

OFFICE OF THE STATE PUBLIC DEFENDER

FISCAL YEAR 2012-13 STRATEGIC PLAN



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COLORADO STATE PUBLIC DEFENDER

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State of Colorado
Office of the State Public Defender

FY 2012-13 Strategic Plan

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STRATEGIC PLAN

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ROLE & MISSION

The Office of the Colorado State Public Defender (The Office) is appointed by the Court to represent

MISSION: The constitutions of Colorado and of the United States establish the right to counsel. The single overriding objective of the Office of the State Public Defender is to provide reasonable and effective criminal defense representation for our clients and fulfill this constitutional requirement.

indigent persons charged with crimes where there is a possibility of being jailed or imprisoned. The single overriding objective of the agency is to provide effective criminal defense counsel to all indigent persons requesting counsel. In fulfilling its mission, The Office's role is defined by the United States and Colorado constitutions, applicable statutes, court rules, American Bar Association standards, and the Colorado Rules of Professional Conduct.

VISION

Our basic role and mission will not change. Providing representation to our indigent clients is a federal and state constitutional mandate and the purpose for which The Office was created. The State Public Defender

VISION:

- CONTINUE MEETING OUR CONSTITUTIONAL OBLIGATION TO PROVIDE QUALITY REPRESENTATION TO THE INDIGENT BY FOCUSING ON NEW TECHNOLOGY, STAFF DEVELOPMENT, TRAINING AND ACCESS TO INFORMATION TO ADAPT OUR RESPONSES TO INCREASING CASELOAD, INCREASING DIVERSITY OF CASES, AND THE CHANGING CRIMINAL JUSTICE ATMOSPHERE.
- MAINTAIN OUR COMMITMENT TO AND FOCUS OF PROVIDING SERVICE TO THE POOR.
- CONTINUE TO COMPLY WITH OUR CONSTITUTIONAL, STATUTORY AND ETHICAL OBLIGATIONS, ESPECIALLY BY MAINTAINING THE CRITICAL ATTORNEY-CLIENT RELATIONSHIP.

System is the most effective and efficient means of meeting that requirement.

PROGRAM IN BRIEF

The Office of the State Public Defender is required to provide criminal defense representation to indigent persons charged with crimes except where there is a conflict of interest. The Court makes the appointment when a defendant qualifies for public defender services pursuant to applicable case law and Chief Justice Directives. In FY 2010-11, The Office received 95,268 new trial and appellate cases, closed 94,776 trial and appellate cases and carried a total of 124,158 active trial and appellate cases. The Office functions as a single program devoted to providing reasonable and effective criminal defense representation in these cases.

While our primary function of providing criminal defense representation will not change, the criminal justice environment in which we operate is changing. Caseload continues to grow at a rate exceeding population growth, and the cases that we handle are becoming more complex and reflect an increase in both number and severity of charges.

The average annual 11-year growth rate, or compound rate of growth (CRG), for cases reflects a consistent pattern of growth with intermittent peaks. Active trial case growth has stabilized at more than two times the state's general population growth rate, while appellate case growth is near triple the state's population growth rate. Workload associated with this growing caseload has increased at a rate one-and-one-half the rate of case growth and over three times the population growth rate.

Many other factors have compounded these case growth trends adding increasing complexity to the types of cases and the workload required to represent these cases. These changes compound existing workload conditions to make it more difficult and time consuming for attorneys to provide effective representation, including: changes in the court such as staffing, docket organization, new specialty courts, and other processes; changes in prosecutorial practice and procedure; newly enacted criminal offenses; changes in classes of criminal offenses; changes in criminal penalties; changes in the time it takes to process a case; and changes in the types, quality, complexity and quantity of evidence, history and documentation associated with a case. This changing environment presents a compounding challenge to The Office's need to achieve the staffing levels that are required to provide effective representation.

The Office adapts to its caseload, complexity and staffing deficit challenges by incorporating efficiencies gained through new technologies, staff development and training, and expanding access to specialized legal resources needed to support cases. In particular, communications and information technologies offer opportunities to better utilize our employees, to restructure our administrative processes, and to avoid duplication of resources in our regional offices. Taking advantage of these opportunities enables The Office to better utilize appropriated financial and staffing resources. During periods of difficult fiscal circumstances, these advances are crucial in the State's continued ability to meet its constitutional, statutory and ethical obligations to provide quality representation to the indigent, to maintain the critical attorney-client relationship, and to continue its commitment to providing service to the poor.

The Public Defender System is administered at the state level by the Colorado State Public Defender, Douglas K. Wilson. The State Administrative Office provides centralized, state-wide administrative services and coordinates all office support functions to assist our regional trial offices and appellate division in providing services to clients. The administrative functions delivered by the State Administrative Office include: all program direction, analysis, and planning, including statistical compilation and development; workforce development, training, personnel policy, compensation analysis and practice development, and payroll and benefits coordination and administration; legislative affairs and statutory analysis; intragovernmental and intergovernmental affairs; budget analysis, development, allocation and management; financial management, analysis, tracking, transaction processing, purchasing, and accounting; grants management and development; facilities planning, development, and lease

negotiating; contracts management; and development, distribution and maintenance of the agency's computer information and telecommunication systems.

