



Office of the

Alternate Defense



counsel

FISCAL YEAR 2024-2025

BUDGET REQUEST

November 1, 2023

Lindy Frolich, Director

Table of Contents

Executive Letter	1
Budget Summary	
Budget Summary Narrative	5
Budget Change Summary, by Fund Source	7
FY2024-25 Reconciliation of Agency Request	9
Agency Overview	
Organizational Chart	15
Background	17
Statutory Mandated/Directive	17
Mission Statement	17
Total Caseload and Case Type Data	19
Decision Item(s)	
DI 1 # R-1 : Non-Attorney Team Member Hourly Rate Increase	37
DI 2 # R-2 : Contractor Process Coordinator	45
DI 3 # R-3 : Operating & Training Increases	53
DI 4 # R-4 : Compensation Plan Placeholder	59
DI 5 # R-5 : Fellowships Salary Range Alignments	65
DI 6 # R-6 : Fellows	71
Schedules	
Schedule 2	79
Schedule 3	81
Schedule 5	91
Schedule 7	93
Schedule 10	95
POTS Template and Summary	97
Appendix A - Caseload Totals by District and Colorado Judicial Districts Map	99
Appendix B - Prior Year Legislation, Hot Topics, and Cases that May Affect OADC	105
Appendix C - Agency Objectives and Performance Measures	121
Appendix D - Long Range Financial Plan	125

State of Colorado

Lindy Frolich, Director

www.coloradoadc.org

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

1300 Broadway Street, #330
Denver, Colorado 80203
Phone: (720) 994-2845

Dear General Assembly of Colorado,

ADC does an incredible job supporting us (contractors) and giving us the resources we need to be able to handle these cases the right way. Being able to tell our clients' stories and actually defend them in court is why I do this work. 2023 Quote from an OADC contractor

As we embark on our 26th year as an Agency, we continue to appreciate the profound importance of why we, the Office of the Alternate Defense Counsel (OADC), exist. Repeatedly, we hear that without the OADC, our defenders would be unable to provide effective legal representation and work toward excellent outcomes for indigent youth and adults charged criminally in Colorado.

The OADC is a legislatively created state agency whose statutory charge is to “to provide for adequate legal representation of persons who are indigent, [through] ... the provision of necessary legal services commensurate with those available to persons who are not indigent.” By contracting with over 1,100 independent contractor defense team members (including attorneys, investigators, forensic social workers, forensic clinical advocates, legal researchers, paralegals, case assistants, and resource advocates), we are able to provide those who face criminal charges with effective legal representation in a fiscally responsible way.

At the OADC, we know that best practices in public defense require holistic, client-centered representation by interdisciplinary defense teams. Holistic representation, seeing our clients as whole human beings with complex and nuanced needs, not only is best practice but is also efficient and cost-effective.¹

Additionally, we know that by practicing on interdisciplinary teams, workloads are deliberately distributed between professionals with different skillsets which raises the quality of representation for clients, saves attorneys' time, and saves taxpayer money. Proudly, one of OADC's strengths has continuously been finding innovative ways to promote holistic, team defense while simultaneously being financially prudent.

¹ See, e.g. James M. Anderson et. al., The Effects of Holistic Defense on Criminal Justice Outcomes, 132 HARV. L. REV. 819, 821 (2019).

This year's budget request primarily includes one new FTE position, a Contractor Process Coordinator, an increase in funding for training, and the legal team rate increase. These are described further below.

- In FY24, the General Assembly passed a bill increasing OADC attorney compensation annually (SB23-227). That legislation did not contain a concurrent increase in legal team compensation. This budget includes a request for that increase. As we have been advocating for years, many tasks of the legal team need not be performed by the most expensive members, the attorneys, but can be more efficiently performed by the less expensive members. Those members are as important to the defense as the attorney and deserve the increase in hourly rates set forth in this budget.
- Contractor Process Coordinator: Given OADC's growth – in internal staff, in our number of contractors, and in the number of cases we handle throughout the state – it is critical that we efficiently streamline how our cases are assigned and how we interface with our contractor pool. Currently, many staff members handle different contractor-related tasks and lack the capacity to continue these duties in addition to their assigned job responsibilities. A Contractor Process Coordinator is necessary to centralize contractor-related initiatives and streamline our contractor processes moving forward. By having a single person lead these efforts, we will be able to increase our efficiency as a whole.
- Increase in Training Budget: In fulfilling our statutory charge and Agency mission, OADC has always found it critically important to have robust training for all its contractor types. Providing attorneys, investigators, forensic social workers, clinical advocates, paralegals, case assistants, resource advocates, and legal researchers throughout Colorado with excellent and relevant trainings is something we pride ourselves on, and our contractors repeatedly tell us how much they appreciate. Our trainings adhere to best practices by honoring adult learning principles, teaching to a variety of audiences and learning styles, and delivering legally and culturally responsive curriculum.

At the OADC, our focus has always centered around supporting our contractors to ensure they provide the best possible representation for their clients, while keeping case costs as low as possible. The OADC maintains a cost-efficient and effective Agency through thoughtful, intentional fiscal management and strategic planning. Even as the Agency expands, the number of contractors increases, and caseloads grow, the OADC continues to be a responsible steward of taxpayer dollars.

At times, providing team defense may be more costly on the front end. However, every time a client benefits from resource identification and community supports, compelling mitigation done on their behalf, has a case dismissed, receives a deferred judgement and sentence, or probation versus a Department of Corrections sentence, it saves the State of Colorado a significant amount of money as demonstrated by the following chart:

Annual Cost of Adult Sentencing Options Per Offender FY23-24

	1 yr of cost	3 yrs of cost	5 yrs of cost	25 yrs of cost
Probation	\$1,870	\$5,610	\$9,350	\$46,750
Parole	\$7,749	\$23,247	\$38,745	\$193,725
Community Corrections	\$13,989	\$41,967	\$69,945	\$349,725
Department of Corrections	\$56,766	\$170,298	\$283,830	\$1,419,150

Each and every day, OADC's constitutional mandate and the importance of the Agency's mission are at the forefront of its work, and we remain staunchly committed to fulfilling our statutory charge.

Sincerely,



Lindy Frolich

This Page Intentionally Left Blank

BUDGET SUMMARY NARRATIVE

The total FY 2024-25 budget request for the Office of the Alternate Defense Counsel is \$ 60,944,810 and 40.7 FTE.

FY 2023-24 Appropriation \$ 57,440,232

MINUS Across the Board (ATB) Adjustments – PY Annualization (\$125,040)

MINUS Capital Outlay Adjustments (\$113,390)

PLUS Salary Survey / Across the Board (ATB) Adjustments \$135,595

PLUS PY FTE Annualizations \$179,891

PLUS Common Policy Adjustments \$177,901

PLUS Transcriber Rate Increase Annualization \$54,000

PLUS SB23-277 - 5% Contractor Rate Increase - Attorneys Annualization \$1,719,623

FY 2024-25 Base Request of \$ 59,468,812

PLUS DI 1 – Change Request – Non-Attorney Team Member Hourly Rate Increase \$ 549,708

PLUS DI 2 – Change Request – Contractor Process Coordinator (1 FTE) \$ 141,986

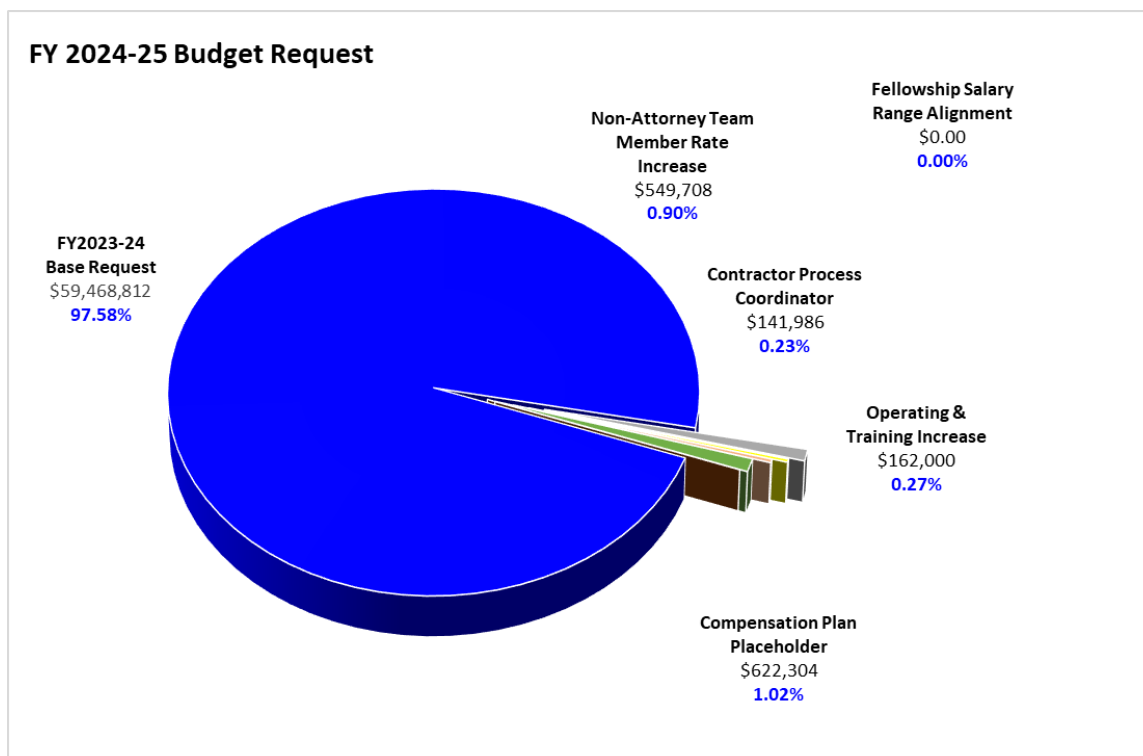
PLUS DI 3 – Change Request – Operating & Training Increases \$ 162,000

PLUS DI 4 – Change Request – Compensation Plan Placeholder \$ 622,304

PLUS DI 5 – Change Request – Fellowships Salary Range Alignments \$ 0

PLUS DI 6 – Change Request – Fellows (2 FTE) \$ 0

FY 2024-25 Budget Request of \$ 60,944,810



This Page Intentionally Left Blank

The Office of the Alternate Defense Counsel
FY 2024-25 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF
Long and Special Bill				
HB23-214 Office of the Alternate Defense Counsel	36.3	\$57,440,232	\$57,360,232	\$80,000
Total FY2023-24 Appropriation	36.3	\$57,440,232	\$57,360,232	\$80,000
Prior Year Budget Change or Annualizations				
The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	0.1	\$12,711	\$12,711	\$0
The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	0.1	\$12,711	\$12,711	\$0
Social Worker Fellowship (FY24) - Annualization (FY25) Request	0.1	\$7,922	\$7,922	\$0
Social Worker Fellowship (FY24) - Annualization (FY25) Request	0.1	\$7,922	\$7,922	\$0
People & EDI Advocate - Annualization (FY25) Request	0.1	\$11,335	\$11,335	\$0
Holistic Defense Coordinator - Annualization (FY25) Request	0.1	\$15,377	\$15,377	\$0
Appointment Specialist - Annualization (FY25) Request	0.1	\$5,927	\$5,927	\$0
(PCU) Managing Attorney - Annualization (FY25) Request	0.1	\$15,457	\$15,457	\$0
(PCU) Staff Attorney - Annualization (FY25) Request	0.1	\$11,514	\$11,514	\$0
(PCU) Staff Attorney - Annualization (FY25) Request	0.1	\$11,514	\$11,514	\$0
(PCU) Staff Attorney - Annualization (FY25) Request	0.1	\$11,514	\$11,514	\$0
(PCU) Staff Attorney - Annualization (FY25) Request	0.1	\$11,514	\$11,514	\$0
(PCU) Investigator - Annualization (FY25) Request	0.1	\$10,090	\$10,090	\$0
(PCU) Investigator - Annualization (FY25) Request	0.1	\$10,090	\$10,090	\$0
(PCU) Paralegal - Annualization (FY25) Request	0.1	\$7,861	\$7,861	\$0
(PCU) LCSW - Annualization (FY25) Request	0.1	\$9,809	\$9,809	\$0
(PCU) Admin Assistant - Annualization (FY25) Request	0.1	\$6,624	\$6,624	\$0
Transcriber Rate Increase Annualization	0.0	\$54,000	\$54,000	\$0
SB23-277 - 5% Contractor Rate Increase - Attorneys Annualization (FY24)	0.0	\$1,719,623	\$1,719,623	\$0
Total Change or Annualization	1.70	\$1,953,514	\$1,953,514	\$0
Salary Survey and Merit				
FY 2023-24 Salary Survey / (ATB) Across The Board Incr. <i>(Annualized)</i>	0.0	(\$125,040)	(\$125,040)	\$0
FY 2024-25 Salary Survey / (ATB) Across The Board	0.0	\$135,595	\$135,595	\$0
Total Salary Survey and Merit	0.0	\$10,555	\$10,555	\$0
Common Policy Adjustments				
Health Life Dental	0.0	\$131,038	\$131,038	\$0
Short Term Disability	0.0	\$305	\$305	\$0
AED	0.0	\$14,011	\$14,011	\$0
SAED	0.0	\$14,011	\$14,011	\$0
PFML	0.0	\$18,536	\$18,536	\$0
Total Common Policy Adjustments	0.0	\$177,901	\$177,901	\$0
Capital Outlay				
FY24 Capital Outlay FTE amounts <i>(Annualized)</i>	0.0	(\$113,390)	(\$113,390)	\$0
Total Common Policy Adjustments	0.0	(\$113,390)	(\$113,390)	\$0
Total FY 2022-23 Base Request	38.0	59,468,812	59,388,812	80,000

Budget Change Requests

DI # 1 Contractor Hourly Rate Increase - Legal Teams (FY25)	0.0	\$549,708	\$549,708	\$0
DI # 2 Contractor Process Coordinator	0.9	\$141,986	\$141,986	\$0
DI # 3 Training & Development LBLI Adjustments (Trng LBLI)	0.0	\$80,000	\$80,000	\$0
DI # 3 Training & Development LBLI Adjustments (Oper LBLI)	0.0	\$82,000	\$82,000	\$0
DI # 4 Common Compensation Plan (FY25) * Placeholder	0.0	\$622,304	\$622,304	\$0
DI # 5 Fellowships Salary Range Alignments - GC/I	0.0	\$159,360	\$159,360	\$0
DI # 5 Conflict-of-interest Contracts LBLI - GC/I	0.0	(\$159,360)	(\$159,360)	\$0
DI # 5 Fellowships Salary Range Alignments - LSW	0.0	\$8,240	\$8,240	\$0
DI # 5 Conflict-of-interest Contracts LBLI - LSW	0.0	(\$8,240)	(\$8,240)	\$0
DI # 6 The Greater Colorado Practitioner Fellowship	0.9	\$133,961	\$133,961	\$0
DI # 6 Conflict-of-interest Contracts LBLI	0.0	(\$133,961)	(\$133,961)	\$0
DI # 6 The Greater Colorado Practitioner Fellowship	0.9	\$133,961	\$133,961	\$0
DI # 6 Conflict-of-interest Contracts LBLI	0.0	(\$133,961)	(\$133,961)	\$0
Total Decision Items/Budget Amendments	2.7	1,475,999	1,475,999	-
Total FY 2024-25 Budget Request	40.7	60,944,810	60,864,810	80,000
Change from FY 2023-24	4.4	\$3,504,578	\$3,504,578	\$0
% Change from FY 2023-24	12.1%	6.1%	6.1%	0.0%

Office of the Alternate Defense Counsel
 FY2024-25 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Personal Services				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 4,219,969	36.3	\$ 4,219,969	\$ -
FY 2023-24 Total Appropriation	\$ 4,219,969		\$ 4,219,969	\$ -
The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ 10,666	0.1	\$ 10,666	\$ -
The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ 10,666	0.1	\$ 10,666	\$ -
Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 5,792	0.1	\$ 5,792	\$ -
Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 5,792	0.1	\$ 5,792	\$ -
People & EDI Advocate - Annualization (FY25) Request	\$ 8,632	0.1	\$ 8,632	\$ -
Holistic Defense Coordinator - Annualization (FY25) Request	\$ 11,998	0.1	\$ 11,998	\$ -
Appointment Specialist - Annualization (FY25) Request	\$ 4,133	0.1	\$ 4,133	\$ -
(PCU) Managing Attorney - Annualization (FY25) Request	\$ 12,063	0.1	\$ 12,063	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ 8,782	0.1	\$ 8,782	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ 8,782	0.1	\$ 8,782	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ 8,782	0.1	\$ 8,782	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ 8,782	0.1	\$ 8,782	\$ -
(PCU) Investigator - Annualization (FY25) Request	\$ 7,595	0.1	\$ 7,595	\$ -
(PCU) Investigator - Annualization (FY25) Request	\$ 7,595	0.1	\$ 7,595	\$ -
(PCU) Paralegal - Annualization (FY25) Request	\$ 5,742	0.1	\$ 5,742	\$ -
(PCU) LCSW - Annualization (FY25) Request	\$ 7,363	0.1	\$ 7,363	\$ -
(PCU) Admin Assistant - Annualization (FY25) Request	\$ 4,713	0.1	\$ 4,713	\$ -
FY24 Salary Survey Annualization	\$ 125,040	-	\$ 125,040	\$ -
FY 2023-24 Base Request	\$ 4,482,885	38.0	\$ 4,482,885	\$ -
DI # 2 Contractor Process Coordinator	\$ 112,295	0.9	\$ 112,295	\$ -
DI # 6 The Greater Colorado Practitioner Fellowship	\$ 104,932	0.9	\$ 104,932	\$ -
DI # 6 The Greater Colorado Practitioner Fellowship	\$ 104,932	0.9	\$ 104,932	\$ -
DI # 5 Fellowships Salary Range Alignments - GC/I	\$ 146,216	-	\$ 146,216	\$ -
DI # 5 Fellowships Salary Range Alignments - LSW	\$ 7,561	-	\$ 7,561	\$ -
DI # 4 Common Compensation Plan (FY25) * Placeholder	\$ 571,022	-	\$ 571,022	\$ -
FY 2024-25 November 01 Request	\$ 5,529,842	40.7	\$ 5,529,842	\$ -
Health Life and Dental (HLD)				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 533,266	-	\$ 533,266	\$ -
FY 2023-24 Total Appropriation	\$ 533,266		\$ 533,266	\$ -
HLD - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - People & EDI Advocate - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - Holistic Defense Coordinator - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - Appointment Specialist - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Managing Attorney - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Investigator - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Investigator - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Paralegal - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) LCSW - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
HLD - (PCU) Admin Assistant - Annualization (FY25) Request	\$ 962	-	\$ 962	\$ -
Total Compensation Common Policy (incremental change)	\$ 131,038	-	\$ 131,038	\$ -
FY 2023-24 Base Request	\$ 680,664	-	\$ 680,664	\$ -
HLD - DI # 2 Contractor Process Coordinator	\$ 10,586	-	\$ 10,586	\$ -
HLD - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 10,586	-	\$ 10,586	\$ -
HLD - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 10,586	-	\$ 10,586	\$ -
FY 2024-25 November 01 Request	\$ 712,422	-	\$ 712,422	\$ -

Office of the Alternate Defense Counsel
 FY2024-25 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Short Term Disability (STD)				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 5,874	-	\$ 5,874	\$ -
FY 2023-24 Total Appropriation	\$ 5,874		\$ 5,874	\$ -
STD - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ 17	-	\$ 17	\$ -
STD - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ 17	-	\$ 17	\$ -
STD - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 9	-	\$ 9	\$ -
STD - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 9	-	\$ 9	\$ -
STD - People & EDI Advocate - Annualization (FY25) Request	\$ 14	-	\$ 14	\$ -
STD - Holistic Defense Coordinator - Annualization (FY25) Request	\$ 19	-	\$ 19	\$ -
STD - Appointment Specialist - Annualization (FY25) Request	\$ 7	-	\$ 7	\$ -
STD - (PCU) Managing Attorney - Annualization (FY25) Request	\$ 19	-	\$ 19	\$ -
STD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 14	-	\$ 14	\$ -
STD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 14	-	\$ 14	\$ -
STD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 14	-	\$ 14	\$ -
STD - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 14	-	\$ 14	\$ -
STD - (PCU) Investigator - Annualization (FY25) Request	\$ 12	-	\$ 12	\$ -
STD - (PCU) Investigator - Annualization (FY25) Request	\$ 12	-	\$ 12	\$ -
STD - (PCU) Paralegal - Annualization (FY25) Request	\$ 9	-	\$ 9	\$ -
STD - (PCU) LCSW - Annualization (FY25) Request	\$ 12	-	\$ 12	\$ -
STD - (PCU) Admin Assistant - Annualization (FY25) Request	\$ 8	-	\$ 8	\$ -
Total Compensation Common Policy (incremental change)	\$ 305	-	\$ 305	\$ -
FY 2023-24 Base Request	\$ 6,399	-	\$ 6,399	\$ -
STD - DI # 2 Contractor Process Coordinator	\$ 149	-	\$ 149	\$ -
STD - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 140	-	\$ 140	\$ -
STD - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 140	-	\$ 140	\$ -
STD - DI # 5 Fellowships Salary Range Alignments - GC/I	\$ 207	-	\$ 207	\$ -
STD - DI # 5 Fellowships Salary Range Alignments - LSW	\$ 11	-	\$ 11	\$ -
STD - DI # 4 Common Compensation Plan (FY25) * Placeholder	\$ 758	-	\$ 758	\$ -
FY 2024-25 November 01 Request	\$ 7,803	-	\$ 7,803	\$ -
S.B 04-257 Amortization Equalization Disbursement (AED)				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 191,945	-	\$ 191,945	\$ -
FY 2023-24 Total Appropriation	\$ 191,945		\$ 191,945	\$ -
AED - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ 533	-	\$ 533	\$ -
AED - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ 533	-	\$ 533	\$ -
AED - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 579	-	\$ 579	\$ -
AED - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 579	-	\$ 579	\$ -
AED - People & EDI Advocate - Annualization (FY25) Request	\$ 863	-	\$ 863	\$ -
AED - Holistic Defense Coordinator - Annualization (FY25) Request	\$ 1,199	-	\$ 1,199	\$ -
AED - Appointment Specialist - Annualization (FY25) Request	\$ 413	-	\$ 413	\$ -
AED - (PCU) Managing Attorney - Annualization (FY25) Request	\$ 1,206	-	\$ 1,206	\$ -
AED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
AED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
AED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
AED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
AED - (PCU) Investigator - Annualization (FY25) Request	\$ 760	-	\$ 760	\$ -
AED - (PCU) Investigator - Annualization (FY25) Request	\$ 760	-	\$ 760	\$ -
AED - (PCU) Paralegal - Annualization (FY25) Request	\$ 574	-	\$ 574	\$ -
AED - (PCU) LCSW - Annualization (FY25) Request	\$ 736	-	\$ 736	\$ -
AED - (PCU) Admin Assistant - Annualization (FY25) Request	\$ 471	-	\$ 471	\$ -
Total Compensation Common Policy (incremental change)	\$ 14,011	-	\$ 14,011	\$ -
FY 2023-24 Base Request	\$ 218,674	-	\$ 218,674	\$ -
AED - DI # 2 Contractor Process Coordinator	\$ 4,968		\$ 4,968	\$ -
AED - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 4,642		\$ 4,642	\$ -
AED - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 4,642		\$ 4,642	\$ -
AED - DI # 5 Fellowships Salary Range Alignments - GC/I	\$ 6,469		\$ 6,469	\$ -
AED - DI # 5 Fellowships Salary Range Alignments - LSW	\$ 334		\$ 334	\$ -
AED - DI # 4 Common Compensation Plan (FY25) * Placeholder	\$ 25,262		\$ 25,262	\$ -
FY 2024-25 November 01 Request	\$ 264,991	\$-	\$ 264,991	\$ -

Office of the Alternate Defense Counsel
 FY2024-25 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 191,945	-	\$ 191,945	\$ -
FY 2023-24 Total Appropriation	\$ 191,945		\$ 191,945	\$ -
SAED - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ 533	-	\$ 533	\$ -
SAED - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ 533	-	\$ 533	\$ -
SAED - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 579	-	\$ 579	\$ -
SAED - Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ 579	-	\$ 579	\$ -
SAED - People & EDI Advocate - Annualization (FY25) Request	\$ 863	-	\$ 863	\$ -
SAED - Holistic Defense Coordinator - Annualization (FY25) Request	\$ 1,199	-	\$ 1,199	\$ -
SAED - Appointment Specialist - Annualization (FY25) Request	\$ 413	-	\$ 413	\$ -
SAED - (PCU) Managing Attorney - Annualization (FY25) Request	\$ 1,206	-	\$ 1,206	\$ -
SAED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
SAED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
SAED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
SAED - (PCU) Staff Attorney - Annualization (FY25) Request	\$ 878	-	\$ 878	\$ -
SAED - (PCU) Investigator - Annualization (FY25) Request	\$ 760	-	\$ 760	\$ -
SAED - (PCU) Investigator - Annualization (FY25) Request	\$ 760	-	\$ 760	\$ -
SAED - (PCU) Paralegal - Annualization (FY25) Request	\$ 574	-	\$ 574	\$ -
SAED - (PCU) LCSW - Annualization (FY25) Request	\$ 736	-	\$ 736	\$ -
SAED - (PCU) Admin Assistant - Annualization (FY25) Request	\$ 471	-	\$ 471	\$ -
Total Compensation Common Policy (incremental change)	\$ 14,011	-	\$ 14,011	
FY 2023-24 Base Request	\$ 218,674	-	\$ 218,674	\$ -
SAED - DI # 2 Contractor Process Coordinator	\$ 4,968		\$ 4,968	\$ -
SAED - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 4,642		\$ 4,642	\$ -
SAED - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 4,642		\$ 4,642	\$ -
SAED - DI # 5 Fellowships Salary Range Alignments - GC/I	\$ 6,469		\$ 6,469	\$ -
SAED - DI # 5 Fellowships Salary Range Alignments - LSW	\$ 334		\$ 334	\$ -
SAED - DI # 4 Common Compensation Plan (FY25) * Placeholder	\$ 25,262		\$ 25,262	\$ -
FY 2024-25 November 01 Request	\$ 264,991	\$-	\$ 264,991	\$ -
Salary Survey				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 125,040	-	\$ 125,040	\$ -
FY 2023-24 Total Appropriation	\$ 125,040		\$ 125,040	\$ -
Annualize prior year salary survey	\$ (125,040)		\$ (125,040)	
Total Compensation Common Policy (Total change)	\$ 135,595	-	\$ 135,595	
FY 2023-24 Base Request	\$ 10,555	-	\$ 10,555	
	\$ -	-	\$ -	\$ -
FY 2024-25 November 01 Request	\$ 135,595	-	\$ 135,595	\$ -
Paid Family and Medical Leave Insurance Program Premiums (PFML)				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ -	-	\$ -	\$ -
FY 2023-24 Total Appropriation	\$ -		\$ -	\$ -
	\$ -		\$ -	
Total Compensation Common Policy (incremental change)	\$ 18,536	-	\$ 18,536	
FY 2023-24 Base Request	\$ 18,536	-	\$ 18,536	
FY 2024-25 November 01 Request	\$ 18,536	-	\$ 18,536	\$ -

Office of the Alternate Defense Counsel
 FY2024-25 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Operating Expenses				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 249,707	-	\$ 249,707	\$ -
FY 2023-24 Total Appropriation	\$ 249,707		\$ 249,707	\$ -
FY 2023-24 Base Request	\$ 249,707	-	\$ 249,707	\$ -
Oper - DI # 2 Contractor Process Coordinator	\$ 2,350		\$ 2,350	\$ -
Oper - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 2,350		\$ 2,350	\$ -
Oper - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 2,350		\$ 2,350	\$ -
Oper - DI # 3 Training & Development LBLI Adjustments	\$ 82,000	-	\$ 82,000	\$ -
FY 2024-25 November 01 Request	\$ 338,757	-	\$ 338,757	\$ -
Capital Outlay				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 113,390	-	\$ 113,390	\$ -
FY 2023-24 Total Appropriation	\$ 113,390		\$ 113,390	\$ -
Annualization FY23 FTE amounts	\$ (113,390)		\$ (113,390)	
FY 2023-24 Base Request	\$ -	-	\$ -	\$ -
Capital Outlay - DI # 2 Contractor Process Coordinator	\$ 6,670		\$ 6,670	
Capital Outlay - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 6,670		\$ 6,670	
Capital Outlay - DI # 6 The Greater Colorado Practitioner Fellowship	\$ 6,670		\$ 6,670	
FY 2024-25 November 01 Request	\$ 20,010	-	\$ 20,010	\$ -
Training and Conferences				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2023-24 Total Appropriation	\$ 100,000		\$ 20,000	\$ 80,000
Training - DI # 3 Training & Development LBLI Adjustments (GF)	\$ 80,000		\$ 80,000	\$ -
FY 2023-24 Base Request	\$ 180,000	-	\$ 100,000	\$ 80,000
FY 2024-25 November 01 Request	\$ 180,000	-	\$ 100,000	\$ 80,000
Conflict-of-interest Contracts				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 48,732,523	-	\$ 48,732,523	\$ -
FY 2023-24 Total Appropriation	\$ 48,732,523		\$ 48,732,523	\$ -
The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request	\$ (12,711)		\$ (12,711)	\$ -
The Inclusivity Fellowship (FY24) - Annualization (FY25) Request	\$ (12,711)		\$ (12,711)	\$ -
Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ (7,922)		\$ (7,922)	\$ -
Social Worker Fellowship (FY24) - Annualization (FY25) Request	\$ (7,922)		\$ (7,922)	\$ -
(PCU) Managing Attorney - Annualization (FY25) Request	\$ (15,457)		\$ (15,457)	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ (11,514)		\$ (11,514)	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ (11,514)		\$ (11,514)	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ (11,514)		\$ (11,514)	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ (11,514)		\$ (11,514)	\$ -
(PCU) Staff Attorney - Annualization (FY25) Request	\$ (11,514)		\$ (11,514)	\$ -
(PCU) Investigator - Annualization (FY25) Request	\$ (10,090)		\$ (10,090)	\$ -
(PCU) Investigator - Annualization (FY25) Request	\$ (10,090)		\$ (10,090)	\$ -
(PCU) Paralegal - Annualization (FY25) Request	\$ (7,861)		\$ (7,861)	\$ -
(PCU) LCSW - Annualization (FY25) Request	\$ (9,809)		\$ (9,809)	\$ -
(PCU) Admin Assistant - Annualization (FY25) Request	\$ (6,624)		\$ (6,624)	\$ -
SB23-277 - 5% Contractor Rate Increase - Attorneys Annualization (FY24)	\$ 1,719,623		\$ 1,719,623	\$ -
FY 2023-24 Base Request	\$ 50,304,894	-	\$ 50,304,894	\$ -
Reversion	\$ -	-	\$ -	\$ -

Office of the Alternate Defense Counsel
 FY2024-25 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
DI # 1 Contractor Hourly Rate Increase - Legal Teams (FY25)	\$ 549,708		\$ 549,708	\$ -
DI # 6 The Greater Colorado Practitioner Fellowship	\$ (133,961)		\$ (133,961)	\$ -
DI # 6 The Greater Colorado Practitioner Fellowship	\$ (133,961)		\$ (133,961)	\$ -
DI # 5 Fellowships Salary Range Alignments - GC/I	\$ (159,360)		\$ (159,360)	\$ -
DI # 5 Fellowships Salary Range Alignments - LSW	\$ (8,239)		\$ (8,239)	\$ -
FY 2024-25 November 01 Request	\$ 50,419,081	-	\$ 50,419,081	\$ -
Mandated Costs				
FY 2023-24 Long Bill Appropriation, SB23-214	\$ 2,976,573	-	\$ 2,976,573	\$ -
FY 2023-24 Total Appropriation	\$ 2,976,573		\$ 2,976,573	\$ -
Transcriber Rate Increase Annualization	\$ 54,000		\$ 54,000	\$ -
FY 2023-24 Base Request	\$ 3,030,573	-	\$ 3,030,573	\$ -
FY 2024-25 November 01 Request	\$ 3,030,573	-	\$ 3,030,573	\$ -
FY 2023-24 Total Appropriation (Long Bill plus Special Bills)	\$ 57,440,232	36.3	\$ 57,360,232	\$ 80,000
<i>Unreconciled Amount</i>	\$ 22,211		\$ -	
FY 2023-24 Base Request	\$ 3,504,578	38.0	\$ 3,482,368	\$ -
FY 2024-25 November 01 Request	\$ 60,944,810	40.7	\$ 60,842,600	\$ 80,000

This Page Intentionally Left Blank

AGENCY ORGANIZATIONAL CHART



This Page Intentionally Left Blank

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

Background

The United States and Colorado Constitutions provide every accused person with the right to legal representation by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right means that counsel will be provided at state expense for indigent persons in all cases in which incarceration is a possible penalty.

