



Office of the

Alternate Defense



ounsel

**FISCAL YEAR 2022-2023
BUDGET REQUEST**

November 1, 2021

Lindy Frolich, Director

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State of Colorado

Lindy Frolich, Director

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November 1, 2021

To the Citizens and Legislators of the State of Colorado:

The Office of the Alternate Defense Counsel (OADC) was created in 1996 to provide qualified defense counsel for indigent adults and children where the Office of the State Public Defender (OSPD) has a conflict of interest. On March 13, 2020, we closed our administrative office due to COVID-19, and it has remained closed since. While it was not difficult to transform our 16-member administrative office to a work-from-home group, our contractors in the field have continued to do the best job they can to represent their indigent adult and youth clients.

In addition to responding to the onslaught of challenges posed by the ongoing COVID-19 pandemic, the OADC has also done its best to respond to another pandemic - one that has been ongoing for centuries and recently brought to the forefront of mainstream consciousness with the brutal murder of George Floyd - racial injustice and inequity in our country. We updated our longstanding mission statement to be direct and transparent in our goals of promoting holistic representation, equity, and diversity. We recognize that we have a lot of work to do to continue to move towards these goals but believe strongly this is an important step. We are dedicated to pursuing additional action steps to address racial inequity within our agency and the criminal legal system overall. We are also working to ensure our defense team contractors provide more holistic representation of clients. *The OADC strives to provide equitable representation to those we serve. This includes representing and conveying the uniqueness and humanity of each client and that is done through client-centered holistic representation.* Holistic representation means looking at our clients as full human beings with complex and nuanced needs. We believe that holistic representation is not only best practice but can also be efficient and cost-effective.

The following table shows changes in the OADC's caseload since FY13, corresponding expenditures, and increase in transactions processed.

	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19** Actual	FY20 Actual	FY21 Actual	FY15 to FY21 % change
Caseload	16,680	18,244	20,103	22,638	25,022	24,085	23,746	42.36%
Caseload % change	10.57%	9.38%	10.19%	12.61%	10.53%	-3.74%	-1.41%	
Expenditures	\$ 29,694,094	\$ 30,037,642	\$ 32,932,573	\$ 35,367,129	\$ 39,698,549	\$ 39,471,286	\$ 37,704,784	26.98%
Expenditures % change	16.66%	1.16%	9.64%	7.39%	12.25%	-0.57%	-4.48%	
Transactions	59,057	64,997	72,753	98,891	121,981	137,050	153,142	159.31%
Transactions % change	10.51%	10.06%	11.93%	35.93%	23.35%	12.35%	11.74%	
Average Case Transactions	3.54	3.56	3.62	4.37	4.87	5.69	6.45	82.1%

*In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

As this table shows, the number of cases handled by the Agency in any fiscal year is unpredictable, although interestingly, in the past five years, the Agency’s caseload has increased by approximately 10% each year, followed by a decline in cases in FY20 and FY21, which we believe is primarily related to the COVID-19 pandemic.

The following chart shows our Long Bill appropriation together with any supplemental budget appropriation, as well as figure-setting decreases and year-end transfers. It also shows the year-end reversion to the General Fund, which was quite significant in FY20, likely due to COVID-19.

	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Long Bill	\$29,645,966	\$30,062,991	\$31,403,173	\$31,738,129	\$42,020,721	\$48,139,361	\$52,067,382
Supplemental	\$75,116	\$1,513,302	\$620,334	\$3,655,200	\$3,861,102	\$30,617	(\$4,520,835)
Add-On					(\$2,198,408)	(\$2,225,997)	
Expenditures	\$30,359,185	\$31,562,890	\$32,932,573	\$35,367,129	\$39,698,549	\$39,471,286	\$37,611,364
Transfers	\$640,000		\$911,747			(\$1,000,000)	
Reversion	\$1,897	\$13,403	\$2,681	\$26,200	\$3,984,866	\$5,472,695	\$9,935,183

Appendix A has two pie charts; one shows the distribution of cases by Judicial District and the other breaks down the OADC’s Conflict-of-interest Contracts and Mandated Costs Expenditures by Judicial District. A state map with the number of cases by Judicial District is also included. Although the OADC cannot control or influence the *number* of cases, the OADC has successfully contained the biggest cost-driver, the number of attorney hours spent on each case. In fact, the average number of attorney hours per case has steadily decreased, as has the average cost per case, apart from a slight increase in the average cost per case in

FY19 and FY20, followed by a decrease in FY21, and an insignificant increase in the average number of attorney hours per case in FY20 followed by a decrease again in FY21.

Contain Case Cost		FY15*	FY16	FY17	FY18	FY19**	FY20	FY21	FY22	FY23	FY15 to FY21 % change
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Budget	Request	
Contain the total number of Attorney hours per case. Includes all case type hours.	Target	19.64	19.64	19.64	15.27	15.27	14.33	13.75	13.79	13.34	-19.5%
	Actual	16.57	15.91	15.27	14.33	13.75	13.79	13.34			
	% change	-7.5%	-4.0%	-4.0%	-6.2%	-4.0%	0.3%	-3.3%			
Average Cost per Case	Target	n/a	n/a	\$1,581	\$1,523	\$1,523	\$1,456	\$1,474	\$1,498	\$1,451	-15.7%
	Actual	\$1,722	\$1,581	\$1,523	\$1,456	\$1,474	\$1,498	\$1,451			
	% change	7.9%	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.2%			

*In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

For the last several years, my letter to you and our budget have focused on various services or OADC innovations that support our contractors in the field, in order to keep the above-displayed numbers as low as possible. I firmly believe our continued push toward holistic representation will also contribute to ongoing cost savings on cases. The incorporation of additional professionals such as social workers, paralegals, case assistants, legal researchers, investigators, and resource advocates pushes us to a more holistic, inter-disciplinary model of defense. Holistic defense models have been linked to better outcomes for clients and help distribute workload amongst professionals that are paid at lower rates than attorneys. When other professionals trained to provide specific services are incorporated into the defense team, it enhances the quality of representation for clients, saves attorneys time, and saves taxpayer money. This approach is both efficient and best practice.

Our contractors’ responses to these efforts have been very positive:

- *I just wanted to express my appreciation for your continued support. I thoroughly enjoy working for ADC and always look forward to the next case. Thank you for all the support you give to the clients and teams I work on.*
- *I too, want to thank all of you for the tremendous amount of help litigating Mr. X’s case. Your assistance and guidance with strategy, research, and arguments was extremely valuable and truly made a difference. What a team and what a case.*

- *I sincerely believe it was the social worker's hard work on the investigation & report, her work with the family, and especially her work with the client that got us to this point. The social worker changed her life. AND this was an awesome team.*
- *I think that social workers should be assigned to every serious felony case. I don't know how that works out fiscally, but I think it would be a best practice. I have had better results from the judges, better offers from the prosecution, and better client outlooks. My clients, I think, finally get to tell their story to someone who can tell them that what they went through isn't "normal." I just want to say that the social worker program should continue and expand.*

These are just a few examples of the email feedback we received over the past year. As we enter the 20th month of the COVID-19 pandemic, we continue to expand services to our contractors to keep them safe while effectively representing their clients in a more holistic way. At the same time, we continue to dedicate ourselves to keeping costs down through efficient management practices and procedures and fulfilling our constitutional mandate of providing effective representation to indigent individuals in youth and adult court. We are hopeful that in FY2022-23 we can finally turn our focus away from COVID-19 and focus solely on the latter.

Sincerely,



Lindy Frolich

BUDGET SUMMARY NARRATIVE

The total FY 2022-23 budget request for the Office of the Alternate Defense Counsel is \$50,495,384 and 20.5 FTE.

FY 2021-22 Appropriation \$ 47,690,846

MINUS Across the Board (ATB) Adjustments – PY Annualization (\$ 55,221)

PLUS Across the Board (ATB) Adjustments \$ 56,984

PLUS Common Policy Adjustments \$ 16,780

PLUS Capital Outlay Adjustments \$ 12,400

FY 2022-23 Base Request of \$ 47,721,789

PLUS DI 1 – Change Request – Coordinator of Adjunct Services \$ 0

PLUS DI 2 – Change Request – Staff Accountant \$ 103,413

PLUS DI 3 – Change Request – Information Systems Director \$ 134,414

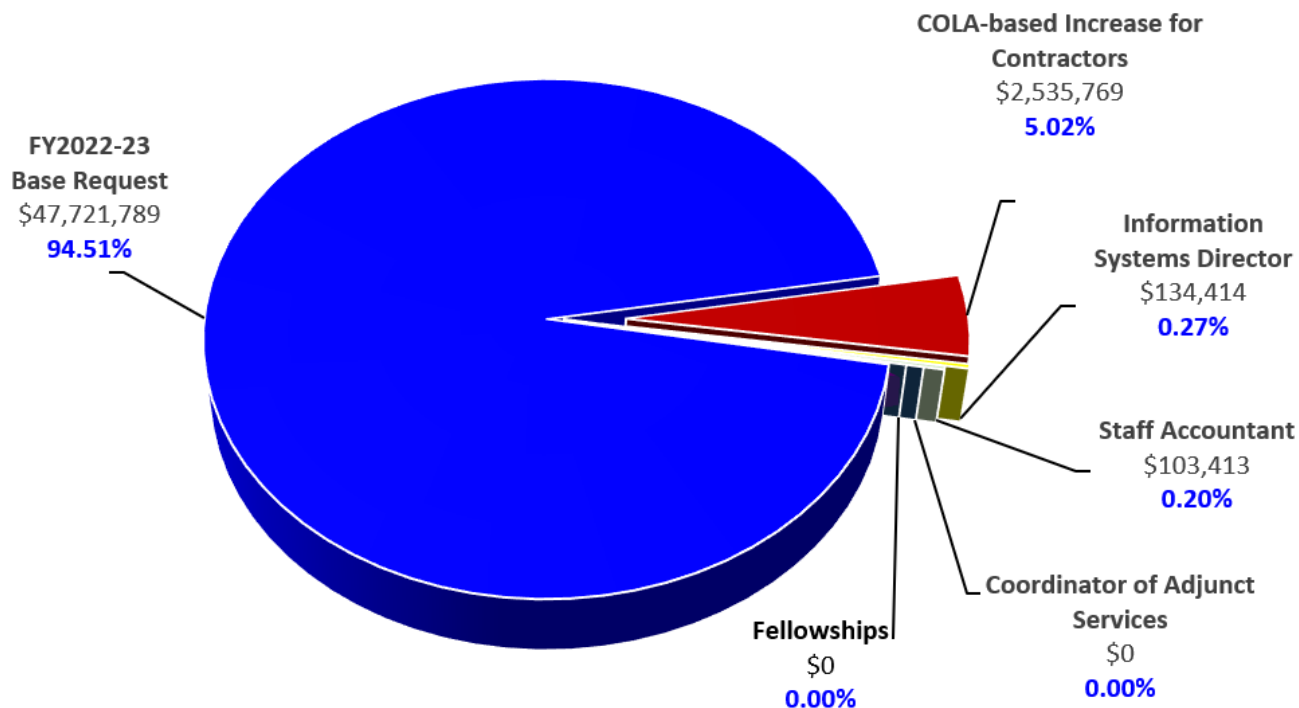
PLUS DI 4 – Change Request – COLA-based Increase for Contractors \$ 2,535,769

PLUS DI 5 – Change Request – The Greater Colorado Practitioner Fellowship \$ 0

PLUS DI 5 – Change Request – The Inclusivity Fellowship \$ 0

FY 2022-23 Budget Request of \$ 50,495,384

FY 2022-23 Budget Request



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**The Office of the Alternate Defense Counsel
FY 2022-23 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
Long and Special Bill				
SB 21-205 Office of the Alternate Defense Counsel	16.0	\$47,690,846	\$47,610,846	\$80,000
Total FY2020-21 Appropriation	16.0	\$47,690,846	\$47,610,846	\$80,000
Salary Survey and Merit				
FY 2021-22 Salary Survey / (ATB) Across The Board Incr. <i>(Annualized)</i>	0.0	(\$55,221)	(\$55,221)	\$0
FY 2022-23 Salary Survey / (ATB) Across The Board Incr.	0.0	\$56,984	\$56,984	\$0
Total Salary Survey and Merit	0.0	\$56,984	\$56,984	\$0
Common Policy Adjustments				
Health Life Dental	0.0	\$5,208	\$5,208	\$0
Health Life Dental - Reclass to Municipal Court Programs	0.0	(\$17,770)	(\$17,770)	
Short Term Disability	0.0	\$71	\$71	\$0
Short Term Disability - Reclass to Municipal Court Programs	0.0	(\$297)	(\$297)	
AED	0.0	\$2,230	\$2,230	\$0
AED - Reclass to Municipal Court Programs	0.0	(\$9,286)	(\$9,286)	
SAED	0.0	\$2,230	\$2,230	\$0
SAED - Reclass to Municipal Court Programs	0.0	(\$9,286)	(\$9,286)	
PFML	0.0	\$3,897	\$3,897	\$0
PFML - Reclass to Municipal Court Programs	0.0	(\$418)	(\$418)	
Common Policy Adjustments - Municipal Court Programs				
Health Life Dental - Municipal Court Program	0.0	\$17,770	\$17,770	\$0
Short Term Disability - Municipal Court Program	0.0	\$297	\$297	\$0
AED - Municipal Court Program	0.0	\$9,286	\$9,286	\$0
SAED - Municipal Court Program	0.0	\$9,286	\$9,286	\$0
PFML - Municipal Court Program	0.0	\$418	\$418	\$0
Municipal Court Program Annualization PERA & Medicare (FY23)	0.0	\$3,144	\$3,144	\$0
Total Common Policy Adjustments	0.0	\$16,780	\$16,780	\$0
Capital Outlay				
DI # R-1 - Coordinator of Adjunct Services	0.0	\$6,200	\$6,200	\$0
DI # R-1 - Conflict-of-interest Contracts LBLI	0.0	(\$6,200)	(\$6,200)	\$0
	0.0	\$0	\$0	\$0
DI # R-2 - Staff Accountant	0.0	\$6,200	\$6,200	\$0
DI # R-3 - IT Support	0.0	\$6,200	\$6,200	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship	0.0	\$6,200	\$6,200	\$0
DI # R-5 - Conflict-of-interest Contracts LBLI	0.0	(\$6,200)	(\$6,200)	\$0
	0.0	\$0	\$0	\$0
DI # R-5 The Inclusivity Fellowship	0.0	\$6,200	\$6,200	\$0
DI # R-5 - Conflict-of-interest Contracts LBLI	0.0	(\$6,200)	(\$6,200)	\$0
	0.0	\$0	\$0	\$0
Total Common Policy Adjustments	0.0	\$12,400	\$12,400	\$0
Total FY 2022-23 Base Request	16.0	\$47,721,789	\$47,641,789	\$80,000

**The Office of the Alternate Defense Counsel
FY 2022-23 Budget Change Summary - by Fund Source**

	FTE	Total	GF	CF
Budget Change Requests				
DI # R-1 Coordinator of Adjunct Services (FY23) - Personal Services	0.9	\$141,896	\$141,896	\$0
DI # R-1 Coordinator of Adjunct Services (FY23) - POTS	0.0	\$25,718	\$25,718	\$0
DI # R-1 Coordinator of Adjunct Services (FY23) - Operating	0.0	\$2,350	\$2,350	\$0
DI # R-1 Coordinator of Adjunct Services (FY23) - Conflict-of-interest Contracts LBLI	0.0	(\$169,964)	(\$169,964)	\$0
DI # R-1 Coordinator of Adjunct Services (FY23)	0.9	\$0	\$0	\$0
DI # R-2 Staff Accountant (FY23)	0.9	\$103,413	\$103,413	\$0
DI # R-3 IT Support (FY23)	0.9	\$134,414	\$134,414	\$0
DI # R-4 COLA Based Contractor Hourly Rate Increase (FY23)	0.0	\$2,535,769	\$2,535,769	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship (FY23) - Personal Services	0.9	\$68,529	\$68,529	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship (FY23) - POTS	0.0	\$18,974	\$18,974	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship (FY23) - Operating	0.0	\$2,350	\$2,350	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship (FY23) - Conflict-of-interest Contracts LBLI	0.0	(\$89,853)	(\$89,853)	\$0
DI # R-5 The Greater Colorado Practitioner Fellowship (FY23)	0.9	\$0	\$0	\$0
DI # R-5 The Inclusivity Fellowship (FY23) - Personal Services	0.9	\$68,529	\$68,529	\$0
DI # R-5 The Inclusivity Fellowship (FY23) - POTS	0.0	\$18,974	\$18,974	\$0
DI # R-5 The Inclusivity Fellowship (FY23) - Operating	0.0	\$2,350	\$2,350	\$0
DI # R-5 The Inclusivity Fellowship (FY23) - Conflict-of-interest Contracts LBLI	0.0	(\$89,853)	(\$89,853)	\$0
DI # R-5 The Inclusivity Fellowship (FY23)	0.9	\$0	\$0	\$0
Total Decision Items/Budget Amendments	4.5	\$2,804,538	\$2,804,538	\$0
Total FY 2022-23 Budget Request	20.5	\$50,495,384	\$50,415,384	\$80,000
Change from FY 2021-22	4.5	\$2,804,538	\$2,804,538	\$0
% Change from FY 2021-22	28.1%	5.9%	5.9%	0.0%

Office of the Alternate Defense Counsel
 FY2022-23 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Personal Services				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 1,661,709	14.0	\$ 1,661,709	\$ -
FY 2021-22 Total Appropriation	\$ 1,661,709		\$ 1,661,709	\$ -
FY 2022-23 Base Request	\$ 1,661,709	14.0	\$ 1,661,709	\$ -
DI # 1 Coordinator of Adjunct Services	\$ 141,896	0.9	\$ 141,896	
DI # 2 Staff Accountant	\$ 81,864	0.9	\$ 81,864	
DI # 3 Information Systems Director	\$ 109,340	0.9	\$ 109,340	
DI # 5 The Greater Colorado Practitioner Fellowship	\$ 68,529	0.9	\$ 68,529	
DI # 5 The Inclusivity Fellowship	\$ 68,529	0.9	\$ 68,529	
FY 2022-23 November 01 Request	\$ 2,131,867	18.5	\$ 2,131,867	\$ -
Health Life and Dental (HLD)				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 220,887	-	\$ 220,887	\$ -
FY 2021-22 Total Appropriation	\$ 220,887		\$ 220,887	\$ -
Total Compensation Common Policy (incremental change)	\$ 5,208	-	\$ 5,208	\$ -
Appropriation Amendment to Municipal Court Programs	\$ (17,770)		\$ (17,770)	
FY 2022-23 Base Request	\$ 208,325	-	\$ 208,325	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 12,672	-	\$ 12,672	\$ -
DI # 2 Staff Accountant (FY23)	\$ 12,672	-	\$ 12,672	\$ -
DI # 3 Information Systems Director	\$ 12,672	-	\$ 12,672	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 12,672	-	\$ 12,672	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 12,672	-	\$ 12,672	\$ -
FY 2022-23 November 01 Request	\$ 271,685	-	\$ 271,685	\$ -
Short Term Disability (STD)				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 2,700	-	\$ 2,700	\$ -
FY 2021-22 Total Appropriation	\$ 2,700		\$ 2,700	\$ -
Total Compensation Common Policy (incremental change)	\$ 71	-	\$ 71	\$ -
Appropriation Amendment to Municipal Court Programs	\$ (297)		\$ (297)	
FY 2022-23 Base Request	\$ 2,474	-	\$ 2,474	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 201	-	\$ 201	\$ -
DI # 2 Staff Accountant (FY23)	\$ 116	-	\$ 116	\$ -
DI # 3 Information Systems Director	\$ 155	-	\$ 155	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 97	-	\$ 97	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 97	-	\$ 97	\$ -
FY 2022-23 November 01 Request	\$ 3,140	-	\$ 3,140	\$ -
S.B 04-257 Amortization Equalization Disbursement (AED)				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 84,375	-	\$ 84,375	\$ -
FY 2021-22 Total Appropriation	\$ 84,375		\$ 84,375	\$ -
Total Compensation Common Policy (incremental change)	\$ 2,230	-	\$ 2,230	\$ -
Appropriation Amendment to Municipal Court Programs	\$ (9,286)		\$ (9,286)	\$ -
FY 2022-23 Base Request	\$ 77,319	-	\$ 77,319	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 6,281	-	\$ 6,281	\$ -
DI # 2 Staff Accountant (FY23)	\$ 3,624	-	\$ 3,624	\$ -
DI # 3 Information Systems Director	\$ 4,840	-	\$ 4,840	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 3,034	-	\$ 3,034	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 3,034	-	\$ 3,034	\$ -
FY 2022-23 November 01 Request	\$ 98,132	-	\$ 98,132	\$ -

Office of the Alternate Defense Counsel
 FY2022-23 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 84,375	-	\$ 84,375	\$ -
FY 2021-22 Total Appropriation	\$ 84,375		\$ 84,375	\$ -
Total Compensation Common Policy (incremental change)	\$ 2,230	-	\$ 2,230	\$ -
Appropriation Amendment to Municipal Court Programs	\$ (9,286)	-	\$ (9,286)	\$ -
FY 2022-23 Base Request	\$ 77,319	-	\$ 77,319	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 6,281	-	\$ 6,281	\$ -
DI # 2 Staff Accountant (FY23)	\$ 3,624	-	\$ 3,624	\$ -
DI # 3 Information Systems Director	\$ 4,840	-	\$ 4,840	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 3,034	-	\$ 3,034	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 3,034	-	\$ 3,034	\$ -
FY 2022-23 November 01 Request	\$ 98,132	-	\$ 98,132	\$ -
Salary Survey				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 55,221	-	\$ 55,221	\$ -
FY 2021-22 Total Appropriation	\$ 55,221		\$ 55,221	\$ -
Annualize prior year salary survey	\$ (55,221)		\$ (55,221)	
Total Compensation Common Policy (Total change)	\$ 56,984	-	\$ 56,984	\$ -
FY 2022-23 Base Request	\$ 56,984	-	\$ 56,984	\$ -
	\$ -	-	\$ -	\$ -
FY 2022-23 November 01 Request	\$ 56,984	-	\$ 56,984	\$ -
Paid Family and Medical Leave Insurance Program Premiums (PFML)				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ -	-	\$ -	\$ -
FY 2021-22 Total Appropriation	\$ -		\$ -	\$ -
Total Compensation Common Policy (incremental change)	\$ 3,897	-	\$ 3,897	\$ -
Appropriation Amendment to Municipal Court Programs	\$ (418)	-	\$ (418)	\$ -
FY 2022-23 Base Request	\$ 3,479	-	\$ 3,479	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 283	-	\$ 283	\$ -
DI # 2 Staff Accountant (FY23)	\$ 163	-	\$ 163	\$ -
DI # 3 Information Systems Director	\$ 218	-	\$ 218	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 137	-	\$ 137	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 137	-	\$ 137	\$ -
FY 2022-23 November 01 Request	\$ 4,416	-	\$ 4,416	\$ -
Operating Expenses				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 120,887	-	\$ 120,887	\$ -
FY 2021-22 Total Appropriation	\$ 120,887		\$ 120,887	\$ -
FY 2022-23 Base Request	\$ 120,887	-	\$ 120,887	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 2,350	-	\$ 2,350	\$ -
DI # 2 Staff Accountant (FY23)	\$ 1,350	-	\$ 1,350	\$ -
DI # 3 Information Systems Director	\$ 2,350	-	\$ 2,350	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 2,350	-	\$ 2,350	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 2,350	-	\$ 2,350	\$ -
FY 2022-23 November 01 Request	\$ 131,637	-	\$ 131,637	\$ -

Office of the Alternate Defense Counsel
 FY2022-23 RECONCILIATION OF AGENCY REQUEST

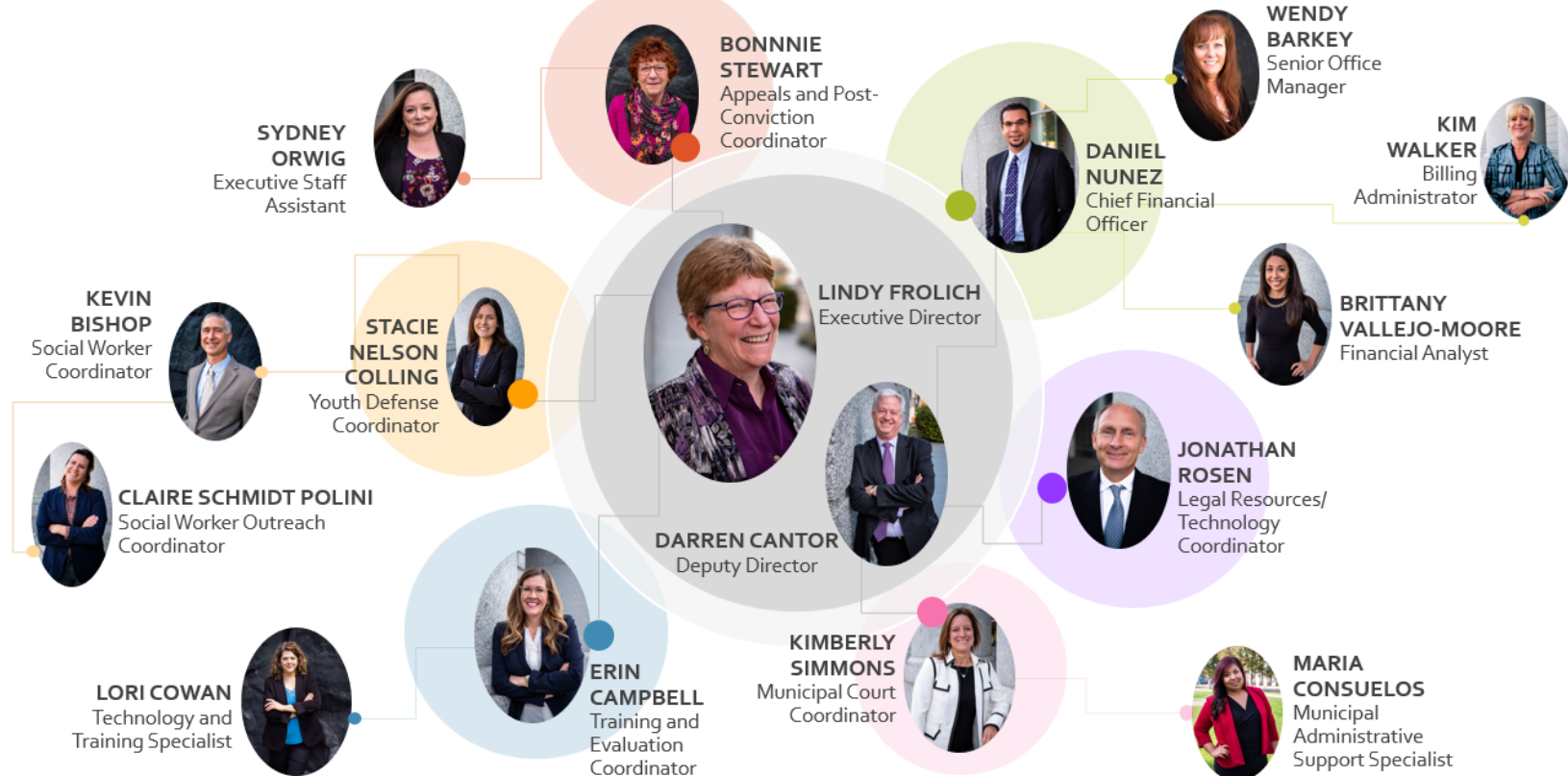
Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Capital Outlay				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ -	-	\$ -	\$ -
FY 2021-22 Total Appropriation	\$ -		\$ -	\$ -
Annualization	\$ -		\$ -	
FY 2022-23 Base Request	\$ -	-	\$ -	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ 6,200	-	\$ 6,200	\$ -
DI # 2 Staff Accountant (FY23)	\$ 6,200	-	\$ 6,200	\$ -
DI # 3 Information Systems Director	\$ 6,200	-	\$ 6,200	\$ -
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ 6,200	-	\$ 6,200	\$ -
DI # 5 The Inclusivity Fellowship (FY23)	\$ 6,200	-	\$ 6,200	\$ -
FY 2022-23 November 01 Request	\$ 31,000	-	\$ 31,000	\$ -
Training and Conferences				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2021-22 Total Appropriation	\$ 100,000		\$ 20,000	\$ 80,000
FY 2022-23 Base Request	\$ 100,000	-	\$ 20,000	\$ 80,000
FY 2022-23 November 01 Request	\$ 100,000	-	\$ 20,000	\$ 80,000
Conflict-of-interest Contracts				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 42,262,813	-	\$ 42,262,813	\$ -
FY 2021-22 Total Appropriation	\$ 42,262,813		\$ 42,262,813	\$ -
FY 2022-23 Base Request	\$ 42,262,813	-	\$ 42,262,813	\$ -
Reversion	\$ -	-	\$ -	\$ -
DI # 1 Coordinator of Adjunct Services (FY23)	\$ (176,164)		\$ (176,164)	
DI # 4 COLA-based Contractor Hourly Rate Increase	\$ 2,535,769		\$ 2,535,769	
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)	\$ (96,053)		\$ (96,053)	
DI # 5 The Inclusivity Fellowship (FY23)	\$ (96,053)		\$ (96,053)	
FY 2022-23 November 01 Request	\$ 44,430,312	-	\$ 44,430,312	\$ -
Municipal Court Program				
FY 2021-22 Municipal Courts, SB 18-203	\$ 202,306	2.0	\$ 202,306	\$ -
FY 2021-22 Total Appropriation	\$ 202,306	2.0	\$ 202,306	\$ -
PERA on Continuation Annualization	\$ 3,055		\$ 3,055	
Medicare Annualization	\$ 89		\$ 89	
Health/Life/Dental	\$ 17,770		\$ 17,770	
Short Term Disability	\$ 297		\$ 297	
AED	\$ 9,286		\$ 9,286	
SAED	\$ 9,286		\$ 9,286	
PFML	\$ 418		\$ 418	
FY 2022-23 Base Request	\$ 242,507	2.0	\$ 242,507	\$ -
FY 2022-23 Municipal Courts, SB 18-203	\$ -	-	\$ -	\$ -
FY 2022-23 November 01 Request	\$ 242,507	2.00	\$ 242,507	\$ -

Office of the Alternate Defense Counsel
 FY2022-23 RECONCILIATION OF AGENCY REQUEST

Long Bill Line Items	Total Funds	FTE	General Funds (GF)	Cash Funds (CF)
Mandated Costs				
FY 2021-22 Long Bill Appropriation, SB 20-205	\$ 2,895,573	-	\$ 2,895,573	\$ -
FY 2021-22 Total Appropriation	\$ 2,895,573		\$ 2,895,573	\$ -
FY 2022-23 Base Request	\$ 2,895,573	-	\$ 2,895,573	\$ -
Reversion	\$ -	-	\$ -	\$ -
FY 2022-23 November 01 Request	\$ 2,895,573	-	\$ 2,895,573	\$ -
FY 2021-22 Total Appropriation (Long Bill plus Special Bills)	\$ 47,690,846	16.0	\$ 47,610,846	\$ 80,000
FY 2022-23 Base Request	\$ 2,804,538	16.0	\$ 2,804,538	\$ -
FY 2022-23 November 01 Request	\$ 50,495,384	20.5	\$ 50,415,384	\$ 80,000

AGENCY ORGANIZATIONAL CHART

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL



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THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL

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 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).

