

JUDICIAL BRANCH
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA

Friday, December 13, 2013
9:00 am – Noon

JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation)

9:00-9:10 INTRODUCTION AND OPENING COMMENTS

- Courts and Probation is the largest Criminal Justice Agency in Colorado; serving 76,000 adults and 4,831 juveniles
- A large number of litigants proceed without an attorney:
 - Seventy-five percent of people in domestic relations cases do not have an attorney—this is more than 52,000 people in domestic relations cases filed during fiscal year 2013.
 - Forty percent of people in district court civil cases do not have an attorney. Even in these complex civil actions, approximately 29,000 people went without an attorney in cases filed during fiscal year 2013.
 - Since January 2013, over 25,000 citizens have received procedural assistance from Self-Help Centers around Colorado. In addition, Courts and Probation has added self-help personnel in eleven districts since July which are not reflected in these numbers. Courts and Probation is focused on improving access to these services across the state.
- Cash Fund Reliance – Stabilization cash fund was intended to be safety net for courts
 - Courts and Probation now 1/3 funded from fees

9:10-9:15 QUESTIONS COMMON TO ALL DEPARTMENTS

Please describe how you respond to inquiries that are made to the department. How does the department ensure that all inquiries receive a timely and accurate response?

Inquiries come to the department in many ways. First, there are requests for access to court records. Court records are accessed a number of different ways. There are statutory restrictions on public access to certain case types and further guidance is located in Chief Justice Directive 05-01.

http://www.courts.state.co.us/Courts/Supreme_Court/Directives/05-01amendedattachment5-20-13.pdf

- Public access to court records is provided by vendors through the court's website. This provides access to summary information for all case types that are public. The vendors provide real time web access to this information for a fee.
- Public access to court records is provided locally at the clerk's office. The records are available during normal business hours. CJD 05-01, Section 5.00(d) requires

production of the record at the time of request, within three days if not immediately available, or in certain circumstances where the records are not readily available, within 30 days on a date certain. Some older court records are stored out of state and require retrieval from the off site location.

- Public access to court records in aggregate or compiled forms is available from the State Court Administrator's Office through a request made on the form attached to CJD 05-01, Addendum A. Because this is manipulation of data, the time for reporting this data varies on the size of the request, other requests pending, and the requesting entity (other governmental agencies who rely on the data for required reports may get priority).

Court staff receives training on public access to court records and on the application of CJD 05-01. Issues of public access are addressed in many trainings, but there is also a four hour training specifically on this issue.

Inquiries about the administration of Colorado Courts and Probation come to the State Court Administrator's Office or are routed here by the recipient in the district or county court. These matters are handled by the Public Information Officer or Legal Counsel or both. Responses are made within three business days or, if a delay is necessary, the requestor is notified that the answer will be made within one week. Inquiries generally include the record requested or a response that no records exist. If Colorado Courts and Probation are not the custodian, or if there is a statute, rule or order prohibiting release, that information is contained in the formal response.

OTHER TOPICS

9:15-10:15 QUESTIONS RELATED TO FY 2014-15 BUDGET PRIORITIES

Cash Funding for Court Programs

- 1. Please provide an overview of the Judicial Stabilization Cash Fund, including:**
 - a. A history of when the fund was created, the original intended purpose of the fund, and any subsequent legislative changes to fund revenues or appropriations from the fund.**

The Judicial Stabilization Cash Fund was created with the enactment of SB 03-186 in response to the FY2003 \$21 million cut in General Fund dollars appropriated to Courts and Probation. The fund's revenue was generated by raising the filing fees that are paid by court users and allocating a certain percentage of those increased fees to the new cash fund. The purpose of the cash fund was twofold; first, to minimize cuts to personnel occasioned by the 2003 decrease in state general fund revenue. To that end, SB 03-186 was successful. Indeed, the Judicial Stabilization Cash Fund enabled Courts and Probation to stave off \$10.3 million of the FY2003 budget cut and to halve the necessary FTE cut down to 320 employees, or 13% of Courts and Probation's non-judicial officer workforce. Secondly, use of the cash fund allowed state government to recover more

quickly after the 2003 recession by funding court needs out of cash funds not subject to the 6% spending limit.

However, as the number of court filings – and, correspondingly, the revenue derived from those filings – increased over the years, the Judicial Stabilization Cash Fund began to be used for much more than its original purpose. For example, the Judicial Stabilization Cash Fund made it possible for the General Assembly to authorize and fund new judgeships (HB 06-1028 and HB 07-1054) and other legislatively authorized staff (HB 08-1082 regarding the sealing of records, as well as refinance several general fund line items such as the senior judge program, judicial education and language interpreters to free up general fund for other state priorities. In addition, due to delay in the implementation of the HB 07-1054 judgeships, Courts and Probation was able to redirect savings from the delay to cover its courthouse capital needs for since FY2009.

The Judicial Stabilization Cash Fund has also been used to establish critical court projects such as problem-solving courts and self-help centers, as well as initiatives such as procedural fairness and leadership education. Initiatives such as the development and staffing of the self-help centers have been critical in responding to the increase in self-represented parties coming into the courthouses. For example, in 2013, 75.3% of domestic relations parties were not represented by an attorney. In that same year, 59.5% parties in county court civil cases and 39.7% of parties in district court civil cases had no attorney whatsoever.

In FY2013 and FY2014, the fund was used to cover the cost associated with a partial compensation realignment for the Court Judicial Assistant job class after a compensation study was completed in response to rising attrition rates among the Court Judicial Assistant and Probation Support Services job classes. The study revealed that these two job classes were each being paid approximately 10% less than their counterparts in the state Executive Branch. To address the disparity, Courts and Probation embarked on a three-year plan to increase the compensation of these job classes by 3.3% each year for three years. While the increase for the Court Judicial Assistant job class was paid for out of the Judicial Stabilization Cash Fund, the increase for the Probation Support Services job class was funded out of the General Fund.

As a consequence of growing reliance on the Judicial Stabilization Cash Fund, Courts and Probation has gone from being 3% cash funded in FY2002 to 34.5% in FY2014. As anticipated by the projections included below in response to question 1.c., the Judicial Stabilization Cash Fund is at near-maximum funding capacity and will soon only be able to sustain existing appropriations.

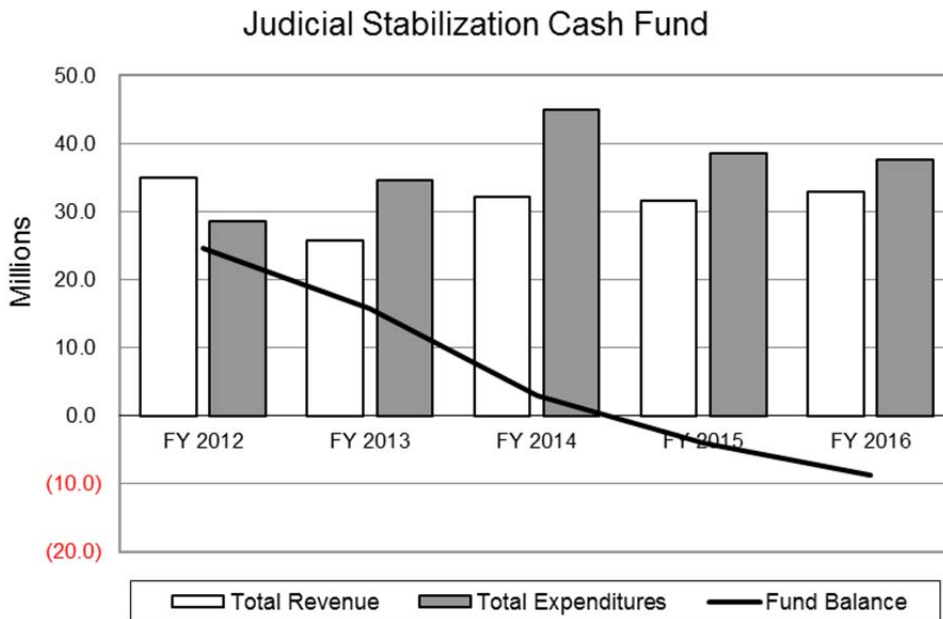
b. A history of fund revenues and expenditures; and

The table below details the revenues and expenditures of the Judicial Stabilization Cash Fund. Included in the expenditures were 144.8 new FTE for new judgeships, staff to address probate audit findings, problem solving courts, judicial education and leadership, senior judge program, self-represented litigant coordinators, and trial court staff.

| | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 | FY2008 | FY2009 | FY2010 | FY2011 | FY2012 | FY2013 | FY2014 |
|--------------------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------|
| + Revenue | 2,651,810 | 10,381,933 | 10,571,204 | 10,776,841 | 11,425,737 | 17,257,187 | 22,857,560 | 28,688,980 | 42,566,095 | 34,948,102 | 25,663,981 | 11,539,540 |
| - Expenditures: | | | | | | | | | | | | |
| Supreme Ct/Ct of Appeals | | | | | | | (735,457) | (1,018,385) | (983,872) | (1,241,973) | (1,264,390) | - |
| Judicial Education | | | | | | | | | | | (1,086,629) | (336,460) |
| Courthouse Capital | | (433,463) | | | | | | (3,064,041) | (2,351,276) | (473,525) | (1,624,100) | (40,521) |
| Senior Judge Program | | | | | | | | | | | (1,255,217) | (1,142,970) |
| Trial Court Programs | (2,651,810) | (9,696,215) | (10,021,446) | (10,670,774) | (10,641,137) | (14,904,684) | (24,366,439) | (22,449,718) | (23,714,164) | (24,826,358) | (26,716,241) | - |
| Problem Solving Courts | | | | | | | | | (1,249,046) | (1,703,265) | (2,367,588) | (671,235) |
| Language Interpreters | | | | | | | | | | (236,500) | (236,500) | - |
| Total Expenditures | (2,651,810) | (10,129,678) | (10,021,446) | (10,670,774) | (10,641,137) | (14,904,684) | (25,101,896) | (26,532,143) | (28,298,359) | (28,481,621) | (34,550,665) | (2,191,186) |
| Budget Balancing | | | | | | | | | | | | |
| =Net Change | - | 252,256 | 549,758 | 106,067 | 784,600 | 2,352,503 | (2,244,336) | 2,156,836 | 14,267,737 | 6,466,481 | (8,886,685) | 9,348,354 |
| + Beg Fund Balance | - | - | 252,256 | 802,014 | 908,081 | 1,692,681 | 4,045,184 | 1,800,848 | 3,957,684 | 18,225,421 | 24,691,902 | 15,805,217 |
| = Fund Balance | - | 252,256 | 802,014 | 908,081 | 1,692,681 | 4,045,184 | 1,800,848 | 3,957,684 | 18,225,421 | 24,691,902 | 15,805,217 | 25,153,572 |

c. Projections of fund revenues and expenditures.

Below is a graph and chart detailing the projections of revenue and expenditures for the Judicial Stabilization Cash Fund and showing that the fund's balance will reach maximum funding capacity at the end of FY2014:



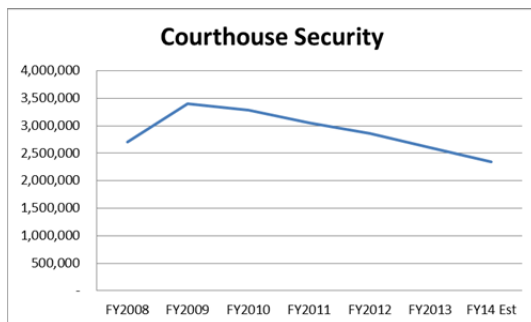
| | Actual | Actual | Projected | Projected | Projected |
|-------------------------------|-------------------|-------------------|-------------------|--------------------|--------------------|
| | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |
| <i>Beginning Fund Balance</i> | <u>18,225,421</u> | <u>24,691,902</u> | <u>15,805,217</u> | <u>3,006,731</u> | <u>(3,969,027)</u> |
| Revenue | 34,477,976 | 25,367,205 | 31,268,561 | 31,063,516 | 32,452,000 |
| Denver County | 77,088 | 832 | 631,658 | 500,000 | 500,000 |
| Interest | 393,038 | 295,944 | 184,390 | 17,731 | 0 |
| Total Revenue | 34,948,102 | 25,663,981 | 32,084,609 | 31,581,246 | 32,952,000 |
| Expenditures: | | | | | |
| Program Costs | 28,481,621 | 34,550,665 | 44,883,095 | 37,435,396 | 37,684,396 |
| Decision Items | | | | 249,000 | |
| Legislation | | | | 872,609 | |
| Total Expenditures | 28,481,621 | 34,550,665 | 44,883,095 | 38,557,005 | 37,684,396 |
| | | | | | |
| Fund Balance | 24,691,902 | 15,805,217 | 3,006,731 | (3,969,027) | (8,701,423) |
| % Reserve | 87.3% | 55.5% | 8.7% | -8.8% | -22.6% |
| | | | | | |
| Reserve increase/(decrease) | 6,466,481 | (8,886,685) | (12,798,486) | (6,975,758) | (4,732,396) |

2. It is the Committee's understanding that revenues to several judicial cash funds have decreased significantly. For those cash funds affected by recent declines in court fee revenues, including the Justice Center Cash Fund, please provide projections of fund revenues and expenditures.

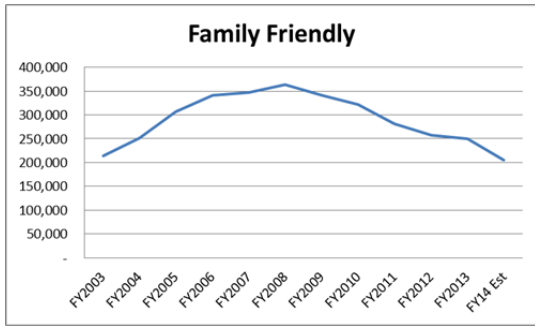
As detailed in the graphs below, the revenues of five judicial cash funds have been affected by declines in court filings, particularly county court traffic and civil cases: (1) the Courthouse Security Cash Fund; (2) the Family Friendly Cash Fund; (3) the Judicial Performance Cash Fund; (4) the Judicial Stabilization Cash Fund; and (5) the Justice Center Cash Fund.

The first three judicial cash funds have seen declines in their revenue primarily as a result of the decline in the number of traffic cases that has resulted from counties adopting the Model Traffic Code and diverting traffic cases away from state courts and into municipal courts:

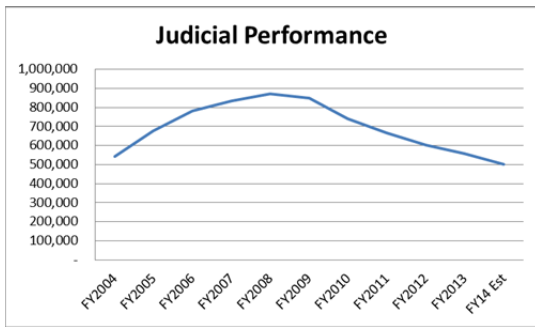
- (1) The revenue to the Courthouse Security Cash Fund has decreased by approximately \$1 million since FY2009:



(2) The Family Friendly Cash Fund’s revenue is its lowest revenue since FY2004:

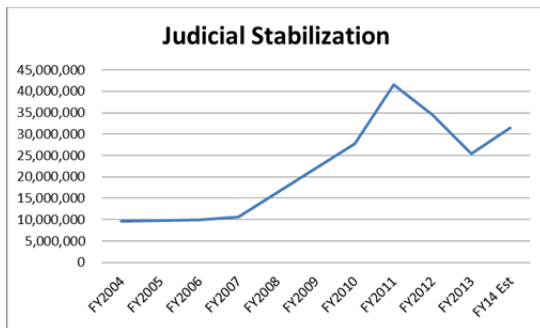


(3) The Judicial Performance Cash Fund has lost nearly 45% of its revenue, the reason for JUD R5 requesting \$350,000 for Judicial Performance:

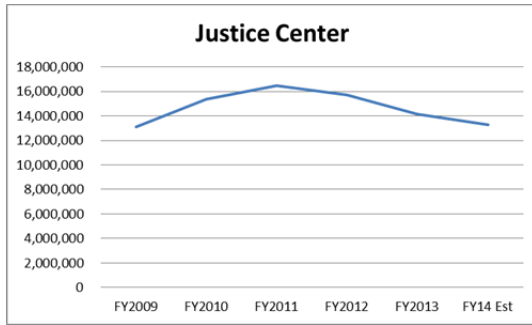


The last two cash funds have both been affected significantly by an unexpected and unprecedented drop in the number of county civil cases. Undoubtedly, some of this drop was related to the lower number of foreclosures and collections now that the economy is improving. The drop also appears to be related to recent changes in federal consumer protection regulations:

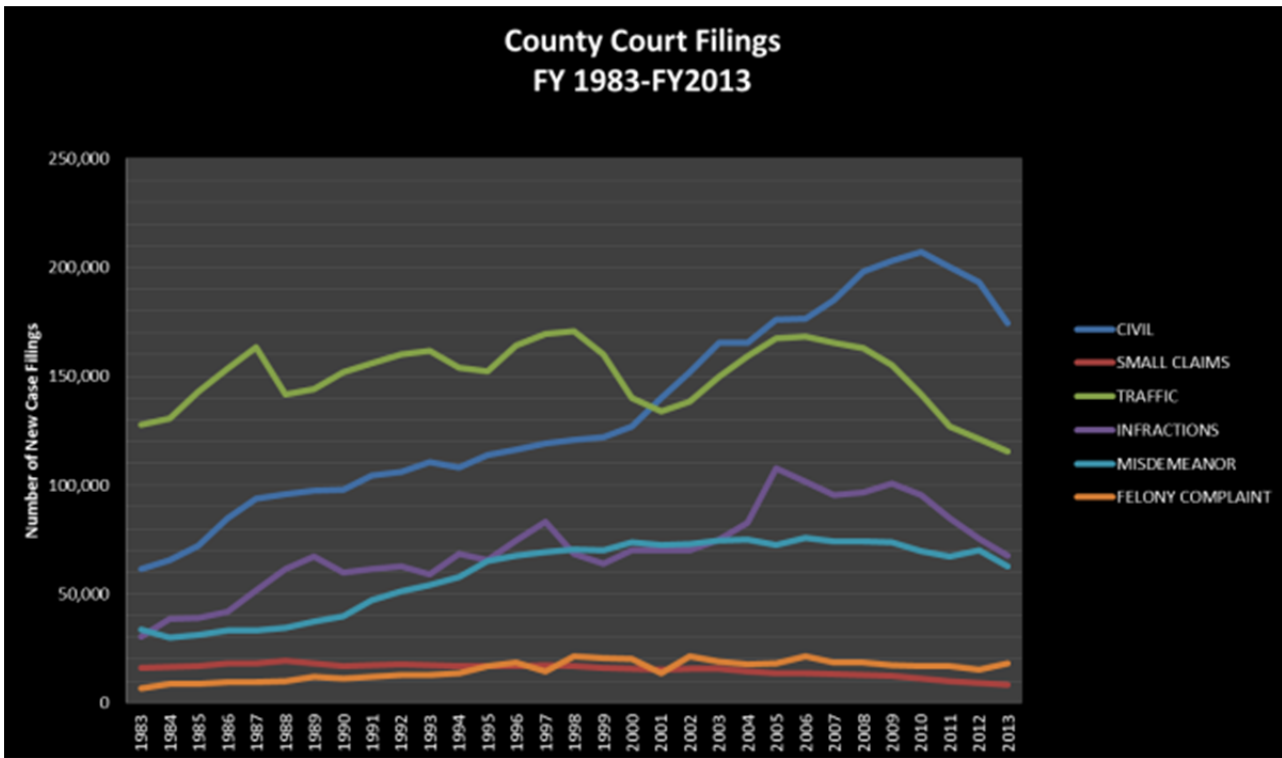
(4) The Judicial Stabilization Cash Fund has lost more than \$15 million in revenue since FY2011:



(5) Although not been as dramatic as the drop in revenue for the Judicial Stabilization Cash Fund, the Judicial Center Cash Fund has gone from \$16 million in revenue to \$14 million in just two years:



Thirty years of trends in county court filings are shown in the chart below, including the two types of cases – traffic (green line) and civil (blue line) – that generate the majority of revenue for the five judicial cash funds:



Information Technology (IT) Requests

3. Describe the total number and types of Department employees that currently provide IT-related services. Further, please discuss whether the Department anticipates any problems in filling the new IT positions that are requested through JUD R1 (Regional Technicians for IT support) or JUD R8 (IT staff).