The Office of the Alternate Defense Counsel (OADC) was established pursuant to [C.R.S. § 21-2-101, et seq.](#) as an independent governmental Agency of the State of Colorado Judicial Branch. The OADC is funded to provide legal representation for indigent persons in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) has an ethical conflict of interest.

Statutory Mandate/Directive

The Office of the Alternate Defense Counsel is mandated by statute to “provide to indigent persons accused of crimes, *legal services that are commensurate with those available to non-indigents*, and conduct the office in accordance with the Colorado Rules of Professional Conduct and with the American Bar Association Standards relating to the administration of criminal justice, the defense function.” [C.R.S. § 21-2-101\(1\)](#) (emphasis added).

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. OADC advocates for every client’s inherent worth and dignity by centering the client’s lived 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. Statistical data and experiences support that 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.

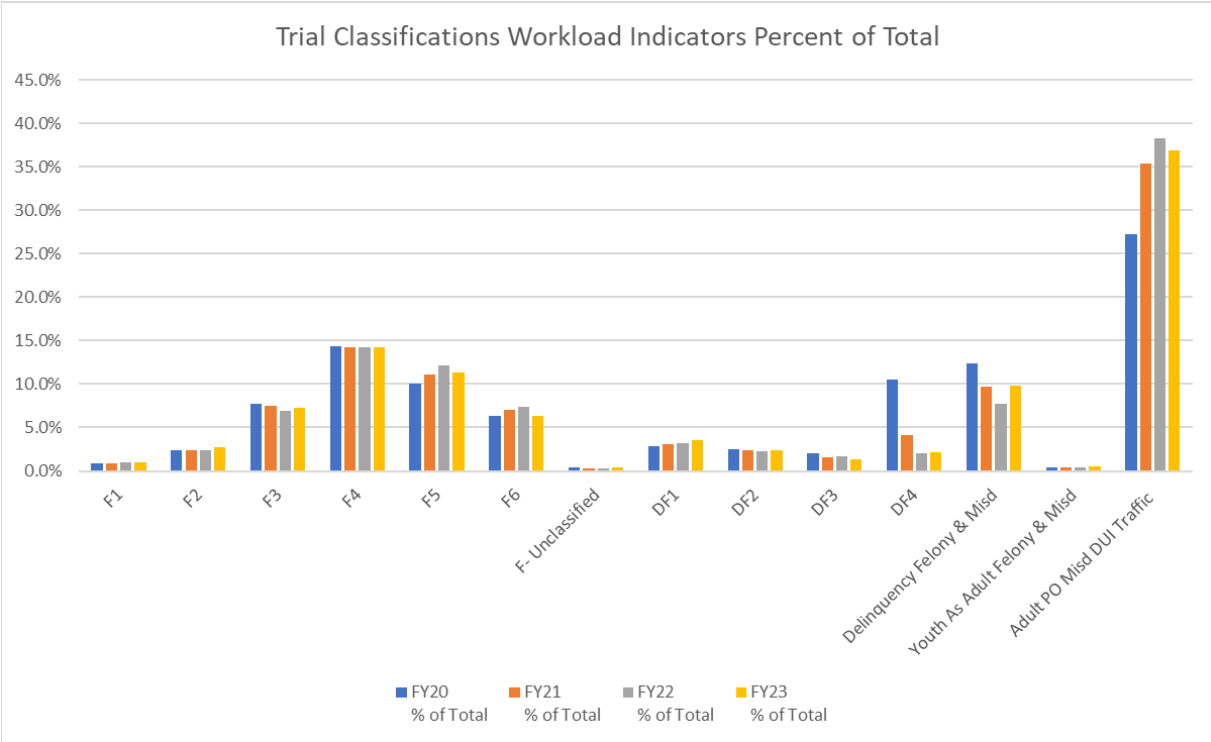
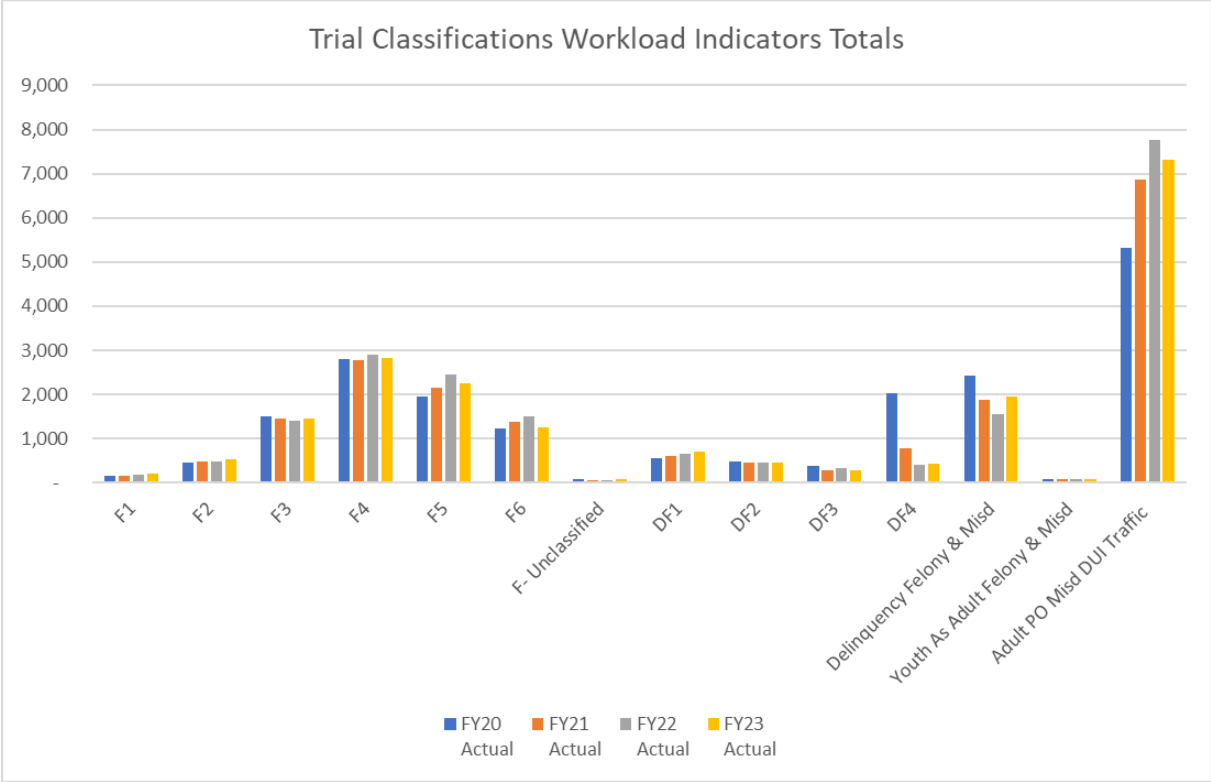
See Appendix B for Prior Year Legislation, Hot Topics, and Cases that May Affect OADC.

See Appendix C for the Agency’s Objectives and Performance Measures.

This Page Intentionally Left Blank

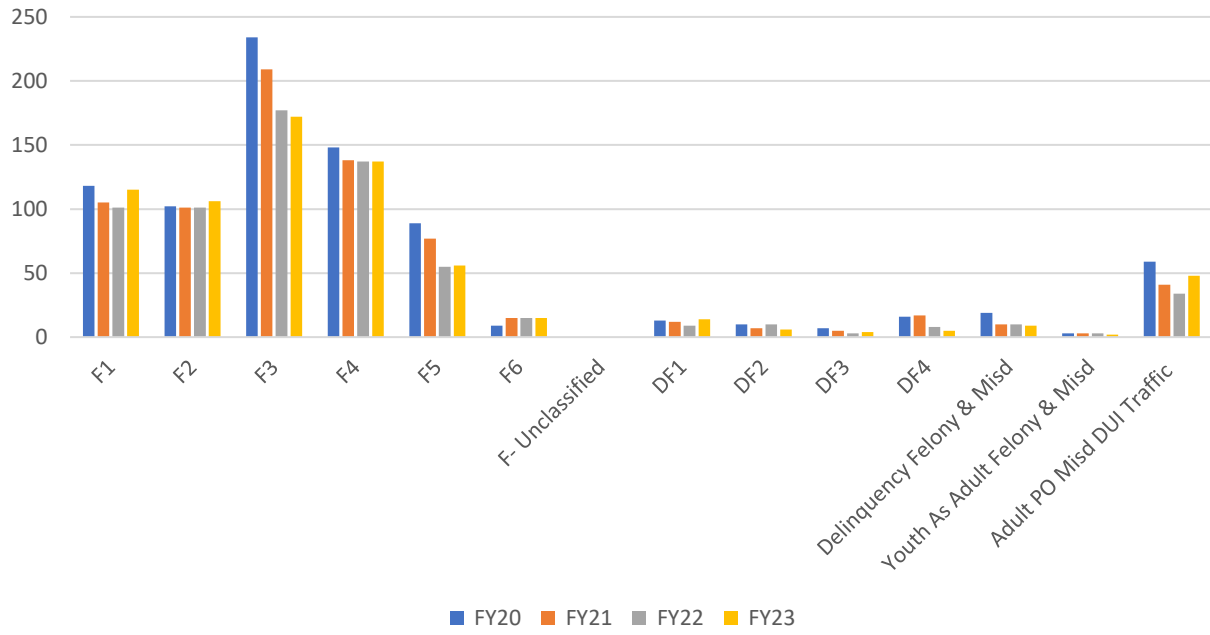
WORKLOAD INDICATORS

Trial Cases	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
<i>F1</i>	162	0.8%	161	0.8%	194	1.0%	201	1.0%
<i>F2</i>	467	2.4%	472	2.4%	483	2.4%	532	2.7%
<i>F3</i>	1,506	7.7%	1,461	7.5%	1,409	6.9%	1,445	7.3%
<i>F4</i>	2,806	14.4%	2,770	14.3%	2,890	14.2%	2,824	14.3%
<i>F5</i>	1,948	10.0%	2,144	11.0%	2,455	12.1%	2,246	11.4%
<i>F6</i>	1,225	6.3%	1,375	7.1%	1,503	7.4%	1,249	6.3%
<i>F- Unclassified</i>	86	0.4%	64	0.3%	60	0.3%	76	0.4%
<i>DF1</i>	559	2.9%	598	3.1%	653	3.2%	696	3.5%
<i>DF2</i>	486	2.5%	462	2.4%	465	2.3%	465	2.4%
<i>DF3</i>	390	2.0%	294	1.5%	332	1.6%	272	1.4%
<i>DF4</i>	2,038	10.5%	790	4.1%	418	2.1%	432	2.2%
<i>Delinquency Felony & Misd</i>	2,421	12.4%	1,874	9.7%	1,566	7.7%	1,941	9.8%
<i>Youth As Adult Felony & Misd</i>	76	0.4%	84	0.4%	83	0.4%	95	0.5%
<i>Adult PO Misd DUI Traffic</i>	5,314	27.3%	6,865	35.4%	7,770	38.3%	7,305	36.9%
Total	19,484	100.0%	19,414	100.0%	20,281	100.0%	19,779	100.0%

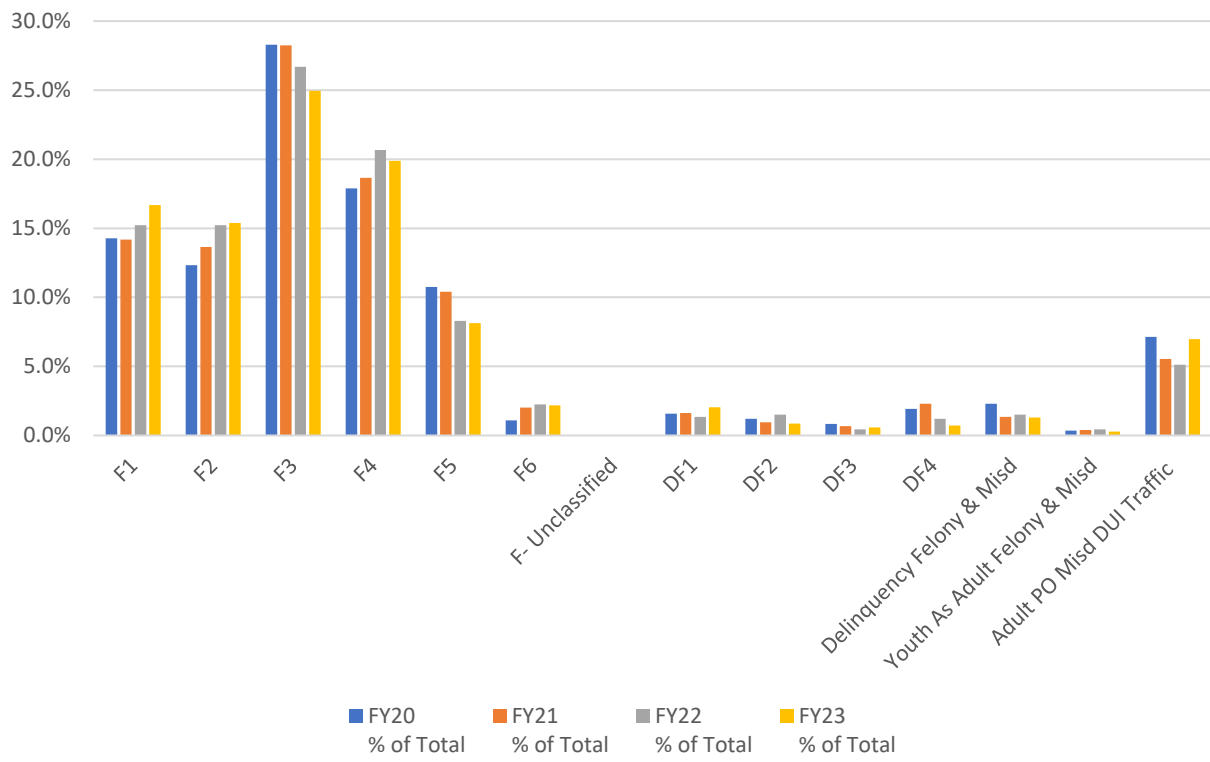


Appeal Cases	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
<i>F1</i>	118	14.3%	105	14.2%	101	15.2%	115	16.7%
<i>F2</i>	102	12.3%	101	13.6%	101	15.2%	106	15.4%
<i>F3</i>	234	28.3%	209	28.2%	177	26.7%	172	25.0%
<i>F4</i>	148	17.9%	138	18.6%	137	20.7%	137	19.9%
<i>F5</i>	89	10.8%	77	10.4%	55	8.3%	56	8.1%
<i>F6</i>	9	1.1%	15	2.0%	15	2.3%	15	2.2%
<i>F- Unclassified</i>	0	0.0%	0	0.0%	0	0.0%	0	0.0%
<i>DF1</i>	13	1.6%	12	1.6%	9	1.4%	14	2.0%
<i>DF2</i>	10	1.2%	7	0.9%	10	1.5%	6	0.9%
<i>DF3</i>	7	0.8%	5	0.7%	3	0.5%	4	0.6%
<i>DF4</i>	16	1.9%	17	2.3%	8	1.2%	5	0.7%
<i>Delinquency Felony & Misd</i>	19	2.3%	10	1.4%	10	1.5%	9	1.3%
<i>Youth As Adult Felony & Misd</i>	3	0.4%	3	0.4%	3	0.5%	2	0.3%
<i>Adult PO Misd DUI Traffic</i>	59	7.1%	41	5.5%	34	5.1%	48	7.0%
Total	827	100.0%	740	100.0%	663	100.0%	689	100.0%

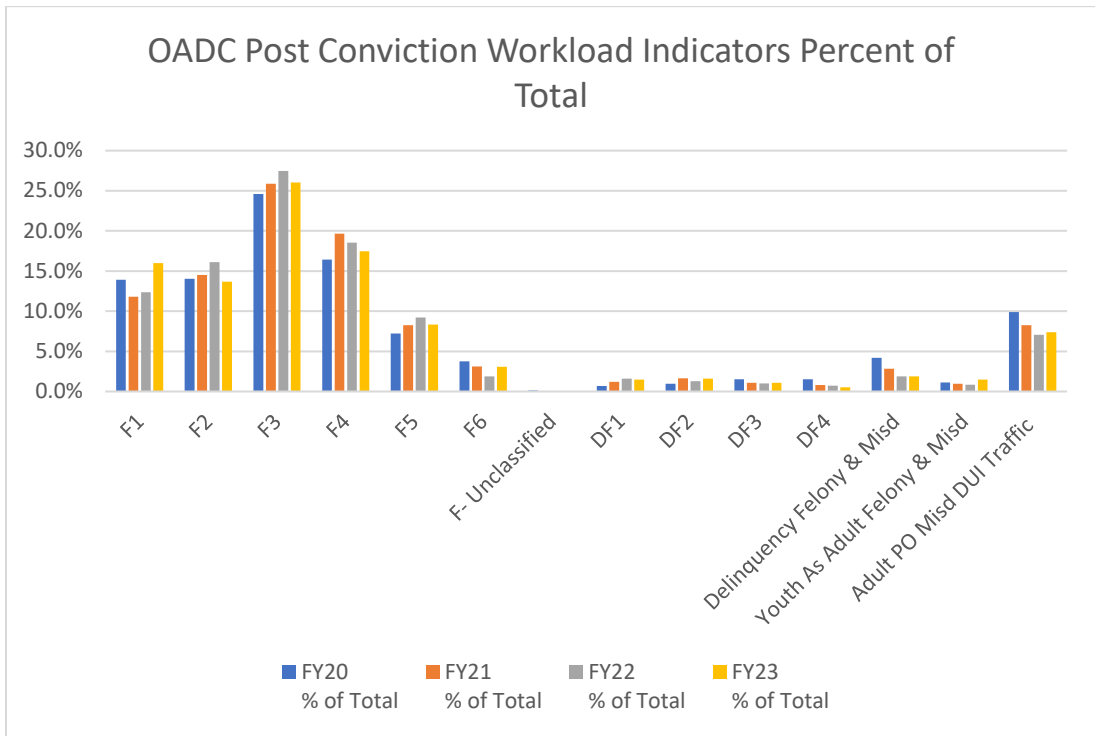
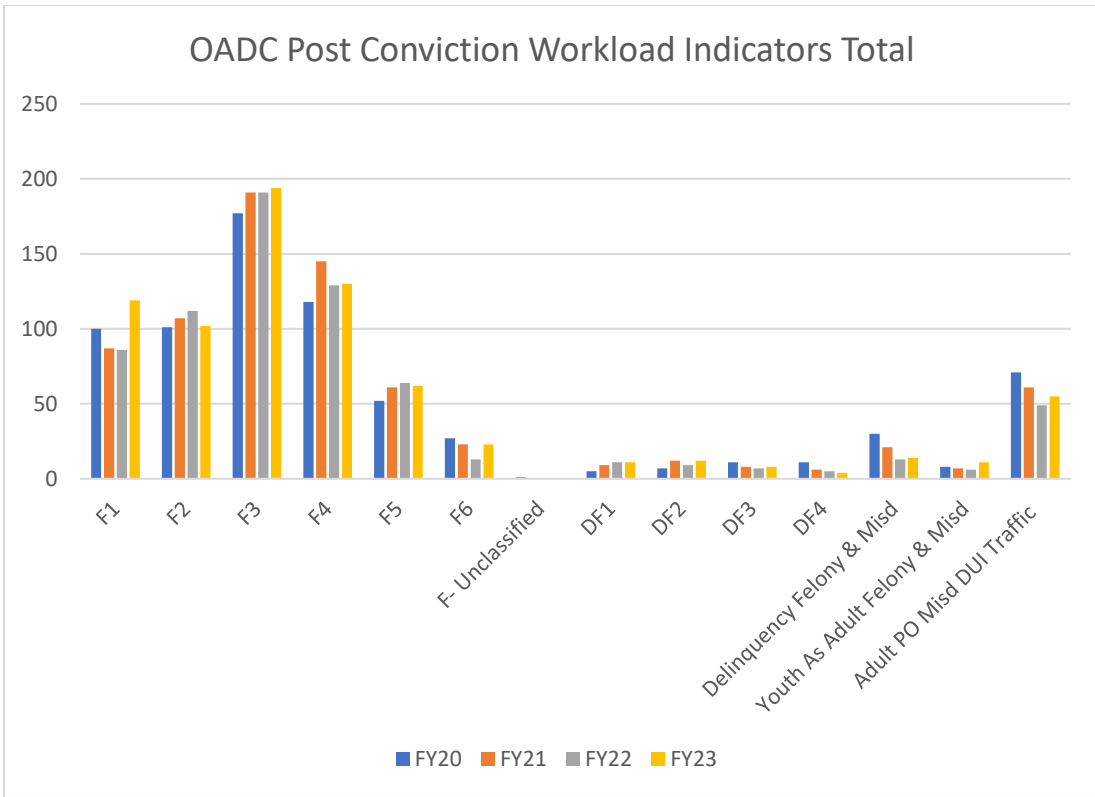
OADC Appeal Cases Workload Indicators Totals



OADC Appeal Cases Workload Indicators Percent of Totals

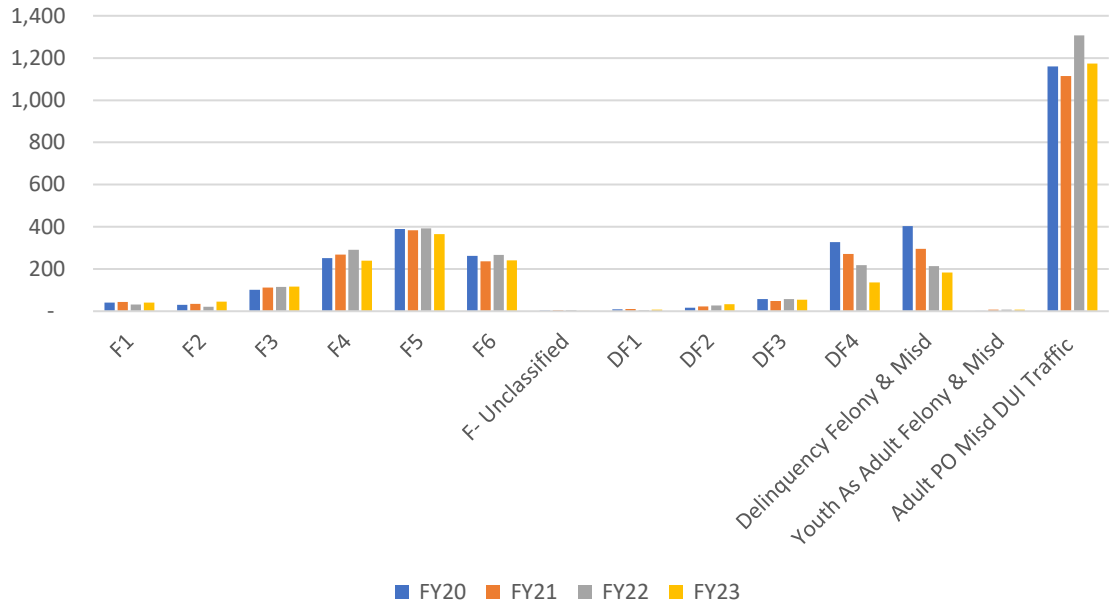


Post-Conviction Cases	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
<i>F1</i>	100	13.9%	87	11.8%	86	12.4%	119	16.0%
<i>F2</i>	101	14.0%	107	14.5%	112	16.1%	102	13.7%
<i>F3</i>	177	24.6%	191	25.9%	191	27.5%	194	26.0%
<i>F4</i>	118	16.4%	145	19.6%	129	18.6%	130	17.4%
<i>F5</i>	52	7.2%	61	8.3%	64	9.2%	62	8.3%
<i>F6</i>	27	3.8%	23	3.1%	13	1.9%	23	3.1%
<i>F- Unclassified</i>	1	0.1%		0.0%		0.0%		0.0%
<i>DF1</i>	5	0.7%	9	1.2%	11	1.6%	11	1.5%
<i>DF2</i>	7	1.0%	12	1.6%	9	1.3%	12	1.6%
<i>DF3</i>	11	1.5%	8	1.1%	7	1.0%	8	1.1%
<i>DF4</i>	11	1.5%	6	0.8%	5	0.7%	4	0.5%
<i>Delinquency Felony & Misd</i>	30	4.2%	21	2.8%	13	1.9%	14	1.9%
<i>Youth As Adult Felony & Misd</i>	8	1.1%	7	0.9%	6	0.9%	11	1.5%
<i>Adult PO Misd DUI Traffic</i>	71	9.9%	61	8.3%	49	7.1%	55	7.4%
Total	719	100.0%	738	100.0%	695	100.0%	745	100.0%