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. We advocate for every client’s inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.

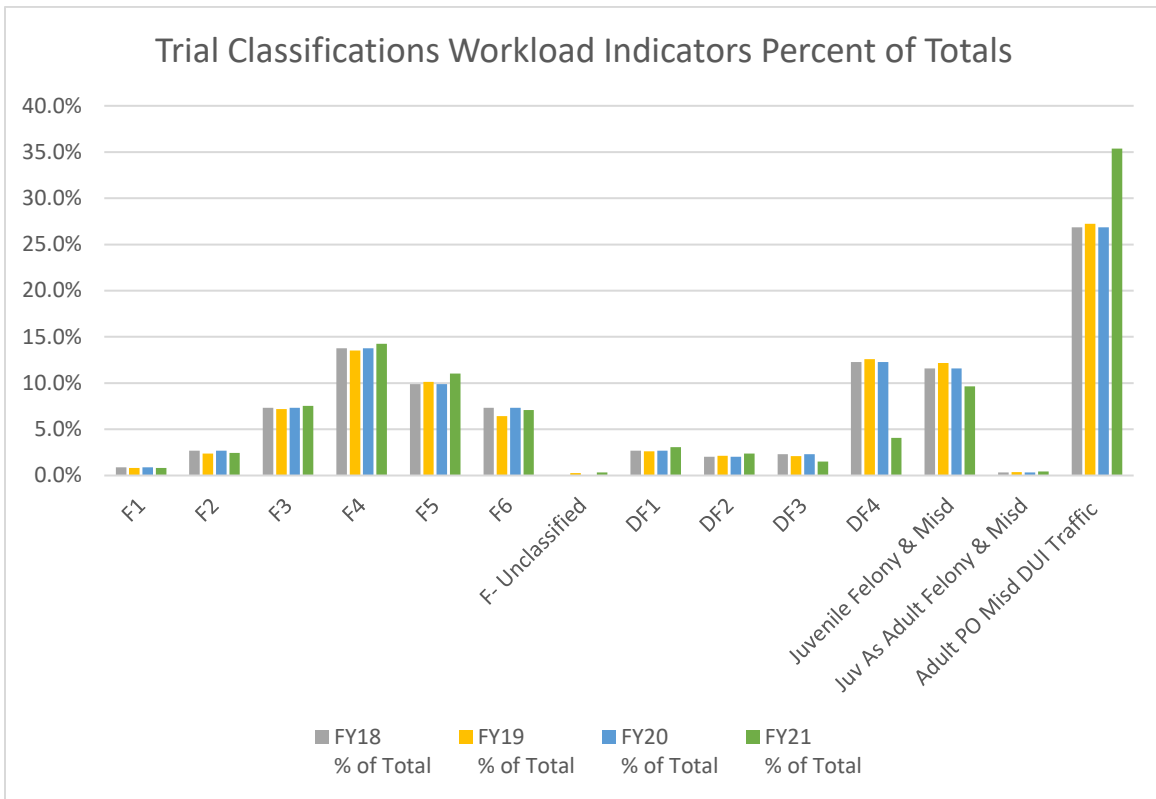
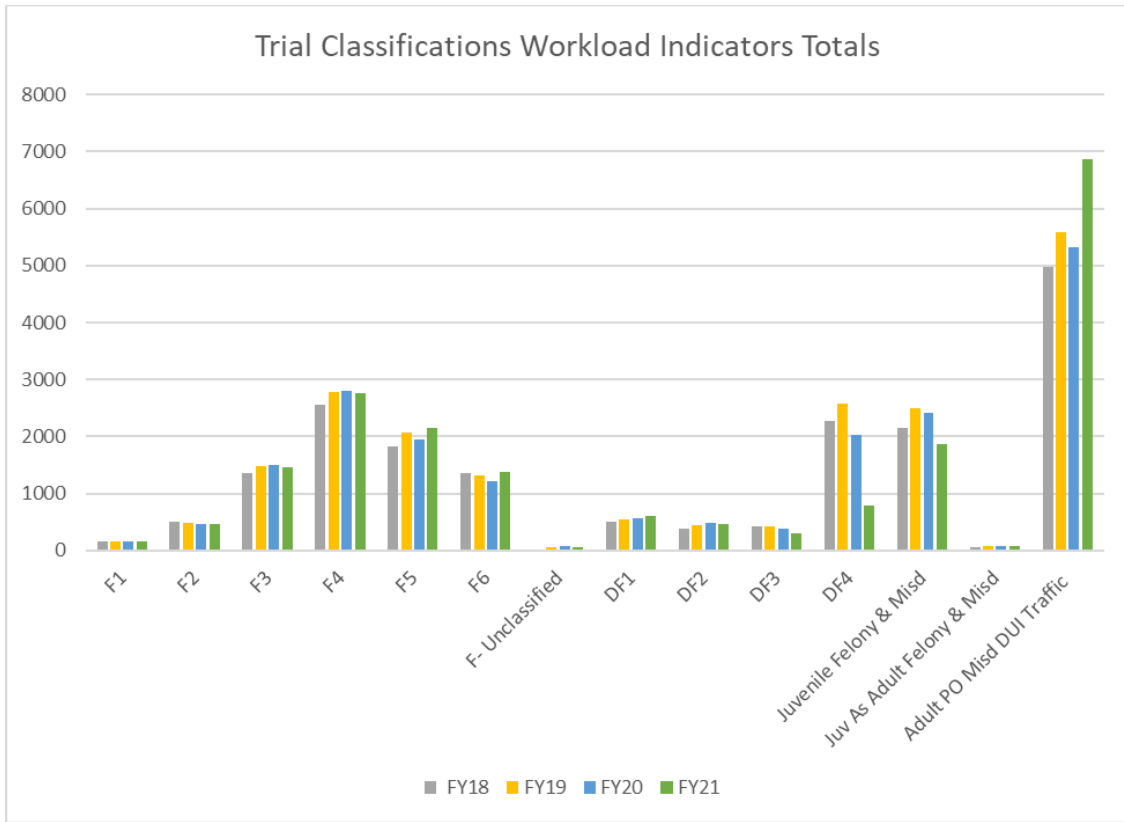
The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. 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.

See [Appendix B](#) for Prior Year Legislation, Hot Topics, and Cases that May Affect OADC.

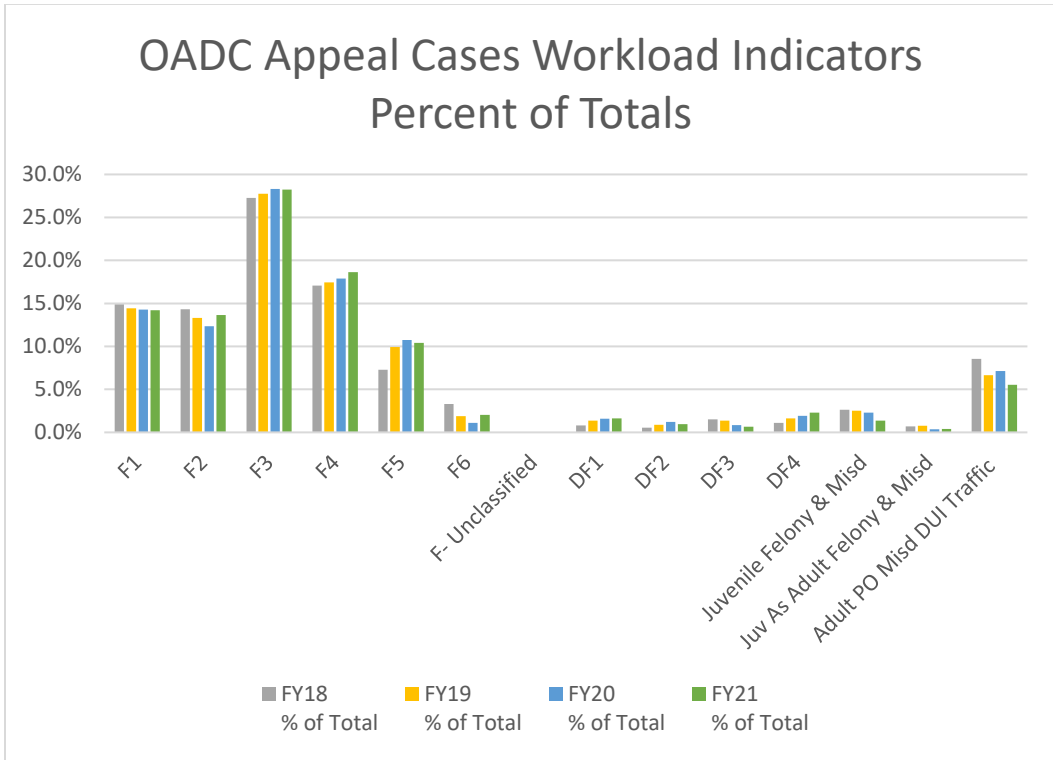
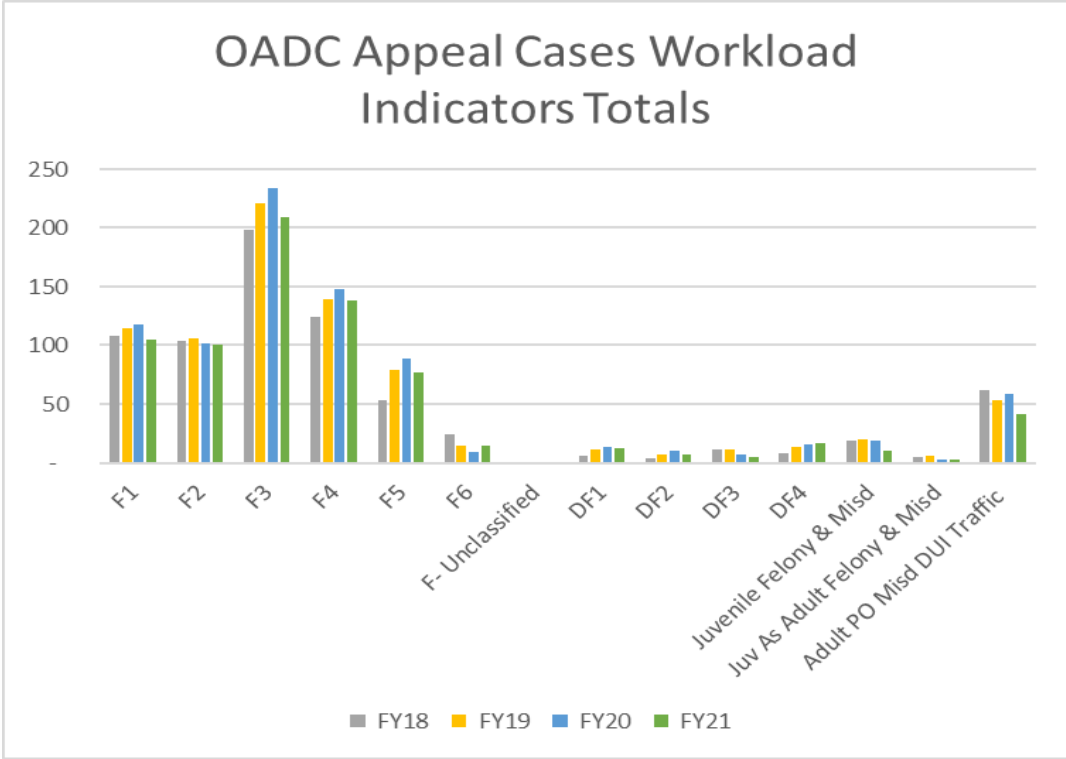
See [Appendix C](#) for the Agency’s Objectives and Performance Measures.

WORKLOAD INDICATORS

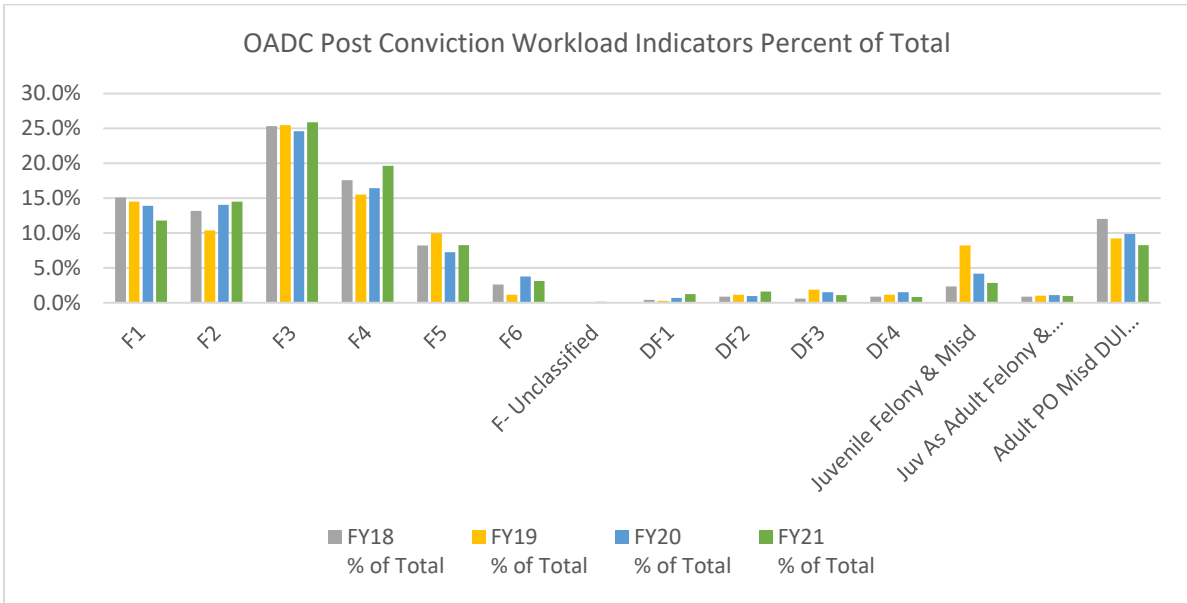
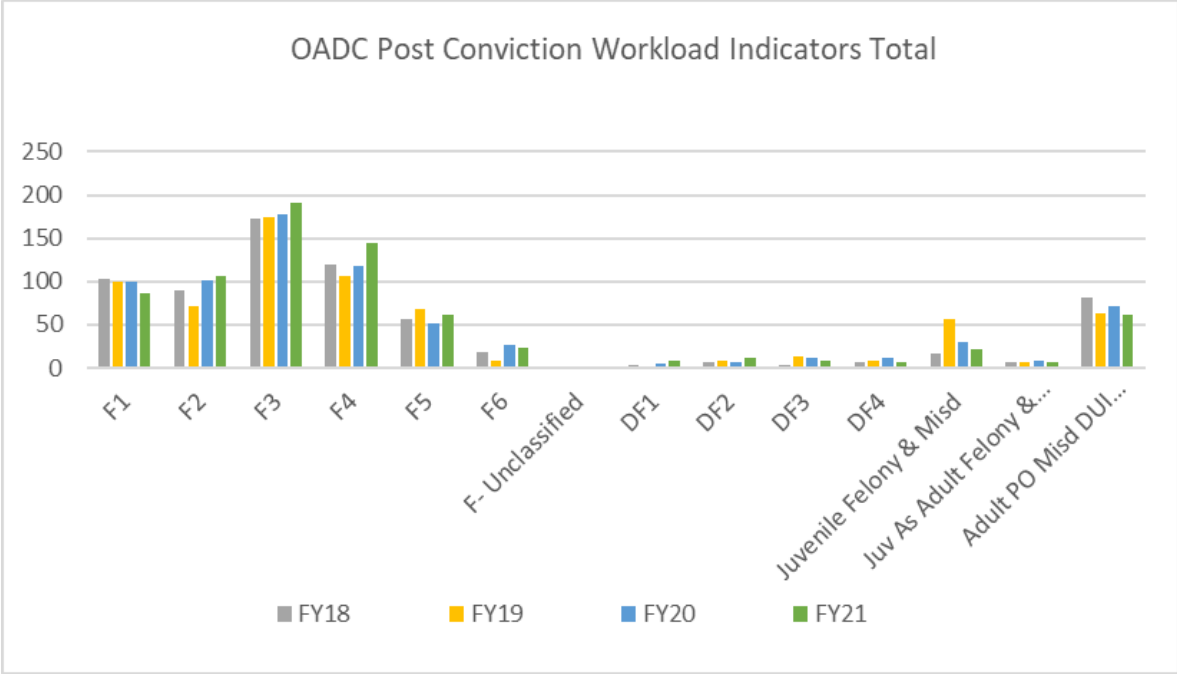
Trial Cases	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
<i>F1</i>	167	0.9%	169	0.8%	162	0.9%	161	0.8%
<i>F2</i>	499	2.7%	489	2.4%	467	2.7%	472	2.4%
<i>F3</i>	1360	7.3%	1,475	7.2%	1,506	7.3%	1,461	7.5%
<i>F4</i>	2551	13.8%	2,774	13.5%	2,806	13.8%	2,770	14.3%
<i>F5</i>	1836	9.9%	2,078	10.1%	1,948	9.9%	2,144	11.0%
<i>F6</i>	1357	7.3%	1,318	6.4%	1,225	7.3%	1,375	7.1%
<i>F- Unclassified</i>	1	0.0%	53	0.3%	86	0.0%	64	0.3%
<i>DF1</i>	498	2.7%	538	2.6%	559	2.7%	598	3.1%
<i>DF2</i>	377	2.0%	441	2.1%	486	2.0%	462	2.4%
<i>DF3</i>	425	2.3%	434	2.1%	390	2.3%	294	1.5%
<i>DF4</i>	2279	12.3%	2,584	12.6%	2,038	12.3%	790	4.1%
<i>Juvenile Felony & Misd</i>	2149	11.6%	2,498	12.2%	2,421	11.6%	1,874	9.7%
<i>Juv As Adult Felony & Misd</i>	65	0.4%	78	0.4%	76	0.4%	84	0.4%
<i>Adult PO Misd DUI Traffic</i>	4981	26.9%	5,586	27.2%	5,314	26.9%	6,865	35.4%
Total	18,545	100.0%	20,515	100.0%	19,484	100.0%	19,414	100.0%



Appeal Cases	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
<i>F1</i>	108	14.9%	115	14.4%	118	14.3%	105	14.2%
<i>F2</i>	104	14.3%	106	13.3%	102	12.3%	101	13.6%
<i>F3</i>	198	27.3%	221	27.8%	234	28.3%	209	28.2%
<i>F4</i>	124	17.1%	139	17.5%	148	17.9%	138	18.6%
<i>F5</i>	53	7.3%	79	9.9%	89	10.8%	77	10.4%
<i>F6</i>	24	3.3%	15	1.9%	9	1.1%	15	2.0%
<i>F- Unclassified</i>	-	0.0%	-	0.0%	0	0.0%	0	0.0%
<i>DF1</i>	6	0.8%	11	1.4%	13	1.6%	12	1.6%
<i>DF2</i>	4	0.6%	7	0.9%	10	1.2%	7	0.9%
<i>DF3</i>	11	1.5%	11	1.4%	7	0.8%	5	0.7%
<i>DF4</i>	8	1.1%	13	1.6%	16	1.9%	17	2.3%
<i>Juvenile Felony & Misd</i>	19	2.6%	20	2.5%	19	2.3%	10	1.4%
<i>Juv As Adult Felony & Misd</i>	5	0.7%	6	0.8%	3	0.4%	3	0.4%
<i>Adult PO Misd DUI Traffic</i>	62	8.5%	53	6.7%	59	7.1%	41	5.5%
Total	726	100.0%	796	100.0%	827	100.0%	740	100.0%



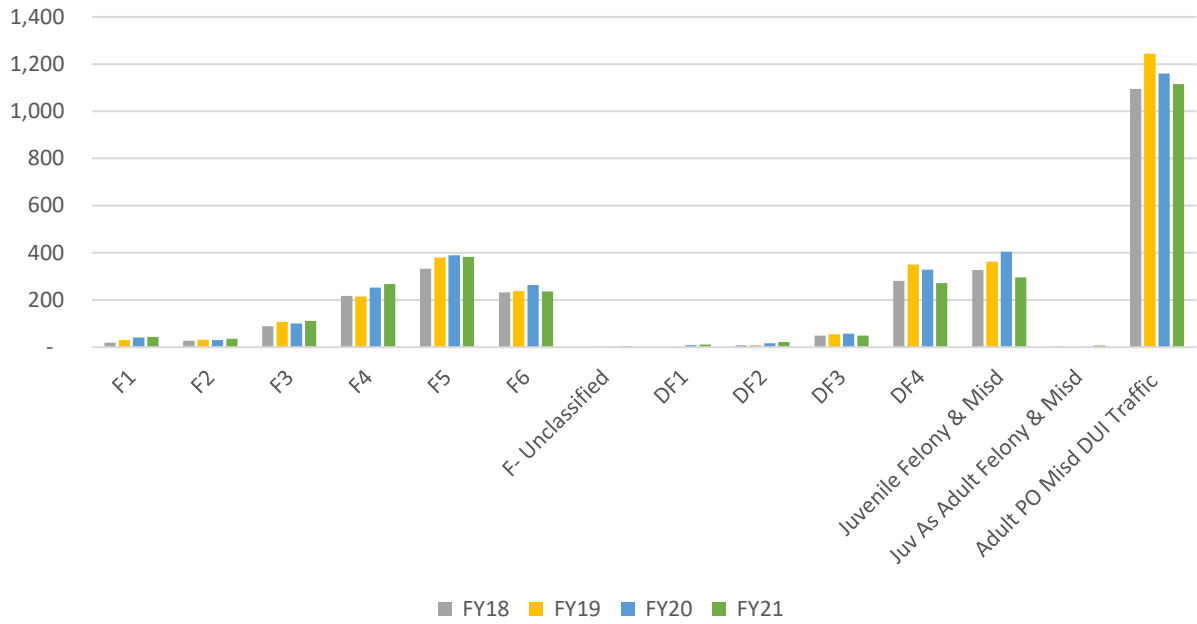
Post-Conviction Cases	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
<i>F1</i>	103	15.1%	99	14.5%	100	13.9%	87	11.8%
<i>F2</i>	90	13.2%	71	10.4%	101	14.0%	107	14.5%
<i>F3</i>	173	25.3%	174	25.5%	177	24.6%	191	25.9%
<i>F4</i>	120	17.6%	106	15.5%	118	16.4%	145	19.6%
<i>F5</i>	56	8.2%	68	10.0%	52	7.2%	61	8.3%
<i>F6</i>	18	2.6%	8	1.2%	27	3.8%	23	3.1%
<i>F- Unclassified</i>	0	0.0%			1	0.1%		0.0%
<i>DF1</i>	3	0.4%	2	0.3%	5	0.7%	9	1.2%
<i>DF2</i>	6	0.9%	8	1.2%	7	1.0%	12	1.6%
<i>DF3</i>	4	0.6%	13	1.9%	11	1.5%	8	1.1%
<i>DF4</i>	6	0.9%	8	1.2%	11	1.5%	6	0.8%
<i>Juvenile Felony & Misd</i>	16	2.3%	56	8.2%	30	4.2%	21	2.8%
<i>Juv As Adult Felony & Misd</i>	6	0.9%	7	1.0%	8	1.1%	7	0.9%
<i>Adult PO Misd DUI Traffic</i>	82	12.0%	63	9.2%	71	9.9%	61	8.3%
Total	683	100.0%	683	100.0%	719	100.0%	738	100.0%