JUD R8 (IT staff) will allow Courts and Probation to develop and maintain a large number of critical IT related projects that otherwise will take years to begin with existing IT staff. While not a complete list of the Courts and Probation’s IT project portfolio backlog, some of the critical IT projects include the development and implementation of the offender services tracking system, automated Presentence Investigation Report (PSIR), improved risk assessment instruments, contingency management program, court appointed counsel system enhancements and integration with the Alternate Defense Counsel (ADC), and further data integration with other state and local agencies such as e-citations.

Courts and Probation’s current IT-related staff consists of 93 FTE who work across four teams that support application development, systems integration, and statewide technical infrastructure, as well as providing user support. Those teams are: (1) the Executive IT and Web Development Team; (2) Application Team I; (3) Application Team II; and (4) Technical Infrastructure Services:

(1) The Executive IT and Web Development Team has eight staff and is responsible for supporting systems including Courts and Probation’s website, intranet, self-help forms, and public access system:

| Executive IT and Web Development Team Positions | | Staff |
|--|---|-------|
| Chief Information Officer | | 1 |
| Administrative Assistant | | 1 |
| Senior ITS Manager | | 1 |
| Information Security Officer | | 1 |
| Business Intelligence Reporting (IBM Cognos) | | 1 |
| IT Procurement Specialist | | 1 |
| Web Development Team | | 2 |
| Total Staff: | | 8 |
| Executive IT and Web Development Team Supported Systems and Applications | | |
| <ul style="list-style-type: none"> • Judicial Website | <ul style="list-style-type: none"> • Profile Requests | |
| <ul style="list-style-type: none"> • Intranet | <ul style="list-style-type: none"> • Social Media Sites | |
| <ul style="list-style-type: none"> • Public Access System | <ul style="list-style-type: none"> • Interpreter Calendaring Website | |
| <ul style="list-style-type: none"> • Judicial Resource Manual | <ul style="list-style-type: none"> • Self-Help Forms | |
| <ul style="list-style-type: none"> • DOC Mittimus Clarification Website | <ul style="list-style-type: none"> • Juror Self-Help Site | |

(2) Application Team I has a total of 27 FTE developing and supporting e-filing systems for civil, criminal, small claims, and pro se cases; back office applications such as PTO and recruitment; and all other attorney-related systems, including court-appointed counsel and attorney registration integration:

| Application Team I Positions | Staff |
|---|-------|
| Manager of Application Development | 1 |
| Application Development Staff (Programmers) | 11 |
| Business Analysts | 7 |
| ICCES Customers Support Technicians | 8 |
| Total Staff: | 27 |

| Application Team I Supported Systems and Applications | |
|---|--------------------------------------|
| • E-Filing Public Access Terminals | • All E-Filing Systems |
| • Court Appointed Counsel | • Attorney Registration Integration |
| • Pay-for-Performance and Paid Time Off | • Judicial Education Training System |

(3) Application Team II has a total of 20 FTE and supports internal application such as the jPOD case management systems used by the Supreme Court, Court of Appeals, and District and County Courts, as well as the ICON/ECLIPSE case management system. This team also manages applications such as the online fees and fines payment system and jury management. Externally, this team manages integration with several extra-agency systems to provide data exchanges related to alcohol and drug offenders, dependency and neglect cases, child support compliance, and more:

| Application Team II Positions | Staff |
|---|---|
| Manager of Application Development | 1 |
| Application Development Staff (Programmers) | 11 |
| Business Analysts | 8 |
| Total Staff: | 20 |
| Application Team II Supported Systems and Applications | |
| • jPOD Case Management Systems | • ICON/ECLIPSE Case Management System |
| • Online Fees & Fines Payment System | • Jury Management |
| • Alternative Dispute Resolution | • Case Management System Transformation |
| Application Team II Supported Extra-Agency Data Exchanges | |
| • CICJIS | • Alcohol & Drug Administration Exchange |
| • CDHS Dependency & Neglect Cases | • CDHS Child Support Cases |
| • DMV Traffic Dispositions | • Tax, Gambling, and Lotto Intercepts |
| • DOC Restitution Payments | • Drug Testing Results (NORCHEM/Sentry) |
| • FBI Mental Health Cases | • Tickets on Demand – E-Citations in Weld |
| • DOR Electronic Distrainment Warrants | • DOI Bondsperson Data Integration |

(4) The Technical Infrastructure Services Team is our largest team with 38 FTE and managing numerous critical systems, including servers and internal applications, as well as providing support to over 3,800 users on over 8,000 desktops and PCs and 700 other network devices in 105 courthouses and probation offices across the state:

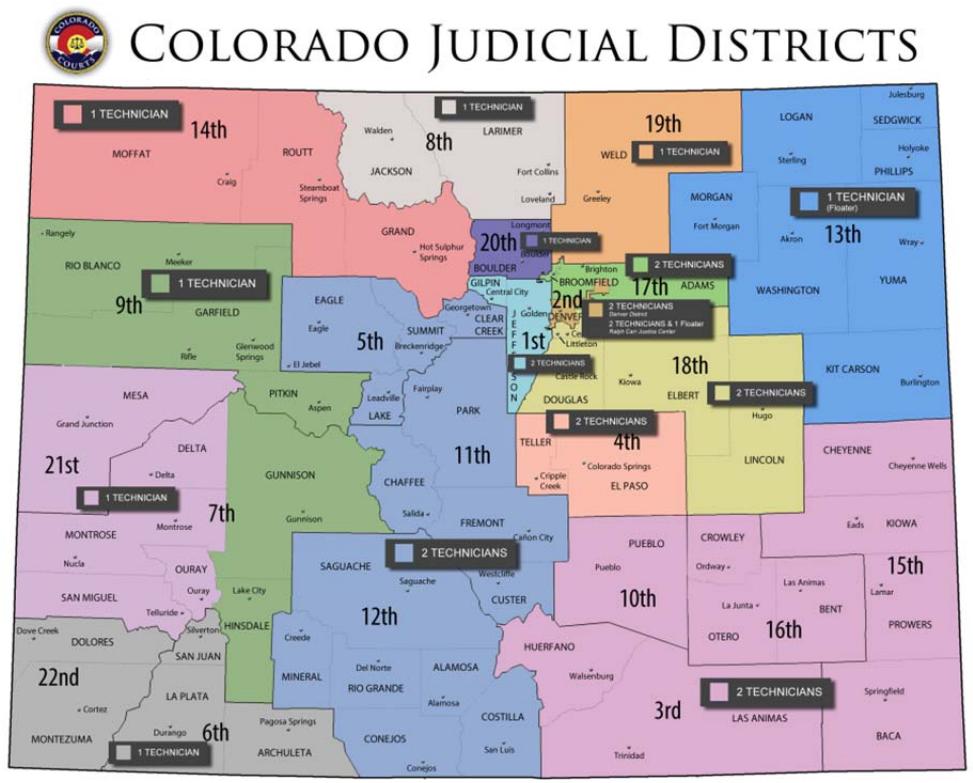
| Technical Infrastructure Services Team Positions | | Staff |
|--|---|-------|
| Manager of Technical Services | | 1 |
| Systems Administrators | | 5 |
| Midrange Server Administrators (AS/400 or iSeries) | | 2 |
| Network Administrators | | 3 |
| Telecommunications Coordinator | | 1 |
| Technical Support Supervisor | | 2 |
| Technical Support Specialists (Regional Technicians) | | 24 |
| Total Staff: | | 38 |
| Technical Infrastructure Services Team Supported Systems and Applications | | |
| <ul style="list-style-type: none"> Over 250 Servers | <ul style="list-style-type: none"> Over 8,000 Desktops and PCs | |
| <ul style="list-style-type: none"> Over 700 Network Devices | <ul style="list-style-type: none"> 105 Court & Probation Locations | |
| <ul style="list-style-type: none"> Over 3,800 User Accounts | <ul style="list-style-type: none"> Mobile & Peripheral Devices | |
| <ul style="list-style-type: none"> Patch Management | <ul style="list-style-type: none"> WestKM | |
| <ul style="list-style-type: none"> All Internally Developed Applications & Data Exchanges | <ul style="list-style-type: none"> Enterprise Content & Document Management System | |
| <ul style="list-style-type: none"> Microsoft Exchange | <ul style="list-style-type: none"> Adobe LiveCycle | |
| <ul style="list-style-type: none"> Security Appliance Installations & Configurations | <ul style="list-style-type: none"> Disaster Recovery & High Availability Site (E-Fort) | |
| <ul style="list-style-type: none"> Server & Network Monitoring | <ul style="list-style-type: none"> Hardware Help/Service Desk | |

Courts and Probation does not anticipate encountering difficulty filling either the JUD R1 Regional Technician or the JUD R8 IT Staff positions being requested because of the pipeline hiring process that it already has in place to ensure it stays competitive as a potential employer in the tight IT employment market. Courts and Probation’s hiring pipeline starts with the decision to continuously post certain high demand positions. When an application comes in, it can be immediately reviewed and an interview performed. Where no position is open, Courts and Probation maintains a network of talented IT professionals who are actively or passively seeking job opportunities, and with whom Courts and Probation maintain regular communications regarding current and anticipated IT employment opportunities. Should the JUD R1 and/or the JUD R8 requests be approved, Courts and Probation will recruit from this hiring pipeline, as well as other forums including social media sites such as LinkedIn and established relationships with Colorado universities and colleges.

The requested JUD R1 Regional Technicians are the Technical Infrastructure Services Team’s versatile problem solvers. Regional Technicians provide a wide variety of software and hardware support, including:

- Software support for the ICON/ECLIPSE case management system, the jPOD case management system, content management software, all Microsoft applications, Adobe Professional, Cisco VPN configurations, anti-virus, encryption, scanning and printing software, specialty software such as Dragon Speak
- Hardware support for all PCs and laptops, all mobile devices, all scanners, printers, and fax machines, server and network configurations, digital court reporting FTR devices, video and telephone conferencing equipment, audio/visual courtroom technology, public access computers, employee moves, and inventory management

Because of their versatility and the critical support they provide, Regional Technicians ranked as one of the highest needs among judicial officers and employees in the field. The map below indicates where the 24 current Regional Technicians are currently stationed across the state; large districts have two technicians, but most districts share a technician or two with other districts:



The JUD R1 request for Regional Technicians, combined with the JUD R8 request for IT Staff and the JUD R3 request for increased network bandwidth, is part of Courts and Probation’s long-term effort and plan to improve justice and fairness, equal access to the justice system, and public trust and confidence in the judiciary by developing, supporting, and maintaining technology that supports core business functions, that is agile and responsive to change, and that improves court users’ experience with and understanding of the judicial system. These requests continue the ability of Courts and Probation to implement that type of systems-integrated enterprise architecture.

4. What services does the Department currently purchase from the Governor's Office of Information Technology (OIT)? To what extent does the Department cooperate or coordinate with OIT?

FY2014 appropriations for services purchased by Courts and Probation from OIT include:

- \$699,378 for Computer Center (GGCC) Services
- \$1,666,209 for Colorado State Network Services
- \$18,297 for Communication Services
- \$24,047 for Information Technology Security

Courts and Probation works closely with OIT to achieve economies of scale on matters of information security and, where possible, in the purchase of software products. Specifically, Courts and Probation's Information Security Officer collaborates with OIT's Information Security Operations Center to identify, isolate, and resolve PCs and laptops that may have become infected with malware or viruses that are sending suspicious traffic over the state network. When economies of scale can be achieved through large volume purchasing or when a desired software product is on state award, Courts and Probation consults with OIT about their experience with the particular software product and their quoted pricing. For instance, recently Courts and Probation reached out to OIT's Office of Information Security to inquire and discuss plans for replacing Microsoft Windows XP devices, which have an April 8, 2014 end-of-life date.

Courts and Probation also serve with OIT on several intra-agency committees and boards. For example, the State Court Administrator sits on the a board the Colorado Integrated Criminal Justice Information Systems (CICJIS), which includes the Department of Public Safety (CBI), Department of Corrections (DOC), Department of Youth Corrections (DYC), and the Colorado District Attorneys Council. Courts and Probation's Chief Information Officer sits on the Government Data Advisory Board (GDAB), which is chaired by OIT and involves the work of nine or so Executive Branch agencies. Courts and Probation is also a member of the State Traffic Record Advisory Committee (STRAC), which involves the work of OIT and other state agencies to collect, organize, analyze, and utilize all types of information relating to accidents that occur on the roadways.

5. Please provide an update on the status of the Department's e-filing system project, including implementation of the system to date as well as plans to develop modules for additional case types and litigants (e.g., criminal, misdemeanor, traffic, juvenile, and mental health cases, as well as cases involving self-represented parties).

ICCES is the e-filing system project being implemented by Courts and Probation. E-filing through ICCES is fully implemented for attorney-filed county and district civil, probate, water, and domestic relations cases in all 22 judicial districts across the state. The ICCES system currently allows e-filing in the same case types as the prior vendor provided e-filing system. User satisfaction surveys issued in May and October 2013 showed that overall user satisfaction with ICCES has increased by 11.5%. In October, the average satisfaction rate had increased to 6.38 out of 9.00, from 5.72 in May. In the recent ICCES customer satisfaction survey, the Courts and Probation received numerous compliments on how well the new system was designed and implemented. Below are a few of these comments from our customers.

“The rollout of this system has been remarkably smooth and we really appreciate the competence and hard work of the people responsible for that Great job!”

“I like seeing all the new features you continue to add.”

“Overall, ICCES is great, and a huge improvement over the prior option. ICCES is, for the most part, quite user friendly and intuitive -- thanks!”

“Overall, I really find the new system useful and any issues we had in the beginning seem to have worked themselves out. I used to call the courts several times a day but now that I'm able to find documents or research information online, I rarely call them anymore. I don't know what happened with that first major update but the system runs so quick now and I really appreciate that! With every update, it gets better and better.”

“This is not an idea, but I want to share that the biggest benefit to me as a filer, is that the size of a document has been increased. Before I had to file a lengthy document in several parts and now it can be filed as one document. Very good enhancement!”

“The main reason I took this survey was to let you know that I find ICCES largely intuitive and user friendly, which is important for someone who isn't overly tech savvy. It's nice to have an improvement on a program that really feels like an improvement. But again, it's rare that I get to say how much I like a computer program, so it's a pleasure to do so in this case.”

In January 2014, ICCES will be expanded to include attorney-filed replevins, name changes, foreign judgments, and all other civil case types, e-filing services that were never before offered by the previous vendor provided e-filing system.

Courts and Probation is also currently working to expand ICCES to include criminal, misdemeanor, and juvenile delinquency cases, which requires integration with the ACTION and CICJIS systems to ensure workflow efficiencies are achieved by all agencies involved in the criminal justice system (e.g., District Attorneys' offices, the Office of the State Public Defender, the Attorney General's office, the Office of the Child Representative, the Office of Alternate Defense Counsel, and some private attorneys). Assuming the resources, staffing, and cooperation necessary to integrate ICCES with ACTION and CICJIS continues at the current level, it is anticipated that the Department will begin implementing criminal e-filing in October 2014.

Once ICCES is expanded to include criminal, misdemeanor, and juvenile delinquency cases, Courts and Probation will begin expanding to include traffic, mental health, and juvenile cases, followed by a module to allow self-represented parties to e-file through ICCES.

ICCES is being developed to achieve many goals, one of which is to increase the ease with which attorneys, parties, and the public can access electronic records and case information. Yet, as Courts and Probation are learning, there are complex privacy concerns and significant associated personnel costs that accompany such public access. For instance, as soon as district civil cases began to be e-filed through ICCES, Courts and Probation experienced increasing demand by the media to provide free statewide electronic access to all documents and information in those cases.