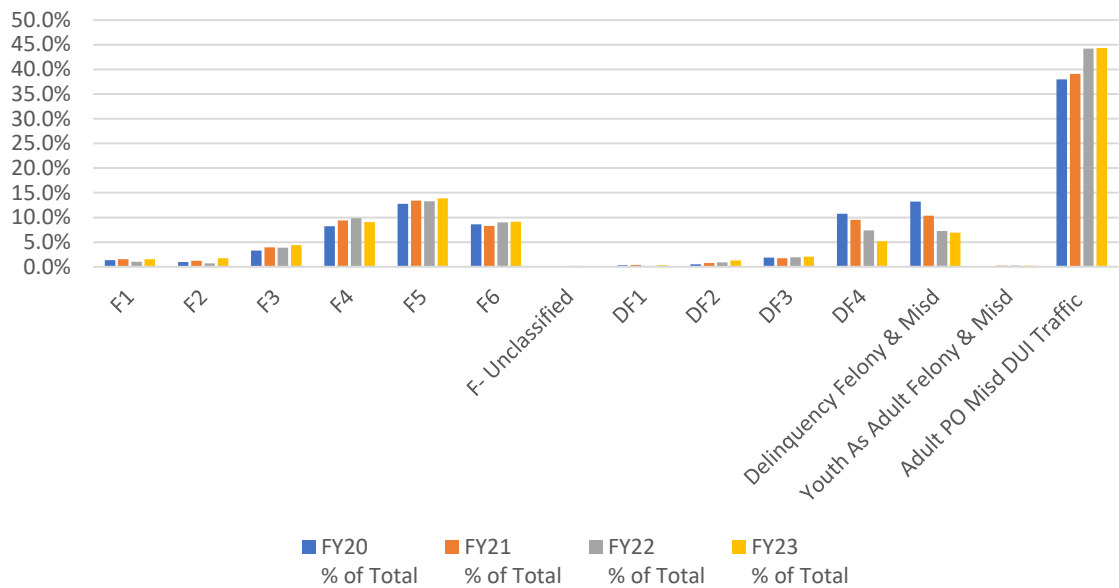


Other / Special Proceedings Cases	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
<i>F1</i>	41	1.3%	44	1.5%	31	1.0%	41	1.5%
<i>F2</i>	30	1.0%	35	1.2%	21	0.7%	45	1.7%
<i>F3</i>	101	3.3%	112	3.9%	115	3.9%	116	4.4%
<i>F4</i>	252	8.2%	268	9.4%	291	9.8%	239	9.0%
<i>F5</i>	389	12.7%	383	13.4%	392	13.3%	366	13.8%
<i>F6</i>	263	8.6%	236	8.3%	267	9.0%	241	9.1%
<i>F- Unclassified</i>	3	0.1%	4	0.1%	5	0.2%	2	0.1%
<i>DF1</i>	9	0.3%	11	0.4%	5	0.2%	8	0.3%
<i>DF2</i>	16	0.5%	22	0.8%	27	0.9%	34	1.3%
<i>DF3</i>	57	1.9%	49	1.7%	57	1.9%	55	2.1%
<i>DF4</i>	328	10.7%	272	9.5%	218	7.4%	136	5.1%
<i>Delinquency Felony & Misd</i>	404	13.2%	296	10.4%	214	7.2%	183	6.9%
<i>Youth As Adult Felony & Misd</i>	2	0.1%	7	0.2%	8	0.3%	7	0.3%
<i>Adult PO Misd DUI Traffic</i>	1,160	38.0%	1,115	39.1%	1,307	44.2%	1,173	44.3%
Total	3,055	100.0%	2,854	100.0%	2,958	100.0%	2,646	100.0%

Special Proceedings Workload Indicators Totals

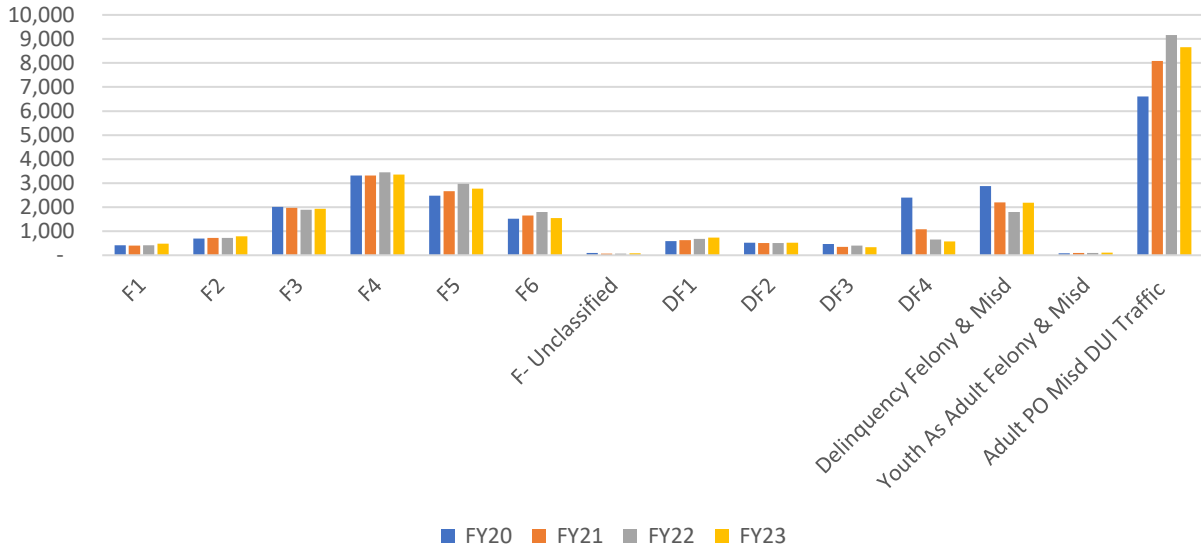


Special Proceedings Workload Indicators Percent of Total

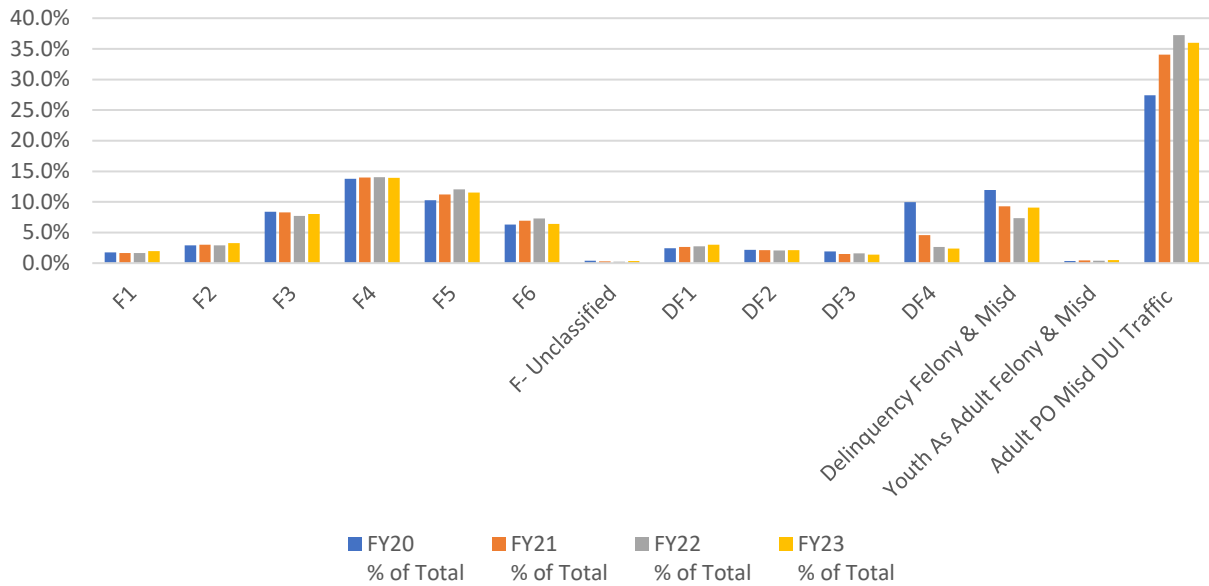


Total Cases	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
<i>F1</i>	421	1.7%	396	1.7%	412	1.7%	476	2.0%
<i>F2</i>	700	2.9%	715	3.0%	717	2.9%	785	3.3%
<i>F3</i>	2,018	8.4%	1,969	8.3%	1,892	7.7%	1,931	8.0%
<i>F4</i>	3,324	13.8%	3,320	14.0%	3,447	14.0%	3,356	13.9%
<i>F5</i>	2,478	10.3%	2,668	11.2%	2,966	12.1%	2,769	11.5%
<i>F6</i>	1,524	6.3%	1,648	6.9%	1,798	7.3%	1,545	6.4%
<i>F- Unclassified</i>	90	0.4%	68	0.3%	65	0.3%	78	0.3%
<i>DF1</i>	586	2.4%	631	2.7%	678	2.8%	729	3.0%
<i>DF2</i>	519	2.2%	503	2.1%	511	2.1%	517	2.1%
<i>DF3</i>	465	1.9%	354	1.5%	399	1.6%	341	1.4%
<i>DF4</i>	2,393	9.9%	1,082	4.6%	649	2.6%	577	2.4%
<i>Delinquency Felony & Misd</i>	2,874	11.9%	2,202	9.3%	1,803	7.3%	2,180	9.1%
<i>Youth As Adult Felony & Misd</i>	89	0.4%	101	0.4%	100	0.4%	115	0.5%
<i>Adult PO Misd DUI Traffic</i>	6,604	27.4%	8,085	34.1%	9,160	37.2%	8,662	36.0%
Grand Total	24,085	100.0%	23,742	100.0%	24,597	100.0%	24,061	100.0%

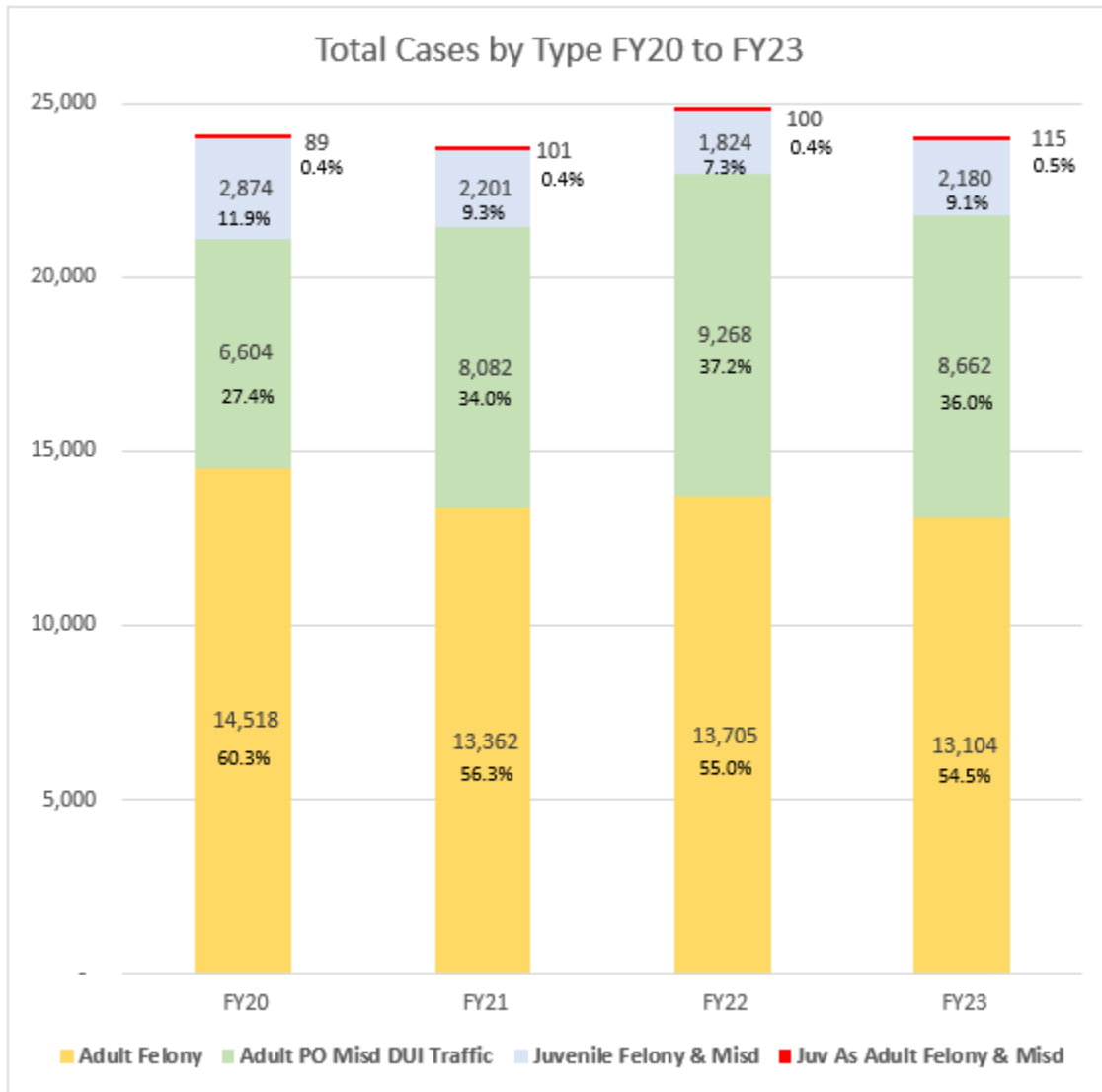
Workload Indicators Totals



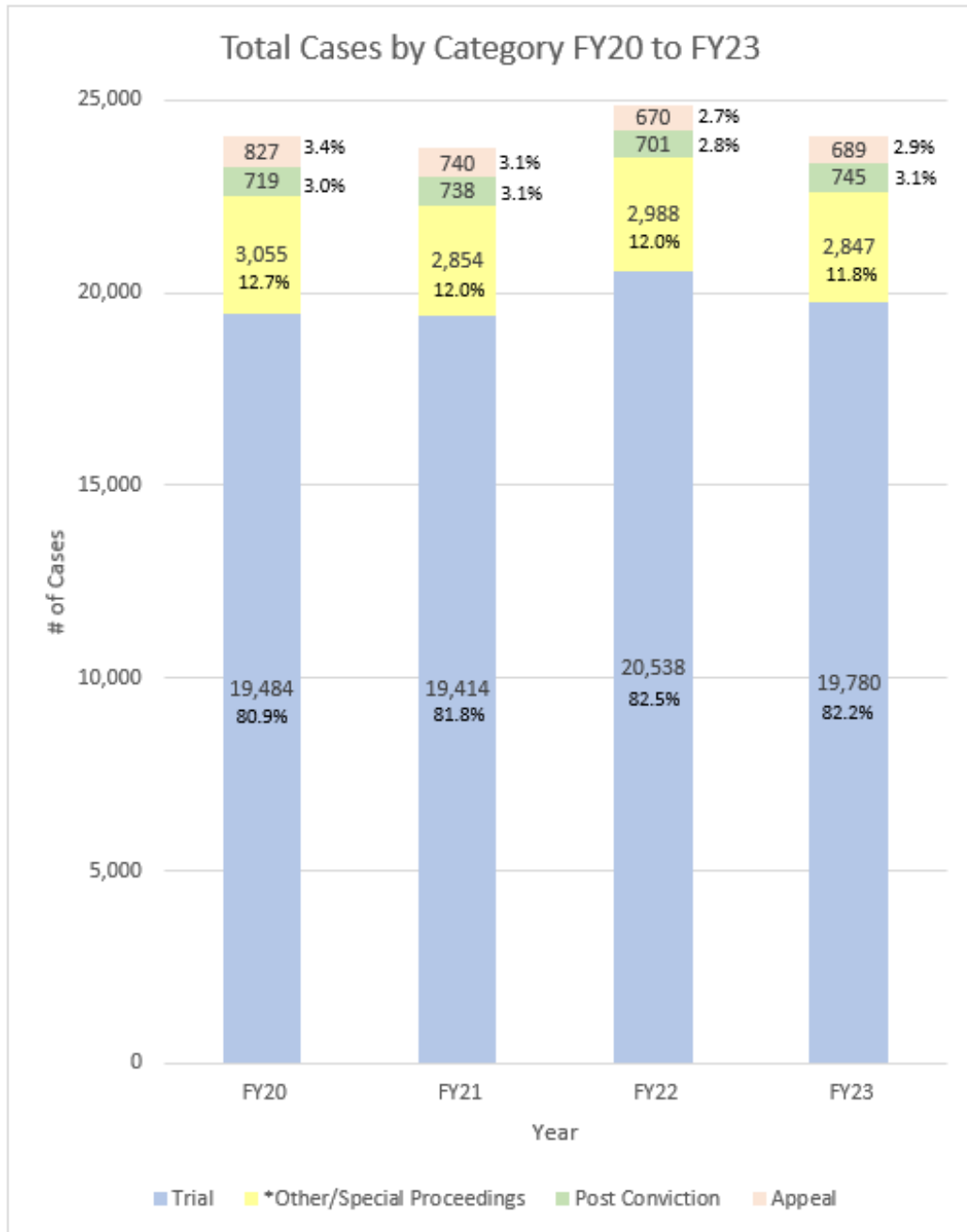
Workload Indicators Percent of Total



Total Cases by Type	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
Adult Felony	14,518	60.3%	13,362	56.3%	13,705	55.0%	13,104	54.5%
Delinquency Felony & Misd	2,874	11.9%	2,201	9.3%	1,824	7.3%	2,180	9.1%
Youth As Adult Felony & Misd	89	0.4%	101	0.4%	100	0.4%	115	0.5%
Adult PO Misd DUI Traffic	6,604	27.4%	8,082	34.0%	9,268	37.2%	8,662	36.0%
Grand Total	24,085	100.0%	23,746	100.0%	24,897	100.0%	24,061	100.0%

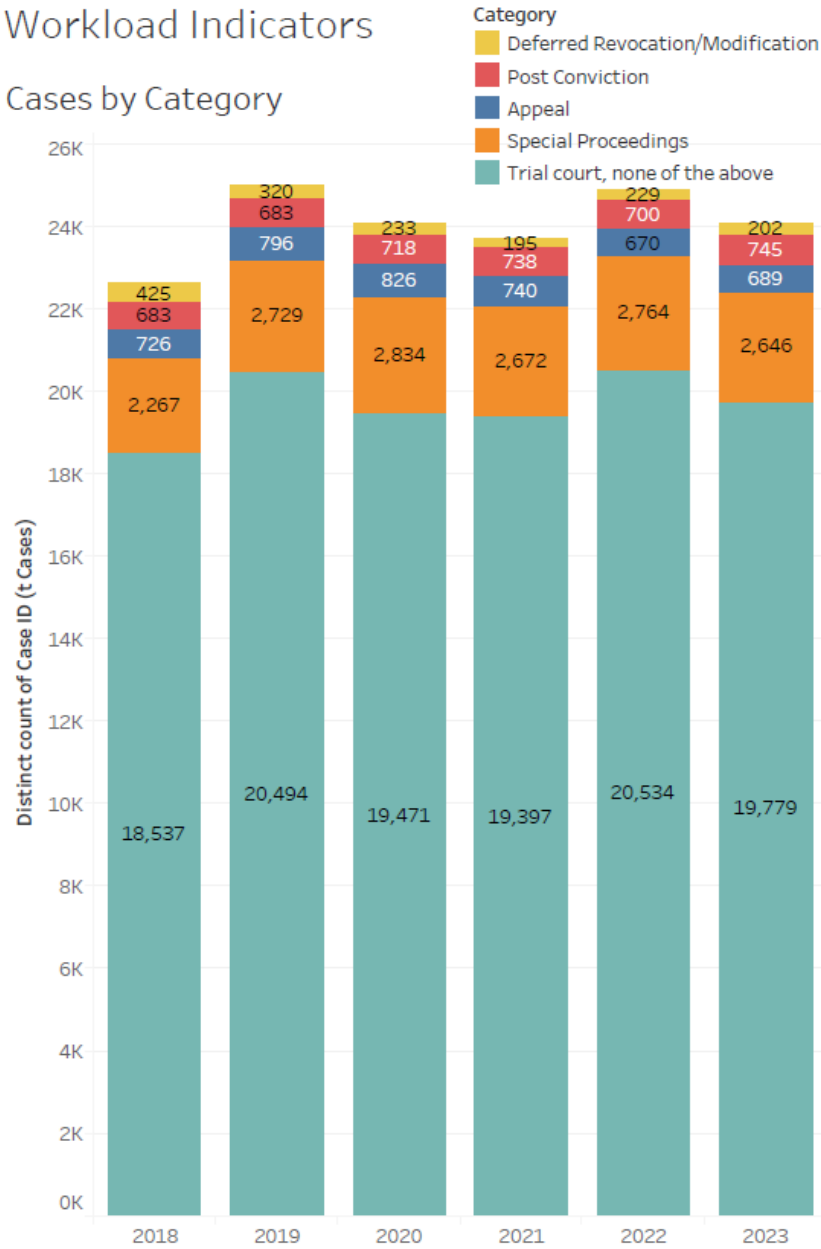


Year	FY20	FY20 % of Total	FY21	FY21 % of Total	FY22	FY22 % of Total	FY23	FY23 % of Total
Trial	19,484	80.9%	19,414	81.8%	20,538	82.5%	19,780	82.2%
Appeal	827	3.4%	740	3.1%	670	2.7%	689	2.9%
Post Conviction	719	3.0%	738	3.1%	701	2.8%	745	3.1%
*Other/Special Proceedings	3,055	12.7%	2,854	12.0%	2,988	12.0%	2,847	11.8%
Grand Total	24,085	100.0%	23,746	100.0%	24,897	100.0%	24,061	100.0%

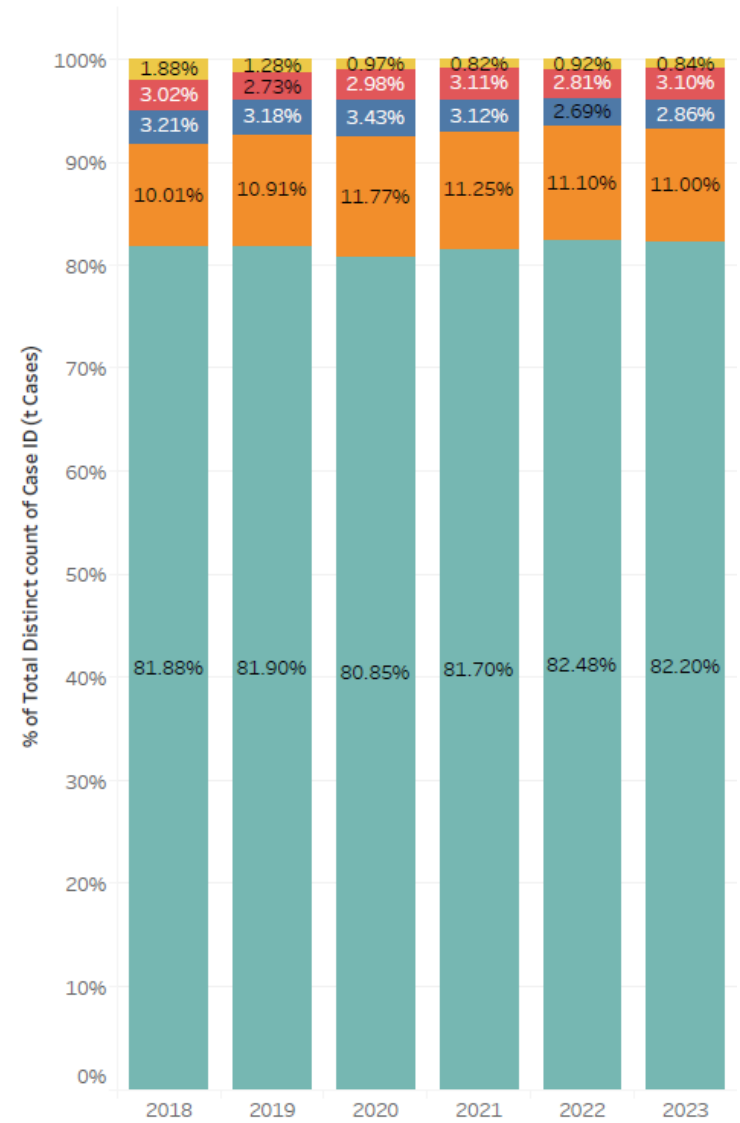


Workload Indicators

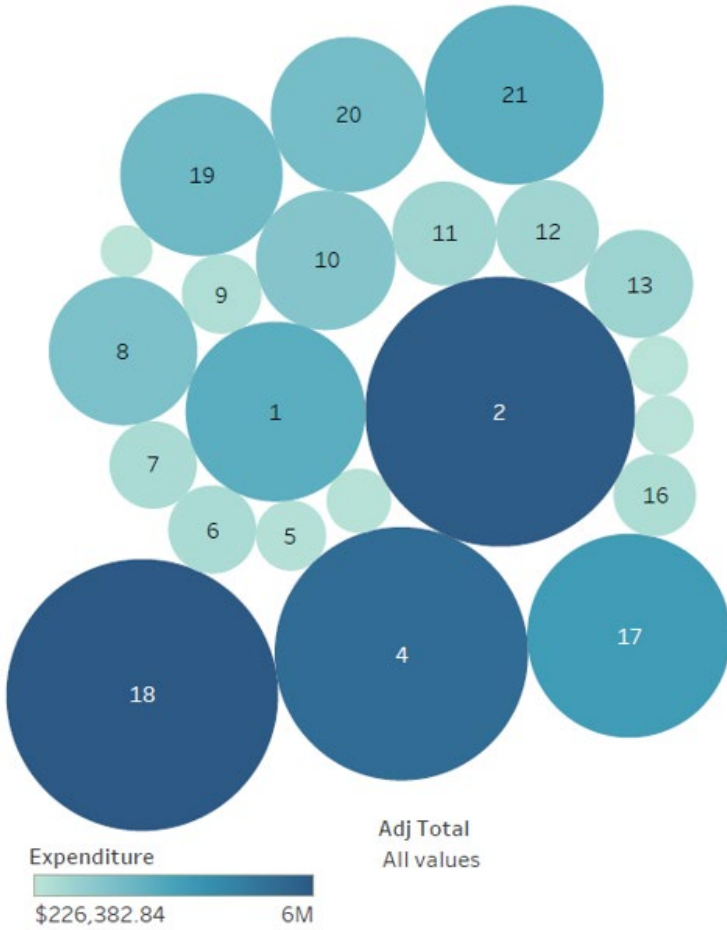
Cases by Category



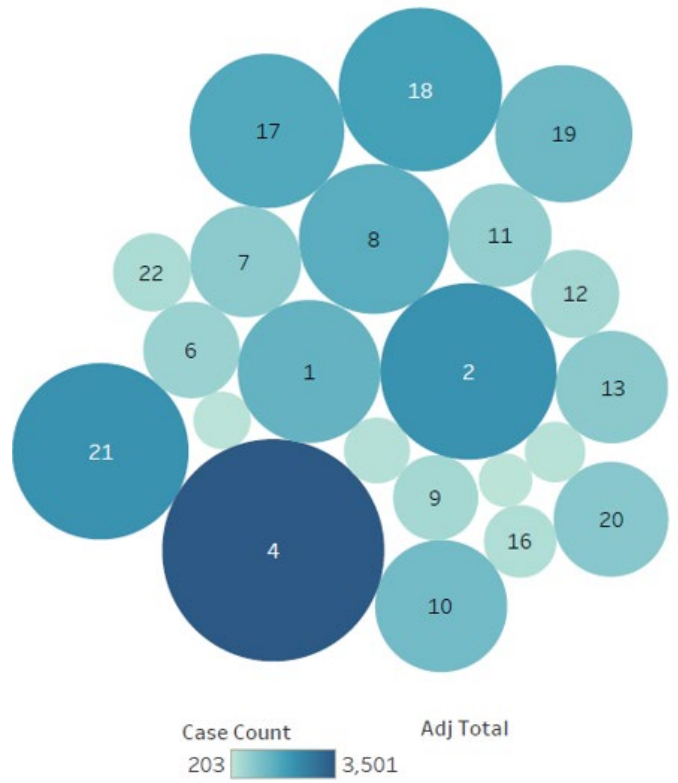
Cases by Category Percentages



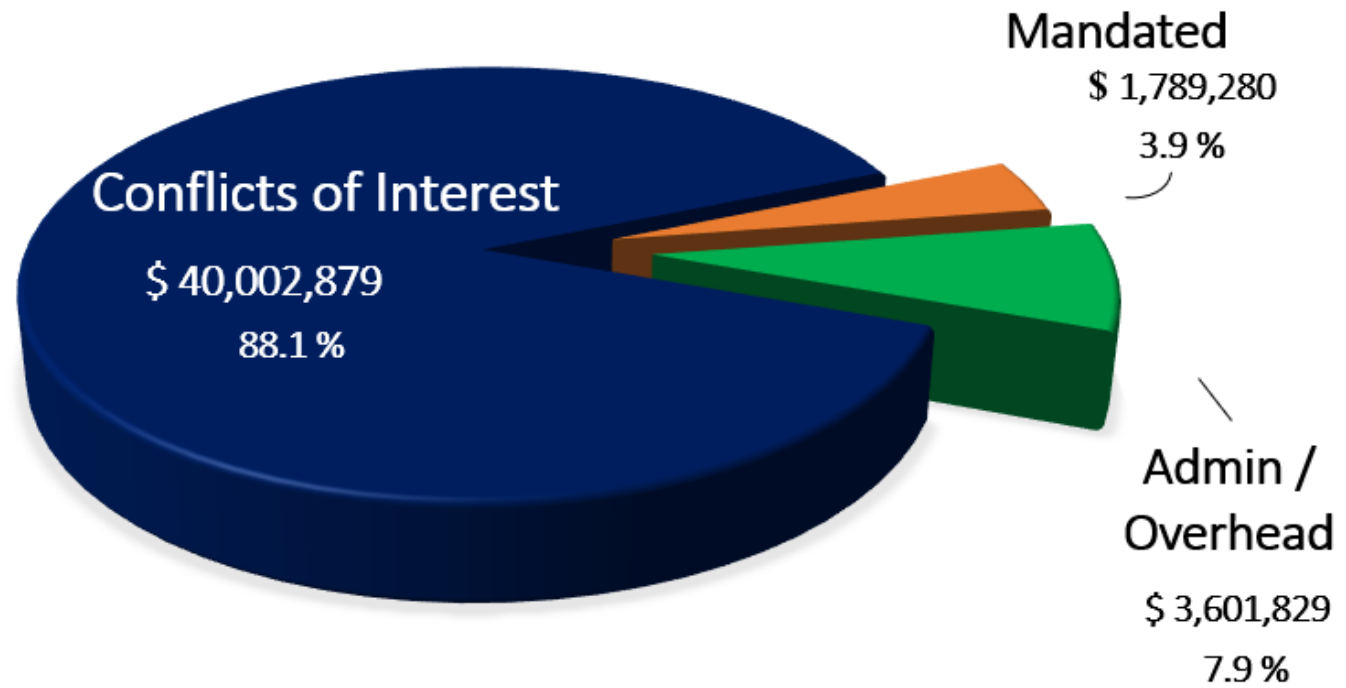
FY23 Expenditures by District Bubbles



FY23 Caseload by District Bubbles



FY2022-23
TOTAL EXPENDITURES FOR THE OADC



This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel
 Request Title: Non-Attorney Team Member Hourly Rate Increase
 Priority Number: R-1
 Dept. Approval Date: 10/31/2023

- Decision Item FY 2024-25
- Base Reduction Item FY 2024-25
- Supplemental FY 2023-24
- Budget Amendment FY 2023-24

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
		1	2	3	4	5
		Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
	Fund					
Total of All Line Items	Total	48,732,523	-	48,732,523	549,708	49,282,231
	FTE	-	-	-	-	-
	GF	48,732,523	-	48,732,523	549,708	49,282,231
Conflicts-of-Interest Contracts	Total	48,732,523	-	48,732,523	549,708	49,282,231
	FTE	-	-	-	-	-
	GF	48,732,523	-	48,732,523	549,708	49,282,231

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:
 Reappropriated Funds Source, by Department and Line Item Name:
 Approval by OIT? Yes: No: Not Required:
 Schedule 13s from Affected Departments:
 Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-1

Agency Priority: Decision Item R – 1				
Non-Attorney Team Member Hourly Rate Increase				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 549,708	\$ 549,708	\$0	0.0
Total Request	\$ 549,708	\$ 549,708	\$0	0.0

Request Summary:

In conjunction with the Office of Respondent Parents’ Counsel (ORPC) and the Office of the Child’s Representative (OCR), the OADC is seeking a 5% hourly rate increase for its Legal Team contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense contractors to represent indigent adults and children, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a **\$549,708** General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY24.

