

**STRATEGIC PLAN
&
OBJECTIVES**

MISSION AND VALUES

Department of Law

It is the mission of the Attorney General's Office to provide professional, ethical, and independent legal services to the State of Colorado and its citizens, to promote respect for and access to the justice system, to ensure the fair and open exercise of government, and to advance the public interest.

The Office values its employees as its most valuable resource and works to provide employees with the skills, knowledge and motivation to be successful and to exercise individual judgment and innovation.

The Office and its staff and volunteers commit to the highest professionalism, integrity, and ethical standards.

The Office promotes open and effective communications among and with its employees, clients, and the public and believes open communication is essential to its success.

The Office will provide quality legal service in an efficient, timely manner.

The Office respects diversity and commits to furthering it consistently through its programs, policies, and the effective use of the varied perspectives of its employees.

The Office will promote participatory, supportive management.

The Office will provide leadership on legal issues facing the state.

Administration Goals and Objectives

To provide the Department of Law with an exceptional level of service, productivity, integrity, responsibility, initiative, and teamwork to enable the Department to fulfill its mission and value statement.

Our Mission is to be: Customer Focused
 Solution Oriented
 Innovative

Objectives:

Human Resources

1. Continue to use technology solutions to improve HR business processes and make information more readily accessible to employees. This includes a significant

makeover of the HR web site on the DOL intranet that will be easier to navigate and provide links to the most popular internet sites for our employees.

2. Continue to refine the implementation of the AG on-line training system purchased in October of 2006.
3. Continue the aggressive approach to ergonomic assessment of employee work stations which is designed to prevent repetitive motion injuries before they are brought about by a dysfunctional work station set-up.
4. Modify the DOL performance planning and evaluation form and process.

Information Technology

1. Map out strategy to meet technology goals identified by the other sections in the office.
2. Identify and implement a unified case management program that integrates into the timekeeping program.
3. Identify and implement an electronic single-entry leave tracking system that integrates into the time keeping program but can also be used by non-billing staff members.
4. Identify and implement a document management system that meets the needs of document retention for the various law practices within the office. (Need a document retention policy as well.)
5. Improve scanning capabilities within the office to meet the growing demand of e-filing and electronic evidence production.
6. Work with DPA to implement voice over IP (VOIP) system.

Legal Support Services

1. In conjunction with IT provide high quality, timely, and effective scanning for the Department. Enhance our services for in house copying
- 2: Improve the Department's Digital recording capabilities.
- 3: Offer a customer driven cost efficient travel center to handle all aspects of Department travel. Includes bookings to reimbursement

Accounting and Budgeting

1. Streamline our services and business processes
2. Provide more electronic transactions options
3. Improve our interface w/clients/customers

**STATE SERVICES STRATEGIC PLAN
2007**

GOALS AND OBJECTIVES

GOAL #1: DEVELOP AND SUPPORT ATTORNEYS AND ADMINISTRATIVE STAFF WHO WILL PROVIDE QUALITY LEGAL SERVICES TO CLIENT AGENCIES

Objective 1: Provide a collegial environment to develop analytical, legal and trial skills.

- Assign experienced attorneys to mentor younger attorneys on simple cases
- Pair experienced attorneys with younger on complex cases
- Conduct in-house training on contract procedures, trial strategies and other legal matters that are frequently handled by the section
- Conduct regularly scheduled unit meetings to discuss issues

Objective 2: Explore availability of funding to provide additional training for attorneys and support staff.

- Contact client agencies to explore possibility of paying for Continuing Legal Education seminars for attorneys
- Contact client agencies to request funding for additional training for legal assistants.
- Contact various educational institutions to discuss possibility of scholarships for seminars and classes.

Objective 3: Enhance reporting of major cases

- Have first assistants submit brief written updates of major cases or events on monthly basis.
- Submit reports to clients to supplement monthly billings.

GOAL #2: Provide timely, efficient and responsive legal services in matters related to labor and employment.

Objective 1: Promote timely response to requests for petroleum leak remediation

- Contact petroleum storage tank fund applicants within 10 days of request by agency

- Process fund payment settlements within 7 business days of receiving documentation from parties.

Objective 2: Expedite the reduction of the number of employers without workers' compensation insurance

- Contact such employers within 10 days of referral
- Apply for a hearing within 20 days of contact if employers do not obtain insurance.

Objective 3: Contribute to the effective adjudication of workers' compensation proceedings

- Enhance the completion of workers' compensation proceedings by filing briefs on behalf of the Industrial Claims Appeals Office as quickly as possible.

GOAL #3: Provide timely, efficient and responsive legal services in matters related to state administration

Objective 1: Assist in the development of fiscal policies and rules

- Review rules to ensure compliance with statute
- Provide representation and advice to the Controller's Advisory Group

Objective 2: Review and process contracts.

- Assist in improving the contract process to reduce review time
- Provide more assistance in the negotiation and execution of contracts
- Provide training to state agencies regarding contracts and procurement

GOAL #4: Provide timely, efficient and responsive legal services in matters related to health care

Objective 1: Assist in providing access to health care insurance for Colorado children

- Analyze existing laws and rules and advise Children's Basic Health Plan Policy Board
- Discuss potential ambiguities in statute and rules

Objective 2: Provide legal services in relation to the implementation of the Colorado Benefits Management System

- Provide legal advise to ensure the long term success of the System
- Defend litigation pending in Denver District Court
- Pursue administrative remedies regarding overpayments or other amounts owed by HMOs.

Objective 3: Pursue repayment of public funds expended to provide medical benefits from estates, trusts and responsible third parties

- Recover at least \$1,000,000 from personal injury settlements and from liable third parties
- Defend challenges to state statutes and regulations promulgated to replenish Medicaid funds

Objective 4: Insure the integrity of Medicaid funds

- Analyze appeals brought by Medicaid providers seeking higher reimbursement
- Defend appeals seeking reimbursement higher than permitted by rules
- Represent state in bankruptcy cases

Objective 5: Take appropriate action to terminate Medicaid certification and state licensure

- Review referrals to terminate Medicaid certification and state licensure
- Pursue revocation, suspension or other adverse action against certifications and licenses when appropriate

Objective 6: Pursue false claims as appropriate

- Review cases to identify potential false claims
- Prosecute cases in conjunction with federal government

GOAL #5: Provide timely, efficient and responsive legal services in matters related to education

Objective 1: Defend court challenges to legislation

- Defend court challenge to charter school legislation
- Defend court challenge to prohibition on funding to religious schools
- Defend court challenge to school financing

Objective 2: Help improve the quality of educational and vocational instruction

- Assist the Department of Education in policing teacher certification and oversight by reviewing referrals and pursuing actions where appropriate
- Work with the Division of Private and Occupational Schools to monitor schools offering vocational training in Colorado
- Work with the Charter School Institute to review, approve and oversee Institute Charter Schools
- Assist state boards in drafting policies and regulations
- Review the School Violence Prevention Manual and Student Discipline Manual for any needed changes and updates

GOAL #6: Provide timely, efficient and responsive legal services in matters related to child care, child protection and treatment of the persons in the state hospital

Objective 1: Resolve all child licensing enforcement cases as expeditiously as possible

- Review all referrals to determine appropriate action
- Draft summary suspension orders within 72 hours from the time that the matter is referred
- Prepare notice of charges in non-emergency cases with 30 days after matter is referred

Objective 2: Advise and defend state hospital

- Continue to assist state hospital in development of policies and procedures to ensure quality care
- Defend court challenges to policies and procedures

Objective 3: Implement and improve process by which persons who are on child abuse registry lists are given fair hearings

- Attempt to resolve most requests without hearing
- Assist in developing procedures to timely file charging documents

GOAL #7: Provide timely, efficient and responsive legal services to statewide elected officials

Objective 1: Provide legal services to the Secretary of State

- Represent the Secretary in legal challenges to the Campaign and Political Finance Amendment, the Initiative Code and the Election Code
- Advise the Secretary on matters involving the Help America Vote Act
- Advise the Secretary on matters involving voting machines
- Review bingo-raffle licenses and applications to determine need for disciplinary action
- Defend the redistricting appeal in the United States Supreme Court
- Advise the Title Setting Board

Objective 2: Provide legal services to the Governor

- Defend challenges to the Governor's inherent powers
- Provide advice upon request

Objective 3: Provide legal services to the Treasurer

- Provide assistance and advice with regard to issuance of bonds and notes
- Provide assistance and advice with regard to property tax deferrals
- Provide assistance and advice with regard to unclaimed property
- Ensure that persons who make claims under the escheat and unclaimed property statutes are entitled to receive funds.

GOAL #8: Provide timely, efficient and responsive legal services to the Public Utilities Commission.

Objective 1: Act as counselor to the Commission

- Provide on-going legal assistance to the Commission on all pending matters

Objective 2: Represent the Commission in court proceedings.

APPELLATE DIVISION STRATEGIC PLAN

The attorneys in the Appellate Division of the Attorney General's Office are Colorado's prosecutors at the appellate level of the criminal justice system. Primarily, they represent law enforcement when defendants appeal criminal convictions to the Colorado Court of Appeals. In addition, they represent the interests of the state in habeas corpus actions in the federal courts, in extradition appeals, and in selected civil appeals (such as property and bond forfeiture actions).

The overwhelming majority of these trial convictions are obtained by the 22 offices of the state's District Attorneys. Close to 1500 Deputy District Attorneys do the felony and misdemeanor trial work for these offices; a conservative estimate is that at least half of those attorneys (750) do felony trial work. **For FY 2005-2006, the Attorney General's Appellate Division had a total of 23 FTE attorneys supported by 3 FTE staff members.**

The Division responds to appeals that are brought on behalf of convicted criminals and therefore cannot control the size of its caseload. It must provide effective and ethical representation in every case. These cases range from relatively simple challenges to trial court denials of postconviction motions or the amount of restitution imposed; to more complicated questions of complicitor liability, equal protection, double jeopardy, and whether state and federal constitutions offer the same or different protections. While a majority of the cases directly impact only the defendant and the victims, any given case may have a staggering impact on how law enforcement authorities conduct searches and arrests, on criminal trials and sentencing hearings throughout the state, on the state's Department of Corrections, and on probation, parole, and county Community Corrections programs.

1050 new appeals were activated in FY 2005-2006 (the highest number ever). 35% were filed by the State Public Defender; 28% by private attorneys; and 37% by pro se defendants. In addition to this new high point in incoming cases, the percentage of pro se appeals was also the highest it has ever been.

Appellate Division attorneys filed 986 principal briefs (either answer briefs, answers to orders to show cause in federal cases, or opening briefs for appeals on which we have obtained supreme court review) (an average of

42.8 briefs per attorney). On each case, the attorney must: (a) read the trial transcript and other pertinent documents (on average, 8.8 volumes per case @ approximately 125 pages per volume); (b) conduct legal research on each of the defendant's claims (on average, 2.6 claims per case); (c) write an argument explaining why law enforcement should prevail.

In addition, Appellate Division attorneys performed the following tasks:

Motions. Reviewed over 7500 pre-briefing motions to ensure that each case was properly postured for appellate review and to oppose any attempt to circumvent the rules of litigation. (A separate group of routine pleadings and notices was processed by support staff.)

Reply and Supplemental Briefs. Filed 19 reply or supplemental briefs to clarify existing issues or to address developments that occurred while a case was pending.

Oral Arguments. Appeared at 109 oral arguments to present the state's position and answer questions from the judges. In most instances, to prepare the attorney handling the case for argument, panels of three or more Division attorneys review the briefs and serve as judges in a mock argument.

Petitions for Rehearing. Filed 55 petitions for rehearing to correct matters that were wrongly decided by the courts.

Briefs in Opposition to Certiorari. Filed 58 briefs to oppose defense attempts to gain further review in the state supreme court.

Petitions for Certiorari. Asked the state supreme court to conduct further review in 26 cases that would otherwise have an adverse impact on law enforcement.

Goal: Maintain the continued imprisonment of Colorado's most serious offenders and beneficially affect the future of the law governing enforcement efforts in this state.

Objectives:

- 1: Hire and retain the best lawyers possible to write and argue criminal appeals
2. Provide adequate and ongoing training to lawyers on brief-writing, oral advocacy, and substantive and procedural matters
3. Assign the most effective appellate advocates to those cases involving either the most serious offenders or the greatest potential for changing the law in the state.
4. Exercise good judgment in determining and in advising the District Attorneys about the cases on which further review should be sought.
5. Maintain at least an 85% success rate in upholding convictions/sentences (win/loss percentage for FY 2005-2006 was 89%).

Goal: Improve the effectiveness and timeliness of our response to a dramatically increasing caseload

Objectives:

1. Review and continue to revise internal procedures for increasing effectiveness through case assignments and specialization.
2. Maintain at least the current level of productivity.
2. Continue to develop resource banks of information for appellate attorneys.
3. Develop an outline of standards of review to facilitate compliance with recently-changed Colorado Appellate Rule 28.

3. Work with the courts and the public defender's office to develop a long-term plan for effectively and timely dealing with our backlog and with the huge number of new cases we are receiving annually.
4. Develop a decision item and an effective political/legislative strategy for obtaining the substantial attorney and support staff resources needed to address this problem.

Goal: Expand our service to the people of the state of Colorado, as represented most directly by the elected District Attorneys and by the victims of crime.

Objectives:

1. Provide ongoing, up-to-the-minute compilations of new case law to Appellate and Criminal Justice staff in the AG's Office, and to the various District Attorneys' Offices.
2. Attend CDAC meetings to advise the District Attorneys on case law developments and to network with the District Attorneys on common problems and issues on which we might be of assistance to each other.
3. Continue participation in CDAC committees
4. Develop presentations and accompanying materials on timely topics for presentation at the annual Colorado District Attorneys Council Training conference, and at other CDAC training sessions as requested.
5. Respond to requests for assistance in the areas of criminal law and procedure, constitutional law, and appellate practice. (Such questions may come from the Office of the Attorney General, district attorneys, Colorado General Assembly, and other state entities.) Answers may take the form of written advice, including formal and informal Attorney General Opinions.
6. Conduct reviews of legislation (which includes research into legislative history as well as research into the ramifications of proposed legislation), and provide other assistance on legal matters as requested by the Attorney General, Chief Deputy Attorney General, Solicitor General, Deputy Attorney General, Assistant Solicitor General, or a First Assistant Attorney General.

7. Maintain relationships with, and responsiveness to, victims of crime through the victim services coordinator.

Goal: Improve our relationships with the state and federal courts.

Objective:

Meet with representatives of the courts and the public defender's office on an ongoing basis to (a) develop a long-term plan for effectively and timely dealing with our backlog and with the huge number of new cases we are receiving annually, and (b) assess the needs of the system and the strengths and weaknesses in our performance before those courts.

Goal: Further the sense of professionalism between earnest adversaries (i.e. prosecutors and criminal defense counsel).

Objectives:

1. Continue Appellate participation in Supreme Court committee work (there are currently Appellate Division representatives on the Appellate Rules Committee, the Criminal Rules Committee, and the Rules of Evidence Committee).
2. Continue Appellate Division participation in the Colorado Bar Association Appellate Practice Subcommittee.

CRIMINAL JUSTICE STRATEGIC PLAN

January, 2007

The Criminal Justice section is comprised of the Securities Fraud, Insurance Fraud, Special Prosecutions, Workers' Compensation, Medicaid Fraud, Capital Crimes, Victim Services, Foreign Prosecution, and Public Safety units. The POST Board and Appellate departments are part of Criminal Justice but are presented separately in the Strategic Plans.

SECURITIES FRAUD

The Securities Fraud unit consists of two attorneys, two investigators, one legal assistant and a half-time administrative assistant. Enforcement authority is derived from C.R.S. 11-51-603.5 and is concurrent with the state's District Attorneys. The main types of securities fraud are failing to disclose required information to investors, misuse of invested funds, and inflating the value of a security before unloading shares.

GOAL: To effectively enforce criminal securities fraud laws throughout the state of Colorado, with emphasis on complex, multi-jurisdictional cases.

Objective #1: For FY '07, Investigate at least 5 major multi-jurisdictional frauds that are suited to the state-wide grand jury and proceed to indictment when appropriate. Increase this to 6 major investigations in FY'08 and 8 in FY'09.

Objective #2: For FY'07, file 16 new cases through either direct file in a district court or through a local grand jury indictment. Increase this number to 18 in FY'08 and 20 in FY'09.

Objective #3: Obtain at least 8 felony convictions in FY'07, 10 in FY'08, and 12 in FY'09.

Objective #4: Prosecute at least two jury trials each year.

Objective #5: Maintain a high level of education for the attorneys and staff by sending each attorney and investigator to at least one training seminar each year.

GOAL: To resolve cases with an appropriate balance of punishment for the offender and restitution for the victims.

Objective #1: Obtain restitution orders on all convictions. In FY'07 and '08, to reach \$2 million and \$2.5 million in FY'09.

Objective #2: Track and enforce collection of the restitution orders whenever possible. The unit currently tracks 45 defendants on cases involving 1,392 victims. The total restitution actually paid in FY'06 was \$254,557.24.

GOAL: To collaborate with local District Attorneys and law enforcement agencies and federal authorities to maximize resources.

Objective #1: Attend fraud working group meetings with local and federal investigators and prosecutors at least 6 times per year.

Objective #2: Provide at least 3 training seminars each year to court, prosecution, and law enforcement professionals.

Objective #3: Communicate at least monthly with the Division of Securities to share information on which cases are being investigated by the AG and the Division. Communicate at least bi-monthly with the FBI, IRS, and other appropriate federal authorities to review current investigations and eliminate overlap.

Objective #4: Inform local District Attorneys of investigations that affect their jurisdictions as those arise. Communicate with the economic crime units of those offices at least bi-monthly.

Objective #5: Increase outreach to local law enforcement agencies to encourage referrals. Meet with representatives of at least 6 agencies each year.

GOAL: To reduce victimization by educating the public about investment scams.

Objective #1: Publicize case information through the media as appropriate with the goal of 4 media releases in FY'07, 5 in FY'08, and 6 in FY'09.

Objective #2: Present to at least 2 community groups each year on topics of interest in securities fraud.

INSURANCE FRAUD

Insurance fraud is estimated to account for approximately 10 percent of all claims paid in the industry. The Attorney General's authority to prosecute is derived from C.R.S. 10-1-121 and 10-3-207. In 2006, the legislature authorized additional resources for the unit which now consists of 2 attorneys, 4 investigators, 1 legal assistant, and a one-half time administrative assistant.

GOAL: To prosecute insurance fraud throughout the state of Colorado with an emphasis on complex, multi-jurisdictional cases.

Objective #1: Investigate at least 3 major cases in FY'07 that are appropriate for the state-wide grand jury, proceeding to indictment when warranted. Increase this number to 4 cases in FY'08 and '09.

Objective #2: File at least 30 cases through direct file in the district courts or through local grand juries in FY'07 and '08. Increase this number to 35 in FY'09.

Objective #3: Reduce the backlog of investigations so that all referrals get a response within 45 days that the case will be opened for further investigation or that the referral is declined. In FY'06 the unit logged in 271 referrals. NICB statistics indicate they receive more than 900 per year.

Objective #4: Obtain at least 20 felony convictions in FY'07 and 25 in FY'08 and '09.

Objective #5: Prosecute at least two jury trials each year.

Objective #6: Obtain restitution orders for all losses, with the goal of \$400,000 in FY '07 and '08, and \$420,000 in FY'09.

Objective #7: Maintain a high level of education for the attorneys and staff by sending each attorney and investigator to at least one training seminar each year.

GOAL: To collaborate with the insurance industry and law enforcement throughout the state to coordinate investigations and reduce fraud, thereby lowering the cost of insurance with the ultimate benefit of reduced rates to the consumers of Colorado.

Objective #1: Communicate at least monthly with representatives of the Division of Insurance and at least bi-monthly with the NICB to discuss referrals and ongoing investigations. Discuss priorities and types of frauds as they develop.