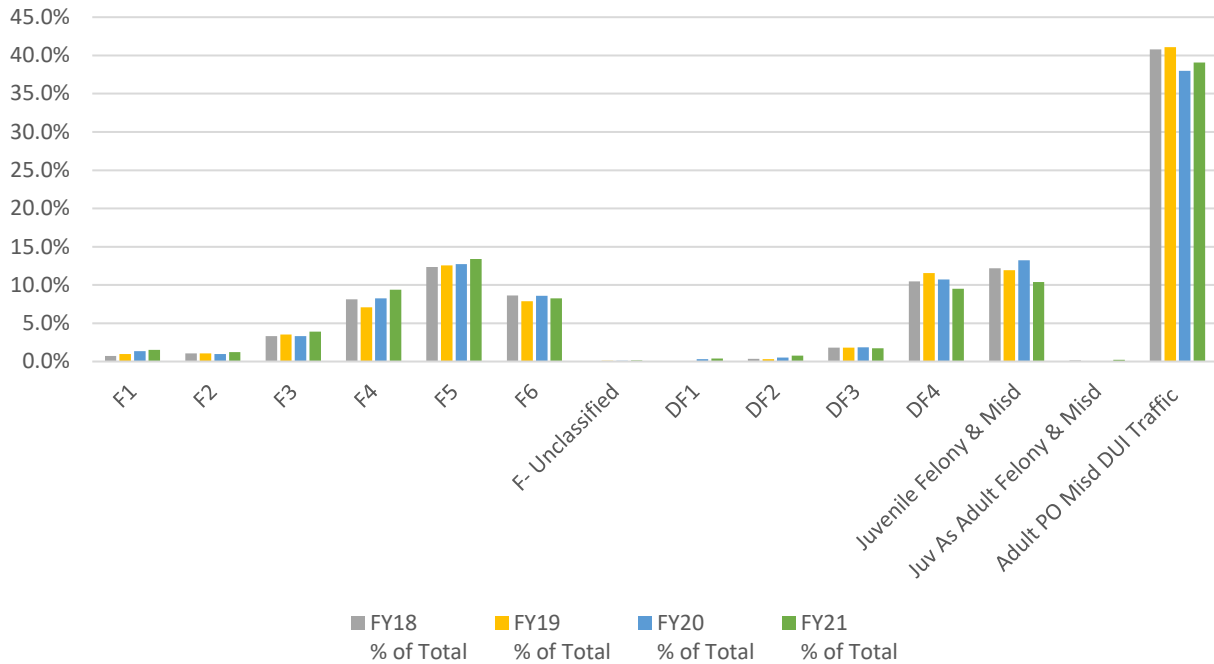
Other/Special Proceedings Cases*	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
<i>F1</i>	20	0.7%	30	1.0%	41	1.3%	44	1.5%
<i>F2</i>	28	1.0%	32	1.1%	30	1.0%	35	1.2%
<i>F3</i>	89	3.3%	107	3.5%	101	3.3%	112	3.9%
<i>F4</i>	218	8.1%	215	7.1%	252	8.2%	268	9.4%
<i>F5</i>	332	12.4%	380	12.5%	389	12.7%	383	13.4%
<i>F6</i>	232	8.6%	238	7.9%	263	8.6%	236	8.3%
<i>F- Unclassified</i>	-	0.0%	3	0.1%	3	0.1%	4	0.1%
<i>DF1</i>	-	0.0%	2	0.1%	9	0.3%	11	0.4%
<i>DF2</i>	9	0.3%	9	0.3%	16	0.5%	22	0.8%
<i>DF3</i>	49	1.8%	55	1.8%	57	1.9%	49	1.7%
<i>DF4</i>	281	10.5%	350	11.6%	328	10.7%	272	9.5%
<i>Juvenile Felony & Misd</i>	327	12.2%	362	12.0%	404	13.2%	296	10.4%
<i>Juv As Adult Felony & Misd</i>	4	0.1%	1	0.0%	2	0.1%	7	0.2%
<i>Adult PO Misd DUI Traffic</i>	1,095	40.8%	1,244	41.1%	1,160	38.0%	1,115	39.1%
Total	2,684	100.0%	3,028	100.0%	3,055	100.0%	2,854	100.0%

**Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas-32(d), Petitions for Certiorari, Probation Revocations or Modifications, Review of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.*

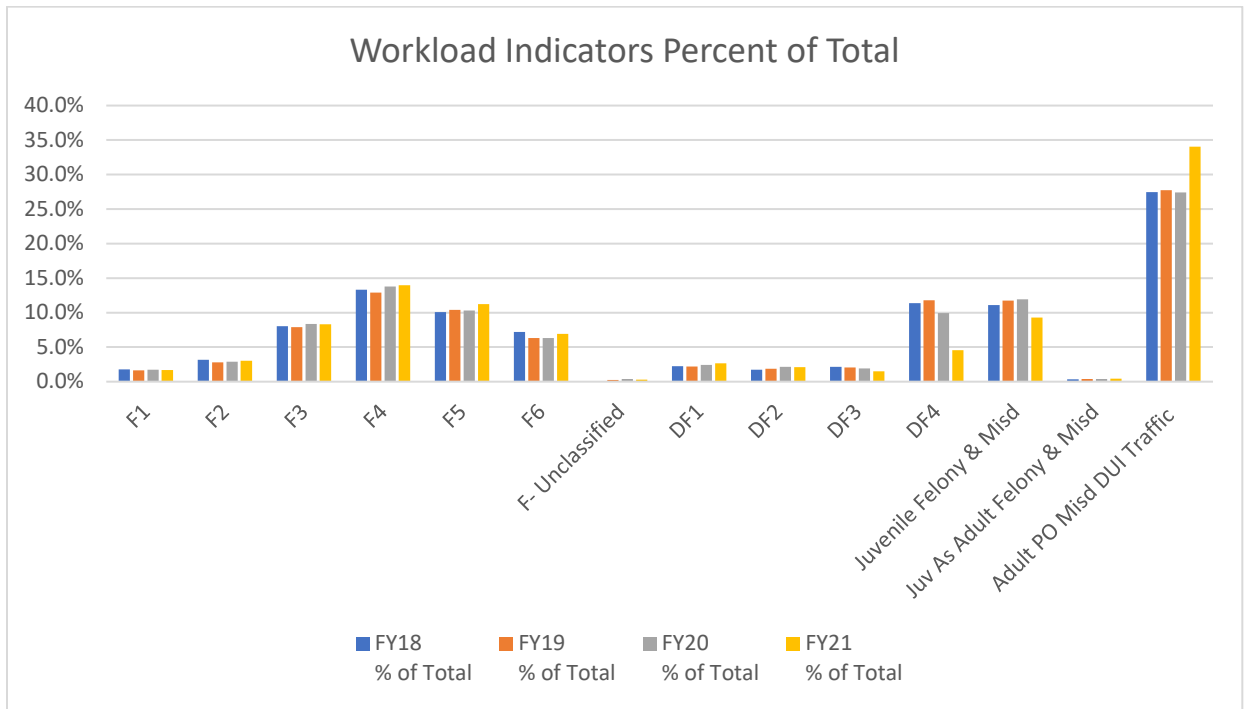
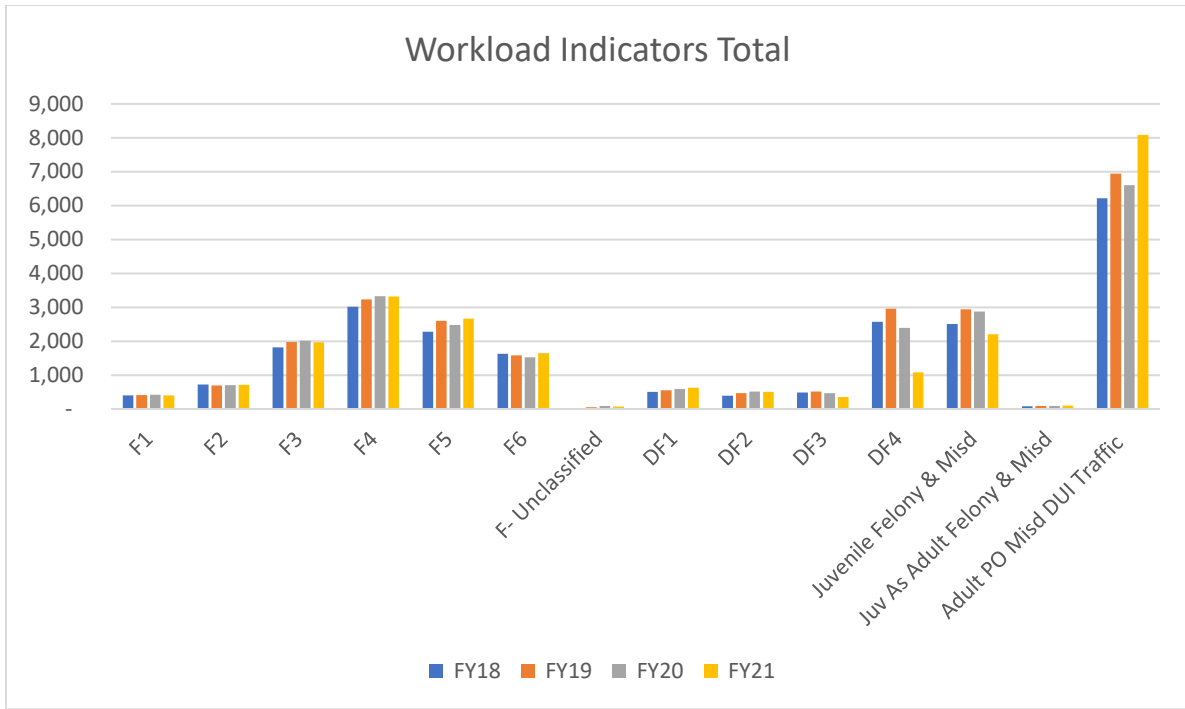
Special Proceedings Workload Indicators Totals



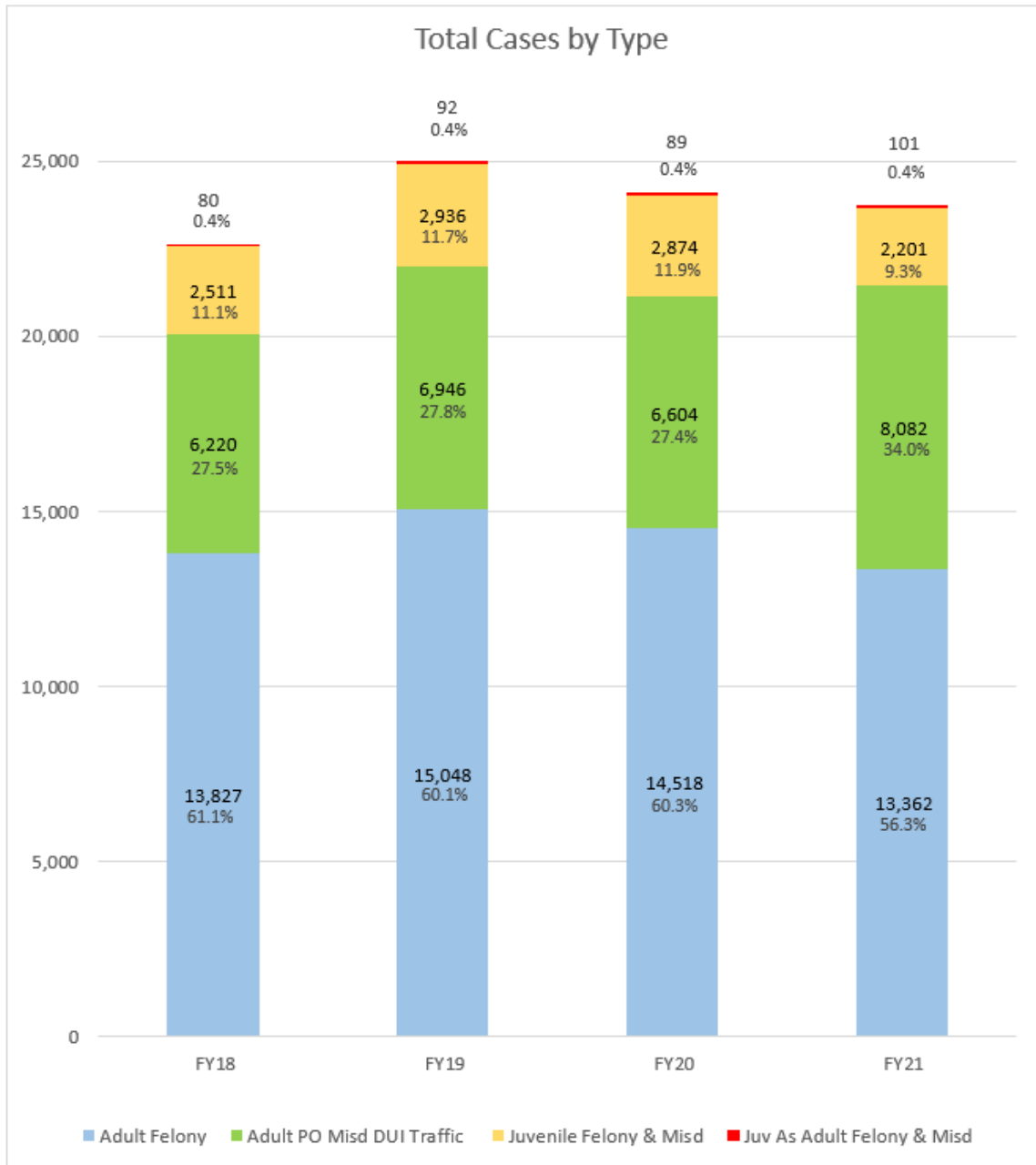
Special Proceedings Workload Indicators Percent of Total



Total Cases	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
<i>F1</i>	398	1.8%	413	1.7%	421	1.7%	397	1.7%
<i>F2</i>	721	3.2%	698	2.8%	700	2.9%	715	3.0%
<i>F3</i>	1,820	8.0%	1,977	7.9%	2,018	8.4%	1,973	8.3%
<i>F4</i>	3,013	13.3%	3,234	12.9%	3,324	13.8%	3,321	14.0%
<i>F5</i>	2,277	10.1%	2,605	10.4%	2,478	10.3%	2,665	11.2%
<i>F6</i>	1,631	7.2%	1,579	6.3%	1,524	6.3%	1,649	6.9%
<i>F- Unclassified</i>	1	0.0%	56	0.2%	90	0.4%	68	0.3%
<i>DF1</i>	507	2.2%	553	2.2%	586	2.4%	630	2.7%
<i>DF2</i>	396	1.7%	465	1.9%	519	2.2%	503	2.1%
<i>DF3</i>	489	2.2%	513	2.1%	465	1.9%	356	1.5%
<i>DF4</i>	2,574	11.4%	2,955	11.8%	2,393	9.9%	1,085	4.6%
<i>Juvenile Felony & Misd</i>	2,511	11.1%	2,936	11.7%	2,874	11.9%	2,201	9.3%
<i>Juv As Adult Felony & Misd</i>	80	0.4%	92	0.4%	89	0.4%	101	0.4%
<i>Adult PO Misd DUI Traffic</i>	6,220	27.5%	6,946	27.8%	6,604	27.4%	8,082	34.0%
Grand Total	22,638	100.0%	25,022	100.0%	24,085	100.0%	23,746	100.0%

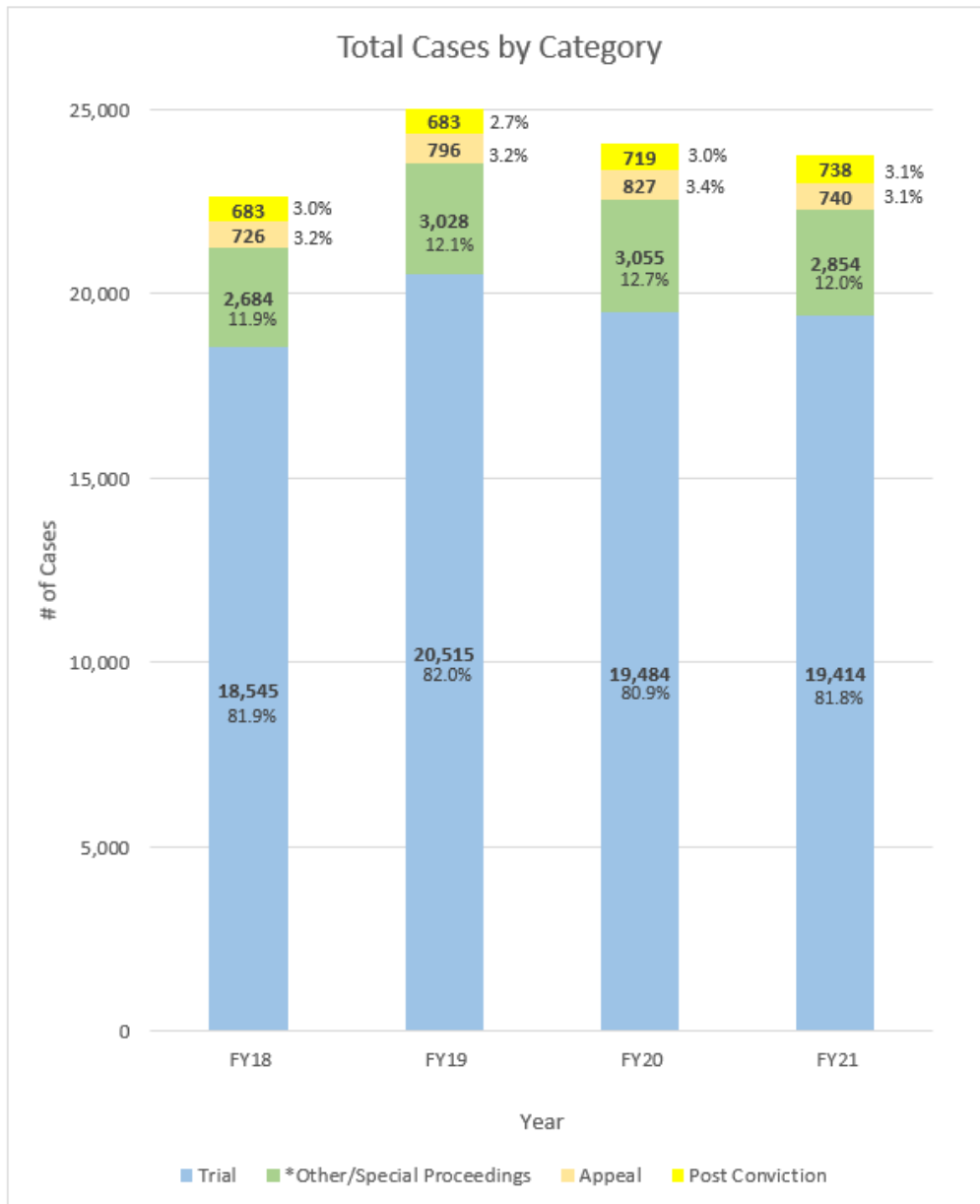


Total Cases by Type	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
Adult Felony	13,827	61.1%	15,048	60.1%	14,518	60.3%	13,362	56.3%
Juvenile Felony & Misd	2,511	11.1%	2,936	11.7%	2,874	11.9%	2,201	9.3%
Juv As Adult Felony & Misd	80	0.4%	92	0.4%	89	0.4%	101	0.4%
Adult PO Misd DUI Traffic	6,220	27.5%	6,946	27.8%	6,604	27.4%	8,082	34.0%
Grand Total	22,638	100.0%	25,022	100.0%	24,085	100.0%	23,746	100.0%



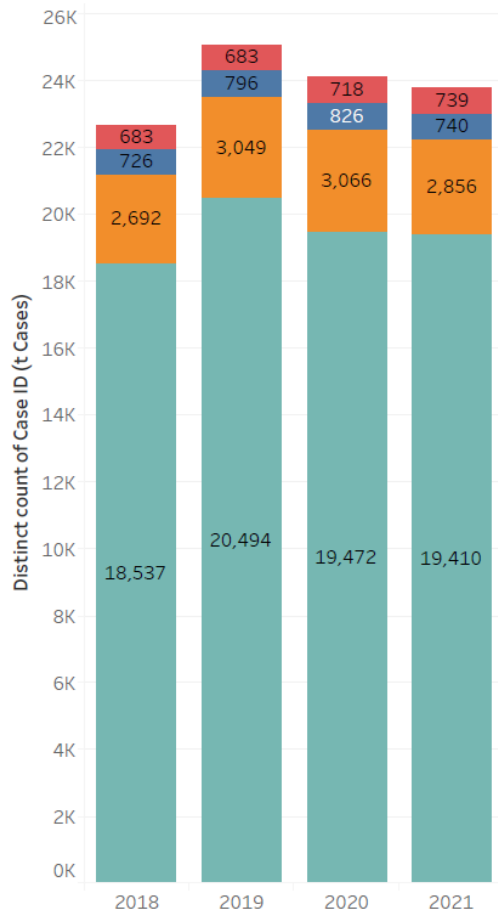
Total Cases by Category	FY18	FY18 % of Total	FY19	FY19 % of Total	FY20	FY20 % of Total	FY21	FY21 % of Total
Trial	18,545	81.9%	20,515	82.0%	19,484	80.9%	19,414	81.8%
Appeal	726	3.2%	796	3.2%	827	3.4%	740	3.1%
Post Conviction	683	3.0%	683	2.7%	719	3.0%	738	3.1%
*Other/Special Proceedings	2,684	11.9%	3,028	12.1%	3,055	12.7%	2,854	12.0%
Grand Total	22,638	100.0%	25,022	100.0%	24,085	100.0%	23,746	100.0%

*Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas-32(d), Petitions for Certiorari, Probation Revocations or Modifications, Review of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.

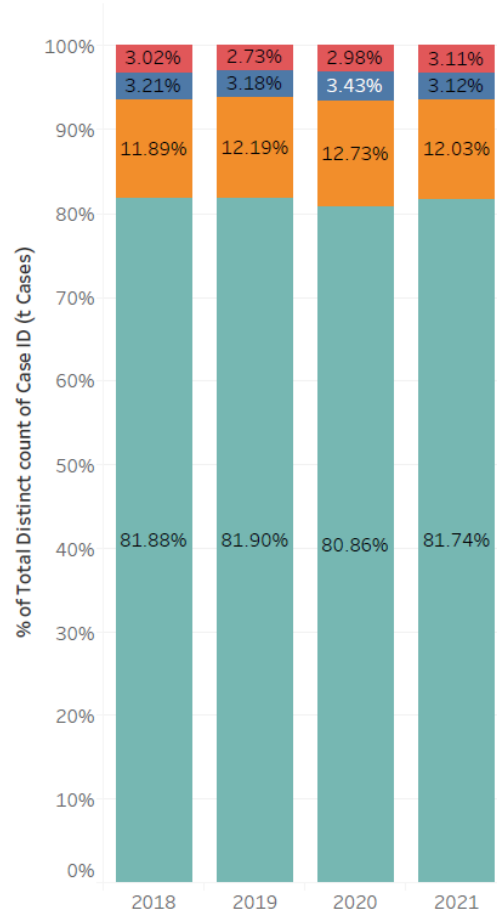


* Other/Special Proceedings include: Community Corrections Violations, Deferred Judgement Revocations, Motions to Withdraw Pleas- 32(d), Petitions for Certiorari, Probation Revocations or Modifications, Reviews of Magistrate's Order, Rule 21 petitions, Special Proceedings, and YOS Revocations.

Cases by Category

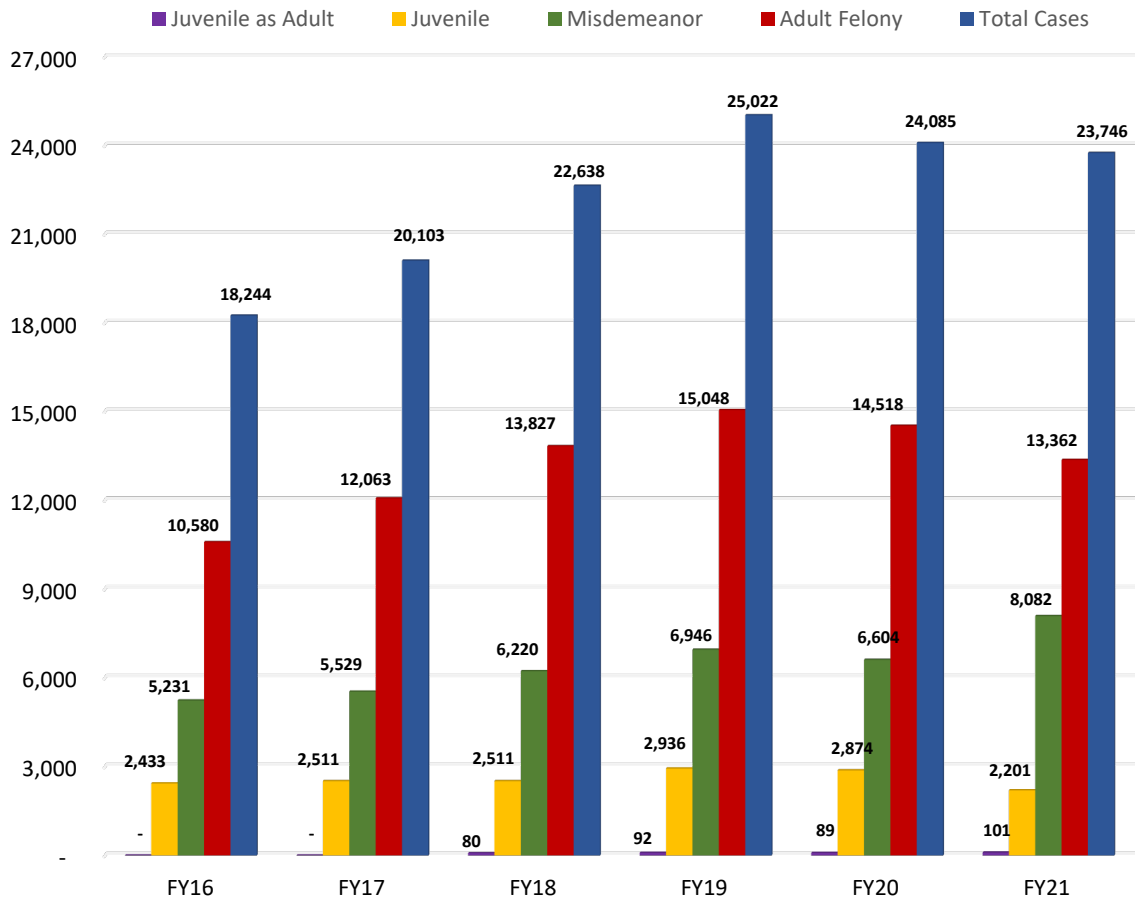


Cases by Category Percentages



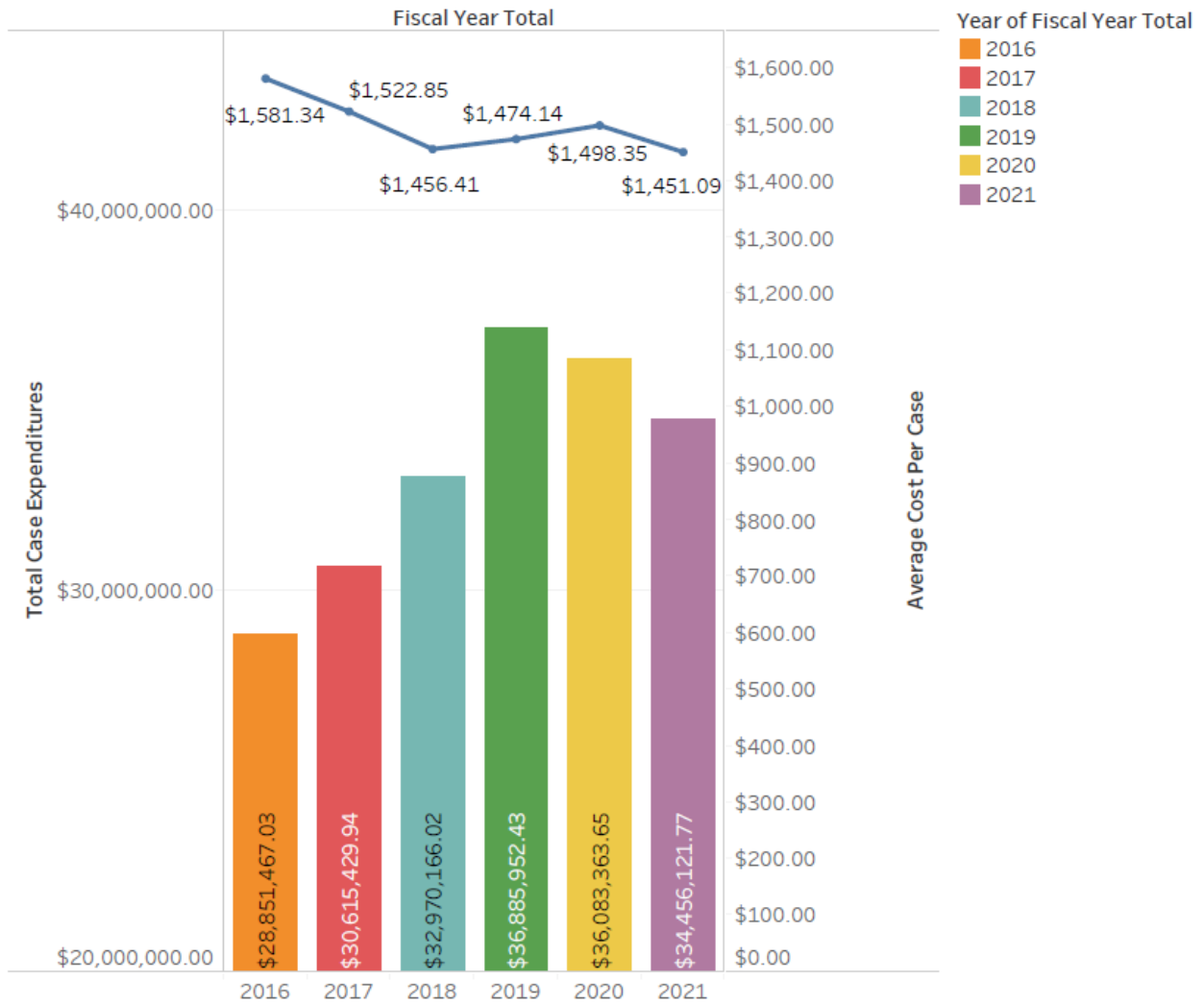
Short Question (gro..
■ Post Conviction
■ Appeal
■ Special Proceedi..
■ Trial court, none..