The History, the Problem, and the Opportunity:

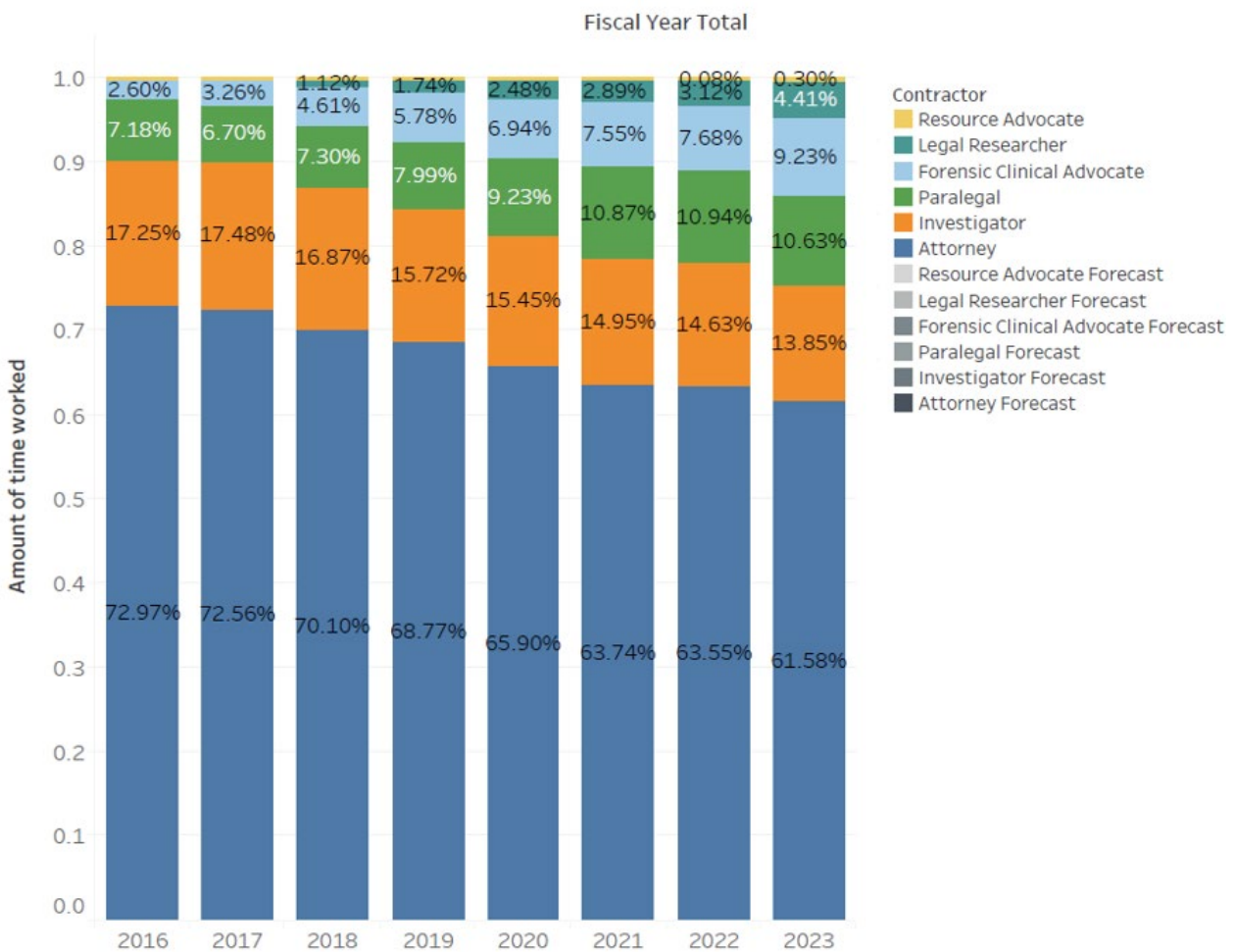
In FY24, the General Assembly passed SB23-227, providing annual hourly rate increases to attorney contractors with the OADC. Unfortunately, it did not include an equivalent rate increase for non-attorney legal team members. Failing to provide annual, hourly increases to non-attorney legal team members creates inequity between attorneys and all the other members of legal teams when not done in tandem with attorney hourly/annual rate increases. Non-attorney contractors continue to play critical roles on defense teams and shoulder critical parts of defense work. By not providing a rate increase to these contractors, we message them that they are not as valuable as the attorneys on defense teams. We are learning that many of our non-attorney contractors, at the current rate of pay, are not able to keep up with financial burdens and the rising cost of living in Colorado and are being forced to leave OADC for work that pays a better rate.

Experienced contractors have repeatedly told OADC that they decline OADC work because the OADC hourly rates are not competitive and do not support the rising cost of living. Not only do

experienced contractors require less training, but their expertise also makes them more effective and efficient.

Providing a rate increase to only one contractor type (Attorneys) flies in the face of holistic defense, equity on defense teams, and best practices. This is contradictory to the Agency’s Mission and OADC’s commitment to Equity, Diversity, and Inclusion (EDI). There is no question that a diverse and multifunctional legal team is better for clients and decreases total costs to the State. Furthermore, non-attorneys have professional skills that attorneys do not and to financially imply that the Agency values one over the other is not accurate.

Contract Hours Percent of Total



Below are some quotes from contractors who completed our 2023 survey:

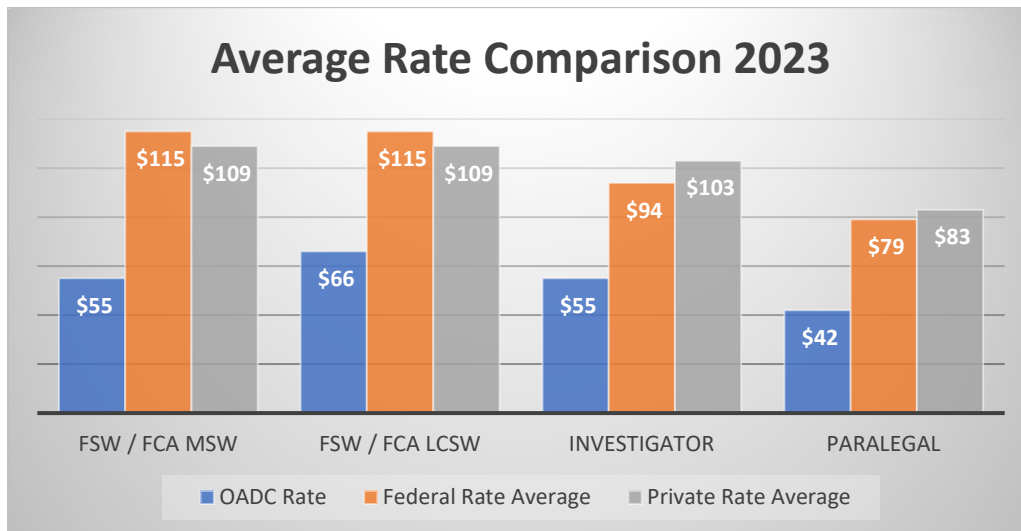
- *Just that self-employed insurance, no employer 401k match, and paying our own taxes means the dollars we are paid don't go as far as a salary. The work of contracting also means we need to dedicate time to tasks that a salaried individual doesn't (5-10 hours a month for billing, bookkeeping, etc. 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 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.*
- *A higher pay rate = feeling more valued = less burnout = better outcomes for 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.*
- *I feel with the inflation, our rates are way behind what they should be.*
- *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 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.*
- *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.*
- *I recently was made aware that one of our most experienced investigators who often works on our most complex cases - including first degree murder*

cases, sexual assault cases, and direct files- 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.

- 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 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 county's DA's office.*
- 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!*

As the data from our March 2023 budget request comeback shows, the OADC's contract rate has not kept up with inflation and is far surpassed by both the CJA (Federal) and the 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 LCSW	\$ 66	\$ 115	\$ 109
FSW / FCA MSW	\$ 55	\$ 115	\$ 109
Investigator	\$ 55	\$ 94	\$ 103
Paralegal	\$ 42	\$ 79	\$ 83



Proposed Solution:

Increase the OADC’s FY25 Conflict-of-interest Contracts LBLI by \$549,696 to fund a 5.0% increase in Non-Attorney Team Member’s hourly rates to bring contractors closer to competitive market rates.

Alternatives:

There are three alternatives: fully fund the request, partially fund the request, or not fund the request.

Operational Details:

The hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2024, for all work performed on and after that date. Rate increases will continue in effect until another change occurs. All contractors will be notified of the rate increases and their effective date so they can adjust their billing accordingly.

Why this is the best possible alternative:

There will be cost savings for the Agency by attracting and retaining more experienced contractors.

Assumptions for Calculations:

Long Bill Line Item (LBI)	FY23 Expenses	FY24 Rate Incr %	FY24 Estimated Expenditures	Proposed FY25 % Rate Increase	Incremental increase to FY25 LBI
Conflict-of-interest Contracts (Investigator)	\$ 3,517,843	18%	\$ 4,136,983	5%	\$ 206,849
Conflict-of-interest Contracts (FSW / FCA)	\$ 2,565,795	18%	\$ 3,017,375	5%	\$ 150,869
Conflict-of-interest Contracts (Paralegal)	\$ 2,086,597	18%	\$ 2,453,839	5%	\$ 122,692
Conflict-of-interest Contracts (Legal Researcher)	\$ 829,084	18%	\$ 975,002	5%	\$ 48,750
Conflict-of-interest Contracts (Case Assistant)	\$ 265,457	18%	\$ 312,177	5%	\$ 15,609
Conflict-of-interest Contracts (Resource Advocates)	\$ 59,129	18%	\$ 69,772	5%	\$ 3,489
Conflict-of-interest Contracts (Scanner)	\$ 24,668	18%	\$ 29,010	5%	\$ 1,450

Conflict-of-interest Contracts FY25 LBI Incr. **\$ 549,708**

Consequences if not funded:

If this is not funded, and the attorney rate increase remains as statutorily mandated, the OADC believes this will create conflict between attorneys and the other members of their legal teams. The result of that conflict could be decreased participation by other team members and them choosing to do other work due to their financial dissatisfaction. On those teams that remain fully staffed, the financial conflict and dissatisfaction could easily lead to poor outcomes for clients, which also generally translates into increased taxpayer costs either through replacing team members (who then must repeat the work previously completed) or increased sentences to incarceration (the most expensive alternative available in sentencing individuals). The OADC also believes that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Again, experienced contractors are more effective and efficient.

Impact on Other State Government Agency:

The Agency is making this request in conjunction with the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC).

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Contractor Process Coordinator

Priority Number: R-2

Dept. Approval Date: 10/31/2023

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2024-25 |
| <input type="checkbox"/> Base Reduction Item FY 2024-25 |
| <input type="checkbox"/> Supplemental FY 2023-24 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
	Fund	1	2	3	4	5
		Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
Total of All Line Items	Total	5,392,706	-	5,392,706	141,986	5,528,022
	FTE	36.3	-	-	0.9	1.0
	GF	5,392,706	-	5,392,706	141,986	5,528,022
Personal Services	Total	4,219,969	-	4,219,969	112,295	4,332,264
	FTE	36.3	-	-	0.9	1.0
	GF	4,219,969	-	4,219,969	112,295	4,332,264
Health Life Dental	Total	533,266	-	533,266	10,586	543,852
	FTE	-	-	-	-	-
	GF	533,266	-	533,266	10,586	543,852
Short-Term Disability	Total	5,874	-	5,874	149	6,023
	FTE	-	-	-	-	-
	GF	5,874	-	5,874	149	6,023
AED SB 04-257	Total	191,945	-	191,945	4,968	196,913
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	4,968	196,913
SAED SB 06-235	Total	191,945	-	191,945	4,968	196,913
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	4,968	196,913
Operating	Total	249,707	-	249,707	2,350	252,057
	FTE	-	-	-	-	-
	GF	249,707	-	249,707	2,350	252,057
Capital Outlay	Total	-	-	-	6,670	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,670	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

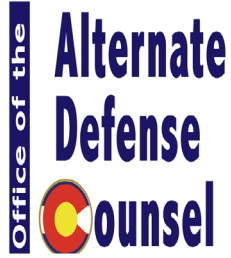
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-2

Agency Priority: Decision Item R - 2				
Contractor Process Coordinator				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$132,966	\$132,966	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,670	\$6,670	\$0	0.0
Total Request	\$141,986	\$141,986	\$0	0.9

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and **\$141,986** General Fund to create and staff the Contractor Process Coordinator position. The Contractor Process Coordinator will take over contractor-related tasks assigned to current OADC team members as well as work with various OADC team members to evaluate, develop, and implement state-wide contractor processes and initiatives. Through the use of new technologies, the Contractor Process Coordinator will lead, organize, and streamline communication for contractor-related projects that involve multiple OADC team members. For example, by using programs such as Loom and Talent LMS to create and organize contractor tutorial videos, and Microsoft SharePoint and Planner for large group project tracking and communication, the Contractor Process Coordinator will help the OADC efficiently onboard new contractors as well as help reduce the time current OADC team members spend in group meetings, creating tutorial videos, and walking contractors through systems they need to do this work. Overall, the Contractor Process Coordinator will work with OADC team members to develop cohesive and improved contractor processes with the goal to further advocate and support OADC contractors while also increasing the efficiency in which contractors are onboarded, developed, evaluated, and assigned to represent indigent clients throughout the state.

The History, the Problem, and the Opportunity:

The OADC is responsible for providing representation for indigent persons in criminal and juvenile delinquency cases in which the Public Defender’s office determines that an ethical conflict of interest exists. The OADC currently accomplishes this by contracting with 1144 contractors, which include:

- 489 Attorneys
- 143 Investigators
- 216 Paralegals
- 80 Forensic Social Workers or Forensic Clinical Advocates
- 15 Resource Advocates
- 66 Legal Researchers
- 125 Case Assistants
- 10 Interns

The OADC is dedicated to zealous, client-centered advocacy, and all these contractors are vital in accomplishing this goal. In addition, during the last couple of years, the OADC has further integrated interdisciplinary team practice and continues to develop mentorship opportunities and career pathways to professional legal defense practice to ensure our contractor pool provides all clients with excellent advocacy.

In FY23, the OADC approved 262 new contractors and conducted 172 contractor renewals. As outlined below, the OADC divides contractor processes among several OADC team members.

- Appeals & Post Conviction Coordinator – Paralegals
- Director & Deputy Director – Attorneys, Investigators & Experts
- Training & Evaluation Coordinator – Attorneys & Investigators
- Youth Defense Coordinator – Juvenile Attorneys
- Municipal Court Innovations Coordinator – Municipal Court Attorneys
- Attorney Development Coordinator – Attorneys needing Mentorship, Mentoring Attorneys (those providing the mentoring), Interns and Law Students, Legal Researchers, and Case Assistants.
- Social Worker Coordinators – Forensic Social Workers, Forensic Clinical Advocates, Resource Advocates, and Social Worker Interns.

Each one of these OADC team members provides support and guidance to their assigned contractors, reviews new contractor applications, conducts the interviews, and evaluates current contractors to determine suitability for renewal of their contract. Some of the other contractor-related tasks that are distributed among other OADC team members include:

- Set up and onboard state and municipal court contractors in our billing system, contractor database, and informational website;
- Create and maintain contractor related forms, workflows, and automations;
- Maintain Judicial District and Municipal Court Appointment Lists;
- Coordinate contractor renewals which include updating forms and automations, corresponding with contractors, and tracking renewal progress;

- Maintain and update the contractor database;
- Maintain and update contractor contact cards on informational website;
- New Investigator Programs (Process, Training and Exam);
- COCCA Case Coordination;
- General contractor filing;
- Set up and audit contractor resources.

As our contractor pool and OADC initiatives continue to grow, these OADC team members lack the capacity to effectively complete these contractor-related tasks in addition to all their other job duties.

In addition, the OADC has not had the capacity to fully evaluate current contractor processes, develop, and implement improved and streamlined contractor processes, as well as fully integrate new technologies into all our contractor processes.

Proposed Solution:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and **\$141,986** General Fund to create and staff the Contractor Process Coordinator. In addition to taking over the contractor-related tasks previously outlined, the duties of the Contractor Process Coordinator will include working with current OADC team members to develop and streamline contractor-related processes. To increase efficiency and effectiveness, the Contractor Process Coordinator will serve as a project leader to review, develop, and further streamline and implement contractor related tasks and processes. Some of these tasks include:

- new contractor approval;
- Contractor set up and onboarding;
- yearly contractor renewals;
- contractor related forms;
- mock-trial coordination;
- contractor related scheduling;
- contractor related organizational storage and communication;
- annual contractor surveys;
- contractor case availabilities;
- assignment updates, and appointment lists;
- interdisciplinary contractor evaluations;
- contractor closeout and exiting process.

Among the technologies the Contractor Process Coordinator will further integrate to increase efficiency and effectiveness will include Formsite, Talent LMS, Loom, Calendly, SharePoint and Zapier.

The Contractor Process Coordinator will evaluate and improve the contractor database to further integrate tracking of contractor resources, training, court observations, feedback and evaluations, case availabilities, document storage, contracts, and memorandums of agreement.

The Contractor Process Coordinator will work with various OADC team members to further integrate the use of technologies to contractor onboarding processes and continually evaluate and improve the contractor welcome packet, onboarding and informational resources, and onboarding tutorial videos.

The Contractor Process Coordinator will work with the OADC team members who interact with contract investigators by serving as the primary contact person for additional support, information, and resources. The Contractor Process Coordinator will also assist OADC team members to develop and implement investigator resources and programs. In addition, the Contractor Process Coordinator will work with various team members to provide additional support and streamline communication of information, programs, and resources for other contractors.

The Contractor Process Coordinator will also work with various OADC team members to further develop and implement attorney appointment communication methods and processes for COCCA/complex cases, 48-hour bond hearings, and attorney appointments in areas that have limited attorney availability.

The Contractor Process Coordinator will work with the Attorney Development Coordinator to develop and implement contractor mentorship and career pathway processes. If the OADC determines a need to apply for grant funds to further implement holistic defense practices, the Contractor Process Coordinator will assist the Holistic Defense Coordinator to develop processes to efficiently track data required for proposals, progress reports, and completion reports.

Alternatives:

The alternative is to continue to use current staff members to complete the basic contractor-related tasks. However, the OADC will be unable to evaluate, develop, and implement improved contractor related processes and initiatives. The OADC will continue to lack OADC team members with the capacity to lead, manage, and ensure desired outcomes for contractor-related processes and initiatives. In addition, the OADC will be unable to maximize the use of new technologies that will improve contractor related processes and initiatives and increase OADC team members' capacity.

The result will be the inability to shift the workload from existing OADC team members and the use of less efficient contractor-related processes and initiatives, which can delay one of the primary responsibility functions of the organization, which is to onboard, pay, and support contractors representing clients on interdisciplinary defense teams.

Operational Details:

An additional 1.0 FTE will be added to the OADC's Personal Services line.

Assumptions for Calculations:

Contractor Process Coordinator			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		8,770	8,770
Number of months in FY2024-25		11	12
Salary		96,465	105,234
Salary Survey Adjustment (3%)		2,894	3,157
Subtotal, Salary		99,358	108,391
PERA	11.57%	11,496	12,541
Medicare	1.45%	1,441	1,572
Sub-total Personal Services		112,295	122,504
Health/Life/Dental (Avg, FY23-24 State Premiums)	962	10,586	11,548
Short-term Disability	0.15%	149	163
AED	5.00%	4,968	5,420
SAED	5.00%	4,968	5,420
PFML	0.0%	-	-
Total Personal Services		132,966	145,055
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,670	-
Office Furniture, One-Time		5,000	-
Total Operating		9,020	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 141,986	\$147,405

Impact on Other State Government Agency: N/A

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Operating & Training Increases

Priority Number: R-3

Dept. Approval Date: 10/31/2023

- Decision Item FY 2024-25
- Base Reduction Item FY 2024-25
- Supplemental FY 2023-24
- Budget Amendment FY 2023-24

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
		1	2	3	4	5
	Fund	Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
Total of All Line Items		349,707	-	349,707	162,000	511,707
	FTE	-	-	-	-	-
	GF	269,707	-	269,707	162,000	431,707
Operating		249,707	-	249,707	82,000	331,707
	FTE	-	-	-	-	-
	GF	249,707	-	249,707	82,000	331,707
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Training		100,000	-	100,000	80,000	180,000
	FTE	-	-	-	-	-
	GF	20,000	-	20,000	80,000	100,000
	GFE	-	-	-	-	-
	CF	80,000	-	80,000	-	80,000
	RF	-	-	-	-	-
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

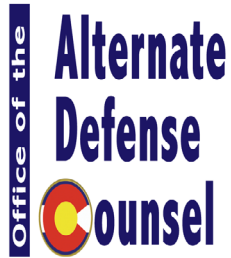
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-3

Agency Priority: Decision Item R-3				
Operating & Training Increases				
Summary of Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Operating	\$ 82,000	\$ 82,000	\$ 0	0.0
Training	\$ 80,000	\$ 80,000	\$ 0	0.0
Total Request	\$ 162,000	\$ 162,000	\$ 0	0.0

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is seeking Joint Budget Committee (JBC) staff approval for GF (General Fund) adjustment of \$162,000 to its Operating, and Training LBLIs.

The History, the Problem, and the Opportunity:

As OADC’s staff increases, it is essential to provide appropriate on-boarding training as well as ongoing training, so staff are equipped to do their jobs effectively and efficiently. To date, much of the professional development for OADC staff has had limited structure, format, and budget. We continue to realize the necessity and importance of having money allotted to train our staff and to allow OADC staff to benefit from ongoing training in their area of expertise. This request would allow the Agency to budget \$2,000/FY per staff member for annual training and professional development. If these funds were provided, OADC would ensure that staff attend trainings that specifically develop and strengthen skills that directly impact their current job duties and responsibilities. When the OADC staff gets the opportunity for meaningful and continued professional development, it results in OADC being a well-run, highly functional, innovative, and resource-efficient organization that properly supports its contractors throughout the state.

In fulfilling our statutory charge and Agency mission, OADC has always found it critically important to have robust training for all contractor types. Providing attorneys, investigators, forensic social workers, forensic clinical advocates, paralegals, case assistants, resource advocates, and legal researchers throughout Colorado with excellent and relevant trainings is something on which we pride ourselves, and our contractors repeatedly tell us how much they appreciate. Our trainings adhere to best practices by honoring adult learning principles, teaching to a variety of audiences and learning styles, and delivering legally and culturally responsive curriculum.

“ A wealth of information and practical guidance. Created a safe space in which to ask questions. Great moderators who genuinely care about us learning and becoming better lawyers for our clients.

“ This was an incredible week - being able to effectively teach such a massive area of law in a minimal amount of time is amazing. I will definitely take this course again!

“ My small group coaches were fantastic leaders. I enjoyed learning from them throughout the week. They are all such incredible attorneys and resources.

“ This training makes me a better lawyer every year!

Over the last several years, the OADC has developed curriculum for, organized, and facilitated hundreds of hours in CLE approved trainings. We also facilitate regular roundtable brainstorming sessions for appellate and post-conviction practitioners, municipal court defense team members, and youth defense team members, while also offering ongoing interdisciplinary team brainstorming sessions and case consultations with our contractors who have cases set for trial or need support with challenging case scenarios or legal issues. As an Agency, we are promoting the practice of holistic, interdisciplinary team defense, and because our contractor pool has grown significantly in recent years, we have a significant need for additional training funds to be able to train more contractors, and additional contractor types. Further, some of our contractors struggle to pay for the trainings even at our reduced cost. This is especially true for our lower-paid contractors. As independent contractors, they both pay for the training and also cannot earn during any time they are attending these trainings. We want to make them more available and also ensure that all contractors have the opportunity to become more educated (resulting in better outcomes for clients and also reduced cost to the state) by making all trainings that are exclusive to OADC contractors free of charge. The OADC provided 40 trainings that were free of charge to approximately 1,400 attendees in FY23.

The Agency is dedicated to furthering the development of all contractors that work with OADC clients. The OADC wishes to offer contractors the opportunity to attend continuing educational programs we sponsor and/or other training to enhance their legal and advocacy skills to effectively represent clients. To create and continue to maintain a robust training program for staff and for all contractor types, additional funding is critical.

Proposed Solution:

The OADC believes that these adjustments to its Operating and Training GF LBLI will achieve its goals laid out in its mission and asks that the JBC staff approve these base building GF increase of \$82,000 to its Operating LBLI, and a base building GF increase of \$80,000 to its Training LBLI.

Alternatives:

As with the previous FY increase to Operating and Training, the JBC could allow a budget neutral transfer from the OADC Conflicts-of-interest Contract line to cover the \$165,000 increase to the two LBLI mentioned above.

Assumptions for Calculations:

The table below calculates the additional Training GF needs to the Operating LBLI. This would allow each team member to utilize \$2,000/FY per FTE as noted above :

Current FTE (FY24)	Proposed FTE (FY25)	Proposed Annual Amount per FTE	DI Request
38	41	\$ 2,000	\$ 82,000

The table below calculates the additional Training GF needs increase of \$82,000. This would allow each team member to utilize \$2,000/FY per FTE as noted above :

Estimated Training Expenses	Amount
Training for all Contractor Types	\$73,500
Training Equipment	\$2,500
Software and Programs	\$24,000
Estimate for FY25	\$100,000
Current FY24 GF LBLI	\$20,000
LBLI DI request for FY25	\$80,000
Resulting Training Budget	\$100,000

Impact on Other State Government Agency: N/A

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Compensation Plan Placeholder

Priority Number: R-4

Dept. Approval Date: 10/31/2023

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2024-25 |
| <input type="checkbox"/> Base Reduction Item FY 2024-25 |
| <input type="checkbox"/> Supplemental FY 2023-24 |
| <input type="checkbox"/> Budget Amendment FY 2023-24 |

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
		1	2	3	4	5
	Fund	Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
Total of All Line Items	Total	4,609,733	-	4,609,733	622,304	5,232,037
	FTE	36.3	-	-	-	-
	GF	4,609,733	-	4,609,733	622,304	5,232,037
Personal Services	Total	4,219,969	-	4,219,969	571,022	4,790,991
	FTE	36.3	-	-	-	-
	GF	4,219,969	-	4,219,969	571,022	4,790,991
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
Short-Term Disability	Total	5,874	-	5,874	758	6,632
	FTE	-	-	-	-	-
	GF	5,874	-	5,874	758	6,632
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
AED SB 04-257	Total	191,945	-	191,945	25,262	217,207
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	25,262	217,207
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
SAED SB 06-235	Total	191,945	-	191,945	25,262	217,207
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	25,262	217,207
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

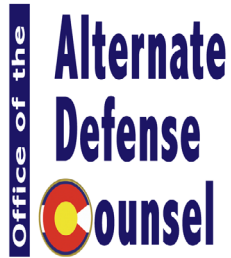
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-4

Agency Priority: Decision Item R - 4				
Compensation Plan Placeholder				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$571,022	\$571,022	\$0	0.0
STD	\$758	\$758	\$0	0.0
AED	\$25,262	\$25,262	\$0	0.0
SAED	\$25,262	\$25,262	\$0	0.0
Total Request	\$622,304	\$622,304	\$0	0.0

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting \$622,304 General Fund placeholder in addition to the Common Policy Total Compensation Request of the Executive Branch to continue implementation of the common compensation plan it developed with the Office of the Respondent Parent’s Counsel (ORPC) and the Office of the Child’s Representative (OCR).