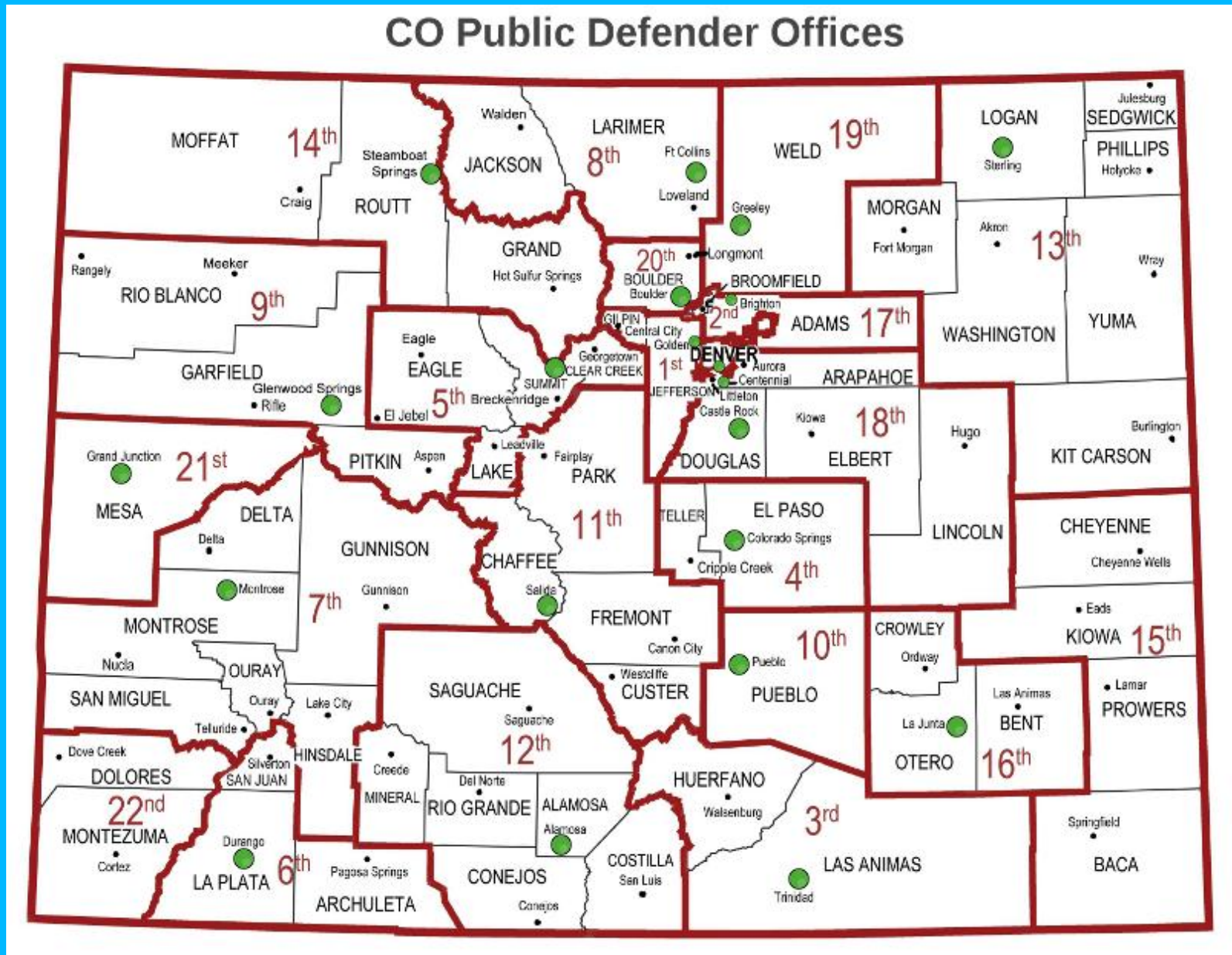
CUSTOMER REQUIREMENTS

Our customers are indigent people in Colorado whom we are appointed to represent in near 125,000 active cases each year. They are indigent people who are faced with the possibility of incarceration. They are unable to afford private counsel and without counsel would otherwise be denied their constitutional right to a fair trial. A critical element in meeting these requirements is the need to maintain the attorney-client relationship. Attorneys, investigators and legal support staff are necessary to provide effective representation of counsel as mandated by the federal and state constitutions and other legal authority referenced above.