Case Count : FY16 - FY21

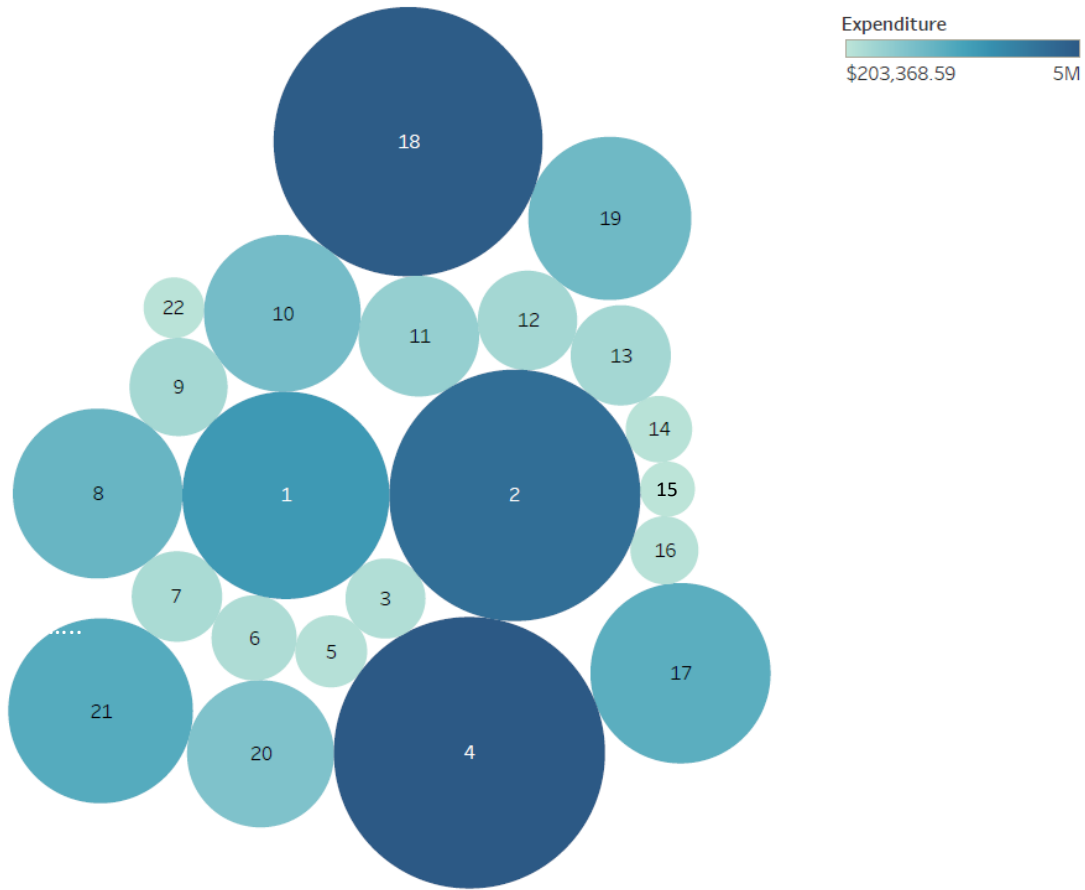


Average Cost per Case by Type	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Adult Felony	\$ 2,204	\$ 2,256	\$ 2,136	\$ 2,184	\$ 2,470	\$ 2,293	\$ 2,152	\$ 2,019	\$ 2,061	\$ 2,093	\$ 2,140
<i>change from prev FY</i>	-4.5%	2.4%	-5.3%	2.2%	13.1%	-7.2%	-6.1%	-6.2%	2.1%	1.6%	2.2%
Juvenile	\$ 474	\$ 579	\$ 562	\$ 635	\$ 810	\$ 850	\$ 866	\$ 904	\$ 931	\$ 896	\$ 1,011
<i>change from prev FY</i>	-4.8%	22.2%	-2.9%	13.0%	27.6%	4.9%	1.9%	4.4%	3.0%	-3.7%	12.8%
Misdemeanors	\$ 510	\$ 502	\$ 499	\$ 508	\$ 517	\$ 483	\$ 448	\$ 422	\$ 425	\$ 447	\$ 424
<i>change from prev FY</i>	0.0%	-1.6%	-0.6%	1.8%	1.8%	-6.6%	-7.2%	-5.9%	0.9%	5.1%	-5.2%
Overall Average Cost per Case	\$ 1,620	\$ 1,641	\$ 1,593	\$ 1,599	\$ 1,722	\$ 1,581	\$ 1,523	\$ 1,456	\$ 1,474	\$ 1,498	\$ 1,451
<i>change from prev FY</i>	-4.5%	1.3%	-2.9%	0.4%	7.7%	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.2%

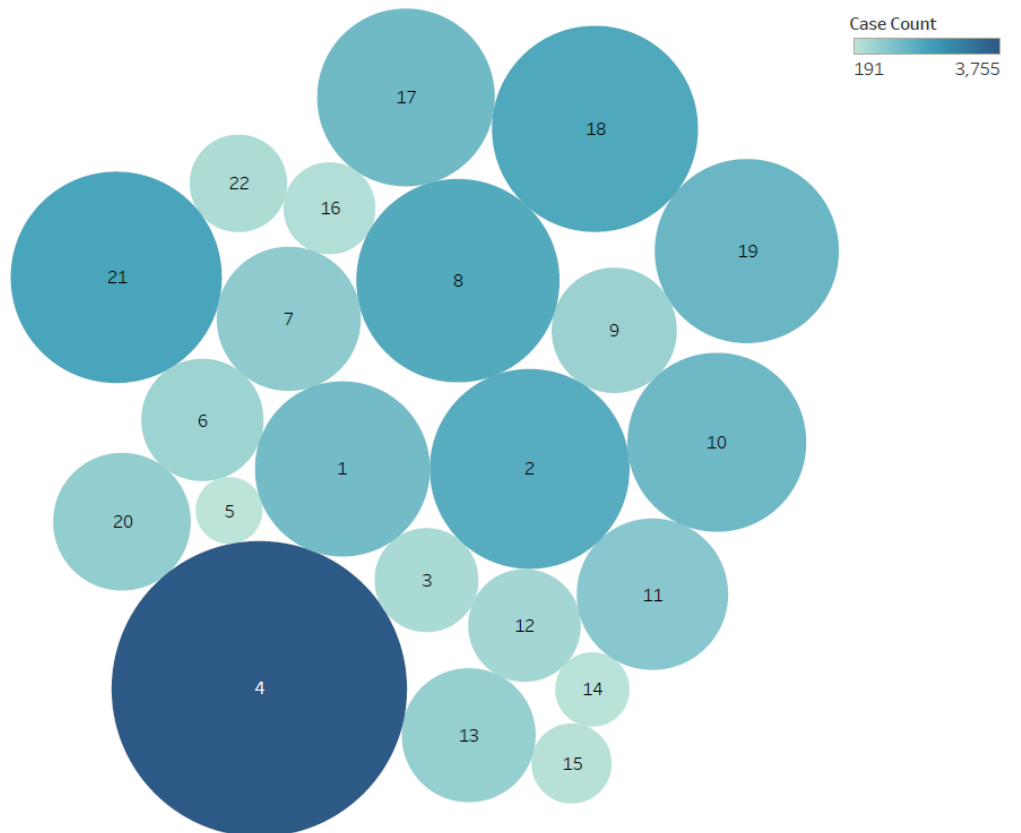
Expenditures and Average Cost Per Case Year End



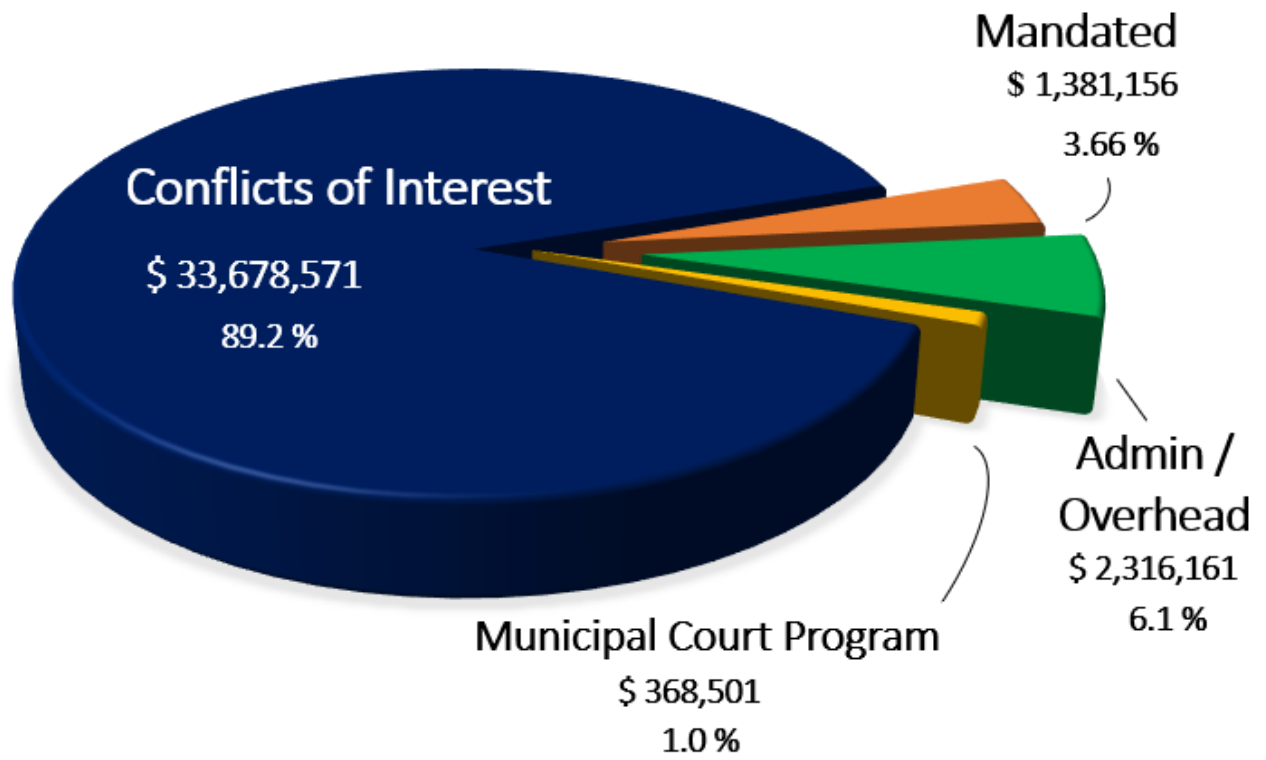
FY21 Expenditures by District Bubbles



FY21 Caseload by District Bubbles



FY2020-21
TOTAL EXPENDITURES FOR THE OADC



Schedule 13
Funding Request for the 2022-23 Budget Cycle

Department: Office of the Alternate Defense Counsel
 Request Title: Coordinator of Adjunct Services
 Priority Number: R-1
 Dept. Approval Date: 10/31/2021

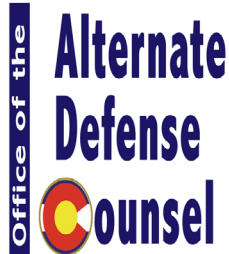
- Decision Item FY 2022-23
- Base Reduction Item FY 2022-23
- Supplemental FY 2021-22
- Budget Amendment FY 2021-22

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
Total of All Line Items	Total	44,437,746	-	44,437,746	-	44,446,782
	FTE	14.0	-	-	0.9	1.0
	GF	44,437,746	-	44,437,746	-	44,446,782
Conflicts-of-Interest Contracts	Total	42,262,813	-	42,262,813	(176,164)	42,086,649
	FTE	-	-	-	-	-
	GF	42,262,813	-	42,262,813	(176,164)	42,086,649
Personal Services	Total	1,661,709	-	1,661,709	141,896	1,816,504
	FTE	14.0	-	-	0.9	1.0
	GF	1,661,709	-	1,661,709	141,896	1,816,504
Health Life Dental	Total	220,887	-	220,887	12,672	234,711
	FTE	-	-	-	-	-
	GF	220,887	-	220,887	12,672	234,711
Short-Term Disability	Total	2,700	-	2,700	201	2,919
	FTE	-	-	-	-	-
	GF	2,700	-	2,700	201	2,919
AED SB 04-257	Total	84,375	-	84,375	6,281	91,227
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	6,281	91,227
SAED SB 06-235	Total	84,375	-	84,375	6,281	91,227
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	6,281	91,227
PFML	Total	-	-	-	283	309
	FTE	-	-	-	-	-
	GF	-	-	-	283	309
Operating	Total	120,887	-	120,887	2,350	123,237
	FTE	-	-	-	-	-
	GF	120,887	-	120,887	2,350	123,237
Capital Outlay	Total	-	-	-	6,200	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,200	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:
 Reappropriated Funds Source, by Department and Line Item Name:
 Approval by OIT? Yes: No: Not Required:
 Schedule 13s from Affected Departments:
 Other Information:

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FY 2022-23 Funding Request Decision Item R-1

Agency Priority: Decision Item R - 1				
Coordinator of Adjunct Services				
Summary of Funding/FTE Change for FY23	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$167,614	\$167,614	\$0	0.9
Operating Expenses	\$2,350	\$2,350	\$0	0.0
Capital Outlay	\$6,200	\$6,200	\$0	0.0
Conflict-of-interest Contracts	(\$176,164)	(\$176,164)	\$0	0.0
Total Request	\$0	\$0	\$0	0.9

This request was originally approved by the JBC at the March 12, 2020 Figure Setting hearing for the FY20-21 Budget. Due to the COVID-19 pandemic the JBC withdrew its approval in anticipation of a significant financial impact the pandemic might have on Colorado.

Request Summary:

The OADC is requesting an offset of \$176,164 from its Conflict-of-interest Contracts LBLI and 1.0 FTE to create the position of Coordinator of Adjunct Services. This position will assist the Agency in achieving its mission of providing a holistic public defense practice that ensures indigent adults and children facing criminal prosecution receive high quality legal services while also reducing the high cost of representation and over-incarceration.

The History, the Problem, and the Opportunity:

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 individuals, as noted in The Champion® Issue January-February 2019 Page: 47. A vital part of the OADC's success has been accomplished by developing a network of contractors who can support the OADC contract attorneys (i.e., investigators, paralegals, social workers, legal researchers, case assistants, and interns). This support network is necessary because the vast majority of OADC contract attorneys are sole practitioners or members of two or three-person law firms that do not have in-house resources. Providing support or adjunct services is not just a good idea; it is required by law. See § 21-2-101(1), C.R.S. "The general assembly hereby declares that the alternate defense counsel at all times shall ... provide to indigent persons accused of crimes legal services that are

commensurate with those available to nonindigents, 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.” See also § 18-1-403 C.R.S. “All indigent persons who are charged with or held for the commission of a crime are entitled to legal representation and **supporting services** at state expense, to the extent and in the manner provided for in articles 1 and 2 of title 21, C.R.S.”

In addition, the wraparound support provided to clients through this system of adjunct contractors is the foundation of the holistic public defense practice that is the very mission of the OADC. 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. Resources are allocated in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. We advocate for every client's inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.

Investigators, social workers, paralegals, legal researchers, case assistants, and interns are integral components of a legal team. Each of these individuals plays a vital role in ensuring the cost-effective provision of competent representation. Investigators uncover facts leading to more just outcomes. Social workers assist directly with the client, finding resources, and preparing mitigation reports. Paralegals and legal researchers support the team through a variety of tasks, including organizing and reviewing discovery, providing legal research, drafting simple pleadings, and filing documents with the court. Case assistants and interns are similar but newer components of well-formed and efficient teams.

A robust system of contractors who provide support services also saves taxpayer dollars. Attorneys are the most expensive hourly contractor. Without adequate support services, the attorney must do every task necessary to properly represent the client. This attorney-centric model is the most inefficient model imaginable. The OADC pays contracting attorneys between \$75-\$85 per hour, depending on the type of case. In comparison, the OADC generally pays the following rates to the various support service providers:

- Investigators (\$44/hr.);
- Social Workers (\$44-\$58/hr.);
- Paralegals (\$33/hr.);
- Legal Researchers (\$33/hr.);
- Case Assistants (\$20/hr.);
- Undergraduate and law school interns and externs (often free).

While every adjunct service provider has a lower billable rate, each assists the attorney in a valuable manner. Legal researchers are people with some level of formal legal training, including licensed attorneys with inadequate experience in criminal law to be a full contracting attorney; graduates of law school who do not (yet) have a law license, or second or third-year law students with significant experience. As one attorney stated:

The Legal Researcher (who was paid \$33 per hour) did a great job and was an incredible help in getting the case resolved.

Case assistants are people without formal legal training or a formal designation such as paralegal or investigator. The OADC has found that numerous people can assist an attorney even without formal legal training. For example, our current case assistants include several undergraduate students with an interest in the criminal legal system, a retired K-12 teacher who wants to give back to his community, and a retired individual with an interest in indigent defense. The tasks these people complete tend to be time-intensive but not legally complex. For example, one case assistant listened to thousands of phone calls recorded while the client was in jail that the prosecution turned over in discovery. The student made a searchable spreadsheet of who participated in the call, when the call occurred, the length of the phone call, and, generally, the contents of what was said. The spreadsheet allowed the attorney to quickly discern which phone calls were relevant to the case and saved us literally hundreds of attorney hours (with a concomitant saving of taxpayer funds). As an attorney stated:

Using a case assistant saved hundreds if not thousands of hours of my time.

Another common task for a case assistant is to sit with an in-custody client while the client reviews the discovery in the case. Again, this can save the attorney a significant amount of time on any given case.

Over the last four years, the OADC has reduced the percentage of attorney hours per case and reduced the average cost per case, even while the total number of cases has increased and the hourly rate for contractors has increased.

Proposed Solution:

Hours	FY18		FY19		FY20		FY21	
	% of Total	Hours	% of Total	Hours	% of Total	Hours	% of Total	Hours
Attorney	324,420	70.13%	344,026	69.12%	329,281	66.50%	312,756	65.93%
Investigator	76,158	16.46%	76,458	15.36%	73,922	14.93%	71,187	15.01%
Social Worker	19,526	4.22%	28,110	5.65%	33,737	6.81%	23,667	4.99%
Paralegal	32,929	7.12%	38,875	7.81%	44,891	9.07%	51,768	10.91%
Legal Researcher	3,359	0.73%	2,350	0.47%	6,141	1.24%	9,593	2.02%
Runner	251.52	0.05%	37.02	0.01%	0	0.00%	0	0.00%
Scanner	1,908	0.41%	1,631	0.33%	1,257	0.25%	1,152	0.24%
Case Assistant	4,052	0.88%	6,223	1.25%	5,919	1.20%	4,234	0.89%
total hours	462,604	100.00%	497,710	100.00%	495,148	100.00%	474,357	100.00%
Total Cases	22,638		25,022		24,085		23,746	

As the chart above demonstrates, the percentage of attorney hours per case is decreasing while the percentage of adjunct service providers' hours are increasing. Notwithstanding case type, the difference in average rate between an attorney (\$80 per hour) and a case assistant (\$20 per hour) is \$60 per hour. For every hour of work a case assistant completes instead of an attorney, there is a \$60 savings; 100 hours is \$6,000; and 1,000 hours is \$60,000.

While this model is fiscally responsible, it also provides for better representation of the client. By carrying out the more mundane, but necessary tasks, the adjunct service provider frees up the attorney's time to engage in the more complex aspects of litigation (strategy planning, trial preparation, etc.) The following is just one example of how these adjunct services have helped attorneys.

The legal researcher was really helpful during my trial and did a great job with researching the legal issues that I asked her to focus on. I asked her to dive in with about a month to go before trial and she grasped the issues in the trial very quickly and with the heart of a defender. Her primary roles were doing legal research and helping me with client communication during trial and she did a great job in both of these roles.

As the lists of adjunct service providers have grown, so too has the time and effort necessary to manage these contractors. In addition, the OADC wants to expand this program – especially in rural areas where services are scarce. But identifying and recruiting additional adjunct service providers requires time and effort. Unfortunately, the OADC's current staff cannot carry this load efficiently and effectively. To date, each of the OADC staff has managed what they could:

- Appeals and Post-Conviction Coordinator – paralegals;
- Director and Deputy Director – investigators and experts;

- Social Worker Coordinators – forensic social workers and forensic clinical advocates;
- Coordinator of Legal Resources and Technology (COLRAT) – all other adjunct service providers.

No member of our current staff has the time to organize this system into a truly effective resource for our contracting attorneys.

The COLRAT does his best to coordinate these resources, but he is also responsible for many other tasks that enable the OADC’s contractors to provide better representation more efficiently. For example, the COLRAT prepares written weekly case summaries (including all relevant United States Supreme Court, 10th Circuit, Colorado Supreme Court, and published and unpublished Colorado Court of Appeals cases). These case summaries are now also disseminated by podcast. Preparing the written summaries and podcasts takes an average of more than eighteen hours per week. The importance of these summaries to OADC contractors is incredible.

This chart is a sample time period showing contractors’ downloads of the case summaries:

Campaign Name	Total Sent	Open Rate	Unique Opens	Mobile Open Rate	Desktop Open Rate	Click Through Rate	Unique Clicks	Bounce Rate	Bounces	Unsub Rate	Unsub
OADC Case Summaries 07.02.2021	1075	43.0%	448	29.8%	70.2%	8.9%	40	3.0%	33	0.0%	0
OADC Case Summaries 07.09.2021	1075	49.5%	514	34.3%	65.7%	3.9%	20	3.4%	37	0.0%	0
OADC Case Summaries 07.16.2021	1074	48.3%	501	38.2%	61.8%	9.4%	47	3.3%	36	0.0%	0
OADC Case Summaries 07.23.2021	1074	48.6%	506	27.1%	72.9%	7.1%	36	3.1%	33	0.0%	0
OADC Case Summaries 07.30.2021	1072	46.7%	483	21.3%	78.7%	6.6%	32	3.4%	37	0.0%	0
OADC Case Summaries 08.06.2021	1072	48.4%	500	26.8%	73.2%	7.2%	36	3.6%	39	0.0%	0
OADC Case Summaries 08.13.2021	1062	50.7%	523	36.2%	63.8%	3.1%	16	2.8%	30	0.1%	1
OADC Case Summaries 08.20.2021	1069	45.1%	471	26.7%	73.3%	7.6%	36	2.2%	24	0.1%	1
OADC Case Summaries 08.27.2021	1077	49.8%	524	29.9%	70.1%	5.2%	27	2.2%	24	0.1%	1
OADC Case Summaries 09.03.2021	1082	47.0%	491	34.1%	65.9%	4.1%	20	3.3%	36	0.0%	0
OADC Case Summaries 09.10.2021	1081	48.0%	506	38.1%	61.9%	8.9%	45	2.4%	27	0.0%	0
OADC Case Summaries 09.17.2021	1081	42.5%	450	34.6%	65.4%	6.0%	27	1.9%	21	0.0%	0
OADC Case Summaries 09.24.2021	1078	43.1%	453	32.0%	68.0%	5.5%	25	2.3%	27	0.0%	0

The following chart is a sample time period showing contractors’ usage of the podcast:

PodCast Episode	Publication Date	Downloads
Episode 228 - OADC Weekly Case Law Update	09/10/21	29
Episode 227 - OADC Weekly Case Law Update	09/03/21	27
Episode 226 - OADC Weekly Case Law Update	08/26/21	34
Episode 225 - OADC Weekly Case Law Update	08/22/21	35
Episode 224 - OADC Weekly Case Law Update	08/13/21	34
Episode 223 - OADC Weekly Case Law Update	08/06/21	40
Episode 222 - OADC Weekly Case Law Update	07/29/21	48
Episode 221 - OADC Weekly Case Law Update	07/22/21	45
Episode 220 - OADC Weekly Case Law Update	07/16/21	49
Episode 219 - OADC Weekly Case Law Update	07/09/21	59
Episode 218 - OADC Weekly Case Law Update	07/02/21	45
Episode 217 - OADC Weekly Case Law Update	06/25/21	41
Episode 216 - OADC Weekly Case Law Update	06/18/21	50
Episode 215 - OADC Weekly Case Law Update	06/11/21	13
Episode 214 - OADC Weekly Case Law Update	06/09/21	8

The following are examples of how much the contractors appreciate and benefit from the case summaries:

Just wanted to send you a thank you for the Case Summary emails. I love them. They inspire me to be better, to try harder, and to be thankful that there are smart people like you sending out this information.

I think that being a criminal defense lawyer is inherently lonely. Maybe that is just me. But it has been even more lonely this last year. Emails like the Case Summary help keep me connected.

The COLRAT also spends, on average, over 12 hours a week answering calls and responding to emails from attorneys requesting guidance. As mentioned above, the majority of OADC contractors are either solo practitioners or in firms of two to three lawyers. Thus, they have limited access to others for case consultation and brainstorming nuanced legal issues that arise. The COLRAT is one of the primary resources for contractors to brainstorm legal issues, assist with strategic decisions, and answer questions about the law.

The COLRAT has also worked through a couple of sticky legal issues for me as well. His willingness to talk and brainstorm legal issues is appreciated. One issue we have talked about numerous times is [specific legal issue omitted]. I now have a framework on how to litigate this issue, thanks to the conversations with (the COLRAT).

Thank you for the advice, and especially for making time while you were preparing for today. The CLE was excellent! You answered a bunch of my questions and, as always, gave me insight and inspiration. I love your presentations!

This confirms that my repeated requests to pick your brain are a good plan so brace yourself, (COLRAT)! Thanks for the assist in hashing out the issue in advance of our hearing. So much gratitude for the assistance and resources ADC provides.

As discussed below, between the case summary emails and podcasts, and consulting with contracting attorneys, there is little time left for the other tasks inherent to this position. For example, the OADC has worked hard to create an eLibrary - an online repository of legal materials available to all its contractors on a statewide, on-demand basis. The eLibrary ensures equal access to high-quality legal materials for all contractors throughout the state. Plus, by sharing research and written materials, the OADC reduces duplication of effort and redundant expenditures. The process began more than a decade ago and, over time, has developed into a

robust repository with thousands of briefs, motions, legal memoranda, transcripts, and copies of the case summaries. The materials are vetted for accuracy of content and clarity of thought. Maintaining the efficacy of this eLibrary is yet another part of the COLRAT's responsibilities. Unfortunately, with the amount of time spent on the Case Summaries/Podcasts and being on-call to assist the OADC contractors to brainstorm issues, troubleshoot problems, and arrange for support services, the integrity of the eLibrary is slipping. With more attention, the eLibrary can be an even more valuable resource to Agency contractors.

I use the online library on about every single 35c case that I litigate.

I identify issues in each case and then I head to the online library to see what resources are available on each issue. For example, I had a complicity jury instruction issue in a recent case. I hopped onto the computer and pulled off the summary that Jonathan did on the issue. I also pulled the key cases from that summary and started my research on the issue from those cites in the summary. The online library is an invaluable resource for ADC attorneys, especially those who are solo practitioners like myself.

Keep in mind this wasn't the only time you have helped me out. There are MANY times I have learned new law or insight from you and your summaries and have implemented them into my arguments and motions. This time was just such a clear-cut example of saving my client DOC time that I wanted to send you a special thank you.

Notwithstanding the above duties, the COLRAT still finds time to organize and preside over mock oral arguments for OADC contract attorneys. The COLRAT locates at least two appellate attorneys willing to take time to sit on a mock panel for each mock oral argument requested. The COLRAT reads the briefs and prepares questions to ask the presenting attorney to simulate the real oral argument to the Colorado Court of Appeals or Supreme Court.

