



# Annual Performance Report



JUDICIAL BRANCH

**FISCAL YEAR 2023-2024**

**November 1, 2024**

Lindy Frolich, Director

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 2024 Annual Performance Report 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.

## Mission Statement

The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of holistic public defense, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC's holistic practice model fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. The OADC advocates for every client's inherent worth and dignity by centering the client's lived experiences and voice to achieve the best legal outcome.

The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. Statistical data and experiences support that there is a disparate presence of violent policing, overcharging, and harsher sentencing outcomes for Colorado's people of color and other vulnerable populations. The OADC is unwavering in its support of decarceration, the decriminalization of youth, and equity within the criminal legal system.

## Background

The United States and Colorado Constitutions provide every accused person with the right to legal representation by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right means that counsel will be provided at state expense for indigent persons in all cases in which incarceration is a possible penalty.

The Office of the Alternate Defense Counsel (OADC) was established pursuant to [C.R.S. § 21-2-101, et seq.](#) as an independent governmental Agency of the State of Colorado Judicial Branch. The OADC is funded to provide legal representation for indigent persons in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) has an ethical conflict of interest.

## Statutory Mandate/Directive

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 OADC’s 2024 Annual Performance Report 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, 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. As technology becomes more advanced and the amount of data continues to grow, the OADC continues to explore new and different ways to assist defense teams in representing their clients both effectively and efficiently.

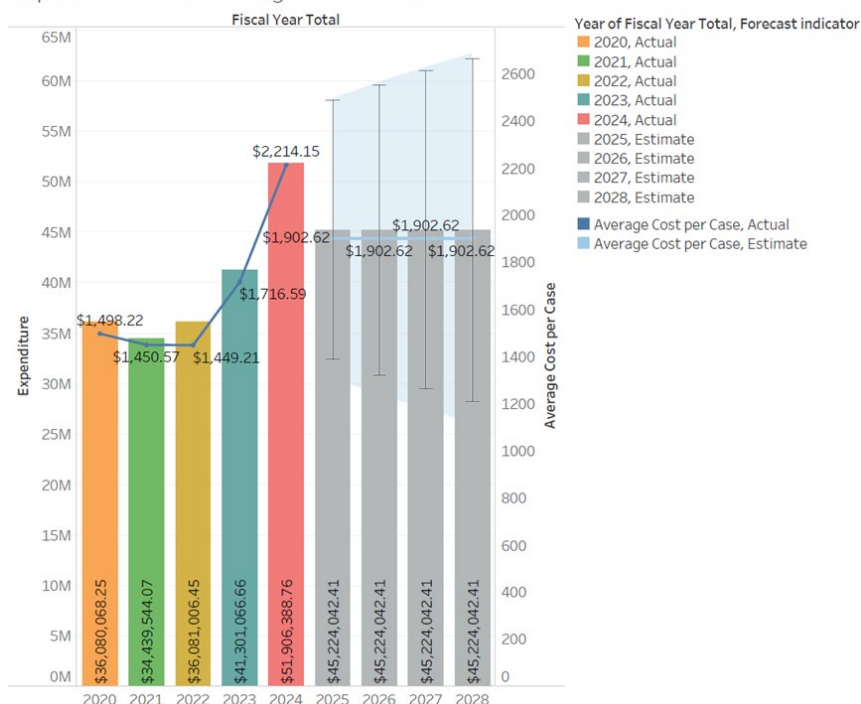
### **Performance Measure A: Contain Case Costs**

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 chart below shows those amounts from FY20 to FY24 and its estimated numbers for FY25-28. 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, FY24 and are occurring again in FY25), and year-end caseload and expenditure fluctuations. The Agency’s current estimate for future average cost per case ranges from \$1,200 to \$2,700. As fiscal year expenditures move further beyond the 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 FY24 Performance Plan that an average cost per case for FY24 would be \$1,516.91. The actual average cost for FY24 was higher than estimated and totaled \$2,214.15, a difference of approximately \$697 per case. The Agency will continue to work towards containing its average cost per case and keep ancillary costs per case to a minimum.

## Expenditures and Average Case Costs



### 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 14.0% from 72.56% in FY17 to 58.56% in FY24 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 FY25 Performance Plan. The OADC estimated the FY24 proportion of Attorney time would drop to 60.0%, the actual percentage ended up being 58.56%. Another example was the FY24 proportion of Forensic Clinical Advocate total which was estimated to be 8.0% but ended up increasing to 9.31%. The Agency continues to succeed in providing multidisciplinary legal teams for OADC clients.

## Contract Hours Percent of Total

