff Recommendation	Agency Comeback Request
Total	\$ 87,312	\$ -	\$ 87,312
Municipal Court Programs Analyst	\$ 87,312	\$ -	\$ 87,312

APPENDIX A



Non-Attorney Contractor Survey Comments

Survey #1 – FSW/FCAs, Investigators and Paralegals

152 responded, not all responses have comments

() The following comments are as they originally appear. They have not been edited for grammar or spelling errors.*

Comments

- I feel with the inflation our rates are way behind what they should be.
- I sent this to Bonnie earlier - but this is my take - If ADC is looking to raise paralegal rates, perhaps ADC could do like the Feds do. Throughout the country, I can get anywhere from \$55-125 per hour. All of this depends on the District and my qualifications. Since I am highly qualified now, I can garner the higher rates. Perhaps, ADC could do this. Baby paralegals get \$36 and highly qualified paralegals get \$55 or something like that. In this manner, ADC could save money on the baby paralegals, but pay their more qualified paralegals at a higher rate.
- I believe in working on behalf of indigent clients but I have to do federal and private work to subsidize what the ADC pays in order to survive.
- I charge the state standard for mileage on private cases.
- Perhaps rates should be higher for complex cases, such as complex felonies (COCA), homicides, direct files etc. Those cases are heavy emotionally and workload wise. A lot of professionals I personally know won't do take those at the current state rate because the pay is simply too low for the workload.
- Just that self employed insurance, no employer 401k match, and paying our own taxes means the dollars we are paid don't go as far as a salary. The work of contracting also means we need to dedicate time to tasks that a salaried individual doesn't (5-10 hours a month for billing, bookkeeping, etc which is not billable work). Both of those pieces of information mean that the dollars we are paid hourly do not go as far as dollars paid in a salary (and I know there is a currently posted social worker position at the federal public defender office in Denver advertising over \$100k plus benefits!)
- I tried to make a living doing only OADC work for many years & unless I was working several big trials & doing transcription work, too, it was impossible to make a living wage that would provide for my family - given expenses to stay current in the field, self-employment tax, the high cost of insurance, etc.
- My private practice and Federal rates are much higher. However, I believe OADC and the indigent clients needs my services much more. However, I put a great deal more time into OADC work because of the horrific discovery organization from each citie county's DA's office.

- I do think we deserve a rate increase based on the severity of current cases. The crime rate in Denver in particular has sky rocketed. Myself and other contracted investigators are really feeling the increased stress from this. We love supporting our attorneys and will continue to fight for our clients. Thank you for taking the time to listen and really hear us. Email me with any follow up questions you have.
- It is a hardship to take AODC cases in the private sector with how low the hourly rate is. If you have 50% or more OADC cases, it's a grind to sustain your business and quality of life. This is especially true with the current economy. Prices for everything continue to rise. The low rate causes investigators the need to take more cases in order to make ends meet and that is unjust to the clients and attorneys we serve. We work hard in the trenches, so a rate increase for non-attorney contractors would be greatly appreciated. Thank you!
- On average my business comprises of about 30-50% ADC and the rest private. I love having an ADC contract because I worked for the public defenders for almost 8 years and helping represent our clients who otherwise couldn't afford representation is incredibly important to me. There are times when I struggle on whether I can take an additional ADC case when I'm busy because I do have a lot of expenses as a one income household, and my private cases do pay more. If it was possible to have a rate increase for investigators that would help bridge that gap even if it was just a few dollars. I will always want to work ADC cases, so by me saying this i by no means am saying that I wouldn't take ADC cases if the rates stayed the same, but an increase would definitely help me financially to be able to take more and help out more.
- A rate increase would allow me more opportunities to do ADC work. I do turn some ADC work down because of the lower rate of pay.
- I take as many private cases as I can because the pay is higher and I have prioritized private cases over ADC ones for that reason. I also looked at a federal public defender social worker position because the pay range was \$104,038-\$159,823.
- On private cases work on sliding scale based on client's ability to pay.
- Too early into this business to give constructive feedback at this point. I will do Federal work if the opportunity arises, Municipal court work is not an option here on the western side of the state. Also, you have not included civil investigator work in your survey. Thanks.
- Yes, I believe that those of us who are bilingual should be compensated accordingly, since we do not have to utilize an interpreter to conduct interviews.
- I feel that after having my business over 23 years, while there have been increases, they haven't ever gone up substantially. With the economy and inflation, it would be nice to have a more significant pay increase . Thank you for asking for input!
- A good number of my cases are Spanish speaking only, which saves the State of CO a lot of money in translation/interpretation fees.
- I appreciate all of your advocacy efforts on this!
- A higher pay rate = feeling more valued = less burnout = better outcomes for clients.

