

Joint Budget Committee



Staff Budget Briefing FY 2025-26

Department of Law

JBC Working Document - Subject to Change
Staff Recommendation Does Not Represent Committee Decision

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ADDITIONAL RESOURCES

Brief summaries of all bills that passed during the 2024 legislative session that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report: <https://leg.colorado.gov/sites/default/files/fy24-25apprept.pdf>

The online version of the briefing document may be found by searching the budget documents on the General Assembly’s website by visiting leg.colorado.gov/content/budget/budget-documents. Once on the budget documents page, select the name of this department's *Department/Topic*, "Briefing" under *Type*, and ensure that *Start date* and *End date* encompass the date a document was presented to the JBC.

Overview of Department

The Attorney General is one of five independently elected constitutional officers of the State, whose powers and duties are prescribed by the General Assembly¹. As the chief executive officer of the Department of Law, the Attorney General represents and defends the legal interests of the people of the State of Colorado and, with the exception of the legislative branch², serves as the legal counsel and advisor to all state agencies. The statutory responsibilities of the Department are summarized below.

Legal Counsel and Advice to the State

- Provides state agencies and elected officials with legal services such as legal representation, legal advice and opinions, contract review, and rule writing assistance.

Civil Enforcement

- Protects Colorado consumers against fraud and enforces state and federal consumer protection, antitrust, charitable solicitation, consumer lending, and fair debt collection laws.
- Represent the State's interests in interstate and federal water cases.
- Leads enforcement actions at sites contaminated with hazardous materials under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- Pursues civil recoveries and damages from Medicaid providers for fraud and over billing.
- Enforces provisions of the tobacco master settlement agreements and protect the State's interests under the settlement payment calculation provision.

Criminal Enforcement

- Investigates and prosecutes certain complex and multi-jurisdictional cases, environmental crimes, election fraud, and foreign fugitives.
- Provides investigative and prosecutorial support to district attorneys in complex homicides, cold cases, human trafficking cases, and large-scale drug conspiracies.
- Investigates and prosecute securities, insurance, and workers' compensation fraud.
- Represents the State in criminal appeal cases in state and federal courts.

¹ See Article IV, Section 1 of the Colorado Constitution and Article 31 of Title 24, C.R.S.

² Under certain circumstances the Legislative Branch does purchase legal services from the Department of Law, including requests for a legal opinion from the Attorney General or for legal representation when the interests of the Executive Branch and the Legislative Branch are consistent.

- Investigates and prosecutes Medicaid provider fraud and patient abuse.
- Oversees the Peace Officers Standards and Training (P.O.S.T.) Board, which manages the training and certification of peace officers.
- Assures that the constitutional and statutory rights of victims are preserved in criminal cases being prosecuted or defended by the Department, and investigates complaints concerning alleged violations of the Victim’s Rights Act.

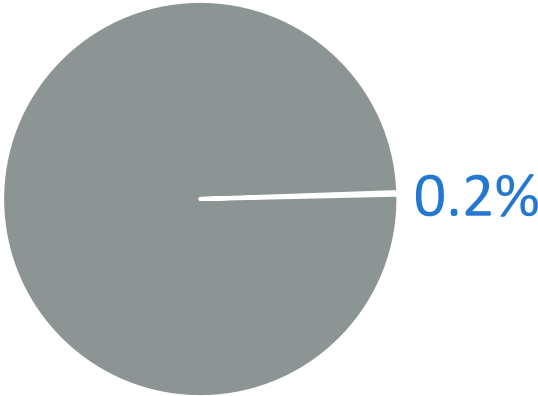
Recent Appropriations

Law: Recent Appropriations				
Funding Source	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26 *
General Fund	\$20,622,725	\$24,461,846	\$26,843,858	\$28,152,965
Cash Funds	20,511,859	23,707,954	25,134,947	25,581,958
Reappropriated Funds	70,201,573	82,151,267	91,543,772	95,612,026
Federal Funds	3,228,197	3,794,172	3,834,209	3,965,445
Total Funds	\$114,564,354	\$134,115,239	\$147,356,786	\$153,312,394
Full Time Equivalent Staff	593.2	630.3	655.5	661.0

*Requested appropriation

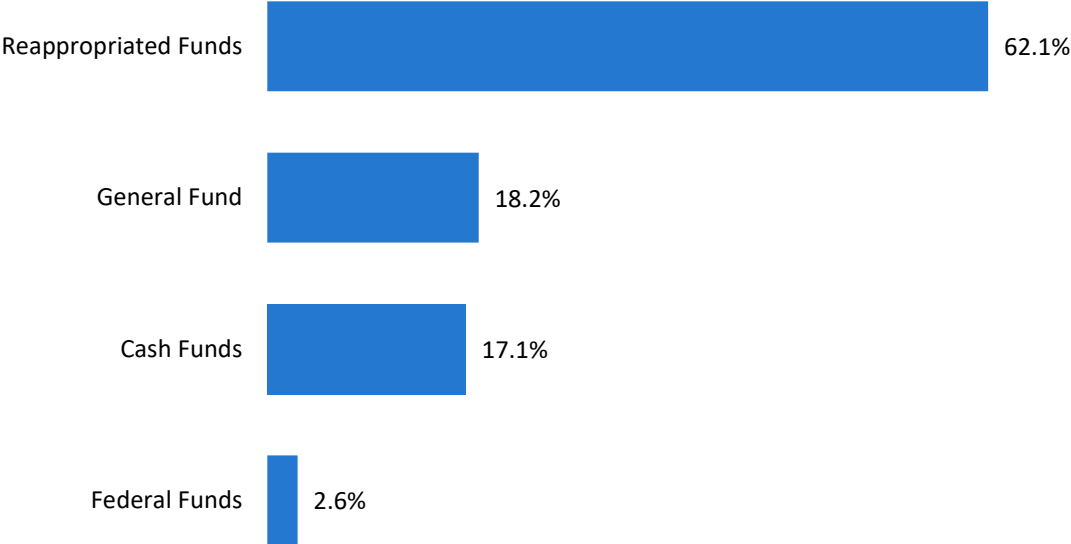
Graphic Overview

Department's Share of Statewide General Fund



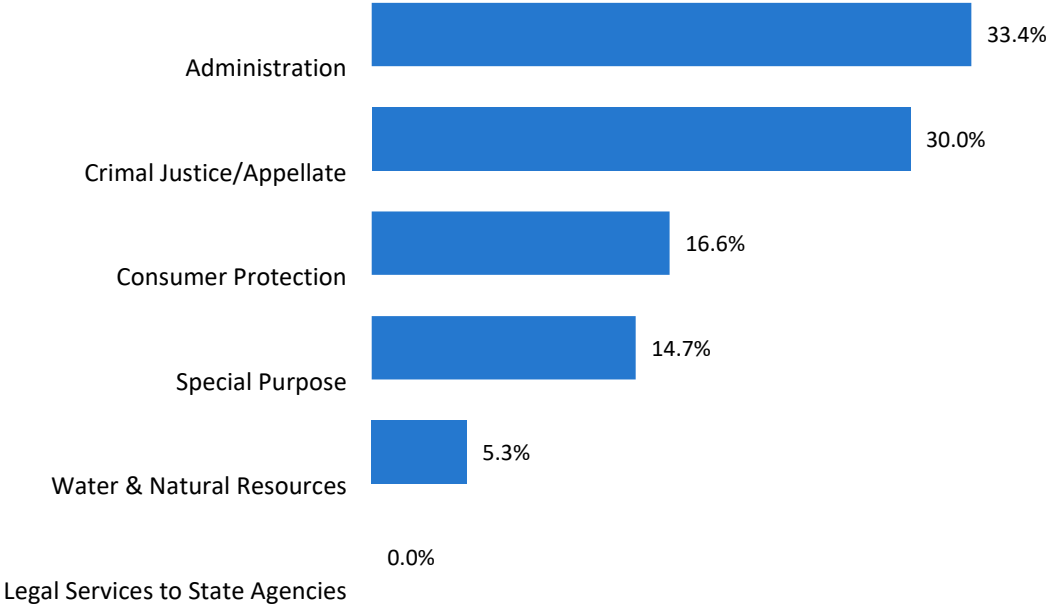
Based on the FY 2024-25 appropriation.

Department Funding Sources



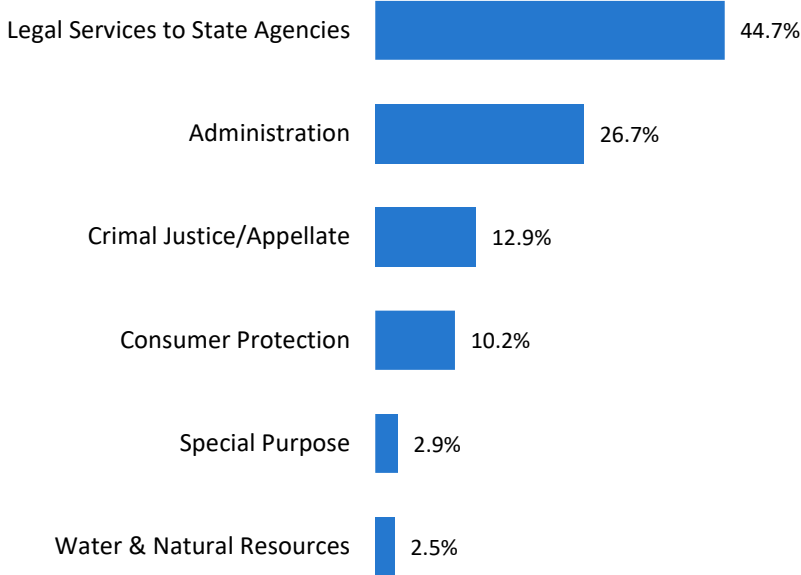
Based on the FY 2024-25 appropriation.

Distribution of General Fund by Division



Based on the FY 2024-25 appropriation.