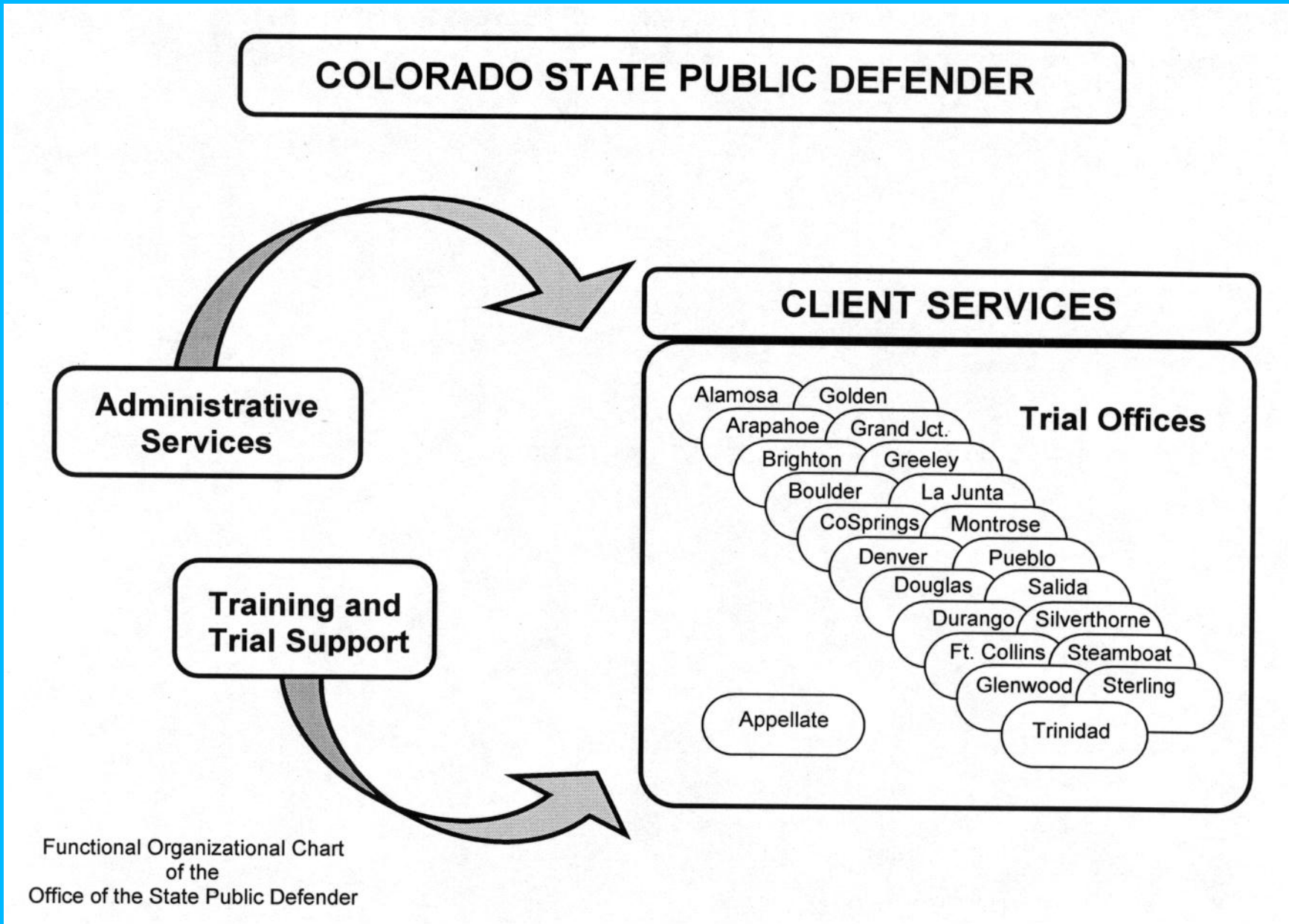
SUMMARY OF PROGRAM RESOURCES

The Office of the State Public Defender is a single purpose program that provides criminal defense representation to indigent clients. It is an independent agency within the Judicial Branch of Colorado State Government. In order to fulfill our statutory responsibility in all proceedings mandated by the statutes, The Office maintains 21 regional trial offices and one appellate division which support the indigent criminal cases of the State's 22 judicial districts and 64 counties. The staff in these offices is entirely devoted to the processing of cases. All administrative and support functions for these offices are handled centrally by the State Administrative Office in Denver. This structure is represented by two graphic portrayals on the following pages.

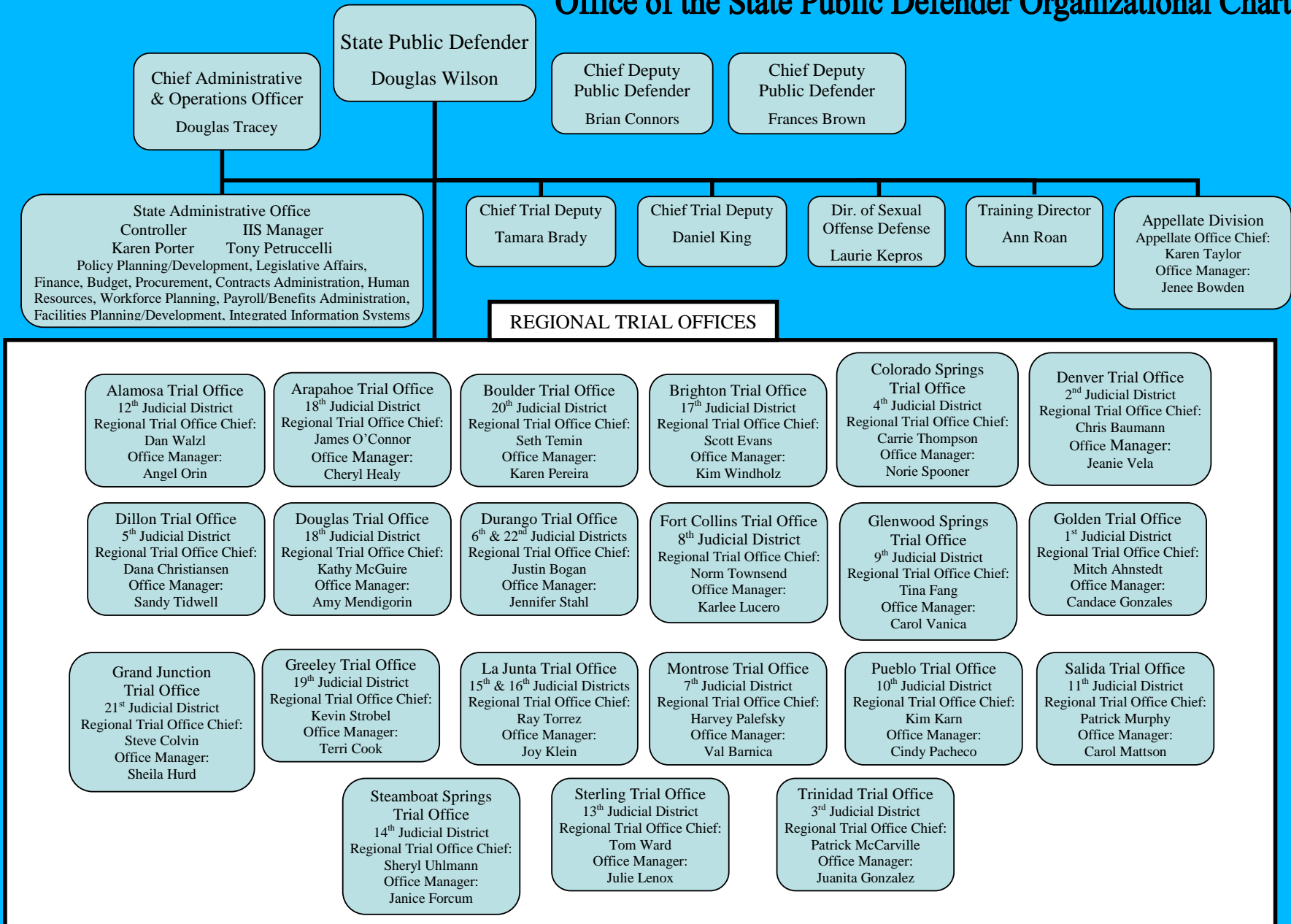
OFFICES: The following is a map of Colorado's 22 Judicial Districts. The dots on the following map represent OSPD office locations.



