



**State of Colorado  
Judicial Branch  
Office of the Alternate Defense Counsel**

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www.coloradoadc.org

**Fiscal Year 2011-2012 Annual Performance Report**

**December 1, 2012**

Each person accused of a crime has a constitutional right to be represented by counsel at each critical stage of the action against him or her. This right only has meaning if counsel is competent, effective, and zealous. This constitutional right applies not only to the wealthy in the United States, but also to the poor. ***The Office of the Alternate Defense Counsel (OADC) was created by the Colorado Legislature (C.R.S. § 21-2-101, et. seq) to provide state wide representation in criminal and juvenile delinquency cases when the Office of the Public Defender has a conflict of interest and therefore cannot ethically represent the indigent defendant.*** The OADC has become a national model for indigent defense assigned counsel programs.

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

The mission of the Office of the Alternate Defense Counsel is to provide indigent individuals (adults and juveniles) charged with crimes the best legal representation possible. This representation ***must*** uphold the federal and state constitutional and statutory mandates, ethical rules, and nationwide standards of practice for defense lawyers. As a state agency, the OADC strives to achieve this mission by balancing its obligation to provide effective counsel to the accused with its responsibility to the taxpayers of the State of Colorado. The OADC is committed to insuring that indigent defendants receive the best legal services available.

The agency's strategic plan begins on page 16 of its FY2013-2014 Budget Request:

<http://www.coloradoadc.org/site/images/stories/forms/oadc%20fy2013-2014%20budget%20request.pdf>

### **Vision**

- ◊ ***To create an environment that promotes thorough evaluation, training, and technology, such that the Office of the Alternate Defense Counsel is recognized as a national leader in the delivery of competent and cost-effective legal representation to indigent defendants.***

### **Objectives**

- I. ***Provide competent Legal Representation State-wide***

The OADC contracts with over 400 private lawyers across Colorado to represent indigent defendants where the public defender's office has a conflict of interest. Although each of these lawyers is an independent contractor, the OADC is committed to insuring that the representation is of the highest quality possible. The lawyer contractors utilize investigators, paralegals and experts, who are also independently monitored by the OADC.

**II. Provide cost-effective Legal Representation State-wide**

The OADC has no control over the number of criminal cases filed or prosecutors' charging decisions. However, the OADC is constantly seeking ways to maintain or reduce the average cost per case.

**Strategies**

- Maintain current compensation rates for all contractors.
- Monitor and contain total hours per case and ancillary costs.
- Provide statewide training for lawyers, investigators, paralegals and court personnel.
- Provide cost effective research tools and resources to OADC contractors to make them more effective and efficient.
- Evaluate, monitor, and audit contractors on an ongoing basis.

**Agency Workload:**

**Total Case Payment Transactions Processed by the Agency:**

	Actual FY07	Actual FY08	Actual FY09	Actual FY10	Actual FY11	Actual FY12	Budget FY13	Request FY14
<b>Case Load</b>	13,089	12,082	12,474	12,594	11,878	12,585	12,301	12,693
<b>Payment Transactions</b>	34,795	38,390	41,524	42,819	39,794	43,327	42,069	43,156
<b>Avg. Case Transactions</b>	2.66	3.18	3.33	3.40	3.35	3.44	3.42	3.40

**Total Case Load and Case Type:**

	Actual FY08	Actual FY09	Actual FY10	Actual FY11	Actual FY12
<b><u>Trial Case Types:</u></b>					
<i>F1 - Death Penalty</i>	4	4	4	3	2
<i>F1 - W/O Death Penalty</i>	150	145	145	126	111
<i>F2-F3</i>	2642	2532	2604	2409	2323
<i>F4-F6</i>	4372	4028	3894	3754	4064
<i>Juvenile</i>	1528	1803	1808	1542	1496
<i>Misd DUI Traffic</i>	1257	1654	1884	1934	2406
<i>Other</i>	2	2	2	1	1
<b>Total Trial Cases</b>	<b>9,955</b>	<b>10,168</b>	<b>10,304</b>	<b>9,769</b>	<b>10,403</b>
<b>Appeal Cases</b>	<b>708</b>	<b>765</b>	<b>725</b>	<b>717</b>	<b>691</b>
<b>Post-Conviction Cases</b>	<b>523</b>	<b>492</b>	<b>489</b>	<b>429</b>	<b>471</b>
<b>Special Proceedings</b>	<b>896</b>	<b>1,049</b>	<b>1,040</b>	<b>963</b>	<b>1,020</b>
<b>Total Cases</b>	<b>12,082</b>	<b>12,474</b>	<b>12,594</b>	<b>11,878</b>	<b>12,585</b>
<b>% Inc/(Dec) Prior Year</b>		3.2%	.9%	(5.7%)	6%

**Annual Performance Measures:**

Performance Measure A.		FY06 Actual	FY07 Actual	FY08 Actual	FY09 Actual through FY12
Maintain compensation rates for contractors. Initial goal set in FY2004-2005 was to reach competitive rates by FY2008-2009 of \$75 per hour.	Target	\$55	\$60	\$68	\$75
	Actual	\$47 No funding received for rate increase	\$57	\$60	\$65

Performance Measure B.		FY10 Actual	FY11 Actual	FY12 Actual
Contain the total number of Attorney hours per case. Includes all case type hours.	Target	19.64	19.64	19.64
	Actual	20.81	19.22	18.91
Contain the total Attorney hours per case excluding Death Penalty cases.	Target	18.65	18.65	18.65
	Actual	18.93	16.96	16.78
Contain the total Attorney hours per Death Penalty case.	Target	2,362.27	2,362.27	2,362.27
	Actual	1,843.97	1,936.80	2,697.46
Contain the total Attorney hours per Type A Felony case.	Target	46.47	46.47	46.44
	Actual	49.74	44.46	44.76
Contain the total Attorney hours per Type B Felony case.	Target	15.48	15.48	15.48
	Actual	16.45	14.73	14.81
Contain the total Attorney hours per Adult Misdemeanor/Juvenile.	Target	7.81	7.81	7.24
	Actual	7.26	6.96	7.20
Keep ancillary costs per case to a minimum.	Target Ancillary	\$119.73	\$119.73	\$124.07
	Actual	\$120.16	\$120.38	\$116.80

Performance Measure C.		FY12 Actual
Sponsor X number of trainings annually for attorneys, investigators, paralegals, and court personnel.	Target	10
	Actual	12

Performance Measure D.		FY12 Actual
Provide Cost-Effective Research Tools and Resources to ADC Contractors	Target	Update and improve brief bank. Train and Increase monthly users 40%.
	Actual	Over 3,000 documents. Average users per month: 161.
Provide legal research assistance	Target	30 cases
	Actual	47 cases

Performance Measure E.		FY12 Actual
Interview contract applicants; evaluate contractors prior to contract renewal date, and ongoing performance monitoring. Contract with investigators.	Target Attorney	100%
	Actual	98%
	Target Investigator	100%
	Actual	99%
<b>Anticipated Attorney contracts (new/renewals)</b>		<b>121</b>
Attorney Contracts Completed		90
Attorney Contracts Incomplete		7
<b>Total Agency Attorney Contractors</b>		<b>383</b>
<b>Anticipated Investigator contracts (new/renewals)</b>		<b>72</b>
Investigator Contracts Completed		75
Investigator Contracts Incomplete		1
<b>Total Agency Investigator Contractors</b>		<b>106</b>

**Program Expenditures:**