Courts and Probation anticipates that as ICCES is expanded to include more case types, demands from media and the public will increase. Courts and Probation also anticipates that as criminal, juvenile, and mental health case information is made electronic, electronic public

access and privacy concerns will become more complex. Accordingly, although Courts and Probation is not making a request at this time, it is anticipated that additional staff may be needed to manage these issues in the future.

6. Please describe the Department's overall plan to maintain its IT network. Should the General Assembly expect to continue to see periodic funding requests such as JUD R3 (Network Bandwidth)?

Courts and Probation’s overall network plan is to ensure each courthouse and probation facility has networking equipment under a supported maintenance agreement and that each facility, where possible, has the necessary bandwidth to support modern day technologies such as VoIP, video conferencing, guest wireless technologies, web conferencing, content management systems, modern case management systems, and online training, while also maintaining adequate bandwidth to ensure timely access by judges and court personnel to electronic files. The proposed network enhancements also provide some capacity to support future technologies. Network technologies serve as the backbone through which data moves and integrates with other systems. It allows all users to more easily and efficiently access data and information that formerly was dispersed in fragmented and often poorly designed electronic systems, libraries, and paper records. In these ways, adequate network technologies improve justice, increase efficiency, and empower end users.

The JUD R3 request to increase Courts and Probation’s Information Technology Cash Fund spending authority on network bandwidth will support the 32, mostly rural, courthouses and probation facilities listed in the chart below; the costs include upgrading networking equipment and circuits, along with ongoing monthly costs for the increased bandwidth:

| Court & Probation Locations Eligible for Network Bandwidth Increase (Current Bandwidth is 1.5Mbps or 3Mbps) | | |
|--|------------------------|-----------------------|
| Alamosa Courthouse | El Paso Courthouse | Pueblo Courthouse |
| Aspen Courthouse | Fairplay Courthouse | Rifle Courthouse |
| Breckenridge Courthouse | Fort Lupton Probation | Salida Courthouse |
| Canon City Courthouse | Fort Morgan Courthouse | San Juan Courthouse |
| Cortez County Court | Georgetown Courthouse | Steamboat Courthouse |
| Cortez District Court | Hot Sulpher Courthouse | Sterling Courthouse |
| Craig Courthouse | Jefferson Probation | Teller Courthouse |
| Creede Courthouse | Kiowa Courthouse | Trinidad Courthouse |
| Del Norte Courthouse | Leadville Courthouse | Walsenburg Courthouse |
| Delta Courthouse | Meeker Courthouse | Westcliffe Courthouse |
| Eagle County Courthouse (Basalt) | Ouray Courthouse | |

There are 25 additional, mostly rural, courthouses and probation facilities – listed in the chart below – that also require increased network bandwidth, but that cannot support the technology due to internet service provider (ISP) limitations; when the ISP limitations are overcome, Courts and Probation will likely seek additional spending authority:

| Court & Probation Locations Not-Eligible for Network Bandwidth Increase (Current Bandwidth is DSL, 1.5Mbps or 3Mbps) | | |
|---|----------------------------|------------------------|
| Black Hawk Courthouse | La Junta Courthouse | Saguache Courthouse |
| Cheyenne Courthouse | Lake City Courthouse | San Luis Courthouse |
| Conejos Courthouse | Lamar Courthouse | Sedgewick Courthouse |
| Dove Creek Courthouse | Las Animas Courthouse | Springfield Courthouse |
| Eads Courthouse | Nucla Courthouse | Walden Courthouse |
| Eagle County Courthouse | Ordway Courthouse | Washington Courthouse |
| Eagle Probation Annex | Pagosa Springs Courthouse | Yuma Courthouse |
| Hugo Courthouse | Phillips County Courthouse | |
| Kit Carson Courthouse | Rangley Courthouse | |

As part of its network strategy, Courts and Probation will meet with the Joint Technology Committee that was formed by HB 13-1079 to evaluate statewide network services and long-term network bandwidth plans with OIT and CenturyLink, the state's current internet service provider.

Currently, most metro area homeowners have more bandwidth than our rural court locations. The chart below shows the breakout of costs between bandwidth, installation and the video conferencing one-time equipment costs. While a variety of software based video conferencing solutions exist, they are not nearly as secure as hardware based video conferencing equipment, which is also required to connect with other state agencies such as DOC for video advisements and 35(c) hearings.

| | Access Charges (ongoing) | Private Port Installation | Video-Conferencing Equipment |
|------------|-----------------------------|---------------------------|------------------------------|
| Cost/site | \$ 2,515 | \$ 1,500 | \$ 38,000 |
| # of sites | 34 | 34 | 24 |
| Total | \$ 85,510 | \$ 51,000 | \$ 912,000 |

- 7. What performance measures does the Department use to determine the impact of IT investments? For example, if JUD R3 (Network Bandwidth) is approved, can you measure the effect on employee output? Similarly, if JUD R1 (Regional Technicians for IT support) is approved, can you measure the Department's average response time?**

Regarding network bandwidth, Courts and Probation employs a variety of performance measures to monitor the effectiveness of network hardware, circuits, and servers, and to anticipate and address problems before they arise. Courts and Probation also measures employee output as it relates to overall system performance. For example, in Park County, which has a 1.5Mbps MPLS network circuit, it takes an average of 19 seconds to retrieve 381 records in the Clerk Review application as compared to Denver, which takes an average of 6 seconds to load the same records over a 20Mbps MPLS circuit.

Increasing network bandwidth in rural courthouses and probation facilities measurably decreases the time it takes judicial officers and court and probation staff to view, approve, and print, if necessary, case documents and information. It is the goal of Courts and Probation to improve the judicial system and court performance by providing judicial officers and court and probation staff with instant and integrated access to case documents and information, which will in turn improve the public's experience with the judicial system and their confidence in the institution as competently run and managed.

Regarding Regional Technicians, Courts and Probation tracks the number of service desk issues resolved by Regional Technicians within a given time period and is in the process of implementing an IT Service Management (ITSM) system that will measure Regional Technicians' specific response time to specific issues. An RFP was recently issued for an ITSM solution, and Courts and Probation is in the process of evaluating and verifying references on several submitted proposals and is scheduled to meet with OIT in December 2013 to hear its experience with one of the proposed software solutions.

(JUD R2) District Judges

8. Describe the Department's overall plan and process for determining when and where additional judgeships are needed. Please include data concerning each judicial district's workload and staffing ratio.

Courts and Probation uses a caseload-based evaluation to determine the number of new judgeships needed. Filing projections for each judicial district are updated annually. These projections are informed by historical filing patterns along with population projections created by the Demography Section of the Colorado Department of Local Affairs.

Projected case filings are converted into the number of judgeships needed using a weighted caseload model. The weighted caseload model uses a time-motion study developed and implemented by the National Center for State Courts. The last time-motion study for judges had a 95% participation rate. The weighted caseload model identifies differences in the amount of time needed to process different types of cases from filing to termination through the conclusion of post-judgment activity. For example, a traffic case requires much less time and resources to process than a felony case. The caseload standards for each case type represent the average time spent on a particular case type. These standards were developed, and are maintained, through the use of times studies.

The actual number of judgeships requested, and the timing for the request, depend on a number of factors including:

- The relative priority for requesting new judgeships compared to other needs of the Courts and Probation
- A judicial district's facility space for a new judgeship and related staff

- Whether other community resources would support a new judgeship. For example, if a new judgeship is being requested primarily to address felony filing growth, Courts and Probation would work with the local District Attorney’s Office and Public Defender to determine whether they also have the resources necessary to support an additional criminal docket.

The table below relates each judicial districts’ workload and staffing ratio.

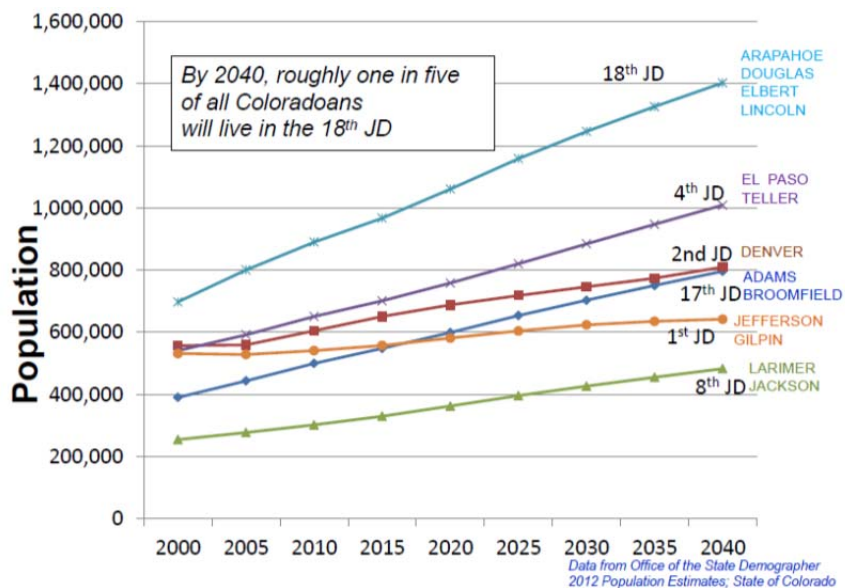
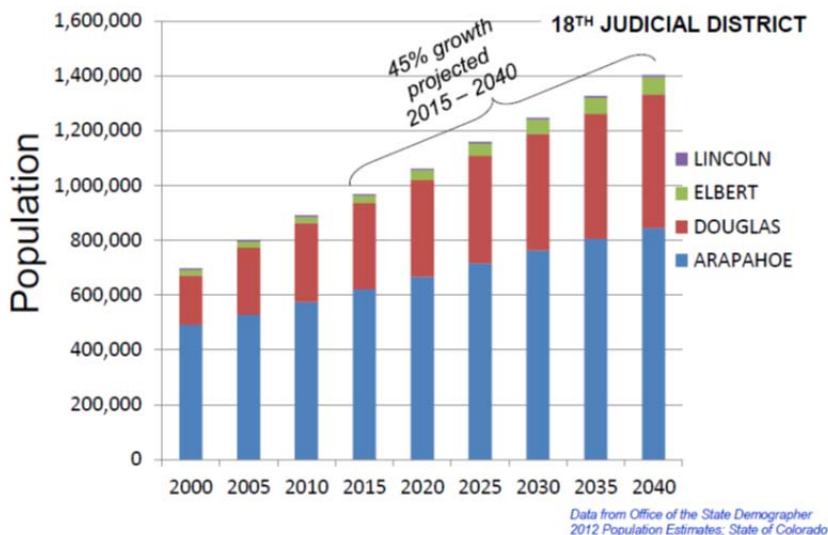
| District Court Judicial Officer Workload and Staffing Levels | | | | |
|---|-------------------------------------|------------------------------------|-----------------------|----------------------------------|
| (Based on Fiscal Year 2017 Projections) | | | | |
| Judicial District | Judicial Officer Total ¹ | Judicial Officer Need ² | Variance ³ | Staffing Percentage ⁴ |
| 18th | 27.00 | 36.30 | -9.30 | 74% |
| 14th | 3.13 | 4.20 | -1.07 | 75% |
| 1st | 19.50 | 25.98 | -6.48 | 75% |
| 11th | 4.50 | 5.72 | -1.22 | 79% |
| 7th | 5.85 | 7.39 | -1.54 | 79% |
| 10th | 8.75 | 11.05 | -2.30 | 79% |
| 4th | 29.25 | 36.64 | -7.39 | 80% |
| 6th | 4.25 | 5.17 | -0.92 | 82% |
| 21st | 7.50 | 9.12 | -1.62 | 82% |
| 13th | 4.50 | 5.41 | -0.91 | 83% |
| 16th | 2.00 | 2.39 | -0.39 | 84% |
| 17th | 20.50 | 24.45 | -3.95 | 84% |
| 5th | 6.00 | 7.15 | -1.15 | 84% |
| 9th | 5.75 | 6.80 | -1.05 | 85% |
| 3rd | 2.00 | 2.35 | -0.35 | 85% |
| 19th | 13.00 | 15.24 | -2.24 | 85% |
| 20th | 11.30 | 13.22 | -1.92 | 85% |
| 12th | 3.75 | 4.37 | -0.62 | 86% |
| Denver Juvenile | 4.50 | 5.21 | -0.71 | 86% |
| Denver District | 25.00 | 28.82 | -3.82 | 87% |
| 8th | 11.75 | 13.27 | -1.52 | 89% |
| Denver Probate | 1.75 | 1.84 | -0.09 | 95% |
| 22nd | 2.00 | 1.96 | 0.04 | 102% |
| 15th | 2.00 | 1.45 | 0.55 | 138% |
| Totals | 225.53 | 275.50 | -49.97 | 82% |

NOTES:

1. Total number of authorized judge, magistrate, and water referee FTE in FY 2014 (current FY).
2. FTE need was calculated by applying projected FY 2017 filings to the current weighted caseload model for district court judicial officers.
3. Variance is calculated by subtracting the FTE need from the FTE total. Negative numbers indicate that additional FTE are needed.
4. Staffing percentage is calculated by dividing the FTE total by the FTE need.

9. A recent meeting concerning access to justice included a PowerPoint presentation concerning projected growth in the 18th Judicial District. If possible, please include a copy of this presentation with your hearing responses. Further, please identify any other judicial districts that are experiencing similar rates of growth.

On September 24, 2013, the Colorado Access to Justice Committee held a hearing in the 18th Judicial District to provide information about the needs of that district's indigent and moderate income population for pro bono and pro se assistance in civil cases. The two presentation slides, included below, show the 45% projected population growth for the 18th Judicial District between 2015 and 2040; the Office of the State Demographer estimates that by 2040, one in five Coloradans will live in the 18th Judicial District:



Consistent with these population growth percentages, the 18th Judicial District has historic need that has persisted over the years despite the addition of new judgeships. The addition of new judgeships throughout the 1980s and 1990s did not keep pace with strong caseload growth experienced during that time period. While not necessarily the fastest growing caseload in recent years, the 18th Judicial District's caseload growth has remained steady. As a result, the 18th Judicial District has the lowest judge staffing percentage of any district in the state. Courts and Probation has decided to seek two judgeships for the 18th Judicial District because the impact of a single judge on the overall operations in a district as large as the 18th Judicial District, which currently has 27 judicial officers, is less than in smaller districts where there are only a handful of judges. While other judicial districts have experienced growth over time, Courts and Probation has used other resources such as magistrate FTE to address those districts' judgeship needs; the 18th Judicial District's persistent population and caseload growth requires attention in the form of new judgeships.

The district experiences a large number of high profile and complex criminal cases, including several death penalty cases. These cases often remain active in the courts for decades and are extremely labor intensive for both judges and staff. In addition, during the past ten years the district has seen an eight percent increase in district civil filings – excluding tax liens and foreclosures, which have been particularly volatile – as well as an 11 percent increase in domestic relations filings, a 34 percent increase in probate filings and a 45 percent increase in mental health filings. The number of parties who are involved in civil case filings without an attorney is also increasing. Statewide, there has been a 57 percent increase in pro se domestic relations filings alone since 2001. Parties without attorneys often take more of the court's time and put additional pressure on judicial officers. In addition, Arapahoe County has a larger than average foreign-born population, at nearly 15 percent. Statewide the foreign-born population is nine percent.¹ This means a greater number of parties who may not be familiar with the American judicial system as well as a greater number of people who require interpreter services. Statistics from our court interpreter program indicate that the 18th Judicial District has the largest non-Spanish interpreter needs in the state.

The entire PowerPoint presentation is 104 pages long, which we would be happy to make available to any interested legislator.

10. Did the Department seek input from the District Attorney in the 18th judicial district concerning the Department's legislative initiative to add two district court judgeships?

The Chief Judge of the 18th Judicial District has been in contact with the District Attorney and the head of the Public Defender's Office. Both have expressed support of the request for additional judicial resources. In addition, the Chief Judge has discussed the request with the Arapahoe County Commissioners and during their justice center coordination meetings. As of this date, the 18th Judicial District has received consistent support from local officials for the request for new judgeships.

¹See <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

11. Please provide a historical overview concerning the determination of judicial district boundaries, including the following:

a. When were district boundaries last adjusted?

Colorado's state courts were unified into a single system effective January 12, 1965. Since that time, the 22 judicial district boundaries have changed only slightly from their original configuration. For example, the 4th Judicial District was adjusted to its current boundaries in 1969 – it originally included Lincoln, Elbert, and Kit Carson Counties. Clear Creek County was moved from the 1st Judicial District to the 5th Judicial District in 1975, and Broomfield County was added to the 17th Judicial District after its creation in 2001.

b. What factors should be considered when determining the size of a district?

It is the General Assembly's prerogative to set judicial districts. Article VI, section 10 of the Colorado constitution gives the General Assembly the power to, with a two-thirds vote of each house, change the boundaries of judicial districts. In order to determine whether changes should occur to any current judicial district boundaries, at a minimum, the General Assembly may want to consider the following five factors: (1) geographic location; (2) filing volume; (3) population growth; (4) judicial resources; and (5) water court divisions.

(1) Geographic location. Judicial districts are intended to be within the same geographic area. The proximity of each county seat within a district and ease of travel should be primary considerations.

(2) Filing Volume. Judicial districts should be divided to ensure that, whenever possible, no judicial district carries an inordinate share of caseload volume. Consideration should also be given to judicial districts not being too small; however, there is a constitutional seven-county limit for each judicial district (Article VI, section 10(1) and section 24(3)) and creating too great a geographic area to cover is problematic.

(3) Population Growth. Since 1965, statewide population has grown by 138%. Disparate growth over the past 40 years has impacted each judicial district differently. Urban courts face the impact of growing caseloads and the complexities of managing large organizations. Rural courts face other challenges, including a lack of community resources available in urban areas, as well as a lack of flexibility due to the limited number of judges and staff in each location.