ORGANIZATIONAL CHART: The following chart illustrates the functional organizational structure of The Office.



Office of the State Public Defender Organizational Chart



STATUTORY AND OTHER AUTHORITY

Colo. Rev. Stat. § 21-1-101 *et seq.*, (1998); U.S. CONST. Amend. VI; COLO. CONST. Art. II, § 16; ABA STANDARDS FOR CRIMINAL JUSTICE, *The Defense Function* (3d ed. 1993); Colo. Rules of Professional Conduct (Colo. RPC); *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Alabama v. Shelton*, 535 U.S. 654 (2002); *Rothgery v. Gillespie County*, 554 U.S. 191; *Nikander v. District Court*, 711 P.2d 1260 (Colo. 1986); *Allen v. People*, 157 Colo. 582, 404 P.2d 266 (1965).

The Office of the State Public Defender is established pursuant to C.R.S. § 21-1-101 *et seq.* as an independent entity within the Judicial Branch of Colorado State Government. By statute, The Office is required to “conduct the office in accordance with the Colorado Code of Professional Conduct¹ and with the American Bar Association standards relating to the administration of criminal justice, the defense function.” C.R.S. §21-1-101(1).

OBJECTIVES

Priority	Objective
1.1	Provide effective legal representation in near 136,000 active appellate and trial cases that will be represented in FY 2013.
1.2	Ensure compliance with applicable constitutional and statutory mandates, the American Bar Association standards, the Colorado Rules of Professional Conduct and applicable court rules and case law.
1.3	Maintain a competitive work environment to be able to attract and retain qualified staff.
2.1	Streamline administrative and other routine processes to avoid duplication of resources in regional trial and appellate offices.
2.2	Continue to provide a high level of training to ensure that clients receive effective legal representation and that Public Defender attorneys are aware of on-going developments in the law.
3.1	Better utilize existing resources and new technologies to more efficiently handle increasing caseload and increasingly complex cases.
3.2	Continually evaluate and evolve key functions to ensure the Public Defender System adapts to the changing legal environment.

¹ This has been changed to the Rules of Professional Conduct.

PERFORMANCE MEASURES

OBJECTIVE 1.1: Provide reasonable and effective legal representation.					
		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: To promote efficiency and quality of services, safeguard the independence of The Office from political influence and judicial ² oversight in the same manner and extent as assigned counsel, including funding, payment, staffing, etc. ^{3/4}	Target	100%	100%	100%	100%
	Actual	100%	100%		
MEASURE: Defense counsel's workload is controlled to permit the rendering of quality representation. ^{5/6/7/8}	Target	100%	100%	100%	100%
	Actual	76.6%	81.4%	81.8%	77.8%
MEASURE: Defense counsel's ability, training, and experience match the complexity of the case. ^{9/10}	Target	70%	70%	70%	70%
	Actual	41.8%	44.0%	39.2%	38.9%

² Judicial independence is "the most essential character of a free society" (American Bar Association Standing Committee on Judicial Independence, 1997).

³ National Advisory Commission on Criminal Justice Standards and Goals, Task Force on Courts, Chapter 13, *The Defense* (1973) hereinafter "NAC"; Standards 13.8, 13.9; National Study Commission on Defense Services, *Guidelines for Legal Defense Systems in the United States* (1976) [hereinafter "NSC"], Guidelines 2.8, 2.18, 5.13; American Bar Association Standards for Criminal Justice, *Providing Defense Services* (3rd ed. 1992) [hereinafter "ABA"], Standards 5-1.3, 5-1.6, 5-4.1; *Standards for the Administration of Assigned Counsel Systems* (NLADA 1989) [hereinafter "Assigned Counsel"], Standard 2.2; NLADA *Guidelines for Negotiating and Awarding Contracts for Criminal Defense Services*, (1984) [hereinafter "Contracting"], Guidelines II-1, 2; National Conference of Commissioners on Uniform State Laws, *Model Public Defender Act* (1970) [hereinafter "Model Act"], § 10(d); Institute for Judicial Administration/American Bar Association, *Juvenile Justice Standards Relating to Counsel for Private Parties* (1979) [hereinafter "ABA Counsel for Private Parties"], Standard 2.1(D).