The History, the Problem, and the Opportunity:

As requested by the Joint Budget Committee’s (JBC) staff in FY18, the OADC, ORPC, and OCR have continued to work together to diligently maintain and administer an on-going Total Compensation Plan which is used to compare, align, support, and benchmark staff salaries to corresponding agencies.

The OADC, ORPC, and OCR have contracted with an independent compensation firm, Logic Compensation Group (LCG), to conduct a 2023 compensation study. This study revealed that, effective July 1, 2023, the three agencies’ pay structure is below the market for ‘Range Minimums’, ‘Range Maximums’, Average Actual Salary’, and ‘Median Actual Salary’. This decision item does not incorporate the FY 2023-24 Department of Personnel and Administration’s Common Policy salary survey request. Because the Department of Personnel and Administration’s Annual Compensation Survey Report does not include an analysis of current salaries, the agencies have worked together to develop a Common Compensation Plan to analyze salaries. This year, for the first time, the independent study done by LGC included all job classifications within the Agency in the market analysis. The study compared OADC, ORPC, and

OCR salaries versus actual salaries with Colorado public sector organizations at the local, city and county, state, and federal government levels.

Proposed Solution:

The Compensation Plan study for the OADC, ORPC, and OCR is in the final phases of completion with most of the calculations being completed and provided to the Agencies. The independent agencies have contacted JBC Analyst Alfredo Kemm and have requested permission to request a placeholder amount as calculated below until a final calculation can be provided to the JBC by the FY2024-25 Figure Setting due date. This calculated amount presented in this DI uses total current OADC staff salaries and aligns them to the middle of the range as updated, provided, and approved by the Logic Compensation Group (LCG) study, solely provided here for purposes of constituting a placeholder until we are able to include the final study. A budget amendment will be submitted at that time so Mr. Kemm and the JBC can work with the actual amounts being sought.

Assumptions for Calculations for Placeholder:

Compensation Plan Placeholder		
Personal Services & Benefits		FY2024-25
Compensation Plan Study - Salary Adjustments		490,525
Salary Survey Adjustment (3%) - DPA		14,716
Subtotal, Salary		505,240
PERA	11.57%	58,456
Medicare	1.45%	7,326
Sub-total Personal Services		571,022
Short-term Disability	0.15%	758
AED	5.00%	25,262
SAED	5.00%	25,262
Total Personal Services		622,304

Operational Details:

An additional \$622,304 will be added to the OADC’s Personal Services and POTS lines.

Impact on Other State Government Agency: N/A

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Fellowship Salary Range Alignments

Priority Number: R-5

Dept. Approval Date: 10/31/2023

- Decision Item FY 2024-25
 Base Reduction Item FY 2024-25
 Supplemental FY 2023-24
 Budget Amendment FY 2023-24

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
		1	2	3	4	5
		Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
	Fund					
Total of All Line Items	Total	53,342,256	-	53,342,256	0	53,342,256
	FTE	-	-	-	-	-
	GF	53,342,256	-	53,342,256	0	53,342,256
Personal Services	Total	4,219,969	-	4,219,969	153,776	4,373,745
	FTE	-	-	-	-	-
	GF	4,219,969	-	4,219,969	153,776	4,373,745
Short-Term Disability	Total	5,874	-	5,874	218	6,092
	FTE	-	-	-	-	-
	GF	5,874	-	5,874	218	6,092
AED SB 04-257	Total	191,945	-	191,945	6,803	198,748
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	6,803	198,748
SAED SB 06-235	Total	191,945	-	191,945	6,803	198,748
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	6,803	198,748
Conflicts-of-Interest Contracts	Total	48,732,523	-	48,732,523	(167,600)	48,564,923
	FTE	-	-	-	-	-
	GF	48,732,523	-	48,732,523	(167,600)	48,564,923

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

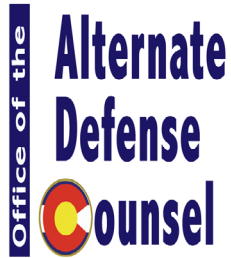
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-5

Agency Priority: Decision Item R - 5				
Fellowship Salary Range Alignment				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$167,600	\$167,600	\$0	0.0
Conflicts-of-interest Contracts	(\$167,600)	(\$167,600)	\$0	0.0
Total Request	\$0.00	\$0.00	\$0	0.0

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting a budget neutral request for salary range correction and alignments for the Fellowships FTE to be funded from a transfer of \$167,600 from its Conflict-of-interest Contracts, as these individuals will be representing indigent individuals in place of contracted attorneys.

Overview:

When creating and budgeting for the Greater Colorado and Inclusivity Fellowship positions, the OADC utilized the 'old' minimum of the Office of the State Public Defender's (OSPD) 'Deputy State Public Defender' job classification range. Since then, the OSPD has revised its compensation plan and the ranges for these positions have changed. The OADC currently has 4 Fellowship FTE positions and a budget for those positions that matches the old OSPD ranges. This request would correct the salary amounts to match the midpoint of the current OSPD ranges.

The OADC is also asking to correct the LSW Fellowship ranges that it received through the FY24 request. Similar to the attorney fellows above, these positions were budgeted at the old OSPD midpoints. This request would align those 2 FTE with the current OSPD entry level LSW midpoint.

Consequences if not funded:

If salary alignment with the OSPD ranges is denied, it would result in the fellowships being funded at a lower rate than the comparable positions with the OSPD. Thus, any applicant would always be better off seeking and accepting a position with the OSPD than one of these fellowships, making it less likely that the OADC can find people to accept these positions. The difficulty in developing new contractors will continue, leading both to an inability to help develop new forensic social workers and to an inability to place new contractors in these legal deserts. The

entire point of having these fellowships, which have already been approved by the General Assembly, would be defeated.

Assumptions for Calculations:

The OADC is requesting that the attorney Fellowship positions be aligned with the mid-range of the revised OSPD Attorney 1 position, ‘Deputy State Public Defender.’ That amount is \$8,195/mo.

Fellowships to Mid Range								
Personal Services & Benefits		JBC Appr FY23 Fellows	PD System Maintenance Study	Incremental Adjustment	JBC Appr FY24 Fellows	PD System Maintenance Study	Incremental Adjustment	Total Adjustment
Number of Persons per Class Title		2.0	2.0	-	2.0	2.0	-	-
Monthly Base Salary		5,516	8,195	2,679	5,516	8,195	2,679	5,357
Number of months in FY		12	12	12	11	11	11	
Salary		132,384	196,668	64,284	121,352	180,279	58,927	123,211
Salary Survey Adjustment (5%)		6,619	9,833	3,214	6,068	9,014	2,946	6,461
Subtotal, Salary		139,003	206,501	67,498	127,420	189,293	61,873	129,372
PERA	11.57%	16,083	23,892	7,810	14,742	21,901	7,159	14,968
Medicare	1.45%	2,016	2,994	979	1,848	2,745	897	1,876
Sub-total Personal Services		157,101	233,388	76,286	144,010	213,939	69,929	146,216
Premiums)	1.152	23,096	23,096	-	23,096	23,096	-	-
Short-term Disability	0.16%	222	330	108	204	303	99	207
AED	5.00%	6,950	10,325	3,375	6,371	9,465	3,094	6,469
SAED	5.00%	6,950	10,325	3,375	6,371	9,465	3,094	6,469
PFML	0.0%	-	-	-	-	-	-	-
Total Personal Services		194,320	277,464	83,144	180,051	256,267	76,216	159,360
FTE		2.0	2.0	-	1.8	1.8	-	-
Operating								
Regular FTE Operating		1,000	1,000	-	1,000	1,000	-	-
Telephone Expense :		900	900	-	900	900	-	-
Software		800	800	-	800	800	-	-
Travel Expenses:		-	-	-	-	-	-	-
Computer, One-Time		2,400	2,400	-	2,400	2,400	-	-
Office Furniture, One-Time		10,000	10,000	-	10,000	10,000	-	-
Total Operating		15,100	15,100	-	15,100	15,100	-	-
TOTAL PERSONAL SERVICES & OPERATING		\$ 209,420	\$ 292,564	\$ 83,144	\$ 195,151	\$ 271,367	\$ 76,216	\$ 159,360

The table below corrects/calculates the LSW Fellowship FTE amounts from the old PD midpoint to the updated midpoint of their entry level LSW, "SW1".

LSW Fellowships				
Personal Services & Benefits		JBC Appr FY24 Fellows	PD System Maintenance Study	Total Adjustment
Number of Persons per Class Title		2.0	2.0	
Monthly Base Salary		5,792	6,082	290
Number of months in FY		11	11	11
Salary		127,423	133,794	6,371
Salary Survey Adjustment (5%)			6,690	319
Subtotal, Salary		127,423	140,484	6,690
PERA	11.57%	14,526	16,254	774
Medicare	1.45%	1,848	2,037	97
Sub-total Personal Services		143,797	158,775	7,561
Health/Life/Dental (Avg, FY22-23 State Premiums)	1.152	21,171	21,171	-
Short-term Disability	0.16%	204	225	11
AED	5.00%	6,371	7,024	334
SAED	5.00%	6,371	7,024	334
PFML	0.0%	-	-	-
Total Personal Services		177,914	194,219	8,240
FTE		1.8	1.8	-
Operating				
Regular FTE Operating		1,000	1,000	-
Telephone Expenses		900	900	-
Software		800	800	-
Travel Expenses			20,000	-
Computer, One-Time		2,400	2,400	-
Office Furniture, One-Time		10,000	10,000	-
Total Operating		15,100	35,100	-
TOTAL PERSONAL SERVICES & OPERATING		\$ 193,014	\$ 229,319	\$ 8,240

Impact on Other State Government Agency:

Supplemental, 1331 Supplemental, or Budget Amendment Criteria:

Current Statutory Authority of Needed Statutory Change:

This Page Intentionally Left Blank

Schedule 13
Funding Request for the 2024-25 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Fellows

Priority Number: R-6

Dept. Approval Date: 10/31/2023

<input checked="" type="checkbox"/> Decision Item FY 2024-25
<input type="checkbox"/> Base Reduction Item FY 2024-25
<input type="checkbox"/> Supplemental FY 2023-24
<input type="checkbox"/> Budget Amendment FY 2023-24

Line Item Information		FY 2023-24		FY 2024-25		FY 2025-26
		1	2	3	4	5
	Fund	Appropriation FY 2023-24	Supplemental Request FY 2023-24	Base Request FY 2024-25	Funding Change Request FY 2024-25	Continuation Amount FY 2025-26
Total of All Line Items	Total	54,125,229	-	54,125,229	0	54,111,889
	FTE	-	-	-	1.8	2.0
	GF	54,125,229	-	54,125,229	0	54,111,889
Personal Services	Total	4,219,969	-	4,219,969	209,863	4,429,832
	FTE	-	-	-	1.8	2.0
	GF	4,219,969	-	4,219,969	209,863	4,429,832
Health Life Dental	Total	533,266	-	533,266	21,172	554,438
	FTE	-	-	-	-	-
	GF	533,266	-	533,266	21,172	554,438
Short-Term Disability	Total	5,874	-	5,874	279	6,153
	FTE	-	-	-	-	-
	GF	5,874	-	5,874	279	6,153
AED SB 04-257	Total	191,945	-	191,945	9,284	201,229
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	9,284	201,229
SAED SB 06-235	Total	191,945	-	191,945	9,284	201,229
	FTE	-	-	-	-	-
	GF	191,945	-	191,945	9,284	201,229
Operating	Total	249,707	-	249,707	4,700	254,407
	FTE	-	-	-	-	-
	GF	249,707	-	249,707	4,700	254,407
Capital Outlay	Total	-	-	-	13,340	-
	FTE	-	-	-	-	-
	GF	-	-	-	13,340	-
Conflicts-of-Interest Contracts	Total	48,732,523	-	48,732,523	(267,922)	48,464,601
	FTE	-	-	-	-	-
	GF	48,732,523	-	48,732,523	(267,922)	48,464,601

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

This Page Intentionally Left Blank



FY 2024-25 Funding Request Decision Item R-6

Agency Priority: Decision Item R - 6				
Fellows				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$249,882	\$249,882	\$0	1.8
Operating Expenses	\$8,040	\$8,040	\$0	0.0
Capital Outlay	\$10,000	\$10,000	\$0	0.0
Conflicts-of-interest Contracts	(\$267,922)	(\$267,922)	\$0	0.0
Total Request	\$0	\$0	\$0	1.8

A similar Fellowships request was approved by the JBC at the March 2023 Figure Setting hearing for the FY23-24 Budget. The OADC is asking to add two more positions for the Fellowships based on the recent applicant pool and realistic start date of many of our current law student applicants who will need to sit for and pass the Colorado bar. Below is the writeup used for the FY23 request for reference. However, it is updated with FY24 budget figure amounts and updated information about our active and current hiring process.

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting 2.0 FTE that will be funded from a transfer of \$267,922 from its Conflict-of-interest Contracts, as these individuals will be representing indigent individuals in place of contracted attorneys. These 2.0 FTE positions will create two, two-year Greater Colorado Fellowships. These positions will assist the OADC in achieving its mission.

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. OADC advocates 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.

Overview:

The OADC has long recognized that the pool of attorneys contracting with our Agency lacks people willing to live in and practice law in rural areas of Colorado (Greater Colorado). The root causes of these deficiencies may be different, but the solution is the same: targeted recruitment and a stable process that will increase the likelihood of long-term financial success for rural practitioners.

Historically, the OADC has fulfilled its obligation to provide legal representation to indigent individuals accused of criminal offenses by contracting with private attorneys to provide legal services on an hourly basis. This system is necessary to prevent ethical conflicts of interest from migrating between employees of a single law firm, e.g., the Office of the State Public Defender. However, it does not provide the financial stability of a monthly paycheck and the benefits necessary to successfully recruit and retain specific practitioners. Thus, the OADC seeks to create a fellowship model to recruit and retain specific practitioners; this model is based on a hybrid of the funding model already in place in Colorado to recruit rural district attorneys (*See* C.R.S. §23-19.3-102), and the Attorney General’s Fellowship which is funded to reduce their caseload backlog.

Meeting the needs of Greater Colorado:

Rural communities lacking in legal services (often called “legal deserts”) will benefit from the development of a private business law office serving the community’s legal needs. True, the Greater Colorado Fellow will begin as a state employee; however, after an initial two-year period of learning the practice of law while supported by the OADC, Colorado’s robust system of support (e.g., Colorado Attorney Mentorship Program) and community practitioners, it is anticipated that the Fellow will become an hourly OADC independent contractor and retain a private practice in that rural area.

The Greater Colorado Practitioner Fellowship

Overview:

The shortage of attorneys in rural communities is a nationwide problem. In 2014, only about 2 percent of law firms were located in small towns or rural areas. Despite about 19 percent of Americans living in rural communities, the number of practicing rural attorneys continues to decline. About half of Colorado's counties have fewer than 25 attorneys, and many have fewer than 10. Worse still, some counties in Colorado have no active attorneys at all and are best termed "legal deserts." These legal deserts disproportionately affect vulnerable, low-income communities. Many rural residents are not informed about the legal system and have less reliable internet service, making it difficult for them to seek justice professionally. Further, areas with a known lack of access to justice are historically more likely to be abused by those in positions of power.

Most importantly, increased access to justice will improve access to legal rights in rural parts of Colorado. There are possible violations of the United States and Colorado Constitutions when individuals charged with a crime are not represented or are represented by attorneys who are unfamiliar with criminal law or when judges are forced to delay proceedings for many weeks until an attorney is available. Due to the difficulty of finding an attorney, litigants in rural communities are likely to experience significant delays or attempt to represent themselves.

Serving rural communities has become centered around managing immense travel costs. In some cases, rural Americans must travel hundreds of miles to see their attorneys. In others, the attorneys themselves must travel long distances for even brief meetings or court appearances.

This has significant costs in money and time. In 2019, which was the last pandemic free fiscal year, the OADC spent almost \$2.5 million on attorney travel costs alone. In some counties, such as Kit Carson and Phillips, travel costs accounted for over 70% of the OADC's total expenses in those counties.

Greater Colorado must also confront the concern that many of the existing rural lawyers are approaching retirement age, with too few law school graduates moving in to replace them. Potential rural attorneys are deterred by concerns about income, law school debt, geographic isolation, diversity, housing, politics, and professional support.

The OADC is seeking to address these concerns by providing a fellowship for a rural contractor. As legal deserts in Colorado are often found in clusters, this placement will serve as a hub from which the attorney can serve the greater region.

Request Details:

The OADC is proposing additional fellowship positions to address the legal deserts in rural Colorado. The OADC is requesting a Greater Colorado Fellow attorney for a two-year term to increase access to justice, reduce financial costs, and improve the quality of rural legal representation. Additional positions will allow us to use our most recent hiring cycle to fill potentially both the currently vacant positions and two additional positions for 2024 law school graduates, who make up roughly half of our applicants. Due to the timing of law school fellowships, graduation, and bar examination, it creates a less than optimal hiring and recruiting cycle in line with the current fiscal years.

While this is a two-year fellowship, the OADC intends this program to be a long-term, holistic solution to the legal deserts in rural Colorado. The OADC will select applicants that intend to remain in the rural location after the fellowship ends and establish a private practice, while also considering factors for placement of the Fellow such as the attorneys in a geographic area, OADC's billed hours for attorney work and travel in certain areas, and community support and business growth factors. The hope is to establish practitioners who will continue to contract with the OADC and serve other legal needs of their rural communities.

With these factors in mind, the OADC has expanded to focus on six areas that are attractive to applicants, and less connected to judicial districts. However, the fellowship is open to other possibilities if a candidate has ties to a different Greater Colorado Community and wants to start their practice there. The six areas are:

- Grand Junction/ Montrose (21st and 7th Judicial Districts);
- Durango/Cortez (22nd and 6th Judicial Districts);
- Salida and Canon City (11th and 12th Judicial Districts);
- Otero and Bent counties (16th Judicial District);
- Morgan and Logan counties (13th Judicial District);
- Eagle and Garfield counties (5th and 9th Judicial Districts).

The OADC intended to locate two practitioners in two areas of need in FY 2022-2023. However, after the initial round of hiring and applications in early 2023, the OADC only received eight applicants and was unable to select a fellow that was interested in serving both a county of need and practicing indigent defense. The OADC reposted the Fellowship opportunity in August of 2023. The application window closed on October 25, 2023. The OADC is hoping to place two practitioners in FY2023-2024 and an additional two practitioners in the Fall of 2024 or early 2025 (FY2024-2025) from the current applicant pool if this request is granted. The OADC received 20 applicants this hiring round, after more targeted outreach.

The OADC Attorney Development Coordinator, the Fellowship Program Leader, started with OADC in December 2023. Since starting, she has focused the past 9 months on a more deliberate and intentional recruitment strategy, which has yielded a significantly greater number of

applicants, and interested future students, thus, opening additional contractor recruitment opportunities as well as fellowship opportunities.

This has been and will continue to be a slow and deliberate process to ensure that existing practitioners are not negatively impacted by a sudden increase in the supply of legal service providers.

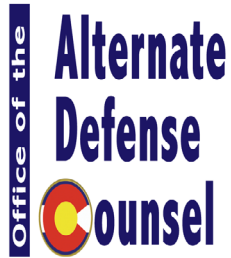
In order to achieve long-term success, the OADC recognizes that final selection of the location will need to be made in conjunction with an applicant's desire to reside in a given location long after the fellowship ends. Considering the above-cited concerns regarding legal practice in rural communities, the OADC will prioritize selecting an attorney who is committed to indigent defense, has previously lived in a rural community or has a passion for helping rural communities, shows interest in developing their own law firm, is comfortable working independently, shows interest in improving access to justice, and/or a nontraditional law school graduate. The OADC will reevaluate these selection criteria on an annual basis based on effectiveness, reach, and retainment.

Each attorney selected for a rural fellowship will be allowed a single two-year term. The OADC intends to provide two years of financial stability to enable the Greater Colorado Fellow to develop a private practice. After those two years, we expect that the Greater Colorado Fellow will provide legal services to the community and to the OADC on an hourly basis as one of our contractors.

Consequences if not funded:

If the OADC is denied the requested FTE positions, the OADC will continue to struggle with addressing the needs of legal deserts in Greater Colorado. As a result, OADC will continue to dedicate considerable resources and funding to attorney travel costs, and the ongoing concerns related to legal representation and access to counsel throughout rural areas of the state will continue.

This Page Intentionally Left Blank



FY 2024-25 Annualization Adjustment (SB23-227)

Agency Priority: FY2024-25 Annualization Adjustment (SB23-227)				
Contractor Rate Increase - Attorneys				
Summary of Funding/FTE Change for FY25	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$ 1,719,623	\$ 1,719,623	\$0	0.0
Total Request	\$ 1,719,623	\$ 1,719,623	\$0	0.0

Request Summary:

In conjunction with the Office of Respondent Parents' Counsel (ORPC) and the Office of the Child's Representative (OCR), and pursuant to [SB23-227](#), the OADC is annualizing a \$5 hourly rate increase for its attorney contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense counsel to represent indigent adults and youth, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$1,719,623 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY25.

The History, the Problem, and the Opportunity:

SB23-227 approved by the Governor April 17, 2023, created a mechanism to increase the hourly rate for attorneys who contract with the OADC, ORPC, OCR. The rate for fiscal year 2023-24 is \$100 per hour. Pursuant to the statute, the hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" (CJA) for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986". Presently, the CJA attorney rate is \$164 per hour. $\$100/\$164 = 61\%$. The additional \$5.00 will get attorneys to $\$105/\$164 = 64\%$.

Proposed Solution:

Increase the OADC's FY25 Conflict-of-interest Contracts LBLI by \$1,719,623 to fund a \$5 increase to Attorney hourly rates to bring contractors closer to competitive market rates.

Operational Details:

The hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2024, for all work performed on and after that date. Rate increases will continue in effect until another change occurs. All contractors will be notified of the rate increases and their effective date so they can adjust their billing accordingly.

Why this is the best possible alternative:

There will be cost savings to the Agency by attracting and retaining more experienced, capable contractors who are in turn more efficient in accomplishing work on cases.

Assumptions for Calculations:

Long Bill Line Item (LBLI)	FY23 Expenses	FY24 Rate Incr %	FY24 Estimated Expenditures	FY25 % Rate Increase	Incremental increase to FY25 LBLI
Conflict-of-interest Contracts (Attorney) Annualization	\$ 29,245,285	18%	\$ 34,392,455	5%	\$ 1,719,623
					Conflict-of-interest Contracts FY25 LBLI Incr. \$ 1,719,623

Consequences if not funded:

The OADC believes and has extensive anecdotal evidence that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient. There may be a steady supply of newly minted *inexperienced* lawyers who will do OADC work, but history shows that new, *inexperienced* lawyers lack competency in various areas of criminal and youth defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, additional training, mentoring, oversight, and post-conviction (ineffective assistance of counsel) claims, not to mention the cost of incarceration that may have been avoided by a more seasoned practitioner.

Impact on Other State Government Agency:

The Agency is making this request in conjunction with the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC).

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 2
 Department Summary
 Judicial Branch
 Office of the Alternate Defense Counsel
 C.R.S. §21-2-101

	Actual FY2020-2021		Actual FY2021-2022		Actual FY2022-2023		Budgeted FY2023-2024		Requested FY2024-2025	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Department Total										
Total	37,744,339	16.0	39,750,983	16.0	45,393,837	21.0	57,440,232	36.3	60,944,810	40.7
GF	37,531,364	16.0	39,305,876	16.0	45,336,850	21.0	57,235,192	36.3	60,864,810	40.7
CF	80,000		80,000		80,000		80,000		80,000	

This Page Intentionally Left Blank

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2020-21		Actual FY 2021-22		Actual FY 2022-23		Budget FY 2023-24		Request FY 2024-25	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Position Detail										
Approved FTE (FY 2020-21) HB20-1360	1,426,740	14.0								
Approved FTE (FY 2021-22) SB21-205			1,497,970	14.0						
Approved FTE (FY 2022-23) HB22-1329					1,846,550	21.0				
Budgeted FTE (FY 2023-24) SB23-214							4,219,969	36.3		
Requested FTE (FY 2024-25)									3,811,880	36.3
The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									10,666	0.1
The Inclusivity Fellowship (FY24) - Annualization (FY25) Request									10,666	0.1
Social Worker Fellowship (FY24) - Annualization (FY25) Request									5,792	0.1
Social Worker Fellowship (FY24) - Annualization (FY25) Request									5,792	0.1
People & EDI Advocate - Annualization (FY25) Request									8,632	0.1
Holistic Defense Coordinator - Annualization (FY25) Request									11,998	0.1
Appointment Specialist - Annualization (FY25) Request									4,133	0.1
(PCU) Managing Attorney - Annualization (FY25) Request									12,063	0.1
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Investigator - Annualization (FY25) Request									7,595	0.1
(PCU) Investigator - Annualization (FY25) Request									7,595	0.1
(PCU) Paralegal - Annualization (FY25) Request									5,742	0.1
(PCU) LCSW - Annualization (FY25) Request									7,363	0.1
(PCU) Admin Assistant - Annualization (FY25) Request									4,713	0.1
DI # 2 Contractor Process Coordinator									99,358	0.9
DI # 6 The Greater Colorado Practitioner Fellowship									92,844	0.9
DI # 6 The Greater Colorado Practitioner Fellowship									92,844	0.9
DI # 5 Fellowships Salary Range Alignments - GC/I									129,372	
DI # 5 Fellowships Salary Range Alignments - LSW									6,690	
DI # 4 Common Compensation Plan (FY25) * Placeholder									505,240	
Continuation Salary Subtotal	1,426,740	14.0	1,497,970	28.0	1,846,550	42.0	4,219,969	36.3	4,876,102	40.7

SCHEDULE 3 - Program Detail

Other Personal Services										
PERA on Continuation Subtotal (FY25)										462,700
PERA - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request										1,227
PERA - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request										1,227
PERA - Social Worker Fellowship (FY24) - Annualization (FY25) Request										660
PERA - Social Worker Fellowship (FY24) - Annualization (FY25) Request										660
PERA - People & EDI Advocate - Annualization (FY25) Request										984
PERA - Holistic Defense Coordinator - Annualization (FY25) Request										1,367
PERA - Appointment Specialist - Annualization (FY25) Request										470
PERA - (PCU) Managing Attorney - Annualization (FY25) Request										1,375
PERA - (PCU) Staff Attorney - Annualization (FY25) Request										1,001
PERA - (PCU) Staff Attorney - Annualization (FY25) Request										1,001
PERA - (PCU) Staff Attorney - Annualization (FY25) Request										1,001
PERA - (PCU) Staff Attorney - Annualization (FY25) Request										1,001
PERA - (PCU) Investigator - Annualization (FY25) Request										866
PERA - (PCU) Investigator - Annualization (FY25) Request										866
PERA - (PCU) Paralegal - Annualization (FY25) Request										654
PERA - (PCU) LCSW - Annualization (FY25) Request										839
PERA - (PCU) Admin Assistant - Annualization (FY25) Request										537
PERA - DI # 2 Contractor Process Coordinator										11,496
PERA - DI # 6 The Greater Colorado Practitioner Fellowship										10,742
PERA - DI # 6 The Greater Colorado Practitioner Fellowship										10,742
PERA - DI # 5 Fellowships Salary Range Alignments - GC/I										14,968
PERA - DI # 5 Fellowships Salary Range Alignments - LSW										774
PERA DI # 4 Common Compensation Plan (FY25) * Placeholder										58,456
Medicare on Continuation Subtotal (FY20)	1,739									
Medicare on Continuation Subtotal (FY21)	18,090		1,740							
Medicare on Continuation Subtotal (FY22)			19,671			2,008				
Medicare on Continuation Subtotal (FY23)						24,475				
Medicare on Continuation Subtotal (FY24)										
Medicare on Continuation Subtotal (FY25)										57,987
Medicare - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request										154
Medicare - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request										154
Medicare - Social Worker Fellowship (FY24) - Annualization (FY25) Request										84
Medicare - Social Worker Fellowship (FY24) - Annualization (FY25) Request										84
Medicare - People & EDI Advocate - Annualization (FY25) Request										125
Medicare - Holistic Defense Coordinator - Annualization (FY25) Request										174
Medicare - Appointment Specialist - Annualization (FY25) Request										60
Medicare - (PCU) Managing Attorney - Annualization (FY25) Request										175
Medicare - (PCU) Staff Attorney - Annualization (FY25) Request										127
Medicare - (PCU) Staff Attorney - Annualization (FY25) Request										127
Medicare - (PCU) Staff Attorney - Annualization (FY25) Request										127
Medicare - (PCU) Staff Attorney - Annualization (FY25) Request										127
Medicare - (PCU) Investigator - Annualization (FY25) Request										110
Medicare - (PCU) Investigator - Annualization (FY25) Request										110