(4) Judicial Resources. Changes in judicial district boundaries should take into account the judicial resources in each geographic area. Of concern in changing any district boundary is the current residence of district and county judges serving in a modified district. The Colorado Constitution requires that judges live within the judicial district to which they are appointed. Changing district boundaries could result

in judgeships being distributed inequitably between the new districts due to the residency of existing judges.

(5) Water Court Divisions. Changes in judicial district boundaries should be made with existing water court divisions in mind. Put another way, courts currently designated as water courts should remain in separate judicial districts. Water court regions are established by drainage patterns of various rivers and existing judicial district boundaries.

c. Should the General Assembly ever consider splitting a judicial district with a large and growing workload, or consolidating two districts with minimal workload?

Any consideration by the General Assembly to split or consolidate judicial districts may want to take into account the five factors discussed above in response to question 11.b. Also, when considering splitting a judicial district, the General Assembly may want to consider the local impact of creating a new judicial district, such as the cost of new court facilities and the need for a new district attorney's office; the state costs associated with staffing a new judicial district, including the costs of a new district administrator and chief probation officer; and the loss of flexibility to assign judges' dockets that can result in smaller judicial districts. In addition, consolidating judicial districts can be complicated by the amount of travel that may be necessary to cover a larger geographic area and the constitutional seven-county limit to judicial districts.

(JUD R4) Language Access

12. Describe the training and certification processes for Court Interpreters and Court Translators (including both Department employees and contract staff). Is there a sufficient pool of qualified potential employees and contract staff?

Courts and Probation, through its Office of Language Access, has established quality standards for interpreters who provide language access services to the courts. Language access is a foundational component of procedural fairness, providing not only the fundamental due process right of limited English proficient court users of access to the courts in their native language, but also allowing communication with the judicial officer and other court participants.

In FY2013, interpreters were provided for court proceedings in 86 languages, with Spanish accounting for 87% of the need. All interpreters who are employed by Courts and Probation are required to be certified Spanish interpreters in order to meet this need and to comply with the requirements of Chief Justice Directive 06-03, which establishes that certified interpreters must be used if available. Additional certified Spanish interpreters (62 in FY2013) and interpreters of all other languages (145 in FY2013) work with the Office of Language Access as independent contractors.

Interpretation is the oral transmission of the spoken word from the source language to the target language, and certification is administered by the Office of Language Access through

the use of a national repository of validated court interpreter examinations maintained by the National Center for State Courts. Certification is currently available in 20 languages (Arabic, Bosnian/Serbian/Croatian, Cantonese, French, Haitian Creole, Ilocano, Hmong, Khmer, Korean, Laotian, Mandarin, Marshallese, Polish, Portuguese, Russian, Somali, Spanish, Tagalog, Turkish, and Vietnamese).

To obtain certification, an interpreter must complete the following mandatory steps:

- Attend a 16 hour training, which provides an overview of the Court Interpreter’s Code of Ethics, court procedure and protocol
- Pass a written English exam
- Pass the three sections of an oral certification exam:
 1. Sight translation (English to the other language and other language to English)
 2. Consecutive interpretation (question and answer format in both directions)
 3. Simultaneous interpretation (English to the other language)

Certified interpreters must obtain 24 hours of approved continuing education and complete 48 hours of professional interpretation practice during each two-year compliance period.

Professional interpreters require additional training to meet the language demands of working in the courts. Interpreters working in languages for which no oral certification exam exists are required to submit credentials along with work experience information which the Office of Language Access uses to determine eligibility. To work for Courts and Probation, all interpreters must also pass a criminal history check and fulfill other documentation requirements of the Office of Language Access.

With a current roster of 65 independent contract, certified Spanish language interpreters and the ability to grant examination reciprocity to an interpreter certified in any other state, the Office of Language Access has sufficient qualified potential employees. The Office of Language Access is constantly recruiting highly qualified independent contract interpreters in languages other than Spanish to ensure access to the courts for Colorado’s limited English population.

At present, Courts and Probation does not have any translators on staff. Different from interpretation, translation is the written transmission of a text from the source language to the target language. Translator certification is attained through the American Translator’s Association, an international organization that administers translation examinations in 24 language combinations. Certified translators must complete continuing education requirements in order to maintain certification.

13. Describe recent changes in the demographics of court users and the impact of such changes on the need for language interpreters and translators.

In 2011, over 130 languages were spoken in Colorado homes. Approximately 15% of Colorado residents five years old and older speak a language other than English. According to the Migration Policy Institute, Colorado’s foreign-born, limited English proficient (LEP) population age five and older increased by 198.4% between 1990 and 2010, and by 25.7% between 2000 and 2011:

<http://www.migrationinformation.org/datahub/state2.cfm?ID=CO>

As outlined in the response to question 12, the Office of Language Access has provided interpreters for the courts in over 80 languages. The list of languages requiring court interpreters changes from year to year, a variance based on court users, refugee populations, and migration patterns. Courts and Probation is committed to providing full language access to all individuals who come in contact with the state courts to ensure access to justice and due process for all parties of interest.

Courts and Probation has adapted to the increase in language access demand through the Office of Language Access's programs and services such as the Center for Telephone Interpreting (CTI). CTI is located in the interpreter office of the Boulder Combined Courts where approved certified Spanish interpreters provide services for short duration court or probation-related non-evidentiary events, as well as customer service inquiries. Interpreter staff also coordinates the telephone interpreting needs for languages other than Spanish as requested.

Through CTI, approved interpreters are provided telephonically in all requested languages, avoiding travel costs and reducing interpreting costs while maintaining the qualification requirements of interpreters. Through the use of CTI, Courts and Probation has saved over \$150,000 in interpreting and travel costs over the last three years.

In an additional effort to provide increased language access and reduce cost through the efficient use of interpreter resources, the JUD R4 request for two translators seeks staff who will translate the most commonly used court forms. Having these standard forms translated will allow the court user to read the document in the translated language without the need for an interpreter to sight translate the document, saving both time and money.

14. What are the legal obligations of law enforcement officers when interacting with individuals who are not proficient in English?

Courts and Probation cannot speak to the general legal obligations of law enforcement officers when interacting with individuals who are not proficient in English. However, as those legal obligations pertain to an individual's *Miranda* rights, they are set forth in Colorado case law. *Miranda* requires that "prior to a custodial interrogation, an accused must be advised of his or her rights under the Fifth and Fourteenth Amendments." *People v. Redgebol*, 184 P.3d 86, 93 (Colo. 2008).

More specifically, "[t]he officers must inform the accused that he or she has the right to remain silent; that if the accused waives this right, anything he or she says may be used against him or her; that he or she has the right to have an attorney present; and that an attorney will be appointed if the accused cannot afford one." *Redgebol*, 184 P.3d at 93. "If the accused makes a statement during a custodial interrogation without first being advised of and subsequently waiving his or her *Miranda* rights, then the evidence is inadmissible." *Redgebol*, 184 P.3d at 93.

"A suspect will be deemed to have waived those rights only if the waiver is made voluntarily,

knowingly, and intelligently based on the totality of the circumstances surrounding the interrogation.” *People v. Aguilar-Ramos*, 86 P.3d 397, 400 (Colo. 2004). “To determine if a voluntary, knowing, and intelligent waiver occurred, courts examine the totality of the circumstances surrounding the custodial interrogation, including any language barriers encountered by a defendant.” *People v. Mejia-Mendoza*, 965 P.2d 777, 780 (Colo. 1998).

(JUD R6) Self-Represented Litigant Coordinators

15. Please detail the current allocation of self-represented litigant coordinator staff among judicial districts, and the anticipated allocation of staff should the General Assembly approve this request.

The table on the next page illustrates the current allocation of Self-Represented Litigant Coordinators (SRLCs, phonetically “Sherlocks”) across the state’s judicial districts, and the potential FY2015 allocation if the JUD R6 request is fully funded. Allocation of any FTE ultimately funded by the General Assembly will be made by the Chief Justice after consideration of recommendations from a standing committee made up of judges, district administrators, and clerks of court.

The potential FY2015 allocation has two goals in mind. First, to address the workload needs of districts with larger caseloads and greater numbers of self-represented litigants. Second, to bring up nearly all districts to at least one full-time SRLC.

| Judicial District | FY 2014 Authorized FTE Level--SRLC | Potential FY 2015 SRLC FTE Allocation |
|-----------------------|------------------------------------|---------------------------------------|
| 1st | 2.00 | 1.00 |
| Denver District Court | 1.00 | 1.00 |
| Denver Juvenile Court | 0.50 | |
| Denver Probate Court | 0.50 | |
| 3rd | 0.50 | |
| 4th | 2.00 | 0.50 |
| 5th | 0.50 | |
| 6th | 1.00 | |
| 7th | 1.00 | |
| 8th | 1.00 | 1.00 |
| 9th | 0.50 | 0.50 |
| 10th | 1.00 | 0.50 |
| 11th | 0.50 | 0.50 |
| 12th | 1.00 | |
| 13th | 0.50 | |
| 14th | 0.50 | 0.50 |
| 15th | 0.50 | |
| 16th | 0.50 | |
| 17th | 2.00 | |
| 18th | 2.00 | 1.00 |
| 19th | 1.00 | 1.00 |
| 20th | 1.00 | 1.00 |
| 21st | 1.00 | 0.50 |
| 22nd | 1.00 | |
| Total | 23.00 | 9.00 |

In addition to nine new SRLCs, JUD R6 also requests the following positions:

- A full-time SRLC to provide assistance to self-represented litigants in appellate cases in the Court of Appeals and Supreme Court
- A full-time statewide SRLC housed in the State Court Administrator's Office to provide dedicated program support, including development of a more structured training program for SRLCs and coordination of online resources

16. Has the Department measured the impact of the funding that has been provided to date for self-represented litigant coordinators? How do these positions affect the costs incurred by the court and court users?

A formal study measuring the impact of the funding that has been provided to date for the SRLC positions has not yet been done. Because the SRLCs have been in place for a limited time, there are logistical issues that need to be overcome in the collection of consistent data statewide. For example, identifying the impact of a SRLC on the number of hearings held in a case or on the length of a case requires a code be entered into that particular case file indicating that the litigant sought and received assistance from the SRLC. In addition to the programming for such a code, the necessary protocols for implementing use of that code – for example, when is it appropriate to use the code; will the code include the type of interaction the litigant had with the SRLC; and will the indicate when the litigant's interaction with the SRLC took place – are still being developed.

In addition, many people who interact with the SRLC or who use the services of the self-help center do so before they file a case. Data collection methods are being developed to track usage. Even though a formal evaluation has not yet occurred, there are clear indicators of savings to Courts and Probation and to court users.

In the past, parties to a case, and those contemplating filing a case, lined up at the clerk's office or inquired in a particular court division to ask for help. Because court clerks have many responsibilities and are often faced with long lines, they were able to provide only minimal help, if any. As a result, parties often filed incorrect paperwork for which they might receive a notice from the court that there was a problem – leading them back to the line at the clerk's office – or it might be addressed at a scheduled court hearing, taking the parties' time to come to court again and the judge's time to assist parties in a way that both moved the case forward and retained the judge's impartiality in the case.

The SRLCs now provide a point of contact in the courthouse where a party can go to get help to start a case or for answers when problems in his or her case arise. This provides relief on court resources and improves court users' experiences with the court system. For example:

- SRLCs are available to court users in a variety of ways, depending on the needs of the particular judicial district. All SRLCs have times that they are available in the courthouse in person and many assist court users by phone or email. Rather than lining up at the clerk's office or going to a courtroom looking for help, court users now have a point of contact whose primary goal is to provide assistance. This not only

saves court users time waiting in line but also reduces the demands on clerks. It also provides court users with the help they need.

- When a court user works with a SRLC, they receive an overall picture of the court process which might include information about: what to bring to court, other parties that they might need to contact, how the court process works, and what next steps they might need to be prepared for. When court users have a better understanding of the court process, they often leave the courthouse with greater satisfaction and confidence in the outcome of the case. In addition to improving access to the judicial system by treating parties fairly and with respect, this extra attention from the SRLCs can also lead to improved compliance with court orders irrespective of the outcome of the case.
- Because SRLCs are focused on providing assistance to parties, they can identify the needs that exist for individuals attempting to use the judicial system and, as a result, have developed new and better forms and resources to address these needs and improve court access. This includes things such as suggesting changes to forms or the website, developing community resources, and improving contacts with attorneys for those parties who need legal representation. This would not have happened without staff focused on this area.
- When court users take advantage of the services provided by SRLCs and appear in court prepared with complete, correct forms and necessary additional documentation, they are better able to advocate for themselves and the court is able to proceed with the case. This saves both the court user and the court time because cases do not have to be continued to a later date to resolve the same issues, ultimately reducing the overall length of the case. This type of impact is something staff and judges feel is happening, anecdotally, and is something Courts and Probation hopes to show empirically when automated tracking of the use of the SRLCs and self-help centers is possible.
- Comments from self-help center users:

“The Self Help Center gives the public ‘bang for their buck’ and is one of the two programs I support (along with the public libraries.)”

“I am grateful that you have chosen this job and would not have had the first idea how to go about evicting a tenant without your help.”

“Without Eric’s help assisting in this situation, I honestly do not know if I would have been able to get this taken care of.”

“During the last year, the 4th Judicial District was allocated two SLRC positions. They have quickly become two of our more sought after and utilized employees. The citizens of the 4th Judicial District now have employees who guide them through the judicial process, which includes helping people file the correct motions or responses. Because of their work, cases are resolved in a more

timely manner and the satisfaction with the judicial process has significantly increased.” – local chief judge

17. Why is the Department requesting General Fund for this purpose for FY 2014-15, rather than cash funds from the Judicial Stabilization Cash Fund?

As discussed in the responses to questions 1 and 2, the Judicial Stabilization Cash Fund is at near-maximum funding capacity and will soon only be able to sustain existing appropriations.

(JUD R9) Underfunded Facilities

18. Describe this legislative initiative and the problem that it would address. If possible, please include a list of court and probation facilities that do not currently meet operational and safety standards.

The purpose of the legislative initiative is to address the problem of courthouses with health, safety, and capacity issues by assisting financially challenged, rural counties with a source of state funding. Funds would assist with the rebuilding, repair, or replacement of the state’s most needy courthouses. Courthouses continue to deteriorate in counties – primarily rural counties – that do not have adequate funds available to address needed renovation or new construction projects. Some courts operate in buildings that are over 100 years old. While some of these older court facilities are generally in good repair, others are significantly undersized, outdated, or deteriorating rapidly. Courts and Probation believes that by providing a source of supplemental funding, counties with a deteriorating courthouse may have an incentive to move forward on needed courthouse renovations or new construction projects.

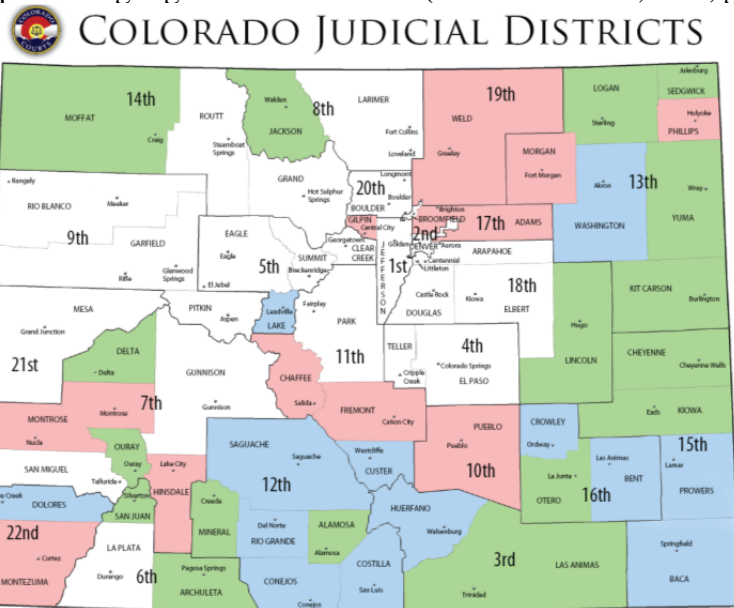
The counties have an obligation to maintain safe buildings and to provide adequate space to accommodate courtroom needs, judicial programs, and offices. When this is not done, equal access to the courts is jeopardized. Finding methods to assist counties to provide adequate and safe courthouses has become critical in some counties. To that end, the State Court Administrator’s Office’s Facilities Department and the district administrators have identified courthouses that currently do not meet operational and/or safety standards in the following thirteen counties: Archuleta, Alamosa, Chaffee, Custer, Huerfano, Montezuma, Saguache, Ouray, San Juan, Dolores, Montrose, Jackson, and Lake. Examples include:

- Archuleta: This building is in significant disrepair and has only one courtroom – three are necessary. This building is architecturally dysfunctional, has numerous building defects, and imposes health and safety risks to staff and other court users. Emergency repairs were recently completed to address significant roof fatigue, however the roof still requires additional repair or replacement to correct leaks. The county has begun meeting monthly with judicial officers and staff to strategize short- and long-term needs, however the county continues to stress its lack of funding potential.

- Huerfano: This historic building was built in 1904, is well beyond its expected life, and is literally falling apart. Its foundation is compromised as well as its sandstone façade. The building cannot maintain a comfortable working environment. Both the courts and probation have outgrown their allocated space. The county has recognized the need to proactively look for a new home for the courts and probation – and for the county offices, which are also housed there – however is has not been able to financially commit to any solution.
- Alamosa: This historic building is outdated and undersized for current and future demands. The building’s campus is separated, which requires staff and court users to go outdoors to move from courtroom to courtroom, and to and from the clerk’s office. The county is very supportive of building a new judicial complex near its jail. A task force meets regularly and funding initiatives are discussed, and the county would benefit from funding assistance for a new construction project.
- Montezuma: The courthouse in Montezuma is separated across two locations that are miles apart. Both buildings are undersized for current demands. This county desperately needs to consolidate its courts into one location and to add office space and courtrooms. The county is currently exploring construction options with an architect but does not have adequate funding to commit to a major project.