Objective #2: Report annually to industry representatives on the amount of restitution ordered and received.

Objective #3: Communicate with local District Attorneys on the progress of cases affecting their jurisdictions. Notify each DA by letter or e-mail as a case is completed.

GOAL: To reduce victimization by educating the public about insurance scams and the work of the unit.

Objective #1: Publicize case information through the media as appropriate with the goal of 4 media releases in FY'07, and 5 in FY'08, and '09.

Objective #2: Present to at least 2 community groups each year on topics of interest in insurance fraud.

Objective #3: Publicize annual statistics concerning the work of the unit on the Attorney General's website and make these statistics available to the legislature and the public through other means, such as the AG's annual report and distribution to law enforcement.

SPECIAL PROSECUTIONS

This unit consists of 4 attorneys, two investigators, a half-time legal assistant and half-time administrative assistant. The unit prosecutes all types of criminal offenses in the state-wide grand jury and as special deputy district attorneys under the authority of the local DA's. The Attorney General has concurrent authority to prosecute environmental crimes, tax fraud, election fraud, mortgage fraud and miscellaneous other offenses enumerated by the legislature.

GOAL: To prosecute complex crimes that cross judicial district boundaries or are major investigations requiring specialized resources or knowledge not generally available to local District Attorneys.

Objective #1: For FY '07, '08, and '09, investigate at least 5 major multi-jurisdictional cases each year that are suited to the state-wide grand jury and proceed to indictment when appropriate, including at least one environmental case in FY '07 and at least one mortgage fraud in FY'08.

Objective #2: For FY'07, file 35 new cases through either direct file in a district court or through a local grand jury indictment. Increase this number to 40 in FY'08 and 20 in FY'09. These will include tax fraud, unemployment insurance fraud, environmental crimes and others that may arise from requests from law enforcement and the District Attorneys of the state.

Objective #3: Obtain at least 25 felony convictions in FY'07, 10 in FY'08, and 30 in FY'09.

Objective #4: Work with gang task forces to prosecute at least one major gang-related case each year.

Objective #5: Work with federal and local law enforcement to develop at least one mortgage fraud prosecution each year from the AG's office and support additional prosecutions at the local and state levels.

Objective #6: Prosecute at least four jury trials each year.

Objective #7: Utilize the Colorado Organized Crime Control Act (COCCA) to attack criminal enterprises. This should be used in at least two grand jury investigations each year.

Objective #8: Present at least one training per year to local law enforcement/prosecutors on the use of the grand jury and COCCA.

Objective #9: Maintain a high level of education for the attorneys and staff by sending each attorney and investigator to at least one training seminar each year.

GOAL: To respond promptly to investigative referrals from law enforcement and the public.

Objective #1: Reduce the back log of investigations so that each investigator carries no more than one major and six smaller active investigations. Refer others to appropriate law enforcement agencies when appropriate. Respond within 45 days whether the complaint is declined or will be opened as an investigation within the AG's office.

Objective #2: Add one investigator in FY'07 to be available for mortgage fraud, identity theft, and election fraud complaints, among others.

Objective #3: Communicate with District Attorneys on the progress of cases within their jurisdictions at least bi-monthly, and notify the DA in writing or by e-mail at the conclusion of a case.

Objective #4: Contact representatives of the EPA and Division of Revenue investigative units at least bi-monthly to review the progress of on-going investigations and case status.

GOAL: Raise the level of investigative and prosecutorial expertise throughout the state through collaborations with courts, prosecutors, and law enforcement.

Objective #1: Make at least 6 presentations each year on matters relating to the investigation and prosecution of crime in Colorado.

Objective #2: Encourage cooperative task forces by organizing and attending at least four meetings a year for law enforcement professionals to discuss topics pertinent to their agencies, and as may be prioritized by the legislature or the agencies themselves.

WORKERS' COMPENSATION

One attorney, one investigator, and a half-time legal assistant comprise this unit. The funding comes from Pinnacol Assurance, the state's major workers' compensation

insurance carrier. The majority of the unit's work is based on referrals originating from Pinnacol's own investigators. The attorney prosecutes these cases as a special deputy district attorney in the respective judicial districts throughout the state.

GOAL: To reduce Workers' Compensation fraud through effective and timely prosecution of criminal cases.

Objective #1: Respond to all referrals within 30 days as to whether an investigation will be opened in this office.

Objective #2: File 15 felony fraud cases each year.

Objective #3: Obtain at least 10 convictions each year on separate case filings.

Objective #4: Obtain restitution orders of at least \$150,000 annually.

Objective #5: Take at least one case per year to trial.

Objective #6: Communicate with the District Attorneys on the progress of cases within their jurisdictions, including a letter or e-mail notification on the results of cases closed within 30 days of the final disposition.

Objective #7: Meet at least quarterly with representatives of Pinnacol to discuss ongoing investigations and case progress, providing direction and assistance whenever appropriate.

Objective #8: Maintain a high level of expertise by sending the attorney and investigator to at least one training seminar annually.

GOAL: Increase awareness in the business community and the general public of the benefits of fraud reduction.

Objective #1: Publicize at least two major prosecutions each year relating to the prevention of workers' compensation fraud.

Objective #2: Prepare and publish at least one article each year directed toward the business community for submittal to relevant business publications/newsletters.

MEDICAID FRAUD

This unit prosecutes criminal Medicaid fraud cases throughout the state. The AG's authority to prosecute these crimes comes from C.R.S.24-31-101(1)(a) and the Governor's Executive Order D001787 of March 4, 1987, and 25.5-1-101, et.seq. The unit is funded by a matching federal and state contribution, currently 75% from federal and 25% from state monies. The state receives back at least 50% of all monies recovered as restitution. The unit currently consists of two attorneys, eight investigators, and a program assistant.

GOALS: To reduce the cost of Medicaid fraud by aggressively investigating and prosecuting Medicaid fraud in Colorado.

Objective #1: Open at least 45 investigations in FY'07 and '08, increasing this to 55 in FY'09 if new personnel are added. (See Objective #3).

Objective #2: Obtain at least 10 convictions each year on fraud cases, increasing this to 15 in FY'09 (See Objective #3).

Objective #3: Add 2 new investigators and 1 legal assistant in FY'08 which would be the first staff increase in 10 years.

Objective #4: Communicate at least monthly with other state agencies who refer cases to the unit for investigation. Respond to the referring agency within 45 days whether or not an investigation will be opened.

Objective #5: To obtain restitution for the state from Medicaid fraud cases of at least \$750,000 in FY '07 and '08, and \$1 million in FY'09.

Objective #6: Maintain a high level of prosecutorial and investigative expertise by sending all attorneys and investigators to at least one educational seminar each year.

GOAL: To reduce fraud by sharing expertise on a national and state level and by public education of the problem.

Objective #1: Participate in at least one global case each year that combines the efforts of federal and state authorities.

Objective #2: Present at least three trainings per year at both a state and national level to other professionals dealing with Medicaid-related issues in the private and public sectors.

CAPITAL CRIMES

Two attorneys, one investigator, and one administrative assistant comprise this unit. Its function is to support local District Attorneys in the investigation and prosecution of homicides that are or may become eligible for death penalty consideration. The unit provides whatever level of assistance is requested, from sharing copies of motions and responses to acting as co-counsel in court.

GOAL: To provide expert legal analysis and assistance to District Attorneys who are pursuing capital cases.

Objective #1: Respond within two working days to any DA who is requesting assistance from the unit.

Objective #2: Orient each DA's office on the resources available from the unit by contacting each office at least annually, making personal contact with each newly elected or appointed District Attorney.

Objective #3: Maintain a data base of motions, responses, and briefs that are regularly filed in death penalty cases and make these available to all prosecutors in the state upon their request.

Objective #4: In any matter in which a local DA has requested the AG's office to be responsible for the motions practice, ensure that the appropriate motions and responses are filed in a timely fashion in 100% of those cases. This includes briefs to the trial and appellate courts.

Objective #5: Maintain professional expertise by attending at least one educational seminar annually for the attorneys and investigator.

GOAL: To ensure the constitutional integrity of Colorado's death penalty statutes.

Objective #1: Stay current on legislative efforts related to the death penalty and provide accurate legal analysis and direction when requested.

Objective #2: Maintain familiarity with death penalty cases both state-wide and nationally through court opinions and having at least one unit member attend a national conference each year related to death penalty prosecutions.

VICTIM SERVICES

The sole victim advocate for the Attorney General's office is responsible for all victim contact and statutorily required notification on cases involving crimes enumerated in the Victim Rights Act. This includes cases handled on appeal and by the trial attorneys in the Criminal Section. The required duties for this unit are set forth in C.R.S. 24-4.1-302, *et seq.* and Colorado Constitution Art. II Sec. 16a.

GOAL: To keep victims informed of the proceedings for all criminal cases handled by the Attorney General's office.

Objective #1: Achieve 100% notification and provide additional appropriate support and referral services for all statutorily mandated cases.

Objective #2: Assist the attorneys and legal assistants with victim contact on major cases, regardless of whether the case is listed under the Victim Rights Act.

GOAL: Raise the level of awareness state-wide regarding victims' rights and the best practices for working with victims of crime.

Objective #1: Represent the Attorney General through participation in at least four organizations focused on the needs of crime victims in the state, such as COVA, CCASA, VALE, etc.

Objective #2: Follow all legislative efforts each session that are related to victim issues.

Objective #3: Present at least 3 trainings per year on victim rights issues, including at least one for AG staff.

Objective #4: Communicate with the victim advocates in each District Attorney's office, the Department of Corrections, Probation the Division of Youth Corrections, and community-based non-profits at least twice per year.

FOREIGN PROSECUTIONS UNIT

This is a unit of one investigator who functions as the liaison between the Mexican government and local law enforcement in Colorado on cases in which the Mexican authorities are being requested to prosecute Mexican nationals under Mexican laws (Article IV) for crimes that occurred in Colorado. This unit provides assistance in assembling required documentation and presenting cases to the Mexican government. This unit also supports extradition efforts between the two governments (Colorado and Mexico),

GOAL: To provide direction and assistance on any case wherein the local District Attorney is requesting prosecution of a Mexican national in Mexico.

Objective #1: Educate local law enforcement on the resources available through this unit by presenting at least two seminars annually available to prosecutors and law enforcement professionals.

Objective #2: Provide assistance to 100% of the agencies who contact the unit with a case that is prosecutable under Article IV.

Objective #3: File appropriate cases with correct documentation so that 100% of the filings are accepted by the Mexican government for prosecution.

Objective #4: Maintain an open case load of no more than 6 cases so that each matter receives timely and thorough attention.

Objective #5: Maintain a high level of expertise by attending at least one educational seminar each year related to Article IV prosecutions.

GOAL: To maintain the trust and cooperation of both governments in matters relating to the enforcement of criminal laws in Colorado and Mexico.

Objective #1: Share information fully with all pertinent jurisdictions on the status of relevant matters, including case progress, potential outcomes, and final resolution.

Objective #2: Communicate with representatives of the Mexican government at least monthly, including at least quarterly conversations with the local Mexican consulate.

Objective #3: Communicate with representatives of the Colorado Governor's office at least quarterly on matters relating to extraditions between the two governments and Article IV prosecutions.

Objective #4: Act as liaison between the two governments to assist in extraditions as requested and other matters that can benefit from the skills and relationships developed in this unit.

Objective #5: Educate the public concerning enforcement efforts by publicizing at least two major activities or cases each year.

PUBLIC SAFETY

There is one attorney assigned to provide legal services and counsel to the Department of Public Safety and the P.O.S.T. Board. The legal issues cover a broad spectrum including statutory interpretation, employment and personnel, police powers, and contracts. The attorney also reviews proposed agency actions and rules to ensure their legality and reduce the likelihood of future litigation. This attorney also provides legal representation in state and federal administrative, judicial, and appellate proceedings.

GOAL: To provide quality, timely legal representation to the Department of Public Safety and P.O.S.T.

Objective #1: Develop respectful, professional relationships with clients through frequent and regular communications. Communicate with representatives of P.O.S.T. and each of the divisions within Public Safety at least once per week.

Objective #2: Increase knowledge and understanding of the clients' major areas of responsibility by attending client conferences at least twice per year and visiting areas of operations at least 3 times per year.

Objective #3: Review and update agency practices and procedures at least annually to ensure compliance with current legal standards.

Objective #4: Respond to all client requests for information and direction within one week.

Objective #5: Assist boards within the client agencies in annual rule-making, drafting and filing all rules by the applicable due dates.

Objective #6: Represent P.O.S.T., C.D.P.S. and its subdivisions and boards in all litigation matters, pursuing settlement at the earliest possible time if settlement is appropriate, and aggressively defending matters that are not appropriate for settlement.

Objective #5: Maintain professional expertise by attending at least one education seminar annually.

GOAL: To reduce unnecessary litigation against the client agency.

Objective #1: Conduct trainings on personnel rules and practices at least annually for new supervisors in the department.

Objective #2: Provide legal updates on relevant case law and statutory changes at least annually.

Objective #3: Be available for consultation with agency representatives within two business days.

SECTION-WIDE CRIMINAL JUSTICE GOALS

To support the administrative functioning of the section.

Objective #1: Establish a consistent system of record-retention and data-base for retrieval of information by the end of FY'08. (see Objective #8 below)

Objective #2: Reduce the turn-over in administrative staff through better training and involvement with the teams of prosecutors and investigators. Ask each administrative assistant to attend at least two contested hearings or trial-days each year. Ensure that each assistant attends at least two in-house or outside trainings on relevant topics each year.

Objective #3: Increase efficiency by allowing more flexibility in the cross-over of staff from one unit to another and eliminating the time-consuming requirement for "billing" costs and hours to other state agencies. This would require a change in budget line restrictions which should be addressed in FY'08.

Objective #4: Increase communication and cooperation across the units within the section by having at least two section meetings per year to highlight accomplishments and discuss solutions to challenges among the units.

Objective #5: Reduce the prosecution cost impact of trials by inclusion in the state's reimbursement program administered by state judicial and CDAC. Do this by FY'08.

Objective #6: Record all case information on the state-wide data base through participation in the District Attorney's system run through CDAC. This will require

increased funds to CDAC to join their system and should be addressed in the FY'08 budget.

To support the investigative functions of the section.

Objective #1: Support criminal investigations by establishing a fund by the end of FY'07 that can be accessed by investigators for use with witnesses and confidential informants.

Objective #2: Maintain a high level of expertise through quarterly firearms training and qualifications, at least annual specific topic area educational seminars, and at least annual legal update presentations.

Objective #2: Add staff for the following positions: One FTE to assign to the Regional Computer Forensics Laboratory (RCFL); one FTE for permanent assignment to the North Metro Gang Task Force; one FTE to act as Chief Investigator, responsible for assigning and reviewing cases, overseeing training and required arrest and firearms qualifications, and handling special assignments from the OAG or Deputy. These should be done at least one per year starting in FY'08, and are separate from the requests for Medicaid Fraud as those units are funded and staffed in a different manner.

To support the needs of the OAG related to criminal law.

Objective #1: Provide a representative to all state-wide committees impacting Colorado criminal law, currently including CDAC, Colorado Gangs (CoG), ID Theft, Meth Task Force, Securities Fraud Working Group, Mentally Ill in the Criminal Justice System (MICJS), Safe Schools, and Safe2Tell, among others.

Objective #2: Review all legislative proposals in a timely fashion, responding to each requested bill review by the due date.

Objective #3: Identify trends in crime and assist the OAG in developing responses to rising criminal issues.

CIVIL LITIGATION AND EMPLOYMENT LAW STRATEGIC PLAN
2007

GOALS AND OBJECTIVES

GOAL #1: Develop and maintain a successful and well-regarded litigation section that aggressively and effectively represents the state, state agencies, state employees and state officials in administrative cases, state, and federal court cases and that is available to assist other sections in complex litigation

Objective 1: Provide an educational and supportive environment for the staff and attorneys to develop their legal and trial skills. Provide training courses, mock demonstrations, opportunities to “staff” cases, and educational materials. Pursue opportunities for the staff and attorneys to attend CLE’s to develop discovery, trial, and preparation skills.

- Negotiated discount rate for 6 attorneys to attend 3 week National Institute of Trial Advocacy training in 2 week intensive trial skills training
- Provided funding for several attorneys to attend the annual Colorado Employment Law training put on by the Colorado Bar Association
- Sent one attorney to a national seminar on the new federal electronic discovery retention rules
- Two attorneys presented an in-house training on the federal electronic discovery retention rules
- The First Assistant in the Employment Personnel Unit organized a mock trial among her newer attorneys who presented a case and made argument in front of a judge and jury. The Deputy was the judge and critiqued the presentations, as did the jurors.
- Each unit meets approximately monthly and discusses cases and strategies.

Objective 2: Provide quality legal representation to all state agencies and employees in state and federal tort and constitutional claims filed annually.

- Number of motions to dismiss and motions for summary judgment won versus number lost (last fiscal year):

Tort: won 39; lost 3

Objective 2: Cooperate with the United States and other supporting parties to successfully litigate the Federal water claims for the Great Sand Dunes National Park while assuring those rights remain within the Congress' statutory authorization.

GOAL #9: Work With the Department of Natural Resources to Protect Colorado's Interests in Endangered Species Recovery Efforts.

Objective 1: Support the DNR in its work with state and federal agencies, together with interested water users, to implement species recovery efforts in the Colorado, Platte, and Rio Grande River Basins.

ENVIRONMENTAL MATTERS

GOAL#10: Facilitate Timely and Effective Cleanup of Contaminated Sites, and Help Create Opportunities at Those Sites for Future Land Uses that Protect and Enhance Colorado's Quality of Life.

Objective 1: Support state efforts to expedite an effective cleanup and delisting of the California Gulch Site in Leadville and Lake County.

Objective 2: Together with CDPHE, promote a prompt, effective, and cost-effective remedy for each of the 12 operable units at the California Gulch Site that will protect human health and the environment.

Objective 3: Resolve the State's claims against Asarco for response costs and natural resource damages at the California Gulch Site, and other sites in Colorado for which Asarco has responsibility in the pending bankruptcy action.

Objective 4: Assist the CDPHE, EPA and the community to defer the Lincoln Park Superfund Site to State authorities under a radioactive materials license and delete the Site from the National Priorities List.

Objective 5: Provide legal support to CDPHE and the Division of Wildlife at the Eagle Mine Site to establish appropriate surface water standards for the Eagle River to support a viable aquatic community.

Objective 6: With other State Natural Resource Trustees, select and fund appropriate restoration projects to mitigate natural resource damages at the Eagle Mine Site.

Objective 7: Work with Department of Law budget staff, JBC analyst, and legislative leadership on long-term funding at an appropriate level for the state's CERCLA activities.

Objective 8: Maintain and enhance strong working relationships with federal, state and local authorities in implementing the CERCLA program.

GOAL#11: Aggressively Pursue Cleanup and Reuse of Contaminated Federal Facilities.

Objective 1: Initiate Natural Resource Damage Assessment for the Rocky Mountain Arsenal and resolve the State's claim through litigation or negotiation.

Objective 2: Assist CDPHE to ensure that the U.S. Army and Shell Oil Company establish a Trust Fund for long-term operation and maintenance at the Arsenal site.

Objective 3: Support local, state and Congressional efforts to integrate the 26-square-mile Rocky Mountain Arsenal with open space and river corridor protection efforts in surrounding jurisdictions.

Objective 4: Work with other states and federal natural resources trustees, citizens and affected local governments to develop appropriate restoration projects for injured natural resources at Rocky Flats.

Objective 5: Work with CDPHE, U.S. Department of Energy and U.S. Environmental Protection Agency (EPA) to provide regulatory oversight and to ensure effective implementation of the Rocky Flats Legacy Management Agreement.

Objective 6: Work with CDPHE to evaluate, enforce, implement, and accelerate cleanup at numerous current and former federal facilities, including the Pueblo Chemical Depot, the Air Force Academy, the Lowry Bombing and Gunnery Range, Buckley Field, Lowry Air Force Base, Fitzsimons Army Hospital, the Denver Federal Center,

and other “formerly used defense sites” and closing military bases.