Distribution of Total Funds by Division



Based on the FY 2024-25 Appropriation

Cash Funds Detail

Department of Law Cash Fund Detail				
Fund Name	FY 2024-25 Approp.	Note	Primary Revenue Sources	Primary Uses in Dept.
Legal Services Cash Fund	\$65,728,402	¹	Revenue from providing legal services to state agencies	Legal Services to State Agencies
P.O.S.T. Board Cash Fund	5,874,124		All or a portion of fees charged for P.O.S.T. Board Exam, VIN inspections, publication, and motor vehicle registrations	P.O.S.T. Board
Consumer Protection Custodial Funds	2,737,298	²	Consumer protection litigation court awards	Consumer Protection & Anti-Trust section Supports 30.0 FTE
Consumer Credit Unit Cash Fund	2,669,335	³	Fees on lenders and creditors issuing consumer credit and engaging in debt management and credit repair	Continuously appropriated, Consumer Protection & Antitrust section, Uniform Commercial Credit Code
Insurance Fraud Cash Fund	2,142,288		Fees for licensing insurance providers	Special Prosecution Unit
Marijuana Tax Cash Fund	1,709,553		Sales tax on marijuana and special sales tax on retail marijuana	P.O.S.T. Board and Consumer Protection & Antitrust Section
CO Water Conservation Board Litigation Fund	1,146,399	⁴	Interest earnings on loans for water-related projects authorized by statute	Water and Natural Resources Division
Mortgage Fraud Custodial Fund	936,221	²	Established as the result of a court award, which funded the principal	Stipulated to be expended on mortgage or housing efforts through contracts
Tobacco Litigation Settlement Fund	869,432		Tobacco litigation settlements	Consumer Protection & Antitrust section
Attorney Fees and Costs	450,000		Attorney fees and costs awarded by a court, is subject to appropriation.	Litigation Management, Consultant Expenses & Legal Services to State Agencies
Student Loan Ombudsperson & Loan Servicer Licensing Fund	437,569	⁵	Fees for Student Loan Servicer Licensing and Student Loan Servicer Investigations	Continuously appropriated, Consumer Protection & Antitrust section, Uniform Consumer Credit Code
False Claims Recovery Fund	300,000		Proceeds retained by state under False Claims actions	Special Prosecutions Unit for False Claims actions
Special Prosecution Custodial Funds	50,200	²	Court awards from forfeitures under Colorado Organized Crime Act and interest	Special Prosecutions Unit
Indirect Cost Recoveries	7,292,956		Cash and reappropriated fund sources collected in each division	Centralized services in the Administration section
Various Sources of Cash & Reappropriated Funds	24,334,942		Includes all sources identified above	Centralized services in the Administration section
Total	\$116,678,719			

¹ The figure associated with Legal Services Cash Fund includes both "Cash Funds" and "Reappropriated Funds".

² Custodial funds are not subject to appropriation and often have specific uses designated through settlement agreements or court awards. Those without conditions are expended as directed by the Attorney General.

³ Fund is continuously appropriated pursuant Section 5-2-302 (11)(a), C.R.S. Section 5-2-302 (11)(d), C.R.S., sets the alternate reserve limit to 33.3 percent. Cash Fund was created by SB 23-248.

⁴ Fund is continuously appropriated pursuant Section 37-60-121 (2.5)(a), C.R.S.

⁵ Fund is continuously appropriated pursuant Section 5-20-104 (3)(c), C.R.S.

Additional Detail for Select Funds

The majority of cash funds appropriations to the Department of Law are made from the **Legal Services Cash Fund**. This fund allows the Department flexibility to apply payments made from two buckets of appropriations. One bucket allows Law to accept funds appropriated from their legal services line item appropriation, or reappropriated funds. The other allows Law to accept funds appropriated to program line items in agencies when unexpected legal costs and program decisions lead to cash fund payments being made.

Custodial Money¹ is *not subject to annual appropriation* by the General Assembly. Custodial Money may only be expended for the purposes for which the funds were provided. Usually these terms are found in the final settlement agreements or judgments awarded to Colorado for successful litigation.

Any money received by the attorney general as an award of attorney fees or costs that is not Custodial Money must be placed in a separate **Attorney Fees and Costs Account** and is subject to annual appropriation by the general assembly for legal services provided by the department.

General Factors Driving the Budget

The Attorney General is the State's chief legal representative as well as the legal counsel to the State Government's Executive Branch – including the governor, 20 principal departments, and other state agencies, boards, and commissions – and Judicial Branch.

The Department is largely a cash-funded agency that receives funding from state agencies and various programs for the provision of legal services, the investigation and prosecution of fraud, and the protection of citizens of this State through consumer protection efforts. To deploy these services statewide, the Department employs approximately 630.0 FTE.

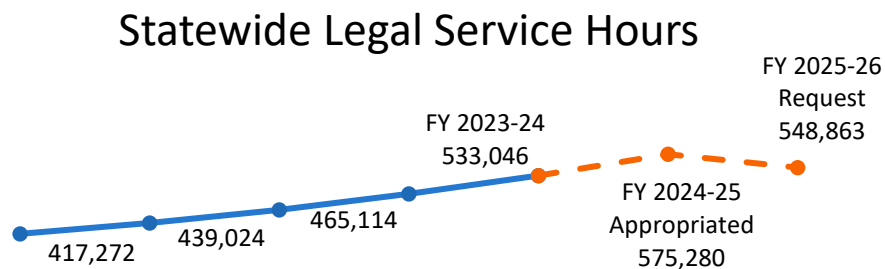
Legal Services to State Agencies

Prior to 1973, most state agencies were represented by "assistant solicitors" who were housed within and paid by the agencies they represented. The system became problematic as there were serious differences in legal policy between agencies, resulting in an inconsistent legal policy for the State in the courts. In 1973, the General Assembly passed legislation that moved all the assistant solicitors into the Department of Law, and prohibited any state agency from employing a person to perform legal services. As a trade-off, the Department of Law became subject to the "Oregon Plan," whereby the General Assembly appropriates money for legal services to the various state agencies, who in turn purchase services from the Department of Law at hourly rates (one rate for attorneys and one rate for legal assistants).

¹ Pursuant [Section 24-31-108 \(6\), C.R.S.](#), custodial money originates from a source other than the state, is awarded or provided for a particular purpose and the Department acts as a guardian or trustee to fulfill that purpose.

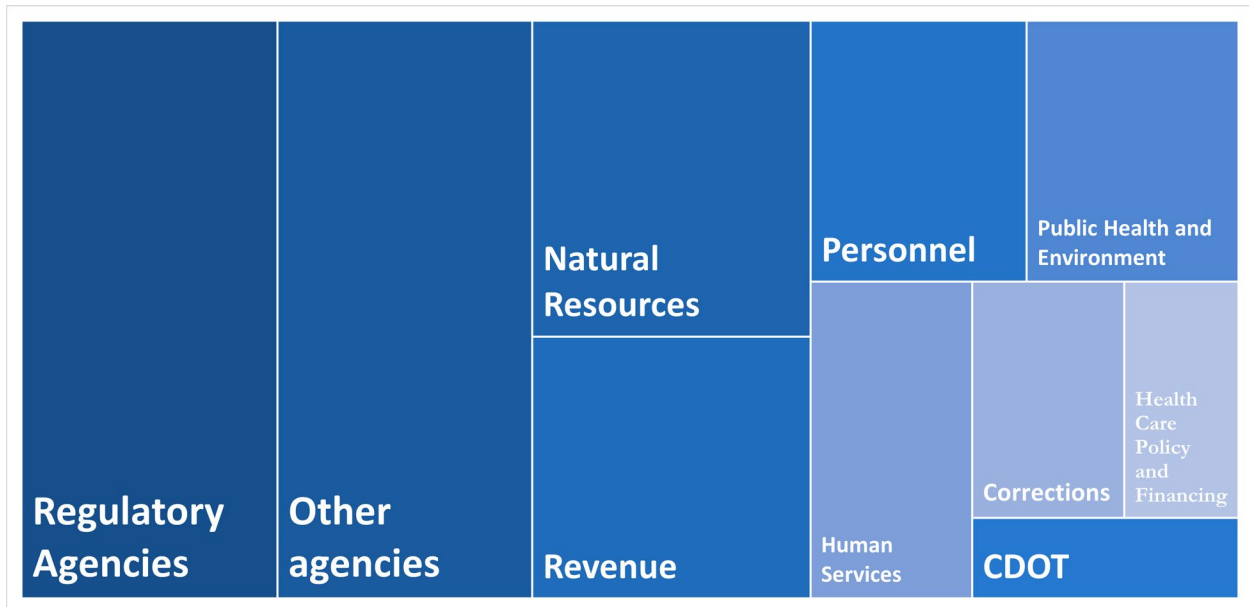
Since 1973, the Department billed client agencies each month for the hours of legal services actually provided to the client during the previous month, which led to budgetary uncertainty when agencies chose to avoid requesting services when fund balances, appropriations were lacking, or other external pressures existed. Starting in FY 2017-18 the General Assembly restructured the legal services common policy to estimate the number of legal services hours allocated to each agency based on the three-year average of their actual legal service hours consumed. Legal Services appropriations by agency are calculated by taking the three average and multiplying it by the blended legal service rate. To collect the reappropriated fund appropriations from each of the user agencies, the Department of Law now bills each one-twelfth of its total appropriation monthly. Having more budgetary certainty allows the Department to hire the right number of staff to provide the required services, while minimizing the number of times a higher cost contract attorney or outside counsel are required to meet the state’s demand. While the current common policy may not encourage agencies to limit the number of legal service hours utilized, it likely results in lower attorneys’ costs statewide.