Thank you! This is super helpful. That whole process was the best learning tool I've been exposed to in quite some time and really helped me reorganize my thoughts and even understand my argument better. It also zen-slapped me out of my "appeal psychosis" and helped me see some of the major problems that I was not wanting to acknowledge before and did not deal with well in my briefing.

I think I have a much better sense of what kind of preparation will work well for my nervous system, too, which I think was a very valuable take away.

All around, priceless experience.

Since 2014, when the OADC created the COLRAT position, the OADC has established a track record of better resources and saving money. However, the responsibilities of the position are now beyond the capabilities of a single person. An additional full-time employee could conduct outreach to develop additional resources (particularly in the rural areas), better manage a list of available contractors and ensure attorneys receive the most qualified person at the lowest hourly rate for any given task. This additional person could also help maintain the eLibrary, edit and publish the case summaries, coordinate mock oral arguments, and generally provide the COLRAT sufficient time to develop additional cost-saving resources that help the OADC attorneys provide better representation. Hopefully, this person will also be able to help coordinate the two fellowships that are being requested in Decision Item R-5.

Proposed Solution:

The OADC proposes adding 1.0 FTE, to create a position of Coordinator of Adjunct Services, funded by an offset in the Conflict-of-interest Contract service appropriation line item. The duties of this position will include conducting outreach to develop additional resources (particularly in rural areas), managing and updating a list of available contractors, and acting as a liaison with attorneys to make sure they receive assistance from the most qualified person at the lowest hourly rate for any given task. Additionally, the duties would include maintaining the eLibrary by adding new material, culling old and outdated material, and ensuring the usefulness of this resource.

This new FTE will help the OADC continue to control the average cost per case while maintaining high-quality representation for indigent clients in criminal and delinquency cases.

Alternatives:

The alternative is to continue contracting with individuals and using part-time interns to provide limited assistance on cases and sporadic updates to the eLibrary. The OADC will be unable to maximize the positive effects of a centralized system of resources for its contractors and the practical uses of available technology. The Agency will forego mentorship and internship programs due to insufficient qualified supervision. This alternative is not recommended because the reliability and efficacy of the eLibrary would be limited by the part-time nature of this venture, and the Agency would only be able to assist a minimal number of attorney contractors with research questions and issues. The result would be a reduced ability to control the average billable attorney hours per case and less effective representation for indigent individuals.

Anticipated Outcomes:

To save the taxpayers money while meeting the Agency’s performance measures.

Operational Details:

The additional 1.0 FTE will be added to the OADC’s Personal Services line

Why this is the best possible alternative:

The OADC believes the best alternative is to hire an additional employee to manage the eLibrary and the Adjunct Services. This FTE will free up the COLRAT to more effectively answer legal questions posed by attorneys while still being able to focus on the Case Summaries and Podcast. The COLRAT would supervise the Coordinator of Adjunct Services to maximize the knowledge base of these two positions and thereby provide better and more accessible adjunct services, more readily available legal consultation, and an improved eLibrary.

Assumptions for Calculations:

Coordinator of Adjunct Services			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		11,088	11,088
Number of months in FY2022-23		11	12
Salary		121,968	133,056
Salary Survey Adjustment (3%)		3,659	3,992
Subtotal, Salary		125,627	137,048
PERA	11.50%	14,447	15,760
Medicare	1.45%	1,822	1,987
Sub-total Personal Services		141,896	154,795
Health/Life/Dental (Avg, FY22-23 State Premiums)	1,152	12,672	13,824
Short-term Disability	0.16%	201	219
AED	5.00%	6,281	6,852
SAED	5.00%	6,281	6,852
PFML	0.9%	283	308
Total Personal Services		167,614	182,850
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		1,000	1,000
Computer, One-Time		1,200	-
Office Furniture, One-Time		5,000	-
Total Operating		8,550	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$176,164	\$185,200

Consequences if not funded:

If this proposed position is not funded, the OADC anticipates that it will be more difficult to control attorney hours and the cost per case in both the short and long run. Each week, more appellate opinions are produced by the appellate courts of Colorado and other relevant courts, requiring more time from the COLRAT to summarize them for the contractors. This allows less time to consult, less time to maintain the eLibrary, and even less time to manage the adjunct services. The reduction in these services will increase taxpayer cost through the inefficiency of attorneys billing for all tasks necessary on a case at the increased attorney hourly rate.

Impact on Other State Government Agency:

The OADC is willing to share access to the eLibrary, the criminal law case summaries, and any manuals that are created with the Office of the Colorado State Public Defender.

Relation to Performance Measures: Performance Measure:

Performance Measure B: Contain the total number of attorney hours per case. Performance Measure D: Provide Cost-Effective Research Tools and Resources to ADC Contractors.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2022-23 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Staff Accountant

Priority Number: R-2

Dept. Approval Date: 10/31/2021

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2022-23 |
| <input type="checkbox"/> Base Reduction Item FY 2022-23 |
| <input type="checkbox"/> Supplemental FY 2021-22 |
| <input type="checkbox"/> Budget Amendment FY 2021-22 |

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
	Fund	1	2	3	4	5
		Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
Total of All Line Items	Total	2,174,933	-	2,174,933	109,613	2,287,624
	FTE	14.0	-	-	0.9	1.0
	GF	2,174,933	-	2,174,933	109,613	2,287,624
Personal Services	Total	1,661,709	-	1,661,709	81,864	1,751,015
	FTE	14.0	-	-	0.9	1.0
	GF	1,661,709	-	1,661,709	81,864	1,751,015
Health Life Dental	Total	220,887	-	220,887	12,672	234,711
	FTE	-	-	-	-	-
	GF	220,887	-	220,887	12,672	234,711
Short-Term Disability	Total	2,700	-	2,700	116	2,827
	FTE	-	-	-	-	-
	GF	2,700	-	2,700	116	2,827
AED SB 04-257	Total	84,375	-	84,375	3,624	88,328
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	3,624	88,328
SAED SB 06-235	Total	84,375	-	84,375	3,624	88,328
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	3,624	88,328
PFML	Total	-	-	-	163	178
	FTE	-	-	-	-	-
	GF	-	-	-	163	178
Operating	Total	120,887	-	120,887	1,350	122,237
	FTE	-	-	-	-	-
	GF	120,887	-	120,887	1,350	122,237
Capital Outlay	Total	-	-	-	6,200	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,200	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2022-23 Funding Request
 Decision Item R-2

Agency Priority: Decision Item R - 2				
Staff Accountant				
Summary of Funding/FTE Change for FY23	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$102,063	\$102,063	\$0	0.90
Operating Expenses	\$1,350	\$1,350	\$0	0.00
Capital Outlay	\$6,200	\$6,200	\$0	0.00
Total Request	\$109,613	\$109,613	\$0	0.90

This request was originally approved by the JBC at the March 12, 2020 Figure Setting hearing for the FY20-21 Budget. Due to the COVID-19 pandemic the JBC withdrew its approval in anticipation of a significant financial impact the pandemic might have on Colorado.

Request Summary:

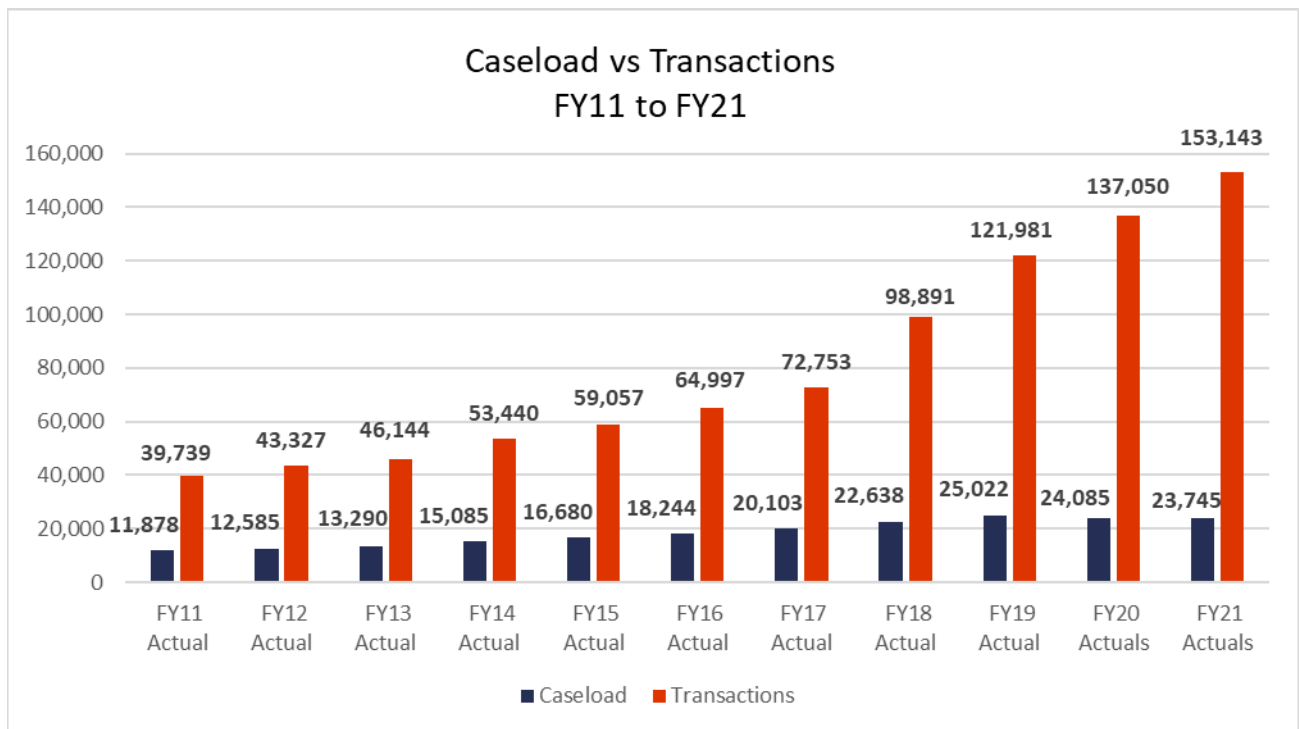
The OADC is requesting \$109,613 and 1.0 FTE to create a position of Staff Accountant. This position will assist with several overburdened areas within the Financial Division:

- Assisting the Billing Administrator with contractor invoice review, entry corrections, billing correspondence, State Warrant reconciliations, and regular billing audits to ensure compliance with OADC payment directives;
- Addressing the growing needs of operational functions within the Division including:
 - procurement card tracking,
 - staff and contractor travel coordination,
 - review, process, and audit internal reimbursements,
 - cash receipt processing, and
 - office motor pool administration.
- Assisting the Chief Financial Officer with monthly and year-end journal entries, CORE budget entries, payroll reconciliations, over hours billing reports, and OSA audit requests.

The Problem and Opportunity:

The OADC is struggling to meet contractual bill processing deadlines (30 days from submission of invoice). As the Agency's number of payments continues to rise, this problem will increase without an additional FTE. The Agency lacks sustainable backup staff to step in when needed and has no succession plan for the position with regards to future growth. As the chart in the 'Brief Background' section shows, the number of contractor bills processed from FY04 to FY21 has increased by more than 600%. Since FY04, there has been only 1 FTE dedicated to processing contractor payments, which exceeded 150,000 in FY21.

Procurement card reconciliations, internal reimbursements, cash receipt approvals, and the newly added motor pool plan are currently the responsibility of one individual, who is also the contractor appointment approver for the Agency's billing system. Despite the decrease in contractor and staff travel due to the COVID-19 pandemic, these duties continue to be labor intensive for only one FTE.



Brief Background:

The Problem and Opportunity section above and the chart below supply the background for this request.

	FY04	FY11	FY14	FY15	FY16	FY19	FY20	FY21
Director & Deputy	2	2	2	2	2	2	2	2
FTE - Admin	3	3.5	3.5	3.5	5	5	5	5
FTE - Program	0	2	3	4	4	9	9	9
Total FTE	5	7.5	8.5	9.5	11	16	16	16
Cases	11,100	11,880	15,085	14,479	15,085	25,022	24,085	23,745
Payments	21,722	39,739	53,440	59,057	64,997	121,981	137,050	153,143
Expenditures	\$11,901,679	\$20,496,774	\$25,453,717	\$29,694,094	\$30,037,642	\$39,658,549	\$39,471,286	\$37,108,622

Proposed Solution:

For the FY2022-23 request year, the OADC is requesting \$109,613 for a Staff Accountant to accommodate the continued growth of the billing process.

Alternatives:

The OADC could train and pay outside contractors to help the Agency. This training would require additional time, thus diverting present staff from their otherwise overwhelming duties, causing more backlogs, and resulting in further inefficiencies within the Agency.

Anticipated Outcomes:

Without the additional FTE, the Agency will receive more invoices than staff can process in a timely manner, and the Agency will be in breach of its contracts. It also runs the risk of burning out current, senior staff.

Operational Details:

The additional 0.9 FTE will be added to the OADC Budget beginning July 1, 2022.

Why this is the best possible alternative:

Appropriating the FTE will not only promote timeliness in payment processing but will also strengthen the Agency’s Financial Division by adding additional audit resources, creating cross-training opportunities, and further strengthening its accountability to the State of Colorado.

Assumptions for Calculations:

Staff Accountant			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		6,397	6,397
Number of months in FY2022-23		11	12
Salary		70,367	76,764
Salary Survey Adjustment (3%)		2,111	2,303
Subtotal, Salary		72,478	79,067
PERA	11.50%	8,335	9,093
Medicare	1.45%	1,051	1,146
Sub-total Personal Services		81,864	89,306
Health/Life/Dental (Avg, FY22-23 State Premiums)		1,152	12,672
Short-term Disability		0.16%	116
AED		5.00%	3,624
SAED		5.00%	3,953
PFML		0.9%	163
Total Personal Services		102,063	111,341
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel Expenses		-	-
Computer, One-Time		1,200	-
Office Furniture, One-Time		5,000	-
Total Operating		7,550	1,350
TOTAL PERSONAL SERVICES & OPERATING		\$109,613	\$ 112,691

Consequences if not funded: The OADC will not meet its payment obligations to contractors, longtime employees will continue to be overworked without necessary support, and contractor invoice auditing will not occur as frequently as current standards dictate.

Impact on Other State Government Agency: There is no impact on other state agencies.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2022-23 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Information Systems Director

Priority Number: R-3

Dept. Approval Date: 10/31/2021

- | |
|--|
| <input checked="" type="checkbox"/> Decision Item FY 2022-23 |
| <input type="checkbox"/> Base Reduction Item FY 2022-23 |
| <input type="checkbox"/> Supplemental FY 2021-22 |
| <input type="checkbox"/> Budget Amendment FY 2021-22 |

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
Total of All Line Items	Total	2,174,933	-	2,174,933	140,614	2,321,352
	FTE	14.0	-	-	0.9	1.0
	GF	2,174,933	-	2,174,933	140,614	2,321,352
Personal Services	Total	1,661,709	-	1,661,709	109,340	1,780,988
	FTE	14.0	-	-	0.9	1.0
	GF	1,661,709	-	1,661,709	109,340	1,780,988
Health Life Dental	Total	220,887	-	220,887	12,672	234,711
	FTE	-	-	-	-	-
	GF	220,887	-	220,887	12,672	234,711
Short-Term Disability	Total	2,700	-	2,700	155	2,869
	FTE	-	-	-	-	-
	GF	2,700	-	2,700	155	2,869
AED SB 04-257	Total	84,375	-	84,375	4,840	89,655
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	4,840	89,655
SAED SB 06-235	Total	84,375	-	84,375	4,840	89,655
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	4,840	89,655
PFML	Total	-	-	-	218	238
	FTE	-	-	-	-	-
	GF	-	-	-	218	238
Operating	Total	120,887	-	120,887	2,350	123,237
	FTE	-	-	-	-	-
	GF	120,887	-	120,887	2,350	123,237
Capital Outlay	Total	-	-	-	6,200	-
	FTE	-	-	-	-	-
	GF	-	-	-	6,200	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

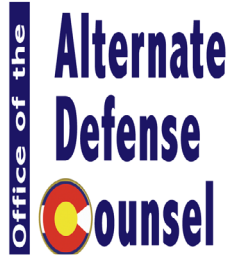
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2022-23 Funding Request Decision Item R-3

Agency Priority: Decision Item R - 3				
Information Systems Director				
Summary of Funding/FTE Change for FY23	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$132,064	\$132,064	\$0	0.90
Operating Expenses	\$2,350	\$2,350	\$0	0.00
Capital Outlay	\$6,200	\$6,200	\$0	0.00
Total Request	\$140,614	\$140,614	\$0	0.90

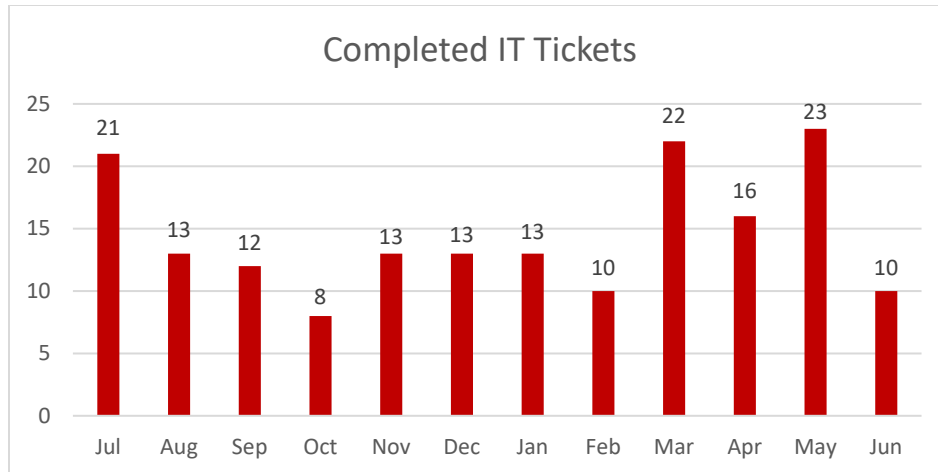
Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests 1.0 FTE and \$140,614 General Fund to add an Information Systems Director. The OADC needs this individual to be responsible for all aspects of the agency’s information technology.

The Problem and Opportunity:

The OADC currently contracts with outside vendors for a portion of its technology needs. One of those contractors assists with interoffice IT development and IT troubleshooting needs. Internal IT issues are first sent to the Agency’s Chief Financial Officer for tier one support. The CFO troubleshoots and reviews similar requests from prior tickets to determine if the issue can be addressed internally. On average, the Chief Financial Officer spends approximately two hours per day on IT related activities. This can involve troubleshooting software, computers, laptops, printers, scanners, phones, other electronic devices, equipment tracking, inventorying, purchasing, decommissioning, and IT contractor correspondence/follow-up on pending issues. If the IT issue cannot be resolved, it is then emailed to the Agency’s IT contractor for assistance at a rate of \$130/hr. Due to the IT contractor having multiple clients, most of the issues are not timely resolved and this tends to affect staff productivity.

While the OADC continues to grow, so does its need for accountable technology, especially as working environments continually adapt in response to the COVID-19 pandemic and advances in technology continue. Utilizing current OADC staff to adapt to these changes and address ongoing IT issues is not a good use of the state resources. In FY21 the CFO accumulated, troubleshooted, and eventually forwarded 174 helpdesk tickets to the Agency’s IT contractor.



The OADC is asking for 1.0 FTE to lead in all aspects of IT services for the Agency’s employees. For that same amount of support from the existing IT contractor it would cost the state approximately \$260,000 per year (\$130 per hour x 2,000 working hours per year). Total cost, with benefits, for the full-time employee would be approximately \$137,000 per year (when fully annualized the net savings is approximately \$123,000 per year).

	Working Hours/Year	Hourly Rate	Wage / Rate	State Benefit	Total Cost
Proposed IT FTE	2,000	\$ 49	\$ 98,580	\$ 38,466	\$ 137,046
Current IT Contract	2,000	\$ 130	\$ 260,000		\$ 260,000
					\$ (122,954)

Proposed Solution:

The OADC proposes adding 1.0 FTE for an Information Systems Director totaling \$140,614 to accommodate the increasing IT needs of the Agency.

Anticipated Outcomes:

The Agency will receive adequate, full-time IT staff reducing the use and expense of an external IT contractor.

Operational Details:

The additional 1.0 FTE and Personal Services amounts will be added to the Personal Services line.

Assumptions for Calculations:

Information Systems Director			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		8,544	8,544
Number of months in FY2022-23		11	12
Salary		93,984	102,528
Salary Survey Adjustment (3%)		2,820	3,076
Subtotal, Salary		96,804	105,604
PERA	11.50%	11,132	12,144
Medicare	1.45%	1,404	1,531
Sub-total Personal Services		109,340	119,279
Health/Life/Dental (Avg, FY22-23 State Premiums)	1,152	12,672	13,824
Short-term Disability	0.16%	155	169
AED	5.00%	4,840	5,280
SAED	5.00%	4,840	5,280
PFML	0.9%	218	238
Total Personal Services		132,064	144,069
FTE		0.9	1.0
Operating			
Regular FTE Operating		500	500
Telephone Expenses		450	450
Software		400	400
Travel		1,000	1,000
Computer (high-travel)/Software, One-Time		1,200	-
Office Furniture, One-Time		5,000	-
Total Operating		8,550	2,350
TOTAL PERSONAL SERVICES & OPERATING		\$140,614	\$ 146,419

Consequences if not funded: The OADC would continue to use its external IT contractor.

Impact on Other State Government Agency: There is no impact on other state agencies.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

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Schedule 13
Funding Request for the 2022-23 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: COLA-based increase for Contractors

Priority Number: R-4

Dept. Approval Date: 10/31/2021

- Decision Item FY 2022-23
- Base Reduction Item FY 2022-23
- Supplemental FY 2021-22
- Budget Amendment FY 2021-22

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
Total of All Line Items	Total	42,262,813	-	42,262,813	2,535,769	44,798,582
	FTE	-	-	-	-	-
	GF	42,262,813	-	42,262,813	2,535,769	44,798,582
Conflicts-of-Interest Contracts	Total	42,262,813	-	42,262,813	2,535,769	44,798,582
	FTE	-	-	-	-	-
	GF	42,262,813	-	42,262,813	2,535,769	44,798,582

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

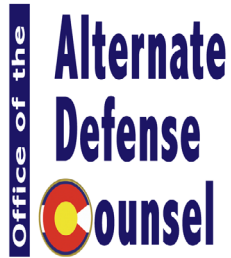
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2022-23 Funding Request Decision Item R-4

Agency Priority: Decision Item R - 4				
COLA-based Contractor Hourly Rate Increase				
Summary of Funding/FTE Change for FY23	Total Funds	General Funds	Cash Funds	FTE
Conflict-of-interest Contracts	\$2,535,769	\$2,535,769	\$0	0
Total Request	\$2,535,769	\$2,535,769	\$0	0

This request was originally approved by the JBC at the March 12, 2020 Figure Setting hearing for the FY20-21 Budget. Due to the COVID-19 pandemic the JBC withdrew its approval in anticipation of a significant financial impact the pandemic might have on the State of Colorado.

Request Summary:

In conjunction with the Office of the Child’s Representative (OCR) and the Office of the Respondent Parent’s Counsel (ORPC), the OADC is seeking a 6% COLA-based hourly rate increase for its contractors to remain competitive with current federal, state, and private sector rates. To retain and attract high quality and effective defense counsel and other contractors to represent indigent adults and children, as required by the Colorado and United States Constitutions and Colorado statutes, the OADC is requesting a \$2,535,769 General Fund (GF) increase to its Conflict-of-interest Contracts LBLI beginning FY23.

The Problem and Opportunity:

The last hourly rate increase was effective July 1, 2018. Attorneys received a \$5 per hour increase, and paralegals and investigators received a \$3 per hour increase. The following chart outlines historical rates paid to OADC contractors since FY2003 for Attorneys, Investigators, and Paralegals:

Case Type	Hourly Rate Effective 2/1/2003	Hourly Rate Effective 7/1/2003	Hourly Rate Effective 7/1/2006	Hourly Rate Effective 7/1/2007	Hourly Rate Effective 7/1/2008	Hourly Rate Effective 7/1/2014	Hourly Rate Effective 7/1/2018
Felony A (Juvi & Adult)	\$46	\$51	\$60	\$63	\$68	\$80	\$85
Felony B (Juvi & Adult)	\$42	\$47	\$56	\$59	\$65	\$75	\$80
Misd, DUI, and Traffic (Adult & Juvenile)	\$40	\$45	\$54	\$57	\$65	\$70	\$75
Attorney Travel	\$30	\$30	\$54	\$57	\$65	\$70	\$75
Paralegal	\$20	\$20	\$20	\$20	\$25	\$30	\$33
Investigator	\$33	\$33	\$33	\$33	\$36	\$41	\$44

Despite the FY18-19 increase, OADC contractor rates are still considerably less than federal, state, and private sector rates for similar positions.

Criminal Justice Act Historical Rates	2013	2014	2015	2016	2017	2018	2019	2020	2021
Non-Capital *									
Hourly	\$125	\$126	\$127	\$129	\$132	\$140	\$148	\$152	\$155
% change	0%	1%	1%	2%	2%	6%	6%	3%	2%

[*http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16](http://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16)

State of Colorado Attorney General - Blended Rate Attorney, Paralegal/Legal Assistant	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Legal Services Rate	\$77.25	\$91.08	\$99.01	\$95.01	\$95.05	\$106.56	\$107.66	\$106.60	\$106.34
% change	2.0%	17.9%	8.7%	-4.0%	0.0%	12.1%	1.0%	-1.0%	-0.2%

Data provided by the Colorado Office of the Attorney General

According to the most recent Colorado Bar Association Economic Survey (from 2017), for a solo practitioner (as are most OADC attorney contractors), the average (mean) hourly rate was \$243. The chart in the link below shows a significant disparity between the hourly rate of current OADC contractors and the private sector. Private sector attorneys earned more than three times what their current OADC counterparts are paid today, and private sector paralegals earned nearly four times their current OADC counterparts. OADC contractors are significantly misaligned with the market.

<http://www.cobar.org/portals/COBAR/repository/2017EconomicSurvey.pdf>

Colorado State employees were given a 3.0% COLA increase to base salaries in FY20 and another 3.0% COLA increase in FY22. Just as federal, state, and private sector attorneys experience inflation so do OADC contractors. These contractors, who do similar if not identical work as the Colorado State Public Defenders (represent indigent adults and children across the state), have not received any COLA increase since FY18-19.

FY	COLA Increase State Employees
FY20	3.0%
FY21	0.0%
FY22	3.0%
	6.0%

Proposed Solution:

Increase the OADC’s FY23 Conflict-of-interest Contracts LBLI by \$2,535,769 to fund a 6.0% across the board increase to contractor hourly rates to bring contractors closer to competitive market rates.

Alternatives:

There are three alternatives: fully fund the request, partially fund the request, or not fund the request.

Anticipated Outcomes:

Acquisition and retention of qualified contractors to ensure the provision of effective and efficient legal services to indigent defendants and juveniles.

Operational Details:

The COLA-based hourly rate increase will be incorporated into the OADC online payment system beginning July 1, 2022, for all work performed on and after that date. Rate increases will continue in effect until and unless the rates change again. All contractors will be notified of the rate increases and their effective date so they can adjust their billing accordingly.

Why this is the best possible alternative:

There will be cost savings to the Agency by the attraction and retention of more experienced contractors.

Assumptions for Calculations:

The FY23 Budget request for the COLA-based contractor hourly rate increase will total \$2,535,769 General Fund.

FY23 Long Bill Line Item (LBLI)	FY23 Budget	% Rate Increase	Incremental increase to FY23 LBLI
Conflict-of-interest Contracts	\$ 42,262,813	6.0%	\$ 2,535,769

Consequences if not funded:

The OADC believes that experienced contractors would decline OADC work if the rates paid to contractors do not remain competitive. Experienced contractors are more effective and efficient. There may be a steady supply of newly minted *inexperienced* lawyers who will do OADC work, but history shows that new, *inexperienced* lawyers lack competency in various areas of criminal and youth defense representation. The lack of competencies ultimately costs OADC more money in inefficiencies, additional training, mentoring, oversight, and post-conviction claims.