Objective 7: Work with the National Association of Attorneys General (NAAG), the Governor, CDPHE, and Colorado’s Congressional delegation to lobby for legislation clearly establishing the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 sovereign immunity waiver.

Objective 8: Work with NAAG, the Governor, CDPHE, and Colorado’s congressional delegation to lobby for adequate funding for cleanup of federal facilities, particularly U.S. Department of Energy and U.S. Department of Defense facilities.

Objective 9: Protect the State’s interests regarding the proposed destruction of chemical weapons at Pueblo Chemical Depot, and cleanup existing problems to allow productive uses of the facility following the U.S. Army’s withdrawal.

GOAL #11: Protect Colorado’s Citizens and Lands from Dangers of Mismanaged Hazardous and Solid Wastes.

Objective 1: Assist the Hazardous Materials and Waste Management Division (HMWMD) in continuing to implement an innovative and effective hazardous waste management and enforcement program.

Objective 2: Work with HMWMD to develop and implement a model solid waste management and enforcement program.

Objective 3: Counsel HMWMD in efforts to clarify and strengthen state solid waste statutes and regulations.

Goal # 12: Protect Colorado's Citizens and Our Environment from Air and Water Pollution and Radiation Hazards.

Objective 1: Assist the Air Pollution Control Division (APCD), Water Quality Control Division (WQCD), and Laboratory and Radiation Services Division (LARS) to require compliance with environmental laws.

Objective 2: Aggressively prosecute people and companies who break the environmental laws.

Objective 3: Assist the APCD, WQCD, and LARS to develop educational programs to teach Colorado's citizens and industry about the dangers of uncontrolled pollution and how to actively protect the environmental quality of Colorado.

Goal # 13: Assist in Promulgation and Implementation of Environmental Programs to Protect Colorado's Air and Water.

Objective 1: Assist the Air Quality Control Commission (AQCC) and CDPHE to adopt and implement rules and negotiate contracts relating to changes in the Automobile Inspection and Readjustment Program, including increased motorist convenience through greater remote sensing.

Objective 2: Assist the APCD and AQCC in protecting visibility in National Parks and other "class I" areas, by requiring installation of Best Available Retrofit Technology at specified sources.

Objective 3: Assist the AQCC and AQCD in promulgating and implementing rules that will regulate mercury emissions from coal-fired power plants for the first time.

Objective 4: Work with the APCD and AQCC to maintain the Denver area's attainment designation for ozone, and obtain any additional emissions reductions necessary to maintain such status.

Objective 5: Assist the WQCC and WQCD in promulgating and implementing new temperature standards to preserve and protect Colorado's diverse aquatic community.

Objective 6: Work with the WQCD and EPA to resolve pending national stormwater enforcement cases, and obtain cash penalties and Supplemental Environmental Projects to benefit Colorado.

Objective 7: Work with Colorado's Congressional delegation and other interested parties to seeking to obtain "Good Samaritan" legislation for the cleanup of abandoned mining sites.

Objective 8: Work with WQCD, APCD, DNR, federal agencies and industry to ensure that development of oil shale in Colorado is done in an economically and environmentally protective manner.

Goal # 14: Address Environmental Impacts Caused by Fire and Drought.

Objective 1: Assist the APCD and the AQCC to develop strategies to mitigate air pollution caused by wild fires and prescribed burns and any resulting air quality standard exceedances.

Objective 2: Assist the WQCD and the Water Quality Control Commission (WQCC) to develop strategies to mitigate the water pollution caused by erosion and contaminated runoff resulting from wild fires and any resulting water quality standard exceedances.

Objective 3: Assist the WQCD and the WQCC to develop strategies to address adverse water quality impacts arising from drought conditions.

GOAL #15: Maintain Effective and Productive Working Relationship With EPA.

Objective 1: Together with the Governor, CDPHE and DOLE, obtain EPA approval of pending program delegations and program amendments.

Objective 2: Together with the Governor and CDPHE, resolve disputes with EPA over EPA's oversight of delegated environmental programs.

NATURAL RESOURCES MATTERS

GOAL #16: Resolve Jurisdictional Issues Regarding Oil and Gas Extraction.

Objective 1: Assist the Colorado Oil and Gas Conservation Commission (COGCC) to determine and resolve overlapping jurisdiction issues with other state agencies concerning oil and gas extraction, particularly with the Colorado Air Quality Control Division.

Objective 2: Represent COGCC in litigation relating to local government regulation of oil and gas activities.

GOAL #17: Provide Legal Advice and Representation Regarding Oil Shale Development in Colorado.

Objective 1: Participate in federal-state team meetings regarding oil shale development in Colorado including on five research, development and demonstration projects located on federal land managed by the Bureau of Land Management.

Objective 2: Assist the Division of Reclamation, Mining and Safety in regard to oil shale development including legal representation at administrative hearings on permit applications filed by companies conducting five research, development and demonstration projects.

GOAL #18: Provide Legal Advice and Representation Regarding Uranium and Vanadium Mining in Colorado.

Objective 1: Assist the Division of Reclamation, Mining and Safety in regard to mining operations involving uranium and vanadium including legal representation at administrative hearings concerning such operations.

GOAL #19: Provide Guidance to the State Board of Land Commissioners to Protect State Trust Lands.

Objective 1: Represent the State Board of Land Commissioners and its staff in legal issues involving the Lowry Range.

Objective 2: Advise and represent the State Board of Land Commissioners in matters affecting trust lands including real estate contracts, oil and gas royalty disputes and clean up of property such as the National Hog Farm site.

Objective 4: Support efforts to maintain the independent authority of the State Engineer's Office in litigation concerning water rights.

Objective 5: Provide legal advice to the Interbasin Compact Committee.

GOAL #5: Work with the Department of Natural Resources, the Division of Wildlife and the Department of Parks to Address the Water Needs of these Agencies.

Objective 1: File for and obtain water rights necessary to support State Parks and State Wildlife areas.

Objective 2: Provide legal advice and representation to protect existing water rights for current State Parks and Wildlife Areas.

Objective 3: Continue to assist Department of Parks to assess future water needs for Parks resources.

GOAL #6: Help Resolve Indian Reserved Rights Issues in Southwestern Colorado Related to the Animas-La Plata Project.

Objective 1: Resolve issues pending after the State's recent victory in District Court regarding the Animas-La Plata Project.

Objective 2: Work with the parties to Indian reserved rights litigation and settlement to complete implementation of settlement.

GOAL #7: Push for Resolution of Federal Reserved Water Right Claims of the U.S. Forest Service in Water Divisions 2 and 7.

Objective 1: Vigorously pursue quantification and resolution of the U.S. Forest Service claims in Divisions 2 and 7.

Objective 2: If quantification or other issues cannot be resolved, vigorously litigate in opposition to the U.S. Forest Service claims in Divisions 2 and 7.

GOAL #8: Resolve Claims for Federal Reserved Rights and Federal Appropriative Rights of the U.S. Forest Service and Bureau of Land Management.

Objective 1: Vigorously pursue final decrees in outstanding cases to finally decree federal rights or have those rights denied.

GOAL #3: Proactively Represent the State on all Matters Relating to the Colorado River.

Objective 1: Counsel and represent the Governor, the Colorado River Commissioner, the DNR Executive Director, and the Colorado Water Conservation Board (CWCB) on existing and potential litigation over the Colorado River and the Colorado River Compact.

Objective 2: Prepare an electronic indexed and searchable library of Colorado River information, documents, research, correspondence, legislative history, legal research, and other material relevant to possible interstate litigation over the Colorado River Compact and the Law of the Colorado River.

Objective 3: Support Colorado's interests in ongoing interstate negotiations regarding the administration and operation of the Colorado River.

Objective 4: Represent Colorado's interests on the legal committee of the Upper Colorado River Compact Commission.

Objective 5: Advise the State Engineer on intrastate administration and operation of Colorado water rights subject to the Colorado River Compact, including the promulgation of rules.

Goal #4: Work With the Department of Natural Resources, the State Engineer, and the Colorado Water Conservation Board to Anticipate and Address the Major Legal Battles Concerning Water Supplies Needed for Colorado's Existing Uses and Growth.

Objective 1: Provide quality legal representation to the State of Colorado in approximately 1,000 active water cases.

Objective 2: Advise CWCB regarding financial grants and TABOR restrictions.

Objective 3: Work with the State Engineer to support efforts to develop and implement policies that resolve current conflicts between well users and surface water users.

NATURAL RESOURCES & ENVIRONMENT SECTION
GOALS AND OBJECTIVES

GENERAL

GOAL #1: Protect and Defend the Interests of the State of Colorado and its Citizens in the Environment and Natural Resources.

Objective 1: Provide high quality, timely, and effective legal representation to the Governor and the Departments of Natural Resources (DNR), Public Health and Environment (CDPHE), and Labor and Employment on natural resources and environmental matters.

Objective 2: Provide an educational and collegial environment for attorneys and support staff to develop their substantive knowledge of natural resource and environmental law and their legal skills.

WATER MATTERS

GOAL #2: Aggressively Safeguard the State's Interests in all Interstate Compacts and Equitable Apportionment Decrees for Interstate Rivers.

Objective 1: Vigorously represent State interests in all pending interstate litigation to which Colorado is a party.

Objective 2: Resolve litigation on the Arkansas River and develop an appropriate process to resolve or avoid future controversies between Kansas and Colorado.

Objective 2: Analyze developments on the Rio Grande River and act to protect Colorado's compact entitlements.

Objective 3: Work with the State and Division Engineers to resolve issues with New Mexico concerning implementation of the Costilla Creek Compact, including drafting an operating manual for the compact.

Objective 4: Prepare to defend Colorado against any future litigation by Nebraska over the South Platte Compact.

Objective 5: Work with the Republican River Water Conservation District to assure Colorado's future compliance with the Settlement Agreement reached on the Republican River.

- The Employment Personnel attorneys and staff presented 15 training sessions to 12 agencies regarding personnel matters
- This past fall, several members of the section presented a half day mock trial involving an employment issue to the annual conference of state Human Resources personnel

GOAL #10: Maintain an open and positive relationship with Clients

Objective 1: Respond to requests from clients in a timely and appropriate fashion.

- Clients report a high level of satisfaction with the legal work provided as well as the advice provided.
- Anticipate areas in which clients might need advice and be proactive in providing it.

GOAL # 11: Continue to be active in civic and bar association activities outside the office that reflect well on it

Objective 1: Serve on boards or committees of civic and legal groups

- Continue to be a member of the Supreme Court/Ct. of Appeals Judicial Selection Commission
- Represent the office on the Legal Aid Foundation Board of Trustees
- Member of the Citizens Appreciate Police Board
- Coach, Constitutional Scholars team, East High School
- Mayoral Trustee to the Denver Botanic Gardens Board of Trustees

GOAL #12: Handle various tasks for the Attorney General

Objective #1: Handle certain tasks for the office; handle any special assignments requested by the Attorney General

- Prepare the annual State Controller's letter reflecting major cases in the office
- Evaluate whether to sign on various amicus briefs
- Prepare amicus brief in cases in which we are composing one
- Continue to participate in the domestic violence initiative in the office
- Continue to monitor any further developments in the Columbine case

Objective 4: Obtain attorneys' fees when possible

- Last fiscal year, obtained an order for \$10,305 in attorneys' fees

GOAL #7: Centralize the intake function and train those on the front desk regarding proper procedures

Objective 1: Ensure timely processing of summons and complaints and other court documents

- One of our paralegals prepared a written training procedure for the front desk receptionists and has met with them to go through the procedures.
- The intake function has been centralized and seems to be working well.

GOAL #8: Represent the Attorney General in Matters of Statewide Interest concerning Civil Litigation

Objective 1: Represent the Attorney General on committees to consider legislation in the area of governmental immunity, civil damages, court procedures, and other areas that impact civil litigation.

Objective 2: Participate in associations of attorneys addressing procedural and substantive issues regarding civil litigation.

Objective 3: Assist in drafting legislation proposed or supported by the Attorney General; testify if necessary.

GOAL #9: Prepare and Deliver training to client agencies regarding lawsuits, the CGIA, and employment matters

Objective 1: Plan and deliver a presentation to various state agencies re: procedures when an agency or individuals are sued and re: the Colorado Governmental Immunity Act.

- This has been prepared and delivered to several state agencies, primarily through Risk Management.

Objective 2: Make presentations at agencies and conferences of state agencies regarding employment issues

- The Employment Tort unit participated in 16 training sessions last year on issues related to employment ranging from FLSA requirements to disciplinary proceedings

- This was achieved 100% last year.

Objective 2: Provide complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.

- Twelve were prepared last year

Objective 3: Vigorously prosecute all cases of employment, housing and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issues a formal opinion

- Successfully represented the agency in two hearings; won both
- Represented the agency in two appeals; results still pending
- Settled 4 cases

GOAL #6: Maintain Excellent Relationship with the Division of Risk Management

Objective 1: Provide quick and accurate legal advice to the Risk Manager concerning the varied legal issues which arise in connection with lawsuits against the state and governmental immunity questions.

- This objective was met this past year with several meetings and other forms of communication

Objective 2: Provide the Risk Manager with the periodic updates on cases she has requested.

- Each attorney is to update case management reports on a regular basis; need to work on making sure this gets done in a timely fashion

Objective 3: Continue to increase the efficiency of the State Claims Board. Provide advice to the Attorney General regarding proposed procedures and rules of the Claims Board.

- Proposed rules have been presented the Board and will be revised and promulgated this year

Objective 4: Process notices of claims in a prompt, consistent, and accurate fashion pursuant to the needs of Risk Management.

- Notices of claims are processed shortly after receipt

Objective 2: Keep caseload current by bringing to conclusion 75% of cases within 2 years of filing action

- Last fiscal year, the Transportation Unit concluded 87% of its cases within two years

Objective 3: Review and provide legal analysis of legislative proposals affecting CDOT and the Transportation Commission within 5 days of receipt of request. Testify on bills proposed and supported by the Attorney General.

- This was accomplished this past fiscal year.

Objective 4: Provide excellent legal representation in the approximately 85 cases filed annually by CDOT and against CDOT concerning acquisition of rights of way, billboard matters, condemnation, environmental and other issues.

Objective 5: Review and provide legal advice in a quick turnaround time concerning hundreds of contracts in which CDOT is involved on an annual basis.

- Reviewed 405 contracts last fiscal year with a turn around time of 3.5 days (statewide average if 4 days)

Objective 6: Attend Transportation Commission meetings and provide legal opinions on issues raised

- One of the Transportation attorneys attends these meetings on a regular basis

Objective 7: Develop expertise in construction litigation and disputes. CDOT has experienced an increase in construction disputes.

- Three of our attorneys participated in a highly contested construction arbitration this past year.
- One attorney is developing expertise in this area and we expect to handle more of these cases in the future.

GOAL # 5: Provide timely, current and complete legal advice to the Colorado Civil Rights Division of the Colorado Civil Rights Division

Objective 1: Research, prepare and submit legal memoranda on transactional questions and legal issues to the CCRD within 30 days of request

- Approximately 900 individual damages cases have been resolved; continue to represent CDOT in the remaining 400 or so cases both in hearings and in writing briefs
- We are holding monthly meetings here at our office with Operations and Clinical managers from CDOC to review steps taken to come into compliance with programmatic requirements; slow progress is being made
- Structural compliance has been achieved

Objective 6: Review proposed and pending legislation affecting CDOC within 5 days of receipt.

- The section was able to meet this objective in 100% of the requests.

Objective 7: Coordinate closely with the Appellate Division re: cases that impact DOC and the OAG.

Objective 8: Represent the Attorney General on committees addressing sentencing and confinement issues. Advise the DOC regarding proposed legislation affecting confinement and sentencing issues. Testify and assist in drafting legislation proposed or supported by the Attorney General.

- The First Assistant represents CDOC on committees addressing sentencing issues. As additional committees are formed, members of the section will participate and advise legislators and CDOC.

Objective 9: Attend annual state judicial conference to present to judges current developments in sentencing laws and recurring legal issues concerning inmate litigation

Objective 10: Obtain attorneys' fees or cost of care amounts for frivolous lawsuits

- Obtained an order for \$60,547 in cost of care this fiscal year; \$20,000 in attorneys' fees ordered to CDOC; in one case, fees have been ordered but the amount hasn't been set yet.

GOAL #4: Provide timely, accurate and responsive legal advice to the Colorado Department of Transportation.

Objective 1: Handle CDOT condemnation actions and save the State money in acquiring real property for less money than the landowner demands

- Resolved 13 condemnation cases; saved \$1,248,000

Objective 1: Assist the Department in identifying legal issues of public interest and provide thorough and thoughtful legal advice regarding such issues. Maintain close contact with DOC to provide counsel as needed.

- Provide answers to requests for advice within 10 days of request
- The Corrections Unit had approximately 234 requests for advice from DOC last fiscal year; 100% were answered within 10 days.

Objective 2: Maintain close liaison with national organizations such as the National Institute of Corrections and the National Association of Attorney Generals in matters of national interest, such as the Supermax, Hepatitis C, religious diet lawsuits and bankruptcy issues. Participate in presentations regarding these issues at national and regional conferences.

- Make presentations at the national conference of the National Institute of Corrections

Paul Sanzo, First Assistant for Corrections, has spoken at the last 5 annual conferences on the state of the law with respect to corrections.

Objective 3: Provide quality legal representation to the Dept. of Corrections and other state agencies in prison discipline challenges

- Win cases at the trial court

DOC figures for winning motions and trials in prison discipline matters are included in the figures previously reported.

- Win prison discipline cases on appeal

In addition, the attorneys on these cases prevailed on these cases on appeal 93% of the time (56 appeals won; 6 lost)

Objective 4: Provide quality representation when the agency is served with a subpoena duces tecum.

- The unit won every motion for protective orders or motion to quash in every case in which a party sought privileged or confidential records or files.

Objective 5: Assist CDOC in coming into compliance with the Remedial Plan in Montez v. Owens by July 27, 2007 without the necessity of a hearing

- This past year our section presented a seminar on the requirement for electronic records to be retained pursuant to the Federal Rules of Civil Procedure.
- Information about available seminars outside the office is disseminated by Deputy throughout the entire office.

GOAL #2: Handle personnel matters for all state agencies aggressively and successfully.

Objective 1: Win 70% of cases that go to mandatory hearing in the State Personnel Board

- Last year, 112 mandatory hearing cases were opened by SPB; 25 hearings were held; state won 14; lost 6; and 5 were modified. (56%)

Objective 2: Oppose petitions for discretionary hearings in cases where the employee does not have a right to a hearing, such as final agency grievance decisions; win 85% of these

- 86 petitions received by SPB; 46 cases briefed; won 39 (85%); lost 7

Objective 3: Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges; win 75% of appeals

- 9 appeals; won 6 (67%); Board modified or reversed 3

Objective 4: Represent state agencies successfully in appeals from decisions of State Personnel Board to the Colorado Court of Appeals

- 6 appeals; won 3; lost 3

Objective 5: Settle personnel cases that should be settled for a reasonable amount

- 112 cases set for hearing; 59(53%) settled

Objective 6: Win personnel cases on dispositive motions

- Of 112 cases set for hearing, 20 (18%) were dismissed on motion

GOAL #3: Provide timely, accurate, and responsive legal advice to Department of Corrections

- We have successfully trained all attorneys and staff regarding electronic filing. We have not had any complaints regarding the use of e-filing.
- We have used the services of IT in several cases that have gone to trial so the attorneys can present evidence through the use of electronic means. We continue to learn about new ways to present this evidence.

Objective 4: Monitor progress of cases through monthly attorney and staff reports.