The FY 2024-25 budget for legal services provides a total of \$65.9 million across all state agencies to pay for the time billed by the Attorney General’s Office and assumes the Department will provide 575,280 total legal service hours to clients. This amount represents 44.7 percent of the Department's total appropriation. As illustrated below, the number of legal service hours appropriated in FY 2024-25 and requested in FY 2025-26 appear to be leveling off after rising steeply for several years. Between years FY 2019-20 and FY 2023-24 the FTE that support this division has grown from 269.9 to 350.1, or 29.7 percent.



Fluctuations in legal services expenditures are due to: (1) changes in the Department’s hourly rates; and (2) changes in the number of hours of legal services provided to state agencies by attorneys and legal assistants. The hourly rates fluctuate based on the costs of employee salaries and benefits as well as operating expenses. The Joint Budget Committee determines the blended legal service rate annually at the end of figure setting based on recommendations made by JBC Staff.

Nine state agencies account for the majority of legal service hours provided by the Department. The following graphic illustrates the legal service hours provided state-wide, highlighting the nine agencies with over 15,000 hours of legal services provided in FY 2023-24.



Criminal Justice and Appellate

The largest allocation of General Fund in the Department is for the Criminal Justice and Appellate section, which accounts for 32.1 percent of General Fund appropriations to the Department for FY 2024-25. A bit more than half of the General Fund in this section is devoted to the Appellate Unit, which represents the State in criminal appeals, and much of the remainder is devoted to the Special Prosecutions Unit, which investigates and prosecutes a variety of crimes that tend to be more complex or occur across multiple jurisdictions. The workload of the Appellate Unit continues to exceed its resources, but is working to reduce the number of cases remaining on its backlog. The following table provides expenditure and workload data for the Appellate Unit.

Appellate Unit Data: FY 2019-20 to FY 2023-24					
	FY 19-20 Actual	FY 20-21 Actual	FY 21-22 Actual	FY 22-23 Actual	FY 23-24 Actual
Expenditures	\$5,363,451	\$5,141,091	\$5,325,192	\$5,950,509	\$6,910,193
<i>FTE</i>	<i>40.5</i>	<i>38.0</i>	<i>37.3</i>	<i>41.6</i>	<i>40.7</i>
Incoming Briefs	970	958	734	628	735
Outgoing Briefs	1,019	877	803	794	652
Case backlog	423	493	417	258	342

The backlog remained largely stagnant for the last seven years, with an overall average of 450 cases at any given time. However, a combination of new efficiency strategies, new attorneys added through the budget and a decrease in the number of incoming briefs has enabled the section to significantly reduce the backlog.

When a backlog of 450 cases is allocated among the Section’s 29 attorneys, the number of cases in each attorney’s queue means that the most recently arrived case cannot be briefed for

many months. A backlog of 350 cases, however, allows the Section a much more manageable number of cases per attorney and for more expedited briefing.

Summary of Request

Department of Law

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
HB 24-1430 (Long Bill)	\$146,206,541	\$26,831,326	\$25,134,947	\$90,406,059	\$3,834,209	650.4
Other legislation	1,150,245	12,532	0	1,137,713	0	5.1
Total	\$147,356,786	\$26,843,858	\$25,134,947	\$91,543,772	\$3,834,209	655.5
FY 2025-26 Requested Appropriation						
FY 2024-25 Appropriation	\$147,356,786	\$26,843,858	\$25,134,947	\$91,543,772	\$3,834,209	655.5
No prioritized budget requests	0	0	0	0	0	0.0
Centrally appropriated line items	5,508,054	1,205,112	621,647	3,549,124	132,171	0.0
Annualize prior year actions	591,518	92,842	29,925	467,806	945	4.5
Technical adjustments	19,166	11,153	-4,285	13,540	-1,242	1.0
Indirect cost assessment	-163,130	0	-200,276	37,784	-638	0.0
Total	\$153,312,394	\$28,152,965	\$25,581,958	\$95,612,026	\$3,965,445	661.0
Increase/-Decrease	\$5,955,608	\$1,309,107	\$447,011	\$4,068,254	\$131,236	5.5
Percentage Change	4.0%	4.9%	1.8%	4.4%	3.4%	0.0

No prioritized budget requests: The Department neither submitted any requests for new funding, nor any requests to reduce funding in FY 2025-26.

Centrally appropriated line items: The request includes a net increase of \$5.5 million total funds, including \$1.2 million General Fund, for centrally appropriated line items summarized in the table below.

Centrally appropriated line items

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Salary survey	\$3,151,829	\$756,489	\$376,592	\$1,948,620	\$70,128	0.0
Health, life, and dental	1,385,367	180,555	210,039	947,222	47,551	0.0
AED and SAED adjustment	783,678	168,261	32,178	552,682	30,557	0.0
Step Plan	487,416	101,123	57,793	324,257	4,243	0.0
PERA direct distribution	122,540	60,693	-3,300	65,147	0	0.0
Legal services	52,921	20,171	32,750	0	0	0.0
Payments to OIT	50,000	13,539	5,936	28,895	1,630	0.0
Paid Family & Medical Leave Insurance	35,265	7,571	1,448	24,871	1,375	0.0
Leased space	25,405	36,968	-8,311	-719	-2,533	0.0
Short-term disability	11,755	2,524	483	8,290	458	0.0
Workers' compensation	7,491	3,976	211	3,281	23	0.0
CORE operations	4,277	1,249	511	2,390	127	0.0
ALJ services	34	0	34	0	0	0.0
DPS Digital trunk radio	0	926	-548	-378	0	0.0
Payments to OIT	-438,555	-106,699	-60,670	-255,764	-15,422	0.0
Risk management & property	-171,369	-42,234	-23,499	-99,670	-5,966	0.0
Total	\$5,508,054	\$1,205,112	\$621,647	\$3,549,124	\$132,171	0.0

Annualize prior year actions: The request includes a net increase of \$591,518 total funds, including \$92,842 General Fund, for the out-year cost of prior year budget actions and legislation.

Annualize prior year actions						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Sum of 2024 legislative bills with legal costs	\$3,790,624	-\$12,532	\$0	\$3,803,156	\$0	3.3
HB 20-1026 23rd Judicial District	64,912	64,912	\$0	\$0	\$0	0.0
FY 24-25 R1 Special prosecution rural support	25,968	25,968	\$0	\$0	\$0	0.5
HB 24-1054 Jail standards	25,063	25,063	\$0	\$0	\$0	0.2
FY 24-25 R2 Increase admin. support	22,237	0	0	22,237	0	0.3
FY 24-25 R3 Federal & Interstate Water support	18,067	18,067	0	0	0	0.2
FY 24-25 Salary survey	-1,900,796	68,675	36,974	-2,007,390	945	0.0
FY 24-25 Step Plan	-1,454,557	-97,311	-7,049	-1,350,197	0	0.0
Total	\$591,518	\$92,842	\$29,925	\$467,806	\$945	4.5

Technical adjustments: The request includes \$19,166 total funds and 1.0 FTE, including \$11,153 General Fund, for technical adjustments related to informational funds and FTE reflected in the budget related to grants received and other small fund source swaps.

Indirect cost assessment: The request includes net adjustments to indirect costs across all divisions except the Special Purpose division.

Budget Reduction Options

The Elected Official Budget Request does not include reductions for the Department of Law, however, JBC Staff requested the Department identify \$1.4 million in potential budget reductions it could take, representing 5.0 percent of the Department's General Fund appropriations. This issue brief reviews these proposals and additional options identified by staff.

Summary

- The Department of Law budget, represents 0.2 percent of total state General Fund appropriations in FY 2024-25. The Elected Official budget request does not include any new budget requests to increase General Fund appropriated to the Department.
- At the request of JBC staff, the Department has identified \$1.2 million General Fund that it could cut without significant impacts on service delivery.

Recommendation

- Staff recommends that the Department discuss the Department proposals and staff options in its budget hearing, focusing particularly on the impact reducing the reserve of the Legal Services Cash Fund and any unknown consequences to General Fund relief options identified by JBC staff.

Discussion

Funding History FY 2018-19 to FY 2024-25

The Department of Law represents 0.3 percent of total state General Fund appropriations in FY 2024-25. As reflected in the table below, General Fund in this section of the budget has increased by 27.7 percent since FY 2018-19 after adjustments for inflation¹. This is more than the statewide increase in General Fund appropriations of 11.3 percent over the same period after adjustments. During that time total funding in this section of the budget, after adjustments, has changed by 38.2 percent.

¹ Fiscal year 2018-19 appropriations are adjusted for inflation, calculated based on the Legislative Council Staff September forecast, which reflects an increase in the Denver-Aurora-Lakewood consumer price index of 26.7 percent between FY 2018-19 and FY 2024-25.

Fund	FY 2018-19		FY 2024-25	Increase/ -Decrease after inflation adjustment	
	Nominal	FY 2024-25 Dollars		Amount	Percent
General Fund	\$16,593,918	\$21,016,808	\$26,843,858	\$5,827,050	27.7%
Total Funds	\$84,198,382	\$106,640,352	\$147,356,786	\$40,716,434	38.2%

*Denver-Aurora-Lakewood Consumer Price Index - FY 2024-25 is based on the LCS Sept 2024 forecast

Budget Requests for General Fund Relief

For this section of the budget, the Department’s request did not include proposals for General Fund relief. The Department also did not submit any new budget requests for FY 2025-26, with most change coming in the form of centrally appropriated line items. Thus the Department’s total General Fund is requested to increase by 4.9 percent. While the Department’s budget request did not include a proposal for General Fund relief, at the request of JBC Staff, the Department did identify \$1.2 million General Fund that would have the least impact to its duties. This equates to about 5.0 percent of the General Fund appropriated to the Department of law if pass through funds for the state share of District Attorney’s Salary are excluded from the total General Fund. Those proposals are summarized below.