Lake: This building is an outdated and overcrowded judicial complex with no potential for expansion. One courtroom exists – two are necessary – and offices are not available for judicial officers or staff. A single jury deliberation room is used for all visiting judges, staff, meetings, conferences, and family court. The sheriff’s department is also in desperate need of a new facility, but the county has been struggling financially for decades.

Below is a map showing highest need counties (in order of need, blue, green, red).



19. How would the legislation define the types of local communities that would be eligible for state funding? Would the legislation include provisions to incentivize local communities to provide as much financial support as possible given the community's potential tax base?

As with the Building Excellent Schools Today program (HB 08-1335; Article 43.7, Title 22, C.R.S.), this underfunded facilities legislation will provide funding assistance through a competitive grant mechanism for facilities that require updating. With \$1.1 billion funded to date, BEST is much larger in scope than this underfunded facilities legislation. BEST seeks to provide funding availability to all public school facilities in Colorado so that school facilities are “first class, high performing, 21st century” school facilities. In contrast, this underfunded facilities legislation targets only the neediest counties and focuses on safety and capacity issues.

Only those counties with the most limited financial resources will be eligible to apply for these underfunded facilities funds. Funds will not supplant county funding for any county that has the means to support its courthouse. The legislation will be written to mirror the eligibility criteria outlined in the Court Security Cash Fund Program and to provide financial assistance in a limited capacity to ensure the primary responsibility for court and probation facilities remains with the county. Similar to the courthouse security program, this fund anticipates joint application by the county commissioners and chief judge. Specifically, counties that meet at least two of the following criteria as determined by the most recent data published by the Department of Local Affairs will be eligible for need-based grants:

- Counties in which the total population is below the state median
- Counties in which the per capita income is below the state median
- Counties in which property tax revenues are below the state median
- Counties in which the total county population living below the federal poverty line is greater than the state median

The legislation will also require that the county demonstrate good faith to have worked to resolve the existing situation prior to being eligible for funding and agree to financial review and disclosure of financial statements, as well as a compliance review. A county with significant uncommitted financial reserves will not be eligible for funding, and counties will be contractually obligated to complete the project as designated in the grant award.

A primary objective of the availability of this funding is to empower hesitant counties to begin the planning process for improving their court and probation facilities. By providing seed money for these projects, it is hoped that local commissioners can access professional assistance to find viable funding and construction options that fall within their community's capability.

20. Has the Department considered whether History Colorado could provide funding for some of the maintenance costs for historic court facilities?

Yes. History Colorado has grant funds available to assist with renovation projects in historic courthouse facilities. History Colorado has indicated that as of May 2013, State Historical Fund grants given to courthouses totaled \$14 million.

The Department of Local Affairs (DOLA) provides assistance to local governments, primarily smaller and more rural jurisdictions. DOLA also has funds available through two grant fund programs and a historic designation is not required.

Discussions have already been held with the deputy directors of both organizations regarding how they can assist with these underfunded facilities projects. The State Historical Fund frequently works together with DOLA, providing matching funds to facility projects.

21. Does the Department coordinate with the State Architect with respect to master planning for court and probation facilities or the evaluation of facility controlled maintenance needs?

Statutorily, counties are responsible for providing space for Courts and Probation. Section 13-3-108(5) requires the Chief Justice to approve plans prior to construction or remodel. To comply with this section of statute, Courts and Probation employs an architect to review plans and make recommendations to the Chief Justice. The state architect is not involved in local county facility planning. Section 13-3-108(5) reads:

Construction or remodeling of any court or court-related facility shall be commenced only with prior approval of the chief justice of the Colorado supreme court after consultation with the board of county commissioners; except that a board of county commissioners, at its discretion, may take such actions.

(JUD R10) Leadership Education

22. Describe how the Department is using the funds that have been provided for Procedural Fairness and Leadership Education for FY 2013-14, as well as the Department's plans for the funding that has been requested for FY 2014-15.

In FY2014, Courts and Probation launched an initiative across all aspects of its operations to implement a leadership curriculum around an evidence-based practice that is supported by empirical science, termed “procedural fairness.” Somewhat misleadingly named, procedural fairness is not about procedure, but rather that any court user who comes into the courthouse leaves feeling heard and fairly treated. This requires judges and staff to listen and focus on neutrality, respectful treatment, and issuing understandable orders. It is not only important that the court process be fair, but that the court users also feel it was fair. Court users’ perceptions influence their confidence in the courts.

This renewed focus on ensuring that court users and probation participants are heard,

respected, and understand how and why the judge made his or her decision has been a focus over the last several years. To help implement these ideals, Courts and Probation began a leadership educational program for executive leaders, including Supreme Court Justices, Chief Judges, State Court Administrator's Office Division Directors, District Administrators and Chief Probation Officers. The program spanned ten days over a ten-month period and focused on self-assessment to identify areas of strength and weakness and effectively using strengths to collaborate with others. Adherence to procedural fairness concepts of communication, fairness, and respect through adverse conditions was a consistent theme throughout the educational program.

Although there are numerous beneficial outcomes of the FY2014 leadership education, a few examples include:

- Improvement in measured satisfaction through nationally normed surveys of court users
- Improved efficiency in the Courts and Probation governance structure – primarily through use of the Chief Judges' Counsel, in particular – regarding internal policy decision making practices
- Improved collaboration with local agencies on criminal justice initiatives, court building improvements, and future planning
- Improved feedback from employees regarding internal policy decision making and future planning.

Continued funding of this program is critical in order to ensure other leaders, upcoming leaders, and judicial officers can provide continuity in our approach to procedural fairness throughout the state.

(JUD R12) Probation Background Checks

23. How many state and federal background checks are currently conducted by Department staff for Department employees and for the employees of private probation providers and vendor?

We anticipate there will be approximately a total of 3,500-4,000 this year.

10:15-10:30 PROBATION

Correctional Treatment Cash Fund

24. Discuss the Department's use of moneys from the Correctional Treatment Cash Fund (CTCF), including the following:

a. Detail the allocation of CTCF moneys by line item appropriation for FY 2013-14.

The following charts details the allocation of CTCF funds by line item appropriation for FY2014. The first chart provides an overview of the change in appropriation by each

agency while the second chart outlines, by long bill line, the appropriation for Courts and Probation. The nature of each expenditure is explained in the response to question 24.b:

| | FY2014 | FY2015 | Change |
|----------------------|-------------|-------------|-------------|
| Appropriation | 16,742,133 | 20,242,133 | 3,500,000 |
| Transfer to DOC | (3,002,227) | (3,357,227) | (355,000) |
| Transfer to DPS/DCJ | (2,916,766) | (5,101,766) | (2,185,000) |
| Transfer to DHS/OBH | (4,290,156) | (4,850,156) | (560,000) |
| Transfer to Judicial | (6,310,125) | (6,460,125) | (150,000) |
| Overhead | (222,859) | (472,859) | (250,000) |
| | 0 | 0 | 0 |

| | Probation & Related Services | | Central Programs | Administration | | | Totals |
|-----------------------------------|------------------------------|------------------|---------------------------|----------------|--------------------|----------------|------------------|
| | Probation Personal | Offender Trtmnt | Adult Pre-Trial Diversion | HLD/AED/SAED | SCAO PS/OP/Capital | Indirects | |
| FY2014 Approp | 702,114 | 5,406,879 | 0 | 110,054 | 91,078 | 222,859 | 6,532,984 |
| FY2015 New Allocation | | 323,000 | 77,000 | | | | 400,000 |
| JBC Adjustment | | | | | | | 0 |
| Indirect Adj | | | | | | (6,173) | (6,173) |
| Total FY2015 Appropriation | 702,114 | 5,729,879 | 77,000 | 110,054 | 91,078 | 216,686 | 6,926,811 |

b. Describe the nature of the expenditures supported by the CTCF within each line item appropriation, including the types of services or treatment that are provided.

- Probation Personal Services/Salary Money: CTCF resources are authorized to pay for “assessment costs,” which is done by probation officer staff. Therefore, the \$702,114 in probation personal services and the \$110,054 in salary are used to help cover the base salary and benefit costs of probation officer staff in the districts. This cost was originally part of an expense from the Drug Offender Surcharge Cash Fund and was grandfathered into CTCF. This expenditure was authorized for probation to complete the standardized offender assessment in every judicial district.
- Offender Treatment & Services: CTCF resources in this line are used to cover substance-abuse testing and treatment and mental health treatment costs for offenders on probation and in problem-solving courts. \$73,000 of this appropriation is used to support in-patient and intensive treatment needs for offenders participating in the Summit view program in Mesa County, and for FY2015, the appropriation in this line also includes a \$250,000 set-aside for research/evaluation projects that the Correctional Treatment Board wants to pursue. A plan for this set-aside will be developed over the course of the next few months.

- Diversion: Pursuant to HB 13-1156, CTCF resources can be used to support treatment for diversion programs around the state that operate in accordance with the requirements of the bill. Starting in FY2015, the Correctional Treatment Board authorized \$77,000 to be used to support treatment in qualified diversion programs.
- SCAO Personal Services: This money is used to pay for staff support to the Correctional Treatment Board as outlined in statute.
- Indirect Costs: This amount is used to cover the statewide and department-wide indirect cost assessment for the Correctional Treatment Cash Fund.

c. Describe the types and numbers of offenders who benefit from such expenditures, including: (1) whether they are juveniles or adults; and (2) whether they are serving a diversion sentence, serving a probation sentence, on parole, sentenced or transitioned to a community corrections program, or serving a sentence in a county jail or are receiving after-care treatment following release from jail.

CTCF resources are expended to assist both adult and juvenile probationers who are partially or wholly unable to meet the cost of court ordered substance use disorder treatment and drug/ alcohol testing. On June 30, 2013 there were 4,831 juveniles and 56,660 adults on probation who were eligible for assistance. The current probation case management system does not allow for expenditures to be entered as a searchable data field in individual case records. This information can be entered in case narratives, however that information cannot be searched for, aggregated or analyzed. The FY2015 budget request regarding additional IT resources is intended to assist in developing the ability to perform programming that will allow for a more acute level of analysis of expenditures of all types related to treatment and services for probationers.

25. Discuss how the Department would utilize the funding increases proposed by the Correctional Treatment Board for FY 2014-15.

The Correctional Treatment Board proposed that Courts and Probation receive \$400,000 in increased funding in FY2015. This increase includes:

- \$250,000 in set-asides for research/evaluation initiatives the Correctional Treatment Board wants to pursue. A formal plan for set-aside money will be developed in the next few months and could include validation of a revised common assessment tool, analysis of population, and treatment data to determine gaps, or other such work that will benefit the actions of the Correctional Treatment Board.
- \$77,000 for DA diversion program treatment. As outlined in HB 13-1156, CTCF resources can be used to support treatment needs for qualified DA diversion programs.

- \$73,000 in funding was authorized to provide continued funding of in-patient and intensive treatment needs for the Summit View program in Mesa County. This program is a pre-trial program that has been successfully operating in Mesa County and was previously funded with SB318 money. The Correctional Treatment Board is currently working with Mesa County to develop specific statutory language that will be pursued next session to allow for this category of program to be covered with CTCF resources.

26. Does the statutory provision governing the use of CTCF moneys preclude services or treatment expenditures that would be appropriate and justifiable? Does it preclude the provision of services to certain juvenile or adult offenders that would be appropriate and cost-effective? If so, please explain.

The Correctional Treatment Board has reviewed the statutory language in HB 12-1310 to ensure that it corresponds with the current funding structure that exists. CTCF resources support the Summit View program in Mesa County, which is a pre-trial program for high risk/high need offenders. There is currently no language in the bill that corresponds to this specific type of program. The Correctional Treatment Board is working with Mesa County to develop appropriate language and seek legislative change this next session. As the Board continues to work with local boards and identify gaps in programming and services, it will continue to assess the statutory language and seek adjustments where necessary. Right now, the only change in language that is being pursued is the addition of pre-trial programming such as Summit View. No final language recommendations have been made though possible language revisions are still being discussed.

27. Describe how the Department evaluates (or plans to evaluate) the effectiveness of treatment and services that are supported by the CTCF.

The Correctional Treatment Board and its related state agencies do not currently measure effectiveness of treatment. Rather they measure program outcomes for their respective programs/services, which is different than measuring treatment effectiveness. The topic of effective treatment is something the Correctional Treatment Board is starting to discuss. While there is no clear path to get to measuring effective treatment, it is largely agreed that any efforts must be done in strong partnership with the treatment community. Currently, the Correctional Treatment Board is looking at existing agency program outcome measures and will then determine what measures should be collected and the feasibility of getting those programmed into four different data systems. Information from treatment providers also needs to be assessed and work needs to be done on creating partnerships with the treatment community to allow for sharing of that information. This is not an easy or quick task, but it is something the Board is looking to address over the long term.

Specific to Courts and Probation, overall success is defined to be the positive discharge from probation, meaning the probationer met all conditions of probation and no recidivism for a year following termination. While under supervision, individuals on probation are recognized for interim successes such as clean drug tests, completion of court orders, engagement and

participation in the case planning and treatment process, and positive termination from treatment.

28. Describe whether and how the Department monitors or evaluates the reasonableness of rates charged by treatment and service providers.

The Correctional Treatment Board has put the issue of treatment rates on its annual work plan for the next year given a concern over rising rates. The Board is collecting information about each agency's existing policies/practices around payment of treatment rates and will then discuss the concept of standard rates, assess the impact on the availability of treatment providers – particularly in rural communities – and then develop a policy around the issue of whether or not the state should be setting rates for treatment. As with treatment effectiveness, this is not a quick or easy task, but it is one the Correctional Treatment Board is working to address.

Courts and Probation currently depends on the marketplace to establish competitive rates because it does not pay for all of the treatment received by probationers. Those probationers who can pay may select a treatment provider, providing it is an Office of Behavioral Health (OBH) approved provider. Probation has a statewide contract for drug testing that was initiated to decrease the cost of drug testing, both to the state and to the individual probationer who must pay for his or her own testing.

29. Does the Department make any effort to require offenders to pay a portion of the cost of services provided, if they are able to do so?

Courts and Probation use a research-supported approach to the payment of court-ordered treatment and drug testing. This approach is referred to as “front loading.” Research indicates the more quickly an offender begins to engage in pro-social activities the better the likelihood of a good outcome. The ability to pay for assessment, intake, treatment, and testing costs is often a barrier for probationers and can significantly delay the initiation of treatment.

As such, probation facilities across the state use their CTCF and other cash fund resources to eliminate these barriers by guaranteeing payment for those services ordered by the court. Probation officers explain and have the probationer sign an affidavit that they may, if their financial condition improves sufficiently, be required to pay back some or all of the costs of their treatment and testing to Courts and Probation. A decision to request repayment is made when the probationer has achieved financial stability and has income sufficient to meet current living expenses and can meet all other court obligations.

If a probationer absconds from probation supervision, then all outstanding costs are added to their court-ordered financial obligation and, in many cases, amounts are collected through the tax intercept program. In FY2013, collections investigators collected \$272,524 in repayments for expenditures made to assist probationers. The FY2015 decision item JUD R-11 requesting additional collections investigators would assist in the collection of additional monies.

Colorado Sex Offender Lifetime Supervision Act of 1988

30. Describe the impact of this act on both the courts and probation. Specifically, how has this act affected (1) the number and types of court cases filed; (2) the number of court hearings and trial held; and (3) the number and types of offenders under probation supervision and the cost of treatment and services:

The total costs associated with evaluation and treatment services for sex offenders in FY2013 were \$2,336,896. On June 30, 2013, there were 1,412 Sex Offender Intensive Supervision Probation (SOISP) sex offenders and 1,117 sex offenders supervised on regular probation, many of whom are serving indeterminate sentences. In FY2013, there were an additional 74 new probation cases that received an indeterminate sentence to probation and placed on Sex Offender Intensive Supervision Probation (SOISP).

The Lifetime Supervision Act (section 18-1.3-1001 C.R.S.) was enacted in November 1998. The first indeterminate sentence to the Department of Corrections occurred in Fall 1999. It wasn't until 2002 that probation received defendants sentenced for crimes subject to mandatory indeterminate sentences. These defendants were placed on SOISP. Programming to differentiate between lifetime/non-lifetime cases did not take place until 2002. Case sentencing data that existed prior to 2002 does not differentiate between lifetime and non-lifetime sentences. The Lifetime Supervision of Sex Offenders Report is developed jointly by the Department of Corrections, the Department of Public Safety and the Judicial Department and is published annually. The report provides information on the population sentenced to lifetime supervision in the Department of Corrections, on parole, on probation, and those engaged in the treatment and monitoring programs.

31. Has the Department or another state agency evaluated the impact of this act on public safety?

In January 2013, the Colorado Commission on Criminal and Juvenile Justice (CCJJ) established priority areas of study for the coming year. A Sex Offense Working Group was established, made up of collaborating state agencies, and began its work in June 2013 and currently meets monthly. The working group is charged with assessing the impact the Lifetime Act has had since its implementation. This group will provide information and final recommendations back to CCJJ in early 2014.

10:30-10:45 BREAK

Regulating the Practice of Law

32. Is there a legal or policy reason for the judicial programs that regulate the practice of law to operate under their own fiscal rules, use their own accounting system, and deposit attorney registration fee revenue in bank accounts outside of the State Treasury?

The legal basis for Supreme Court programs that regulate the practice of law is grounded in Article VI of the Colorado Constitution, which grants the Supreme Court exclusive jurisdiction to regulate and control the practice of law in Colorado. Accordingly, the Supreme Court has enacted rules that regulate attorney admission (C.R.C.P. 201); attorney discipline (C.R.C.P. 251); unauthorized practice of law (C.R.C.P. 228, et seq.); the Attorneys' Fund for Client Protection (C.R.C.P. 252); and mandatory continuing legal and judicial education requirements (C.R.C.P. 260). The Supreme Court regulatory offices collect attorney admissions and registration fees (C.R.C.P. 201.4(3) and 227(1)(a)), and the regulatory offices use these fees to cover the costs of administering and enforcing all of the above functions. The Supreme Court approves the annual budgets for each of these functions (C.R.C.P. 201.3(4); 231; 251.3(c) (1); 252.7(6); and 260.3(2)).