- Monthly status reports are prepared and sent to:
 - Risk Management
 - Dept. of Corrections
 - Community Colleges
 - Colorado State University
 - Colorado Mental Health Institute in Pueblo
 - Dept. of Agriculture
 - Dept. of Public Safety
 - Dept. of Transportation
- Monthly reports are kept by all Tort lawyers
- A weekly summary of developments in Corrections cases is prepared by the First Assistant in Corrections and submitted to the client.

Objective 5: Reduce the use of outside counsel except in conflict cases and develop an efficient system to monitor the progress of their cases.

- Outside counsel are required to submit monthly reports regarding their cases
- Last fiscal year, only 6 cases were sent from Corrections to outside counsel; previous fiscal year, 42 cases were sent from Corrections to outside counsel
- 10 conflicts cases were sent to outside counsel in employment cases.

Objective 6: Provide general litigation support for the entire office. Provide litigation CLE programs for attorneys and staff throughout the office.

- Our attorneys frequently are asked to consult on cases throughout the office.

Employment Tort: won 12 in full; 2 in part; lost 2
Corrections: won: 149; lost 87 (63%)
Subsequent Injury fund and Major Medical Insurance Fund: won 2; lost 0

- Take cases to trial as necessary; win at trial and hearings

Tort: only had one trial; lost it
Employment Tort: 2 trials; won one in full; won the other in part (verdict for \$300,000)
Corrections: 17 trials and hearings; won 14; lost 3
SIF and MMIF: one case went to hearing and the state won
Civil Rights Commission: two hearings; state won both

- Win cases on appeal or petitions for certiorari

Tort: 12 appellate decisions: won 11; lost 1
Opposed 3 petitions for cert; won all 3
Employment Tort: 2 decisions; won 2
Corrections: 40 decisions; won 38; lost 2
SIF and MMIF: 5 decisions; won 4; lost 1

- Settle cases favorably for the state where appropriate

Tort: settled 21 cases; paid \$632,954; demand: \$2,790,439; savings to state: \$2,157,485
Employment Tort: settled 15 cases; paid \$881,000; demand: \$5,840,000; savings to state: \$5,000,000
Corrections: settled 5 cases; paid \$257,650; demand: \$541,000; savings: \$283,350
SIF and MMIF: settled 5 cases; no money paid
Civil Rights: settled 4 cases - figures not available

- Obtain voluntary dismissals

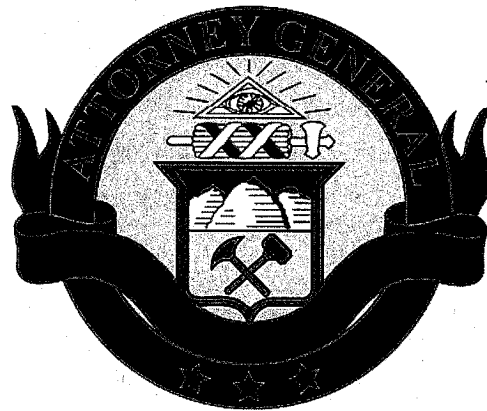
Tort: 11 voluntary dismissals by plaintiffs; 7 court dismissals

- Save Risk Management money by aggressive defense

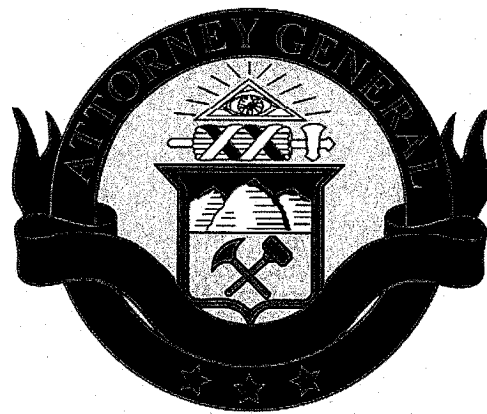
Tort: total savings last year (winning motions, trials, settling cases): \$8,616,742
Employment Tort: \$2,000,000

Objective 3: Train legal assistants and attorneys in the use of technology in the courtroom. Familiarize staff with the requirements for exhibits in federal court. Prepare for increased use of technology in trials.

Department of Law Summary Objectives



Administration Summary Objectives



ADMINISTRATION

Administration	Actual	Actual FY07	Est. FY08	Req FY 09	Projected FY10
Objective: 1.1	The goal of the Administration and Planning Section is to provide a high quality of service to the staff of the Department of Law, and to client agencies. This section will continue to analyze and adjust processes and services to meet the changing needs of the Department with existing staff levels for as long as it is feasible to do so.				
Measure: 1.1 Continue upgrades and improvement to the Attorney General Information System (AGIS), the billing, calendaring, docketing and case management system.	Work is, and will continue to be, on going on the case management system as this will be an ever changing system due to the innovations in technology in the practice of law. The upgrade to the latest version of the billing software will be completed in FY08.				
Measure: 1.2 Provide training and consulting for our legal staff to maximize the benefits of using the new Attorney General Information System for case information and management.	On-going. The AGIS system is being refined, as new processes become available to make the most effective and efficient use of the system for case management, calendaring, and docketing of cases.				
Measure 1.3 Implement electronic filing of documents with the courts.	Implementation was begun in early August 2004 with the training of staff who were being mandated by courts to use e-filing. Shortly after, all Department staff with filings in state courts were encouraged to enroll in the training and begin filing documents electronically. E-filing in federal courts began in the second quarter of FY06. Staff members have successfully completed a number of filings in both state and federal court systems. Training classes and enrollment in the e-filing system will continue as an on-going process as turnover occurs.				

<p>Measure 1.4 Implementation of e-law to meet court requirements for electronic courtroom presentations.</p>	<p>Expansion of this function is dependent on budget availability, and/or reprioritization of IT projects. E-law continues to be an important area of emphasis for IT in the Department due to ever-increasing requirements for electronic courtroom presentations, capability for e-filing of court documents, and growing emphasis on electronic sharing of information rather than paper production. Some e-law functionality was implemented in FY 03 at the risk and cost of other priorities because of the federal court requirements instituted with the opening of the new federal courthouse. The Department started a litigation support function in the ISU four years ago with that one FTE. The Department now has five IT FTE focused on E-Law activities. These positions provide Department-wide consulting, training, and technical support. The Department is focusing on multi-media presentation, electronic organization of case materials, and fundamentals of equipment setup and use during FY07. The audience for the effort will be the Departmental litigation teams as well as all Departmental managers and supervisors. Additionally, the E-Law team investigates new software and hardware appearing on the market to assess its applicability for use in the Department.</p>
<p>Measure 1.7 Obtain office space necessary to accommodate the 40 plus FTE growth in the Department these past two fiscal years.</p>	<p>The Department is beginning negotiations with the Department of Personnel and Administration for first floor office space in the State Services Building. Currently the first floor space is used by DPA as "swing space" to move folks from the Capital Building while it is undergoing renovation. The Capital renovation is to be completed in December of 2008. This would free up badly needed space in January 2009.</p>
<p>Measure 1.8 Implement training and technical support in e-law, including CLE's related to e-law and office productivity.</p>	<p>The Department conducts ongoing CLE's training on case organization and courtroom presentations.</p>

<p>Measure 1.9 Increased IT support for consumer protection initiatives especially with regard to seniors.</p>	<p>On-going as time and budget allows. Consumer Protection initiatives such as no-call, the senior fraud clearinghouse, the Colorado Consumer Hotline, and partnerships with the Better Business Bureaus of Colorado and A.A.R.P. have placed increasing demands on the Department's IT expertise. Integration of data, building of databases, and specialized programming are just part of this process. The DOL has provided support for the Consumer Protection unit in the above areas as well as major settlement activities including Invesco, General Steel, etc. In order to support these areas, senior ISU staff has been active in the high priority work while lower priority tasks, including document scanning, were outsourced. Use of outsourcing for some of these functions is necessary due to the limited in-house staff resources, and the number of IT projects currently being handled.</p>
<p>Measure 1.10 E-law University</p>	<p>Development of curriculum and implementation of educational programs began in FY 05. Educational programs continue in FY 06 and FY07. This program is designed to provide in-depth training needed by paralegals and attorneys to stay current on ever changing innovations in the use of technology to practice law, to meet court mandates with regard to technology, and stay competitive with private counsel.</p>
<p>Measure 1.11 Develop in-house training for Department staff on such issues as Progressive Discipline, Fair Labor Standards Act, Performance Planning and Evaluation.</p>	<p>The Department continues to offer this type of training in addition to developing other training modules, time, budget, and staff resources permitting. Beginning in the second quarter of FY06, on-line training has been offered to staff to allow them 24/7 access to the courses.</p>
<p>Measure 1.12 Implement a system for the purposes of leave keeping for all Department staff, including leave use and accrual and for tracking time for all overtime eligible employees for FLSA purposes.</p>	<p>In FY09 the Department will began to explore the options available for an automated leave tracking system that can be used by both billing timekeepers and non-billing employees that will integrate with our timekeeping/billing system. By automating this function, the Department hopes to realign administrative support tasks to better meet the changing business needs of the Department.</p>

Objective 2.1 Upgrade the Security of the State Services Building

Obtain funding to implement the recommendations of the CDPS Rubicon critical infrastructure Protection Team including the Management of automated security entry system for DOL floors in the State Services Building

Measure 2.1 Maintain and manage keyless entry system

Control access cards, reprogram entry doors to ensure that only valid active cars can activate the keyless entry system.

Measure 2.2 Establish a security presence in the State Services Building

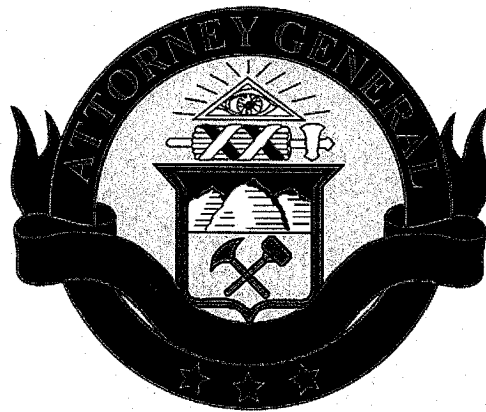
Request funding for State Patrol Officer to patrol building during business hours.

Objective 3.1 Obtain additional staffing in the Financial Unit

Measure 3.1 Continue the timely and accurate processing of all accounting transactions

Request funding for an additional FTE in financial unit to keep up with the growth in Departmental FTE and accounting transactions.

Legal Services to State Agencies Summary Objectives



LEGAL SERVICES TO STATE AGENCIES

BUSINESS AND LICENSE SECTION

Business & Licensing Medical and Professional Boards Units	Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Timely resolve cases referred by the Boards for disciplinary, licensure denial and injunctive action.				
Measure 1.1.1. Settle or file charges on 90% of all active cases referred to the OAG within one year of the date of referral.	Target			90%	90%
	Actual			85%	
Objectives 2.1	Provide excellent legal services.				
Measure 2.1.1. Prevail on all disciplinary hearings in the Office of Administrative Courts.	Target			100%	100%
	Actual			98%	
Measure 2.1.2. Refine legal practices to develop increased consistency of legal opinions and processes between Boards in specified target areas.	Target			80%	90%
	Actual			80%	
Measure 2.1.3. Offer training to all Board staff and Board members regarding legal and ethical rights and responsibilities.	Target			75%	90%
	Actual			75% ¹	

Financial Unit	Actual FY 06	Actual FY 07	Actual FY 08	Est. FY 09	Projected FY 10
Objective 1.1:	Aggressively and timely prosecute and resolve regulatory and licensing actions.				
Measure 1.1.1: Settle or file	Target			90%	90%

¹ The training during FY 07 was provided to most Board members and some Board staff. The goal in FY 08 is to include all Board members and Board staff, other than those who are not available at the time of the training.

cases on 90% of all active cases referred to the OAG within one year of the date of referral.	Actual			90%		
Objective 2.1:	Effectively and Efficiently serve the interest of our clients.					
Measure 2.1.1: Prevail on all litigation matters referred from client agencies.	Target			100%	100%	
	Actual			90%		
Measure 2.1.2: Achieve feedback from client agencies through surveys concerning their satisfaction with efficiency, effectiveness and quality of legal service.	Target			100%	100%	
	Actual			100%		

Revenue		Actual FY 06	Actual FY 07	Est. FY 08	Req FY09	Projected FY 10
Objectives 1.1	Assist Litigation Staff with early identification and development of issues to be presented at hearings within 10 business days of a request for representation on a specific case.					
Measure 1.1.1. In cases where Revenue statutes have not been interpreted by the Courts, Revenue attorneys assist with research and rule making, review the evidence used by Revenue to make its initial decisions and participate in negotiations to settle disputes before litigation.	Target	95% ²	95%	95%	95%	
	Actual	100%	95%	95%		
Objectives 2.1	Assist Litigation Staff with management of discovery requests and responses. Represent Revenue decision-makers, meeting the Court's/Board's timelines.					

² The Revenue clients mostly praised the work that the attorneys performed. The Revenue clients expressed appreciation for our representation of gaming, motor vehicle and tax clients. Revenue also expressed a concern about disputes between its Dealer Board staff and the line AAGS. The team changed the Dealer Board attorney recently to improve the relationship.

Overall, the responses received for the Revenue Unit from our clients merit a 95% approval rating.

Measure 2.1.1. In cases where Revenue is sued (a taxpayer, driver or licensee appeals a Revenue decision) upon service of the AG and Revenue cases are opened and answers are filed and trials or appeals are pursued.	Target	95%	95%	95%	100%	
	Actual	100%	100%	100%		
Objectives 3.1	Training new Revenue managers regarding litigation timelines and recognizing legal issues that have wide implications, especially in taxation and Gaming.					
Measure 3.1.1. Development of tax and Gaming policies.	Target	95%	95%	95%	95%	
	Actual	100%	100%	100%		
Objectives 4.1	Improve representation of Litigation Staff by increasing subject matter expertise.					
Measure 4.1.1. Develop an internal library of authorities on gaming, taxation, dealers and driver appeals law and bankruptcy.	Target	0%	95%	95%	95%	
	Actual	50%	60%	65%		

Business and Licensing Public Utilities Commission		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Assist Litigation Staff with early identification and development of issues to be presented at hearings.					
Measure 1.1.1. In cases where advice letters and applications have been filed with the PUC, upon receipt of direct testimony, set up and maintain regular meeting schedules with the client.	Target	100%	100%	100%	100%	90%
	Actual	100%	100%	100%	100%	
Objectives 2.1	Assure early attorney involvement in all cases.					
Measure 2.1.1. Attorney assignment to cases within 48 hours of receipt of requests for counsel	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%	100%	

Objectives 3.1	Training Litigation Staff regarding: 1) the necessary documents which must be received by the PUC Unit to properly and efficiently process requests for counsel and generate intervention documents, and 2) how to properly prepare confidential testimony and exhibits to meet the requirements of Commission rules.					
Measure 3.1.1. Provide semi-annual in-house training to Litigation Staff.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%	100%	
Objectives 4.1	Open 80 or more new cases.					
Measure 4.1.1. Close 80 or more cases.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%	100%	

STATE SERVICES

State Services Public Official Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Respond to election questions, prosecute cases and defend against constitutional challenges.					
Measure 1.1.1. Represent Secretary of State in election cases. Successfully defend challenges to Secretary's decisions in federal and state courts	Target			100%		
	Actual					
Measure 1.1.2. Defend challenges to Campaign and Political Finance in federal and state courts.	Target			100%		
	Actual					
Objectives 2.1	Prosecute bingo-affle cases on behalf to Secretary of State.					
Measure 2.1.1. Review charges for possible action within 30 days after a matter is referred to this office.	Target			100%		
	Actual					
Objectives 3.1	Defend challenges to title setting board decisions					
Measure 3.1.1. Enter appearance and defend Title Board in cases challenging title board decisions.	Target			100%		
	Actual					
Objectives 4.1	Barber v. Owens					

Measure 4.1.1. Defend appeal of transfer of cash funds to general fund	Target			100%		
	Actual					
Objectives 5.1	Defend challenges to the approval of ballot initiatives.					
Measure 5.1.1. Prepare for potential challenges to various initiatives that may appear on the ballot, including right to work, human life and affirmative action	Target			100%		
	Actual					
Objectives 6.1	Requests for opinions					
Measure 6.1.1. Provide advice with 30 days of request.	Target			100%		
	Actual					
Objectives 7.1	Defend Judicial Department.					
Measure 7.1.1. Defend Judicial Department in bankruptcies, Rule 106 cases, and other matters	Target			100%		
	Actual					
Objectives 8.1	Prevail on all judicial appeals of PUC decisions in state and federal court This includes: representation of the PUC in the consolidated arbitration appeals to the 10 th Circuit Court of Appeals (<i>Qwest v PUC - 06-1132</i>); and representation of the PUC in other pending appeals at the 10 th Circuit including <i>PUC v. Western Wireless (06-1156)</i> and in the Boulder District Court (<i>City of Boulder v. Public Service Co. of Colo and PUC – 2006CV535</i>). Representation of the PUC in pending appeals of the PSCo rate case decision and appeal of PUC towing rules in Boulder County Dist. Court.					
Measure 8.1.1. Successful outcome in appellate matters involving PUC decisions.	Target			100%	100%	
	Actual			100% Received favorable outcomes in <i>Qwest v. PUC</i> matter and <i>Western Wireless v. PUC</i> matter	Oral arguments are pending in Boulder County Dist. Court matters	
Objectives 8.2	Provide on-going, comprehensive, timely and accurate legal assistance to the PUC regarding the requirements and follow-on dockets regarding the review and setting of Qwest's wholesale rates it charges competitive local exchange carriers.					