Option	General Fund	Other Funds	Bill? Y/N	Description
Expenditure Reductions				
Reduce Consumer Protection and Antitrust by 3.0 FTE	-\$500,000	\$0	N	The reduction of attorneys will diminish the DOL’s capacity to protect Colorado consumers and businesses, including enforcement of laws that promote a fair business environment and shield consumers from fraud. It will also weaken the enforcement of data privacy standards and protections against unscrupulous financial practices, as well as diminish efforts to hold parties accountable for the opioid crisis.
Reduce the Appellate Unit by 4.0 FTE fellows	-420,000	0	N	Reductions in this section will hamper the DOL’s ability to represent law enforcement interests in appellate cases where defendants challenge felony convictions.
Reduce Special Prosecution Unit by 2.0 FTE	-280,000	0	N	Reductions in this section will hamper the DOL’s ability to represent law enforcement interests in appellate cases where defendants challenge felony convictions.
Subtotal - Expenditures	-\$1,200,000	\$0		
Net General Fund Relief	\$1,200,000			

Additional Options for JBC Consideration

The table below summarizes options identified by the JBC staff that the Committee could consider in addition to or instead of the options presented in the budget request.

A General Fund reduction of 5.0 to the sections of the budget covered in this briefing would require a reduction of \$1.4 million.

Additional Options for General Fund Relief				
Option	General Fund	Other Funds	Bill? Y/N	Description
Non-Expenditure Option				
Spend down Legal Services Cash Fund reserve	-\$580,000	-\$920,000	N	This fund collects appropriations made to the legal services line items in every agency that utilizes the AG's Office. Spending down the fund's reserve will temporarily reduce the total costs allocated through the legal services common policy, and thus impact General Fund
Subtotal - Non-expenditures	-\$580,000	-\$920,000		
Expenditure Reductions				
Reverse FY 24-25 Special Prosecution rural support	-\$375,934	\$0	N	Added 2.5 FTE to focus on assisting rural prosecutors with complex actions
Reverse FY 24-25 Augment federal interstate water unit	-\$255,191	0	N	Added 2.0 FTE to the federal and interstate water unit due to litigation concerning Colorado and Rio Grande River compacts
Reverse FY 23-24 Organized retail crime prosecution	-\$565,169	0	N	Added 4.5 FTE to focus on prosecuting organized retail crime
Reverse FY 23-24 Federal interstate water staff	-\$181,839	0	N	Added 2.0 FTE to the federal and interstate water unit due to litigation concerning Colorado River compact
Reverse FY 23-24 Patterns and Practices staff	-\$120,184	0	N	Added 1.0 FTE to respond to complaints submitted to the Patterns and Practices program
Subtotal - Expenditures	-\$1,498,317	\$0		
Net General Fund Relief	\$2,078,317			

Non-Expenditure Option

Spend down Legal Services Cash Fund reserves (NOT a transfer)

Description: No legislation required. Direct the Attorney General to utilize reserves in the Legal Services Cash Fund for one-year to reduce by \$1.5 million the amount appropriated for the legal services common policy. General Fund accounts for 37.6 percent of statewide appropriation requests for legal services in FY 2025-26. NOTE: Transferring funds from this cash fund is not a viable option, primarily because the majority of the fund is subject to federal and state spending restrictions. This is further complicated because the fund is comprised of many different fund type origins including federal sources.

Key Considerations: The Department's cash fund report submitted with its budget request identifies the beginning fund balance for the Legal Services Cash Fund as \$4,555,408 or 7.1 percent of the amount appropriated to be spent from the fund in the prior year. As recently as FY 2022-23, the Department has managed with a reserve of 4.6 percent. If the reserve for the fund was reduced by \$1.5 million, the amount of General Fund needed to be appropriated for legal services statewide could have up to a \$540,000 General Fund impact. The cash fund reports are notoriously unreliable, and therefore any action in this area should be carefully discussed with the Attorney General's Office before taking action or estimating actual General

Fund Impact. While this action has been taken in the past, JBC Staff has not yet discussed the viability of this option for the coming fiscal year.

Legal Services Cash Fund				
	FY 2023-24 Actual	FY 2024-25 Estimate	FY 2025-26 Estimate	FY 2026-27 Estimate
Beginning FY Balance	\$2,138,464	\$4,955,408	\$4,555,408	\$3,055,408
Revenues	72,900,164	73,323,882	79,635,520	79,635,520
Expenditures	\$70,083,220	\$73,723,882	\$79,635,520	\$79,635,520
Ending FY Balance without transfer	4,955,408	4,555,408	4,555,408	3,055,408
Reduce LSSA reserve option			-\$1,500,000	
Ending FY Balance with reserve option			3,055,408	

Additional background: The fund consists of all the revenues and pays all the expenses associated with providing legal representation to client State agencies.

Fee impact: By reducing the amount held in reserve, the blended legal rate that serves as the basis for the common policy appropriation will fall resulting in fewer total funds being appropriated to the legal services common policy line items through state agencies, including a reduction to the General Fund appropriated for that purpose.

Expenditure Reductions

Reverse FY 24-25 Special Prosecution Rural Support

Description: This would eliminate \$375,934 General Fund and 2.5 FTE in the Department’s base for additional staff assisting rural prosecutors with complex crime prosecution and coordination. The amount includes the total approved in the FY 2024-25 Long Bill as well as the annualization requested for FY 2025-26.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added due to increasing requests for coordination and support provided by the Attorney General’s Office from rural jurisdictions and allowed the AG to respond to executive orders, district attorney resignations, and provide resources and expertise to address cases pending in rural jurisdictions that require additional prosecutorial support.

Reverse FY 24-25 Augment federal interstate water staff

Description: This would eliminate \$255,191 General Fund and 2.0 FTE in the Department’s base for staff that increase capacity and monitor developments nationally, regionally, and in Colorado that impact Colorado’s water supply and the Department’s ability to defend Colorado’s water rights.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff to attend to responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel for managing the basin consistent with existing laws.

Reverse FY 23-24 Organized retail crime prosecution

Description: This would eliminate \$565,169 General Fund and 4.5 FTE in the Department's base from the Special Prosecutions unit to assist in prosecuting organized retail crime.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff to attend to responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel for managing the basin consistent with existing laws.

Reverse FY 23-24 Federal interstate water staff

Description: This would eliminate \$181,839 General Fund and 2.0 FTE in the Department's base for staff to the federal and interstate water unit to support litigation around the Colorado and Rio Grande River compacts.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff to attend to responsibilities associated with the Colorado River negotiations. Staff participates in litigation, when necessary, but also by actively serving as negotiation counsel for managing the basin consistent with existing laws.

Reverse FY 23-24 Patterns and Practices staff

Description: This would eliminate \$120,184 General Fund and 1.0 FTE in the Department's base for staff to respond to complaints submitted to its Patterns and Practices program.

Key Considerations: Requires the Department to eliminate positions it should have already filled.

Additional background: Funding was added for staff because the requests for investigations into patterns and practices of civil rights violations by government entities continues to exceed the resources dedicated to the program.

Major Litigation Pending Against the State

The Department of Law submits an annual report to the State Controller discussing pending litigation against the State that could have a significant financial impact. The most recent report was submitted September 20, 2024. While the details of the report remain confidential, traditionally the parties involved, a short description, and potential value of financial risk have been conveyed in JBC Staff briefings.

Summary

The following ongoing legal cases involving the State could have a financial impact of at least \$5.0 million individually or \$10.0 million collectively:

Pending Litigation with Potential for Significant Financial Impact			
Department	Caption	Summary/Topic	Potential Financial Impact
Governor/Treasury	Mesa County, et al. v. Colorado	Severance tax distribution lawsuit	\$25 million
Health Care Policy and Financing	CO Dept. of Health Care Policy and Financing v. CMS	CHIPRA Bonus Recovery	\$38.4 million
Higher Education	Renee Alderman v. Board of Gov.'s of the CSU System	Class Action Lawsuit on behalf of all Students Enrolled at Colorado State University	>\$5 million
Higher Education	Does, et al. and Chun Li, et al. v. Board of Regents of the University of Colorado	Federal and State suits regarding COVID vaccination policy	\$5 - 15 million
Public Health and Environment	Heartland Biogas, LLC v. CO Dept. of Public Health and Environment, et al.	Heartland Biogas Facility State Court Litigation	unknown
Revenue	Americans for Prosperity v. CO Dept. of Revenue	Challenge involving enterprises and TABOR revenue cap impacts of S.B. 21-260	\$224 million
Transportation	Flatiron / AECOM v. CDOT	Construction Delays Dispute	\$64 million

Recommendation

Staff recommends that the Committee ask the Department to discuss the status of the various cases listed in the report, as well as any other cases the Attorney General believes warrant the Committee’s attention, at the Department’s upcoming hearing on December 5, 2024.

Traditionally, follow up discussions with the Attorney General’s Office concerning the details of this report have occurred during an Executive Session, which is included as part of the Department’s Hearing.

If Committee Members have any questions related to *other* confidential or potentially confidential matters that are not discussed during the briefing conversation, JBC Staff recommends those be raised during this briefing issue or brought directly to JBC Staff to ensure the topic is included in the Department’s Executive Session portion of its hearing.

Pending Litigation Background

The Department of Law submits an annual report to the State Controller concerning pending or threatened litigation, claims, and assessments, with amounts in controversy exceeding \$5 million, brought against the State and to which the Department has devoted “substantial” attention on behalf of the State. The Department's annual report describes the nature and status of each case, the claims asserted by the plaintiff and the objectives and/or damages sought, how management is responding to the litigation, the Attorney General’s evaluation of the likelihood of an unfavorable outcome, and an estimate as to the amount or range of potential loss. This annual report does not, however, include information about two types of cases or claims:

- Those involving pre-litigation claims that are settled by the states’ Risk Management Office; and
- Those against state-entities not represented by the Attorney General.