Although the Supreme Court regulatory offices collect attorney admissions and registration fees under the rules established by the Supreme Court, the regulatory offices do not operate under their own fiscal rules. Rather, the regulatory offices adhere to the government accounting standards required by the State. The regulatory offices use the Great Plains accounting system, which is widely used by government offices, and adhere to state treasurer investment standards. The regulatory offices are subject to and part of the annual judicial and state audits. In addition, spot audits are done regularly. The regulatory offices have their own accountant to ensure that internal controls are adhered to and assets are safeguarded, as well as to respond to the day-to-day need for immediate access to funds. Moreover, the Supreme Court has a fiduciary duty to all licensed Colorado attorneys to use the collected moneys entrusted to it in wise fashion and for the purposes outlined in the regulatory rules.

For these reasons, the regulatory offices are subject to greater oversight by the Supreme Court than any other state judicial office and adhere to the fiscal rules set up by the State governing the safe keeping of all funds received by the State and its various agencies, specifically that all funds be properly deposited in state-approved banks, in Public Deposit Protection Act (PDPA) accounts, and subjected to all the required cash audits. These fees fund the entire attorney regulation process. No taxpayer funds go to these services.

The reason the attorney admissions and registration fees collected by the Supreme Court regulation offices are not kept with the State Treasury is that these funds are considered to be privately financed and thus cannot, by law, be commingled with taxpayer funds. There are 37,587 licensed attorneys in Colorado, and 25,577 are active attorneys of whom 23,154 will be required to pay the \$325 annual registration fee in 2014; the other 2,423 active attorneys have practiced for less than three years and will pay the reduced registration amount of \$190 per year in 2014. Of the 37,587 licensed attorneys, 11,996 are inactive attorneys, of whom 7,944 will pay the \$130 inactive attorney fee in 2014; the remaining 4,052 inactive attorneys

are over the age of 65 and will not be required to pay the inactive fee.

Although some government agencies choose to pay the annual attorney registration fees as a benefit for their attorney employees, the fees collected are still considered to be privately financed. The Office of Attorney Registration's records indicate that, out of 25,577 active attorneys, there are just 653 attorneys in four state agencies – Office of the State Public Defender (394); Department of Law (248); Department of State (8); and Office of the Governor (3) – who have their attorney registration fees paid as a benefit by their state employer. At the local level, there are another 609 attorneys who have their registration fees paid as a benefit by their employer, including the 1st, 5th, 6th, 7th, 9th, 11th, 14th, 17th, 18th, 19th, 20th, and 21st district attorneys' offices. This means that only 2.5% of the 25,577 active attorneys in Colorado have their state agency employer pay for their attorney registration fees as a benefit, and less than five percent have their registration fees paid for as a benefit by any state or local government agency.

Courts and Probation does not pay attorney registration fees for judges or attorneys employed by the courts.

33. How does the transfer of \$1.5 million in attorney registration fee revenue to Colorado Legal Services relate to or fall under the Supreme Court's regulation of the practice of law or the Colorado Supreme Court rules concerning the establishment of attorney registration fees and the application of such fees [C.R.C.P. 227 (1) (a) and (c)]?

The Colorado Rules of Professional Responsibility, Rule 6.1, states, "Every lawyer has a professional responsibility to provide legal services to those unable to pay." The same rule states, "In addition [to providing legal services without fee or expectation of fee], a lawyer should voluntarily contribute financial support to organization that provide legal services to persons of limited means." The amounts were transferred in May 2012 from attorney registration fees paid by licensed lawyers who are bound by Colo. RPC 6.1. Approximately 95% of attorneys pay their registration fees with private – not government – dollars, and more than 70% of licensed lawyers voluntarily belong to the Colorado Bar Association, which recommended the transfer along with the Colorado Access to Justice Commission as a short-term solution to a funding crisis in civil legal aid funding.

In the Court's order, the Chief Justice found that the transfer of funds was necessary to shore up the major provider of indigent legal services in Colorado, Colorado Legal Services. Without that financial support, CLS would have been forced to cut staff and close regional offices which provide the services in rural areas of Colorado, further burdening the judicial system with unrepresented litigants and decreasing the public's access to the courts at a time when debt collection and mortgage foreclosure actions were increasing in number, impacting, especially, the poor persons in our state. Without any other, obvious short-term funding source, the Court entered the order for the transfer of the funds in two installments, one for each fiscal year and year of attorney registration fee collection.

While this act was unprecedented, it was also praised as a way to keep the courthouse doors open to those people who, but for the services of Colorado Legal Services, would have no

representation in actions to foreclose on their homes. In hindsight, this funding was provided at a crucial time and eased the immediate crisis in civil legal aid funding. The Court imposed limitations on the use of the funds and required reports about the use of the funds, the identification of long-term funding solutions, and whether improved economic conditions have reduced the number of civil litigants in need of free legal services.

34. What is driving the significant attorney registration fee increases recently approved by the Supreme Court? To what extent do such fee increases relate to the recent transfers to Colorado Legal Services?

The goal in setting attorney registration fees is to defray, for at least five years, the costs of the Office of Attorney Regulation Counsel (admissions, registration, mandatory continuing legal and judicial education, attorney diversion and discipline, counsel to the Commission on Judicial Discipline, unauthorized practice of law and inventory counsel functions), the Office of the Presiding Disciplinary Judge, the Commission on Judicial Discipline, the Colorado Lawyers Assistance Program, the Colorado Attorney Mentoring Program, the Advisory Committee and the other seven permanent Supreme Court regulatory committees, and any other practice of law function deemed appropriate by the Supreme Court. Thus, a surplus is created at the beginning of the five-year cycle and that surplus is then depleted during the last two to three years of the five-year period.

New functions that had an impact on the size of the most recent increase included the transfer of responsibility for the Commission on Judicial Discipline budget from the legislature into the Supreme Court's regulatory offices' budget in 2010; as well as the creation of the new Colorado Lawyers Assistance Program (COLAP) in January 2012 and the new Colorado Attorney Mentoring Program (CAMP) in February 2013.

In addition, over the past five years, the regulatory offices adhered to state judicial policy regarding no pay increases. Thus office salaries remained flat. When the legislature authorized an increase in state judicial employee salaries this year, the regulatory offices made a similar modest increase in the regulatory offices' salaries and benefits.

Finally, the regulatory offices are preparing for the impact caused by aging lawyer needs and increased technology needs. There is a significant increase in the number of inventory counsel matters involving aging lawyers. That trend will continue. Specifically, when an attorney dies, becomes disabled, or otherwise leaves the profession without returning client files or destroying them to protect confidentiality, and without returning client funds, this office then seeks an order appointing inventory counsel, secures what can sometimes be thousands of client files for that one lawyer and begins the process of notifying clients that they can pick up the files or have them destroyed, and audits the trust account to return client funds. In addition, the amounts needed for professional services such as independent medical examinations to determine if an aging attorney who gets client complaints may have cognitive difficulties, continues to increase. Finally, the office has to keep up with changing technology, which requires expenditures for data management systems, software and hardware.

35. How often are continuing legal education requirements reviewed?

By interim court order dated December 2011, the Office of Attorney Regulation Counsel assumed responsibility for oversight of continuing legal and judicial education requirements. Attorney Regulation has recommended a comprehensive review of all rules and regulations concerning continuing legal and judicial education requirements. Thus, the Board of Continuing Legal and Judicial Education formed a subcommittee to conduct a comprehensive review and potential overhaul of the Rule Concerning Mandatory Continuing Legal and Judicial Education, C.R.C.P. 260. The subcommittee has been meeting on a regular basis starting in June 2013, and is composed of board members, staff and outside experts. The subcommittee is reviewing all aspects of Rule 260 and the regulations concerning continuing legal education requirements.

District Attorneys

36. Describe how the Department reimburses mandated costs incurred by district attorneys' offices. Further, are these expenditures audited?

Mandated costs incurred by district attorneys' offices are reimbursed by the district administrator of each judicial district on a monthly basis. A district attorney's office provides the district administrator with information that includes the appropriate COFRS coding for the appropriation code (e.g., death penalty, expert witness, and court costs) and the corresponding object code. The object code can include expenses related to professional services for mental health expert witnesses, transcripts, service of process fees, and travel-related costs for witnesses.

The district administrator enters the reimbursement request into COFRS and the payment is processed similar to any other expenditure incurred by the district. A check is initiated through COFRS, which is sent to the district attorney. The district attorney submits an invoice to the district administrator but does not provide supporting documentation; as such, the District Administrator does not conduct any review of the appropriateness of the expenditures.

Mandated cost expenditures incurred by the district attorneys are not included in the regular audit program conducted by Court and Probation's audit unit. The individual expenditures are subject to the annual statewide audit conducted by the Office of the State Auditor. The tests conducted by the State Auditor may identify these expenditures as part of their audit sample.

37. The Committee recently discussed with the Attorney General disparities between salaries paid to employees in some District Attorneys' (DAs') offices and those paid to employees of the Office of the State Public Defender. The Committee is considering whether an increase in resources for the Department of Law to expand the availability of prosecutorial assistance to certain DAs' offices would mitigate this disparity. Please comment on this suggestion.

Courts and Probation cannot take a position on this particular suggestion other than to emphasize that we are aware of this problem and that competent representation on both sides of a criminal prosecution is essential to a fair and just system.

Salary Increases

38. In both FY 2012-13 and FY 2013-14 the General Assembly approved requests for funding to increase salaries for the "Court Judicial Assistant" and "Support Services" job classifications, two of the lowest paid positions in the Department. Please provide an update on the impact of these funding increases.

The Department appreciates the approved increases in salaries for the Court Judicial Assistant and Probation Support Services Clerk job classes in the past two fiscal years. Remaining a competitive employer and attracting talented applicants remains a priority.

While most of the impact experienced as a result of increases is anecdotal, such as increased morale and attracting more qualified applicants, the following data may be an early indication of positive progress.

Hiring authorities for Court Judicial Assistant and Probation Support Services Clerks have discretion to hire qualified applicants into respective positions from 0-20% above the compensation range minimum. In reviewing the last several years' hiring and compensation setting practices, it appears that hiring authorities are now successfully able to offer salaries closer to range minimum than in years past. The following statistics indicate such practices. Note, the first of the three years of paygrade realignment increases was requested and authorized in the FY2013 budget:

| Fiscal Year | New Hires Percentage Above the Minimum |
|-------------|--|
| FY2014 | 3% |
| FY2013 | 10% |
| FY2012 | 18% |
| FY2011 | 20% |
| FY2010 | 28% |
| FY2009 | 23% |
| FY2008 | 25% |

Utilizing the entire compensation range from range minimum to maximum is important to ensure that longevity can be fully recognized throughout an employee's career.

The Department remains concerned about attracting quality applicants. In reviewing the number of applicants for Court Judicial Assistant and Probation Support Services Clerk positions, the average number of applicants is decreasing from an average of 85 applicants for each position to 80 applicants.

Additionally, the last 12 months turnover rate for Court Judicial Assistant and Probation Support Services Clerk is 13.75%, while the remainder of the Courts and Probation turnover rate is currently 10.84%.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

39. Provide a list of any legislation that the Department has (a) not implemented or (b) partially implemented. Explain why the Department has not implemented or has partially implemented the legislation on this list.

The Courts and Probation is responsible for implementing section 18-1.3-603(4)(b)(I), C.R.S. which requires that an order for restitution be deemed to order that the defendant owes interest from the date of the entry of the order at the rate of 12% per annum. Courts have assessed interest manually when specifically requested by the victim on a case. This is done by use of a spreadsheet program and then the financial screen is updated to reflect the addition of the interest accrued.

The issues confronting the programming of this to occur automatically include co-defendants who owe restitution for the same crime, orders for restitution for the same loss entered on different dates in different cases of co-defendants, and orders on multi-count cases which add restitution from other charges and cases that would not be applicable to other co-defendants.

No appropriation was received in HB00-1169 to Courts and Probation to automate this effort.

40. Does Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the department doing to resolve the outstanding high priority recommendations?

Courts and Probation has no outstanding high priority audit recommendations identified in the "Annual Report of Audit Recommendations Not Fully Implemented" published by the Office of the State Auditor on June 30, 2013. From July 2008 through June 2013, Courts and Probation implemented or at least partially implemented 57 performance and IT audit recommendations and seven financial audit recommendations issued by the State Auditor:

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)

41. Does the department pay annual licensing fees for its state professional employees? If so, what professional employees does the department have and from what funding source(s) does the department pay the licensing fees? If the department has professions that are required to pay licensing fees and the department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

It is the policy of Courts and Probation not to pay attorney licensing fees for judicial officers or other attorney employees. Moreover, internal policy does not require paying licensing fees for other employees, and the Division of Human Resources continues to advise administrative authorities not to pay licensing fees for employees or judicial officers. Courts and Probation

currently has 29 job classes that require licensure or certification, and 603 employees that fill these positions.

The list of job classes requiring licensure or certification in order to remain employed are as follows:

| CLASS TITLE |
|-------------------------------------|
| ARCHITECT |
| ASSISTANT LEGAL COUNSEL |
| ASSOCIATE STAFF ATTY |
| CHIEF JUDGE OF THE COURT OF APPEALS |
| CHIEF JUSTICE, SUPREME COURT |
| CHIEF STAFF ATTORNEY |
| COUNSEL TO CHIEF JUSTICE |
| COURT INTERPRETER II |
| COURT INTERPRETER (SPANISH) |
| COURT REPORTER (REAL TIME) |
| COURT REPORTER I |
| COURT REPORTER II |
| DEPUTY CHIEF STAFF ATTORNEY |
| EDITOR OF OPINIONS |
| JUDGE - COUNTY |
| JUDGE - COURT OF APPEALS |
| JUDGE - DISTRICT |
| JUDICIAL LEGAL COUNSEL |
| JUSTICE OF SUPREME COURT |
| LEGAL COUNSEL, FIRST ASSISTANT |
| LEGAL RESEARCH ATTORNEY |
| MAGISTRATE |
| MANAGING COURT INTERPRETER II |
| MANAGING COURT REPORT REAL TIME |
| MANAGING COURT REPORTER |
| MANAGING COURT INTERPRTER |
| REAL TIME COURT REPORTER I |

42. Does the department provide continuing education, or funds for continuing education, for professionals within the department? If so, which professions does the department provide continuing education for and how much does the department spend on that? If the department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?

Courts and Probation provides many educational opportunities for its employees, but most of the educational opportunities do not fulfill the continuing education requirements for the various professions of Courts and Probation's employees. There is no internal policy requiring it to pay employees' continuing education tuition or fees, therefore inconsistent practices exist statewide and largely depend on the cost of the training, the availability of funds, and the relevancy of the training to improve business practices. As such, in some, if not many instances, judicial officers and employees pay for their own tuition or training fees. In each of the last five years, Courts and Probation has paid less than \$3,000 per year in reimbursement to employees for continuing professional education, most of which was for continuing legal education. In addition, Courts and Probation subscribed to an online CLE service available for all judges and attorneys who had access to the legal research service. The annual cost for this was \$14,000. This was discontinued this year. Currently, judicial officers and attorney employees have access to CLE through the Colorado Bar Association through the State Law Library, which has a group contract at a total cost of \$21,000 per year.

Training is also provided at the annual Judicial Conference, which is held each year in compliance with C.R.S. 13-3-102(2), which requires the Chief Justice of the Supreme Court to assemble the judges of the courts of record at least once yearly to discuss such business as will benefit the judiciary. Judicial Conference is a valuable forum to further the development of the state's jurists and to improve judicial practices throughout Colorado. Judicial officers use the annual meeting as an opportunity to share information and best practices with their colleagues, and the educational seminars offered at the Conference are hosted by subject matter experts in all fields of law – criminal, civil, juvenile, domestic, probate, etc. Although providing an opportunity to earn CLE credit is not the purpose of the convening, attendees of the 2013 Judicial Conference could receive up to 17 CLE credits.

The statute specifies that the judges are required to attend unless excused by the Chief Justice and that they shall attend at the expense of the State of Colorado. The annual allocation for the Conference for fiscal years 2013 and 2014 was \$200,000.

In most instances, education obtained by judicial officers and employees is considered compensatory time. If continuing education is required to maintain licensure or certification and the licensure or certification is required in order to maintain the judicial officer's or employee's position, the judicial officer or employee is authorized to take such training during normal working hours and is paid his or her regular salary to attend training. In instances when a non-exempt employee obtains training during non-business hours, compensatory time is granted.

43. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the department because the starting salary that is offered is not high enough?

Courts and Probation does not maintain this information in a formal manner.

44. What is the turnover rate for staff in the department?

Courts and Probation's turnover rate was down from 12.6% in 2012 to 10.84%:

| <u>Year</u> | | <u>Turnover Rate</u> |
|-------------|---|---------------------------------|
| 2010 | – | 9.3% |
| 2011 | – | 11.3% |
| 2012 | – | 12.6% |
| 2013 | – | 10.84% (as of October 31, 2013) |

JOINT BUDGET COMMITTEE HEARING



APPEARING ON BEHALF OF THE AGENCY:

DOUGLAS K. WILSON
COLORADO STATE PUBLIC DEFENDER

KAREN PORTER
Chief Financial Officer

Friday, December 13, 2013

**JUDICIAL BRANCH
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Friday, December 13, 2013
9:00 am - Noon**

11:10 – 11:30 AM OFFICE OF THE STATE PUBLIC DEFENDER

QUESTIONS COMMON TO ALL DEPARTMENTS

Please describe how you respond to inquiries that are made to the department. How does the department ensure that all inquiries receive a timely and accurate response?

The Office of the State Public Defender (OSPD) understands their role as a representative of the State of Colorado and as a government entity. The OSPD responds to all inquiries as quickly as possible while ensuring the information is accurate.

All inquiries are directed to the appropriate supervisor for the Division/Office. Concerns regarding representation are first addressed by management within the regional office. If no resolution is reached, the issue is forwarded to the state administration office and ultimately to the State Public Defender if necessary.