- Federal rate, when I first started in 2006, was \$75/hour for investigation work. That was 17 years ago. It's gone up \$10/hour in that time, yet housing, food and other prices have risen considerably more in comparison. The Fed rate isn't keeping pace and State pay lags even more behind. I've never understood why there is such a difference in State and Federal pay. The work is no less important at the State level.
- When I started, my private rate was approximately double ADC's rate. That seemed to be the norm for many colleagues for a long time. However, the standard private rate has grown to triple ADC's rate. ADC's rates are so low that it's becoming harder to justify taking the work when other avenues pay significantly higher. Unfortunately I have to limit how many ADC cases I will take, and I take those because I still care about ADC, their attorneys, and their clients.
- The first private case I took, I offered to take the state rates. However, the attorney said he wouldn't pay me less than \$100/hr because he believed in the value I brought to the team. I've kept it at that ever since.
- About 30% of my work is insurance defense investigations for national insurers through their local counsel @ \$90 per hour
- "My rate varies but I am also native in Spanish and I am almost done with my legal transcriptionist certification.
- Bilingual investigators that can also be translators and interpreters usually get paid more; that is the reason why my rates are much higher for private cases than with ADC, which does not differentiate between monolingual and bilingual investigators."
- Fed rates are wide-ranging. Attorney can ask for a specific rate but ultimately each individual judge decides. I have 20+ years experience and that seems to matter to some, but not all, judges.
- I am seeking non ADC work and hope to fill my schedule with private and federal cases to make more income. I love the ADC cases and would like to continue taking those predominantly but due to cost increases for my family I need to seek higher income through private and federal cases.
- Thank you for doing this!! I am actively looking at getting a federal contract, specifically because the pay is better. I am also working on growing my private practice for this same reason. I love the work I do with ADC and the attorneys I work with, but it is difficult to make a living with the current rates. So, thank you, again for looking into this!!
- Hard to justify not taking on more private work and easing up on ADC cases because ADC cases typically involve much more challenging clients and extremely unreliable payments whereas private cases pay more than double and I can count on getting paid the first of every month. ADC rates are much lower and it can take sometimes 6-8 weeks for payments to be approved.

- I work on multiple homicide cases which can have voluminous amounts of discovery and work to do. I feel that it is a special learned skill to work on cases such as these as not everyone has that experience. With that said there should perhaps be a pay increase for legal team members who work on these types of cases. Since the Attorneys get paid more to do these kinds of cases so should the legal team as well to be fair.
- I love doing indigent representation, it's really why I got into this field. It's becoming more and more tempting to take private and federal cases because the pay rate is so much better considering we have zero benefits and running a business is extremely expensive. It would be really helpful to have a pay raise so we can keep doing this wonderful work and improve recruitment and retention. Having social workers is fiscally smart because we make less than attorneys and do the mitigation work that attorneys would normally do. Saving the state money in the long run, even with a rate increase.
- I'm very grateful to the OADC and the staff that works on everyone's billing and I realize that the time sheets must be constantly coming in; however, payouts are very slow and irregular, which makes keeping up with regular bills such as rent very difficult. Thank you for asking for our feedback :)
- On its face, our hourly rate seems very generous for social workers. However, after you account for business expenditures, unpaid trainings, unpaid sick/vacation time, health insurance, etc, it takes a toll. Unless you're in a two income household with spousal benefits, it would be difficult to afford living in Colorado.
- Private fee varies based on the severity of the case.
- I do private insurance investigator work at a rate higher than OADC rate
- Obviously, one can only do a certain amount of work in any given time period. It's not hard to choose between work that pays well over \$100.00 per hour versus work that pays less than \$50.00 per hour. I have had attorneys meet with me on OADC cases, and then withdraw the offer on learning of my workload, telling me they have a private case coming that they would rather have me on.
- I charge \$125.00/hr for private investigations that are not criminal defense related. I do background checks for landlords for \$65.00. I am not a process service company, but I can skip trace and will complete difficult service charging on a case-by-case basis for private work. I will also help ADC attorneys who have smaller cases, didn't use an investigator, set a trial date, and need witnesses to be interviewed and subpoenaed.
- The federal court appointed work pays paralegals much better compared to the OADC when what paralegals do on federal cases a lot of the time isn't much different, at least during my time working on federal cases so far.