⁴ *ABA Ten Principles of a Public Defense Delivery System, Principle 1, American Bar Association (2002)*

⁵ *ABA Ten Principles of a Public Defense Delivery System, Principle 5:* "Counsel's workload, including appointed and other work, should never be so large as to interfere with the rendering of quality representation or lead to the breach of ethical obligations, and counsel is obligated to decline appointments above such levels. National caseload standards should in no event be exceeded, but the concept of workload (i.e., caseload adjusted by factors such as case complexity, support services, and an attorney's nonrepresentational duties) is a more accurate measurement." *American Bar Association (2002)*

⁶ NSC, *supra* note 2, Guideline 5.1, 5.3; ABA, *supra* note 2, Standards 5-5.3; ABA Defense Function, *supra* note 15, Standard 4-1.3(e); NAC, *supra* note 2, Standard 13.12; Contracting, *supra* note 2, Guidelines III-6, III-12; Assigned Counsel, *supra* note 2, Standards 4.1, 4.1.2; ABA Counsel for Private Parties, *supra* note 2, Standard 2.2(B)(iv).

⁷ Numerical caseload limits are specified in NAC Standard 13.12 (maximum cases per year: 150 felonies, 400 misdemeanors, 200 juvenile, 200 mental health, or 25 appeals), and other national standards state that caseloads should "reflect" (NSC Guideline 5.1) or "under no circumstances exceed" (Contracting Guideline III-6) these numerical limits. The workload demands of capital cases are unique: the duty to investigate, prepare, and try both the guilt/innocence and mitigation phases today requires an average of almost 1,900 hours, and over 1,200 hours even where a case is resolved by guilty plea. *Federal Death Penalty Cases: Recommendations Concerning the Cost and Quality of Defense Representation* (Judicial Conference of the United States, 1998). See also ABA Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases (1989) [hereinafter "Death Penalty"].

⁸ ABA, *supra* note 2, Standard 5-5.3; NSC, *supra* note 2, Guideline 5.1; *Standards and Evaluation Design for Appellate Defender Offices* (NLADA 1980) [hereinafter "Appellate"], Standard 1-F.

⁹ *ABA Ten Principles of a Public Defense Delivery System, Principle 6:* "Counsel should never be assigned a case

MEASURE: New trial cases received	Actual	95,621	94,693	99,065	102,460
MEASURE: Trial cases closed	Actual	95,581	94,219	98,317	103,080
MEASURE: Total active trial cases represented	Actual	120,816	122,949	128,410	134,738
MEASURE: New appellate cases received	Actual	602	575	584	593
MEASURE: Appellate cases closed	Actual	551	557	557	557
MEASURE: Total active appellate cases represented	Actual	1,185	1,209	1,236	1,271
MEASURE: Maintain established standards for reasonable Caseload Levels (Trial Attorney Active Case Ratio)	Target	232 : 1	232 : 1	232 : 1	232 : 1
	Actual	361 : 1	343 : 1	340 : 1	354 : 1
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Attorney Active case overload)	Target	0%	0%	0%	0%
	Actual	52.4%	46.3%	45.1%	50.9%
MEASURE: Percent of compliance with minimum standards for staffing requirements levels (based upon Closed Case Ratios target)	Target	100%	100%	100%	100%
	Actual	76.6%	81.4%	81.8%	77.8%
MEASURE: Maintain established standards for reasonable Caseload Levels (Appellate Attorney Active Case Ratio)	Target	1 : 27	1 : 27	1 : 27	1 : 27
	Actual	1 : 37	1 : 35	1 : 36	1 : 37
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Appellate Active case overload)	Target	0%	0%	0%	0%
	Actual	39.5%	36.1%	39.1%	43.2%

that counsel lacks the experience or training to handle competently, and counsel is obligated to refuse appointment if unable to provide ethical, high quality representation.” *American Bar Association (2002)*

¹⁰ Performance Guidelines, *supra* note 15, Guidelines 1.2, 1.3(a); Death Penalty, *supra* note 19, Guideline 5.1.

MEASURE: Maintain established standards for reasonable Staff Supervision, Management, Development (Dedicated Staff Supervisor FTE to total employee Ratio)	Target	10%	10%	10%	10%
	Actual	3.9%	3.6%	3.5%	3.4%
MEASURE: There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system. ^{11/12/13}	Target	100%	100%	100%	100%
	Actual	61.6%	69.2%	75.8%	
MEASURE: % of financial resources available as compared to the prosecution's proportionate share	Target	100%	100%	100%	100%
	Actual	61.6%	69.2%	75.8%	
MEASURE: ratio of attorney staffing resources as compared to the prosecution's proportionate share	Target	1 : 1.6	1 : 1.6	1 : 1.6	1 : 1.6
	Actual	1 : 2.3			
MEASURE: Number of attorney training sessions offered	Target	46	46	46	46
	Actual	30	87		
MEASURE: Number of investigator/paralegal training sessions offered	Target	9	9	9	9
	Actual	4	4		
MEASURE: Number of legal assistant training sessions offered	Target	13	15	12	12
	Actual	13	15		
MEASURE: Number of CLE credits offered during year	Target	15	15	15	15
	Actual	15	15		