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2020-21		Actual FY 2021-22		Actual FY 2022-23		Budget FY 2023-24		Request FY 2024-25	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Staff Attorney								0.9	96,555	0.9
(PCU) Staff Attorney - Annualization (FY25) Request									8,782	0.1
(PCU) Investigator								0.9	83,605	0.9
(PCU) Investigator - Annualization (FY25) Request									7,595	0.1
(PCU) Investigator								0.9	83,605	0.9
(PCU) Investigator - Annualization (FY25) Request									7,595	0.1
(PCU) Paralegal								0.9	63,139	0.9
(PCU) Paralegal - Annualization (FY25) Request									5,742	0.1
(PCU) LCSW								0.9	80,945	0.9
(PCU) LCSW - Annualization (FY25) Request									7,363	0.1
(PCU) Admin Assistant								0.9	51,795	0.9
(PCU) Admin Assistant - Annualization (FY25) Request									4,713	0.1
DI # 2 Contractor Process Coordinator									99,358	0.9
DI # 6 The Greater Colorado Practitioner Fellowship									92,844	0.9
DI # 6 The Greater Colorado Practitioner Fellowship									92,844	0.9
DI # 5 Fellowships Salary Range Alignments - GC/I									129,372	
DI # 5 Fellowships Salary Range Alignments - LSW									6,690	
DI # 4 Common Compensation Plan (FY25) * Placeholder									505,240	
Continuation Salary Subtotal	1,426,740	14.0	1,497,970	14.0	1,846,550	21.0	4,219,969	36.3	4,876,102	40.7
Other Personal Services										
PERA on Continuation Subtotal (FY25)									462,700	
PERA - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									1,227	
PERA - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request									1,227	
PERA - Social Worker Fellowship (FY24) - Annualization (FY25) Request									660	
PERA - Social Worker Fellowship (FY24) - Annualization (FY25) Request									660	
PERA - People & EDI Advocate - Annualization (FY25) Request									984	
PERA - Holistic Defense Coordinator - Annualization (FY25) Request									1,367	
PERA - Appointment Specialist - Annualization (FY25) Request									470	
PERA - (PCU) Managing Attorney - Annualization (FY25) Request									1,375	
PERA - (PCU) Staff Attorney - Annualization (FY25) Request									1,001	
PERA - (PCU) Staff Attorney - Annualization (FY25) Request									1,001	
PERA - (PCU) Staff Attorney - Annualization (FY25) Request									1,001	
PERA - (PCU) Staff Attorney - Annualization (FY25) Request									1,001	
PERA - (PCU) Investigator - Annualization (FY25) Request									866	
PERA - (PCU) Investigator - Annualization (FY25) Request									866	
PERA - (PCU) Paralegal - Annualization (FY25) Request									654	
PERA - (PCU) LCSW - Annualization (FY25) Request									839	
PERA - (PCU) Admin Assistant - Annualization (FY25) Request									537	
PERA - DI # 2 Contractor Process Coordinator									11,496	
PERA - DI # 6 The Greater Colorado Practitioner Fellowship									10,742	
PERA - DI # 6 The Greater Colorado Practitioner Fellowship									10,742	
PERA - DI # 5 Fellowships Salary Range Alignments - GC/I									14,968	
PERA - DI # 5 Fellowships Salary Range Alignments - LSW									774	
PERA DI # 4 Common Compensation Plan (FY25) * Placeholder									58,456	

SCHEDULE 3 - Program Detail

Medicare - (PCU) Paralegal - Annualization (FY25) Request										83	
Medicare - (PCU) LCSW - Annualization (FY25) Request										107	
Medicare - (PCU) Admin Assistant - Annualization (FY25) Request										68	
Medicare - DI # 2 Contractor Process Coordinator										1,441	
Medicare - DI # 6 The Greater Colorado Practitioner Fellowship										1,346	
Medicare - DI # 6 The Greater Colorado Practitioner Fellowship										1,346	
Medicare - DI # 5 Fellowships Salary Range Alignments - GC/I										1,876	
Medicare - DI # 5 Fellowships Salary Range Alignments - LSW										97	
Medicare - DI # 4 Common Compensation Plan (FY25) * Placeholder										7,326	
Other Personal Services	7,150		37,556			45,987					
Contractual Services	108,572		128,530			393,453					
Accrual Adjustments						248,302					
recon error										14,921	
Personal Services Subtotal	1,714,034	14.0	1,847,203	28.0	2,769,219	42.0	4,219,969	36.3	5,550,055	40.7	
Pots Expenditures											
Health/Life/Dental (FY19)											
Health/Life/Dental (FY20)	15,929										
Health/Life/Dental (FY21)	180,614		14,668								
Health/Life/Dental (FY22)			182,144		17,972						
Health/Life/Dental (FY23)					226,751						
Health/Life/Dental (FY24)							533,266				
Health/Life/Dental (FY25)										664,304	
HLD - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request										962	
HLD - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request										962	
HLD - Social Worker Fellowship (FY24) - Annualization (FY25) Request										962	
HLD - Social Worker Fellowship (FY24) - Annualization (FY25) Request										962	
HLD - People & EDI Advocate - Annualization (FY25) Request										962	
HLD - Holistic Defense Coordinator - Annualization (FY25) Request										962	
HLD - Appointment Specialist - Annualization (FY25) Request										962	
HLD - (PCU) Managing Attorney - Annualization (FY25) Request										962	
HLD - (PCU) Staff Attorney - Annualization (FY25) Request										962	
HLD - (PCU) Staff Attorney - Annualization (FY25) Request										962	
HLD - (PCU) Staff Attorney - Annualization (FY25) Request										962	
HLD - (PCU) Staff Attorney - Annualization (FY25) Request										962	
HLD - (PCU) Investigator - Annualization (FY25) Request										962	
HLD - (PCU) Investigator - Annualization (FY25) Request										962	
HLD - (PCU) Paralegal - Annualization (FY25) Request										962	
HLD - (PCU) LCSW - Annualization (FY25) Request										962	
HLD - (PCU) Admin Assistant - Annualization (FY25) Request										962	
HLD - DI # 2 Contractor Process Coordinator										10,586	
HLD - DI # 6 The Greater Colorado Practitioner Fellowship										10,586	
HLD - DI # 6 The Greater Colorado Practitioner Fellowship										10,586	
Short Term Disability (FY20)	184										
Short Term Disability (FY21)	1,949		176								
Short Term Disability (FY22)			2,064		210						
Short Term Disability (FY23)					2,536						
Short Term Disability (FY24)							5,874				
Short Term Disability (FY25)										6,179	

SCHEDULE 3 - Program Detail

STD - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									17
STD - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request									17
STD - Social Worker Fellowship (FY24) - Annualization (FY25) Request									9
STD - Social Worker Fellowship (FY24) - Annualization (FY25) Request									9
STD - People & EDI Advocate - Annualization (FY25) Request									14
STD - Holistic Defense Coordinator - Annualization (FY25) Request									19
STD - Appointment Specialist - Annualization (FY25) Request									7
STD - (PCU) Managing Attorney - Annualization (FY25) Request									19
STD - (PCU) Staff Attorney - Annualization (FY25) Request									14
STD - (PCU) Staff Attorney - Annualization (FY25) Request									14
STD - (PCU) Staff Attorney - Annualization (FY25) Request									14
STD - (PCU) Staff Attorney - Annualization (FY25) Request									14
STD - (PCU) Investigator - Annualization (FY25) Request									12
STD - (PCU) Investigator - Annualization (FY25) Request									12
STD - (PCU) Paralegal - Annualization (FY25) Request									9
STD - (PCU) LCSW - Annualization (FY25) Request									12
STD - (PCU) Admin Assistant - Annualization (FY25) Request									8
STD - DI # 2 Contractor Process Coordinator									149
STD - DI # 6 The Greater Colorado Practitioner Fellowship									140
STD - DI # 6 The Greater Colorado Practitioner Fellowship									140
STD - DI # 5 Fellowships Salary Range Alignments - GC/I									207
STD - DI # 5 Fellowships Salary Range Alignments - LSW									11
STD - DI # 4 Common Compensation Plan (FY25) * Placeholder									758
AED (FY20)	5,984								
AED (FY21)	63,422		5,987						
AED (FY22)			67,725		6,910				
AED (FY23)					84,322				
AED (FY24)							191,945		
AED (FY25)									205,956
AED - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									533
AED - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request									533
AED - Social Worker Fellowship (FY24) - Annualization (FY25) Request									579
AED - Social Worker Fellowship (FY24) - Annualization (FY25) Request									579
AED - People & EDI Advocate - Annualization (FY25) Request									863
AED - Holistic Defense Coordinator - Annualization (FY25) Request									1,199
AED - Appointment Specialist - Annualization (FY25) Request									413
AED - (PCU) Managing Attorney - Annualization (FY25) Request									1,206
AED - (PCU) Staff Attorney - Annualization (FY25) Request									878
AED - (PCU) Staff Attorney - Annualization (FY25) Request									878
AED - (PCU) Staff Attorney - Annualization (FY25) Request									878
AED - (PCU) Staff Attorney - Annualization (FY25) Request									878
AED - (PCU) Investigator - Annualization (FY25) Request									760
AED - (PCU) Investigator - Annualization (FY25) Request									760
AED - (PCU) Paralegal - Annualization (FY25) Request									574
AED - (PCU) LCSW - Annualization (FY25) Request									736
AED - (PCU) Admin Assistant - Annualization (FY25) Request									471
AED - DI # 2 Contractor Process Coordinator									4,968
AED - DI # 6 The Greater Colorado Practitioner Fellowship									4,642
AED - DI # 6 The Greater Colorado Practitioner Fellowship									4,642
AED - DI # 5 Fellowships Salary Range Alignments - GC/I									6,469
AED - DI # 5 Fellowships Salary Range Alignments - LSW									334
AED - DI # 4 Common Compensation Plan (FY25) * Placeholder									25,262

SCHEDULE 3 - Program Detail

SAED (FY14)										
SAED (FY15)										
SAED (FY16)										
SAED (FY17)										
SAED (FY18)										
SAED (FY19)										
SAED (FY20)	5,984									
SAED (FY21)	63,422		5,987							
SAED (FY22)			67,725		6,910					
SAED (FY23)					84,322					
SAED (FY24)							191,945			
SAED (FY25)									205,956	
SAED - The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									533	
SAED - The Inclusivity Fellowship (FY24) - Annualization (FY25) Request									533	
SAED - Social Worker Fellowship (FY24) - Annualization (FY25) Request									579	
SAED - Social Worker Fellowship (FY24) - Annualization (FY25) Request									579	
SAED - People & EDI Advocate - Annualization (FY25) Request									863	
SAED - Holistic Defense Coordinator - Annualization (FY25) Request									1,199	
SAED - Appointment Specialist - Annualization (FY25) Request									413	
SAED - (PCU) Managing Attorney - Annualization (FY25) Request									1,206	
SAED - (PCU) Staff Attorney - Annualization (FY25) Request									878	
SAED - (PCU) Staff Attorney - Annualization (FY25) Request									878	
SAED - (PCU) Staff Attorney - Annualization (FY25) Request									878	
SAED - (PCU) Staff Attorney - Annualization (FY25) Request									878	
SAED - (PCU) Investigator - Annualization (FY25) Request									760	
SAED - (PCU) Investigator - Annualization (FY25) Request									760	
SAED - (PCU) Paralegal - Annualization (FY25) Request									574	
SAED - (PCU) LCSW - Annualization (FY25) Request									736	
SAED - (PCU) Admin Assistant - Annualization (FY25) Request									471	
SAED - DI # 2 Contractor Process Coordinator									4,968	
SAED - DI # 6 The Greater Colorado Practitioner Fellowship									4,642	
SAED - DI # 6 The Greater Colorado Practitioner Fellowship									4,642	
SAED - DI # 5 Fellowships Salary Range Alignments - GC/I									6,469	
SAED - DI # 5 Fellowships Salary Range Alignments - LSW									334	
SAED - DI # 4 Common Compensation Plan (FY25) * Placeholder									25,262	
ATB - (DPA) Salary Survey (FY25) Salary Adjustments									119,974	
ATB - (DPA) Salary Survey (FY25) PERA Adjustments									13,881	
ATB - (DPA) Salary Survey (FY25) Medicare Adjustments									1,740	
Paid Family and Medical Leave Insurance Program Premiums (PFML)									18,536	
Personal Services Total Detail	2,051,522	14.0	2,193,678	28.0	3,199,154	42.0	5,142,999	36.3	6,954,392	40.7

SCHEDULE 3 - Program Detail

Personal Services Reconciliation Authorization										
Long Bill Request	1,661,623		1,661,709		2,403,623					
Supplemental - SB20-1249										
Health/Life/Dental	124,336		220,887		290,390					
Short Term Disability	2,773		2,700		3,437					
Salary Survey			55,221		56,984		125,040			
Merit Pay										
AED	88,118		84,375		107,418					
SAED	88,118		84,375		107,418					
Transfer In from Conflicts	119,774		119,388		229,884					
Transfer In from Municipal Court Program			10,387							
Transfer to Municipal Courts Program (POTS)	(33,220)		(45,364)							
Personal Services Authorization	2,051,522	14.0	2,193,678	28.0	3,199,154	42.0	5,268,039	36.3	6,954,392	40.7
General Fund	2,051,522		2,193,678		3,199,154		5,142,999		6,954,392	
Cash Funds										
Operating Expenses/Capital Outlay										
1622 Contractual Employee PERA	208									
1624 Contractual Employee PERA-AED	95									
1625 Contractual Employee PERA-SAED	95									
1935 Purchased Svcs - Legal Services			5,250		2,331					
1960 Personal Svcs - IT services	1,199									
2231 IT Hardware Maintenance & Repair Services	35,929		45,647		61,955					
2253 Rental Of Equipment	2,790		4,864		6,325					
2254 Rental of Motor Vehicles					86					
2255 Rental of Building/Space					1,474					
2258 Parking Fees										
2310 Purchased contract services										
2510 In-State Travel										
2511 In-State Common Carrier Fares					181					
2512 In-State Pers Travel Per Diem			695		6,737					
2513 In-State Pers Vehicle Reimbsmt			516		2,993					
2522 Is/Non-Empl - Pers Per Diem			852		686					
2523 Is/Non-Empl - Pers Veh Reimb			204		786					
2531 Os Common Carrier Fares					3,352					
2532 Os Personal Travel Per Diem					6,448					
2533 Os Personal Vehicle Reimb										
2541 Os Non-Empl- Common Carrier					886					
2542 Os Non-Empl- Per Diem					1,787					
2630 Comm Svcs From Div Of Telecom										
2631 Comm Svcs From Outside Sources	11,899		16,468		10,862					
2680 Printing/Reproduction Services	1,215		1,012		842					
2690 Legal Services										

SCHEDULE 3 - Program Detail

2810 Freight					19				
2820 Other Purchase Services	3,720								
2830 Office Moving-Pur Serv									
2831 Storage - Pur Services									
3110 Other Supplies & Materials	250		537		12,187				
3118 Food And Food Serv Supplies	130		1,100		2,385				
3120 Books/Periodicals/Subscription	77,666		82,030		108,703				
3121 Office Supplies	1,525		1,252		1,344				
3123 Postage	2,069		2,401		769				
3128 Noncapitalized Equipment	768		1,818		3,235				
3132 Noncap Office Furn/Office Syst	438		1,281		1,985				
3140 Noncapitalized PC - (Individual Items Under \$5,000)	16,733		18,063		40,633				
4100 Other Operating Expenses	1,819		3,748		11,739				
4140 Dues And Memberships	3,463		16,151		7,883				
4180 Official Functions									
4220 Registration Fees	2,629		1,210		11,265				
4222 Registration Form Reimbursement					350				
6221 Information Technology - Direct Purchase					15,309				
Operating Expenses Total Detail	164,639	0.0	205,098	0.0	325,537	0.0	249,707		338,757
Reconciliation									
Long Bill Appropriation	120,887		120,887		139,546				249,707
Supplemental - SB20-1249									
Transfer to/from Conflicts	43,752		84,211		185,991				
Oper - DI # 2 Contractor Process Coordinator									2,350
Oper - DI # 6 The Greater Colorado Practitioner Fellowship									2,350
Oper - DI # 6 The Greater Colorado Practitioner Fellowship									2,350
Oper - DI # 3 Training & Development LBLI Adjustments									82,000
Operating Costs Authorization	164,639	0.0	205,098	0.0	325,537	0.0	249,707		338,757
General Fund	164,639		205,098		325,537		249,707		338,757
Cash Funds									
Capital Outlay Operating									
Capital Outlay	0		0		0		113,390		
Capital Outlay Detail	0		0		0		113,390		20,010

SCHEDULE 3 - Program Detail

Reconciliation									
Long Bill Appropriations									113,390
FY24 Capital Outlay FTE amounts (Annualized)									(113,390)
Capital Outlay - DI # 2 Contractor Process Coordinator									6,670
Capital Outlay - DI # 6 The Greater Colorado Practitioner Fellowship									6,670
Capital Outlay - DI # 6 The Greater Colorado Practitioner Fellowship									6,670
Capital Outlay Authorized	0	0	0	0	0	0	113,390	20,010	
General Fund	0	0	0	0	0	0	113,390	20,010	
Cash Funds									
Training/Conference									
Training Conference	100,000				100,000				
Training/Conference Detail	100,000	0.0	100,000	0.0	100,000	0.0	100,000	182,000	
Reconciliation									
Long Bill Appropriations (GF)	20,000		20,000		20,000				20,000
Long Bill Appropriations (CF)	80,000		80,000		80,000				80,000
Training - DI # 3 Training & Development LBLI Adjustments (GF)									82,000
SB19-223 (Competency Bill)									
Transfer to/ from Capital Outlay			3,806		966				
Transfer to/from Conflicts									
Unearned CF/Revenue	(39,555)		(24,848)		(23,979)				
Training/Conference Authorized	60,445	0.0	78,958	0.0	76,988	0.0	100,000	182,000	
General Fund	20,000		20,000		20,000		20,000	102,000	
Cash Funds	80,000		80,000		80,000		80,000	80,000	
Conflict of Interest Contracts									
Conflict of Interest Contracts	33,678,521		34,941,478		44,430,264		48,732,523		
Conflict of Interest Total Detail	33,678,521	0.0	34,941,478	0.0	44,430,264	0.0	48,732,523	44,430,264	
Reconciliation									
Long Bill Appropriations	46,493,770		42,262,813		44,430,264				48,732,523
Supplemental - SB22-1176			(5,159,901)						
Supplemental - SB20-1360 (Add-On)									
Supplemental - SB21-045	(4,230,957)								
Transfer to/ from Personal Services	(119,774)		(119,388)		(229,884)				
Transfer to/ from Training			(3,806)		(966)				
Transfer to/ from Operating	(43,752)		(84,211)		(154,991)				
Transfer to/ from Municipal Court			(59,108)						
Judicial Transfer Authority - To SCAO									
Reversion	(8,420,766)		(1,894,921)		(4,041,544)				

SCHEDULE 3 - Program Detail

SB23-277 - 5% Contractor Rate Increase - Attorneys Annualization (FY24)									1,719,623	
DI # 1 Contractor Hourly Rate Increase - Legal Teams (FY25)									549,708	
The Greater Colorado Practitioner Fellowship (FY24) - Annualization (FY25) Request									(12,711)	
The Inclusivity Fellowship (FY24) - <i>Annualization (FY25) Request</i>									(12,711)	
Social Worker Fellowship (FY24) - Annualization (FY25) Request									(7,922)	
Social Worker Fellowship (FY24) - Annualization (FY25) Request									(7,922)	
(PCU) Managing Attorney - Annualization (FY25) Request									(15,457)	
(PCU) Staff Attorney - Annualization (FY25) Request									(11,514)	
(PCU) Staff Attorney - Annualization (FY25) Request									(11,514)	
(PCU) Staff Attorney - Annualization (FY25) Request									(11,514)	
(PCU) Staff Attorney - Annualization (FY25) Request									(11,514)	
(PCU) Investigator - Annualization (FY25) Request									(10,090)	
(PCU) Investigator - Annualization (FY25) Request									(10,090)	
(PCU) Paralegal - Annualization (FY25) Request									(7,861)	
(PCU) LCSW - Annualization (FY25) Request									(9,809)	
(PCU) Admin Assistant - Annualization (FY25) Request									(6,624)	
DI # 6 The Greater Colorado Practitioner Fellowship									(133,961)	
DI # 6 The Greater Colorado Practitioner Fellowship									(133,961)	
DI # 5 Fellowships Salary Range Alignments - GC/I									(159,360)	
DI # 5 Fellowships Salary Range Alignments - LSW									(8,239)	
Conflict of Interest Authorization	33,678,521	0.0	34,941,478	0.0	40,002,879	0.0	48,732,523		50,419,081	
General Fund	33,678,521		34,941,478		40,002,879		48,732,523		50,419,081	
Cash Funds										
Mandated Costs										
Mandated Costs	1,381,156		2,542,050		2,895,573		2,976,573		3,030,573	
Mandated Costs Total Detail	1,381,156	0.0	2,542,050	0.0	2,895,573	0.0	2,976,573		3,030,573	
Reconciliation										
Long Bill Appropriations	3,185,451		2,895,573		2,895,573				2,976,573	
Transcriber Rate Increase Annualization									54,000	
Supplemental - SB20-1360 (Add-On)										
Supplemental - SB21-045	(289,878)		(353,523)							
Reversion	(1,514,417)		(892,819)		(1,106,293)					
Mandated Costs Authorization	1,381,156	0.0	1,649,231	0.0	1,789,280	0.0	2,976,573		3,030,573	
General Fund	1,381,156		1,649,231		1,789,280		2,976,573		3,030,573	
Long Bill Group/Division Total										
Grand Total - with Pots	37,744,339	16.0	39,750,983	30.0	45,393,837	42.0	57,440,232	36.3	60,944,810	40.7
General Fund	37,744,339		39,750,983		45,393,837		57,440,232		60,944,810	
Cash Funds	37,531,364	16.0	39,305,876	30.0	45,336,850	42.0	57,235,192	36.3	60,864,810	40.7
	80,000	0.0	80,000	0.0	80,000	0.0	80,000	0.0	80,000	0.0

**Schedule 5 - Line Item to Statute
Judicial Branch
Office of the Alternate Defense Counsel
FY 2023-2024 Budget Request
November 1, 2023**

This Long Bill Group funds the total program of the Office of the Alternate Defense Counsel.

Line Item Name	Line Item Description	Programs Supported by Line Item	Statutory Citation
Personal Services	This line funds the personnel for the management of the OADC.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Health, Life and Dental Insurance	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Short Term Disability	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 04-257 Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 06-235 Supplemental Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Salary Survey	Adjustments to State Employee Salaries based on the Total Compensation Survey	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Performance based Pay Awards	Performance based merit pay	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Operating	This line funds the operating costs for OADC personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Lease	This line funds the lease payment for operational personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Training	The line funds the training/updating for OADC contractors.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Conflicts	This line pays for all statutorily-mandated legal services for representation of indigent defendants in which the Public Defender has a conflict.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Mandated	This line pays for all statutorily-mandated costs associated with the representation of defendants, such as, mental health evaluations, discovery; experts, transcripts.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>

This Page Intentionally Left Blank

Schedule 7 - Summary of Supplemental Bills
Judicial Branch
Office of the Alternate Defense Counsel
FY2023-24 Budget Request
November 1, 2023

		Total	GF
Actual FY 2021-22 SB21-045 Supplemental	Conflict Contracts Mandated Total FY2021-22	0.0	(5,159,901) (353,523) (5,513,424)
			(5,159,901) (353,523) (5,513,424)
Actual FY 2020-21 SB21-045 Supplemental	Conflict Contracts Mandated Total FY2020-21	0.0	(4,230,957) (289,878) (4,520,835)
			(4,230,957) (289,878) (4,520,835)
Actual FY 2019-20 HB 20-1360 Add-On	Conflict Contracts Mandated Total FY2019-20	0.0	(2,083,265) (142,732) (2,225,997)
			(2,083,265) (142,732) (2,225,997)
Actual FY 2019-20 HB 20-1249 Supplemental	Personal Services Operating Total FY2019-20	0.0	4,530 6,087 10,617
			4,530 6,087 10,617
Actual FY 2018-19 SB 19-207 Supplemental	Conflict Contracts Mandated Total FY2018-19	0.0	(1,993,325) (205,083) (2,198,408)
			(1,993,325) (205,083) (2,198,408)
Actual FY 2018-19 SB 19-115 Supplemental	Conflict Contracts Mandated Total FY2018-19	0.0	3,613,527 247,575 3,861,102
			3,613,527 247,575 3,861,102
Actual FY 2017-18 HB 18-1163 Supplemental	Conflict Contracts Mandated Total FY2017-18	0.0	3,406,731 248,469 3,655,200
			3,406,731 248,469 3,655,200
Actual FY 2016-17 SB 17-164 Supplemental	Personal Services Mandated Total FY2016-17	0.0	37,931 582,403 620,334
			37,931 582,403 620,334
Actual FY 2015-16 HB 16-1243 Supplemental	Conflict Contracts Mandated Total FY2015-16	0.0	1,392,238 121,064 1,513,302
			1,392,238 121,064 1,513,302

This Page Intentionally Left Blank

Schedule 10
Summary of Change Requests (RI)
Judicial Branch
Office of the Alternate Defense Counsel
FY 2024-2025 Budget Request

ID#	Priority	Decision Items	FTE	Total	GF	CF
1	R -1	Non-attorney Team Member Hourly Rate Increase	0.0	\$549,708	\$549,708	\$0
2	R -2	Contractor Process Coordinator	0.9	\$141,986	\$141,986	\$0
3	R -3	Operating & Training Increases	0.0	\$162,000	\$162,000	\$0
4	R -4	Compensation Plan Study	0.0	\$622,304	\$622,304	\$0
5	R -5	Fellowships Salary Range Alignments	0.0	\$0	\$0	\$0
6	R -6	Fellows	1.8	\$0	\$0	\$0
Total			2.7	\$1,475,998	\$1,475,998	\$0