Pre-litigation and Risk Management Actions

Therefore, the impact of potential litigation against the state that are yet to be filed with a court are excluded. Although notices of claims in the nature of tort must be filed with the Attorney General pursuant to the Colorado Governmental Immunity Act (CGIA)¹, the Department of Personnel's State Risk Management Office and the State Claims Board have the responsibility to investigate, adjust, and settle such claims before they become lawsuits². All tort and federal claims alleging damages against state agencies and employees, if settled, are paid out of the Risk Management Fund to the limits of the CGIA.

Non-represented Entities

Likewise, the report excludes information involving the University of Colorado Board of Regents or the General Assembly (except in cases under the Risk Management Fund), because those entities are not represented by the Attorney General except in rare circumstances.

Structure of this Briefing Issue

The Department submitted the 2024 annual report to the State Controller on September 20, 2024. Based on the report, as well as additional information from the Department of Law, JBC Staff provides a brief summary of a selection of unresolved cases in which the potential financial impact, either through damages, attorneys’ fees and costs, or the cost of state compliance with court orders, exceeds \$5 million. Cases are also included if multiple parties have amounts in controversy less than \$5 million but that exceed \$10 million when aggregated.

¹ See Section 24-10-109, C.R.S.

² See Section 24-30-1501, *et seq.*, C.R.S.

Pending Litigation by Department

Governor and Treasury

Severance Tax Distribution Lawsuit

Case: Plaintiffs Mesa County, et al., seek a declaration that the \$25 million transfer of severance tax revenue distributed under the severance tax distribution formula as amended by H.B. 24-1413 was unlawful and to enjoin the transfer from occurring.

Status: The transfer occurred on July 1, 2024 from the Local Government Severance Tax Fund, prior to this action commencing on September 5, 2024. Since this lawsuit was just filed, the Department is still evaluating the likelihood of an unfavorable outcome and do not have such an evaluation at this time.

Potential Financial Impact: If a court finds that the \$25 million transfer in H.B. 24-1413 is unlawful, then the State could be required to refund \$25 million to the local governments.

Health Care Policy and Financing

CHIPRA Bonus Recovery

Case: On April 30, 2019, the Center for Medicare and Medicaid Services (CMS) issued a demand that Colorado return \$38.4 million in performance bonus payments paid under the Children's Health Insurance Program Reauthorization Act of 2009. The Department disagrees with the CMS finding that the Department improperly included individuals in the enrollment counts provided to CMS for FYs 2009-10 through 2012-13.

Status: Not much has changed since the prior year report. The Department filed an appeal at the federal Departmental Appeals Board (DAB) on May 30, 2019 and provided a brief and written argument in September 2019. Briefing completed in February 2020. On April 21, 2021, the DAB issued a decision agreeing with the states that CMS's interpretation and ambiguous guidance conflicted with federal statute. The DAB remanded the matter for the states to provide enrollment documentation so that the bonus payments can be properly calculated. Unfortunately, the relevant data is quite old and difficult to obtain for the relevant time period of 2009 through 2013. Additionally, once the baseline rate is properly calculated, the Department may still owe the federal government a significant amount of money. The Department is hopeful that CMS will be willing to negotiate a reasonable settlement. New information for 2024 is that negotiations with CMS have not yet commenced.

Potential Financial Impact: CMS seeks to recover \$38.4 million.

Higher Education

Class action lawsuit on behalf of all students enrolled at Colorado State University (CSU) and CSU Pueblo who paid tuition and mandatory student fees for the Spring 2020 semester

Case: Plaintiffs are students who brings a class action against CSU on behalf of a class of similarly situated students who paid tuition and fees to a CSU entity during the spring 2020 semester. The dispute involves CSU's transition to remote delivery of educational services for the latter portion of the spring 2020 semester in response to the COVID-19 pandemic. Plaintiffs claim that CSU's actions, including canceling campus events and closing or limiting access to certain buildings, breached its contract with plaintiffs, or in the alternative, unjustly enriched CSU.

Status: Two complaints asserting the same causes of action were filed in two different districts – Larimer District Court and Denver District Court. CSU moved to consolidate the cases, and the cases were consolidated in the Denver District Court. Plaintiffs then filed an amended, consolidated complaint, which CSU moved to dismiss. The district court dismissed the breach of contract claims but allowed the unjust enrichment claims to proceed. CSU filed a motion for judgment on the pleadings seeking dismissal of the remaining claims, which was granted by the Court. Plaintiffs appealed that dismissal. The Court of Appeals affirmed dismissal of the contract claim but reversed dismissal of the unjust enrichment claim in June 2023. CSU filed a petition for certiorari to the Colorado Supreme Court, which was granted, and is pending a decision.

Financial Impact: Assuming the court were to award a full refund of fees paid for the portion of the semester during which educational services were delivered remotely to all enrolled students, the university's liability could potentially exceed \$5 million by several orders of magnitude. Because the claim arises out of a contractual relationship, the university's insurance policy is unlikely to provide coverage in the event the courts agree with plaintiffs. At this time estimates of potential loss vary, depending on the claims permitted to go forward and the Department states it cannot be determined at this time.

Federal and State suits related to COVID vaccination policy at University of Colorado

Case One: Student and employee plaintiffs filed suit in federal court against the Board of Regents and various officials at the School of Medicine asserting a total of eight claims, seeking both monetary and injunctive relief. Their primary claim is that the medical campus's vaccination policies violated their rights to religious freedom.

Case Two: Five current and former students filed this state court case based on the same facts as the federal case above but involves students' claims under the Colorado Anti-Discrimination Act (CADA). CADA prohibits discrimination on the basis of religion and creed, requires entities

to reasonably accommodate religious and creed-based practices in the context of public accommodation, and allows plaintiffs to recover penalties, and potentially damages, for CADA violations.

Status Case 1: Following denial of the plaintiffs' claim for preliminary injunctive relief, Plaintiffs appealed. In May 2024, the 10th Circuit Court of Appeals reversed the district court's decision stating that the district court erred in denying plaintiffs' request for preliminary injunction because it was highly likely that plaintiffs would prevail on their claims that both vaccination policies were unconstitutional. The Tenth Circuit also found that both policies and the way they had been administered reflected religious animus on behalf of the University. The Tenth Circuit remanded the case to the district court for further proceedings. The district court stayed the case through October 31st, to allow the parties time to explore settlement. Trial is not yet scheduled and mediation is desired by the Department

Status Case 2: The judge in this case ruled that CADA applies to the graduate degree programs at the medical campus. Trial is not yet scheduled and mediation is desired by the Department. This case is stayed pending the court's decision on two issues:

- 1 the scope of damages available under CADA and
- 2 whether the policies are discriminatory as a matter of law.

Financial Impact: Including both the claims and attorneys' fees, exposure may range from \$5 million to over \$15 million.

Public Health and Environment

Heartland Biogas Facility State Court Litigation

Case: Heartland Biogas filed a state suit against the Colorado Department of Public Health and Environment (CDPHE). The claims, arising from the voluntary closure of the company's biogas facility, allege that the State agencies are liable under a theory of promissory estoppel and that the State's actions constituted a regulatory taking. Heartland alleges the Department promised that all zoning approvals needed to operate a solid waste facility were obtained and that the facility could distribute wastewater to third parties. Heartland alleges that the Department later took the position that Heartland did not have the proper zoning permits and prohibited the company from distributing wastewater. Heartland Biogas dismissed its federal lawsuit against the CDPHE and filed a new lawsuit in Denver District Court. Heartland alleges that CDPHE is responsible for its decision to voluntarily close its biogas facility. Heartland alleges a violation of Section 15 of Article 2 of the Colorado Constitution, in the form of a regulatory taking claim.

Status: The state moved to dismiss based upon the Colorado Governmental Immunity Act and requested dismissal because Heartland failed to state a claim. The Denver District Court judge denied the motion. CDPHE filed an interlocutory appeal, arguing the district court conducted an improper governmental immunity analysis and that the case should be dismissed. CDPHE lost in a two-to-one decision in the Colorado Court of Appeals. CDPHE filed a petition for certiorari in the Colorado Supreme Court, which was denied. An amended case management order was entered and trial was set for November 2022. CDPHE and co-defendant Weld County filed

motions for summary judgment, which were denied. A two-week bench trial commenced on November 28, 2022. The Denver District Court judge ruled in CDPHE's favor, concluding as a matter of law, that there was no regulatory taking. Heartland Biogas has filed a notice of appeal. The judge vacated the July 2023 jury trial on damages. Heartland filed a notice of appeal, and it is fully briefed. **Oral argument is scheduled at 1:30 p.m. on December 3, 2024.**

Financial Impact: At this time, the court entered judgment in CDPHE's favor. If Heartland is successful in reversing that judgment on appeal, it is possible that the Court could hold a subsequent damages hearing, but the extent of any potential loss is uncertain.

Revenue

Americans for Prosperity challenge involving enterprises and TABOR revenue cap impacts of S.B. 21-260

Case: Plaintiff challenges the legality of S.B. 21-260 on four grounds:

- 1 the enterprises created or modified by the bill violate a 2020 citizens' initiative (Proposition 117, codified at section 24-77-108);
- 2 the bill violates the Colorado Constitution's single subject requirement;
- 3 the bill's increase of the state's excess state revenues cap by \$224 million violates TABOR; and
- 4 failure to downwardly adjust the excess state revenues cap for the bill's creation/modification of the enterprises violates TABOR.

Status: The complaint was filed on April 7, 2022. The State Defendants filed a motion for summary judgment, and the district court granted this motion on April 29, 2024 (deciding the case at the district court level in the State Defendants' favor). Appellants filed a Notice of Appeal in the Colorado Court of Appeals on August 15, 2024. The Appellants' Opening Brief was due on September 26, 2024.

Financial Impact: If a court invalidates the \$224 million increase of the excess state revenues cap made by S.B. 21-260, such a ruling could require the State to refund \$224 million to taxpayers with interest under TABOR. The Department states the remaining potential loss is indeterminate at this time but could be significant.