Impact on Other State Government Agency: The Agency is making this request in conjunction with the Office of the Child’s Representative (OCR) and the Office of Respondent Parents’ Counsel (ORPC).

Cash Fund Projections: None

Relation to Performance Measures: Performance Measure A: Increase compensation rates for contractors.

Supplemental, 1331 Supplemental, or Budget Amendment Criteria: N/A

Current Statutory Authority of Needed Statutory Change: N/A

Schedule 13
Funding Request for the 2022-23 Budget Cycle

Department: Office of the Alternate Defense Counsel
 Request Title: The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship
 Priority Number: R-5
 Dept. Approval Date: 10/31/2021

- Decision Item FY 2022-23
- Base Reduction Item FY 2022-23
- Supplemental FY 2021-22
- Budget Amendment FY 2021-22

Line Item Information		FY 2021-22		FY 2022-23		FY 2023-24
		1	2	3	4	5
	Fund	Appropriation FY 2021-22	Supplemental Request FY 2021-22	Base Request FY 2022-23	Funding Change Request FY 2022-23	Continuation Amount FY 2023-24
Total of All Line Items	Total	44,437,746	-	44,437,746	0	44,453,957
	FTE	14.0	-	-	1.8	2.0
	GF	44,437,746	-	44,437,746	0	44,453,957
Conflicts-of-Interest Contracts	Total	42,262,813	-	42,262,813	(192,106)	42,070,707
	FTE	-	-	-	-	-
	GF	42,262,813	-	42,262,813	(192,106)	42,070,707
Personal Services	Total	1,661,709	-	1,661,709	137,059	1,822,861
	FTE	14.0	-	-	1.8	2.0
	GF	1,661,709	-	1,661,709	137,059	1,822,861
Health Life Dental	Total	220,887	-	220,887	25,344	248,535
	FTE	-	-	-	-	-
	GF	220,887	-	220,887	25,344	248,535
Short-Term Disability	Total	2,700	-	2,700	194	2,928
	FTE	-	-	-	-	-
	GF	2,700	-	2,700	194	2,928
AED SB 04-257	Total	84,375	-	84,375	6,068	91,509
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	6,068	91,509
SAED SB 06-235	Total	84,375	-	84,375	6,068	91,509
	FTE	-	-	-	-	-
	GF	84,375	-	84,375	6,068	91,509
PFML	Total	-	-	-	273	321
	FTE	-	-	-	-	-
	GF	-	-	-	273	321
Operating	Total	120,887	-	120,887	4,700	125,587
	FTE	-	-	-	-	-
	GF	120,887	-	120,887	4,700	125,587
Capital Outlay	Total	-	-	-	12,400	-
	FTE	-	-	-	-	-
	GF	-	-	-	12,400	-

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number:

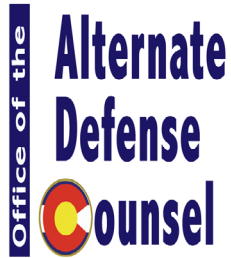
Reappropriated Funds Source, by Department and Line Item Name:

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:

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FY 2022-23 Funding Request Decision Item R-5

Agency Priority: Decision Item R - 5				
The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship				
Summary of Funding/FTE Change for FY23	Total Funds	General Funds	Cash Funds	FTE
Personal Services & Related POTS	\$175,006	\$175,006	\$0	1.80
Operating Expenses	\$4,700	\$4,700	\$0	0.00
Capital Outlay	\$12,400	\$12,400	\$0	0.00
Conflict-of-interest Contracts	(\$192,106)	(\$192,106)	\$0	0.00
Total Request	\$0	\$0	\$0	1.80

Request Summary:

The Office of the Alternate Defense Counsel (OADC) is requesting 2.0 FTE that will be funded from a transfer of \$192,106 from its Conflict-of-interest Contracts, as these individuals will be representing indigent individuals in place of contracted attorneys. These 2.0 FTE positions will create a two-year Greater Colorado Fellowship and a two-year Inclusivity Fellowship. These positions will assist the OADC in achieving its mission.

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. OADC advocates for every client’s inherent worth and dignity by centering the client’s 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. There is a disparate presence of violent policing, over-charging, 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.

Overview:

The OADC has long recognized that the pool of attorneys contracting with our agency lacks both people willing to live in and practice law in rural areas of Colorado (Greater Colorado) and people who identify as Black, Indigenous, and people of color (BIPOC). The root causes of these deficiencies may be different, but the solution is the same: targeted recruitment and a stable process that will increase the likelihood of long-term financial success for BIPOC and rural practitioners.

Historically, the OADC has fulfilled its obligation to provide legal representation to indigent individuals accused of criminal offenses by contracting with private attorneys to provide legal services on an hourly basis. This system is necessary to prevent ethical conflicts of interest from migrating between employees of a single law firm, e.g., the Office of the State Public Defender. However, it does not provide the financial stability of a monthly paycheck and the benefits necessary to successfully recruit and retain specific practitioners. Thus, the OADC seeks to create a fellowship model to recruit and retain specific practitioners; this model is based on a hybrid of the funding model already in place in Colorado to recruit rural district attorneys (See C.R.S. §23-19.3-102, and the Attorney General’s Fellowship which is funded to reduce their caseload backlog.

Meeting the needs of Greater Colorado:

Rural communities lacking in legal services (often called “legal deserts”) will benefit from the development of a private business law office serving the community’s legal needs. True, the Greater Colorado Fellow will begin as a state employee; however, after an initial two-year period of learning the practice of law while supported by the OADC, Colorado’s robust system of support (e.g., Colorado Attorney Mentorship Program) and community practitioners, it is anticipated that the Fellow will become an hourly OADC independent contractor and retain a private practice in that rural area.

Expanding OADC’s Inclusivity Efforts:

Further, the people who practice law suffer from a lack of diversity, and Colorado’s legal community is no different. The pool of attorneys willing to contract with the OADC is a microcosm of the larger systemic problem. While the lack of diversity is generally problematic for the legal community, it is especially problematic in the criminal legal system. There is an undeniable benefit when BIPOC identifying people participate in the system as attorneys. The OADC intends to recruit attorneys who identify as BIPOC to supplement the ranks of current contractors while increasing the diversity of the Colorado legal community.

Though targeted recruitment will differ, the fellowship model will be similar in its design to provide a stable process that will increase the likelihood of long-term financial success for rural practitioners and practitioners who identify as BIPOC. Thus, the OADC has proposed two separate fellowships that should be considered together:

1. The Greater Colorado Practitioner Fellowship; and
2. The Inclusivity Fellowship.

The Greater Colorado Practitioner Fellowship

Overview:

The shortage of attorneys in rural communities is a nationwide problem. In 2014, only about 2 percent of law firms were located in small towns or rural areas. Despite about 19 percent of Americans living in rural communities, the number of practicing rural attorneys continues to decline. About half of Colorado's counties have fewer than 25 attorneys, and many have fewer than 10. Worse still, some counties in Colorado have no active attorneys at all and are best termed "legal deserts." These legal deserts disproportionately affect vulnerable, low-income communities. Many rural residents are not informed about the legal system and have less reliable internet service, making it difficult for them to seek justice professionally. Further, areas with a known lack of access to justice are historically more likely to be abused by those in positions of power.

Most importantly, increased access to justice will improve access to legal rights in rural parts of Colorado. There are possible violations of the United States and Colorado Constitutions when individuals charged with a crime are not represented or are represented by attorneys who are unfamiliar with criminal law or when judges are forced to delay proceedings for many weeks until an attorney is available. Due to the difficulty of finding an attorney, litigants in rural communities are likely to experience significant delays or to attempt to represent themselves.

Serving rural communities has become centered around managing immense travel costs. In some cases, rural Americans must travel hundreds of miles to see their attorneys. In others, the attorneys themselves must travel long distances for even brief meetings or court appearances.

This has significant costs in money and time. In 2019, which was the last pandemic free fiscal year, the OADC spent almost \$2.5 million on attorney travel costs alone. In some counties, such as Kit Carson and Phillips, travel costs accounted for over 70% of the OADC's total expenses in those counties.

Greater Colorado must also confront the concern that many of the existing rural lawyers are approaching retirement age, with too few law school graduates moving in to replace them. Potential rural attorneys are deterred by concerns about income, law school debt, geographic isolation, diversity, housing, politics, and professional support.

The OADC is seeking to address these concerns by providing a fellowship for a rural contractor. As legal deserts in Colorado are often found in clusters, this placement will serve as a hub from which the attorney can serve the greater region.

Request Details:

The OADC is proposing a new fellowship to address the legal deserts in rural Colorado. The OADC is requesting a Greater Colorado Fellow attorney for a two-year term to increase access to justice, reduce financial costs, and improve the quality of rural legal representation.

While this is a two-year fellowship, the OADC intends this program to be a long-term solution to the legal deserts in rural Colorado. The OADC will select applicants that intend to remain in the rural location after the fellowship ends and establish a private practice, while also considering factors for placement of the Fellow such as the attorneys in a geographic area, OADC's billed hours for attorney work and travel in certain areas, and community support and business growth factors. The hope is to establish practitioners who will continue to contract with the OADC and serve other legal needs of the community.

With these factors in mind, the OADC has prioritized the following Greater Colorado locations as possible placement areas for a rural fellow:

- Otero and Bent counties (16th Judicial District);
- Morgan and Logan counties (13th Judicial District);
- Fremont and Custer counties (11th Judicial District); and
- Eagle and Garfield counties (5th and 9th Judicial Districts).

The OADC intends to locate one practitioner in one area of need in FY 2022-23. In each second subsequent year, the OADC will attempt to locate one practitioner in a different area of need. This will be a slow and deliberate process to ensure that existing practitioners are not negatively impacted by a sudden increase in the supply of legal service providers.

In order to achieve long-term success, the OADC recognizes that final selection of the location will need to be made in conjunction with an applicant's desire to reside in a given location long after the fellowship ends. Considering the above-cited concerns regarding legal practice in rural communities, the OADC will prioritize selecting an attorney who has previously lived in a rural community or has a passion for helping rural communities, shows interest in developing their own law firm, is comfortable working independently, shows interest in improving access to justice, and/or a nontraditional law school graduate. The OADC will reevaluate these selection criteria on an annual basis based on effectiveness, reach, and retainment.

Each attorney selected for a rural fellowship will be allowed a single two-year term. The OADC intends to provide two-years of financial stability to enable the Greater Colorado Fellow to develop a private practice. After those two years, it will be expected that the Greater Colorado Fellow will provide legal services to the community and to the OADC on an hourly basis.

Consequences if not Funded:

If the OADC is denied the requested FTE positions, the OADC will continue to struggle with addressing the legal deserts in Greater Colorado. As a result, OADC will have to continue to dedicate considerable resources and funding to attorney travel costs and the ongoing concerns

related to legal representation and access to counsel throughout rural areas of the state will continue.

See exhibit D for charts and resources in support of this fellowship.

The Inclusivity Fellowship

Background:

While the history of racial injustice within the legal system has been documented, studied, and discussed for decades, the “racial reckoning” of 2020 has highlighted and brought to the forefront the pressing need for reform in this area.

In 2021, The Sentencing Project came out with their report titled *The Color of Justice, Racial and Ethnic Disparity in State Prisons*. There, they found that in Colorado, in 2019 (the most recent statistics available)

- 18% of the prison population was black, while only 4% of the state’s population was black.
- 32% of the prison population was Latinx, while only 22% of the state’s population was Latinx
- Adding together these statistics, approximately 50% of the prison population is Black or Latinx, while Black and Latinx comprise roughly 26% of the state’s population.

Further statistics are as follows:

- 1603 out of every 100,000 Black individuals are incarcerated in Colorado
- 518 out of every 100,000 Latinx are incarcerated in Colorado – the 5th highest rate in US
- 236 out of every 100,000 White are incarcerated in Colorado.

This set of statistics also only reflects the adult prison population (including youth sentenced to adult prisons) and does not take into account the Department of Youth Services and their own racial disparities.

In Colorado, Black and Brown individuals are arrested and incarcerated at higher rates as children; these numbers decrease for the population as they get older. Additionally, this trend is the opposite for White individuals. Considering the Colorado population of White versus non-White individuals as compared to the rest of the United States, these statistics are alarming. (Crime and Justice in Colorado, 2009-2019)

Request Details

The OADC proposes a new solution to address the lack of BIPOC attorneys in the agency's contractor pool. We are requesting an Inclusivity Fellow attorney for a two-year term to help address this deficit. As the Fellow attorney's two-year program ends, the OADC anticipates replacing that Fellow indefinitely, as there currently exists no timeline for when these systemic issues will change and the desired outcomes of that change. The OADC will assess the resource needs annually, factoring annual workload projections concurrent with best practices to determine the appropriate number of Fellows moving forward.

A Fellow Attorney will likely be a new attorney with two or fewer years of experience that is interested in beginning their career in public service representing indigent individuals. The OADC anticipates annual compensation of \$64,260 a year, with the expectation that each Fellow may work up to two years in this capacity and gain relevant experience so that they can better compete for other positions within or outside the organization, in addition to establishing their own private practice in Colorado. Further, this arrangement will develop a cadre of attorneys with significant and valuable public service experience to assist criminal defendants.

Justification

A BIPOC individual familiar with the issues these communities face may not have to overcome trust issues or spend as much time fostering a willingness to participate. In other words, it would be necessary to the success of the work to have someone with similar background and/or lived experiences to ensure the effectiveness of their duties. See, e.g., Appendix D (Fourth Edition (2017) of the *Criminal Justice Standards for the Defense Function* supporting diversification of public defenders throughout multiple areas of the state).

The Office of Attorney Regulation Counsel (OARC) 2020 Annual Report — Percentage of active lawyers in each type of area who identify as diverse (Colorado):

	CO Larger City	CO Smaller City	CO Non-City
Racially/ethnically diverse	15.5%	14.7%	9.8%
Veteran	6.0%	8.8%	8.8%
Non-binary or transgender	0.7%	0.2%	0.6%
Gay, lesbian, bi-sexual	8.5%	7.6%	6.6%

Consequences if not Funded

If the OADC is not allowed to add the requested Fellow attorney position, the OADC, Colorado, and our nation will continue to struggle with effectively addressing the systemic needs of BIPOC individuals in the legal and criminal justice systems and works a disservice to the vast majority of BIPOC individuals represented by the OADC, most significantly victims and defendants.

See exhibit E for charts and resources in support of this fellowship.

Assumptions for Calculations:

Fellowships			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		2.0	2.0
Monthly Base Salary		10,710	11,543
Number of months in FY2022-23		11	12
Salary		117,810	138,520
Salary Survey Adjustment (3%)		3,534	4,156
Subtotal, Salary		121,344	142,676
PERA	11.50%	13,954	16,408
Medicare	1.45%	1,760	2,068
Sub-total Personal Services		137,058	161,152
Health/Life/Dental (Avg, FY22-23 State Premiums)	1,152	25,344	27,648
Short-term Disability	0.16%	194	228
AED	5.00%	6,068	7,134
SAED	5.00%	6,068	7,134
PFML	0.9%	273	321
Total Personal Services		175,006	203,617
FTE		1.8	2.0
Operating			
Regular FTE Operating		1,000	1,000
Telephone Expenses		900	900
Software		800	800
Travel Expenses		2,000	2,000
Computer, One-Time		2,400	-
Office Furniture, One-Time		10,000	-
Total Operating		17,100	4,700
TOTAL PERSONAL SERVICES & OPERATING		\$192,106	\$208,317

Schedule 2
 Department Summary
 Judicial Branch
 Office of the Alternate Defense Counsel
 C.R.S. §21-2-101

	Actual FY2016-2017		Actual FY2017-2018		Actual FY2018-2019		Actual FY2019-2020		Actual FY2020-2021		Budget FY2021-2022		Requested FY2022-2023	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Department Total														
Total	32,932,573	12.0	35,367,129	12.0	39,698,549	13.0	39,484,863	16.0	37,744,339	16.0	47,993,846	16.0	50,495,384	20.5
GF	32,892,573	12.0	35,313,329	12.0	39,643,726	13.0	39,434,460	16.0	37,531,364	16.0	47,610,846	16.0	50,415,384	20.5
CF	40,000		53,800		54,823		50,403		80,000		80,000		80,000	

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SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Position Detail										
Director	167,794	1.0	172,827	1.0	169,724	1.0		1.0	178,452	1.0
Deputy	160,625	1.0	165,393	1.0	162,065	1.0		1.0	170,784	1.0
Coordinator of Legal Research & Tech Coordinator	137,036	1.0	141,147	1.0	138,622	1.0		1.0	145,735	1.0
Evaluator/Trainer Staff Attorney	116,327	1.0	123,600	1.0	121,009	1.0		1.0	127,308	1.0
Chief Financial Officer	95,735	1.0	122,581	1.0	122,391	1.0		1.0	128,750	1.0
Appellate Post Conviction Coordinator	80,145	1.0	82,549	1.0	81,060	1.0		1.0	85,233	1.0
Training & Technology Specialist								1.0	55,008	1.0
Public Information Coordinator	48,942	1.0	67,342	1.0	55,970	1.0		0.0		0.0
Youth Defense Coordinator	123,300	1.0	126,999	1.0	124,627	1.0		1.0	131,127	1.0
Sr. Office Manager	75,291	1.0	88,603	1.0	87,962	1.0		1.0	92,490	1.0
Billing Administrator	64,535	1.0	74,471	1.0	73,827	1.0		1.0	77,621	1.0
Financial Analyst	58,572	1.0	66,872	1.0	66,267	1.0		1.0	69,642	1.0
Social Worker Coordinator	89,049	1.0	95,008	1.0	93,511	1.0		1.0	98,396	1.0
Administrative Paralegal	43,896	1.0	51,909	1.0	51,044	1.0		1.0	58,008	1.0
Social Worker Outreach Coordinator			73,678	1.0	78,661	1.0		1.0	82,787	1.0
DI # 1 Coordinator of Adjunct Services (FY23)									125,627	0.9
DI # 2 Staff Accountant (FY23)									72,478	0.9
DI # 3 Information Systems Director (FY23)									96,804	0.9
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									60,672	0.9
DI # 5 The Inclusivity Fellowship (FY23)									60,672	0.9
Continuation Salary Subtotal	1,261,248	13.0	1,452,979	14.0	1,426,740	14.0	1,661,709	14.0	1,917,594	18.5
Other Personal Services										
PERA on Continuation Subtotal (FY16)										
PERA on Continuation Subtotal (FY17)										
PERA on Continuation Subtotal (FY18)	9,783									
PERA on Continuation Subtotal (FY19)	114,934		11,590							
PERA on Continuation Subtotal (FY20)			134,799		12,816					
PERA on Continuation Subtotal (FY21)					138,926					
PERA on Continuation Subtotal (FY22)										
PERA on Continuation Subtotal (FY23)									172,655	
PERA DI # 1 Coordinator of Adjunct Services (FY23)									14,447	
PERA DI # 2 Staff Accountant (FY23)									8,335	
PERA DI # 3 Information Systems Director (FY23)									11,132	
PERA DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									6,977	
PERA DI # 5 The Inclusivity Fellowship (FY23)									6,977	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Medicare on Continuation Subtotal (FY18)	1,418									
Medicare on Continuation Subtotal (FY19)	16,421		1,659							
Medicare on Continuation Subtotal (FY20)			19,028		1,739					
Medicare on Continuation Subtotal (FY21)					18,090					
Medicare on Continuation Subtotal (FY22)										
Medicare on Continuation Subtotal (FY23)									21,769	
Medicare DI # 1 Coordinator of Adjunct Services (FY23)									1,822	
Medicare DI # 2 Staff Accountant (FY23)									1,051	
Medicare DI # 3 Information Systems Director (FY23)									1,404	
Medicare DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									880	
Medicare DI # 5 The Inclusivity Fellowship (FY23)									880	
Leave Payout	6,061									
Other Personal Services	13,561		7,150		7,150					
Contractual Services	46,693		66,965		108,572					
Accrual Adjustments			13,647							
Contractual Services (R-1) Access Database										
Termination/Retirement Payouts										
POTS recon									(34,055)	
Personal Services Subtotal	1,470,120	13.0	1,707,818	14.0	1,714,034	14.0	1,661,709	14.0	2,131,867	18.5
Pots Expenditures										
Health/Life/Dental (FY16)										
Health/Life/Dental (FY17)										
Health/Life/Dental (FY18)	12,717									
Health/Life/Dental (FY19)	155,325		14,679							
Health/Life/Dental (FY20)			173,508		15,929					
Health/Life/Dental (FY21)					180,614					
Health/Life/Dental (FY22)							220,887			
Health/Life/Dental (FY23)									208,325	
Health/Life/Dental DI # 1 Coordinator of Adjunct Services (FY23)									12,672	
Health/Life/Dental DI # 2 Staff Accountant (FY23)									12,672	
Health/Life/Dental DI # 3 Information Systems Director (FY23)									12,672	
Health/Life/Dental DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									12,672	
Health/Life/Dental DI # 5 The Inclusivity Fellowship (FY23)									12,672	
Short Term Disability (FY18)	190									
Short Term Disability (FY19)	1,736		176							
Short Term Disability (FY20)			1,994		184					
Short Term Disability (FY21)					1,949					
Short Term Disability (FY22)							2,700			
Short Term Disability (FY23)									2,474	
Short Term Disability DI # 1 Coordinator of Adjunct Services (FY23)									201	
Short Term Disability DI # 2 Staff Accountant (FY23)									116	
Short Term Disability DI # 3 Information Systems Director (FY23)									155	
Short Term Disability DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									97	
Short Term Disability DI # 5 The Inclusivity Fellowship (FY23)									97	
ATB - Across the Board Adjustment 3% (FY23)							55,221		56,984	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
AED (FY18)	4,819									
AED (FY19)	56,618									
AED (FY20)			64,939		5,984					
AED (FY21)					63,422					
AED (FY22)							84,375			
AED (FY23)									77,319	
AED DI # 1 Coordinator of Adjunct Services (FY23)									6,281	
AED DI # 2 Staff Accountant (FY23)									3,624	
AED DI # 3 Information Systems Director (FY23)									4,840	
AED DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									3,034	
AED DI # 5 The Inclusivity Fellowship (FY23)									3,034	
SAED (FY18)	4,819									
SAED (FY19)	56,618									
SAED (FY20)			64,939		5,984					
SAED (FY21)					63,422					
SAED (FY22)							84,375			
SAED (FY23)									77,319	
SAED DI # 1 Coordinator of Adjunct Services (FY23)									6,281	
SAED DI # 2 Staff Accountant (FY23)									3,624	
SAED DI # 3 Information Systems Director (FY23)									4,840	
SAED DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									3,034	
SAED DI # 5 The Inclusivity Fellowship (FY23)									3,034	
PFML - Paid Family and Medical Leave Insurance Program Premiums (FY23)									3,479	
PFML DI # 1 Coordinator of Adjunct Services (FY23)									283	
PFML DI # 2 Staff Accountant (FY23)									163	
PFML DI # 3 Information Systems Director (FY23)									218	
PFML DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									137	
PFML DI # 5 The Inclusivity Fellowship (FY23)									137	
Personal Services Total Detail	1,762,962	13.0	2,039,473	14.0	2,051,522	14.0	2,109,267	14.0	2,664,356	18.5
Personal Services Reconciliation Authorization										
Long Bill Request	1,374,459		1,600,296		1,661,623					
Supplemental - SB20-1249			4,530							
Health/Life/Dental	185,370		208,622		124,336					
Short Term Disability	2,195		2,773		2,773					
Salary Survey	40,141						55,221			
Merit Pay			47,462							
AED	64,513		88,118		88,118					
SAED	64,513		88,118		88,118					
Transfer In from Conflicts	31,632		8,021		119,774					
Transfer In from Municipal Court Program			11,010							
Transfer to Operating	139									
Transfer to Municipal Courts Program (POTS)			(33,054)		(33,220)					
Personal Services Authorization	1,762,962	13.0	2,025,895	14.0	2,051,522	14.0	2,109,267	14.0	2,664,356	18.5
General Fund	1,762,962		2,039,473		2,051,522		2,109,267		2,664,356	
Cash Funds										

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Operating Expenses/Capital Outlay</u>										
1622 Contractual Employee PERA					208					
1624 Contractual Employee PERA-AED					95					
1625 Contractual Employee PERA-SAED					95					
1935 Purchased Svcs - Legal Services	5,438									
1960 Personal Svcs - IT services			2,989		1,199					
2230 Equip Maintenance/Repair Svcs										
2231 IT Hardware Maintenance & Repair Services	27,111		41,437		35,929					
2253 Rental Of Equipment	2,635		2,869		2,790					
2255 Rental of Building/Space	45									
2512 In-State Pers Travel Per Diem	1,771		693							
2513 In-State Pers Vehicle Reimbsmt	1,682		259							
2522 Is/Non-Empl - Pers Per Diem	1,803									
2523 Is/Non-Empl - Pers Veh Reimb	1,764		803							
2531 Os Common Carrier Fares			574							
2631 Comm Svcs From Outside Sources	10,257		11,456		11,899					
2680 Printing/Reproduction Services	1,470		1,430		1,215					
2820 Other Purchase Services	5,087		87,069		3,720					
3110 Other Supplies & Materials	2,972		931		250					
3118 Food And Food Serv Supplies	793		576		130					
3120 Books/Periodicals/Subscription	52,789		68,990		77,666					
3121 Office Supplies	1,757		1,726		1,525					
3123 Postage	2,496		1,865		2,069					
3128 Noncapitalized Equipment	2,067		1,487		768					
3132 Noncap Office Furn/Office Syst					438					
3140 Noncapitalized PC - (Individual Items Under \$5,000)	18,800		23,411		16,733					
4100 Other Operating Expenses	930		4,504		1,819					
4140 Dues And Memberships			16,199		3,463					
4170 Miscellaneous Fees and Fines	3,624									
4180 Official Functions			199							
4220 Registration Fees	1,940				2,629					
Operating Expenses Total Detail	147,231	0.0	269,467	0.0	164,639	0.0	120,887	0.0	131,637	0.0

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Reconciliation										
Long Bill Appropriation	108,619		221,300		120,887				120,887	
Supplemental - SB20-1249			6,087							
Transfer to/from Conflicts	38,612		42,080		43,752					
Transfer to/from Muni										
Reversion										
DI # 1 Coordinator of Adjunct Services (FY23)									2,350	
DI # 2 Staff Accountant (FY23)									1,350	
DI # 3 Information Systems Director (FY23)									2,350	
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									2,350	
DI # 5 The Inclusivity Fellowship (FY23)									2,350	
Operating Costs Authorization	147,231	0.0	269,467	0.0	164,639	0.0	120,887	0.0	131,637	0.0
General Fund	147,231		269,467		164,639		120,887		131,637	
Cash Funds										
Capital Outlay Operating										
Capital Outlay	3,473		3,473		0					
Capital Outlay Detail	3,473		3,473		0		0		31,000	
Reconciliation										
Long Bill Appropriations	3,473		3,473							
Transfer to/from Conflicts	(748)									
Transfer to/ from Mandated	(1,702)									
Reversion										
DI # 1 Coordinator of Adjunct Services (FY23)									6,200	
DI # 2 Staff Accountant (FY23)									6,200	
DI # 3 Information Systems Director (FY23)									6,200	
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									6,200	
DI # 5 The Inclusivity Fellowship (FY23)									6,200	
Capital Outlay Authorized	1,022		3,473		0		0		31,000	
General Fund	1,022		3,473		0		0		31,000	
Cash Funds										