¹¹ *ABA Ten Principles of a Public Defense Delivery System, Principle 8*: "There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense. No part of the justice system should be expanded or the workload increased without consideration of the impact that expansion will have on the balance and on the other components of the justice system. Public defense should participate as an equal partner in improving the justice system. This principle assumes that the prosecutor is adequately funded and supported in all respects, so that securing parity will mean that defense counsel is able to provide quality legal representation." *American Bar Association (2002)*

¹² NSC, *supra* note 2, Guideline 3.4; ABA, *supra* note 2, Standards 5-4.1, 5-4.3; Contracting, *supra* note 2, Guideline III-10; Assigned Counsel, *supra* note 2, Standard 4.7.1; Appellate, *supra* note 20 (*Performance*); ABA Counsel for Private Parties, *supra* note 2, Standard 2.1(B)(iv). See NSC, *supra* note 2, Guideline 4.1 (includes numerical staffing ratios, e.g.: there must be one supervisor for every 10 attorneys, or one part-time supervisor for every 5 attorneys; there must be one investigator for every three attorneys, and at least one investigator in every defender office). Cf. NAC, *supra* note 2, Standards 13.7, 13.11 (chief defender salary should be at parity with chief judge; staff attorneys at parity with private bar).

¹³ ABA Defense Function, *supra* note 15, Standard 4-1.2(d).

MEASURE: Provide 3 hours of ethics training focusing on Colorado criminal law each year	Target	3 hrs.	3 hrs.	3 hrs.	3 hrs.
	Actual	3 hrs.	3 hrs.		
MEASURE: Office file audits to ensure compliance with appointment and withdrawal procedures	Target	11	11	11	11
	Actual	9	9		
MEASURE: Office program audits to ensure consistent performance of mission across the state.	Target	5	4	2	0
	Actual	5	4		
MEASURE: Annual Rates of Attrition	Target	12 %	12 %	12 %	12 %
Attorneys	Actual	9.3 %	11.0 %		
Investigators	Actual	12.5 %	8.6 %		
Administrative	Actual	6.3 %	22.0 %		
Total	Actual	9.4 %	12.0 %		
MEASURE: Attrition within first three years of employment	Target	12 %	12 %	12 %	12 %
Attorneys	Actual	41.9 %	34.1 %		
Investigators	Actual	41.7 %	22.2 %		
Administrative	Actual	100 %	52.6 %		
Total	Actual	47.9 %	37.5 %		
MEASURE: Percent of experienced, fully capable staff (journey level or higher)	Target	70.0%	70.0%	70.0%	70.0%
Attorneys	Actual	41.8%	44.0%	39.2%	38.9%
Investigators	Actual	47.7%	38.1%	33.2%	32.7%
Administrative	Actual	42.4%	29.4%	21.9%	21.6%
Total All Employees	Actual	45.9%	43.7%	37.8%	37.5%

Objective 1.2: Ensure compliance with applicable constitutional and statutory mandates, the American Bar Association standards, the Colorado Code of Professional Conduct and applicable court rules and case law.

		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: To promote efficiency and quality of services, safeguard the independence of The Office from political influence and judicial ¹⁴ oversight in the same manner and extent as assigned counsel, including funding, payment, staffing, etc. ^{15/16}	Target	100%	100%	100%	100%
	Actual	100%	100%		
MEASURE: Defense counsel's workload is controlled to permit the rendering of quality representation. ^{17/18/19/20}	Target	100%	100%	100%	100%
	Actual	76.6%	81.4%	81.8%	77.8%
MEASURE: Defense counsel's ability, training, and experience match the complexity of the case. ^{21/22}	Target	70%	70%	70%	70%
	Actual	41.8%	44.0%	39.2%	38.9%

¹⁴ Judicial independence is “the most essential character of a free society” (American Bar Association Standing Committee on Judicial Independence, 1997).

¹⁵ National Advisory Commission on Criminal Justice Standards and Goals, Task Force on Courts, Chapter 13, *The Defense* (1973) hereinafter “NAC”]; Standards 13.8, 13.9; National Study Commission on Defense Services, *Guidelines for Legal Defense Systems in the United States* (1976) [hereinafter “NSC”], Guidelines 2.8, 2.18, 5.13; American Bar Association Standards for Criminal Justice, *Providing Defense Services* (3rd ed. 1992) [hereinafter “ABA”], Standards 5-1.3, 5-1.6, 5-4.1; *Standards for the Administration of Assigned Counsel Systems* (NLADA 1989) [hereinafter “Assigned Counsel”], Standard 2.2; NLADA *Guidelines for Negotiating and Awarding Contracts for Criminal Defense Services*, (1984) [hereinafter “Contracting”], Guidelines II-1, 2; National Conference of Commissioners on Uniform State Laws, *Model Public Defender Act* (1970) [hereinafter “Model Act”], § 10(d); Institute for Judicial Administration/American Bar Association, *Juvenile Justice Standards Relating to Counsel for Private Parties* (1979) [hereinafter “ABA Counsel for Private Parties”], Standard 2.1(D).

¹⁶ *ABA Ten Principles of a Public Defense Delivery System, principle 1, American Bar Association (2002)*

¹⁷ *ABA Ten Principles of a Public Defense Delivery System, principle 5*: “Counsel’s workload, including appointed and other work, should never be so large as to interfere with the rendering of quality representation or lead to the breach of ethical obligations, and counsel is obligated to decline appointments above such levels. National caseload standards should in no event be exceeded, but the concept of workload (i.e., caseload adjusted by factors such as case complexity, support services, and an attorney’s nonrepresentational duties) is a more accurate measurement.” *American Bar Association (2002)*

¹⁸ NSC, *supra* note 2, Guideline 5.1, 5.3; ABA, *supra* note 2, Standards 5-5.3; ABA Defense Function, *supra* note 15, Standard 4-1.3(e); NAC, *supra* note 2, Standard 13.12; Contracting, *supra* note 2, Guidelines III-6, III-12; Assigned Counsel, *supra* note 2, Standards 4.1, 4.1.2; ABA Counsel for Private Parties, *supra* note 2, Standard 2.2(B)(iv).

