



# Annual Performance Report



## JUDICIAL BRANCH

**FISCAL YEAR 2022-2023**

**November 1, 2023**

Lindy Frolich, Director

## AGENCY OVERVIEW

Each person accused of a crime has a constitutional right to be represented by counsel at each critical stage of the proceeding. 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 court-appointed counsel. The OADC continues to explore and implement strategies to control case costs while providing effective court-appointed counsel. The OADC's 2022-2023 Performance Plan outlines strategies the Agency utilizes to ensure compliance with its constitutional and statutory mandate and to meet its goals and objectives. As evidenced by the Performance Measures below<sup>1</sup>, the Agency continues to engage in and advance each of these strategies to achieve the Agency's mission of providing indigent adults and youth charged with crimes the best legal representation possible.

## STRATEGIES

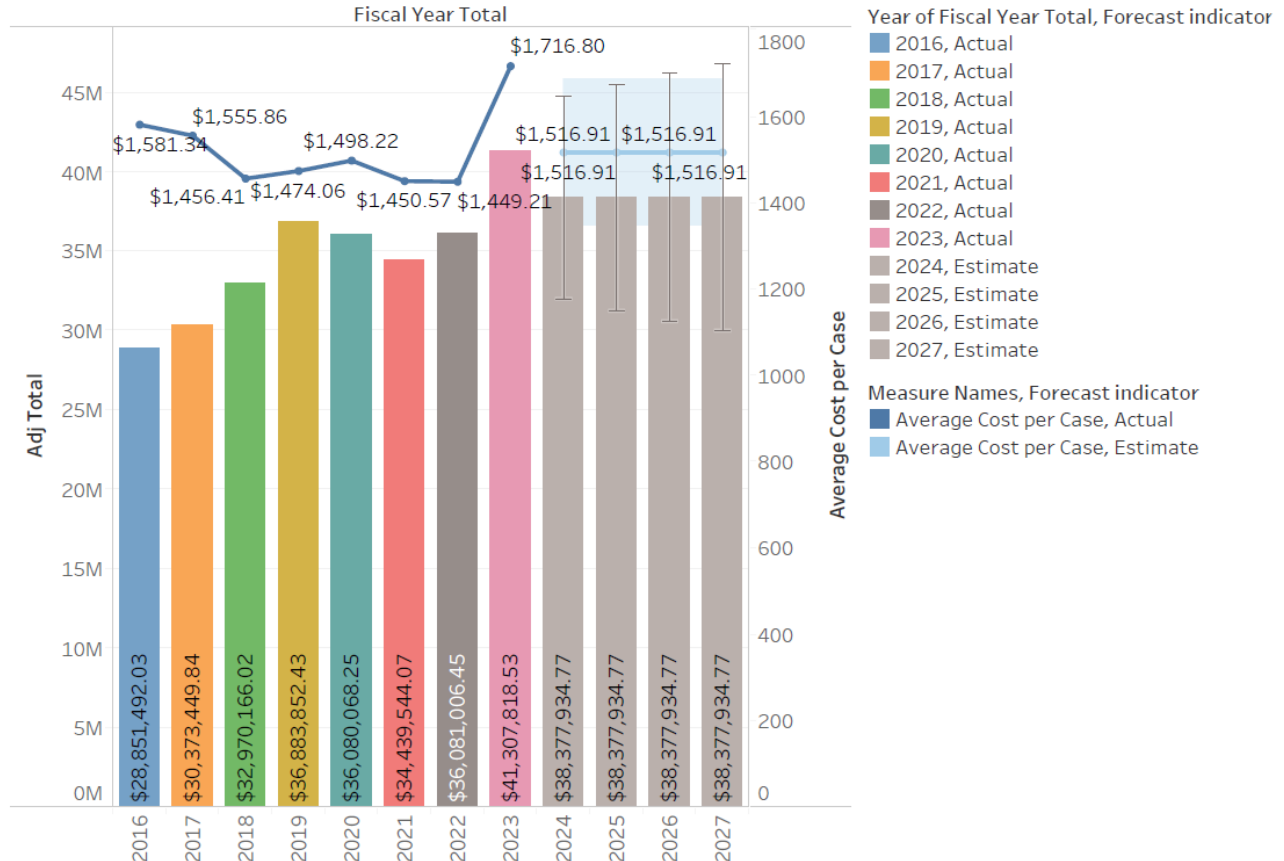
The OADC also encourages contractors to use current technology and digital communication methods to maximize efficiency and minimize costs. As clients and the public become more "connected," the OADC has become inundated with requests for both specific and general information. The OADC is exploring ways 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: Contain Case Costs

The OADC analyzes its total annual expenditures and average cost per case monthly and strives to find innovative and effective strategies to contain those costs. The below chart shows those amounts from FY16 to FY23 (as of June 30<sup>th</sup>, 2023) and its estimated numbers for FY24-27. The OADC is dedicated to the practice of holistic defense, which is driven by multi-disciplinary legal teams, not just individual lawyers. The OADC works diligently to encourage contractors to build holistic and diverse legal teams that incorporate social workers, investigators, paralegals, case assistants, and more. This practice not only provides stronger legal advocacy for OADC clients, but also reduces costs, since lawyers receive the highest hourly rate.

Due to the many factors that can affect both the Average Case Cost and Total Year-end Expenditures, it remains a struggle for the OADC to estimate these numbers accurately and consistently for future fiscal years. Some of the factors that contribute to this struggle include Hourly Contractor Rate Adjustments (which occurred in FY19, FY23, and are occurring again in FY24), and year-end caseload and expenditure fluctuations. The Agency's current estimate for future average cost per case ranges from \$1,100 to \$1,700. As fiscal year expenditures move further beyond pandemic's affected years of 2020-2021 the Agency anticipates its range of estimated average cost per case will narrow.

In evaluating the prior year's performance, it was estimated in the FY23 Performance Plan that an average cost per case for FY23 would be \$1,461. The actual average cost for FY23 was higher than estimated and totaled \$1,716.80, a difference of approximately \$255 per case. The Agency will continue to work towards containing its average cost per case and keep ancillary costs per case to a minimum.



## Performance Measure B: Providing Multidisciplinary Legal Teams for OADC clients

The OADC is dedicated to the practice of holistic defense, and empowering contractors to build and maintain strong and supportive teams to best serve their clients.

The chart below shows the overall percentage of hours spent on an average OADC case by varying team members. For example, the proportion of attorney time dropped 11.39% from 72.5% in FY16 to 61.58% in FY23 and a reciprocating percentage increase in other contractor time. The OADC hopes to see these holistic teams continue to grow in the upcoming years.

In evaluating the prior year's performance the Agency experienced adjustments across the board in its proportional percentages as estimated in the FY24 Performance Plan. The OADC estimated the FY23 proportion of Attorney time would drop to 60.0%, the actual percentage ended up being 61.58%. Another example was the FY23 proportion of Forensic Clinical Advocate total which was estimated to be 8.0% but ended up increasing to 9.23%. The Agency continues to succeed in providing multidisciplinary legal teams for OADC clients.

Contract Hours Percent of Total