OTHER TOPICS

(OSPD R1) Appellate Staffing

- 1. Describe how the OSPD currently staffs appellate cases for economic crimes, county court cases, and juvenile cases. If the General Assembly approves this request, how would the staffing for these cases change?**

Overview of the Appellate Division

The mandate of the OSPD is to provide effective criminal defense counsel to all indigent persons requesting counsel, in both the trial and appellate courts. To address this need in the appellate courts, the Public Defender maintains a centralized Appellate Division. The Division represents indigent criminal defendants in appeals of felony convictions from every jurisdiction throughout the state. These felony convictions arise from all judicial districts throughout the state and include cases

previously handled by the regional OSPD offices as well as those from the ADC (if prior conflict no longer exists) and those that had previously been represented by private counsel.

Currently, the Appellate Division allocates their 35.8 FTE based on the unique requirements of the appeals cases received.

Budget Request priority #1

The Office of the State Public Defender is requesting 14.7 FTE and \$995,045 General Fund spending authority for FY 2014-15, annualized to 16.0 FTE and \$1,019,286 for FY 2015-16 for its Appellate Division to address staffing and funding requirements necessary to reduce the rapidly expanding appellate “backlog,” the impact of additional staff received by the Attorney General, and to streamline the appellate process for all appeals.

These additional resources will provide eight attorney FTE to substantially reduce the current case backlog over the next five years, to adequately staff the annual increase currently experienced in its backlog, and to reduce its standard caseload to a manageable level. An additional two attorney FTE will allow the Office to centralize all appeals within the Division, and one attorney FTE will address the impact of the Attorney General attorney staff increase. These 11 attorney positions will require 5.0 FTE in paralegal and administrative staff support.

It is not the intent of this decision item to request resources to fully staff the Division, yet rather to address the most serious issues identified above which will allow for the filing of Opening Briefs within the established and acceptable deadlines.

Colorado Sex Offender Lifetime Supervision Act of 1998

2. Describe the impact of this act on the OSPD’s workload at both the trial court and appellate levels.

The Colorado Sex Offender Lifetime Supervision Act of 1998, providing for indeterminate lifetime sentences for sexual assaults, has contributed to more and longer trials, particularly in child sexual assault cases. Few accused criminal defendants will plead guilty to an offense requiring a lifetime sentence. The enormous consequences and legal complexities associated with sexual assault cases, and lifetime sentencing, have generated more litigation in district court and, as a result, longer and more complex appeals. Further, because of the severe consequences of the lifetime sentencing scheme, probation revocations in felony sexual assault cases are also often more heavily litigated than in the past, which again translates into longer records on appeal.

- The number of briefs filed in direct appeals of sexual offenses has increased by 112% (25 filed in 1999 compared to 53 filed in 2012).

- The number of filings of sexual offenses increased by 50.4 % (from 1,155 filed in 1997 to 1,737 filed in 2013).
- The number of pages in the court record has increased by 74.2% (978 average pages in the court record in 1999 compared to 1,704 average pages in the court record in 2012 as shown in the table below).

Number of Opening Briefs filed in sexual offense direct appeals by the OSPD Appellate Division and average record size

| Calendar Year | # Opening Briefs filed | Average # pages of record |
|----------------------|-------------------------------|----------------------------------|
| 1999 | 25 | 978 |
| 2000 | 26 | 1127 |
| 2010 | 41 | 1459 |
| 2011 | 44 | 1875 |
| 2012 | 53 | 1704 |
| First 6 mos. of 2013 | 33 | 2179 |

- This Act has also resulted in the need to obtain experts who are specialized in the sex offense area to conduct evaluations, provide reports, and who may ultimately appear in court as expert witnesses. This not only adds to both the complexity and the length of the case yet to the cost as well. These specific types of evaluations were rarely requested prior to the Act and accounted for approximately \$2,500 in 2001 when the office first began tracking these costs separately. In fiscal year 2013 these expenses surpassed \$130,000.

Resource Needs for Prosecution and Defense.

3. *The Committee periodically hears about resource inequities within the justice system, including:*
 - *Disparities in salaries paid to attorneys employed by District Attorneys’ offices and OSPD; and*
 - *An imbalance in staffing levels for the defense (including OSPD and the Office of the Alternate Defense Counsel) and the prosecution (including the District Attorneys’ offices and the Department of Law).*

Please comment on whether such resource disparities exist, and if so, whether such disparities affect the outcome of cases that come before the Court.

The funding structure for the OSPD and District Attorney’s offices differ. The OSPD is funded almost entirely from the State’s General Fund. The District Attorney’s Offices are funded by a combination of State General Fund and county monies. The counties have full discretion as to the level of funding they provide to these offices. Accordingly, the funding actually received by the local District Attorney offices varies greatly. This

variability in funding understandably affects the staffing levels and the salaries offered in the local District Attorney Offices. It is important to note, however, that any of these District Attorney offices are able to request assistance from the Department of Law's Attorney General's Office for some of their more complex cases.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

4. **Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implement or has partially implemented the legislation on this list.**

Pursuant to the timetable stated in HB 13-1210, we are on schedule, having formally offered positions for the FTE authorized by this legislation. Furthermore, in preparation for the influx of new staff, we have been making other preparations such as purchasing capital outlay items and negotiating new/expanded lease agreements for office space.

5. **Does Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the Department doing to resolve the outstanding high priority recommendations?**

The Office of the State Public Defender does not have any outstanding recommendations.

6. **Does the Department pay annual licensing fees for its state professional employees? If so, what professional employees does the Department have and from what funding source(s) does the Department pay the licensing fees? If the Department has professions that are required to pay licensing fees and the Department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?**

The Office of the State Public Defender began receiving General Fund monies to pay annual Attorney Registration Fees for their attorneys in FY 2012-13. We do not have any other professions within our agency that require licensing fees.

7. **Does the Department provide continuing education, or funds for continuing education, for professionals within the Department? If so, which professions**

does the Department provide continuing education for and how much does the Department spend on that? If the Department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?

The Office of the State Public Defender considers a well-trained workforce key to our ability to accomplish our single overriding objective of providing effective criminal defense counsel to all indigent persons requesting counsel. Therefore, training for OSPD staff is a priority of the Office of the State Public Defender.

Our attorneys are the only profession in the office that are required to obtain CLE credits to support their certification. Every three years, a total of 45 CLE's (including seven CLE's on ethics) are required in order to retain an active license to practice law in the state of Colorado.

Each year the Judicial Department will designate the date to hold conferences for both their Judge's and other court employees. Since court proceedings are not scheduled during this time, the annual conferences for both OPSD and District Attorney's coincide with these dates. The OPSD conference is for all staff throughout the state and offers a variety of training sessions. While these sessions are designed to address the training needs and relevant topics for all groups, they also provide the opportunity for attorney's to obtain the required CLE credits needed as defined above. In addition to the annual fall conference, a management conference is held in the spring which also provides CLE credits, and various in-house trainings are held throughout the year. The annual fall conference, as well as some of the in-house trainings, are open to the private bar.

The OSPD spent a combined total of \$ 116,000 General Fund dollars on both conferences during FY 2012-13, which provided essential training for all staff and CLE credits for its 419 attorneys.

8. **During the hiring process, how often does the number one choice pick candidate turn down a job offer from the Department because the starting salary that is offered is not high enough?**

The OSPD does not keep statistics on the reason for refusal of a job offer. However, the perception of the human resources unit is that it is rare for an applicant to specifically state that the reason they are declining a job offer is because the salary is too low. The majority of our applicants are straight out of law school. They are eager to get their first job and to start gaining experience in the legal profession.

9. **What is the turnover rate for staff in the Department?**

In FY 2012-13, the OSPD's overall attrition rate was 13.2%.

**JUDICIAL BRANCH
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Friday, December 13, 2013
9:00 am – Noon**

11:30-11:45 OFFICE OF THE ALTERNATE DEFENSE COUNSEL (OADC)

INTRODUCTIONS AND OPENING COMMENTS, AND DISCUSSION OF THE OADC'S FY 2014-15 BUDGET PRIORITIES

QUESTIONS COMMON TO ALL DEPARTMENTS

Please describe how you respond to inquiries that are made to the OADC. How does the OADC ensure that all inquiries receive a timely and accurate response?

OADC receives many different types of inquiries ranging from letters from inmates and family members to questions from other states about the internal operation of the agency. General inquiries are initially sorted by the agency's ½ time administrative assistant and routed to the appropriate staff member for a timely response. The OADC website directs general correspondence to the OADC staff member that is responsible for various categories of work, for example inquiries by potential contractors, etc. Each OADC staff member is responsible for responding to telephone and e-mail inquiries directed to them in a timely fashion, or routing the inquiry to the appropriate staff member for a timely response.

OTHER TOPICS

Resource Needs for Prosecution and Defense

1. *[Background Information: The Committee periodically hears about resource inequities within the justice system, including:*
 - *Disparities in salaries paid to attorneys employed by District Attorneys' offices and the Office of the State Public Defender (OSPD); and*
 - *An imbalance in staffing levels for the defense (including OSPD and the OADC) and the prosecution (including District Attorneys' offices and the Department of Law).]*

The OADC does not have a basis for addressing whether there are disparities in salaries paid to attorneys employed by District Attorneys' offices and the Office of the State Public Defender (OSPD).

The OADC also does not have data to address whether there is an imbalance in staffing levels for the defense (including OSPD and the OADC) and the prosecution (including District Attorney's offices and the Department of Law). The OADC's obligation is to provide counsel in court for every indigent defendant and juvenile

where the OSPD has an ethical conflict of interest. The OADC utilizes independent contractors to insure that there is a lawyer available for each one of these cases. The OADC is not aware of any staffing deficiencies by the prosecution that precludes the presence of a prosecutor in every criminal and juvenile delinquency case that is handled by OADC contractors.

Please comment on whether such resource disparities exist, and if so, whether such disparities affect the outcome of cases that come before the Court.

The only basis the OADC has for comparing the hourly rates paid to its contractors to hourly rates paid by the prosecution is using the Department of Law's blended rate (see chart below), that shows that the Department of Law's blended rate is higher than the rate increase being requested for FY15 by the OADC.

| State of Colorado Attorney General rate-blended rate Attorney/Paralegal/Legal Asst. | FY06 | FY07 | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | FY14 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| Legal Service Rate | \$64.45 | \$67.77 | \$72.03 | \$75.10 | \$75.38 | \$73.37 | \$75.71 | \$77.25 | \$91.08 * |

* \$91.08 amount pulled from the Department of Law FY14 Long Bill (SB 13-230) page 134.

If resource disparities exist, the OADC hopes that any disparity would not affect the outcome of cases that come before the Courts.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

2. Provide a list of any legislation that the OADC has: (a) not implemented or (b) partially implemented. Explain why the OADC has not implemented or has partially implemented the legislation on this list.

N/A

3. Does OADC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the OADC doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)

This report does not mention the OADC.

4. Does the OADC pay annual licensing fees for its state professional employees? If so, what professional employees does the OADC have and from what funding source(s) does the OADC pay the licensing fees? If the OADC has professions that are required to pay licensing fees and the OADC does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

For 2014, the OADC will pay the annual licensing fees for all of its professional employees (4 lawyers). These fees will be paid out of the agency's operating line, which is general fund dollars.

5. Does the OADC provide continuing education, or funds for continuing education, for professionals within the OADC? If so, which professions does the OADC provide continuing education for and how much does the OADC spend on that? If the OADC has professions that require continuing education and the OADC does not pay for continuing education, does the employee have to pay the associated costs?

Yes, OADC provides continuing legal education for OADC professionals and OADC contractors. As can be seen from the agency's FY14-15 budget request, the agency has an extensive training program for its contractors. The OADC salaried professionals attend many of these training programs, and receive more than sufficient annual CLE credits through this attendance at no cost to the individual employee.

6. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the OADC because the starting salary that is offered is not high enough?

This has never happened.

7. What is the turnover rate for staff in the OADC?

Statistically insignificant.

**JUDICIAL BRANCH
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Friday, December 13, 2013
9:00 am – Noon**

**JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts
Administration, Trial Courts, and Probation)**

11:45-12:00 OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

INTRODUCTIONS AND OPENING COMMENTS

QUESTIONS COMMON TO ALL DEPARTMENTS

Please describe how you respond to inquiries that are made to the OCR. How does the OCR ensure that all inquiries receive a timely and accurate response?

The OCR receives inquiries through telephone calls, email, and its website. The OCR has structured its Denver Executive Office in the following manner to ensure prompt and accurate responses to all inquiries:

Each of the four attorneys on staff at the OCR's Denver Executive Office serves as a liaison to specified judicial districts. The attorneys visit the districts in person during the OCR's evaluation process and throughout each fiscal year on an as-needed basis; they also maintain contact with stakeholders in the districts through email and telephone communications. Because of the relationships established by OCR Denver Executive Office attorney staff, professional stakeholders in judicial districts typically know which OCR attorney to contact with questions or inquiries and do so by email or telephone. OCR attorney staff prioritize responding to such inquiries.

Members of the general public tend to access the OCR via telephone or the "contact us" and "feedback" links on the OCR's website, which trigger an email to the OCR's administrative assistant. The administrative staff fielding such inquiries is trained to directly answer general questions about the OCR and its policies and to channel more specialized questions to OCR attorney staff. All staff are trained to prioritize responding to inquiries in a timely manner.

(OCR R1) Caseload/Workload Increase

- 1. Please discuss recent increases in the number of cases in which the OCR pays for court appointed counsel. Do these increases mirror overall trends in court case filings? What are the factors driving these increases?**

The OCR's actuals for last fiscal year (FY 2012-13) and the current fiscal year (FY 2013-14) demonstrate significant increases in the OCR's caseload.

The OCR experienced an increased caseload in FY 2012-13 in all case types as compared to the previous year. The increases are detailed in Exhibit A in the OCR's budget request and range from a one percent increase in Dependency and Neglect (D&N) appointments to a 64% increase in truancy appointments, with a 28% increase in Domestic Relations (DR) appointments and a seven percent increase in Juvenile Delinquency (JD) appointments. An analysis of First Quarter data from the current fiscal year shows an even more significant increase in the OCR's caseload:

| Type of Case | Appointments | | |
|----------------------|----------------|----------------|---------------|
| | July-September | July-September | % |
| | FY14 | FY13 | Change |
| Dependency & Neglect | 5,387 | 5,220 | 3.20% |
| Delinquency | 2,318 | 1,800 | 28.78% |
| Domestic Relations | 264 | 247 | 6.88% |
| Truancy | 353 | 210 | 68.10% |
| Paternity | 122 | 91 | 34.07% |
| Probate | 16 | 32 | -50.00% |
| Other | 84 | 73 | 15.07% |
| Total | 8,544 | 7,673 | 11.35% |

These increases are not related to increases in case filings. For example, total D&N filings decreased by two percent in FY 2012-13 and by 12% during the first quarter of FY 2013-14. Juvenile Delinquency filings decreased by eight percent in FY2012-13 and by one percent during the first quarter of FY 2013-14. Domestic Relations filings decreased by two percent in FY2012-13 and are on par with the prior year during the first quarter of FY 2013-14.

There are two reasons why the OCR's appointment data does not correlate to filings. First, because the OCR's appointment data includes any open and active appointment on which an attorney has billed regardless of the year the case was filed and because multiple attorneys may be appointed on the same case, the OCR's appointment data does not necessarily correlate to filings. Second, in all categories of cases other than D&N, the appointment of an OCR attorney is within the discretion of the court; the number of cases on which a judicial officer may exercise discretion to appoint an OCR attorney does not necessarily correlate to the number of cases filed.

The OCR believes that the same factors contributing to its increase in workload, *see* Pages 43-54 of the OCR's Budget Request, also contribute to its increased caseload. D&N cases are simply becoming more complex, as with the many county and state department initiatives to

keep cases out of court, only the most complicated cases are now filed. More complex cases may require a longer duration of time to resolve; the increase in the OCR's D&N appointments indicates that cases are staying open over a longer period of time and multiple fiscal years.

The OCR has also heard from attorney, judicial, and other stakeholders that the same initiatives to keep D&N cases out of court result in an increase in OCR appointments in other case types, such as truancy, JD, and DR, as more and more of these cases raise child protective concerns leading the court to exercise its discretion to appoint an attorney to represent the children's best interests.

2. Please describe the types of court cases that may involve domestic violence, and the circumstances under which the court appoints legal representation for children in such cases.

DR, Paternity, and D&N cases are the primary case types on which OCR attorneys are appointed that may involve domestic violence.

As both DR and Paternity cases involve parenting time and parental responsibility disputes, domestic violence and its impact on the children in a case and the parties' ability to share parental responsibilities/parenting time may often play a significant factor impacting decisions. In DR cases, the court has the discretion to appoint a Child's Legal Representative (CLR) or a Child and Family Investigator (CFI); the OCR pays for such appointments when the parties meet the indigency requirements defined by §§ 14-10-116, 14-10-116.5, C.R.S. While CLR's serve in an attorney role independently providing legal representation to the best interests of the children in a case, CFIs serve in an investigative role, independently investigating, reporting, and making recommendations about the best interests of the children within the scope of their orders of appointment. In paternity cases, the court may appoint a Guardian *ad Litem* (GAL) to provide legal representation to the best interests of the children in the case.

Sometimes, domestic violence leads to concerns about the safety and welfare of the child(ren) in the home. If a report of abuse or neglect is made to a county department of social services, the county assesses the report and makes a decision about whether to file a D&N proceeding. If a D&N proceeding is filed, the court must appoint a GAL to provide legal representation to the best interests of the children in the case.

Families involved in other case types on which OCR attorneys are appointed, including but not limited to delinquency and probate, may also be experiencing domestic violence. However, in such cases, domestic violence is not generally the factor driving the case filings or the focus of the case.

(OCR R2) Salary Alignment

3. **Describe the processes the OCR used to evaluate attorney and non-attorney staff salaries.**

To evaluate its attorney salaries, the OCR participated in the Attorney General's attorney salary survey. This study was performed by Fox, Lawson, & Associates and surveyed attorney salary ranges and actual salaries in 18 public entities considered to be in the OCR's market. The results of this survey demonstrated significant market misalignment, with actual salaries misaligned by 32%, salary range minimums by 27%, salary range midpoints by 44%, and salary range maximums by 54%.