¹⁹ Numerical caseload limits are specified in NAC Standard 13.12 (maximum cases per year: 150 felonies, 400 misdemeanors, 200 juvenile, 200 mental health, or 25 appeals), and other national standards state that caseloads should “reflect” (NSC Guideline 5.1) or “under no circumstances exceed” (Contracting Guideline III-6) these numerical limits. The workload demands of capital cases are unique: the duty to investigate, prepare, and try both the guilt/innocence and mitigation phases today requires an average of almost 1,900 hours, and over 1,200 hours even where a case is resolved by guilty plea. *Federal Death Penalty Cases: Recommendations Concerning the Cost and Quality of Defense Representation* (Judicial Conference of the United States, 1998). See also ABA Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases (1989) [hereinafter “Death Penalty”].

²⁰ ABA, *supra* note 2, Standard 5-5.3; NSC, *supra* note 2, Guideline 5.1; *Standards and Evaluation Design for Appellate Defender Offices* (NLADA 1980) [hereinafter “Appellate”], Standard 1-F.

²¹ *ABA Ten Principles of a Public Defense Delivery System, principle 6*: Counsel should never be assigned a case

MEASURE: Maintain established standards for reasonable Caseload Levels (Trial Attorney Active Case Ratio)	Target	232 : 1	232 : 1	232 : 1	232 : 1
	Actual	361 : 1	343 : 1	340 : 1	354 : 1
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Attorney Active case overload)	Target	0%	0%	0%	0%
	Actual	52.4%	46.3%	45.1%	50.9%
MEASURE: Percent of compliance with minimum standards for staffing requirements levels (based upon Closed Case Ratios target)	Target	100%	100%	100%	100%
	Actual	76.6%	81.4%	81.8%	77.8%
MEASURE: Maintain established standards for reasonable Caseload Levels (Appellate Attorney Active Case Ratio)	Target	1 : 27	1 : 27	1 : 27	1 : 27
	Actual	1 : 37	1 : 35	1 : 36	1 : 37
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Appellate Active case overload)	Target	0%	0%	0%	0%
	Actual	39.5%	36.1%	39.1%	43.2%
MEASURE: Maintain established standards for reasonable Staff Supervision, Management, Development (Dedicated Staff Supervisor FTE to total employee Ratio)	Target	10%	10%	10%	10%
	Actual	3.9%	3.6%	3.5%	3.4%

that counsel lacks the experience or training to handle competently, and counsel is obligated to refuse appointment if unable to provide ethical, high quality representation. *American Bar Association (2002)*

²² Performance Guidelines, *supra* note 15, Guidelines 1.2, 1.3(a); Death Penalty, *supra* note 19, Guideline 5.1.

MEASURE: There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system. ^{23/24/25}	Target	100%	100%	100%	100%
	Actual	61.6%	69.2%	75.8%	
MEASURE: % of financial resources available as compared to the prosecution's proportionate share	Target	100%	100%	100%	100%
	Actual	61.6%	69.2%	75.8%	
MEASURE: ratio of attorney staffing resources as compared to the prosecution's proportionate share	Target	1 : 1.6	1 : 1.6	1 : 1.6	1 : 1.6
	Actual	1 : 2.3			
MEASURE: Number of CLE credits offered during year	Target	15	15	15	15
	Actual	15	15		
MEASURE: Provide 3 hours of ethics training focusing on Colorado criminal law each year	Target	3 hrs.	3 hrs.	3 hrs.	3 hrs.
	Actual	3 hrs.	3 hrs.		
MEASURE: Office file audits to ensure compliance with appointment and withdrawal procedures	Target	11	11	11	11
	Actual	9	9		

²³ *ABA Ten Principles of a Public Defense Delivery System, principle 8:* There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense.²³ No part of the justice system should be expanded or the workload increased without consideration of the impact that expansion will have on the balance and on the other components of the justice system. Public defense should participate as an equal partner in improving the justice system.²⁷ This principle assumes that the prosecutor is adequately funded and supported in all respects, so that securing parity will mean that defense counsel is able to provide quality legal representation. *American Bar Association (2002)*

²⁴ NSC, *supra* note 2, Guideline 3.4; ABA, *supra* note 2, Standards 5-4.1, 5-4.3; Contracting, *supra* note 2, Guideline III-10; Assigned Counsel, *supra* note 2, Standard 4.7.1; Appellate, *supra* note 20 (*Performance*); ABA Counsel for Private Parties, *supra* note 2, Standard 2.1(B)(iv). See NSC, *supra* note 2, Guideline 4.1 (includes numerical staffing ratios, e.g.: there must be one supervisor for every 10 attorneys, or one part-time supervisor for every 5 attorneys; there must be one investigator for every three attorneys, and at least one investigator in every defender office). Cf. NAC, *supra* note 2, Standards 13.7, 13.11 (chief defender salary should be at parity with chief judge; staff attorneys at parity with private bar).

²⁵ ABA Defense Function, *supra* note 15, Standard 4-1.2(d).

Objective 1.3: Maintain a competitive work environment to be able to attract and retain qualified staff.