This Page Intentionally Left Blank

Salary POTS Request Template

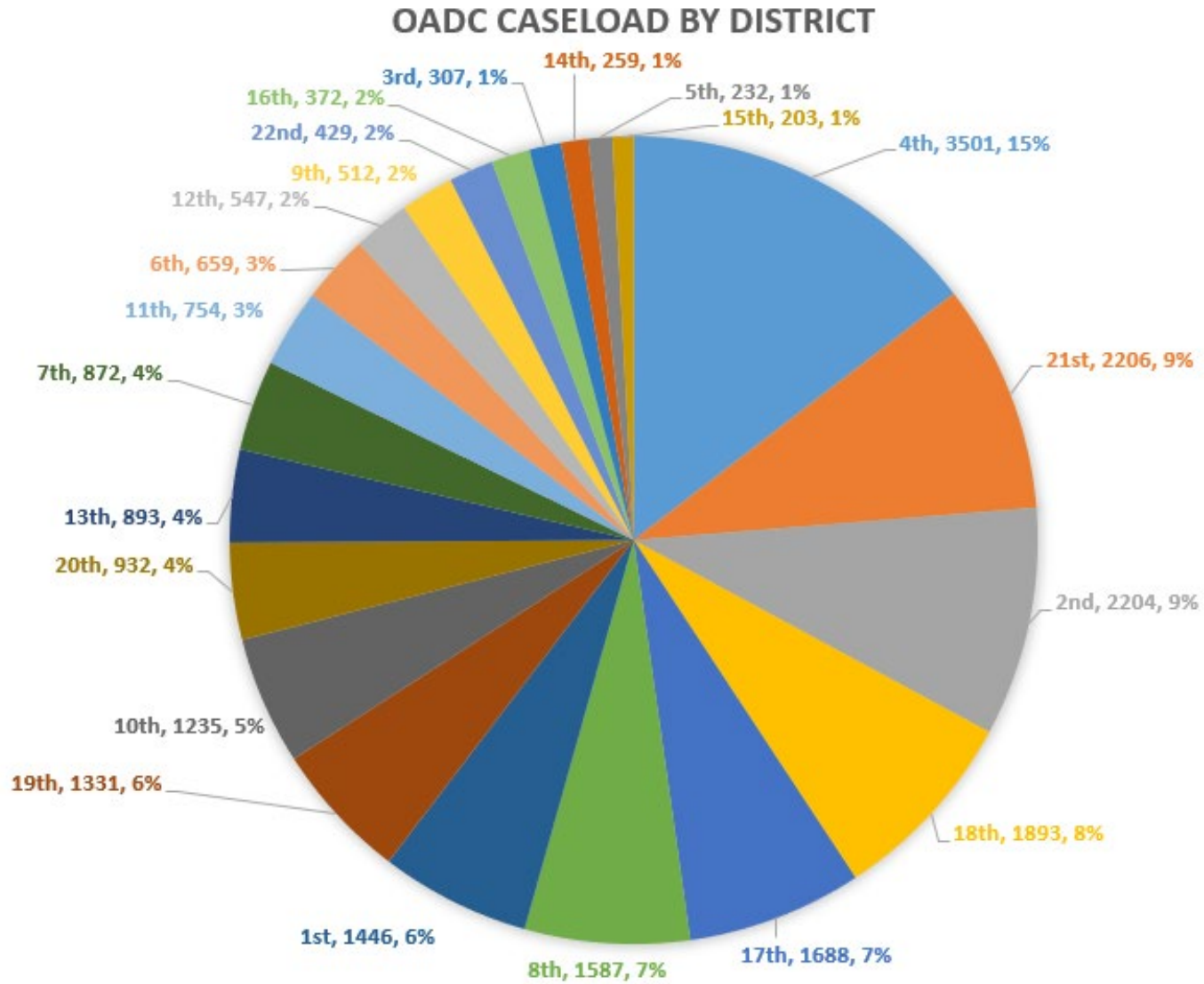
	TOTAL FUNDS/FTE FY 2024-25	GENERAL FUND	CASH FUNDS
I. Continuation Salary Base		SPLITS - From Position-by-Positic	
Sum of Filled FTE as of July 27, 2023	38.00	100.000%	0.000%
Salary X 12	\$3,999,136	\$3,999,136	\$0
PERA (Standard, Trooper, and Judicial Rates) at FY 2024-25 PERA Rates	\$462,700	\$462,700	\$0
Medicare @ 1.45%	\$57,987	\$57,987	\$0
Subtotal Continuation Salary Base =	\$4,519,823	\$4,519,823	\$0
II. Salary Survey Adjustments			
System Maintenance Studies	\$0	\$0	\$0
Across the Board - Base Adjustment	\$119,974	\$119,974	\$0
Across the Board - Non-Base Adjustment	\$0	\$0	\$0
Movement to Statewide Minimum Wage - Base Adjustment	\$0	\$0	\$0
Step Increase - Base Adjustment	\$0	\$0	\$0
Subtotal - Salary Survey Adjustments	\$119,974	\$119,974	\$0
PERA (Standard, Trooper, and Judicial Rates) at FY 2024-25 PERA Rates	\$ 13,881.00	\$13,881	\$0
Medicare @ 1.45%	\$ 1,740.00	\$1,740	\$0
Request Subtotal =	\$135,595	\$135,595	\$0
III. Merit Pay Adjustments			
Merit Pay - Base Adjustments	\$0	\$0	\$0
Merit Pay - Non-Base Adjustments	\$0	\$0	\$0
Subtotal - Merit Pay Adjustments	\$0	\$0	\$0
PERA (Standard, Trooper, and Judicial Rates) at FY 2024-25 PERA Rates	\$0	\$0	\$0
Medicare @ 1.45%	\$0	\$0	\$0
Request Subtotal =	\$0	\$0	\$0
IV. Shift Differential			
FY 2022-23 ACTUAL EXPENDITURES for All Occupational Groups	\$0	\$0	\$0
Total Actual and Adjustments @ 100%	\$0	\$0	\$0
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$0	\$0	\$0
Medicare @ 1.45%	\$0	\$0	\$0
Request Subtotal =	\$0	\$0	\$0
V. Revised Salary Basis for Remaining Request Subtotals			
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$4,119,110	\$4,119,110	\$0
VI. Amortization Equalization Disbursement (AED)			
Revised Salary Basis * 5.00%	\$205,956	205,956	-
VII. Supplemental AED (SAED)			
Revised Salary Basis * 5.00%	\$205,956	205,956	-
VIII. Short-term Disability			
Revised Salary Basis * 0.15%	\$6,179	6,179	-
IX. Health, Life, and Dental			
Funding Request	\$664,304	664,304	-
X. Paid Family and Medical Leave Insurance Program Premiums	\$18,536	\$18,536	\$0

Common Policy Line Item	FY 2023-24 Appropriation	GF	CF
Salary Survey	\$4,219,969	\$4,219,969	
Merit Pay	\$125,040	\$125,040	
PERA Direct Distribution	\$0	\$0	
Paid Family and Medical Leave Insurance Program	\$0	\$0	
Shift	\$0	\$0	
AED	\$191,945	\$191,945	
SAED	\$191,945	\$191,945	
Short-term Disability	\$5,874	\$5,874	
Health, Life and Dental	\$533,266	\$533,266	
TOTAL	\$5,268,039	\$5,268,039	\$0
Common Policy Line Item	FY 2024-25 Total Request	GF	CF
Salary Survey	\$135,595	\$135,595	\$0
Merit Pay	\$0	\$0	\$0
PERA Direct Distribution	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$18,536	\$18,536	\$0
Shift	\$0	\$0	\$0
AED	\$205,956	\$205,956	\$0
SAED	\$205,956	\$205,956	\$0
Short-term Disability	\$6,179	\$6,179	\$0
Health, Life and Dental	\$664,304	\$664,304	\$0
TOTAL	\$1,236,526	\$1,236,526	\$0
Common Policy Line Item	FY 2024-25 Incremental	GF	CF
Salary Survey	\$135,595	\$135,595	\$0
Merit Pay	\$0	\$0	\$0
PERA Direct Distribution	\$0	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$18,536	\$18,536	\$0
Shift	\$0	\$0	\$0
AED	\$14,011	\$14,011	\$0
SAED	\$14,011	\$14,011	\$0
Short-term Disability	\$305	\$305	\$0
Health, Life and Dental	\$131,038	\$131,038	\$0
TOTAL	\$313,496	\$313,496	\$0

Appendix A
Colorado Judicial District Map and
Caseload Totals by District

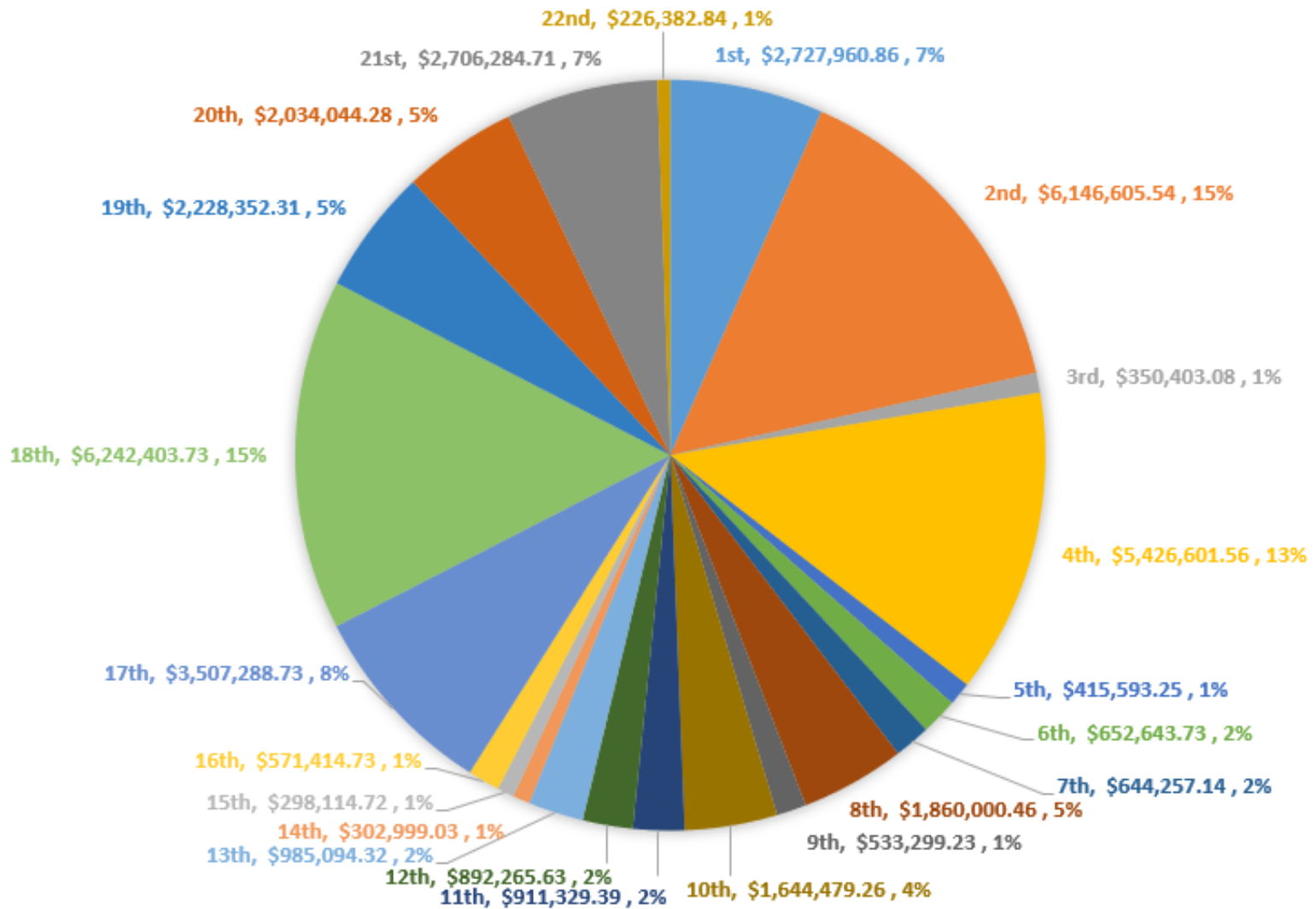
This Page Intentionally Left Blank

The following pie chart breaks down the FY23 OADC cases by Judicial District.

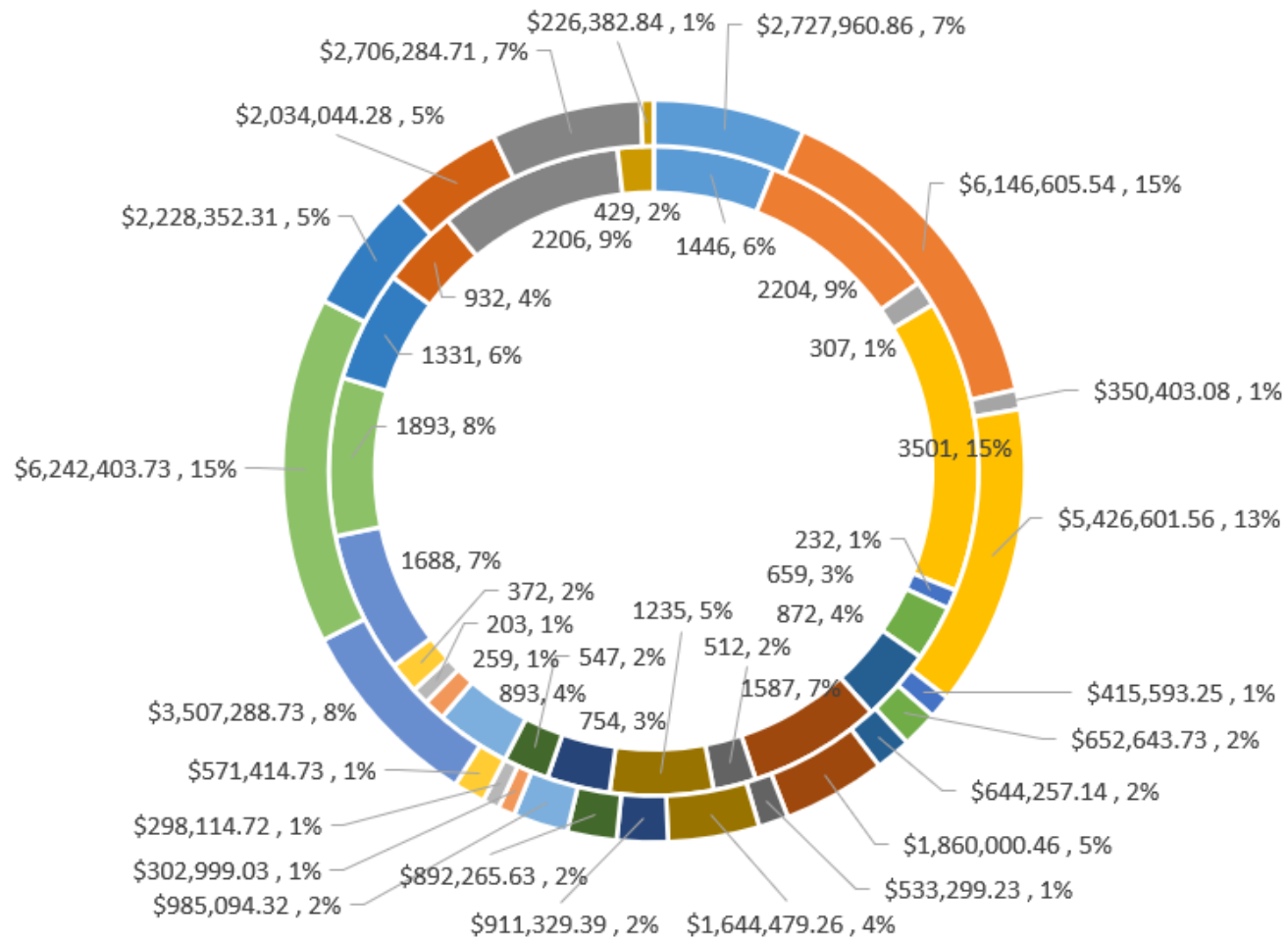


The following pie chart illustrates the Agency's FY23 Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District.

OADC EXPENSE BY DISTRICT

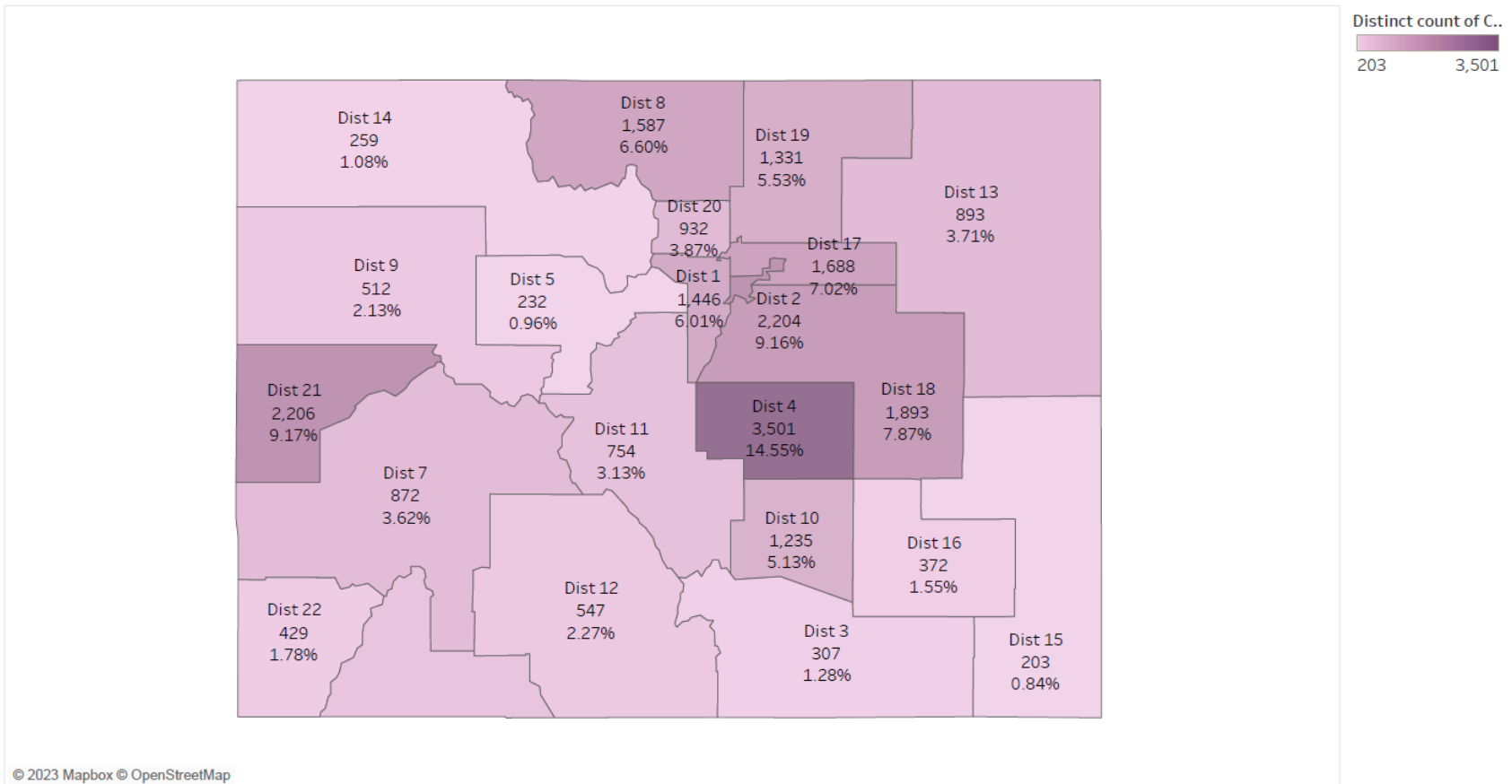


OADC Caseload and Expenditure by District FY23



- 1st
- 2nd
- 3rd
- 4th
- 5th
- 6th
- 7th
- 8th
- 9th
- 10th
- 11th
- 12th
- 13th
- 14th
- 15th
- 16th
- 17th
- 18th
- 19th
- 20th
- 21st
- 22nd

Case Count by District Map



Appendix B
Prior Year Legislation,
Hot Topics, and
Cases That May Affect the OADC

PRIOR YEAR LEGISLATION

[SB23-097 Motor Vehicle Theft and Unauthorized Use](#)

Current law criminalizes auto theft as "aggravated motor vehicle theft in the first degree" and "aggravated motor vehicle theft in the second degree." The penalties for both aggravated motor vehicle thefts are based on the value of the vehicle or vehicles stolen. This bill changes the term "aggravated motor vehicle theft" to "motor vehicle theft," changes the elements for motor vehicle theft in the first degree and second degree and creates the offense of motor vehicle theft in the third degree. The penalties for motor vehicle theft are no longer based on the value of the vehicle or vehicles stolen. It also makes motor vehicle theft in the first degree a class 3 felony, motor vehicle theft in the second degree a class 4 felony, and motor vehicle theft in the third degree a class 5 felony. The bill creates the offense "unauthorized use of a motor vehicle" and makes it a class 1 misdemeanor, or a class 5 felony for a second or subsequent offense.

Effective July 1, 2023

[SB23-034 Definition of Serious Bodily Injury](#)

The act expands the definition of "serious bodily injury" in the criminal code to include penetrating gunshot wounds and penetrating knife wounds.

Effective July 1, 2023

[SB23-227 State Agency Attorney Hourly Rate](#)

The act creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2023-24 is \$100 per hour. The hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

Effective August 7, 2023

[HB32-1012 Juvenile Competency to Proceed](#)

This bill modified many of the timelines and added a method for Juveniles to address competency. There are now various timelines during which the court, if there is not a substantial probability that the juvenile will be restored to competency in the reasonably foreseeable future, the case shall be dismissed copying much of last year's HB22-1386.

Effective August 7, 2023

[HB23-1033 ADC Contracts](#)

While ADC has been contracting with various other professionals, the enabling statute did not reference contracting with anyone other than attorneys and investigators. It was modified through this bill to allow OADC to contract with “other persons necessary to provide legal services commensurate with those available to persons who are not indigent.”

Effective August 7, 2023

[HB23-1034 Measures to Expand Postconviction DNA Testing](#)

This bill expands access to post-conviction DNA testing when a party can show:

- a reasonable probability that the person would not have been convicted; or
- If evidence was previously available and tested and the evidence now can be subjected to more advanced, scientifically reliable DNA testing that provides a reasonable likelihood of more probative results.

It allows for testing when there is a reasonable probability that with favorable DNA results, the person would not have been convicted. It also allows for subsequent motions and no longer limits the individual to a single motion.

Effective October 1, 2023

[HB23-1042 Admissibility Standards for Juvenile Statements](#)

This bill makes any statement or admission obtained during a juvenile custodial interrogation by a law enforcement official or agent who knowingly communicated any untruthful information or belief to the juvenile to be presumptively inadmissible against the juvenile at trial, unless the prosecution, in an evidentiary hearing prior to trial, proves by a preponderance of the evidence and based on the totality of the circumstances that the statement or admission was made voluntarily, despite the untruthful information or belief used to obtain the statement or admission or that the law enforcement official agent in good faith reasonably believed the information or belief was true at the time it was used. In assessing the totality of the circumstances, the court shall consider all evidence presented concerning the juvenile's vulnerability to any untruthful information or belief used during the custodial interrogation. The bill also requires law enforcement to electronically record all juvenile custodial interrogations.

Effective August 7, 2023

[HB23-1135 Penalty for Indecent Exposure in View of Minors](#)

The act makes indecent exposure a class 6 felony if committed when the person who commits indecent exposure knew there was a child under 15 years of age in view of the exposure and the person is more than 18 years of age and more than 4 years older than the child.

Effective June 7, 2023

[HB23-1151 Clarifications to 48 Hour Bond Hearing Requirement](#)

This bill cleans up some parts of the earlier 48-hour bond requirement, HB 21-1280. It reminds Municipalities that the bill applies to them. It further clarifies procedures for when an individual

refuses to attend court, and that the bill applies when an individual is being held in a county different than the location of the warrant. It also clarifies that an individual is entitled to a hearing when the initial bond was set outside his/her/their presence.

Effective October 1, 2023

[HB23-1167 Reporting of Emergency Overdose Events](#)

This bill extends the immunity involved in overdoses to a person who does not report the overdose to an emergency responder, but aids or seeks aid for the person suffering the overdose and satisfies additional requirements related to the reporting. The act also extends that immunity from arrest and prosecution to additional offenses. The act makes it a level 1 drug misdemeanor rather than a level 3 or level 4 drug felony for unlawful distribution, dispensation, or sale of certain controlled substances if the person reports an overdose to an emergency responder, or aids or seeks aid for the person suffering the overdose, and satisfies additional requirements related to the reporting.

Effective May 1, 2023

[HB23-1293 Felony Sentencing CCJJ Recommendations](#)

This bill reclassifies various criminal offenses that are currently a felony to a different felony or misdemeanor level. It also changes the elements of some crimes to align with the new sentencing classifications.

Effective October 1, 2023

[SB23-169 Increasing Minimum Age to Purchase Firearms](#)

Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The act increases the age to legally purchase a firearm to 21 years of age or older. This bill makes the unlawful purchase of a firearm by a person who is less than 21 years of age a class 2 misdemeanor and makes it unlawful for a licensed or unlicensed gun dealer to facilitate such a sale. Exceptions include: The person is an active member of the United States armed forces; or The person is a peace officer or certified by the P.O.S.T. board.

Effective August 7, 2023

[SB23-249 False Reporting of an Emergency](#)

The act adds that the false reporting of a mass shooting or active shooter in a public or private place or vehicle that transports people or property that causes the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order; causing any disruptions or impacts to regular activities; or resulting in the initiation of a standard response protocol is a class 6 felony. The act specifies that false reporting of an emergency is a class 1 misdemeanor if the threat causes the occupants of a building, place of assembly, or facility to be issued a shelter-in-place order, the threat causes any disruptions or impacts to regular activities, or the threat results in the initiation of a standard response protocol in response to the false report.

Effective June 7, 2023

[SB23-279 Unserialized Firearms and Firearm Components](#)

The act prohibits various acts involving “unfinished firearm frame or receiver” without imprint of serial number, making them a class 1 misdemeanor; except that a second or subsequent offense is a class 5 felony.

Effective June 2, 2023 and January 1, 2024 (depending on the provision in question)

[SB-290 Natural Medicine Regulation and Legalization](#)

This bill implements Proposition 122, the ballot initiative that legalizes certain hallucinogens (natural medicines). It creates certain drug petty offenses and drug felonies, depending on the act conducted with the natural medicine.

Effective July 1, 2023

HOT TOPICS

HOLISTIC REPRESENTATION

The incorporation of additional professionals such as social workers, paralegals, case assistants, legal researchers, investigators, and resource advocates pushes us to a more holistic, interdisciplinary model of defense. Holistic defense models have been linked with better outcomes for clients but also help distribute workload amongst professionals that are paid at lower rates than attorneys. Having other professionals that are trained to provide these specific services enhances the level of representation, saves attorneys' time, and the taxpayers' money. This approach is both efficient and best practice.

EQUITY, DIVERSITY AND INCLUSION ("EDI")

The OADC is prioritizing attention to EDI. To better focus our energies in this area, we have hired a People & EDI Advocate to help us better address these areas both internally within our office and externally with our contractors. She has barely started this process but has taken what our consultants provided and is moving forward with these efforts.

DISCOVERY

In FY2013-14, the legislature passed [SB14-190: Statewide Discovery System](#) which created a new discovery process for the state. All Judicial Districts are using the eDiscovery system. However, there continue to be significant issues arising from the provision of duplicative discovery, along with the use of Axon and Evidence.com to distribute body camera footage. These duplication issues are a significant unnecessary expense to taxpayers, and we continue to work with CDAC to try to alleviate them.

FORENSIC SOCIAL WORKERS AND FORENSIC CLINICAL ADVOCATES (FSW/FCA)

It is well-established nationwide that social workers are an important part of criminal and juvenile defense teams. This is reflected in evidence-based practices, social science research, and [HB14-1023: Social Workers for Juveniles](#). In September 2016, OADC hired a Social Worker Coordinator to ensure the success of the Agency's Social Worker Pilot Project that began in FY14. This program has now been fully implemented, and the demand for social workers on defense teams continues to grow.

The OADC created a new position of OADC Social Worker Outreach Coordinator as part of the FY19 Budget. The OADC Social Worker Outreach Coordinator is focused on identifying forensic social work and forensic clinical advocate contractors across the state. In response to the positive results FSW/FCAs have had on defense teams and the increase of requests from more rural jurisdictions, the OADC continues to prioritize locating contractors outside of the Denver metro area to impact more clients. This outreach includes working with MSW (Master of Social Work) programs across the state to identify internship and contractor candidates, educating the various criminal justice stakeholders (judges, district attorneys, GALs, probation, etc.) about the work these contractors provide, and advertising to local social work practitioners in jurisdictions outside of the Denver metro area. The OADC Social Worker Outreach Coordinator is also responsible, in part, for providing clinical supervision and identifying training opportunities for many of the MSW student interns and contractors.

During this past fiscal year, the OADC has added social worker contractors in Jefferson, Denver, Adams, Boulder, Montrose, Mesa, Garfield, and El Paso Counties.

I used a social worker to do mitigation for a client who pled guilty to 2 motor vehicle thefts. He had over 5 felonies on his record. With the mitigation, I was able to argue for the court to place him on probation in order to go into Stout Street. [All of this saved the state money over incarcerating him]

The social worker helped significantly reduce the client's sentence because of the mitigation report.

[The Social Worker] spoke at the client's sentencing, and client specifically thanked our office and [the Social Worker] during sentencing. [The] Judge granted a probationary sentence despite request for Comcor or DOC from DA [both of which would have cost the state more].

Client was facing probation revocation for [a felony]. He had a long history in this and other cases of non-compliance with probation resulting in several DOC sentences over the years. [The Social Worker] went above and beyond to get our client into a long-term care facility in Denver that could address his TBI and give him stability. As a result of our client being admitted to the long-term care facility the DA and Probation agreed to close out his probation sentence and close the case-thus avoiding any future revocation complaints [and the cost of further incarceration]

In a previous case, [the elected] DA lavished praise on [the Social Worker] and commented the defense mitigation was the best she had seen. That client is now out [of custody], living in [another state], reunited with his family and doing well. Both [the client] and his large supportive family have made many positive statements about [the Social Worker].

The DA indicated that the mitigation report was what allowed us to negotiate beyond the original offer. The court mentioned at sentencing that it had read the report and as a result it would accept the offer proposed even though the case was unusually aggravated. [This saved the state years of further cost of incarceration]

The relationship with the client was definitely enriched because of the relationship client had with [the Social Worker]. The DAs felt that client was an actual human being, and I believe that their shift in thinking [to make an offer], after saying for over a year that there would be no offer on his case ever, was certainly bolstered by the report that was written by [the Social Worker].

The DA told me multiple times how convincing the mitigation packet we provided was and how it got her to give client an offer with DIVERT court as an option. DA also made that record at sentencing. The Judge also mentioned that he was inclined to give her DIVERT court because of [the Social Worker's] mitigation report. We would not have gotten the outcome we did without [her] work.

I have had two recent successes in similar drug cases where I worked with my standard defense team (paralegal, investigator, and social worker) who all worked together to obtain records, witness interviews, and help me present thorough mitigation through a lengthy report and supporting documents and testimony that resulted in the court (without objection from the DA) going well below the expected prison sentence. I'm talking like 7 years less! The power of presenting our clients' stories through well documented mitigation reports cannot be overstated, it truly has the ability to flip a prosecutor's or judge's thoughts about a client or a case on its head and see them as a real person that the system has failed. (I wished this happened more or in all cases, but it is magical when it all comes together). And I would not be able to get those types of results without the work of the defense team encouraging the client to open up, pestering records agencies repeatedly, tracking down those random friends and family members, and presenting me with memos and reports so beautifully put together.