Measure 8.2.1. Meet all schedules and deadlines in this matter according to PUC procedural schedule.	Yes		X – We have met all deadlines in this matter.	X – We have met all deadlines in this matter.	X	
	No					
Objectives 8.3.	Provide comprehensive and timely legal assistance to the PUC regarding PSCo Phase I electric rate case to be filed 10/07, including legal research regarding use of a future test year to set rates, cross examination of witnesses on behalf of the Commissioners, recommendations to Commissioners on legal issues regarding rate case and preparation of PUC Orders on rates.					
Measure 8.3.1. Meet all schedules and deadlines in this matter according to PUC procedural schedule.	Yes			X – This matter is scheduled to begin in late October, 2007	X	
	No					
Objectives 9.1	Provide comprehensive and timely legal assistance to the PUC regarding PSCo resource planning application to be filed 10/31, including legal research regarding use of future test year to set rates, cross-examination of witnesses on behalf of the Commissioners, recommendations to Commissioners on legal issues regarding the resource planning application and preparation of PUC Orders on the application.					
Measure 9.1.1. Meet all schedules and deadlines in this matter according to PUC procedural schedule.	Yes			X – This large and complex docket is scheduled to begin in early November	X	
	No					
Objectives 10.1	Provide comprehensive and timely legal assistance to the PUC regarding the promulgation of rules regarding resource planning and demand side management as a result of numerous legislative changes from the 2007 legislative session.					
Measure 10.1.1. Draft new rules and NOPR orders that comply with legislative changes, that are constitutional and within the PUC's	Yes			X – Have drafted rules and issued Notices of proposed rulemaking within all legislative deadlines	X	

jurisdiction, and are within the statutory deadlines set by the legislature.	No					
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State Services – Labor		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Keep client agencies apprised of status of projects.					
Measure 1.1.1. Issue 12 monthly status reports to client agencies by the 15 th of each month.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Measure 1.1.2. Revise monthly status report to reflect priority of workload.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Objectives 2.1	Promote timely compensation for petroleum leak remediation.					
Measure 2.1.1. Contact petroleum storage tank fund applicants within 10 days of request by agency.	Target	100%	100%	100%	100%	
	Actual	90%	90%	100%		
Measure 2.1.2. Process fund payment settlements within 7 business days of receiving documentation from parties.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Objectives 3.1	Reduce the number of employer's uninsured for workers compensation.					
Measure 3.1.1. Contact uninsured employer within 10 days of matter being referred by agency.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Measure 3.1.2. Apply for hearing within 20 days from contact with such employers if insurance not obtained.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Measure 3.1.3. Pursue penalties at request of the Division of Worker's Compensation.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Objectives 4.1	Protect confidential information from inappropriate disclosure.					
Measure 4.1.1. Upon	Target	100%	100%	100%	100%	

timely referral from client agency, informally resolve or file appropriate document before response date or subpoena.	Actual	100%	100%	100%		
Objectives 5.1	Contribute to the effective adjudication of worker's compensation proceedings and unemployment appeals.					
Measure 5.1.1. Provide representation to the Industrial Claim Appeals Office in the State Appellate Courts.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Measure 5.1.2. File appellate briefs on behalf of the Industrial Claim Appeals Office in a timely manner.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		

State Services DPA Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Provide legal sufficiency review of state contracts within 5 business days or less average.					
Measure 1.1.1. COFRS Contract Logging & Inquiry ("CLIN") system tracks contract review volume and time. <u>See Trends.</u>	Target	5	5	5	5	
	Actual	698 contracts reviewed in 5.36 business days	631 contracts reviewed 6.9 business days	716 Contracts reviewed 9 business days	750 Contracts reviewed	
Objectives 2.1	Issue all written legal opinions within 60 days.					
Measure 2.1.1. Compare date of client's request with date of final written opinion and calculate average turnaround time on an annual basis.	Target	60	60	60	60	
	Actual	10 – 120+ days	10-120 days	10-90 days		
Objectives 3.1	Keep Personnel & Contract Review personnel informed regarding major case and project status.					
Measure 3.1.1. Annually issue 12 monthly case status reports to Personnel and Contract Review personnel.	Target	12	12	12	12	
	Actual	12	12	12		

State Services Medicaid and Public Assistance Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Assist in providing access to health care insurance for Colorado children					

Measure 1.1.1. Assist the Department of Health Care Policy and Financing (HCPF) and Children's Basic Health Plan (CHP+) Policy Board by providing legal services for the benefit of the program.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Objectives 2.1	Defend HCPF in litigation challenging the implementation of the Colorado Benefits Management System					
Measure 2.1.1. Defend HCPF in litigation under State District Court preliminary injunction, finalize conditional settlement agreement, and reach a resolution through trial, settlement or further order of Court.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Measure 2.1.2. Pursue administrative remedies regarding overpayments or other amounts owed by Medicaid providers to HCPF.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Objectives 3.1	Continue to pursue repayment of public funds expended to provide medical benefits from estates, trust and responsible third parties.					
Measure 3.1.1. Pursue	Target	\$1,000,000	\$1,000,000	\$1,000,000	\$700,000	

recovery of Medicaid payments from personal injury settlements and from other liable third parties and recover \$1 million in Medicaid funds to the extent permitted under the recent Ahlborn decision limiting the impact of the Medicaid lien.	Actual	\$1,153, 055	\$1,571,590	\$ 736,927		
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Measure 3.1.2. Continue to vigorously defend state statutes regarding the continuing of trusts for purposes of Medicaid eligibility to prevent unauthorized provider payments.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		

Measure 4.1.1. Defend challenges to administrative rules of the Medical Services Board that reduce benefits or reimbursement rates and respond to such challenges within 30 days of filing 80% of the time.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		

Objectives 5.1 Continue to defend appeals brought by providers of Medicaid services seeking higher reimbursement or payment of improperly submitted claims.

Measure 5.1.1. Defend the Department of Health Care Policy and Financing from nursing facilities challenge of their appraisals in order to get higher Medicaid reimbursement and respond to such challenges within 30 days of filing 80% of the time.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		

Measure 5.1.2. Continue	Target	X	X	X	X	
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to defend appeals brought by providers of Medicaid services seeking higher reimbursement or payment of improperly submitted claims and respond to such appeals within 30 days of filing 80% of the time.	Actual	Yes	Yes	Yes		
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Objectives 6.1	Defend HCPF and CDPHE in actions to deny or terminate Medicaid certification and state licensure.					
Measure 6.1.1. Defend CDPHE in regularly occurring licensure revocation cases. Respond to appeals of Dept. action within 30 days of filing 90% of the time.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Objectives 7.1	Establish false claims actions, both reviewing and filing for HCPF.					
Measure 7.1.1. Continuous review of cases with HCPF and coordination with federal and state agencies to identify those subject to false claim recoveries and prosecute civil false claim cases in state court, and in federal courts jointly in cooperation with the Justice Department .	Target	X	X	X	X	
	Actual	Yes	Yes	Yes (3 yr. litigation effort resulted in recovery of \$850,000 in FY '07)		
Objectives 8.1	Prosecute actions regarding revocation / suspension of EMT licenses for CDPHE					
Measure 8.1.1. Assist	Target	X	X	X	X	

CDPHE in preparing Notices of charges and defending administrative action to revoke or suspend a license. Respond to appeals of Department administrative action within 30 days of filing 90% of the time	Actual	Yes	Yes	Yes		
Objectives 9.1	Represent CDPHE and HCPF in matters where licensees or providers file for bankruptcy.					
Measure 9.1.1. File and monitor claims in bankruptcy court for HCPF within time period established by the Court.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Measure 9.1.2. Monitor bankruptcy filings for possible transfer of ownership issues.	Target	X	X	X	X	
	Actual	Yes	Yes	Yes		
Objectives 10.1	Advise and defend CDPHE and HCPF in matters relating to state and federal statutes implementing citizenship and identification requirements for receipt of public benefits.					
Measure 10.1.1. Review and advise on rules implementing new document requirements.	Target			X	X	
	Actual			Yes		
Measure 10.1.2. Defend and advise the Departments in litigation and potential litigation issues relating to rule implementation within 30 days of request 80% of the time.	Target			X	X	
	Actual			Yes		X
Objectives 11.1	Advise and defend the Department of Human Services in class action seeking recovery of attorneys fees for certain AND recipients.					
Measure 11.1.1. Defend	Target			X	X	

DHS in Martinez litigation at district court and appellate level, if necessary including drafting of legislative alternatives to eliminate liability.	Actual			Yes		
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State Services Human Services		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Resolve all child licensing enforcement cases in a timely and efficient manner.					
Measure 1.1.1. Draft and serve orders of summary suspension within 72 hours of receiving the request from the Department.	Target	100%	100%	100%	100%	100%
	Actual	90%	95%	100%		
Measure 1.1.2. Draft and serve notices of charges in summary suspension cases within one week after the order of summary suspension has been served.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%		
Measure 1.1.3. Prepare notice of charges in non-emergency cases within 30 days after receipt of request from the department.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	97%		
Objectives 2.1	Resolve all incoming requests for fair hearing regarding the State Automated Data System in timely and efficient manner.					
Measure 2.1.1. Resolve at least 75% of incoming requests without going to a hearing on the merits, either by settling the case, utilizing ADR, filing dispositive motions based on criminal or dependency and neglect adjudications or dropping cases where a listing is not appropriate.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%		
Objectives 3.1	Defend the State is major litigation.					

Measure 3.1.1. Continue to defend the CBMS lawsuit and seek an appropriate resolution	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%		

Objectives 4.1	Review rules in a timely and efficient manner.					
Measure 4.1.1. Prepare written informal rule opinion within one week after receipt or before the board meeting, which ever is earlier.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%		
Measure 4.1.2. Prepare formal attorney general opinions on adopted rules within 20 days of their submission to the unit.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%	100%		

Education Unit	Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Provide quality, efficient, cost-effective legal representation to clients, both in litigation matters not covered by Risk Management or the Employment/ Personnel Section and in non-litigation matters such as requests for opinions (formal and informal) and compliance with changes in state and federal laws.				
Measure 1.1.1. Issue regular status updates to each major client every month or more often if appropriate.					
Measure 1.1.2. Monitor billings and expenses on a monthly basis and address any anomalies promptly with clients.					
Measure 1.1.3. Vigorously defend <u>Colorado Christian University v. Weaver, et al.</u> ; <u>Lobato, et al, v. State of Colorado, et. al.</u> ; and <u>Boulder Valley School District, et al. v. State Board of Education, et al.</u> , three pending constitutional challenges.					
Measure 1.1.4. Respond to client requests for informal opinions within 30 days at least 80% of the time and to requests for formal opinions in accordance with the policies of the Office of the Attorney General.	Target	80%	80%	80%	80%
	Actual	80%	80%	80%	

Measure 1.1.4. Secure protective order or quash subpoenae improperly seeking information protected by student privacy laws.	Target			80%		
	Actual					
Measure 1.1.5. Assist clients to draft, revise and maintain their policy manuals to comport with applicable laws.						
Objectives 1.2	Provide legal representation regarding capitol construction projects for clients.					
Measure 2.1.1. Negotiate or use dispute resolution methods with contractors and other professionals to resolve construction issues satisfactorily.						
Measure 2.1.2. Timely commence or defend law suits when alternative dispute resolution is unsuccessful.						
Objectives 2.1	Help to improve the quality of educational and vocational instruction in Colorado.					
Measure 2.1.1. Assist the Colorado Department of Education in policing teacher certification and improve discipline and oversight of Colorado teachers by making recommendations regarding cases sent to us for review within 5 days of referral of investigations to this office.						
Measure 2.1.2. Assist the Colorado State Board of Education in connection with legal challenges to charter schools, including those designed to assist at-risk children.						
Measure 2.1.3. Work with the Division of Private and Occupational Schools to monitor schools offering vocational training in Colorado, including denying certification to or closing substandard schools.						
Measure 2.1.4. Work with the Charter School Institute to review, approve, and oversee Institute Charter Schools, and assist the Charter School Institute Board with regulations, policies and other legal advice.						
Measure 2.1.5. Assist the State Board of Education and CDE to draft policies and regulations implementing the statutes on educational reform.						
Measure 2.1.6. Revise the School Violence Prevention Manual and Student Discipline Manual as needed to reflect any changes in applicable laws.						

LITIGATION

Department of Transportation		Actual FY 05	Actual FY 06	Actual FY 07	Est. FY 08	Proj FY 09
Objectives 1.1	Prosecute all condemnation actions meeting all statutory deadlines and obtain possession of real property needed for transportation projects prior to the possession date set by the agency. Bring these to as speedy a resolution as possible to save the state interest costs.					
Measure 1.1.1. Keep	Target	75%	75%	75%	80%	80%

caseload current by bringing to conclusion 75% of cases within 2 years of filing action.	Actual	77%	87%	91%		
Measure 1.1.2. Assist CDOT in condemnation actions by saving the State money in acquiring real property at less than landowner demands.	Target	Save \$500,000	Save \$500,000	Save \$500,000	Save \$1,000,000	Save \$1 mil
	Actual	\$503,000	Resolved 13 condemnation cases Saved \$1.2 mil.	Resolved 12 condemnation cases Saved over \$6 million		
Objectives 2.1	Respond to all requests for legal advice from CDOT and the Transportation Commission in a concise, comprehensive and timely manner.					
Measure 2.1.1. All non-emergency requests are to be referred to an attorney within 5 days of receipt with a response date as established by the client.	Target	90% w/in 5 days	90%	90%	90%	90%
	Actual	90%	95%	90%		
Measure 2.1.2. Emergency requests are to be handled immediately and a response given within the time frame established by the client.	Target	100%	100%	100%	100%	100%
	Actual	95%	100%	99%		
Objectives 3.1	Review, revise and approve all contracts for execution to meet CDOT requirements.					
Measure 3.1.1. Review between 400-500 contracts and revise or approve.	Target	500 contracts	500 contracts	450 contracts	450 contracts	450 contracts
	Actual	445	405	412		
Measure 3.1.2. Review, revise and approve CDOT contracts in less than four days on average (statewide average is four days).	Target	4 days	4 days	4 days		
	Actual	2.27 days	3.5 days	3 days		
Objectives 4.1	Review proposed and pending legislation for CDOT.					
Measure 4.1.1. Review	Target	5 days	5days	5 days	5 days	5 days

legislation within 5 days of receipt of request and provide input based on client need.	Actual	100%	100%	100%		
Objectives 5.1	Attend all Transportation Commission and Tolling Enterprise Board meetings					
Measure 5.1.1. Attend all meetings of the Commission and Enterprise and provide advice as requested.	Target	100%	100%	100%	100%	100%
	Actual	100%	95%	100%		

Department of Corrections		Actual FY 06	Actual FY 07	Actual FY 08	Est FY 09	Projected FY 10
Objectives 1.1	Prevail on all construction suits brought by or against the CDOC in litigation involving defective construction at several new Colorado prisons built in Colorado.					
Measure 1.1. Successful Outcome At Trial in Construction Litigation	Target		100%	N/A		
	Actual	100% success	N/A	N/A		
Objectives 1.2	Limit the number of inmate suits which actually proceed to trial by preparing dispositive motions (dismissal and/or summary judgment) at the inception of the case, along with supportive briefs and affidavits.					
Measure 1.2. Successful dispositive motion before discovery and trial.	Target	80%	80%	80%	80%	
	Actual	63% 172 of 272	63% 149 of 236	87% 148 of 171		
Objectives 1.3	Prevail at hearing or trial on all suits brought against the DOC, the Parole Board, or their employees. Prevail at hearing or trial on all suits brought by inmates against any state agency or state employee. [This objective excludes personnel and employment matters, which are handled by another unit]. [Settlements are also excluded].					
Measure 1.3. Successful trial and hearing outcome.	Target	80%	80%	80%	80%	
	Actual	92% (12-1)	82% (14-3)	92% (22-2)		
Objectives 1.4	Prevail on all appeals of cases from the trial court. This number includes appeals to district court. It also includes appellate rulings from the courts of appeals and supreme courts in the state and federal systems. [It does <u>not</u> include CRCP 106 judicial reviews that were not dismissed but were ruled upon after review of briefs and certified records. See objective 1.5].					
Measure 1.4. Successful	Target	85%	85%	85%	85%	

appellate outcome.	Actual	91% (31-3)	95% (38-2)	92% (76-7)		
Objectives 1.5	Prevail on all appeals of prison disciplinary cases and other agency hearings from the agency to the district court.					
Measure 1.5. Successful appellate outcome in prison disciplinary and administrative cases	Target	85%	85%	85%	85%	
	Actual	95% (83-4)	93% (56-6)	79% (60-16)		
Objectives 1.6	Settle cases for a reasonable amount as appropriate. Save the CDOC money in settlements.					
Measure 1.6 Successful settle-ments in appropriate cases	Target			6 Savings of \$300,000	4 cases Savings of \$100,000	
	Actual		5 settled ³	4 cases settled ⁴		
Objectives 1.7	Seek cost of care and attorneys' fees from opposing party when appropriate and reduce amount of attorneys fees ordered to be paid by DOC when ordered.					
Measure 1.7. Amount of fees and costs recovered	Target			\$30,000 cost of care; attys' fees depends on cases	\$30,000 cost of care; attys' fees depend on the cases	
	Actual		\$60,547 cost of care ordered; ⁵	0 cost of care ordered; ⁶		
Objectives 2.1	Provide answers to requests for advice within 10 days of the request. Provide written responses, including informal Attorney General Opinions, when requested. [The target measure will be less than 100% because informal AGOs cannot and should not be given within 10 days]. Attend weekly meetings at CDOC and other meetings at CDOC or Parole Board upon request.					
Measure 2.1. Advice given within 10 days of request.	Target	90%	90%	90%	90%	
	Actual	100% (191-01)	100% (234-0)	99% (335-2)		

³ Savings: \$283,350 demand: \$541,000 settlement amount: \$257,650.

⁴ Savings: \$51,091 Demand: \$57,316 Settlement Amount: \$6225.

⁵ \$20,000 in attys' fees; paid \$151,557 in attys' fees (Caruso case) from demand of \$234,388 savings of \$82,831.

⁶ Attys' fees paid were part of the \$6225 [cannot determine how much went to fees and how much to inmate in one settlement]

Objectives 3.1	File motions for protective orders or motions to quash in every case in which a party seeks privileged or confidential records or files. Represent the agency in any hearings on such motions. Either succeed in having the subpoenas quashed in full after <i>in camera</i> review or at a minimum obtain protective orders so that no inmate or other third party may view the confidential material.					
Measure 3.1. Motion for Protective Order filed and granted in whole or substantially in part.	Target	90%	90%	90%	90%	
	Actual	100%	100%	100%		
Objectives 4.1	Review proposed and pending legislation to determine effect on the CDOC and on the Parole Board.					
Measure 4.1. Review proposed legislation within five days of receipt of request and provide input based on constitutionality, consistency with other statutes and laws, and client need.	Target	100%	100%	100%		
	Actual	100%	100%	100%		
Objectives 5.1	Advise and represent the CDOC on all matters related to the execution of inmates on death row. This includes attendance at execution protocol meetings, preparation of inmate biographies for the Executive Director, legal research, defense of suits concerning the execution, such as access to officers, execution procedures, media access and demonstrator access.					
Measure 5.1. Execution Occurred as scheduled.	Target					
	Actual	None	None	None		

Legal Services to Risk Management		Actual FY 06	Actual FY 07	Actual FY 08	Est FY 09	Projected FY 10
Objectives 1.1	Aggressively and efficiently defend the state in tort and federal court cases and successfully represent clients in trials.					
Measure 1.1.1. Number of cases going to trial and number of defendant verdicts.	Target	4/3 75%	4/3 75%	3/2 67%	3/2 67%	
	Actual	5/3 60%	Lost 1 trial 0%	0 trials		
Objectives 2.1	Obtain favorable ruling on motions to dismiss and for summary judgment.					
Measure 2.1.1. Number	Target	45	45	40	90%	

of motions won (includes Motion to Dismiss and for Summary Judgment).	Actual	49	39 won; lost 2 md and 1 sj; defeated 3 motions for rehearing defeated 1 motion for prel. inj.	92% 35 won out of 38; lost 2 md and 1 sj		
Measure 2.1.2. Amount of money saved by successful motions, appeals, court dismissals or voluntary dismissals by plaintiffs as a result of our actions	Target			\$1,000,000	\$2,000,000	
	Actual		\$5.9 mil (large number because of one 5 mil demand)	\$2,785,867		
Objectives 3.1	Obtain favorable rulings on appeals.					
Measure 3.1.1. Number of favorable rulings on appeal (or favorable rulings on Petitions for Certiorari)	Target	80%	80%	80%	80%	
	Actual	19/15 80% - Appeals 3/2 - 67% Cert.Pets	Won 11/12 91% Appeals won 3/3 100% pets. for cert.	80% Won 20; lost 5		
Objectives 4.1	Settle cases that should be settled for reasonable amounts.					
Measure 4.1.1. Total of settlement amounts and number of cases settled.			Total Demand	Average Paid	# of Cases	Savings
	Target FY 05	\$1,500,000		\$55,000	25	
	Actual FY 05	\$1,735,529	\$5.2 mil	\$69,421	25	\$3,559,759
	Target FY 06	\$1,500,000		\$65,000	25	
	Actual FY06	\$632,954	\$2.8 mil	\$30,141	21	\$2,157,485
	Target FY 07	\$700,000			25	
	Actual FY 07	\$1,169,872	\$2.6mil	\$38,996	30	\$1,476,131
	Target FY 08	\$800,000		\$40,000	25	
Objectives 5.1	Obtain voluntary dismissals from plaintiffs and from courts					
Measure 5.1.1 Number of voluntary dismissals	Target			10 voluntary	15 cases	

and court dismissals	Actual		11 voluntary dismissal 7 court dismissal	14 voluntary dismissal 7 court dismissal		
Objectives 6.1	Pursue and obtain attorneys fees in appropriate cases; resist requests for attorneys fees in tort cases and monitoring cases					
Measure 6.1.1. Attorney's fees ordered for the State in Risk Mgmt. cases.	Target	\$100,00 0	\$100,0 00	\$30,000	\$15,00 0	
	Actual	\$53,514	\$10,305	\$2500		
Measure 6.1.2 Attorneys fees ordered to be paid by state in tort cases and cases tort was monitoring for attys fees	Actual			5 Monitoring cases resolved with no payment of fees; lost one request: \$17,000	Pay as little as possible in attorneys fees	
Objective 7.1 Seek petition for certiorari when appropriate and resist petitions by opposing parties						
Measure 7.1.1 Petitions for certiorari defeated successfully and petitions granted when the state requests it.	Actual			2 petitions for cert were defeated successfully 1 petition granted successfully	Depends on the types of cases handled in the fiscal year	