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Training/Conference</u>										
Training Conference	76,525		97,807		100,000				100,000	
Training/Conference Detail	76,525	0.0	97,807	0.0	100,000	0.0	100,000	0.0	100,000	0.0
<u>Reconciliation</u>										
Long Bill Appropriations	100,000		100,000		100,000					
SB19-223 (Competency Bill)			20,000							
Transfer to/ from Capital Outlay	1,702									
Transfer to/from Conflicts			7,405							
Unearned CF/Revenue	(25,177)		(29,597)		(39,555)					
Training/Conference Authorized	76,525	0.0	97,807	0.0	60,445	0.0	100,000	0.0	100,000	0.0
General Fund	21,702		47,405		20,000		20,000		20,000	
Cash Funds	54,823		50,403		80,000		80,000		80,000	
<u>Conflict of Interest Contracts</u>										
Conflict of Interest Contracts	35,945,012		35,160,936		33,678,521				44,430,312	
Conflict of Interest Total Detail	35,945,012	0.0	35,160,936	0.0	33,678,521	0.0	42,262,813	0.0	44,430,312	0.0
<u>Reconciliation</u>										
Long Bill Appropriations	37,391,362		42,654,216		46,493,770		0		42,262,813	
Supplemental - SB20-1360 (Add-On)			(2,083,265)							
Supplemental - SB21-045					(4,230,957)					
Transfer to/ from Personal Services	(31,630)		(8,021)		(119,774)					
Transfer to/ from Training			(7,405)							
Transfer to/ from Operating	(38,753)		(42,080)		(43,752)					
Transfer to/ from Capital Outlay	748									
Judicial Transfer Authority - To SCAO			(1,000,000)							
Supplemental - SB 19-207	3,613,527									
Add-On - SB 19-207	(1,993,325)									
Reversion	(2,996,917)		(4,352,510)		(8,420,766)					
DI # 1 Coordinator of Adjunct Services (FY23)									(176,164)	
DI # 4 COLA Based Contractor Hourly Rate Increase (FY23)									2,535,769	
DI # 5 The Greater Colorado Practitioner Fellowship (FY23)									(96,053)	
DI # 5 The Inclusivity Fellowship (FY23)									(96,053)	
Conflict of Interest Authorization	35,945,012	0.0	35,160,936	0.0	33,678,521	0.0	42,262,813	0.0	44,430,312	0.0
General Fund	35,945,012		35,160,936		33,678,521		42,262,813		44,430,312	
Cash Funds										

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Mandated Costs</u>										
Mandated Costs	1,681,052		1,689,070		1,381,156				2,895,573	
Mandated Costs Total Detail	1,681,052	0.0	1,689,070	0.0	1,381,156	0.0	2,895,573	0.0	2,895,573	0.0
<u>Reconciliation</u>										
Long Bill Appropriations	2,561,813		2,922,390		3,185,451				2,895,573	
Supplemental - SB20-1360 (Add-On)			(142,732)							
Supplemental - SB21-045					(289,878)					
Supplemental - HB 17-164										
Transfer to/from Conflict of Interest										
Supplemental - SB 19-207	247,575									
Add-On - SB 19-207	(205,083)									
Reversion	(923,253)		(1,090,588)		(1,514,417)					
DI # R-1 Caseload Decrease (FY22)										
Mandated Costs Authorization	1,681,052	0.0	1,689,070	0.0	1,381,156	0.0	2,895,573	0.0	2,895,573	0.0
General Fund	1,681,052		1,689,070		1,381,156		2,895,573		2,895,573	
Cash Funds										
<u>Municipal Courts</u>										
<u>Position Detail</u>										
Municipal Court Coordinator					121,137	1.0			127,308	
Municipal Administrative Support Specialist					45,503	1.0			53,004	
<u>Other Personal Services</u>										
PERA on Continuation Subtotal (FY20)					1,445					
PERA on Continuation Subtotal (FY21)					17,364					
PERA on Continuation Subtotal (FY23)									20,736	
Medicare on Continuation Subtotal (FY20)					207					
Medicare on Continuation Subtotal (FY21)					2,718					
Medicare on Continuation Subtotal (FY23)									2,615	
Health/Life/Dental (FY20)					1,259					
Health/Life/Dental (FY21)					14,663					
Health/Life/Dental (FY23)									17,770	

SCHEDULE 3 - Program Detail

ITEM	Actual FY 2018-19		Actual FY 2019-20		Actual FY 2020-21		Budget FY 2021-22		Request FY 2022-23	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Short Term Disability (FY20)					21					
Short Term Disability (FY21)					229					
Short Term Disability (FY23)									297	
AED (FY20)					712					
AED (FY21)					7,592					
AED (FY23)									9,286	
SAED (FY20)					712					
SAED (FY21)					7,592					
SAED (FY23)									9,286	
PFML - Paid Family and Medical Leave Insurance Program Premiums (FY23)									418	
Leave Payout										
Other Personal Services									1,787	
Contractual & Operating Services					14,374					
Accrual Adjustments										
Municipal Court Program Total Detail	84,744	0.0	224,637	2.0	235,526	2.0	202,306	2.0	242,507	2.0
Reconciliation										
SB18-203 Municipal Court Program	124,263		202,593		202,306					
Transfer to/from Personal Services			(11,010)							
Transfer from Personal Services (POTS)			33,054		33,220					
Contractual Services										
Reversion	(39,519)									
Municipal Court Program Authorization	84,744	0.0	224,637	2.0	235,526	2.0	202,306	2.0	242,507	2.0
General Fund	84,744		224,637		235,526		202,306		242,507	
Cash Funds										
Municipal Courts Cash Funds										
Denver Municipal Court (FY21) Budget					333,000		303,000			
Denver Municipal Court (FY21) Revenue/Cash					133,500					
Denver Municipal Court (FY21) CarryForward					(525)					
Denver Municipal Court (FY21) Expenses					132,975					
Municipal Court Cash Funds Total Detail	0	0.0	0	0.0	132,975	0.0	303,000	0.0	-	0.0
Long Bill Group/Division Total										
Grand Total - with Pots	39,698,549	13.0	39,484,863	16.0	37,744,339	16.0	47,993,846	16.0	50,495,384	20.5
General Fund	39,698,549		39,484,863		37,744,339		47,993,846		50,495,384	
Cash Funds	39,643,726	13.0	39,434,460	16.0	37,531,364	16.0	47,610,846	16.0	50,415,384	20.5
	54,823	0.0	50,403	0.0	80,000	0.0	80,000	0.0	80,000	0.0

Schedule 5 - Line Item to Statute
 Judicial Branch
 Office of the Alternate Defense Counsel
 FY 2021-2022 Budget Request
 November 1, 2021

This Long Bill Group funds the total program of the Office of the Alternate Defense Counsel.

Line Item Name	Line Item Description	Programs Supported by Line Item	Statutory Citation
Personal Services	This line funds the personnel for the management of the OADC.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Health, Life and Dental Insurance	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Short Term Disability	State's contribution to Health benefits for employees within the agency	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 04-257 Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
SB 06-235 Supplemental Amortization Equalization Disbursement	Supplemental payment to PERA	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Salary Survey	Adjustments to State Employee Salaries based on the Total Compensation Survey	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Performance based Pay Awards	Performance based merit pay	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Operating	This line funds the operating costs for OADC personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Lease	This line funds the lease payment for operational personnel.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Training	The line funds the training/updating for OADC contractors.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Conflicts	This line pays for all statutorily-mandated legal services for representation of indigent defendants in which the Public Defender has a conflict.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>
Mandated	This line pays for all statutorily-mandated costs associated with the representation of defendants, such as, mental health evaluations, discovery; experts, transcripts.	Alternate Defense Counsel	C.R.S. § 21-2-101, <i>et. seq</i>

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**Scheduel 7 - Summary of Supplemental Bills
Judicial Branch
Office of the Alternate Defense Counsel
FY23 Budget Request
November 1, 2021**

		Total	GF
Actual FY 2020-21			
SB21-045 Supplemental	Conflict Contracts	(4,230,957)	(4,230,957)
	Mandated	(289,878)	(289,878)
	Total FY2020-21	0.0 (4,520,835)	(4,520,835)
Actual FY 2019-20			
HB 20-1360 Add-On	Conflict Contracts	(2,083,265)	(2,083,265)
	Mandated	(142,732)	(142,732)
	Total FY2019-20	0.0 (2,225,997)	(2,225,997)
Actual FY 2019-20			
HB 20-1249 Supplemental	Personal Services	4,530	4,530
	Operating	6,087	6,087
	Total FY2019-20	0.0 10,617	10,617
Actual FY 2018-19			
SB 19-207 Supplemental	Conflict Contracts	(1,993,325)	(1,993,325)
	Mandated	(205,083)	(205,083)
	Total FY2018-19	0.0 (2,198,408)	(2,198,408)
Actual FY 2018-19			
SB 19-115 Supplemental	Conflict Contracts	3,613,527	3,613,527
	Mandated	247,575	247,575
	Total FY2018-19	0.0 3,861,102	3,861,102
Actual FY 2017-18			
HB 18-1163 Supplemental	Conflict Contracts	3,406,731	3,406,731
	Mandated	248,469	248,469
	Total FY2017-18	0.0 3,655,200	3,655,200
Actual FY 2016-17			
SB 17-164 Supplemental	Personal Services	37,931	37,931
	Mandated	582,403	582,403
	Total FY2016-17	0.0 620,334	620,334
Actual FY 2015-16			
HB 16-1243 Supplemental	Conflict Contracts	1,392,238	1,392,238
	Mandated	121,064	121,064
	Total FY2015-16	0.0 1,513,302	1,513,302
Actual FY 2014-15			
HB 14-1032 Special Bill	Personal Services	65,548	65,548
	Operating	4,865	4,865
	Capital Outlay	4,703	4,703
	Total FY2013-14	1.0 75,116	75,117
Actual FY 2013-14			
HB 14-1239 Supplemental	Personal Services	94,000	94,000
	Operating	23,730	23,730
	Conflict Contracts	2,821,158	2,821,158
	Mandated	220,303	220,303
	Total FY2013-14	0.0 3,159,191	3,159,191

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Schedule 10
 Summary of Change Requests (RI)
 Judicial Branch
 Office of the Alternate Defense Counsel
 FY 2022-2023 Budget Request

ID#	Priorit	Decision Items	FTE	Total	GF	CF
1	R -1	Coordinator of Adjunct Services	0.9	\$0	\$0	\$0
1	R -2	Staff Accountant	0.9	\$109,613	\$109,613	\$0
1	R -3	Information Systems Director	0.9	\$140,614	\$140,614	\$0
1	R -4	COLA Based Contractor Hourly Rate Increase	0.0	\$2,535,769	\$2,535,769	\$0
1	R -5	The Greater Colorado Practitioner Fellowship	0.9	\$0	\$0	\$0
1	R -5	The Inclusivity Fellowship	0.9	\$0	\$0	\$0
Total			4.5	\$2,785,996	\$2,785,996	\$0

Salary Pots Request Template

	TOTAL FUNDS/FTE FY 2022-23	GENERAL FUND
I. Continuation Salary Base		
Sum of Filled FTE as of July 27, 2021	16.0	100.000%
Salary X 12	\$1,681,654	1,681,654
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$193,391	193,391
Medicare @ 1.45%	\$24,384	24,384
Subtotal Continuation Salary Base =	\$1,899,429	1,899,429
II. Salary Survey Adjustments		
System Maintenance Studies	-	-
Across the Board - Base Adjustment	\$50,450	50,450
Across the Board - Non-Base Adjustment	\$0	-
Movement to Minimum - Base Adjustment	\$0	-
Subtotal - Salary Survey Adjustments	\$50,450	\$50,450.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$5,802	5,802
Medicare @ 1.45%	\$732	732
Request Subtotal =	\$56,984	\$56,984.00
III. Increase for Minimum Wage (if applicable)		
Increase for Minimum Wage	-	\$0.00
Subtotal - Minimum Wage Adjustments	-	\$0.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$0	\$0.00
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	\$0.00
IV. Merit Pay Adjustments		
Merit Pay - Base Adjustments	\$0	-
Merit Pay - Non-Base Adjustments	\$0	-
Subtotal - Merit Pay Adjustments	\$0	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2022-23 PERA Rates	\$0	-
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	-
V. Shift Differential		
FY 2020-21 ACTUAL EXPENDITURES for All Occupational Groups	\$0	
Total Actual and Adjustments @ 100%	\$0	-
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$0	-
Medicare @ 1.45%	\$0	-
Request Subtotal =	\$0	-
VI. Revised Salary Basis for Remaining Request Subtotals		
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$1,732,104	1,732,104
VII. Amortization Equalization Disbursement (AED)		
Revised Salary Basis * 5.00%	\$86,605	86,605
VIII. Supplemental AED (SAED)		
Revised Salary Basis * 5.00%	\$86,605	86,605
IX. Short-term Disability		
Revised Salary Basis * 0.16%	\$2,771	2,771
X. Health, Life, and Dental		
	\$226,095	\$226,094.58
XI. Paid Family and Medical Leave Insurance Program Premiums (50% Employer Share of 0.9% of wages for six months)		
	\$3,897	\$3,897

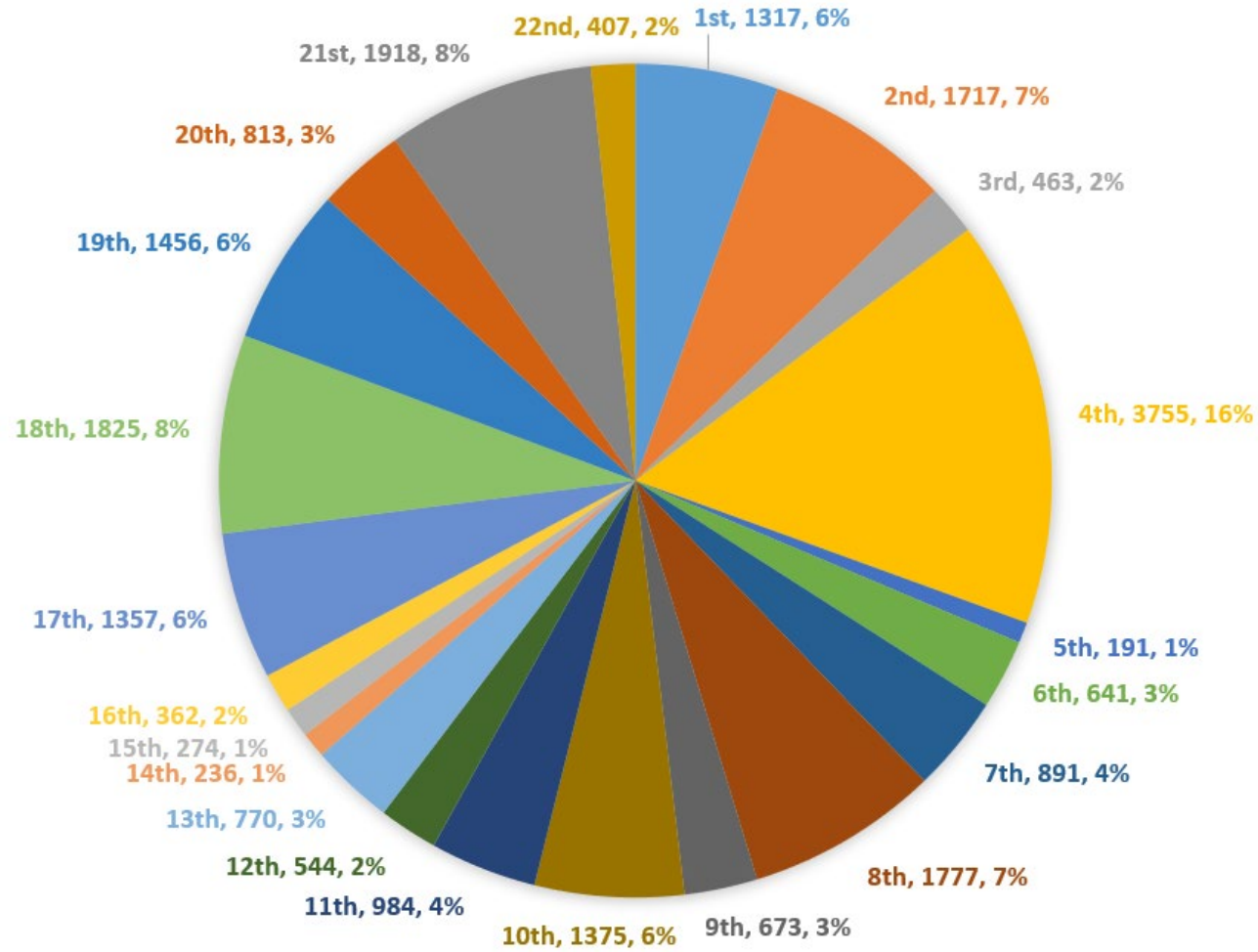
Common Policy Line Item	FY 2021-22 Appropriation	GF
Salary Survey	\$55,221	\$55,221
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$0	\$0
Shift	\$0	\$0
AED	\$84,375	\$84,375
SAED	\$84,375	\$84,375
Short-term Disability	\$2,700	\$2,700
Health, Life and Dental	\$220,887	\$220,887
TOTAL	\$447,558	\$447,558
Common Policy Line Item	FY 2022-23 Total Request	GF
Salary Survey	\$56,984	\$56,984
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	
Paid Family and Medical Leave Insurance Program	\$3,897	\$3,897
Shift	\$0	\$0
AED	\$86,605	\$86,605
SAED	\$86,605	\$86,605
Short-term Disability	\$2,771	\$2,771
Health, Life and Dental	\$226,095	\$226,095
TOTAL	\$462,957	\$462,957
Common Policy Line Item	FY 2022-23 Incremental	GF
Salary Survey	\$56,984	\$56,984
Merit Pay	\$0	\$0
PERA Direct Distribution	\$0	\$0
Paid Family and Medical Leave Insurance Program	\$3,897	\$3,897
Shift	\$0	\$0
AED	\$2,230	\$2,230
SAED	\$2,230	\$2,230
Short-term Disability	\$71	\$71
Health, Life and Dental	\$5,208	\$5,208
TOTAL	\$70,620	\$70,620

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Appendix A
Colorado Judicial District Map and
Caseload Totals by District

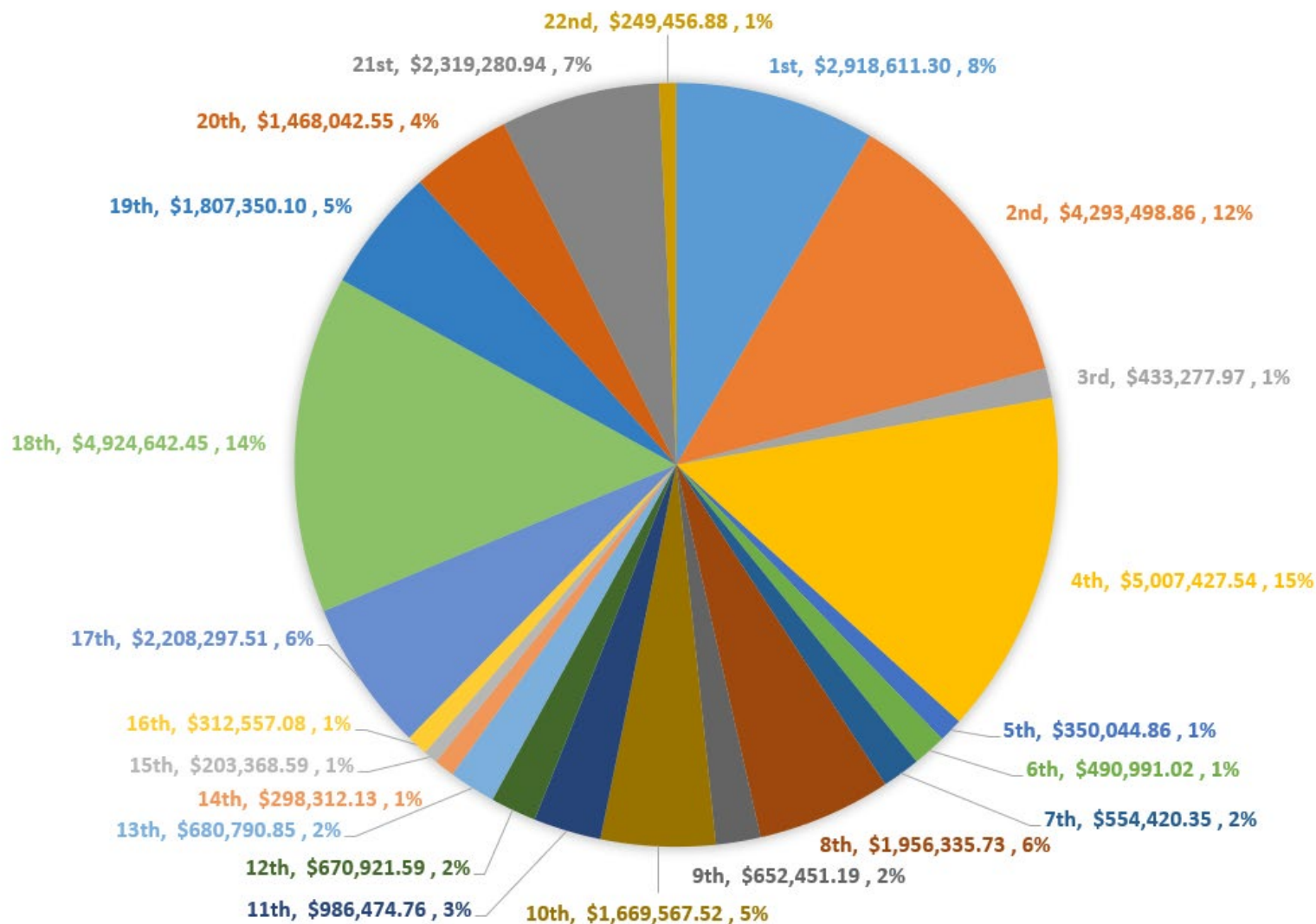
The following pie chart breaks down the OADC cases by Judicial District.

OADC CASELOAD BY DISTRICT

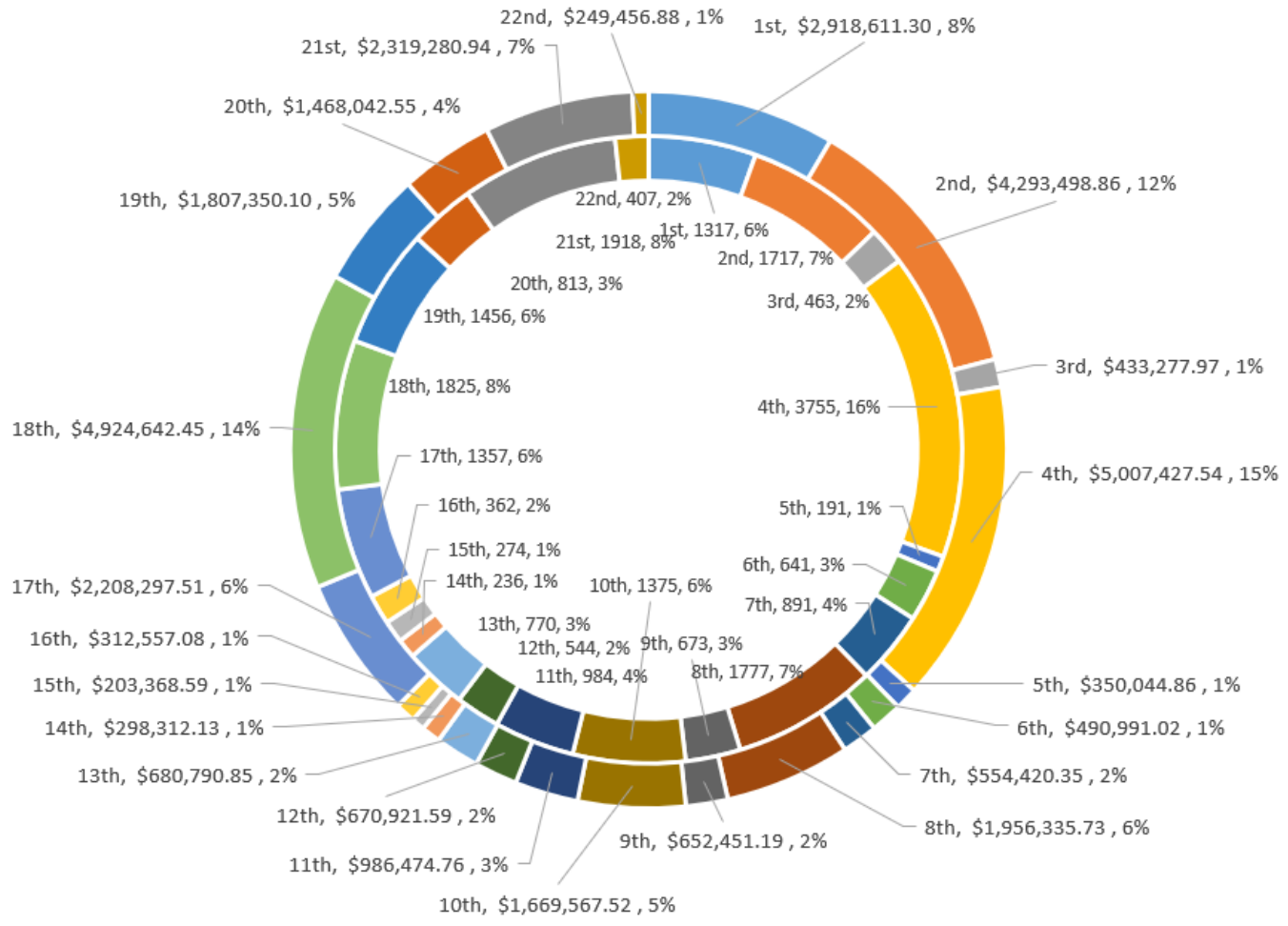


The following pie chart illustrates the Agency's Conflict-of-interest Contracts and Mandated Costs expenditures by Judicial District.

OADC EXPENSE BY DISTRICT

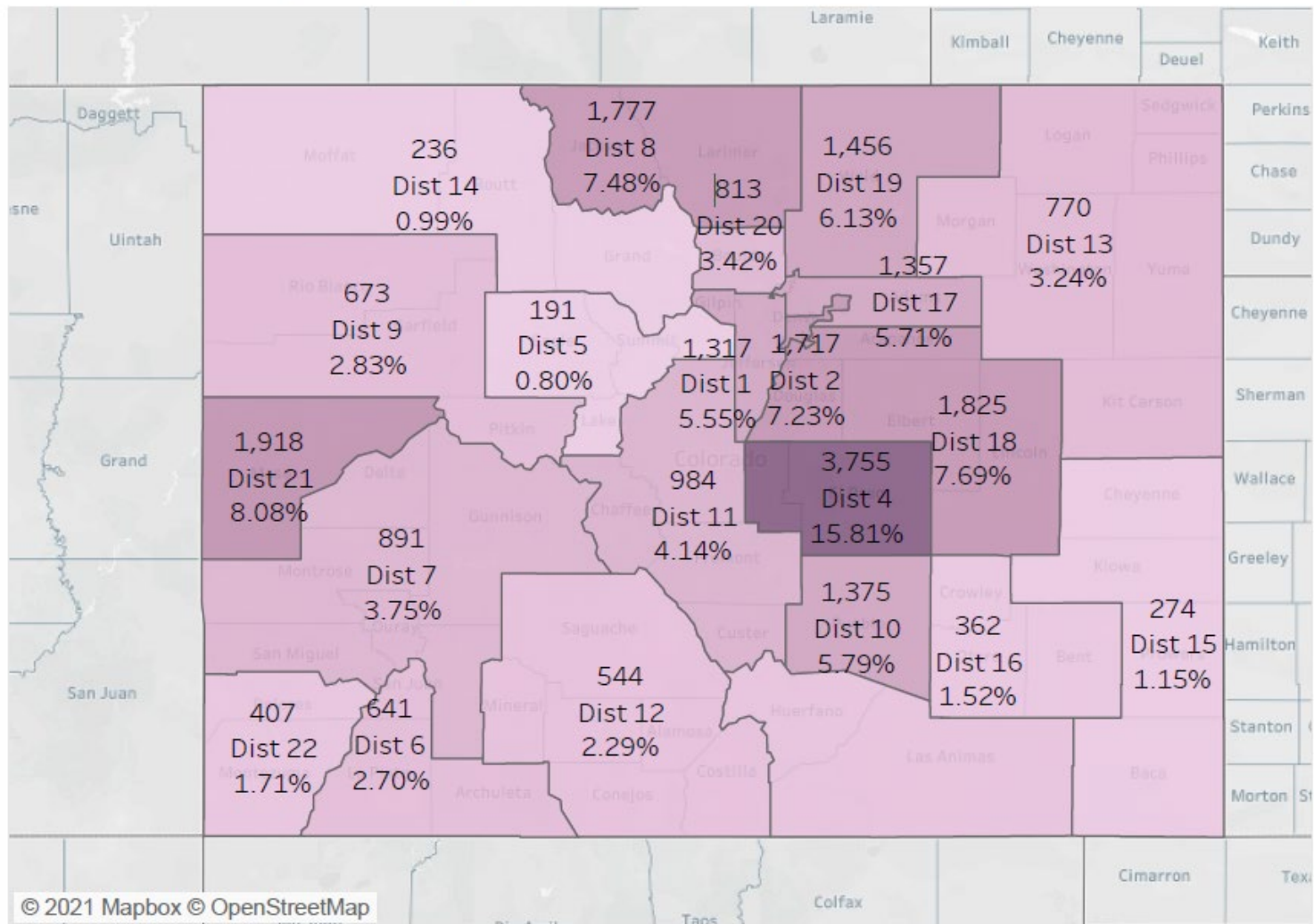


OADC Caseload and Expenditure by District FY21



- 1st
- 2nd
- 3rd
- 4th
- 5th
- 6th
- 7th
- 8th
- 9th
- 10th
- 11th
- 12th
- 13th
- 14th
- 15th
- 16th
- 17th
- 18th
- 19th
- 20th
- 21st
- 22nd

Case Count by Dist Map



Map based on Longitude (generated) and Latitude (generated). Color shows distinct count of Case ID. The marks are labeled by distinct count of Case ID, Dist Groups and % of Total Distinct count of Case ID. Details are shown for Dist Groups. The data is filtered on Fiscal Year Total Year, which keeps 2021.