I won a resentencing hearing in an appeal for a client who had been extremely traumatized and was really struggling in DOC. (The facts of her case were also really tough and at the time of the original sentencing, the judge was pretty harsh with his words.) I brought a social worker on board who created a fantastic mitigation report and was also able to help the client cope better with navigating DOC. [T]he client's sentence was significantly reduced despite the bad facts. The judge truly heard the client's story and commented on how well the client had done.

In a Pueblo COCCA case, the prosecutor basically read to the judge the highlights of our mitigation report, which report was the product of our social worker and psychologist. The judge agreed to accept a probationary agreement.

I think that social workers should be assigned to every serious felony case. I don't know how that works out fiscally, but I think it would be a best practice. I have had better results from the judges, better offers from the prosecution, and better client outlooks. My clients, I think, finally get to tell their story to someone who can tell

them that what they went through isn't "normal." I just want to say that the social worker program should continue and expand.

RESOURCE ADVOCATES

In 2022 the OADC began contracting with Resource Advocates around the state. Resource Advocates are professionals with case management experience, and in some cases, they bring skills borne out of their lived experience, who can leverage their knowledge of the resources available in their communities to further support OADC clients in achieving better outcomes in their lives and on their cases. This year OADC has contracted with Resource Advocates across the state, located in Denver, Jefferson, Rifle, Colorado Springs, Fort Collins, Durango, and Delta.

IMMIGRATION

In [*Padilla v. Kentucky, 559 U.S. 356 \(2010\)*](#), the United States Supreme Court mandated that criminal defense lawyers properly advise defendants of the possible immigration consequences related to their case. Immigration law is highly technical, specialized, and constantly changing. Judges, prosecutors, and defense lawyers are inadequately prepared to keep abreast of all the immigration consequences in criminal cases. The OADC continues to contract with several criminal defense lawyers who specialize in immigration law to consult with OADC contractors to ensure compliance with *Padilla*.

PROSECUTION TRENDS TOWARD LARGE MULTI-DEFENDANT CASES

OADC continues to see many grand jury, wiretap and electronic surveillance-based cases, as well as cases that charge individuals with offenses under the Colorado Organized Crime Control Act (COCCA) and other multi co-defendant cases. These cases are particularly expensive for OADC because:

1. They almost always involve between 10 and 30 defendants, and the OSPD can only represent one, requiring OADC contractors to represent all the remaining indigent defendants; In one instance, there are 19 defendants charged as a group of co-defendants, charged with everything from 1st degree murder down to a drug felony. The OSPD represented one defendant, and the other 18 defendants are represented by OADC lawyers. These cases have been ongoing since 2020, and there is still one case slated for trial within the next six months.
2. The discovery in these cases is often voluminous, sometimes including tens of thousands of pages and a significant number of audio and video CDs and DVDs. For example, in the above case, there are over 2.5 terabytes of discovery on two external drives, in addition to the 1.22 terabytes downloaded from the CDAC eDiscovery site. The Government has provided over 52,000 pages of discovery through the CDAC eDiscovery site, along with 30,005 videos, 141,676 audio files, 243,951 images and 1,057 spreadsheets, in addition to 4,071 Jail Calls, containing in excess of 126 hours of recorded conversation. Much of this discovery is in Spanish. In a new Arapahoe County case, there are over 73,000 pages of discovery, along with what is estimated to end up as 5 terabytes of media to review.

Lawyers representing defendants who are even minimally involved are ethically required to review *all* discovery in the case to determine their clients' individual involvement.

COST SAVING MEASURES

Over the past several years, OADC has instituted several cost saving measures. The first category of measures is designed to control the mandated costs of the Agency more efficiently. These include:

- shared discovery resources in multi-codefendant cases (see description above of the size and complexity of some of these cases, and the discovery attached thereto); and
- on site scanning of District Court files and files located at OSPD offices throughout the state.

The second category of cost saving measures is designed to reduce attorney hours per case while increasing the quality of representation and includes:

- an in-house case management system for appellate and post-conviction cases, that includes a one-person interface with all judicial district clerks, court reporters, and appellate court staff members as well as assistance to OADC contract lawyers;
- an in-house post-conviction case management system to include case triage. First, the OADC obtains a copy of the court file and a preliminary memo outlining the procedural posture of the case is created. The memo and file are then forwarded to one of our contract attorneys who has been a criminal defense appellate attorney for over 20 years. This contract attorney reviews the court file, performs any necessary research, and provides preliminary excerpts of law, as well as recommendations for post-conviction counsel on how best to proceed with the case.
- If there is no doubt in the experienced contract attorney's mind that proceeding with a post-conviction case will detrimentally affect a client, she will set up a meeting with the client (usually at a correctional facility), explain the consequences of proceeding with his or her post-conviction case and advise him or her to withdraw the Crim. P. 35(c) (post-conviction) petition. If the defendant agrees with that plan, the contract attorney will then draft an affidavit for the client to sign as well as a motion to withdraw the petition and file both in the district court. At that point, the post-conviction case will be closed;
- occasionally filing pleadings with the Court of Appeals directly in cases where the original direct appeal was not preserved, and having the appellate court reinstate the appellate rights without forcing the parties to waste time going back to the trial court to have a *pro forma* hearing where the trial court then reinstates the appeal;
- a Legal Research and Technology Coordinator responsible for the centralization and dissemination of reliable, up-to-date legal information to all OADC contractors;

OADC eLibrary

As an appellate attorney, the OADC eLibrary is a valuable resource that I consult on a regular basis. Before I begin to “reinvent the wheel” on a particular topic, I look in the eLibrary. I am frequently able to use materials I find there in my own briefs, saving me countless hours of legal research, and countless hours that I would otherwise bill for. I would spend far more time on the preparation of briefs without the library, and I am grateful for the resource.

Coordinator of Legal Resources and Technology (COLRAT)

Jonathan Rosen is amazing.

What an amazing presentation!!!! You are one of the best presenters ever- and I kept thinking how grateful I am to be practicing in Denver with such wonderful resources. I always get so much great stuff from you and you present it in a very comprehensive- funny- pragmatic way that keeps us all on the edge of our seats. Next year- provide popcorn!

MOCK APPELLATE ARGUMENTS

Thank you all for your help on this - your input meant I was very prepared for the oral argument and the client gets a reversal. (From a very experienced practitioner)

The mock oral argument program you have established has been invaluable. Every time I participate, I learn something. When I present, my arguments get better. When I sit as a mock judge, I learn to see my arguments through a judge’s eyes - which makes me a better appellate advocate.

- a robust training and evaluation program for all OADC contractors;
- the use of interns, case assistants, legal researchers, and others who are paid at lower rates to assist with cases;

One of the most successful teams I was on was 2 attorneys, a social worker, investigator, case assistant and paralegal. We were able to divide the ultimate video into sections according to the expertise and skills of the members. The final product was such a success that the Judge told us that she wished we had not agreed on a sentencing range as after seeing our presentation, she would have given us less than our lowest number of the range. No one was left out of the project, from stats, photos, psychological material, proportionality data, interviews, videos, argument and script.

On the case that I am currently preparing for trial, it has been very rewarding to have had an investigator and a mitigation specialist

all pulling in the same direction and all visiting and supporting our client, even though it has not resulted in a favorable offer. Similarly, I am very much liking having a legal researcher help with some of the mechanical tasks of trial organization and preparation that require more than a paralegal's skill but which do not require me to complete the tasks myself.

- In FY19, we began offering contractors access to a new web-based transcribing service. This service not only transcribes the uploaded taped material but synchronizes that transcript to the original video. Another huge benefit is that the contractor receives the transcript within 15 minutes of uploading the video. The updated version of this service also utilizes AI, reducing the cost to roughly 10% of the original cost when this service was first engaged.

The third category involves fostering expertise in individual contractors who can then assist other contractors in specialized areas including:

- immigration;
- DNA;
- firearms;
- technology;
- education;
- mental health defenses;
- competency
- child abuse;
- sexual abuse; and
- DMV;

Not only is it more efficient to use this approach, but it is also better for clients. No matter where a case is and which attorney is assigned, our clients can all benefit from the collective expertise of all OADC contractors.

The fourth category relates to a new resource. In 2017, the National Legal Aid & Defender Association (NLADA) partnered with the Corporation for National and Community Service (CNCS) to create an innovative pilot program that trains AmeriCorps VISTA members in best practices in community-oriented defense and places them in public defense agencies in order to put these principles into practice and establish systems for ongoing sustainability. This AmeriCorps VISTA project allows NLADA, for the first time ever, to provide boots on the ground to in-need public defense offices in order to help offices modernize their approach to evidence-based practices, data management, and community partnerships. Over the course of their 12-month term of service, AmeriCorps VISTA members perform activities such as building community partnerships within their host communities and developing data systems and analysis methods to drive evidence-based practices by their host organizations.

The OADC presently has no Vista volunteers but hopes to continue partnering with NLADA again in the future. One of the previous Vista volunteers, continues to contract with us on a part-time basis to help the agency incorporate equity, diversity, and inclusivity principles into best practice models

for internal agency operations and external agency-to-contractor and contractor-to-client. Another previous Vista volunteer continues to contract with us on a part-time basis to maintain and improve the Government Misconduct database, and to manage appointments to new COCCA cases and those initiating in Grand Jury Indictments.

CASES THAT MAY AFFECT THE OADC

ILLEGAL SENTENCES

[*Allman v. People*, 451 P.3d 826 \(Colo. 2019\)](#). The Colorado Supreme Court held that in a single multi-count case, the Court is not statutorily authorized to sentence a defendant to both imprisonment and probation. This has resulted in a very large number of cases returning to the trial courts for various kinds of proceedings to readdress sentences, with a significant number of those cases requiring OADC counsel.

[*In Re People v. Manaois*, 488 P.3d 1099 \(Colo. 2021\)](#). Here the Court finds that the rule of *Allman* does not apply in multi-count cases where a defendant receives: (1) a prison sentence for a non-sex offense; and (2) a consecutive probation sentence for a “sex offense” pursuant to the Sex Offender Lifetime Supervision Act (“SOLSA”), requiring participation in Sex Offender Intensive Supervision Probation (“SOISP”).

[*In Re People v. Keen*, 488 P.3d 1127 \(Colo. 2021\)](#). The Court used this case as the companion case to *Manaois* to discuss *Allman*, where a person is sentenced to a prison sentence for a non-sex offense and a consecutive determinate sentence to SOISP for a sex-related offense. They held *Allman* does not prohibit courts from sentencing a defendant in a multi-count case to prison for a non-sex offense followed by SOISP for another offense—regardless of whether the latter is a sex offense requiring an indeterminate sentence or a sex-related offense requiring a determinate sentence. So long as the probation sentence falls within the confines of SOLSA, *Allman’s* sentencing restriction does not apply.

The combination of these three opinions continues to lead to ongoing litigation.

JUDICIAL REVIEW IN JUVENILE CASES

[*In re. People in Interest of A.T.C.*, 528 P.3d 168 \(Colo. 2023\)](#) and [*In re. People in Interest of A.S.M.*, 517 P.3d 675 \(Colo. 2022\)](#). In a pair of opinions, the Supreme Court increased the ability of juveniles to seek review of a magistrate’s rulings in delinquency matters when the agency agrees that additional review is in the interests of justice. This will increase our litigation costs.

EXTREME INDIFFERENCE IN DUI DEATHS

[*People v. Grudznske*, 533 P.3d 579 \(April 27, 2023\)](#). The Colorado Court of Appeals recently approved of the government’s choice to pursue extreme indifference first degree murder (F1) and extreme indifference first degree assault (F3) arising out of a drunk driving accident where one person was killed, and another seriously injured. Previously this factual scenario would result in charges of vehicular homicide (DUI) (F3) and vehicular assault (DUI) (F4) – much less serious offenses.

ARSON CASES

[*People v. Perkins*, 533 P.3d 971 \(May 4, 2023\)](#). The Colorado Court of Appeals recently concluded that “an expert’s decision not to follow the methodology set forth in NFPA 921, as well as other purported flaws in their methodology, goes to the weight of the evidence, not its admissibility.” The NFPA 921, *Guide for Fire and Explosion Investigations*, is published by the National Fire Protection Association (NFPA) and is intended to “establish guidelines and recommendations for

the safe and systematic investigation or analysis of fire and explosion incidents.” NFPA 921 § 1.2.1 (2021 ed.). This decision is certain to cause more arson cases to proceed to jury trial.

FELONY DUI PROSECUTIONS

[*In Re People v. Woodside*, 529 P.3d 1233 \(May 22, 2023\)](#). Colorado’s Supreme Court found that the plain language of section 42-4-1307(5)(a) imposes second-offense penalties when a defendant has a relevant prior conviction at the time of sentencing; it does not require that conduct underlying a second-offense sentence pre-date conduct underlying the first-offense sentence.

SUPPLEMENTAL HEARINGS

[*People v. Morehead*, 442 P.3d 413 \(Colo. 2019\)](#) and [*People v. Haack*, 442 P.3d 105 \(Colo. 2019\)](#). In both of these cases, the Supreme Court remanded for an additional evidentiary hearing so the prosecution could raise an issue they failed to raise at the initial suppression hearing. This change in appellate review could well result in additional expense due to additional litigation during the appellate process at both the trial and appellate level.

PROPORTIONALITY REVIEW

[*Wells-Yates v. People*, 454 P.3d 191 \(Colo. 2019\)](#)
[*Melton v. People*, 451 P.3d 415 \(Colo. 2019\)](#), and
[*People v. McRae*, 451 P.3d 835 \(Colo. 2019\)](#)

The Colorado Supreme Court, in this trilogy of cases, admitted a host of errors in their earlier jurisprudence that requires relitigating many earlier decisions about the proportionality of a sentence based on the erroneous analysis. This has resulted in a significant increase in remands for hearings from the appellate courts on these issues, with a significant number of those cases requiring OADC counsel.

INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

[*Garza v. Idaho*, 139 S.Ct.738 \(2019\)](#). The United States Supreme Court found that it is ineffective assistance of counsel to not file a notice of appeal, even where the client agreed to waive his appellate rights, simply because the client directed the attorney to file the notice of appeal. This could generate more appeals being filed by OADC lawyers where prior to this case no appeal was being filed.

[*People v. Melnick*, 440 P.3d 1228 \(Colo. App. 2019\)](#). The Court of Appeals recognized that parole revocation decisions can be challenged under Crim. P. Rule 35(c). OADC attorneys cannot be appointed to parole revocation proceedings. OADC attorneys are however appointed for 35(c) petitions. This opinion has already resulted in OADC attorneys being appointed to review parole revocation decisions.

COCCA JURY INSTRUCTIONS:

[*McDonald v. People* 494 P.3d 1123 \(Colo. 2021\)](#). For years now, prosecutors have charged disorganized groups of people who commit crimes together, as a COCCA enterprise. These prosecutions took inexpensive run of the mill conspiracy cases and turned them into complex, expensive multidefendant cases with increased class 2 felony liability. The Court here recognized the US Supreme Court's limitations which will greatly reduce the number of cases where the prosecution can allege a COCCA count. This should lead to significant agency savings as far fewer expensive COCCA prosecutions should be brought in the future.

APPLICATION OF NEW ESCAPE STATUTE:

[People v. Gregory, 479 P.3d 76 \(Colo. App.2020\)](#). The Prison Population Reduction and Management Act (PPRMA) (H.B. 20-1019) redefined felony escape so that the act of leaving and failing to return to a community corrections facility is no longer an F-3 escape and instead constitutes the new class three misdemeanor offense of unauthorized absence. (§ 18-8-208(11)). The division concluded that under *Stellabotte*, CRS §18-1-410(1)(f) requires that this change in law be applied to cases that are not yet final. This will greatly reduce litigation costs in re-occurring factual scenarios relating to people not complying with community corrections violations. But then came *People v. Pennington*.

[People v. Pennington, 481 p.3d 1186 \(Colo. App. 2021\)](#). The Pennington division split three ways. The three-way split will cause a lot of litigation in the trial courts because of the differing standards in each of the three opinions, two of which essentially disagreed with *Gregory* above.

WAIVERS OF PRIVILEGE ATTACHED TO 35(C) PROCEEDINGS:

In re [People v. Cortes-Gonzalez, 506 P.3d 835 \(March 21, 2022\)](#). Pursuant to 18-1-417(1), there is an automatic waiver of the attorney-client privilege related to the claims raised by the client. The Court here defined some of the boundaries around that waiver and made clear that the attorney's file may not be subject to subpoena by the Government.

OTHER ACT EVIDENCE AND *RES GESTAE*:

[People v. Rojas, \(Rojas IV\), 504 P.3d 296 \(Feb. 22, 2022\)](#). In a very lengthy and groundbreaking opinion, the Supreme Court abolished the doctrine of *Res Gestae*. Evidence is either intrinsic to the offenses or extrinsic. If extrinsic, CRE 404(b) applies. This new case has created significant litigation surrounding the admissibility of this other act evidence.

DETERMINATION OF INDIGENCY:

In re [People v. Greer, 502 P.3d 1012 \(Jan. 31, 2022\)](#). Here, the Supreme Court determined that when an individual resides with but does not commingle resources with others with whom the individual resides, the income from those other individuals does not count in the indigency determination. Consistent with the roommates' provision, the Supreme Court held that income from members of an individual's household who contribute monetarily to the household should be excluded from an indigency determination when such income is unavailable to the defendant. This should result in more individuals on bond qualifying for court-appointed counsel.

Appendix C

Agency Objectives and Performance Measures

This Page Intentionally Left Blank

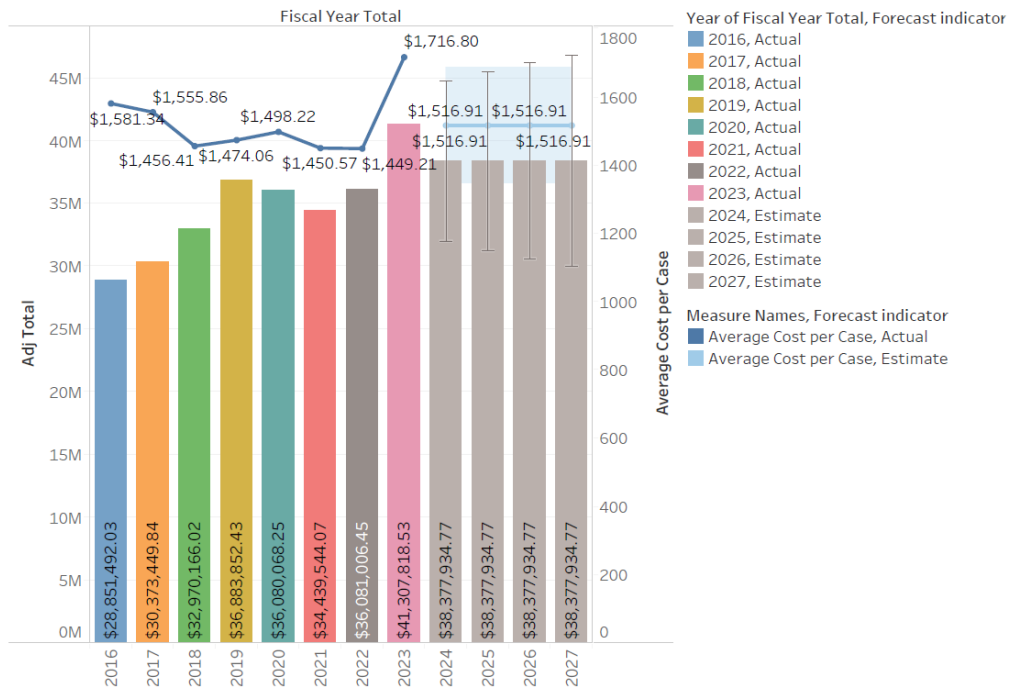
I. Performance Measures, Goals & Evaluation of Prior Year Performance

Performance Measure A: Contain Case Costs

The OADC analyzes its total annual expenditures and average cost per case monthly and strives to find innovative and effective strategies to contain those costs. The below chart shows those amounts from FY16 to FY23 (as of June 30th, 2023) and its estimated numbers for FY24-27. The OADC is dedicated to the practice of holistic defense, which is driven by multi-disciplinary legal teams, not just individual lawyers. The OADC works diligently to encourage contractors to build holistic and diverse legal teams that incorporate social workers, investigators, paralegals, case assistants, and more. This practice not only provides stronger legal advocacy for OADC clients, but also reduces costs, since lawyers receive the highest hourly rate.

Due to the many factors that can affect both the Average Case Cost and Total Year-end Expenditures, it remains a struggle for the OADC to estimate these numbers accurately and consistently for future fiscal years. Some of the factors that contribute to this struggle include Hourly Contractor Rate Adjustments (which occurred in FY19, FY23, and are occurring again in FY24), and year-end caseload and expenditure fluctuations. The Agency’s current estimate for future average cost per case ranges from \$1,100 to \$1,700. As fiscal year expenditures move further beyond pandemic’s affected years of 2020-2021 the Agency anticipates its range of estimated average cost per case will narrow.

In evaluating the prior year’s performance, we estimated in the FY23 Performance Plan that an average cost per case for FY23 would be \$1,461. The actual average cost for FY23 was higher than estimated and totaled \$1,716.80, a difference of approximately \$255 per case. The Agency will continue to work towards containing its average cost per case and keep ancillary costs per case to a minimum.



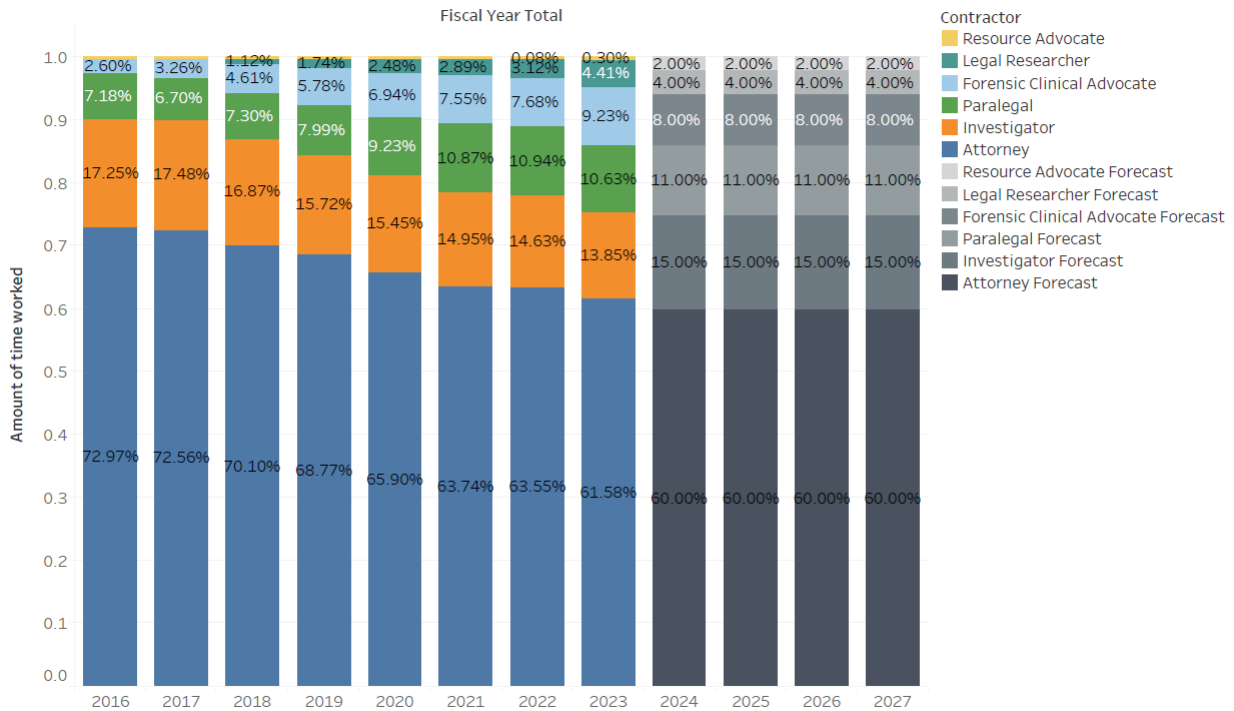
Performance Measure B: Providing Multidisciplinary Legal Teams for OADC clients

The OADC is dedicated to the practice of holistic defense, and empowering contractors to build and maintain strong and supportive teams to best serve their clients.

The chart below shows the overall percentage of hours spent on an average OADC case by varying team members. For example, the proportion of attorney time dropped 11.39% from 72.5% in FY16 to 61.58% in FY23 and a reciprocating percentage increase in other contractor time. The OADC hopes to see these holistic teams continue to grow in the upcoming years.

In evaluating the prior year’s performance, the Agency experienced adjustments across the board in its proportional percentages as estimated in the FY24 Performance Plan. The OADC estimated the FY23 proportion of Attorney time would drop to 60.0%, the actual percentage ended up being 61.58%. Another example was the FY23 proportion of Forensic Clinical Advocate total which was estimated to be 8.0% but ended up increasing to 9.23%. The Agency continues to succeed in providing multidisciplinary legal teams for OADC clients.

Contract Hours Percent of Total



Sum of Amount of time worked for each Fiscal Year Total Year. Color shows details about Contractor.

Appendix D

Long-Range Financial Plan

This Page Intentionally Left Blank

**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Appropriation Unit	FY 2024-25 Budget Request			FY 2024-25 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$ 5,552,052		\$ 5,552,052	\$ 5,552,052		\$ 5,552,052
Health, Life and Dental	\$ 712,422		\$ 712,422	\$ 712,422		\$ 712,422
Short-term Disability	\$ 7,803		\$ 7,803	\$ 7,803		\$ 7,803
Amortization Equalization Disbursement (AED)	\$ 264,991		\$ 264,991	\$ 264,991		\$ 264,991
Supplemental Amortization Equalization Disbursement (SAED)	\$ 264,991		\$ 264,991	\$ 264,991		\$ 264,991
Paid Family and Medical Leave (PFML)	\$ 18,536		\$ 18,536	\$ 18,536		\$ 18,536
Salary Survey	\$ 135,595		\$ 135,595	\$ 142,375		\$ 142,375
Merit Pay	\$ 0		\$ 0	\$ -		\$ -
Operating Expenses	\$ 338,757		\$ 338,757	\$ 355,695		\$ 355,695
Capital Outlay	\$ 20,010		\$ 20,010	\$ 20,010		\$ 20,010
Training	\$ 100,000	\$ 80,000	\$ 180,000	\$ 100,000	\$ 80,000	\$ 180,000
Conflict-of-interest Contracts	\$ 50,419,081		\$ 50,419,081	\$ 50,055,684		\$ 50,055,684
Mandated Costs	\$ 3,030,573		\$ 3,030,573	\$ 3,057,391		\$ 3,057,391
Total	\$ 60,864,810	\$ 80,000	\$ 60,944,810	\$ 60,551,949	\$ 80,000	\$ 60,631,949

Appropriation Unit	FY 2025-26 Budget Projection			FY 2026-27 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$ 5,552,052		\$ 5,552,052	\$ 5,552,052		\$ 5,552,052
Health, Life and Dental	\$ 712,422		\$ 712,422	\$ 712,422		\$ 712,422
Short-term Disability	\$ 7,803		\$ 7,803	\$ 7,803		\$ 7,803
Amortization Equalization Disbursement (AED)	\$ 264,991		\$ 264,991	\$ 264,991		\$ 264,991
Supplemental Amortization Equalization Disbursement (SAED)	\$ 264,991		\$ 264,991	\$ 264,991		\$ 264,991
Salary Survey	\$ 142,375		\$ 142,375	\$ 142,375		\$ 142,375
Operating Expenses	\$ 373,480		\$ 373,480	\$ 392,154		\$ 392,154
Capital Outlay	\$ 20,010		\$ 20,010	\$ 20,010		\$ 20,010
Training	\$ 180,000	\$ 80,000	\$ 260,000	\$ 180,000	\$ 80,000	\$ 260,000
Conflict-of-interest Contracts	\$ 56,429,567		\$ 56,429,567	\$ 63,615,074		\$ 63,615,074
Mandated Costs	\$ 3,446,707		\$ 3,446,707	\$ 3,885,596		\$ 3,885,596
Total	\$ 67,394,396	\$ 80,000	\$ 67,474,396	\$ 75,037,467	\$ 80,000	\$ 75,117,467

(See additional information on the following page)

**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Assumptions

- > **Personal Services and related costs (PERA, Medicare, HLD, AED, SAED, PFML, Disability)**
 - > We are unable to predict any salary survey or merit increases. However, OADC aligns its requested increases with OSPB and JBC recommendations during the annual budget process

- > **Operating**
 - > Operating expenditures are projected to increase 5% per year

- > **Conflict-of-interest Contracts & Mandated Costs (General Fund)**
 - > Projections reflect a 12.73% expenditure increase of Conflicts and Mandated Costs for each FY moving forward.