The significant misalignment identified by the attorney salary survey led the OCR to question whether its non-attorney salaries were also sufficiently misaligned with the market. To evaluate, the OCR compared its non-attorney salaries with salaries for a number of different comparable positions within the state system, primarily State Judicial. This comparison revealed that non-attorney staff, including but not limited to social workers, administrative support, and paralegals, are also misaligned with the market.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

4. **Provide a list of any legislation that the OCR has: (a) not implemented or (b) partially implemented. Explain why the OCR has not implemented or has partially implemented the legislation on this list.**

There is not any legislation that the OCR has not implemented or only partially implemented.

5. **Does OCR have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the OCR doing to resolve the outstanding high priority recommendations?**

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)

No.

6. **Does the OCR pay annual licensing fees for its state professional employees? If so, what professional employees does the OCR have and from what funding source(s) does the OCR pay the licensing fees? If the OCR has professions that are required to pay licensing fees and the OCR does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?**

Yes. The OCR pays Colorado annual licensing fees for its attorney staff. These fees are paid from General Fund dollars.

7. **Does the OCR provide continuing education, or funds for continuing education, for professionals within the OCR? If so, which professions does the OCR provide continuing education for and how much does the OCR spend on that? If the OCR has professions that require continuing education and the OCR does not pay for continuing education, does the employee have to pay the associated costs?**

Yes, the OCR funds continuing education for its attorney, training, and accounting staff when the continuing education relates to the OCR’s statutory mandates and operations. For example, several of the OCR’s statutory mandates require attorney and training staff to remain up-to-date on national and state developments in juvenile law and attorney best practices; the OCR funds staff attendance at trainings related to such developments. In turn, OCR staff then trains other staff and contract attorneys on such developments and best practices. Continuing education programs unrelated to the OCR’s mandates or operations are personally funded by staff.

In FY 2012-13, the OCR spent \$1,131.25 on continuing education registration fees for its staff.

8. **During the hiring process, how often does the number one choice pick candidate turn down a job offer from the OCR because the starting salary that is offered is not high enough?**

The OCR does not track data on the number of times a position has been turned down by a choice candidate because of the starting salary for the position. The OCR believes that the listed salaries for posted positions deter qualified candidates from applying. Anecdotally, when recruiting potential candidates for attorney positions, the OCR has been told on multiple occasions by potential candidates that the listed salary would constitute a significant pay cut and that they therefore could not consider applying.

9. **What is the turnover rate for staff in the OCR?**

The following table illustrates the OCR’s turnover rate for FY 2011-12 and FY 2012-13:

| Position Type | FY 2011-12 Turnover Rate | FY 2012-13 Turnover Rate |
|----------------------------|---------------------------------|---------------------------------|
| Denver Executive Office | 38% | 25% |
| El Paso Office Attorneys | 21% | 15% |
| El Paso Office Caseworkers | 20% | 20% |

Independent Ethics Commission's Responses to JBC Questions

1. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implement or has partially implemented the legislation on this list. **Not applicable**

2. Does Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the Department doing to resolve the outstanding high priority recommendations? **Not applicable**

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/13375%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/13375%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)

3. Does the Department pay annual licensing fees for its state professional employees? If so, what professional employees does the Department have and from what funding source(s) does the Department pay the licensing fees? If the Department has professions that are required to pay licensing fees and the Department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

The IEC does not pay professional licensing fees. The Executive Director, an attorney, pays her own licensing fees. The IEC does pay for her Colorado Bar Association membership in order to provide her access to legal research databases. This payment is from the IEC's operating line.

4. Does the Department provide continuing education, or funds for continuing education, for professionals within the Department? If so, which professions does the Department provide continuing education for and how much does the Department spend on that? If the Department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?

The IEC does not pay for continuing legal education per se for the Executive Director. The Executive Director does attend the annual conference of the Council on Government Ethics Laws ("COGEL") and does receive some CLE credits at that conference. The cost of the conference itself is \$550 for a four day conference, and airfare and lodging costs vary depending upon the location of the conference. Any other CLE's taken by the Executive Director are paid for by her personally.

5. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the Department because the starting salary that is offered is not high enough? **Not applicable.**

6. What is the turnover rate for staff in the Department? **Not applicable.**

**JUDICIAL BRANCH
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Friday, December 13, 2013
9:00 am – Noon**

**JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts
Administration, Trial Courts, and Probation)**

9:00-9:10 INTRODUCTIONS AND OPENING COMMENTS

9:10-10:15 QUESTIONS RELATED TO FY 2014-15 BUDGET PRIORITIES

Cash Funding for Court Programs

1. Please provide an overview of the Judicial Stabilization Cash Fund, including:
 - a. A history of when the fund was created, the original intended purpose of the fund, and any subsequent legislative changes to fund revenues or appropriations from the fund.
 - b. A history of fund revenues and expenditures; and
 - c. Projections of fund revenues and expenditures.
2. It is the Committee's understanding that revenues to several judicial cash funds have decreased significantly. For those cash funds affected by recent declines in court fee revenues, including the Justice Center Cash Fund, please provide projections of fund revenues and expenditures.

Information Technology (IT) Requests

3. Describe the total number and types of Department employees that currently provide IT-related services. Further, please discuss whether the Department anticipates any problems in filling the new IT positions that are requested through JUD R1 (Regional technicians for IT support) or JUD R8 (IT staff).
4. What services does the Department currently purchase from the Governor's Office of Information Technology (OIT)? To what extent does the Department cooperate or coordinate with OIT?
5. Please provide an update on the status of the Department's E-filing system project, including implementation of the system to date as well as plans to develop modules for additional case types and litigants (*i.e.*, criminal, misdemeanor, traffic, juvenile, and mental health cases, as well as cases involving self-represented parties).
6. Please describe the Department's overall plan to maintain its IT network. Should the General Assembly expect to continue to see periodic funding requests such as R3 (Network bandwidth)?

7. What performance measures does the Department use to determine the impact of IT investments? For example, if JUD R3 (Network bandwidth) is approved, can you measure the effect on employee output? Similarly, if JUD R1 (Regional technicians for IT support) is approved, can you measure the Department's average response time?

(JUD R2) District Judges

8. Describe the Department's overall plan and process for determining when and where additional judgeships are needed. Please include data concerning each judicial district's workload and staffing ratio.
9. A recent meeting concerning access to justice included a PowerPoint presentation concerning projected growth in the 18th judicial district. If possible, please include a copy of this presentation with your hearing responses. Further, please identify any other judicial districts that are experiencing similar rates of growth.
10. Did the Department seek input from the District Attorney in the 18th judicial district concerning the Department's legislative initiative to add two district court judgeships?
11. Please provide a historical overview concerning the determination of judicial district boundaries, including the following:
 - a. When were district boundaries last adjusted?
 - b. What factors should be considered when determining the size of a district?
 - c. Should the General Assembly ever consider splitting a judicial district with a large and growing workload, or consolidating two districts with minimal workload?

(JUD R4) Language Access

12. Describe the training and certification processes for Court Interpreters and Court Translators (including both Department employees and contract staff). Is there a sufficient pool of qualified potential employees and contract staff?
13. Describe recent changes in the demographics of court users and the impact of such changes on the need for language interpreters and translators.
14. What are the legal obligations of law enforcement officers when interacting with individuals who are not proficient in English?

(JUD R6) Self-represented Litigant Coordinators

15. Please detail the current allocation of self-represented litigant coordinator staff among judicial districts, and the anticipated allocation of staff should the General Assembly approve this request.

16. Has the Department measured the impact of the funding that has been provided to date for self-represented litigant coordinators? How do these positions affect the costs incurred by the court and court users?
17. Why is the Department requesting General Fund for this purpose for FY 2014-15, rather than cash funds from the Judicial Stabilization Cash Fund?

(JUD R9) Underfunded Facilities

18. Describe this legislative initiative and the problem that it would address. If possible, please include a list of court and probation facilities that do not currently meet operational and safety standards.
19. How would the legislation define the types of local communities that would be eligible for state funding? Would the legislation include provisions to incentivize local communities to provide as much financial support as possible given the community's potential tax base?
20. Has the Department considered whether History Colorado could provide funding for some of the maintenance costs for historic court facilities?
21. Does the Department coordinate with the State Architect with respect to master planning for court and probation facilities or the evaluation of facility controlled maintenance needs?

(JUD R10) Leadership Education

22. Describe how the Department is using the funds that have been provided for Procedural Fairness and Leadership Education for FY 2013-14, as well as the Department's plans for the funding that has been requested for FY 2014-15.

(JUD R12) Probation Background Checks

23. How many state and federal background checks are currently conducted by Department staff for Department employees and for the employees of private probation providers and vendor?

10:15-10:30 PROBATION

Correctional Treatment Cash Fund

24. Discuss the Department's use of moneys from the Correctional Treatment Cash Fund (CTCF), including the following:
 - a. Detail the allocation of CTCF moneys by line item appropriation for FY 2013-14.
 - b. Describe the nature of the expenditures supported by the CTCF within each line item appropriation, including the types of services or treatment that are provided.

- c. Describe the types and numbers of offenders who benefit from such expenditures, including: (1) whether they are juveniles or adults; and (2) whether they are serving a diversion sentence, serving a probation sentence, on parole, sentenced or transitioned to a community corrections program, or serving a sentence in a county jail or are receiving after-care treatment following release from jail.
25. Discuss how the Department would utilize the funding increases proposed by the Correctional Treatment Board for FY 2014-15.
 26. Does the statutory provision governing the use of CTCF moneys preclude services or treatment expenditures that would be appropriate and justifiable? Does it preclude the provision of services to certain juvenile or adult offenders that would be appropriate and cost-effective? If so, please explain.
 27. Describe how the Department evaluates (or plans to evaluate) the effectiveness of treatment and services that are supported by the CTCF.
 28. Describe whether and how the Department monitors or evaluates the reasonableness of rates charged by treatment and service providers.
 29. Does the Department make any effort to require offenders to pay a portion of the cost of services provided, if they are able to do so?

Colorado Sex Offender Lifetime Supervision Act of 1988

30. Describe the impact of this act on both the courts and probation. Specifically, how has this act affected:
 - a. the number and types of court cases filed?
 - b. the number of court hearings and trials held?
 - c. the number and types of offenders under probation supervision and the cost of treatment and services?
31. Has the Department or another state agency evaluated the impact of this act on public safety?

10:30-10:45 BREAK

10:45-11:10 OTHER ISSUES

Regulating the Practice of Law

32. Is there a legal or policy reason for the judicial programs that regulate the practice of law to operate under their own fiscal rules, use their own accounting system, and deposit attorney registration fee revenue in bank accounts outside of the State Treasury?

33. How does the transfer of \$1.5 million in attorney registration fee revenue to Colorado Legal Services relate to or fall under the Supreme Court's regulation of the practice of law or the Colorado Supreme Court rules concerning the establishment of attorney registration fees and the application of such fees [C.R.C.P. 227 (1) (a) and (c)]?
34. What is driving the significant attorney registration fee increases recently approved by the Supreme Court? To what extent do such fee increases relate to the recent transfers to Colorado Legal Services?
35. How often are continuing legal education requirements reviewed?

District Attorneys

36. Describe how the Department reimburses mandated costs incurred by district attorneys' offices. Further, are these expenditures audited?
37. The Committee recently discussed with the Attorney General disparities between salaries paid to employees in some District Attorneys' (DAs') offices and those paid to employees of the Office of the State Public Defender. The Committee is considering whether an increase in resources for the Department of Law to expand the availability of prosecutorial assistance to certain DAs' offices would mitigate this disparity. Please comment on this suggestion.

Salary Increases

38. In both FY 2012-13 and FY 2013-14 the General Assembly approved requests for funding to increase salaries for the "Court Judicial Assistant" and "Support Services" job classifications, two of the lowest paid positions in the Department. Please provide an update on the impact of these funding increases.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

39. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implemented or has partially implemented the legislation on this list.
40. Does Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the department doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
41. Does the department pay annual licensing fees for its state professional employees? If so, what professional employees does the department have and from what funding source(s) does the department pay the licensing fees? If the department has professions that are required to

pay licensing fees and the department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

42. Does the department provide continuing education, or funds for continuing education, for professionals within the department? If so, which professions does the department provide continuing education for and how much does the department spend on that? If the department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?
 43. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the department because the starting salary that is offered is not high enough?
 44. What is the turnover rate for staff in the department?
-

11:10-11:30 OFFICE OF THE STATE PUBLIC DEFENDER (OSPD)

INTRODUCTIONS AND OPENING COMMENTS

(OSPD R1) Appellate Staffing

1. Describe how the OSPD currently staffs appellate cases for economic crimes, county court cases, and juvenile cases. If the General Assembly approves this request, how would the staffing for these cases change?

Colorado Sex Offender Lifetime Supervision Act of 1988

2. Describe the impact of this act on the OSPD's workload at both the trial court and appellate levels.

Resource Needs for Prosecution and Defense

3. *[Background Information: The Committee periodically hears about resource inequities within the justice system, including:*
 - *Disparities in salaries paid to attorneys employed by District Attorneys' offices and OSPD; and*
 - *An imbalance in staffing levels for the defense (including OSPD and the Office of the Alternate Defense Counsel) and the prosecution (including District Attorneys' offices and the Department of Law).]*

Please comment on whether such resource disparities exist, and if so, whether such disparities affect the outcome of cases that come before the Court.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

4. Provide a list of any legislation that the OSPD has: (a) not implemented or (b) partially implemented. Explain why the OSPD has not implemented or has partially implemented the legislation on this list.
5. Does OSPD have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the OSPD doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
6. Does the OSPD pay annual licensing fees for its state professional employees? If so, what professional employees does the OSPD have and from what funding source(s) does the OSPD pay the licensing fees? If the OSPD has professions that are required to pay licensing fees and the OSPD does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

7. Does the OSPD provide continuing education, or funds for continuing education, for professionals within the OSPD? If so, which professions does the OSPD provide continuing education for and how much does the OSPD spend on that? If the OSPD has professions that require continuing education and the OSPD does not pay for continuing education, does the employee have to pay the associated costs?
 8. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the OSPD because the starting salary that is offered is not high enough?
 9. What is the turnover rate for staff in the OSPD?
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11:30-11:45 OFFICE OF THE ALTERNATE DEFENSE COUNSEL (OADC)

INTRODUCTIONS AND OPENING COMMENTS, AND DISCUSSION OF THE OADC'S FY 2014-15 BUDGET PRIORITIES

OTHER TOPICS

Resource Needs for Prosecution and Defense

1. *[Background Information: The Committee periodically hears about resource inequities within the justice system, including:*
 - *Disparities in salaries paid to attorneys employed by District Attorneys' offices and the Office of the State Public Defender (OSPD); and*
 - *An imbalance in staffing levels for the defense (including OSPD and the OADC) and the prosecution (including District Attorneys' offices and the Department of Law).]*

Please comment on whether such resource disparities exist, and if so, whether such disparities affect the outcome of cases that come before the Court.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

2. Provide a list of any legislation that the OADC has: (a) not implemented or (b) partially implemented. Explain why the OADC has not implemented or has partially implemented the legislation on this list.
3. Does OADC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the OADC doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
4. Does the OADC pay annual licensing fees for its state professional employees? If so, what professional employees does the OADC have and from what funding source(s) does the OADC pay the licensing fees? If the OADC has professions that are required to pay licensing fees and the OADC does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?
5. Does the OADC provide continuing education, or funds for continuing education, for professionals within the OADC? If so, which professions does the OADC provide continuing education for and how much does the OADC spend on that? If the OADC has professions that require continuing education and the OADC does not pay for continuing education, does the employee have to pay the associated costs?

6. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the OADC because the starting salary that is offered is not high enough?
 7. What is the turnover rate for staff in the OADC?
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INTRODUCTIONS AND OPENING COMMENTS

(OCR R1) Caseload/Workload Increase

1. Please discuss recent increases in the number of cases in which the OCR pays for court appointed counsel. Do these increases mirror overall trends in court case filings? What are the factors driving these increases?
2. Please describe the types of court cases that may involve domestic violence, and the circumstances under which the court appoints legal representation for children in such cases.

(OCR R2) Salary Alignment

3. Describe the processes the OCR used to evaluate attorney and non-attorney staff salaries.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

4. Provide a list of any legislation that the OCR has: (a) not implemented or (b) partially implemented. Explain why the OCR has not implemented or has partially implemented the legislation on this list.
5. Does OCR have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the OCR doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
6. Does the OCR pay annual licensing fees for its state professional employees? If so, what professional employees does the OCR have and from what funding source(s) does the OCR pay the licensing fees? If the OCR has professions that are required to pay licensing fees and the OCR does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?
7. Does the OCR provide continuing education, or funds for continuing education, for professionals within the OCR? If so, which professions does the OCR provide continuing education for and how much does the OCR spend on that? If the OCR has professions that require continuing education and the OCR does not pay for continuing education, does the employee have to pay the associated costs?
8. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the OCR because the starting salary that is offered is not high enough?

9. What is the turnover rate for staff in the OCR?

INDEPENDENT ETHICS COMMISSION (IEC)

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

1. Provide a list of any legislation that the IEC has: (a) not implemented or (b) partially implemented. Explain why the IEC has not implemented or has partially implemented the legislation on this list.
 2. Does IEC have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the IEC doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
 3. Does the IEC pay annual licensing fees for its state professional employees? If so, what professional employees does the IEC have and from what funding source(s) does the IEC pay the licensing fees? If the IEC has professions that are required to pay licensing fees and the IEC does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?
 4. Does the IEC provide continuing education, or funds for continuing education, for professionals within the IEC? If so, which professions does the IEC provide continuing education for and how much does the IEC spend on that? If the IEC has professions that require continuing education and the IEC does not pay for continuing education, does the employee have to pay the associated costs?
 5. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the IEC because the starting salary that is offered is not high enough?
 6. What is the turnover rate for staff in the IEC?
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