Employment Law		Actual FY 06	Actual FY 07	Actual FY 08	Est FY 09	Projected FY 10
Objective 1.1	Aggressively defend the state and its employees in State Personnel Board (SPB) hearings in disciplinary actions in which state employees suffered a loss in current base pay, status, or tenure.					
Measure 1.1.1. Number of EP cases that went to mandatory hearing in front of State Personnel Board and results obtained	Target		Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	Win 70% of cases that go to hearing	

	Actual	163 cases opened by SPB 31 hearings Won 22/71% Modified 2 Lost 7	112 mandatory hrg. cases opened by SPB. 25 hearings Won 14/56% Modified 5 Lost 6	90 Mandatory hearing cases opened by SPB 25 hearings completed Won 19 – 76% Modified 2 Lost 4		
Objective 2.1	Provide training to state agency supervisors and managers to assist them in avoiding liability and providing more effective performance management.					
Measure 2.1.1. Present 15 training sessions to state agencies, managers, and supervisors	Target			15 sessions	15 sessions	
	Actual	12 sessions to 8 agencies	15 sessions to 12 agencies	17 sessions to 14 agencies		
Objective 3.1	Oppose petitions for discretionary hearings in cases where the employee does not have a right to a hearing, such as final agency grievance decisions					
Measure 3.1.1. Number of petitions that were briefed and number of cases won (hearing denied) in Employment Personnel (EP) cases.	Target		Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	Win 85% of requests for discretionary hearings	
	Actual	119 petitions received by SPB 26 cases briefed Won 23/88% Lost 3 petitions Of those 3 hearings, won 2/67%	86 petitions received by SPB 46 cases briefed Won 39/85% Lost 7 petitions; of those, 3 settled and 4 are pending	82 petitions received by SPB 70 cases briefed Won 65 – 93% (hearings were denied) Of the 5 hearings granted, won 3 and 2 are pending		

Objective 4.1	Represent state agencies successfully in appeals to the State Personnel Board from decisions of Administrative Law Judges					
Measure 4.1.1. Number of SPB Employment Personnel (EP) appeals; number of successful rulings	Target		Win 75% of appeals to SPB	Win 75% of appeals to SPB	Win 67% of appeals to SPB	
	Actual	13 appeals; won 10/77% Board modified or reversed 3	9 appeals; won 6/67% Board modified or reversed 3	9 appeals; won 6 – 67% Board reversed 3		
Objectives 5.1	Represent state agencies in appeals from decisions of State Personnel Board to the Colorado Court of Appeals					
Measure 5.1.1. Number of EP Appeals to Ct. of Appeals; number of successful appeals	Target		Win 75% of appeals to Ct of Appeals	Win 75% of appeals to Ct. of Appeals	Win 50% of appeals to Ct. of Appeals	
	Actual	4 appeals Won 3/75% Lost 1	6 appeals Won 3/50% Lost 3	6 appeals Won 3 – 50% Lost 3		
Objective 6.1	Dispose of EP cases short of hearing through motions or settling cases that should be settled for a reasonable amount					
Measure 6.1.1. Number of EP cases settled	Target		Settle 25%	Settle 50% of cases set for hearing	Settle 50% of cases set for hearing	
	Actual	78 cases settled - 20% of those set for hearing	112 cases set for hearing; 59-53% settled	95 cases set for hearing; 54 – 57% settled		

Measure 6.1.2 Number of EP cases dismissed on motion	Target		Win motions in 30% of cases	Win motions in 20% of cases set for hearing	Win motions in 25% of cases set for hearing	
	Actual	109 cases dismissed on motion 27% of those set for hearing	112 cases set for mandatory hearing; 20/18% dismissed on motion	95 cases set for hearing; 24 – 25% dismissed on motion		
Objective 7.1	Safeguard state money in the Subsequent Injury Fund (SIF) and Major Medical Insurance Fund (MMIF) and ensure the statutory and legal propriety of lost wage and medical benefits paid to injured workers from those Funds					
Measure 7.1.1. Aggressively pursue motions to dismiss or for summary judgment in appropriate cases and defend motions successfully	Target		Win 80% of motions	Win 80% of motions	Win 80% of motions	
	Actual		2 motions. for summary judgment filed - Won both - 100% Lost none	0 motions filed		
Measure 7.1.2 Aggressively represent the state in SIF and MMIF hearings and trials	Target		Win 75% of hearings or trials	Win 75% of hearings or trials	Win 75% of hearings or trials	
	Actual		One case went to hearing and we won - 100%	1 case went to hearing; case settled after hearing		
Measure 7.1.3 Represent SIF and MMIF in appeals	Target		Win 80% of appeals	Win 80% of appeals	Win 80% of appeals	

	Actual	3 SIF appeals; won 2 - 67% No decision in 1	5 appeals Won 4 - 80% Lost 1	0 appeals		
Measure 7.1.4 Settle SIF and MMIF cases as appropriate	Target		Save the state \$150,000	Settle cases to avoid payment	Settle cases to save the state money	
	Actual		Settled 5 cases with no money from SIF	Settled 3 cases, 1 with no money from MMIF; 1 with MMIF receiving \$5000 for subrogation of claim; 1 settled for \$105K from SIF, wanted \$150K, saved \$45K		
Objectives 8.1	Provide timely, current and complete legal advice to the Colorado Civil Rights Division of the Dept. of Regulatory Affairs					
Measure 8.1.1. Research, prepare and submit legal memoranda on transactional questions and "cutting edge" legal issues to the CCRD within 30 days of each request.	Target	100%	100%	100%	100%	
	Actual	100%	100%	100%		
Objectives 9.1	Continue to provide timely, current and complete legal analysis and opinions on the hearing worthiness of cases referred by the CCRD.					
Measure 9.1.1. Analyze each investigative file; research the legal questions raised therein; prepare and submit memorandum to the CCRD and the Colorado Civil Rights Commission within 30 days of receipt of such request.	Target	100%	100%	100%	100%	
	Actual	100%	100% 12 prepared	100% 39 files referred for hearing worthiness due in 2007		

Objectives 10.1	Vigorously prosecute all cases of employment, housing and public accommodation discrimination in administrative and court proceedings in which the Colorado Civil Rights Commission issued a formal complaint.					
Measure 10.1.1 Aggressively pursue and conclude all phases of litigation from discovery through hearings and trials to appellate briefs and oral arguments; incorporate precepts of ADR in effort to conserve and maximize beneficial effect of litigation funds	Target		100%	100%	100%	
	Actual		Two hearings; won both 100%	4 complaints set for hearing; 3 settled; 1 case removed to federal court		
Measure 10.1.2 Successfully represent the agency in appeals	Target		Win 75% of appeals	Win 75% of appeals	Win 75% of appeals	
	Actual	2 appeals Won 1 1 still pending	2 appeals to Comm. are still pending	0 appeals		
Measure 11.1.3 Settle cases favorably for the charging party when appropriate	Target		8 cases	5 cases	5 cases	
	Actual	8 cases settled	4 cases settled	3 employment cases settled: \$8K + training; \$7K; and \$29K		

Employment Law		Actual FY 06	Actual FY 07	Actual FY 08	Est. FY 09	Projected FY 10
Objectives 1.1	Represent various state agencies and employees in Federal and State employment claims in various aspects of litigation. File appropriate motions to dismiss and for summary judgment in order to win cases short of trial.					
Measure 1.1.1 Number of motions to dismiss	Target		8/6	10/8	6 filed/ 4 win	

filed and won and number of claims dismissed by MTD	Actual	7 filed won 4 in full and 1 in part; lost 2 314 claims dism'd	12 filed. 12 decided – 2 grtd in part, 10 grtd in full, 54 claims dism'd	5 filed. 5 decided: 4 granted in full; 1 granted in part. 19 claims dism'd		
Measure 1.1.2 Number of Motions for Summary Judgment filed and won; number of claims dismissed	Target	10 filed Won 7 in full; Lost 3 41 claims dism'd	3 filed. 4 decided 2 grt'd in full, 2 denied in full, 13 claims dism'd	6 filed/win5 9 filed. 5 decided: 1 granted in full, 1 granted in part, 3 denied in full. 8 claims dism'd	6 filed/ 5 win	
Objectives 2.1		Obtain favorable rulings on appeals				
Measure 2.1.1. Number of favorable rulings on appeal	Target		5/4	6/4	6/4	
	Actual	5 appeals Won 4 Lost 1	12 handled. 2 decided – 2 won in full; 3 claims won.	6 handled. 3 decided – all won in full. 4 claims won		

Objectives 3.1		Aggressively defend the state and its employees in trials				
Measure 3.1.1.	Target			2/2	2/2	
	Actual	0 trials	2 trials – won 1 in full; won 1 in part. Won 6 claims; lost 1 claim.	0 trials		
Objectives 4.1		Settle cases favorably for the state				

Measure 4.1.1. Total number of cases settled and settlement amounts versus demands	Target		15 cases Save the state as much as possible	15 cases settle; save the state as much as possible	10 cases settle; save the state as much as possible	
		13 cases settled ⁷	15 cases settled – ⁸	9 cases settled – ⁹		
Objectives 5.1	Develop and present training to state agencies on employment law issues					
Measure 5.1.1.	Target			12 training sessions	12 training sessions	
	Actual		16 training sessions	14 training session, incl 2 in-house CLEs and 1 mock trial at Risk Conf.		
	Actual	11,733	13,443.2	11,280.6		
Measure 2 savings to state based on all the cases - amount demanded versus amount recovered	Target		\$2,000,000	5,000,000	\$5,000,000	
	Actual	\$5876000	Amt demanded ¹⁰	Amount Demanded ¹¹		
Measure 3 Number of cases opened/number of claims	Target		50 cases in-house 10 cases outside counsel	50 cases handled in-house; 10 outside counsel	40 cases handled in-house; 8 outside counsel	

⁷ involving 127 claims \$969,000 paid out; \$5000000 requested Savings: \$403,100

⁸ 41 claims settled. Paid \$881,000; requested amt was \$5,840,000. Saved \$5,000,000.

⁹ 47 claims settled. Paid \$841,460; Requested amount was \$2,600,000. Saved \$1,758,540

¹⁰ \$7,537,000. Amt pd: \$881,000. Savings: \$6,656,000

¹¹ in 21 cases closed: \$7,599,955 Amount paid: \$841,460 Savings: \$6,758,495

	Actual	15 cases opened/ 46 cases handled in-house 14 cases outside counsel 1066 claims by in house 50 claims by outside counsel	21 cases opened 128 claims in the new cases 45 cases handled in-house; 12 cases outside. 611 claims in-house; 50 claims outside.	17 cases opened. 85 claims in new cases. 38 cases with 560 claims handled in house; 8 cases with 28 claims handled outside		
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NATURAL RESOURCES

Natural Resources Environmental Quality Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Assist clients to obtain and maintain delegation from EPA to administer the federal environmental programs.					
Measure 1.1.1. Communicate with the EPA to ensure a productive working relationship.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.2. Review bills and proposed rules to ensure that programs meet minimum federal requirements.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 2.1	Provide clients with consistent quality legal services and counsel.					
Measure 2.1.1.	Target	Yes	Yes	Yes		

Represent clients in meetings, rule-making hearings, adjudicatory hearings, and appeals of the Air Quality Control Commission, the Water Quality Control Commission, the Water and Wastewater Facility Operators Certification Board and the Board of Health.	Actual	Yes	Yes			
Measure 2.1.2. Prepare rule opinions, legal memorandum and court documents in a timely manner.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 2.1.3. Confer with clients on a regular basis to identify priorities for legal services and discuss status of pending matters.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 3.1	Ensure that the adoption, implementation and enforcement of environmental programs are consistent with state and federal requirements and defend any challenges to such programs.					
Measure 3.1.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 4.1	Draft and negotiate clear, effective and efficient regulations and legislation on behalf of clients.					
Measure 4.1.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 5.1	Ensure compliance with environmental programs through creative non-punitive means, as well as through traditional enforcement methods.					
Measure 5.1.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Natural Resources Water Rights Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Provide consistent and efficient legal services to client agencies with the goal of resolving water disputes through collaboration rather than litigation.					
Measure 1.1.1. Provide	Target	Yes	Yes	Yes		

rapid response and resolution of enforcement matters referred from the Division of Water Resources.	Actual	Yes	Yes			
Measure 1.1.2. Provide timely resolution of statements of opposition to new water rights applications and applications for changes of water rights and plans for augmentation, including litigation in water court or appeals to the State Supreme Ct.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.3. Represent the Division of Water Resources in connection with legal challenges to the Division's water rights administration decisions and duties.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.4. Assist Division of Water Resources with respect to administrative or water court challenges to well permit approvals or denials.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.5. Assist Division of Water Resources in negotiating and litigating 112 protests to the inclusion of water rights on the 2000 decennial abandonment list.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Natural Resources		Actual	Actual	Est.	Req	Projected
Hazardous and Solid Waste		FY 06	FY 07	FY 08	FY 09	FY 10
Objectives 1.1	The objective of the H&SW Unit is to protect Colorado's citizens and lands from the dangers of hazardous and solid waste.					
Measure 1.1.1. Review	Target	Yes	Yes	Yes		

all draft compliance orders within 15 working days of receipt. Review includes ensuring that compliance orders are legally defensible; that they do not require actions that are beyond the authority of the HMWMD to impose; and that any requirements are clear and enforceable.	Actual	Yes	Yes			
Measure 1.1.2. Provide legal counsel to the HMWMD and the Hazardous Waste Commission at all Commission meetings. This legal counsel includes ensuring that regulations proposed for adoption are within the Commission's statutory authority; that the regulations are clear and enforceable; and that the Commission complies with applicable statutory and regulatory procedural requirements.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.3. Provide legal counsel to the Petroleum Storage Tank Committee at all Committee meetings.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.4. Meet all Administrative Procedure Act requirements for review of promulgated rules.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.5. Comply	Target	Yes	Yes	Yes		

with all Colorado Rules of Civil Procedure in defending or prosecuting hazardous or solid waste cases and petroleum storage tank cases in court.	Actual	Yes	Yes			
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Resources Conservation Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projecte d FY 10
Objectives 1.1	To provide legal counsel and representation to the Division of Reclamation, Mining and Safety and to the Oil and Gas Conservation Commission, as well as to the Executive Director's office and DNR's administrative branch, to assist them in accomplishment of their statutory and regulatory duties in implementing and enforcing their programs.					
Measure 1.1.1: Upon request, attorneys in the Resource Conservation Unit will attend and represent the Division of Reclamation, Mining and Safety, and the Oil and Gas Conservation Commission in administrative hearings held monthly or bi-monthly. Upon request, attorneys will advise and assist the Division and agency staff in preparing for regular meetings but may not attend.	Target	100%	100%	100%		
	Actual	100%	100%			
Measure 1.1.2: Attorneys will meet all court and discovery deadlines in litigation matters.	Target	100%	100%	100%		
	Actual	100%	100%			
Measure 1.1.3: Attorneys will work with the client agencies to set priorities for legal services based on workload, need, and budget constraints.	Target	100%	100%	100%		
	Actual	100%	100%			

Resources Conservation Unit	Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	To provide legal counsel and representation to certain non-water-related DNR officials, divisions, boards and commissions, as well as the Executive Director's office and DNR's administrative branch, to assist them in accomplishment of their statutory and constitutional duties in implementing, administering and enforcing their programs.				
Measure 1.1.1: Upon request, attorneys in the Resource Conservation Unit will attend, represent and assist the Wildlife Commission, Parks Board, and the State Land Board in administrative proceedings held monthly or bi-monthly. In addition and upon request, attorneys will advise and assist agency staff and/or board/commission members in preparing for regular meetings but may not attend.	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		
Measure 1.1.2: Attorneys will meet all court and discovery deadlines in litigation matters.	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		
Measure 1.1.3: Attorneys will work with the client agencies to adequately meet the demand for and set priorities for legal services based on workload, need, and budget constraints.	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		

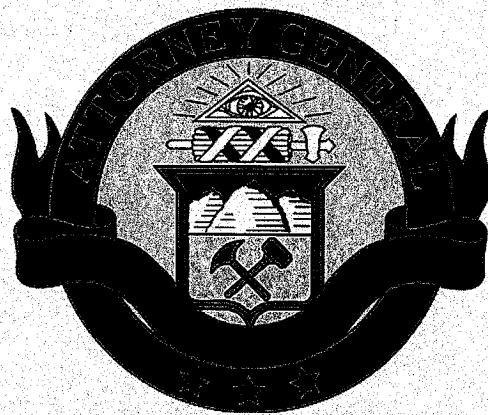
Natural Resources Water Rights Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Assist the CWCB, Wildlife, Parks, SLB, DOT, DOC, and Department of Education in acquiring, maintaining and protecting water rights. The CWCB has approximately 240 active cases, Parks has approximately 80 active cases, Wildlife has approximately 100 cases and the remaining clients have approximately 10 cases each year. This year, the unit closed approximately 50 cases.					
Measure 1.1.1. Evaluate water rights portfolio; recommend and assist in implementing advisable actions, if any.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.2. Identify and resolve problems concerning existing water rights through stipulated settlements or litigation.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.3. Pursue changes of water rights or applications for new water rights.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.4. Protect water rights and access easements from 3 rd parties.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.1.5. Represent and assist the CWCB in administrative proceedings held bi-monthly and advise staff in preparing for such meetings.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 2.1	Provide timely, efficient and creative support to client agencies on various transactions.					
Measure 2.1.1. Assist CWCB staff in developing and obtaining Controller approval of standard loan contract and revise it from time to time as appropriate.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 2.1.2. Assist	Target	Yes	Yes	Yes		

CWCB staff in resolving issues related to loans and grants and in developing loan program policies and procedures.	Actual	Yes	Yes			
Measure 2.1.3. Advise State Parks staff regarding water and water rights acquisitions for new State parks, including assessment of quality and viability of prospective acquisitions, negotiation of specific terms of purchase and negotiating and drafting transactional documents.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Legal Services to State Agencies (CP-OCC)		Actual FY06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Provide expert legal services for the Office of Consumer Counsel ("OCC") to ensure that Colorado's utility rates remain the most reasonable and affordable for Colorado consumers.					
Measure 1.1.1. Percent of rate proceedings in which the OCC participated on behalf of consumers and advocated for reasonably priced and affordable service.	Target	100%	100%	100%	100%	100%
	Actual	100%	100%			
Measure 1.1.2. Achieve savings that at least equal the OCC's annual appropriation.	Target	100%	100%	100%	100%	100%
	Actual	1436%	3004%			
Objectives 2.1	Promote utility regulations, policies, and practices that are equitable for consumers and promote enhanced utility service quality in Colorado.					
Measure 2.1.1. Percent	Target	75%	75%	75%	75%	75%

of rulemaking, investigatory and service quality proceedings in which the OCC participated and the outcome was favorable or equitable to consumers.	Actual	85%	85%			
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Criminal Justice and Appellate Summary Objectives



CRIMINAL JUSTICE SECTION

Appellate		Actual FY 06	Actual FY 07	Est FY 08	Req. FY 09	Projected FY 10
Objectives 1.1	Respond effectively and efficiently to appeals of convicted criminals					
Measure 1.1.1. Percentage of cases won (*Projected effectiveness based on Division average for past five years).	Target	100%	100%	100%		
	Actual	89%	91%	88%*	88%*	