		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: Number of attorney training sessions offered	Target	46	46	46	46
	Actual	30	87		
MEASURE: Number of investigator/paralegal training sessions offered	Target	9	9	9	9
	Actual	4	4		
MEASURE: Number of legal assistant training sessions offered	Target	13	15	12	12
	Actual	13	15		
MEASURE: Number of CLE credits offered during year	Target	15	15	15	15
	Actual	15	15		
MEASURE: Percent of compliance with market pay practices for Attorney Salaries	Target	100%	100%	100%	100%
	Actual	88%	86.7%	85.4%	
MEASURE: Percent of compliance with market pay practices for All Other Staff	Target	100%	100%	100%	100%
	Actual	96.8%	94.6%	90.6%	
MEASURE: Number of attorney applications received (CY)	Target	175	175	175	175
	Actual	418	779		
MEASURE: Maintain established standards for reasonable Staff Supervision, Management, Development (Dedicated Staff Supervisor FTE to total employee Ratio)	Target	10%	10%	10%	10%
	Actual	3.9%	3.6%	3.5%	3.4%
MEASURE: Maintain established standards for reasonable Caseload Levels (Trial Attorney Active Case Ratio)	Target	232 : 1	232 : 1	232 : 1	232 : 1
	Actual	361 : 1	343 : 1	340 : 1	354 : 1
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Attorney Active case overload)	Target	0%	0%	0%	0%
	Actual	52.4%	46.3%	45.1%	50.9%

MEASURE: Percent of compliance with minimum standards for staffing requirements levels (based upon Closed Case Ratios target)	Target	100%	100%	100%	100%
	Actual	76.6%	81.4%	81.8%	77.8%
MEASURE: Maintain established standards for reasonable Caseload Levels (Appellate Attorney Active Case Ratio)	Target	1 : 27	1 : 27	1 : 27	1 : 27
	Actual	1 : 37	1 : 35	1 : 36	1 : 37
MEASURE: Maintain established standards for reasonable Caseload Levels (% of General Appellate Active case overload)	Target	0%	0%	0%	0%
	Actual	39.5%	36.1%	39.1%	43.2%
MEASURE: Annual Rates of Attrition	Target	12 %	12 %	12 %	12 %
Attorneys	Actual	9.3 %	11.0 %		
Investigators	Actual	12.5 %	8.6 %		
Administrative	Actual	6.3 %	22.0 %		
Total	Actual	9.4 %	12.0 %		
MEASURE: Attrition within first three years of employment	Target	12 %	12 %	12 %	12 %
Attorneys	Actual	41.9 %	34.1 %		
Investigators	Actual	41.7 %	22.2 %		
Administrative	Actual	100 %	52.6 %		
Total	Actual	47.9 %	37.5 %		
MEASURE: Percent of experienced, fully capable staff (journey level or higher)	Target	70.0%	70.0%	70.0%	70.0%
	Attorneys	Actual	41.8%	44.0%	39.2%
Investigators	Actual	47.7%	38.1%	33.2%	32.7%
Administrative	Actual	42.4%	29.4%	21.9%	21.6%
Total	Actual	45.9%	43.7%	37.8%	37.5%

Objective 2.1: Streamline administrative and other routine processes to avoid duplication of resources in regional trial offices.

		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: Develop and test internet based administrative processes	Target	3	3	3	3
	Actual	5	7		

Objective 2.2: Continue to provide a high level of training to ensure that clients receive effective legal representation and that Public Defender attorneys are aware of on-going developments in the law.

		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: Number of attorney training sessions offered	Target	46	46	46	46
	Actual	30	87		
MEASURE: Number of investigator/paralegal training sessions offered	Target	9	9	9	9
	Actual	4	4		
MEASURE: Number of legal assistant training sessions offered	Target	13	15	12	12
	Actual	13	15		
MEASURE: Number of CLE credits offered during year	Target	15	15	15	15
	Actual	15	15		
MEASURE: Provide 3 hours of ethics training focusing on Colorado criminal law each year.	Target	3 hrs.	3 hrs.	3 hrs.	3 hrs.
	Actual	3 hrs.	3 hrs.		

Objective 3.1: Better utilize existing resources and new technologies to more efficiently handle increasing caseload and increasingly complex cases.

Objective 3.2: Continually evaluate and evolve key functions to ensure the Public Defender system adapts to the changing legal environment.

		FY 09-10 (actual)	FY 10-11 (actual)	FY 11-12 (proj.)	FY 12-13 (proj.)
MEASURE: Number of attorney training sessions offered	Target	46	46	46	46
	Actual	30	87		
MEASURE: Number of investigator/paralegal training sessions offered	Target	9	9	9	9
	Actual	4	4		
MEASURE: Number of legal assistant training sessions offered	Target	13	15	12	12
	Actual	13	15		
MEASURE: Number of CLE credits offered during year	Target	15	15	15	15
	Actual	15	15		
MEASURE: Develop and test internet based administrative processes.	Target	3	3	3	3
	Actual	5	7		
MEASURE: Office file audits to ensure compliance with appointment and withdrawal procedures	Target	11	11	11	11
	Actual	9	9		
MEASURE: Office program audits to ensure consistent performance of mission across the state.	Target	5	4	2	0
	Actual	5	4		
MEASURE: Number of focused evaluations of program and administrative processes and policies	Target	2	2	2	2
	Actual	5	5		
MEASURE: Number of revisions/updates to program and administrative processes and policies	Target	2	2	2	2
	Actual	3	3		