

MISSION AND VALUES

Department of Law

2008

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

APPELLATE DIVISION STRATEGIC PLAN

2008

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%).

CRIMINAL JUSTICE STRATEGIC PLAN

2008

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.

NATURAL RESOURCES & ENVIRONMENT SECTION
GOALS AND OBJECTIVES
2008

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.

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.
- 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.

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.



CIVIL LITIGATION AND EMPLOYMENT LAW STRATEGIC PLAN

2008

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

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.

- 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.
- 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

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

- 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 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

- 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 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
- 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

STATE SERVICES STRATEGIC PLAN

2008

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.

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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.