Medicaid Fraud Unit		Actual FY06	Actual FY07	Est FY08	Req. FY09	Project FY10
Objective: 1.1	To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.					
Measure: 1.1.1 To open investigations on all cases in which the initial review indicates a substantial potential for criminal prosecution.	Target	35	35	35	35	35
	Actual	36	35			
Measure: 1.1.2 To collect identified overpayments or refer the matter to an appropriate state agency for collection.	Target	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000
	Actual	\$1,004,832	\$2.6 mil			
Measure: 1.1.2 To collect identified overpayments or refer the matter to an appropriate state agency for collection.	Target	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000
	Actual	\$1,004,832	\$2.6 mil			
Measure: 1.1.3 To prosecute and convict providers who violate the criminal law by defrauding the Medicaid program.	Target	9	9	9	9	9
	Actual	9	9			

Objective: 2.1	To review complaints alleging abuse of patients in health care facilities receiving payments under the State Medicaid plan and in board and care facilities regardless of funding; and complaints of the misappropriation of patients' private funds in such facilities.					
Measure 2.1.1. To open investigations on all cases in which initial review indicates a substantial potential for criminal prosecution or refer the complaint to an appropriate state agency.	Target	10	10	10	10	10
	Actual	1	6			
Measure 2.1.2 To criminally prosecute and convict those who violate the criminal law and particularly the "Wrongs to At-risk Adults" statute.	Target	3	3	3	3	3
	Actual	1	2			
Objective: 3.1	Process case quicker through our office and court system by continuing the procedure of: a. Assigning the responsibility of each case to a team – one investigator and one prosecutor; and b. Holding periodic status meetings and preparing reports as to each case.					
Measure 3.1.1. Assign an investigator and attorney at the time of opening the case.	Target	45	45	45	45	45
	Actual	37	41			
Measure 3.1.2 Update case status report monthly and do case review of each case at least quarterly.	Target	9/4	9/4	9/4	9/4	9/4
	Actual	9/4	9/4			

Insurance Fraud		Actual FY06	Actual FY07	Est FY08	Req. FY09	Project FY10
Objective 1.1:	To utilize the state grand jury, search warrants, audits, and other criminal investigative tools to investigate potential insurance fraud cases.					
Measure 1.1.1:	Target	1	3	3	3	3
Investigate multi-jurisdictional insurance	Actual	3	3			

fraud cases in the grand jury, and obtain indictments where appropriate.						
Objective 2.1:	Vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, restitution, fines and penalties. ¹					
Measure 2.1.1: Investigate new cases.	Target	45	60	60	60	70
	Actual	54	82			
Measure 2.1.2: File new cases in court.	Target	15	30	30	30	35
	Actual	18	25			
Measure 2.1.3: Obtain felony convictions.	Target	15	20	25	25	30
	Actual	8	11			
Measure 2.1.4: Restitution orders obtained	Target	\$200,000	\$400,000	\$400,000	\$400,000	\$500,000
	Actual	\$219,458	\$158,942			
Objective 3.1:	To reduce the number of instances of insurance fraud to protect consumers and minimize losses through the deterrent effect of prosecuting violators.					
Measure 3.1.1: Publicize the cases prosecuted through the program's efforts.	Target	2	5	5	5	5
	Actual	2	2			

P.O.S.T	Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY10
Objective 1.1	Training programs approved by P.O.S.T. must meet the expectations and requirements of Colorado law enforcement agencies, the courts and the citizens of our state.				
Performance Measure 1.1	Target	28	34	36	37
Continuously review academy status, standards, rules, applications and procedures. Annually conduct P.O.S.T. Manual review and Rule Making Hearing.	Actual	34	36		

¹ Total restitution paid by defendants currently tracked (36) during FY '07: \$27,243.62.

Objective 1.2	Staff will continue to administer the certification and skill examinations to qualified applicants, and will confirm criminal history clearance for peace officer certification applicants, through fingerprint checks by the CBI and FBI.					
Performance Measure 1.2 Full confirmation/qualification and criminal history checks of academy applicants.	Target	1100	1100	1300	1300	
	Actual	1216	1275			
Objective 1.3	To revoke the peace officer certificates of peace officers convicted of a felony or certain misdemeanor crimes					
Performance Measure 1.3. POST will conduct Director's and Board Show Cause Hearings for peace officers convicted of a felony or convicted of particular misdemeanor crimes.	Target	18	18	18	18	
	Actual	22	19			
Objective 1.4	P.O.S.T. inspection of peace officer training programs including basic training and reserve officer training academies.					
Performance Measure 1.4 Conduct announced and unannounced inspections of Colorado law enforcement academy training programs.	Target	12	12	12	12	
	Actual	13	14			
Objective 1.5	To establish and confirm standards, procedures, and requirements for persons certified as a peace officer in another state, who are applying within the provisional certification process.					

Performance Measure 1.5 POST will receive and review the applications and credentials of out-of-state applicants.	Target	100	100	100	100	
	Actual	63	62			
Objective 1.6	To establish training grant application, hearing process and award procedures within the POST Peace Officer Training Project.					
Performance Measure	Target	15	15	14	14	

1.6 POST will receive and review training fund grant applications and be attentive to the tracking of all training grant expenditures.	Actual	15	14			
Objectives 1.7	To review, qualify and approve peace officer training courses funded through the P.O.S.T. Peace Officer Training Project.					
Performance Measure 1.7 POST will electronically document the HOURS of training attended by peace officers. POST will announce training programs and maintain a statewide peace officer training calendar.	Target	100000	110000	115000	115000	
	Actual	106138 *205,000 +	112777 *325,000+			* Total hours of training delivered through project
Objectives 1.8	To establish and confirm standards, procedures and requirements for statutory recognition and approval of groups/positions applying for peace officer authority within the Sunrise Review provision of Colorado law.					
Performance Measure 1.8 POST will review applications. Hold sub-committee hearings, and submit recommendations to the P.O.S.T. Board, Senate and House Judiciary Committees. § 16-2.5-201 through 203 C.R.S.	Target	3	3	3	3	
	Actual	4	3			
Objective 1.9	To review variance requests for peace officer applicants seeking variance approval, review of compliance requirements, rule on applicants not meeting state standards.					
Performance Measure 1.9 POST will continue to conduct Rule 7 - Variance requests.	Target	50	60	60	60	
	Actual	47	71			
Objective 1.10	Continue to provide Anti-Bias and Cultural Diversity training programs meeting the requirements of the courts and § 24-31-309 C.R.S.					
Performance Measure	Target	9677	10750	12000	13100	

1.10 Conduct Anti-Bias training and develop an internet based (distance) anti-bias learning program.	Actual	10513	*11651			* Total number of officers trained
Objective 1.11	P.O.S.T. Staff continue to proctor the P.O.S.T. Certification Examination for the graduates of training academies and other applicants.					
Performance Measure 1.11 Staff will travel to training academies to conduct the exam, as well as at DOL/POST.	Target	46	46	46	46	
	Actual	52	57			
Objective	Issue Colorado peace officer authority and certification to Conditional, Provisional and Renewal Applicants.					
Performance Measure 1.12 Issue certificates and letters of authority to qualified applicants.	Target	1200	1200	1400	1400	
	Actual	1122	1234			
Objective 1.13	Issue a unique and verifiable P.O.S.T. Identification Card (PID) to every certified Colorado peace officer.					
Performance Measure 1.12 Purchase printer, scanners and supplies to distribute the every peace officer (through their appointing agency). * Funded by the JBC approved FY 2007/08 Decision Item.	Target	n/a	n/a	*15500	1400	
	Actual					

Securities Fraud		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY10
Objective 1.1	To investigate at least multi-jurisdictional fraud cases utilizing the State Grand Jury and obtain indictments if appropriate					
Measure 1.1.1. Grand Jury	Target	4	5	6	8	8
	Actual	4	7			
Measure 1.1.2. Indictments (individuals)	Target	6	6	8	10	10
	Actual	9	9			
Objective 2.1	To investigate and file new cases in court and obtain at least felony convictions					

Measure 2.1.1. New investigations opened	Target	12	16	18	20	24
	Actual	20	22			
Measure 2.1.2. New cases filed (individuals)	Target	8	9	12	15	15
	Actual	11	11			
Measure 2.1.3. Felony convictions obtained	Target	6	8	8	10	10
	Actual	8	9			
Measure 2.1.4. Cases closed (sentence, including prison / restitution completed)	Target	2	2	4	5	6
	Actual	4	1			
Measure 2.1.5. Jury trials	Target	2	2	2	2	2
	Actual	0	0			
Objective 3.1	To obtain orders of restitution on appropriate cases and maintain follow-up to ensure payment. ²					
Measure 3.1.1. Restitution orders obtained	Target	\$2,000,000	\$2,000,000	\$2 mil	\$2,500,000	\$3,000,000
	Actual	\$4.4 mil	\$6,095,854.61			
Objective 4.1	To publicize the indictments and convictions obtained through the Unit's efforts.					
Measure 4.1.1. Media items published	Target	4	4	4	4	5
	Actual	11	14			

Capital Crimes Prosecution Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	To assist District Attorneys in the investigation of aggravated murders.					
Measure 1.1.1. Investigation	Target					
	Actual	19	41			
Measure 1.1.2. Grand Jury	Target					
	Actual	2	0			
Combined Cases		21	41			
Hours		2,167	1,642 ³			
Objectives 2.1	To assist District Attorneys in prosecutions when the death penalty is being consideration or sought.					
Measure 2.1.1. Expand database	Target					
	Actual	150 ⁴	218 ⁵			
Measure 2.1.2. Research (hours)	Target					
	Actual	541	664			

² Total restitution paid by defendants currently tracked (50) during FY '07: \$231,879.30.

³ The hours for investigative work in fiscal year 2006 include substantial attorney time representing participation in two grand jury proceedings. The Unit attorneys did not perform grand jury work during fiscal year 2007.

⁴ Last year Crosswalk indicated 5,501 in this space. That indicated the total documents in the database. The increase was 150.

⁵ For the benefit of Colorado prosecutors, the Unit maintains, updates and supplements a pleadings database, which currently contains 5,719 pleadings.

Measure 2.1.3. Pleadings, briefs, appearances (hours)	Target					
	Actual	589	1,313 ⁶			
Measure 2.1.4 Consultation (hours)	Target					
	Actual	957	540 ⁷			
Combined Cases		4	5			
Objectives 3.1	To assist District Attorneys in the prosecution of capital postconviction proceedings or appeals.					
Measure 3.1.1. Appellate briefs, pleadings, appearances (hours)	Target					
	Actual	709	664			
Combined Cases		1	1			

Complex Crimes Unit		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	To utilize the Statewide Grand Jury to a greater extent and obtain at least 10 felony indictments.					
Measure 1.1.1. Grand Jury investigations.	Target	12	12	14		
	Actual	29				
Measure 1.1.2. Indictments obtained	Target	10	10	12		
	Actual	29				
Objectives 2.1	To open 40 new investigation files, file 25 new cases in court and obtain at least 15 felony convictions.					
Measure 2.1.1. New investigations opened	Target	55	55			
	Actual	68				
Measure 2.1.2. New cases filed (individuals)	Target	35	40			
	Actual	40				
Measure 2.1.3. Felony convictions obtained	Target	25	25			
	Actual	38				
Measure 2.1.4. Misdemeanor convictions obtained	Target	15	15			
	Actual	2				
Measure 2.1.5. Cases closed	Target	50	50			
	Actual	42				
Objectives 3.1	To obtain restitution, fines and cost recoveries in appropriate cases.					
Measure 3.1.1. Fines, costs and restitution ordered.	Target	\$645,000	\$1,000,000	\$1,000,000		
	Actual	\$437,818				
Objectives 4.1	To participate in multi-jurisdictional case-driven task forces and information exchanging work groups.					

⁶ The hours noted reflect services directly benefiting Colorado District Attorneys and exclude hours spent by Unit lawyers on Continuing Legal Education or necessary office functions, which indirectly benefit Colorado prosecutors which states: The nature of the work performed by the Unit varies depending on the nature of the request received from the local prosecutors.

Measure 4.1.1. Intergovernmental cooperation	Target	10	12	12		
	Actual	25				
Objectives 5.1	To continue in multi-jurisdictional case-driven task forces and information exchanging work groups.					
Measure 5.1.1. Training sessions given	Target	10	12	12		
	Actual	12				

Environmental Crimes Unit		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	Maintain the effort of the Environmental Crimes Prosecution Unit to work in collaborative effort with local law enforcement, local emergency response personnel, District Attorneys, the Colorado Department of Public Health and Environment and the US Environmental Protection Agency.					
Measure 1.1.1. Draft proposal to secure federal funding or support of a cooperative criminal enforcement effort to combat environmental crimes within the borders of the State of Colorado.	Target	50%	50%	50%		
	Actual	50%				
Objectives 2.1	To enforce compliance with existing environmental laws and regulations through investigation and prosecution of environmental crimes.					
Measure 2.1.1. New investigations opened	Target	9	10	12		
	Actual	15				
Measure 2.1.2. New cases filed	Target	8	10	12		
	Actual	8				
Measure 2.1.3. Felony convictions obtained	Target	6	8	10		
	Actual	6				
Measure 2.1.4. Cases closed	Target	9	10	12		
	Actual	9				
Measure 2.1.5. Jury trials	Target	2	2	2		
	Actual	0				
Measure 2.1.6. Court trials	Target	0	0	0		
	Actual	0				
Objectives 3.1	To increase the State of Colorado's participation in cohesive state and federal effort to combat environmental crimes.					
Measure 3.1.1. Increase membership participation in state / federal task forces and unified state environmental programs	Target	2	2	2		
	Actual	2				

Objectives 4.1	To increase awareness of environmental criminal activity within the State of Colorado by conducting statewide training.					
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Measure 4.1.1. Conduct local / state / federal awareness training to entities concerned with Colorado's environment	Target	2	3	4		
	Actual	2				

Gang Prosecution Unit		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	To prosecute gang members, with the State Grand Jury, for multi-jurisdictional criminal activities.					
Measure 1.1.1. Gang members investigated	Target	35	40	40		
	Actual	3				

Measure 1.1.2. Gang members indicted	Target	18	20	20		
	Actual	3				
Measure 1.1.3. Felony convictions obtained gang members	Target	30	40	40		
	Actual	2				
Measure 1.1.4. Number of years Department of Corrections	Target	50	75	75		
	Actual	30				
Measure 1.1.5. Trials	Target	4	4	4		
	Actual	0				

CONSUMER PROTECTION

Collection Agency Board		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Attack the most serious unlawful or fraudulent business practices victimizing Colorado citizens.					
Measure 1.1.1. Conduct investigations and bring enforcement actions to correct violations of the law.	Target	45	65	75	75	75
	Actual	76	74 ¹			

Measure 1.1.2. Issue cease and desist notices to unlicensed collection agencies to ensure all agencies comply with state licensing requirements.	Target	60	60	65	70	70
	Actual	59	74			

Objectives 2.1	Improve consumer complaint intake and mediation services, and streamline Department of Law business registration and licensing procedures.					
Measure 2.1.1. Continue to handle over five hundred written consumer complaints each year.	Target	800	700	1000	1000	1000
	Actual	689	939			
Measure 2.1.2. Investigate and resolve written consumer complaints within an average of 65 days or less.	Target	60	50	55	55	55
	Actual	49	52			
Measure 2.1.3. Resolve 80% of all written consumer complaints received during the fiscal year.	Target	75%	85%	85%	85%	85%
	Actual	86%	92%			

Antitrust & Consumer Protection		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Preserve competition in marketplaces affecting Colorado business and consumers by addressing conduct, which may unreasonably restrict trade in Colorado.					
Measure 1.1.1. Conduct investigations and prosecutions of Colorado centered conspiracies affecting statewide or local markets.	Target	9	6	6	6	
	Actual	10	8	6	6	
Measure 1.1.2. Participate in multistate antitrust case/joint cases with federal antitrust enforcers.	Target	2	3	3	3	
	Actual	4	7	3	3	

¹ These enforcement actions include a license revocation, denial of a renewal license, and a 20-day suspension.

Measure 1.1.3. Participate in outreach programs with state and local government agencies or business groups.	Target	2	2	2	2	
	Actual	2	2	2	2	
Objectives 2.1	Establish an elder fraud prevention program to protect Colorado's senior citizens.					
Measure 2.1.1. Engage in outreach and educational programs for senior citizens (# of programs/initiatives)	Target	20	20	20	20	
	Actual	20	20	20	20	
Measure 2.1.2. Assist seniors with complaints and mediation	Target	20	20	20		
	Actual	25	30			
Objectives 3.1	Attack the most serious fraudulent business practices victimizing Colorado citizens.					
Measure 3.1.1. Conduct investigations / prosecutions of the most serious fraudulent business practices.	Target	8	20	20	30	
	Actual	37	67 ²	73 ³	70	70
Objectives 4.1	Design improved consumer protection complaint intake and mediation services, and streamline Department of Law business licensing and registrations procedures.					
Measure 4.1.1. Reduce the backlog of processing new consumer complaints (length of backlog) (# of programs / initiatives)	Target	1wk	1wk	24-48 hrs	24-48 hrs	
	Actual	24 hrs	24 hrs			

² This number represents investigations or cases that were commenced or resolved during FY 07 under the Colorado Consumer Protection Act. This number represents the following:

- 35 investigations opened;
- 17 settlements, Assurances of Voluntary Discontinuance or Stipulated Final Judgments of investigations or cases regardless of when they were opened;
- 2 cases filed; and
- 13 investigations closed with no action.

³ This number represents the investigations commenced and cease and desist notices that were issued in FY 07 under the Colorado No-Call Act. This number represents the following:

- 58 investigations opened; and
- 15 cease & desist notices issued.

Measure 4.1.2. Coordinate annual training conference for the BBB's serving Colorado to ensure efficient and thorough handling of consumer complaints (# of training's)	Target	1	1	1	1	
	Actual	1	1	1	1	

Consumer Protection – Tobacco Litigation		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 5.1	Work to implement and enforce the Tobacco settlement.					
Measure 5.1.1. Vigorously defend any and all attempts to invalidate the State any payments made under the settlement.	Target	1	1	3	3	
	Actual	3	5	5	5	
Measure 5.1.2. Enforce separately or in connection with other states, the marketing and advertising restrictions contained in the tobacco settlement.	Target	2	2	2		
	Actual	2	2	2		
Measure 5.1.3. Enforce requirement of any Colorado statutes enacted to further implementation of the tobacco settlement.	Target	15	20	75	75	
	Actual	20	75 ⁴	75	75	

Uniform Consumer Credit Code		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Attack the most serious unlawful or fraudulent business practices victimizing Colorado citizens.					
Measure 1.1.1. Bring enforcement actions to correct violations of the law.	Target	40	30	50	50	50
	Actual	30	42			
Measure 1.1.2. Require	Target	\$1,500,000	\$1,500,000	\$750,000	\$750,000	\$750,000

⁴ Volume increased from 20 in FY 06 to recognized that certification review of 44 participating manufacturers and escrow review and compliance for approximately 30 non-participating manufacturers is part of enforcement work.

⁵ Refunds are expected to increase due to anticipated compliance issues associated with HB 07-1261 & SB 07-144.

creditors to refund and credit excess charges to Colorado residents through compliance examinations, consumer complaints, and investigations and cases.	Actual	\$3,166,938 ⁶	\$712,070 ⁷			
Measure 1.1.3. Select annual educational / compliance project to increase consumer protection and creditor compliance.	Target	1	1	3	2	2
	Actual	2 ⁸	2 ⁹			
Objectives 2.1	Improve consumer complaint intake and mediation services, and streamline Department of Law business registration and licensing procedures.					
Measure 2.1.1. Issue licenses within 30 days after completion of license application (both master and branch licenses). The maximum number of days allowed by law is 60.	Target	15 days	15 days	13 days	13 days	13 days
	Actual	10	11			
Measure 2.1.2. Investigate and resolve written consumer complaints within 60 days or less.	Target	40	40	50	50	50
	Actual	42	31			
Uniform Consumer Credit Code	Actual	Actual	Est.	Req	Projected	
	FY 06	FY 07	FY 08	FY 09	FY 10	
Objectives 3.1	Seek appropriate legislation and trade rules where necessary to protect consumers and to eliminate unnecessary business regulation.					
Measure 3.1.1. Take	Target	1	1	2	2	2

⁶ Two million dollars of this amount are from a single case against an unlicensed out of state internet payday lender.