Transportation

Flatiron/AECOM Construction Delays Dispute

Case: Flatiron/AECOM (F/A) is a joint venture and is the Colorado Department of Transportation's (CDOT) design-build contract on the C470 road construction project. F/A is approximately three years past due in completing the project. Currently F/A has completed approximately 95 percent of the project (a change of 5 percent over the prior report), but landscaping issues remain. In May 2022, F/A finally submitted a request for equitable adjustment (REA) to the Project team in which they alleged that CDOT owes them \$64 million,

alleging they are owed damages for weather conditions and a retaining wall. CDOT has rejected the REA for being untimely by the contract terms. Due to an arbitration agreement, this case is pending before the American Arbitration Association (AAA).

Status: CDOT has also filed its own breach of contract action against F/A in Denver District Court on August 1, 2022 to recoup the damages CDOT incurred based on F/A delivering the Project late. CDOT's Denver District Court breach of contract action against F/A has been stayed pending a decision in the AAA arbitration matter. On September 12, 2023, counsel for both parties argued before the AAA panel whether the panel has jurisdiction to consider the claims brought by F/A, which the panel ultimately found it did. F/A has been very slow to prosecute its AAA matter, but is anticipated to submit a full claim package to the AAA by the end of 2024. No arbitration date has been scheduled.

Financial Impact: The request for equitable adjustment (REA) that F/A submitted alleges they are owed \$64 million, which amount was reasserted in the AAA arbitration appeal. CDOT believes it has valid defenses to all of F/A's allegations and also is seeking to recover its own damages through the breach of contact action.

Footnotes and Requests for Information

Update on Long Bill Footnotes

The General Assembly includes footnotes in the annual Long Bill to: (a) set forth purposes, conditions, or limitations on an item of appropriation; (b) explain assumptions used in determining a specific amount of an appropriation; or (c) express legislative intent relating to any appropriation. Footnotes to the 2024 Long Bill (H.B. 24-1430) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/HB24-1430>. The Long Bill footnotes relevant to this document are listed below.

73 Department of Law, Legal Services to State Agencies -- In making this appropriation, it is the General Assembly's intent that hourly billing rates charged by the Department for legal services to state agencies not exceed \$142.09 per hour for attorneys and not exceed \$95.25 per hour for legal assistants, which equates to a blended legal rate of \$133.74 per hour.

Comment: The Department is billing client agencies at the stated rates, which is part of the basis for the appropriation for Legal Services to State Agencies. The footnote annually memorializes the General Assembly's assumptions in making calculations for legal services appropriation in common policies. JBC staff will have a new recommendation for the 2024 Long Bill once decisions that impact the legal services to state agencies rates are made during figure setting. Statewide compensation decisions are likely to be the biggest driver of changes to the legal services rates for FY 2025-26.

Update on Requests for Information

The Joint Budget Committee annually submits requests for information (RFIs) to executive departments and the judicial branch via letters to the Governor, other elected officials, and the Chief Justice. Each request is associated with one or more specific Long Bill line item(s), and the requests have been prioritized by the Joint Budget Committee as required by Section 2-3-203(3), C.R.S. Copies of these letters are included as an Appendix in the annual Appropriations Report (Appendix H in the FY 2024-25 Report):

<https://leg.colorado.gov/sites/default/files/fy24-25apprept.pdf>

The RFIs relevant to this document are listed below.

Requests Affecting Multiple Departments

None for the 2024 Long Bill.

Department of Law Requests

- 1 Department of Law, Criminal Justice and Appellate, Appellate Unit -- The Department is requested to provide by November 1, 2024 a report concerning the Appellate Unit's progress in reducing its case backlog, including the following data for FY 2023-24: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2024.

Comment: The Department complied with this information request, which staff summarized in the General Factors Driving the Budget section of this document.

- 2 Department of Law, Consumer Protection and Antitrust, Medicaid Fraud Control Unit -- Pursuant to Section 25.5-4-310, C.R.S., the Department of Law's Medicaid Fraud Control Unit is required to submit an annual report by January 15 concerning: actions filed under the "Colorado Medicaid False Claims Act", the amount recovered as a result of such actions, and the amount of related expenditures. The General Assembly requests that the Department also include in this annual report information about expenditures and recoveries related to the Unit's criminal investigations.

Comment: This information request is still forthcoming. The Department has consistently complied with this annual request for information, which supplements the statutory annual report with additional information about the unit's criminal investigations.

- 3 Department of Law, Special Purpose, District Attorney Training -- Pursuant to Section 20-1-111 (4) (b), C.R.S., the Colorado District Attorneys' Council (CDAC) allocated these dollars to provide prosecution training, seminar, continuing education programs, and other prosecution related services on behalf of District Attorneys who are members of the CDAC. The CDAC is requested to submit an annual report by November 1 detailing how the District Attorney Training appropriation is spent, including the number and type of training activities provided, the number of district attorney offices served by each

type of training activity, the number of deputy district attorneys trained, and detail of the costs categorized by personnel, operating, and travel, for each training effort.

Comment: The CDAC submitted its response as requested before November 1, 2024, which can be found in Appendix B. The Department of Law serves as a facilitator connecting the appropriations with the non-state entity CDAC, and thus it operates much like a grant from the Department of Law. JBC Staff highlights that CDAC's response includes a note that it intends to retain funding appropriated in FY 2023-24 to expend as scholarship funds for trainings, about \$12,000. Allows CDAC to Retain and, to borrow budget terms of art, "rolling forward" CDACs funding between years, requires no further action by the General Assembly. Nonetheless, JBC Staff is pleased that CDAC included this information in the RFI and believes it to be evidence of the transparency the General Assembly requires when directly funding activities of a private entity.

Department Annual Performance Report

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Department of Law is required to publish an **Annual Performance Report** for the *previous state fiscal year* by November 1 of each year. This report is to include a summary of the Department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the Department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the Department's FY 2025-26 budget request, the FY 2023-24 Annual Performance Report and the FY 2024-25 Performance Plan can be found at the following link:

<https://coag.gov/resources/budget-and-accounting/>

Appendix A: Numbers Pages

Appendix A details actual expenditures for the last two state fiscal years, the appropriation for the current fiscal year, and the requested appropriation for next fiscal year. This information is listed by line item and fund source.

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
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Department of Law Phil Weiser, Attorney General

(1) Administration

Personal Services	<u>4,875,015</u>	<u>5,465,244</u>	<u>6,018,145</u>	<u>6,321,718</u>
FTE	51.2	56.3	59.9	60.2
General Fund	1,545,779	16,651	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	3,329,236	5,448,593	6,018,145	6,321,718
Federal Funds	0	0	0	0
Health, Life, and Dental	<u>6,529,977</u>	<u>7,881,423</u>	<u>8,997,572</u>	<u>10,382,939</u>
General Fund	1,501,660	1,960,401	2,293,302	2,473,857
Cash Funds	813,530	1,040,076	1,496,414	1,706,453
Reappropriated Funds	4,040,208	4,616,121	4,989,274	5,936,496
Federal Funds	174,579	264,825	218,582	266,133
Short-term Disability	<u>89,614</u>	<u>97,310</u>	<u>112,933</u>	<u>124,688</u>
General Fund	21,360	23,827	27,748	30,272
Cash Funds	10,363	11,412	16,808	17,291
Reappropriated Funds	55,825	59,491	65,850	74,140
Federal Funds	2,066	2,580	2,527	2,985
PERA AED and SAED	<u>0</u>	<u>0</u>	<u>7,528,824</u>	<u>8,312,502</u>
General Fund	0	0	1,849,860	2,018,121
Cash Funds	0	0	1,120,534	1,152,712
Reappropriated Funds	0	0	4,389,980	4,942,662
Federal Funds	0	0	168,450	199,007