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Appendix B
Prior Year Legislation,
Hot Topics, and
Cases That May Affect the OADC

PRIOR YEAR LEGISLATION

[SB21-124 Changes to Felony Murder](#)

This bill changes Felony Murder from a class-1 felony to a class-2 felony, and thus, changes the sentence from a mandatory life in prison without the possibility of parole to a range of 16-48 years. It also changed the requirement so that the death **must** be caused by a participant to the crime not just by anyone. It also modified the affirmative defense to make it more accessible to more defendants. Finally, with respect to juveniles, it allows them to retain eligibility for the JCAP program and also retains the same YOS eligibility and parole eligibility as was allowed when felony murder was a 1st degree murder conviction. All of these should help to reduce costs, as class 2 felonies cost significant less on average than class 1 felonies.

Effective April 26, 2021 (applies only to offenses committed on or after September 15, 2021)

[HB21-1091 Sentencing Juveniles Transferred to Adult Court](#)

This bill corrected a legislative oversight and provides that juveniles who were transferred to adult court are not subject to mandatory minimum sentences for crimes of violence, mirroring what had previously been the law for juveniles who were directly filed upon in adult court.

Effective May 24, 2021

[HB21-1280 Pretrial Detention Reform](#)

This bill mandates an initial bond hearing be held within 48 hours of arrest, except in limited circumstances. This will result in additional individuals being released earlier, thus resulting in fewer individuals qualifying for court appointed counsel.

Effective April 1, 2022

[HB21-1309 Concerning Measures Related To Permitting Continuing A Criminal Trial Because Of The Covid-19 Pandemic](#)

C.R.S. §18-1-405 was modified to add a section 6(j) permitting a court to exclude a period up to six months to the speedy trial term due to a backlog of jury trials based upon pandemic extensions. There are specific provisions which attempt to limit the reach of this extension. A court can only grant a single extension pursuant to this exception to the speedy trial period. The bill also included modifications to 16-4-107.5, requiring a bond hearing if speedy trial is extended, under certain circumstances. It is too early to determine the depth of any litigation surrounding this unprecedented extension to an individual's right to a speedy trial. This subsection (6)(j) is repealed, effective July 1, 2023.

Effective June 21, 2021

[HB21-1064 Update Processes Juvenile Sex Offender Registry](#)

This bill allows for automatic deregistration of certain juveniles, automatic termination of a duty to register for certain juveniles, less stringent requirements to exempt juveniles from registration upon conviction, and other changes to the law that won't impact the OADC budget. This bill should help more juvenile sex offense cases resolve rather than proceeding to trial, which will help reduce costs to OADC.

Effective September 1, 2021

[SB21-066 Juvenile Diversion Programs](#)

This bill makes many changes to Juvenile Diversion, all of which are designed to make diversion more accessible to more juveniles. This in turn will reduce the number of juveniles actually charged with delinquency petitions, which will in turn reduce costs to the OADC.

Effective April 29, 2021

[SB21-071 Limit the Detention of Juveniles](#)

This bill ends cash or surety bail for juveniles and reduces the detention bed cap for juveniles. The resulting reduction in juveniles remaining in custody may reduce the juvenile caseload resulting in a decrease in cost to the OADC.

Effective July 6, 2021

[HB21-1106 Safe Storage of Firearms](#)

This bill creates a new misdemeanor offense for improper storage of a firearm.

Effective July 1, 2021

[HB21-1255 Protection Order Issues Against Domestic Abuser](#)

This bill requires the person charged in a criminal case involving allegations of domestic violence to complete an affidavit describing their firearm ownership details. In many instances, these will require added court appearances to address this affidavit (called a compliance hearing so far), thus increasing the cost to OADC.

Effective June 22, 2021

[HB21-1069 Enforcement of Sexual Exploitation of a Child](#)

This bill modifies the Sexual Exploitation of a Child statute to include peer to peer sharing and streaming of images. It makes the offense an extraordinary risk crime if the material depicts a child under 12, a child subjected to physical force or violence, or a child subjected to sexual intercourse, intrusion, or sadomasochism. The enhancement of the sentence may increase the cost to the OADC, as will also including the peer to peer sharing and streaming.

Effective September 7, 2021 unless a petition is filed

[HB21-1090 Criminal Marijuana Offenses](#)

This bill eliminates the marijuana possession offense for possession of 2 ounces of marijuana or less. The bill requires the court to seal a conviction record, without opportunity for the district attorney to object, for a marijuana possession offense that is otherwise not sealed, if the person files documents with the court that the person has not been convicted of a criminal offense since the final disposition of all criminal proceedings or release from supervision, whichever is later. The bill allows a person who was convicted of a class 3 felony marijuana cultivation offense to petition to have his or her conviction record sealed. This should result in a decrease in cost to the OADC.

Effective May 20, 2021

[SB21-271 Misdemeanor Reform](#)

This is a 300+ page omnibus sentencing reform bill out of the CCJJ. There will now be 2 classes of misdemeanor rather than 3. The maximum jail sentence for a class 1 misdemeanor will be 364 days (up to \$1K fine). The maximum jail sentence for a class 2 misdemeanor will be 120 days (up to \$750 fine). Maximum consecutive jail sentence for one case is 24 months. It is unclear whether this bill will increase or decrease costs to the OADC, but it will likely impact the OADC.

Effective March 1, 2022

HOT TOPICS

EQUITY, DIVERSITY AND INCLUSION ("EDI")

The OADC is prioritizing attention to EDI. In an effort to better focus our energies in this area, we have engaged a non-profit to help us better address these areas both internally within our office and externally with our contractors;

HOLISTIC REPRESENTATION

The incorporation of additional professionals such as social workers, paralegals, case assistants, legal researchers, investigators, and resource advocates pushes us to a more holistic, interdisciplinary model of defense. Holistic defense models have been linked with better outcomes for clients but also help distribute workload amongst professionals that are paid at lower rates than attorneys. Having other professionals that are trained to provide these specific services enhances the level of representation, saves attorneys' time, and the taxpayers' money. This approach is both efficient and best practice.

EXPANDING NO JLWOP TO OVER 18

In [*Commonwealth v. Bredhold*, 599 S.W.3d 409 \(Ky. 2020\)](#), the Court vacated a trial court decision applying the [*Roper v. Simmons*, 125 S.Ct. 1183 \(2005\)](#) (prohibiting the death penalty for juveniles under the age of 18) rationale to individuals between the ages of 18 and 21, excluding the death penalty from consideration in their cases. This case is now pending a Petition for Writ of Certiorari before the United States Supreme Court.

Colorado courts are also being asked to consider extending the *Bredhold* rationale to exclude those same age individuals from life without the possibility of parole sentences.

IMPROVING OUTCOMES FOR YOUTH (IOYOUTH) TASK FORCE

In 2018, Governor Hickenlooper launched the Improving Outcomes for Youth Task Force to explore and recommend juvenile justice reform. In 2019, the Juvenile Justice Reform Bill ([SB 19-108](#)) was enacted, making substantial changes to diversion funding and eligibility, detention eligibility, and probation.

The bill also established an ongoing Juvenile Justice Reform Committee, and designated its membership, including a seat for the OADC. The Committee is tasked with adopting a validated risk and needs assessment tool to be used by juvenile courts, DYS, juvenile probation, and parole; selecting a mental health screening tool for juvenile offenders; selecting a validated risk screening tool to be used by district attorneys in determining a juvenile's eligibility for diversion; selecting a vendor to assist in the implementation of, and training on, the tools; and developing plans for

measuring the effectiveness of the tools. This Task Force sunsets at the end of this fiscal year (June 30, 2022).

RULE CHANGES DUE TO THE PANDEMIC

[C.R.Crim.P. 24 Amendment](#) - As a result of the COVID-19 pandemic, the Colorado Supreme Court modified the rule covering the Right to a Speedy Trial. They added subsection (c)(4), which allows a judge to declare a mistrial at any time. This will result in extensive litigation surrounding speedy trial issues, the conflict between the statute, [C.R.S. §18-1-405](#), and [Crim. P. 24\(c\)\(4\)](#), and ambiguity found within the rule.

DISCOVERY

In FY2013-14, the legislature passed [SB14-190: Statewide Discovery System](#) which created a new discovery process for the state. As of this budget, all Judicial Districts are finally using the eDiscovery system. The 2nd Judicial District began using the eDiscovery system on August 30, 2021, and the rollout appears to have been successful so far. We soon expect to view the proposed CDAC eDiscovery updates to the defense portion of the system. There is an ongoing discussion about making the discovery downloadable in batches so counsel or their staff can download many files on many cases more efficiently, hopefully to reduce the time and expense to download discovery. This modification should begin taking shape after the beginning of 2022, depending on pandemic limitations to the CDAC resources.

EXPERT DATABASE

In April 2018, OADC launched an expert database, so all contractors could locate contact information on any expert OADC has worked with, view the expert's CV, and their fields of expertise. The expert database also has a feature allowing contractors to review the performance of the expert, so that a contractor can later view what others who have used this expert have to say about their methods of communication, preparation, budgeting and their overall effectiveness.

FORENSIC SOCIAL WORKERS AND FORENSIC CLINICAL ADVOCATES (FSW/FCA)

It is well-established nationwide that social workers are an important part of criminal and juvenile defense teams. This is reflected in evidence-based practices, social science research, and [HB14-1023: Social Workers for Juveniles](#). In September 2016, OADC hired a Social Worker Coordinator to ensure the success of the Agency's Social Worker Pilot Project that began in FY14. This program has now been fully implemented, and the demand for social workers on defense teams continues to grow.

The OADC created a new position of OADC Social Worker Outreach Coordinator as part of the FY19 Budget. The OADC Social Worker Outreach Coordinator is focused on identifying forensic social work and forensic clinical advocate contractors across the state. In response to the positive

results FSW/FCAs have had on defense teams and the increase of requests from more rural jurisdictions, the OADC continues to prioritize locating contractors outside of the Denver metro area in order to impact more clients. This outreach includes working with MSW (Master of Social Work) programs across the state to identify internship and contractor candidates, educating the various criminal justice stakeholders (judges, district attorneys, GALs, probation, etc.) about the work these contractors provide, and advertising to local social work practitioners in jurisdictions outside of the Denver metro area. The OADC Social Worker Outreach Coordinator is also responsible, in part, for providing clinical supervision and identifying training opportunities for many of the MSW student interns and contractors. During this past fiscal year, the OADC has added social worker contractors in Jefferson County, Denver, Thornton, Henderson, Boulder, Pueblo, Grand Junction, Eagle, Summit, and Durango .

"I still believe an adult sentence would be appropriate; but defense did an excellent job in providing mitigation" (said by a District Attorney at a sentencing hearing where a Social Worker provided significant information);

Today, I entered a plea for a young man who got probation which will be transferred to Arizona, where he will live with his aunt and uncle. The original offer was for up to 12 years DOC. [The Social Worker] did an amazing report for me which helped me to convince the DA to offer him probation. This is a young man who has spent almost all of his life in foster care, DYC, and county jail. And on Saturday, he starts his life and [the Social Worker] is hugely responsible for that. I just thought you should know that.

I think that social workers should be assigned to every serious felony case. I don't know how that works out fiscally, but I think it would be a best practice. I have had better results from the judges, better offers from the prosecution, and better client outlooks. My clients, I think, finally get to tell their story to someone who can tell them that what they went through isn't "normal." I just want to say that the social worker program should continue and expand.

IMMIGRATION

In [Padilla v. Kentucky, 130 S.Ct. 1473 \(2010\)](#), the United States Supreme Court mandated that criminal defense lawyers properly advise defendants of the possible immigration consequences related to their case. Immigration law is highly technical, specialized, and constantly changing. Judges, prosecutors, and defense lawyers are inadequately prepared to keep abreast of all the immigration consequences in criminal cases. The OADC continues to contract with a criminal defense lawyer who specializes in immigration law to consult with OADC contractors to ensure compliance with *Padilla*.

PROSECUTION TRENDS TOWARD LARGE MULTI-DEFENDANT CASES

OADC continues to see many grand jury, wiretap and electronic surveillance-based cases, as well as cases that charge individuals with offenses under the Colorado Organized Crime Control Act (COCCA) and other multi co-defendant cases. These cases are particularly expensive to OADC because:

1. They almost always involve between 10 and 30 defendants, and the OSPD can only represent one, requiring OADC contractors to represent all the remaining indigent defendants; In one instance, there are 19 defendants charged as a group of co-defendants, charged with everything from 1st degree murder down to a drug felony. The OSPD represents one defendant, and the other 18 defendants are represented by OADC lawyers.
2. The discovery in these cases is often voluminous, sometimes including tens of thousands of pages and a significant number of audio and video CDs and DVDs. For example, in the above case, there are over 2.5 terabytes of discovery on two external drives, in addition to the 1.22 terabytes downloaded from the CDAC eDiscovery site. The Government has provided over 52,000 pages of discovery through the CDAC eDiscovery site, along with 30,005 videos, 141,676 audio files, 243,951 images and 1,057 spreadsheets, in addition to 4,071 Jail Calls, containing in excess of 126 hours of recorded conversation. Much of this discovery is in Spanish

Lawyers representing defendants who are even minimally involved are ethically required to review *all* discovery in the case to determine their clients' individual involvement.

COST SAVING MEASURES

Over the past several years, OADC has instituted several cost saving measures. The first category of measures is designed to more efficiently control the mandated costs of the Agency. These include:

- shared discovery resources in multi-codefendant cases; and
- on site scanning of Department of Corrections records, district court files and files located at OSPD offices throughout the state.

The second category of cost saving measures is designed to reduce attorney hours per case while increasing the quality of representation and includes:

- an in-house case management system for appellate and post-conviction cases, that includes a one-person interface with all judicial district clerks, court reporters, and appellate court staff members as well as assistance to OADC contract lawyers;

- an in-house post-conviction case management system to include triage and per-case fee contracting. First, the OADC obtains a copy of the court file and a preliminary memo outlining the procedural posture of the case is created. The memo and file are then forwarded to one of our contract attorneys who has been a criminal defense appellate attorney for over 20 years. This contract attorney reviews the court file, performs any necessary research, and provides preliminary excerpts of law, as well as recommendations for post-conviction counsel on how best to proceed with the case.
- If there is no doubt in the experienced contract attorney's mind that proceeding with a post-conviction case will detrimentally affect a client,¹ she will set up a meeting with the client (usually at a correctional facility), explain the consequences of proceeding with his or her post-conviction case and advise him or her to withdraw the Crim. P. 35(c) (post-conviction) petition. If the defendant agrees with that plan, the contract attorney will then draft an affidavit for the client to sign as well as a motion to withdraw the petition and file both in the district court. At that point, the post-conviction case will be closed;
- occasionally filing pleadings with the Court of Appeals directly in cases where the original direct appeal was not preserved, and having the appellate court reinstate the appellate rights without forcing the parties to waste time going back to the trial court to have a *pro forma* hearing where the trial court then reinstates the appeal;
- a Legal Research and Technology Coordinator responsible for the centralization and dissemination of reliable, up-to-date legal information to all OADC contractors;

OADC eLibrary

As an appellate attorney, the OADC eLibrary is a valuable resource that I consult on a regular basis. Before I begin to "reinvent the wheel" on a particular topic, I look in the eLibrary. I am frequently able to use materials I find there in my own briefs, saving me countless hours of legal research, and countless hours that I would otherwise bill for. I would spend far more time on the preparation of briefs without the library, and I am grateful for the resource.

¹ An example of this is when a client has pleaded guilty to charges in exchange for the dismissal of habitual criminal charges, and if the client were to withdraw his or her plea and proceed to trial, he or she would be subject to mandatory habitual criminal sentencing. Another example is if a client has pleaded guilty to an offense in which he avoided a mandatory indeterminate sentence under the Sex Offender Lifetime Supervision Act.

Coordinator of Legal Resources and Technology (COLRAT)

This confirms that my repeated requests to pick your brain are a good plan so brace yourself, Jonathan! Thanks for the assist in hashing out the issue in advance of our hearing. This ruling makes a defensible case even better. So much gratitude for the assistance and resources ADC provides including [the appellate consultant's] skills.

OADC Roundtable

Roundtables help me provide better representation in less time. Regularly exchanging case strategies with other practitioners allows me to cut to the heart of current issues and more quickly identify future ones. This eliminates a substantial amount of preliminary research and prevents me from duplicating issue development that my colleagues have already performed. And because I do not bill for roundtable time, these benefits cost nothing save the time and experience of OADC staff, who are critical to their success.

Pandemic Updates

I sure hope you are doing well in this terrible time. It just is really overwhelming. I really, really appreciate the ADC emails to stay in the loop re: what is going on.

Thank you so much for your concern and help. The last four months have been among the hardest of my life but I am seeing light at the end of the tunnel. The amount of help and support at ADC often catches me a little off guard. You guys do a great job!

MOCK APPELLATE ARGUMENTS

... [T]hanks to Lindy, Jonathan Rosen, and ADC for providing the sort of support that leads to good outcomes. Mock Oral

Arguments are just a part of that, but I actually think they made a real difference in this particular case.

Thank you! This is super helpful. That whole process was the best learning tool I've been exposed to in quite some time and really helped me reorganize my thoughts and even understand my argument better. It also zen-slapped me out of my "appeal psychosis" and helped me see some of the major problems that I was not wanting to acknowledge before and did not deal with well in my briefing.

I think I have a much better sense of what kind of preparation will work well for my nervous system, too, which I think was a very valuable take away.

All around, priceless experience.

- a robust training and evaluation program for all OADC contractors;
- the use of interns, case assistants, legal researchers, and others who are paid at lower rates to assist with cases;
- In FY19, we began offering contractors access to a new web-based transcribing service. This service not only transcribes the uploaded taped material but synchronizes that transcript to the original video. Another huge benefit is that the contractor receives the transcript within 6-8 hours of uploading the video. We are also evaluating two other new online services that can transcribe in a different manner than the above system.

The third category involves fostering expertise in individual contractors who can then assist other contractors in specialized areas including:

- immigration;
- DNA;
- firearms;
- technology;
- education;
- mental health defenses;
- competency
- child abuse;
- sexual abuse;
- DMV; and
- cell tower technology;

The following are examples of how an individual contractor who is an expert in competency saved lots of attorney time:

My 30 minute or so conversation with Ms. X was extremely helpful in answering vital questions about my case. Ms. X was able to quickly explain the short/long term mental health system and how clients navigate their way through it in actuality, as well as explaining the intent of the new competency statute, in areas where the intent of the actual law was not clear from the language. Ms. X provided me with a motion template to work off from as well.

All in all she saved me hours of email/phone conversations with OBH, as well as research time and gave me a much more thorough understanding of both what my client was facing in the mental health system and how to best advocate for him on his criminal case.

Not only is it more efficient to use this approach, but it is also better for clients. No matter where a case is and which attorney is assigned, our clients can all benefit from the collective expertise of all OADC contractors.

The fourth category relates to a new resource. In 2017, the National Legal Aid & Defender Association (NLADA) partnered with the Corporation for National and Community Service (CNCS) to create an innovative pilot program that trains AmeriCorps VISTA members in best practices in community-oriented defense and places them in public defense agencies in order to put these principles into practice and establish systems for ongoing sustainability. This AmeriCorps VISTA project allows NLADA, for the first time ever, to provide boots on the ground to in-need public defense offices in order to help offices modernize their approach to evidence-based practices, data management, and community partnerships. Over the course of their 12-month term of service, AmeriCorps VISTA members perform activities such as building community partnerships within their host communities and developing data systems and analysis methods to drive evidence-based practices by their host organizations.

The OADC has arranged for three VISTA volunteers. One VISTA volunteer is creating a rural practitioner fellowship. The agency will supply a 2-year fellowship to a newly minted lawyer where we will plant, nurture and grow an attorney's practice in the greater Colorado areas – specifically the corners of the state where more practitioners are constantly needed.

A second VISTA volunteer is implementing a searchable police misconduct database and working collaboratively with our contracting attorneys to input and outsource relevant information. We

intend to incorporate this data into the National Association of Criminal Defense Lawyer’s software platform as part of a national transparency project.

A third VISTA volunteer has helped the agency incorporate equity, diversity, and inclusivity principles into best practices models for internal agency operations and external agency-to-contractor and contractor-to-client best practice models.

CASES THAT MAY AFFECT THE OADC

ILLEGAL SENTENCES

[*Allman v. People*, 451 P.3d 826 \(Colo. 2019\)](#). The Colorado Supreme Court held that in a single multi-count case, the Court is not statutorily authorized to sentence a defendant to both imprisonment and probation. This has resulted in a very large number of cases returning to the trial courts for various kinds of proceedings to readdress sentences, with a significant number of those cases requiring OADC counsel.

[*In Re People v. Manaois*, 488 P.3d 1099 \(Colo. 2021\)](#). Here the Court finds that the rule of *Allman* does not apply in multi-count cases where a defendant receives: (1) a prison sentence for a non-sex offense; and (2) a consecutive probation sentence for a “sex offense” pursuant to the Sex Offender Lifetime Supervision Act (“SOLSA”), requiring participation in Sex Offender Intensive Supervision Probation (“SOISP”).

[*In Re People v. Keen*, 488 P.3d 1127 \(Colo. 2021\)](#). The Court used this case as the companion case to *Manaois* to discuss *Allman*, where a person is sentenced to a prison sentence for a non-sex offense and a consecutive determinate sentence to SOISP for a sex-related offense. They held *Allman* does not prohibit courts from sentencing a defendant in a multi-count case to prison for a non-sex offense followed by SOISP for another offense—regardless of whether the latter is a sex offense requiring an indeterminate sentence or a sex-related offense requiring a determinate sentence. So long as the probation sentence falls within the confines of SOLSA, *Allman’s* sentencing restriction does not apply.

The combination of these three opinions makes ongoing litigation in this area very likely.

SUPPLEMENTAL HEARINGS

[*People v. Morehead*, 442 P.3d 413 \(Colo. 2019\)](#) and [*People v. Haack*, 442 P.3d 105 \(Colo. 2019\)](#). In both of these cases, the Supreme Court remanded for an additional evidentiary hearing so the prosecution could raise an issue they failed to raise at the initial suppression hearing. This change in appellate review could well result in additional expense due to additional litigation during the appellate process at both the trial and appellate level.

PROPORTIONALITY REVIEW

[Wells-Yates v. People, 454 P.3d 191 \(Colo. 2019\)](#)
[Melton v. People, 451 P.3d 415 \(Colo. 2019\)](#), and
[People v. McRae, 451 P.3d 835 \(Colo. 2019\)](#)

The Colorado Supreme Court, in this trilogy of cases, admitted a host of errors in their earlier jurisprudence that will require relitigating many earlier decisions about the proportionality of a sentence based on the erroneous analysis. This has resulted in a significant increase in remands for hearings from the appellate courts on these issues, with a significant number of those cases requiring OADC counsel.

INEFFECTIVE ASSISTANCE OF COUNSEL (IAC)

[Garza v. Idaho, 139 S.Ct.738 \(2019\)](#). The United States Supreme Court found that it is ineffective assistance of counsel to not file a notice of appeal, even where the client agreed to waive his appellate rights, simply because the client directed the attorney to file the notice of appeal. This could generate more appeals being filed by OADC lawyers where prior to this case no appeal was being filed.

[People v. Melnick, 440 P.3d 1228 \(Colo. App. 2019\)](#). The Court of Appeals recognized that parole revocation decisions can be challenged under Crim. P. Rule 35(c). OADC attorneys cannot be appointed to parole revocation proceedings. OADC attorneys are however appointed for 35(c) petitions. This opinion has already resulted in OADC attorneys being appointed to review parole revocation decisions.

COCCA JURY INSTRUCTIONS:

[McDonald v. People 494 P.3d 1123 \(Colo. 2021\)](#). For years now, prosecutors have charged disorganized groups of people who commit crimes together, as a COCCA enterprise. These prosecutions took inexpensive run of the mill conspiracy cases and turned them into complex, expensive multidefendant cases with increased F(2) liability. The Court here recognized the US Supreme Court's limitations which will greatly reduce the number of cases where the prosecution can allege a COCCA count. This should lead to significant agency savings as far fewer expensive COCCA prosecutions should be brought in the future.

DOC TIME CALCULATIONS:

[Owens v. Williams, 490 P.3d 1050 \(Colo. 2020\)](#). Based on the Supreme Court's decision in [CDOC v. Fetzer, 396 P.3d 1108 \(Colo. 2017\)](#), this division found that the DOC has unfettered discretion when deciding which statute controls parole eligibility for the "one-continuous sentence" calculation. Some felonies allow parole eligibility after 50% of the sentence is served (minus earned time). And other sentences require the defendant to serve 75% of the sentence (minus earned time) before parole eligibility. Here, Owens had a conviction requiring 75% and one requiring 50%. The DOC is requiring Owens to serve 75% on both sentences. The division did not

care that this was contrary to a statute because “the [DOC’s] decision to apply some form of governing sentence theory, or some other theory or device altogether, in administering the relevant class of composite continuous sentences [is] a matter within its expertise and discretion.” Fetzer, ¶ 20. This decision has led to incredible confusion when advising clients as to when they may get out of prison. Clients are rejecting plea bargains and going to trial because of the uncertainty, leading to additional agency cost.

AUTHENTICATING ELECTRONIC MEDIA:

[People v. Abad, 490 P.3d 1094 \(Colo. App. 2021\).](#) The Court found it was not plain error to admit Cellebrite data extraction from cellphone even where the officer that conducted the extraction was not present to testify. The content of the Cellebrite report was not hearsay. Also, the Court allowed admission of digital images with little authentication. Assuming the court gives the defense the same liberal standards for electronic evidence, this will reduce the need for defense experts and witnesses to be present in court, reducing agency costs.

APPLICATION OF NEW ESCAPE STATUTE:

[People v. Gregory, 479 P.3d 76 \(Colo. App.2020\).](#) The Prison Population Reduction and Management Act (PPRMA) (H.B. 20-1019) redefined felony escape so that the act of leaving and failing to return to a community corrections facility is no longer an F-3 escape and instead constitutes the new class three misdemeanor offense of unauthorized absence. (§ 18-8-208(11)). The division concluded that under *Stellabotte*, CRS §18-1-410(1)(f) requires that this change in law be applied to cases that are not yet final. This will greatly reduce litigation costs in re-occurring factual scenarios relating to people not complying with community corrections violations. But then came *People v. Pennington*.

[People v. Pennington, 481 p.3d 1186 \(Colo. App. 2021\).](#) The Pennington division split three ways. The three-way split will cause a lot of litigation in the trial courts because of the differing standards in each of the three opinions, two of which essentially disagreed with *Gregory* above.

GREATER VERSUS LESSER CHARGE:

[People v. Plemmons, 490 P.3d 1112 \(Colo. App. 2021\).](#) Under section 18-3-203(1)(h), spitting on a peace officer with the intent to “infect, injure, or harm” is second degree assault, a felony. