



Office of the
**Alternate
Defense
Counsel**

JUDICIAL BRANCH

FISCAL YEAR 2016-2017

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Annual Performance Report

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Each person accused of a crime has a constitutional right to be represented by counsel at each critical stage of the action. 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 State Public Defender (OSPD) has an ethical conflict of interest.* The OADC has become a nationally recognized model that other states look to when designing or improving their system for appointed counsel. The OADC continues to explore and implement strategies to control case costs while providing effective court-appointed counsel.

The Agency’s 2016-2017 [Performance Plan](#) outlines strategies the Agency utilizes to insure compliance with its constitutional and statutory mandate and to meet its goals and objectives. As can be seen in the Performance Measures below¹, the Agency continues to engage in and advance each of these strategies to achieve the Agency’s mission of providing indigent adults and juveniles charged with crimes the best legal representation possible.

One important way the OADC has contained per case costs is by encouraging attorneys to do **attorney work** while providing a wide array of support services to perform **non-attorney** work at a lower pay rate. For example, the OADC contracts with paralegals, researchers, investigators, social workers, and document managers who assist the OADC contract attorneys with their cases. Not only do these people work at an hourly rate well below what the OADC pays attorneys, but they also bring a level of expertise to their specialized area of knowledge.

The OADC also encourages contractors to use current technology and digital communication methods to minimize costs. As defendants and the public become more “connected”, the Agency has become inundated with requests for both specific and general information. The Agency is exploring ways to meet the demands of ever growing electronic and digital communication, and to implement methods and procedures to manage the changing landscape in communications.

Performance Measure A: Ensure Adequate Contractor Rates		FY 09-14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
Average Hourly Attorney Rates	Target	\$75	\$75	\$75	\$75	\$75	\$75
	Actual	\$65	\$75	\$75			
Average Hourly Paralegal Rates	Target	\$30	\$30	\$30	\$30	\$30	\$30
	Actual	\$25	\$30	\$30			
Average Hourly Investigator Rates	Target	\$41	\$41	\$41	\$41	\$41	\$41
	Actual	\$36	\$41	\$41			
Average Hourly Social Worker Rates	Target	\$45.50	\$45.50	\$45.50	\$45.50	\$45.50	\$45.50
	Actual	\$36	\$45.50	\$45.50			

¹ A more detailed description of the Agency’s Performance Measures can be seen in its [FY17-18](#) budget submission.

In FY14–15 the legislature approved the Agency’s request to increase contractors’ hourly rates. Due to the state of the economy the OADC has not requested additional rate increases.

Performance Measure B: Contain Case Costs		FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
Contain the total number of Attorney hours per case. Includes all case type hours.	Target Attorney hours	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64	19.64
	Actual	19.22	18.91	17.94	17.91	16.57	15.91			

The OADC analyzes the Attorney Hours per Case on a monthly basis and strives to find innovative and effective strategies to contain hours per case. As the chart above demonstrates, the Agency is exceeding its goal.

Performance Measure C: Provide High Quality Trainings		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
Trainings for attorneys, investigators, paralegals, social workers, and court personnel.	Target	15	16	13	16	19
	Actual	14	16			
Total Number of Hours		169	160	150	203	203
Total Number of Attendees		1,151	792	811	958	958

The OADC met its training program target in terms of actual number of trainings. The Agency trained on a variety of subjects and most trainings are webcast, and accessible to anyone with a high speed internet connection, and/or recorded and reproduced on DVD.

Performance Measure D: Provide Cost-effect Research Tools and Assistance		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
On-Line Research Tools and Resources to OADC Contractors (including Juvenile, Social Sciences and Mental Health specific materials)	Target documents	5,000	6,000	6,000	6,000	6,000
	Actual documents	5,400	7,000			
	Target users*/queries	250*	250*	1000/month	1200/month	1500/month
	Actual users*/queries	250*	1,700/month			

**Do to a change in technology the agency stopped tracking users and began tracking total number of search queries.*

To advance quality and efficiency in OADC contractors, the Agency recognized the need for providing cost-effective research tools and resources. To accomplish this, the Agency has: Improved and expanded the Web Based Library; provided legal research and motion drafting assistance to contractors; utilized lower cost researchers and interns to assist on cases; provided timely case law summaries of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10th Circuit, and the United States Supreme Court; analyzed and introduced best practice applications to OADC contractors; and created and updated comprehensive manuals on complex but frequently used subject matter.