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
S.B. 04-257 Amortization Equalization Disbursement	<u>2,800,422</u>	<u>3,257,151</u>	0	0	
General Fund	667,499	798,952	0	0	
Cash Funds	323,841	374,142	0	0	
Reappropriated Funds	1,744,524	1,997,853	0	0	
Federal Funds	64,558	86,204	0	0	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>2,800,422</u>	<u>3,257,151</u>	0	0	
General Fund	667,499	798,952	0	0	
Cash Funds	323,841	374,142	0	0	
Reappropriated Funds	1,744,524	1,997,853	0	0	
Federal Funds	64,558	86,204	0	0	
Salary Survey for Classified Employees	<u>473,763</u>	<u>932,933</u>	<u>583,068</u>	<u>620,440</u>	
General Fund	140,618	271,952	157,840	180,095	
Cash Funds	141,955	301,885	206,081	202,916	
Reappropriated Funds	157,267	290,163	193,621	202,331	
Federal Funds	33,923	68,933	25,526	35,098	
Salary Survey for Exempt Employees	<u>2,608,975</u>	<u>6,434,758</u>	<u>2,717,146</u>	<u>2,531,389</u>	
General Fund	558,626	1,341,356	623,492	576,394	
Cash Funds	95,414	249,210	220,716	173,676	
Reappropriated Funds	1,938,380	4,817,904	1,848,438	1,746,289	
Federal Funds	16,555	26,288	24,500	35,030	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Step Increases	<u>0</u>	<u>0</u>	<u>2,212,783</u>	<u>487,416</u>	
General Fund	0	0	493,191	101,123	
Cash Funds	0	0	258,943	57,793	
Reappropriated Funds	0	0	1,444,080	324,257	
Federal Funds	0	0	16,569	4,243	
PERA Direct Distribution	<u>935,196</u>	<u>198,235</u>	<u>1,398,718</u>	<u>1,521,258</u>	
General Fund	0	54,306	345,060	405,753	
Cash Funds	174,463	24,112	214,256	210,956	
Reappropriated Funds	760,733	119,817	839,402	904,549	
Federal Funds	0	0	0	0	
Workers' Compensation	<u>191,851</u>	<u>181,482</u>	<u>241,118</u>	<u>248,609</u>	
General Fund	44,744	48,232	62,827	66,803	
Cash Funds	29,272	23,873	31,756	31,967	
Reappropriated Funds	112,712	102,966	138,519	141,800	
Federal Funds	5,123	6,411	8,016	8,039	
Attorney Registration and Continuing Legal Education	<u>149,911</u>	<u>176,036</u>	<u>201,977</u>	<u>201,977</u>	
General Fund	26,505	33,987	38,995	38,995	
Cash Funds	5,765	4,465	5,123	5,123	
Reappropriated Funds	117,153	135,803	155,816	155,817	
Federal Funds	488	1,781	2,043	2,042	
Operating Expenses	<u>210,717</u>	<u>245,867</u>	<u>243,805</u>	<u>241,743</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	210,717	245,867	243,805	241,743	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Legal Services	<u>85,019</u>	<u>212,826</u>	<u>197,609</u>	<u>250,530</u>	
General Fund	32,656	82,398	76,507	96,678	
Cash Funds	52,363	130,428	121,102	153,852	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Administrative Law Judge Services	<u>1,042</u>	<u>1,118</u>	<u>517</u>	<u>551</u>	
General Fund	0	0	0	0	
Cash Funds	1,042	1,118	517	551	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	<u>344,882</u>	<u>884,210</u>	<u>468,794</u>	<u>297,425</u>	
General Fund	80,436	260,008	122,155	79,921	
Cash Funds	52,619	51,704	61,742	38,243	
Reappropriated Funds	202,617	558,613	269,313	169,643	
Federal Funds	9,210	13,885	15,584	9,618	
Vehicle Lease Payments	<u>82,044</u>	<u>83,975</u>	<u>95,901</u>	<u>95,901</u>	
General Fund	34,570	33,200	39,401	39,401	
Cash Funds	15,440	15,000	15,500	15,500	
Reappropriated Funds	29,432	28,175	33,100	33,100	
Federal Funds	2,602	7,600	7,900	7,900	
Information Technology Asset Maintenance	<u>1,111,254</u>	<u>1,369,433</u>	<u>1,369,433</u>	<u>1,369,433</u>	
General Fund	262,242	363,954	356,828	367,981	
Cash Funds	171,560	180,135	180,366	176,081	
Reappropriated Funds	653,462	776,971	786,714	781,087	
Federal Funds	23,990	48,373	45,525	44,284	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Ralph L. Carr Colorado Judicial Center Leased Space	<u>3,565,176</u>	<u>3,629,348</u>	<u>3,701,935</u>	<u>3,727,340</u>	
General Fund	831,472	964,571	964,602	1,001,570	
Cash Funds	543,947	477,401	487,574	479,263	
Reappropriated Funds	2,094,550	2,059,174	2,126,693	2,125,974	
Federal Funds	95,207	128,202	123,066	120,533	
Payments to OIT	<u>464,246</u>	<u>1,488,228</u>	<u>1,368,687</u>	<u>980,132</u>	
General Fund	108,241	401,002	356,635	263,475	
Cash Funds	70,864	181,008	180,267	125,533	
Reappropriated Funds	272,613	857,748	786,285	559,416	
Federal Funds	12,528	48,470	45,500	31,708	
CORE Operations	<u>49,216</u>	<u>38,349</u>	<u>12,030</u>	<u>16,307</u>	
FTE	0.0	0.0	0.0	0.0	
General Fund	11,478	10,192	3,134	4,383	
Cash Funds	7,509	5,045	1,584	2,095	
Reappropriated Funds	28,915	21,758	6,912	9,302	
Federal Funds	1,314	1,354	400	527	
Office of Community Engagement	<u>986,465</u>	<u>1,009,080</u>	<u>1,539,147</u>	<u>1,587,558</u>	
FTE	8.2	8.8	14.0	14.0	
General Fund	827,392	994,080	1,058,830	1,096,341	
Cash Funds	159,073	15,000	480,317	491,217	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Digital Trunk Radio	0	20,895	25,884	25,884	
General Fund	0	5,804	13,587	14,513	
Cash Funds	0	12,421	7,270	6,722	
Reappropriated Funds	0	2,670	5,027	4,649	
Federal Funds	0	0	0	0	
Attorney General Discretionary Fund	0	5,000	5,000	5,000	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	5,000	5,000	5,000	
Paid Family and Medical Leave Insurance	0	0	338,797	374,062	
FTE	0.0	0.0	0.0	0.0	
General Fund	0	0	83,244	90,815	
Cash Funds	0	0	50,424	51,872	
Reappropriated Funds	0	0	197,549	222,420	
Federal Funds	0	0	7,580	8,955	
Patterns and Practice Investigations	339,958	449,057	0	0	
FTE	1.9	2.8	0.0	0.0	
General Fund	339,958	449,057	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
TOTAL - (1) Administration	28,695,165	37,319,109	39,379,823	39,724,802	0.9%
<i>FTE</i>	<u>61.3</u>	<u>67.9</u>	<u>73.9</u>	<u>74.2</u>	<u>0.4%</u>
General Fund	7,702,735	8,917,882	8,972,238	8,951,491	(0.2%)
Cash Funds	2,992,861	3,472,577	5,157,294	5,099,816	(1.1%)
Reappropriated Funds	17,492,868	24,137,540	24,538,523	24,897,393	1.5%
Federal Funds	506,701	791,110	711,768	776,102	9.0%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
(2) Legal Services to State Agencies					
Personal Services	<u>42,171,194</u>	<u>49,275,840</u>	<u>57,100,485</u>	<u>60,859,112</u>	
FTE	329.8	350.1	358.2	361.5	
General Fund	0	0	11,279	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	42,171,194	49,275,840	57,089,206	60,859,112	
Federal Funds	0	0	0	0	
Operating and Litigation	<u>1,381,509</u>	<u>2,942,518</u>	<u>3,108,466</u>	<u>3,140,463</u>	
General Fund	0	0	1,253	0	
Cash Funds	0	200,000	200,000	200,000	
Reappropriated Funds	1,381,509	2,742,518	2,907,213	2,940,463	
Federal Funds	0	0	0	0	
Indirect Cost Assessment	<u>4,178,501</u>	<u>4,916,588</u>	<u>5,731,983</u>	<u>5,512,959</u>	
Cash Funds	1,522,148	1,867,378	1,990,242	1,747,137	
Reappropriated Funds	2,656,353	3,049,210	3,741,741	3,765,822	
TOTAL - (2) Legal Services to State Agencies	47,731,204	57,134,946	65,940,934	69,512,534	5.4%
FTE	<u>329.8</u>	<u>350.1</u>	<u>358.2</u>	<u>361.5</u>	<u>0.9%</u>
General Fund	0	0	12,532	0	(100.0%)
Cash Funds	1,522,148	2,067,378	2,190,242	1,947,137	(11.1%)
Reappropriated Funds	46,209,056	55,067,568	63,738,160	67,565,397	6.0%
Federal Funds	0	0	0	0	0.0%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
(3) Criminal Justice and Appellate					
Special Prosecutions Unit	<u>4,647,127</u>	<u>5,488,135</u>	<u>6,262,995</u>	<u>6,655,312</u>	
FTE	35.5	42.8	45.9	46.4	
General Fund	1,607,933	2,830,127	3,402,246	3,608,949	
Cash Funds	1,974,089	1,753,913	1,901,380	2,029,862	
Reappropriated Funds	1,065,105	904,095	959,369	1,016,501	
Federal Funds	0	0	0	0	
Auto Theft Prevention Grant	<u>166,430</u>	<u>172,300</u>	<u>203,299</u>	<u>222,465</u>	
FTE	1.0	1.0	1.0	1.0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	166,430	172,300	203,299	222,465	
Appellate Unit	<u>4,662,347</u>	<u>5,111,359</u>	<u>5,767,426</u>	<u>6,236,031</u>	
FTE	41.6	41.6	41.6	41.6	
General Fund	4,156,477	4,171,200	4,651,424	5,376,375	
Cash Funds	0	0	0	0	
Reappropriated Funds	505,870	940,159	1,116,002	859,656	
Federal Funds	0	0	0	0	
Medicaid Fraud Control Unit	<u>2,175,559</u>	<u>3,596,188</u>	<u>0</u>	<u>0</u>	
FTE	17.3	28.0	0.0	0.0	
General Fund	534,561	899,047	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	1,640,998	2,697,141	0	0	

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Peace Officers Standards and Training Board Support	<u>5,530,592</u>	<u>6,216,262</u>	<u>6,235,595</u>	<u>6,323,396</u>	
FTE	14.7	16.0	16.0	16.0	
General Fund	0	0	0	0	
Cash Funds	5,530,592	6,216,262	6,235,595	6,323,396	
Reappropriated Funds	0	0	0	0	
Indirect Cost Assessment	<u>662,343</u>	<u>843,468</u>	<u>592,885</u>	<u>605,785</u>	
General Fund	0	0	0	0	
Cash Funds	398,827	442,857	491,203	490,249	
Reappropriated Funds	85,276	94,690	101,682	115,536	
Federal Funds	178,240	305,921	0	0	
TOTAL - (3) Criminal Justice and Appellate	17,844,398	21,427,712	19,062,200	20,042,989	5.1%
FTE	<u>110.1</u>	<u>129.4</u>	<u>104.5</u>	<u>105.0</u>	0.5%
General Fund	6,298,971	7,900,374	8,053,670	8,985,324	11.6%
Cash Funds	7,903,508	8,413,032	8,628,178	8,843,507	2.5%
Reappropriated Funds	1,822,681	2,111,244	2,380,352	2,214,158	(7.0%)
Federal Funds	1,819,238	3,003,062	0	0	0.0%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
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(4) Water and Natural Resources