- FSW's wear multiple hats on the defense team. We are gathering records, providing client support, conducting resource identification, and a handful of other tasks. We are constantly traveling to see clients as well. The work is non-stop and we are providing a lot of tasks sometimes in a short amount of time. Attorneys usually want a mitigation report due within a month or two. At the end of the day, FSW's are taking a different number of cases. However, on a full time basis as an FSW my case load may be anywhere from 5 to 8 active cases. That is not including cases where mitigation is completed and I am providing consistent client support. I have tried to get a resource advocate on multiple cases, however several of the resource advocates are not taking any new cases. That means I have to do intensive short term resource identification for clients such as rental assistance, mental health treatment, substance abuse treatment, etc. I have to pay for records so I need to have money put aside for business expenses. That has been challenging to do because expenses are consistently raising in price. I am paying anywhere from \$140-\$200 a week in gas from all the travel to support clients and the mitigation investigation. My gas expenses are higher in the summer time. Usually I am coming up short covering my business expenses with costs going up. I am consistently covering business expenses with my own personal pay. The pay rate increase would help balance out all the work the FSW's are expected to do and all non-attorney contractors would feel a sense of appreciation.
- I have only recently begun federal work but will be trying to get as much of my business structured around that since the pay is significantly higher. I love working with OADC, I support the need, and am happy having it be my main source of work. The pay is good but as inflation and costs rise it is important to optimize my time and rates as much as possible. I hope we can secure a cost of living increase as I would be able to continue devoting myself to OADC. Thank you for all your help and all you do for our clients and us contractors!
- Our firm typically does not charge OADC for mailings, mileage, and other expenses. We only bill our hourly time on cases. Plus, we do not bill for entering time into CAAPS, which OADC does not permit, and it is a significant expense for the firm to pay an employee to do billing and other non-billable admin tasks.
- No
- I take a loss when I do ADC work. In other words, my overhead is more than my ADC hourly rate. I only do it out of loyalty to the attorneys I work with. We haven't had a raise in forever. I really like ADC work but its not worth it. Inflation has been so bad.
- I prefer OADC work because it is easier and more timely to get paid than with private work.

- Not at this time, thank you.
- I set my private rates without realizing what the self-employment tax rate was. After consulting with an accountant, I plan to increase my private rate to \$50/hr
- I wasn't sure if I answered correctly, I take cases through district court and not municipal. I get paid \$44/hr
- The majority of my private work is insurance or private pay therapy clients. I make \$100-150 for 50-60 min of work.
- ADC has been GREAT work and I am very thankful for each and every case that I get! :-)
- "I think it's great that OADC is considering this. I have always considered the ADC work that I do as a form of service to my community, sort of like doing ""low-bono"" work. It's always a cost-benefit trade-off though between private work and ADC work, and finding some equilibrium there would be helpful so that it wasn't such a drastic difference.
- In addition, I think another important question to consider is the rate for Spanish investigators and Spanish cases., as well as tenure. Just as I know of certain attorney who receive different rates than others in some cases, I think there is room for this here as well. Skill/expertise, experience, etc. all should be rewarded in order to attract high-quality investigators to the very important work of indigent defense...which is something I attempted to highlight in the job description that I helped OADC create for the investigator role recently. However, as someone who has observed the work product of OADC investigator contractors very closely for the past ~6 years, I have seen extreme variability in the quality of the work. Part of this is inherent work ethic, but a lot of this is the low bar set to become an ADC investigator as well as the low rate, which often attracts investigators with only a few years of experience (for better or for worse).
- In any case, whatever increase is offered as a base contractual rate for investigators, I recommend also considering perhaps a ""senior"" rate, as well as perhaps an enhanced rate for certain kinds of capital offense cases, as well as an enhanced rate for Spanish-speaking contractors.
- On that note as well, some clarity provided to attorneys as to when it's appropriate to appoint a Spanish-speaking investigator would be helpful, because many of them do it just to use them as interpreters. This is problematic for a lot of reasons, but two reasons are A) most Spanish-speaking investigators are not certified interpreters and B) our areas of expertise are wasted on these cases when all the attorney wants is interpreting work. "
- I would attend more trainings if I was being paid to attend.
- I only work with ADC.



Non-Attorney Contractor Survey Comments

Survey #2 – All Non-attorney Contractors

132 responded, not all responses have comments

() The following comments are as they originally appear. They have not been edited for grammar or spelling errors.*

Comments

- How would the denial of a rate increase impact your ability to continue to do OADC work in the future?
- It would not impact my ability to continue to do this work.
- OADC contract work is the most important work I do. To cover all my expenses via OADC contract work is my goal. Any rate increase further helps me work on mission; helping the OADC team achieve its goals and perform its duty. Thank you.
- My finances are already quite thin and I am nearing retirement. With the impact that inflation has had on my personal budget, going without a rate increase could make it difficult to continue to live in Colorado.
- Preference would be given to higher paying private work.
- I would take fewer ADC cases.
- I have to supplement my work with OADC. I also have contracts with other agencies, such as the ORPC and I also take private cases. If I did not supplement my income with other agencies/forms of income, I do not know that I would be able to cover all of the bills for my family and I, as I am the main provider of the household.
- Make it difficult since on the private side I can make double.
- It would make it difficult to continue taking as many cases as I would like to with ADC. Also, I of course understand that this is out of your control as it's up to Joint Budget Committee, but it doesn't make me feel valued when they improve an increase for attorneys and not their support staff. We are just as important to our clients and their cases and sometimes it's what we do that can make the biggest difference for our clients and their cases.
- I would have to seek more private work even though I prefer working on ADC cases.
- Since my non ADC rate is currently \$90 per hour and scheduled in increase to \$100 (my first increase in three years) I would likely prioritize my time to non ADC cases. I would likely continue working for my current ADC attorneys but would be reluctant to take on new ones.
- It would not have an impact.
- It would hinder my ability greatly as I rely heavily on all of my contract work as my main source of income.
- It would impact my ability to continue OADC work significantly. I have already started sourcing outside work and will continue to do so.

- I will not be able to continue working on ADC cases. They are my lowest paying source of income already, and it's already become hard to justify taking their cases. I cannot pay my bills on ADC pay alone at the moment. If adc rates and inflation get further apart, I will be forced to stop taking their cases completely.
- It is becoming increasingly difficult to take on ADC cases, both for the rate that is almost twice as low as other work and because it takes so long to get paid. I love ADC and have been contracting since 2004 but would like to see some improvements for sure
- May continue to focus on private work and cja rather
- I make twice as much doing private work at \$90 per hour so I which I sometimes refuse out of loyalty to ADC. A wage increase would motivate me to stay on this path of helping the less fortunate but if not I will lean toward private and less ADC.
- I would have to limit my OADC work to increase my private contracts.
- I'm favoring private work over ADC now. That will most likely increase as it become available. Currently I'm working pretty much at capacity so the ADC work will decline. I have turned down a number of case requests for ADC
- It will be tough given rising inflation.
- Significantly, I've already limited the ADC cases I am willing to take because of higher pay for private cases.
- I think a raise would help keep the talented people that do this work and attract additional skilled people to be a part of very good teams that represent those that sometimes have next to nothing & really need a skilled, experienced defense team! It's interesting that our broken criminal justice system will ask for \$20,000,000 (DOC) more in additional funding to expand our prisons that they can't even staff! What a shameful ask they're making! OADC can certainly use the additional funding & will put it to great use!
- Most likely I will have to perform more private cases and spend less time for ADC cases.
- The denial of a rate increase given today's rate of inflation would make the cost of running my business outweigh the benefit of taking Adc cases.
- We would have to give less attention and resources to our OADC clients than federal/private clients.
- I'm considering declining ADC appointments and focus more on CJA and private cases
- Huge office space expenses, health insurance .
- The lower rate for OADC means I need to work more federal cases in order to makeup for the lower wages
- I would still work on ADC cases because it's important work.
- A rate increase would allow for a greater percentage of OADC cases in my caseload (i.e. I would be able to take on more OADC work and still pay my bills).

- It reduces the amount of ADC cases I can take on because I am compensated appropriately working for private attorneys
- It would require me to continue working additional jobs.
- I would continue to work OADC case's because of my commitment and belief in its mission.
- I've already had to cut back on ADC work in favor of private and CJA, as ADC alone cannot pay all of my expenses.
- It just makes doing federal work and taking private cases an overall better option
- I love ADC work because the clients we help are indigent. For myself, I have many other higher pay work but will reevaluate if attorneys receive an increase and we do not. For most of the attorneys I work with we do the work that saves attorney time, so if investigators don't do the work and attorneys do, well that's equal to paying even more per hour. When I take cases, I try to alleviate things. That can save attorneys time which they appreciate so a rate increase for us still saves money than paying attorneys to do work that we could do! I do many F1 and F2 both private and ADC and the pay in private is \$75 hr which is significantly higher than ADC.
- I will continue to do OADC work.
- I already do ADC work for less than half of my private rate and less than half the rate I get paid for Federal court work. My time is all I can bill for and the more time I spend working at less than half of what I make for other customers (private attorneys, federal govt, insurance companies, etc) the less time I have for my full paying clients. Additionally, the billing process for ADC is far more time consuming and cumbersome. At some point it will become economically unfeasible for me to continue doing ADC work.
- OADC cases are essentially my lowest paying client for the same amount or more work than higher paying private cases. I will be forced to take fewer ADC cases to make more availability for private cases just so I can keep my business afloat.
- Well, obviously, if private cases are paying a considerably higher amount, then it would make doing OADC work more difficult or less attractive (financially).
- I will need to take less OADC work and focus on private case clients more.
- The cost of health insurance for myself and my kids is prohibitive. I routinely contemplate a job with benefits. My rent for my office has increased as well as various subscriptions needed to do my job. Saving for retirement is also a huge consideration. CJA work pays double what OADC pays. I will always take CJA work first.
- I claimed bankruptcy to help me continue to do this work. Between my special needs child and the lower income it's been difficult to keep up unfortunately. The work is valuable I've been doing it a long time so I don't plan to stop. I have to make other compromises like having roommates that I can't always trust, holding off on much needed home repairs and looking into other forms of income on the side that won't interfere with my cases.

- I would need to expand my private cases which I am already in the process of doing by launching a website. As there are only 24 hours in a day, I would need to scale back my ADC work, especially with the rise of inflation. Thank you for asking about us-it means a lot.
- If denied, I will continue to do OADC work. I would continue to accept private cases due to the higher pay which impacts my availability for OADC cases.
- All expenses non-reimbursed by OADC keep going up. Car insurance, digital equipment, car maintenance, office supplies, maintenance of office equipment, cost of phone lines, Internet services. The rise in prices hasn't made it easy to maintain a steadily profitable business as an investigator.
- Of all of the hourly work I do, ADC now has the lowest pay. With no increase, I would prioritize more highly paid work over ADC work.
- I make roughly twice the hourly rate in my private practice. The OADC hourly rate has been lagging for some time.
- Given inflation, the cost of gas and goods, and the overwhelming amount of work ADC has, I would be hard pressed to continue accepting ADC cases. Technically, I can make three times more- and work less- taking only private or CJA cases. 15+ years of experience under my belt, and yet the ADC rate has only increased a few dollars in that time.
- It won't - I will continue to work on OADC cases because I believe this work is important - but it makes life harder when you don't get a raise and the cost of everything goes up.
- It would not.
- I'd be forced to get a second job or even make a career change. Possibly even just take more private cases.
- I would further my efforts to work private cases. One of the reasons I do OADC work is that I believe strongly that everyone deserves the best defense possible that can be presented to the court. That includes having the best investigators available.
- It is hard, because I really get the most fulfillment out of the ADC cases I take, and working with clients who truly need us and otherwise wouldn't have quality representation, but I have to turn down ADC cases fairly frequently because I have to be able to accept private work and work from the other contracts I have with agencies that all pay at least \$13 more per hour than the ADC cases pay. With the cost of daycare, health insurance, and all other overhead costs for my business as well as just everyday living expenses, it has become more about taking cases that will help make sure we keep our bills paid (especially lately with the recent inflation) and still having somewhat of a decent work/life balance. The denial of a rate increase will only further decrease my ability to take ADC cases.
- I believe that pay should increase with inflation and cost of living. Cost of living in Colorado has been and is on the rise. Workers with higher education and debt should be adequately compensated.
- I would have to look for outside work, I wouldn't be able to keep up with the costs involved with being a contractor