⁷ This number was lower than expected due to substantial time spent training two new compliance examiners. In addition, compliance by licensed lenders was generally good as there were no substantial legislative changes.

⁸ For FY06, the unit had its first complete fiscal year of compliance examinations and corrective action under HB04-1394. The Unit also proposed HB06-1356 to exempt licensed collection agencies from duplicate licensing as supervised lenders. The bill became law and removed an unnecessary regulatory requirement.

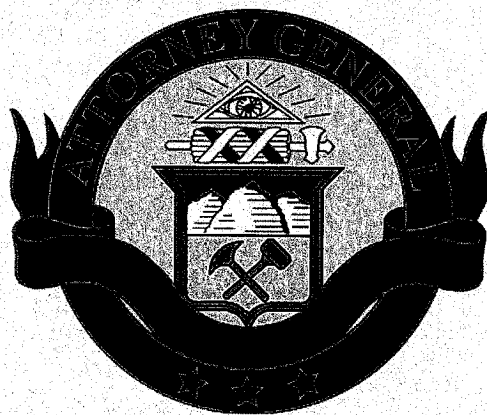
⁹ There was continued focus and creditor education on consumers' ability to repay loans and telephone payment fees.

appropriate action such as participate in advisory committees; initiate, propose, and support legislation; and adopt regulations to further consumer credit protection.	Actual	2 ¹⁰	5 ¹¹			
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¹⁰ The Unit proposed legislation to exempt licensed collection agencies from duplicate licensing as supervised lenders. HB06-1356 became law and removed an unnecessary regulatory requirement. In addition, UCCC Rule 14 was amended to reduce license fees for calendar year 2006.

¹¹ The Unit participated in at least 3 legislative bills (HB 07-1261, HB 07-1327, and SB 07-144) and conducted 2 rulemaking hearings (a Nov. 2006 hearing on fees for 2007 and a June 2007 hearing to implement new legislation.)

Natural Resources Summary Objectives



SUMMARY OBJECTIVES

NATURAL RESOURCES

Federal & Interstate Water Unit	Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Protect State's interests in all interstate compacts and equitable apportionment decrees for interstate rivers.				
Measure 1.1.1. Achieve objective	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		
Objectives 1.2	<p><i>Kansas v. Nebraska and Colorado.</i> This litigation to protect Colorado's rights in the Republican River and the Ogallala Aquifer was approved by the U.S. Supreme Court in FY04. We have been assisting the Division of Water Resources in implementing the settlement. Surface water users in the basin have filed a legal challenge to the State Engineer's administration of wells, and we are assisting the Water Unit in the defense of that matter. We are also continuing to assist the Division of Water Resources in promulgating rules to requiring measuring devices on all wells within the basin as well as rules to administer surface and ground water rights in the basin to comply with the Compact. Additionally, we are working with the Department of Natural Resources to create a presentation to show Kansas the extent of our efforts in compact compliance in an attempt to forestall future litigation over compact compliance.</p>				
Measure 1.2.1. Provide advice and assistance to Division of Water Resources on implementation of settlement.	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		
Measure 1.2.2. Provide advice and assistance to Division of Water Resources in promulgating Rules to ensure compact compliance	Target	Yes	Yes	Yes	
	Actual	Yes	Yes		
Measure 1.2.3. Provide	Target	Yes	Yes	Yes	

advice and assistance to Department of Natural Resources in seeking to forestall additional compact litigation and, if necessary, prepare for a suit by Kansas over compact compliance.	Actual	Yes	Yes			
Measure 1.2.4. Provide advice and assistance to Division of Water Resources and Water Unit in defending State Engineer's administration of wells.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.3	Monitor interstate issues affecting Colorado's rights under the Rio Grande Compact, and assist State Engineer in promulgating and defending well use rules to comply with the Compact.					
Measure 1.3.1. Monitor U.S. action to quiet title to Elephant Butte Reservoir in New Mexico as necessary to protect Colorado's rights under the Rio Grande Compact. The case has been stayed pending adjudications in Texas and New Mexico.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.3.2. Monitor Endangered Species Act lawsuits regarding silvery minnow in New Mexico and participate as necessary to protect Colorado's rights under the Rio Grande, Colorado, and Upper Colorado Compacts.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.3.3. Advise State Engineer in approval of Subdistricts to protect senior surface rights and compact deliveries pursuant to SB 04-222.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Measure 1.3.4. Advise State Engineer in promulgation of well-use rules for Water Division 3 (Rio Grande drainage) to protect senior surface rights and compact deliveries by regulating existing wells outside of subdistricts.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.3.5. Advise State Engineer in promulgation of well-use rules for Water Division 3 (Rio Grande drainage) to protect senior surface rights and compact deliveries from well impacts, and defend validity of rules in litigation.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.4	Assist State Engineer in efforts to resolve disputes with New Mexico over interpretation and administration of La Plata River Compact.					
Measure 1.4.1. Achieve objective	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.4.2 In conjunction with Department of Natural Resources, work with Wyoming to resolve Compact administration issues raised by this case.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.5	Monitor interstate issues affecting Colorado's rights under the Costilla Creek Compact, and assist State Engineer to comply with the Compact.					
Measure 1.5.1. Monitor U.S. action regarding listed or candidate threatened or endangered species to protect the interests of the State and its water users.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Objectives 1.6	<i>Kansas v. Colorado.</i> This litigation concerning Colorado's compliance with the Arkansas River Compact is pending before the Special Master. Our goal is to resolve remaining issues and develop procedures to avoid future controversies between Kansas and Colorado.					
Measure 1.6.1. Achieve objective	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 2.1	Work with parties to the Indian reserved rights litigation and settlement to complete implementation of the settlement by supporting efforts to fund and construct the Animas-La Plata project without unnecessary delay.					
Measure 2.1.1. Support amendment of the Tribes' reserved rights decrees and change of water rights cases in Water Division 7 to conform to the 2000 Settlement Act Amendments in Water Court and any subsequent appeals.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 2.1.2. Support the due diligence case for the Animas – La Plata water rights in Water Division 7 in Water Court and any subsequent appeals.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 3.1	Resolve federal reserved water rights claims of the U.S. Forest Service in Water Division 7.					
Measure 3.1.1. As requested by local water users, pursue quantification, settlement or dismissal of the USFS reserved rights claims in Water Division 7.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 3.1.2. If settlement or dismissal of the claims cannot be achieved, vigorously litigate in Division 7	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 3.2	Work with other objectives to vigorously pursue quantification and settlement of the U.S. Park Service reserved rights claim for Black Canyon of the Gunnison National Park in Water Division 4.					
Measure 3.2.1. Assist	Target	Yes	Yes	Yes		

DNR, SEO, DOW and CWCB in pursuing settlement of the United States' claims.	Actual	Yes	Yes			
Measure 3.2.2. Continue to participate in water court proceeding concerning the quantification until resolved.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 3.2.3. If settlement ultimately cannot be achieved vigorously litigate the U.S. Park Service reserved rights claim for Black Canyon of the Gunnison National Park.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Objectives 4.1.	Protect Colorado's water interests in endangered species recovery efforts.					
Measure 4.1.1. Represent and advise state agencies and work with federal and sister state agencies and interested water users to implement endangered species recovery programs in the Colorado, Platte, Rio Grande, and San Juan basins and in other river basins as appropriate.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 4.2	Represent and advise state agencies and work with federal and sister state agencies and interested water users to implement endangered species recovery programs in the Colorado, Platte, Rio Grande, and San Juan basins and in other river basins as appropriate.					
Measure 4.2.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 5.1	Represent the Division Engineer and Colorado Water Conservation Board in supporting the United States' water right application for the Great Sand Dunes National Park and assure any such water right is within the limitations prescribed by the enacting legislation					

Measure 5.1.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 6.1	Assist the water units in achieving their goals when they do not have necessary staffing to adequately handle their case load.					
Measure 6.1.1. As requested assist the water units in achieving their goals when they do not have necessary staffing to adequately handle their case load.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

CERCLA Litigation Unit (and Contracts Line)		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	To ensure adequate cleanup and to obtain cost recoveries at the Rocky Mountain Arsenal and California Gulch sites					
Measure 1.1.1. Amount of expended state funds on these two CERCLA sites.	Target	\$1.1 M	\$1.1 M	\$1.1 M	\$1.1 M	\$1.1 M
	Actual	\$1.1 M	\$1.5 M			
Measure 1.1.2. Amount of State funds recovered on each of these two CERCLA sites.	Target	1.5 M	1.0 M	\$1.0 M	\$1.0 M	\$1.0 M
	Actual	\$529,000	\$511,000			

Natural Resources Colorado River		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Monitor recently-filed notice of intent to file lawsuit challenging proposed flow releases from Glen Canyon Dam, and participate if it becomes necessary to protect Colorado's rights under the Colorado and Upper Colorado Compacts.					
Measure 1.1.1. Achieve Objective	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.2	Monitor operation of the Colorado River and its storage and other water projects under the Colorado River and Upper Colorado River Compacts, and participate as necessary in interstate negotiations, agreements, and litigation, including advising the Department of Natural Resources.					
Measure 1.2.1 Monitor implementation of interim surplus criteria for lower Colorado River basin including California's compliance with its 4.4 Plan.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.2.2. Monitor	Target	Yes	Yes	Yes		

test flow proposals for Glen Canyon Dam, and take actions as necessary to protect Colorado's rights under the Colorado and Upper Colorado River Compacts.	Actual	Yes	Yes			
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Measure 1.2.3. Monitor the effects of drought on Colorado River water supplies, and assist DNR in evaluating Colorado's options to respond to Colorado River shortages.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.2.4. Monitor the effects of disputes within California on the California 4.4 Plan.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.2.5. Continue participating in talks with the Department of Interior to finalize the EIS and ROD on implementing Lower Basin shortages and coordinating Colorado River reservoir operations under low reservoir conditions.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Measure 1.2.1 Monitor implementation of interim surplus criteria for lower Colorado River basin including California's compliance with its 4.4 Plan.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.3.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.4	Monitor settlement provisions of lawsuit challenging operation of Glen Canyon Dam and participate if it becomes necessary to protect Colorado's rights under the Colorado and Upper Colorado Compacts.					
Measure 1.4.1. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.5	Continue creation of Colorado River Litigation Database.					
Measure 1.5.1. Monitor contract with Vendor for Preparation, Modification of Database Software	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.5.2. Monitor contract with Vendor for scanning, OCR processing, initial objective coding of documents.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.5.3. Continue scanning and OCR processing, of documents.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.5.4. Continue objective and subject coding of documents.	Target	Yes	Yes	Yes		

	Actual	Yes	Yes			
	Actual					
Objectives 1.6	Research issues pertaining to possible future Colorado River Litigation, in-state curtailment of water rights.					
Measure 1.6.1. Research issues pertaining to potential Colorado River litigation.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Measure 1.6.2. Research issues pertaining to possible in-state curtailment of water rights.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			
Objectives 1.7	Assist as requested with representation, research and document preparation relevant to Seven Basin States Colorado River negotiations.					
Measure 1.7.2. Achieve objective.	Target	Yes	Yes	Yes		
	Actual	Yes	Yes			

Rocky Mountain Arsenal		Est. FY 07	Req. FY 08	Projected FY 09
Objectives 1.1 Prepare Natural Resource Damage Assessment				
Measure 1.1.1. Draft preliminary assessment screen	Target		X	NA
	Actual		X	
Measure 1.1.2. Conduct public involvement activities	Target		X	NA
	Actual		Parties agreed to hold off	
Measure 1.1.3. Hire necessary experts	Target		X	NA
	Actual		Hired 6 key experts to date	
Measure 1.1.4. Complete NRD assessment	Target		--	7/08 – 12/08
	Actual		--	
Objectives 2.1 Prepare for and initiate litigation				
Measure 2.1.1. Identify	Target		X (ongoing)	X

and prioritize issues requiring legal research	Actual		In process		
Measure 2.1.2. Complete legal research on identified issues	Target		(ongoing task)	X	X
	Actual		X		
Measure 2.1.3. (a) Retain expert witnesses for trial; (b) Complete expert reports.	Target		(a)		(b)
	Actual		Yes, will need more in FY08		
Measure 2.1.4. Develop discovery strategy	Target		X (ongoing)	X	X
	Actual		In process		
Measure 2.1.5 Hire contract attorneys and legal assistants	Target		--	--	X
	Actual		--	--	
Measure 2.1.6 Conduct trial	Target		--	--	X
	Actual		--	--	
Objectives 3.1 Take case off administrative closure					

Consumer Protection Summary Objectives



CONSUMER PROTECTION

Collection Agency Board		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Attack the most serious unlawful or fraudulent business practices victimizing Colorado citizens.					
Measure 1.1.1. Conduct investigations and bring enforcement actions to correct violations of the law.	Target	45	65	75	75	75
	Actual	76	74 ¹			

Measure 1.1.2. Issue cease and desist notices to unlicensed collection agencies to ensure all agencies comply with state licensing requirements.	Target	60	60	65	70	70
	Actual	59	74			
Objectives 2.1	Improve consumer complaint intake and mediation services, and streamline Department of Law business registration and licensing procedures.					
Measure 2.1.1. Continue to handle over five hundred written consumer complaints each year.	Target	800	700	1000	1000	1000
	Actual	689	939			
Measure 2.1.2. Investigate and resolve written consumer complaints within an average of 65 days or less.	Target	60	50	55	55	55
	Actual	49	52			
Measure 2.1.3. Resolve 80% of all written consumer complaints received during the fiscal year.	Target	75%	85%	85%	85%	85%
	Actual	86%	92%			

Antitrust & Consumer Protection		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Preserve competition in marketplaces affecting Colorado business and consumers by addressing conduct, which may unreasonably restrict trade in Colorado.					
Measure 1.1.1. Conduct investigations and prosecutions of Colorado centered conspiracies affecting statewide or local markets.	Target	9	6	6	6	
	Actual	10	8	6	6	
Measure 1.1.2. Participate in multistate antitrust case/joint cases with federal antitrust enforcers.	Target	2	3	3	3	
	Actual	4	7	3	3	

¹ These enforcement actions include a license revocation, denial of a renewal license, and a 20-day suspension.

Measure 1.1.3. Participate in outreach programs with state and local government agencies or business groups.	Target	2	2	2	2		
	Actual	2	2	2	2		
Objectives 2.1	Establish an elder fraud prevention program to protect Colorado's senior citizens.						
Measure 2.1.1. Engage in outreach and educational programs for senior citizens (# of programs/initiatives)	Target	20	20	20	20		
	Actual	20	20	20	20		
Measure 2.1.2. Assist seniors with complaints and mediation	Target	20	20	20			
	Actual	25	30				
Objectives 3.1	Attack the most serious fraudulent business practices victimizing Colorado citizens.						
Measure 3.1.1. Conduct investigations / prosecutions of the most serious fraudulent business practices.	Target	8	20	20	30		
	Actual	37	67 ²	73 ³	70	70	70
Objectives 4.1	Design improved consumer protection complaint intake and mediation services, and streamline Department of Law business licensing and registrations procedures.						
Measure 4.1.1. Reduce the backlog of processing new consumer complaints (length of backlog) (# of programs / initiatives)	Target	1wk	1wk	24-48 hrs	24-48 hrs		
	Actual	24 hrs	24 hrs				

² This number represents investigations or cases that were commenced or resolved during FY 07 under the Colorado Consumer Protection Act. This number represents the following:

- 35 investigations opened;
- 17 settlements, Assurances of Voluntary Discontinuance or Stipulated Final Judgments of investigations or cases regardless of when they were opened;
- 2 cases filed; and
- 13 investigations closed with no action.

³ This number represents the investigations commenced and cease and desist notices that were issued in FY 07 under the Colorado No-Call Act. This number represents the following:

- 58 investigations opened; and
- 15 cease & desist notices issued.

Measure 4.1.2. Coordinate annual training conference for the BBB's serving Colorado to ensure efficient and thorough handling of consumer complaints (# of training's)	Target	1	1	1	1	
	Actual	1	1	1	1	

Consumer Protection – Tobacco Litigation		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 5.1	Work to implement and enforce the Tobacco settlement.					
Measure 5.1.1. Vigorously defend any and all attempts to invalidate the State any payments made under the settlement.	Target	1	1	3	3	
	Actual	3	5	5	5	
Measure 5.1.2. Enforce separately or in connection with other states, the marketing and advertising restrictions contained in the tobacco settlement.	Target	2	2	2		
	Actual	2	2	2		
Measure 5.1.3. Enforce requirement of any Colorado statutes enacted to further implementation of the tobacco settlement.	Target	15	20	75	75	
	Actual	20	75 ⁴	75	75	

Uniform Consumer Credit Code		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	Attack the most serious unlawful or fraudulent business practices victimizing Colorado citizens.					
Measure 1.1.1. Bring enforcement actions to correct violations of the law.	Target	40	30	50	50	50
	Actual	30	42			
Measure 1.1.2. Require	Target	\$1,500,000	\$1,500,000	\$750,000 ⁵	\$750,000	\$750,000

⁴ Volume increased from 20 in FY 06 to recognized that certification review of 44 participating manufacturers and escrow review and compliance for approximately 30 non-participating manufacturers is part of enforcement work.

⁵ Refunds are expected to increase due to anticipated compliance issues associated with HB 07-1261 & SB 07-144.

creditors to refund and credit excess charges to Colorado residents through compliance examinations, consumer complaints, and investigations and cases.	Actual	\$3,166,938 ⁶	\$712,070 ⁷			
Measure 1.1.3. Select annual educational / compliance project to increase consumer protection and creditor compliance.	Target	1	1	3	2	2
	Actual	2 ⁸	2 ⁹			
Objectives 2.1	Improve consumer complaint intake and mediation services, and streamline Department of Law business registration and licensing procedures.					
Measure 2.1.1. Issue licenses within 30 days after completion of license application (both master and branch licenses). The maximum number of days allowed by law is 60.	Target	15 days	15 days	13 days	13 days	13 days
	Actual	10	11			
Measure 2.1.2. Investigate and resolve written consumer complaints within 60 days or less.	Target	40	40	50	50	50
	Actual	42	31			
Uniform Consumer Credit Code		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 3.1	Seek appropriate legislation and trade rules where necessary to protect consumers and to eliminate unnecessary business regulation.					
Measure 3.1.1. Take	Target	1	1	2	2	2

⁶ Two million dollars of this amount are from a single case against an unlicensed out of state internet payday lender.

⁷ This number was lower than expected due to substantial time spent training two new compliance examiners. In addition, compliance by licensed lenders was generally good as there were no substantial legislative changes.

⁸ For FY06, the unit had its first complete fiscal year of compliance examinations and corrective action under HB04-1394. The Unit also proposed HB06-1356 to exempt licensed collection agencies from duplicate licensing as supervised lenders. The bill became law and removed an unnecessary regulatory requirement.

⁹ There was continued focus and creditor education on consumers' ability to repay loans and telephone payment fees.

appropriate action such as participate in advisory committees; initiate, propose, and support legislation; and adopt regulations to further consumer credit protection.	Actual	2 ¹⁰	5 ¹¹			
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¹⁰ The Unit proposed legislation to exempt licensed collection agencies from duplicate licensing as supervised lenders. HB06-1356 became law and removed an unnecessary regulatory requirement. In addition, UCCC Rule 14 was amended to reduce license fees for calendar year 2006.

¹¹ The Unit participated in at least 3 legislative bills (HB 07-1261, HB 07-1327, and SB 07-144) and conducted 2 rulemaking hearings (a Nov. 2006 hearing on fees for 2007 and a June 2007 hearing to implement new legislation.)