Federal and Interstate Water Unit	<u>783,150</u>	<u>1,049,696</u>	<u>1,420,026</u>	<u>1,496,305</u>	
FTE	5.8	8.1	10.3	10.5	
General Fund	783,150	1,049,696	1,420,026	1,496,305	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Defense of the Colorado River Basin Compact	<u>873,167</u>	<u>977,107</u>	<u>1,036,399</u>	<u>1,061,699</u>	
FTE	3.8	3.5	3.5	4.5	
General Fund	0	0	0	0	
Cash Funds	873,167	977,107	1,036,399	1,061,699	
Reappropriated Funds	0	0	0	0	
Defense of the Republican River Compact	<u>19,915</u>	<u>110,000</u>	<u>110,000</u>	<u>110,000</u>	
General Fund	0	0	0	0	
Cash Funds	19,915	110,000	110,000	110,000	
Reappropriated Funds	0	0	0	0	
Consultant Expenses	<u>90,363</u>	<u>475,000</u>	<u>475,000</u>	<u>475,000</u>	
Cash Funds	90,363	475,000	475,000	475,000	
Reappropriated Funds	0	0	0	0	

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Comprehensive Environmental Response, Compensation and Liability Act	<u>221,052</u>	<u>594,444</u>	<u>625,474</u>	<u>655,018</u>	
FTE	2.1	3.5	3.5	3.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	221,052	594,444	625,474	655,018	
Federal Funds	0	0	0	0	
Indirect Cost Assessment	<u>45,918</u>	<u>50,987</u>	<u>54,752</u>	<u>54,646</u>	
Reappropriated Funds	45,918	50,987	54,752	54,646	
TOTAL - (4) Water and Natural Resources	2,033,565	3,257,234	3,721,651	3,852,668	3.5%
FTE	<u>11.7</u>	<u>15.1</u>	<u>17.3</u>	<u>18.5</u>	<u>6.9%</u>
General Fund	783,150	1,049,696	1,420,026	1,496,305	5.4%
Cash Funds	983,445	1,562,107	1,621,399	1,646,699	1.6%
Reappropriated Funds	266,970	645,431	680,226	709,664	4.3%
Federal Funds	0	0	0	0	0.0%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
(5) Consumer Protection					
Consumer Protection, Antitrust, and Civil Rights	<u>4,891,482</u>	<u>5,728,974</u>	<u>6,661,522</u>	<u>7,160,749</u>	
FTE	0.0	41.8	44.6	44.6	
General Fund	2,350,536	2,728,990	3,026,116	3,219,315	
Cash Funds	2,394,198	2,832,352	3,452,360	3,739,440	
Reappropriated Funds	146,748	167,632	183,046	201,994	
Federal Funds	0	0	0	0	
Consumer Credit Unit	<u>2,634,558</u>	<u>2,568,079</u>	<u>2,715,818</u>	<u>2,891,920</u>	
FTE	23.1	25.0	25.0	25.0	
General Fund	0	0	0	0	
Cash Funds	2,634,558	2,568,079	2,715,818	2,891,920	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
False Claims Recovery Act Reimbursements	<u>0</u>	<u>300,000</u>	<u>300,000</u>	<u>300,000</u>	
Cash Funds	0	300,000	300,000	300,000	
Patterns and Practices	<u>0</u>	<u>0</u>	<u>490,118</u>	<u>536,541</u>	
FTE	0.0	0.0	3.0	3.2	
General Fund	0	0	490,118	536,541	
Medicaid Fraud Control Unit	<u>0</u>	<u>0</u>	<u>3,725,239</u>	<u>3,815,292</u>	
FTE	0.0	0.0	28.0	28.0	
General Fund	0	0	931,310	953,823	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	2,793,929	2,861,469	

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>625,791</u>	<u>738,581</u>	<u>1,121,633</u>	<u>1,164,733</u>	
General Fund	0	0	0	0	
Cash Funds	606,112	716,729	769,656	813,439	
Reappropriated Funds	19,679	21,852	23,465	23,420	
Federal Funds	0	0	328,512	327,874	
TOTAL - (5) Consumer Protection	8,151,831	9,335,634	15,014,330	15,869,235	5.7%
<i>FTE</i>	<u>23.1</u>	<u>66.8</u>	<u>100.6</u>	<u>100.8</u>	<u>0.2%</u>
General Fund	2,350,536	2,728,990	4,447,544	4,709,679	5.9%
Cash Funds	5,634,868	6,417,160	7,237,834	7,744,799	7.0%
Reappropriated Funds	166,427	189,484	206,511	225,414	9.2%
Federal Funds	0	0	3,122,441	3,189,343	2.1%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
(6) Special Purpose					
District Attorneys' Salaries	<u>2,810,808</u>	<u>2,813,096</u>	<u>2,878,674</u>	<u>2,943,586</u>	
General Fund	2,810,808	2,813,096	2,878,674	2,943,586	
Deputy District Attorney Training	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>	<u>350,000</u>	
General Fund	350,000	350,000	350,000	350,000	
District Attorney Assistance for Bond Hearings Grants	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	
General Fund	600,000	600,000	600,000	600,000	
Litigation Management	<u>110,128</u>	<u>1,675,700</u>	<u>200,000</u>	<u>200,000</u>	
Cash Funds	110,128	1,675,700	200,000	200,000	
Tobacco Litigation	<u>3,270</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	
Cash Funds	3,270	100,000	100,000	100,000	
CORA OML Attorney	<u>80,784</u>	<u>101,808</u>	<u>109,174</u>	<u>116,580</u>	
FTE	0.7	1.0	1.0	1.0	
General Fund	80,784	101,808	109,174	116,580	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
TOTAL - (6) Special Purpose	3,954,990	5,640,604	4,237,848	4,310,166	1.7%
FTE	<u>0.7</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>	0.0%
General Fund	3,841,592	3,864,904	3,937,848	4,010,166	1.8%
Cash Funds	113,398	1,775,700	300,000	300,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%

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	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
TOTAL - Department of Law	108,411,153	134,115,239	147,356,786	153,312,394	4.0%
<i>FTE</i>	<u>536.7</u>	<u>630.3</u>	<u>655.5</u>	<u>661.0</u>	<u>0.8%</u>
General Fund	20,976,984	24,461,846	26,843,858	28,152,965	4.9%
Cash Funds	19,150,228	23,707,954	25,134,947	25,581,958	1.8%
Reappropriated Funds	65,958,002	82,151,267	91,543,772	95,612,026	4.4%
Federal Funds	2,325,939	3,794,172	3,834,209	3,965,445	3.4%

Appendix B: District Attorneys Council Information Request Response

Department of Law FY 2023-24 RFI #1

Department of Law, Criminal Appeals Section -- The Department is requested to provide by November 1, 2024, a report concerning the Criminal Appeals Section's progress in reducing its case backlog, including the following data for FY 2023-24: the number of opening briefs received; the number of answer briefs filed; and the case backlog as of June 30, 2024.

Criminal Appeals Section backlog

Backlog and Incoming/Outgoing Cases

The Criminal Appeals Section experienced an increase of 28% in the backlog of cases, up from 258 cases at the end of FY 2023 to 342 cases at the end of FY 2024. The Section received 735 opening briefs and filed 652 answer briefs.

Contributing Factors

The primary factor contributing to the increase in the backlog was the catastrophic damage that occurred at the Ralph L. Carr Judicial Center on January 2, 2024. That incident significantly impacted the Section's workflow and presented many challenges, including the inability to access case files, records, and equipment which were trapped inside the building.

A secondary contributing factor is staffing. Three of the Section's most senior attorneys spent the bulk of FY 2023-24 preparing for, and conducting, three criminal trials in conjunction with the Department's Criminal Justice Section. This required them to temporarily cease filing appellate briefs, which had an appreciable impact on the number of outgoing briefs. Additionally, the Section's internal leadership team underwent several changes due to the retirement of two long-tenured supervisors. Though these changes have been positive for the Section, they also resulted in temporary inefficiencies as new supervisors have been trained.

Lastly, there was an increase of approximately 17% in the number of opening briefs filed by criminal defendants. The Section has no control over the quality or quantity of opening briefs filed.

Historical Analysis and Future Outlook

The backlog remained largely stagnant from FY 2015-16 to FY 2021-22, with an overall average of 450 cases at any given time. However, new efficiency strategies implemented in FY 2021-22 enabled the section to significantly reduce the backlog:

Fiscal Year	Incoming Briefs	Outgoing Briefs	Backlog Total
2015-2016	1140	986	429
2016-2017	968	931	466
2017-2018	971	943	494
2018-2019	1009	1026	463
2019-2020	970	1019	423
2020-2021	958	877	493
2021-2022	734	803	417
2022-2023	628	794	258
2023-2024	735	652	342

When a backlog of 450 cases is allocated among the Section’s 29 attorneys, the number of cases in each attorney’s queue means that the most recently arrived case cannot be briefed for many months. A backlog of 350 cases, however, allows for a much more manageable number of cases per attorney and for more expedited briefing.

Delay in the appellate process is a problem, for several reasons. First, crime victims cannot truly achieve closure until the appeal of the defendant’s conviction is resolved; decreasing the time taken to file appellate briefs extends the date when victims can achieve that closure. Second, for those convictions that are reversed on appeal, it is best to have a new trial sooner rather than later, since witnesses’ memories may fade over time. Third, defendants with meritorious appellate arguments have a strong interest in having their appeals resolved as quickly as possible.

While the Section has successfully employed several different strategies for reducing the backlog with its existing staff (including expedited briefing for straightforward cases and in-house trainings on efficient brief writing), there are many factors over which the Section has no control. These include the number of briefs filed by criminal defendants; the size of the appellate record; the number of issues raised in each brief; and the complexity of the issues raised. The most certain way to prevent the backlog from increasing further is to maintain current staffing levels.

It is difficult to forecast the backlog’s future outlook. The appellate division of the Public Defender’s office has hired several new attorneys and we therefore anticipate an increase in the number of incoming briefs over the next fiscal year. It is crucial that the Section maintain current staffing levels.

The Section will continue to monitor the backlog, as well as the time it takes to file appellate briefs.