- I have a difficult time paying for my westlaw account that is crucial to my legal research. A rate increase would help my wife and I keep up on all of our bills, especially when you consider inflation and the increasing cost of gas.
- Currently, I do not seek out ADC work because the rate is too low. A rate increase might encourage me to seek out / accept more work.
- I am extremely lucky, right now, to have support from my family and student loan income. Without both of those I would not be able to pay my bills every month. If I lose that support, I may have to either get a second job or a different job, at least for a little while, to survive.
- I would focus practice growth through private clients, which not only takes time away from OADC work directly but also takes time indirectly because I have to market and network for private clients. It would cut my OADC work by 25%.
- I would continue to work but with inflation I would have to cut back on expenses somehow.
- Although it would not impact my ability to work for OADC, it is important that we are paid a fair wage for our services.
- Wouldn't matter. I don't get any ADC work.
- Inflation has been a problem that has made it harder to pay bills and to live. A rate increase would really be helpful and allow me to provide better support for ADC instead of needing to look for additional employment opportunities elsewhere due to a lack of income.
- It is challenging to afford time to assisting when comparable federal and private rates are nearly double OADC's current rate.
- My income-expenses is at the breaking point. IT is too stressful. I can make over twice as much doing other work. I limit my ADC cases for that reason. If rates improve I can take ADC work regularly and gladly would.
- It's just not feasible for me to take OADC cases at the current pay rate, especially with the high costs of doing business & having to wait so long to get paid, especially transcription work. paid
- It would absolutely make it a bit harder seeing that prices continue to go up everywhere from food, gas etc. I am a single mother who has 2 children and pays all the bills solely by myself. A rate increase would absolutely be that crutch I can lean on to assist me in being able to afford all my bills, necessities and food. This is my only job that I have is working as a contractor for the ADC. I do not do any private work and I have a vast knowledge of working in many murder cases which I believe takes a lot of skill to properly prepare for trial. As such there should be a payment increase for paralegal's who take on those types of cases. We do just as much work as the attorneys do and they get paid more.
- It would mean, at some point in the near future, taking on less ADC work and more private and CJA work. I earn nearly double the amount for CJA, and 50% more for private work. I LOVE the ADC, and this work, but bills unfortunately trump at some point. My mix right now is about 60% ADC. Without a change to rates, that will likely drop to 45%.
- Potential change of jobs to a full time position in a different field.

- Being designated by the court to work with indigent defendants, as well as being sought by attorneys and other legal teams is honorable, but not profitable. My private practice clients pay 3x what OADC pays. When I help save lives and cannot afford to drive to the jails to work with clients, that is an obvious issue. I will not be able to afford to help OADC team past April. I simply cannot continue to give my expertise and countless hours away if I cannot feed my children, pay my bills and pay to run my paralegal business.
- The low rate compared to CJA and private pay cases gives me less incentive to accept and work on OADC cases.
- I would have to actively find work well over the OADC rate in order to meet my financial obligations
- I would find additional private work
- If the rate increase is denied and with the current rise of inflation in almost every area, food, health insurance rates, etc., I will be paid less than before for my ADC work. It doesn't make sense to give attorneys a pay increase when other contractors work just as hard but in different ways on cases. If there isn't a pay increase for other contractors I can see those contractors trying to only do CJA or private work instead and ADC beginning to see a lack of needed help.
- the impact is about in the middle, I have to start looking for a side job to stay above living pay check to pay check.
- It would make it harder to continue working ADC contracts when my time could be spent on private clients that pay considerably more.
- it would mean less money I am bringing into the firm for my services.
- Makes you feel unappreciated
- Minimizing ADC cases since Private Pay pays more.
- I would be inclined to work towards only take CJA and private cases.
- With the increases in all costs; the rate provided by OADC has not kept up. For me and many others I believe it is necessary to service more than the ADC contract either through other employment or through my employer compensating me for additional hours.
- Limits staff and creates extra responsibilities for current staff. Also, it limits the number of ADC cases we can take because we need additional income (higher paying clients) to support the ADC work we do.
- I can make more money doing Federal work. It would make it less likely that I would continue to work state cases.

- The denial of a rate increase will impact my ability to continue to do OADC work in the future because I do not make enough money working for ADC. Not only are there additional costs just to perform my work at ADC (for which there is no reimbursement), but we are paid pre-tax and receive no benefits. This is a huge strain on my personal ability to budget and finance my life. In Private Cases I charge almost triple what I'm sorry am paid by ADC and this is the lower end of others in my position. I am not compensated adequately for the work I perform for ADC, and without a pay increase I will continue moving out of ADC work and into the private sector. ADC simply does not pay enough.
- I would probably look to picking up more work that was non-ADC work for which I can be paid almost double. So I would probably significantly decrease the number of hours I worked for ADC each month.
- OADC is the least paying job I have. I can get 2-3 times/hr doing therapy with clients through insurance.
- I will need to eventually seek employment elsewhere
- It would mean I would take private and federal cases and/or prioritize other work over ADC case.
- In the past 3 years, I've spent \$41,000 on health care and still owe \$6200. My monthly premium is \$500 and annual out of pocket max is \$8500. I pay \$500 a month for insurance that covers nothing. I almost quit ADC last year for a job that has decent health insurance. It is horrible.
- I would need to take fewer OADC cases and focus primarily on private and federal work
- Living in Colorado, especially the Denver area, is not cheap. With the high cost of living, plus the high amount of extra expenses we must pay for as independent contractors (health insurance, student loan payments, business expenses, liability insurance), it doesn't feel feasible to both continue living in Colorado and keep doing OADC work if my partner and I have kids in the near future (which we are planning for). I love working for the OADC but I worry if it's not financially sustainable. I really hope it can be sustainable to keep working for OADC, which a rate increase would certainly do. Thank you for advocating for us!! I appreciate that so much.
- If I'm not able to make enough money after taxes and business expenses, I can't continue contracting because I need to earn enough for living, saving, and for enjoyment purposes
- Substantially. We are a one-income household. A rate denial would continue to reduce my ability to take on ADC cases. My ADCs will likely be reduced to about 10% of my caseload.
- It's harder to compete with better paying jobs. To have an advanced degree, and the student loan debt associated with it and make less than \$50 an hour (after tax) is not sustainable.
- It would make my budget even tighter. It could potentially impact my ability to remain a contract worker in a job that I love so much.

- A denial of a rate increase might mean greater discernment in taking state cases versus private cases when both are available to me. This work is important to me, but I have to also be strategic in working to support my own family during this expensive era in our economy.
- I might take a full time position and only complete OADC work on the side. I would have to take on fewer cases.
- It wouldn't
- It is many things, least of all almost the nail in the coffin of figuring out another line of work or figuring out how to work a second job on top of the 40+ hours I work a week. The rising costs of every day living expenses, and expenses needed to run a successful business, needs to be met with a pay rate that is able to help sustain.
- I'm already looking to take on more private pay cases and into other work opportunities
- A rate increase would be great, but the denial of a rate increase would have little to somewhat of an impact on my ability to continue to do OADC work in the future.
- I would have to take fewer ADC cases
- I would need to decrease my case load even further than I already have to pursue other contract work outside of OADC, such as CJA or Private cases - or even outside of legal work completely.
- Due to the increase in living costs, high taxes and lack of benefits provided by OADC, the search for alternative employment will be necessary to ensure personal stability and provide for the community. I am not able to provide for my clients and focus on the work due to continuous stress about various costs.
- may have to look for work with steady paycheck/benefits or pick up more private/federal work to compensate.
- The federal cases pay me 2.5 times as much and while I enjoy doing the state work, I work towards picking up more federal cases which are arguably the same work or sometimes easier. If the rate increase didn't happen, I would feel my work and time though valuable to my clients would be better served for me taking more private and federal cases. This would be unfortunate because my heart is in the work I do for the ADC.
- It makes me question the long-term sustainability of continuing contract work.
- The denial will not impact my professional work with OADC; however, it will impact my ability to keep up with inflation and the increased cost of living in Colorado. And most importantly will impact my family's wealth accumulation.
- I would have to take on a second job to be able to make ends meet.
- Absolutely
- It would make it a little harder.
- Will primarily take private pay cases over OADC cases.