Performance Measure E: Monitor and Evaluate Contractors		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	93%			
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%	100%
	Actual	100%	64%			

As the numbers above indicate, the Agency has interviewed and approved or denied contracts with most of its contract attorneys and investigators, and is working diligently to ensure that everyone is under contract. The OADC has a process to ensure that all OADC lawyers and investigators are under a current contract. This process includes evaluating all attorney and investigator contractors. To accomplish this, the Agency does the following: Maintains a tracking system for all attorney and investigator contractors that includes contract renewal dates; contacts and requests renewal applications for contractors; reviews at least one pleading or report from each renewal applicant; monitors, observes and evaluates lawyer court room practice; requests feedback from judicial districts concerning OADC lawyers; verifies attorney status with the Office of Attorney Regulation; mandates training and testing for investigators prior to contract issuance; interviews and evaluates contractors, and renews contracts if appropriate; conducts audit and time-efficiency studies of select OADC contractors; requires at least 5 hours of juvenile or defense specific CLE training per year; and maintains an ACCESS data base to streamline the collection of information relating to this process.

Performance Measure F: Support the use of Evidence Based Practices		FY15 Actual	FY16 Actual	FY17 Budget	FY18 Request	FY19 Goal
Number of Cases that Social Workers are on	Target	70 cases	100 cases	125 cases	200 cases	200 cases
	Actual	75 cases	181 cases			
Number of Social Worker Contractors	Target	6 contractors	6 contractors	10 contractors	15 contractors	15 contractors
	Actual	9 contractors	11 contractors			
Number of Social Worker Interns	Target	3 interns	3 interns	5 interns	3 interns	3 interns
	Actual	3 interns	3 interns			

The purpose of performance measure F is to create an implementation strategy to effectuate Evidence Based Practices in criminal cases by: Institutionalizing the OADC Social Worker Program; expanding the separate social science component of the Agency’s Web Based Library; and ensuring that a part of the OADC’s training program is focused on EBP and social workers.

Performance Measure G: Strengthen OADC’s Juvenile Division		FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Goal
Sponsor X number of Juvenile-specific trainings annually for attorneys.	Target	2	2	2	3	3
	Actual	2	4			
Screen 100% of attorneys doing juvenile work and up for contract renewal, to ensure competency in juvenile representation.	Target	3	90	25	25	25
	Actual	2	70			
Incorporate a social worker into juvenile defense teams where appropriate.	Target	na	na	50 cases	50 cases	50 cases
	Actual	25 cases	49 cases			
Provide special education expert assistance.	Target		15	20	20	20
	Actual	8	13			

This year, the OADC underwent a comprehensive and rigorous process of re-constituting the panel of contract attorneys representing juveniles. The OADC identified some training needs and areas that need attention moving forward and developed a plan of action to address these needs. The Juvenile Coordinator will continue to ensure that OADC contract attorneys are providing high quality juvenile defense by observing hearings and reviewing court and billing records. The Juvenile Coordinator will conduct contract renewal interviews of all juvenile contract attorneys as their contracts come due.

In addition to meeting its Performance Measures and Goals, the Agency has also reached the benchmarks listed in the timeline of the Agency’s Performance Management System. The Agency continues to seek feedback from its 600+ contractors and, based on feedback, the Agency has re-designed its billing system. The Agency has made improvements to its internal operations and personnel and retention practices, soliciting feedback from its staff with regards to day-to-day operations. As a result, the Agency developed an internal Access Database which has consolidated numerous information gathering systems in a centralized location.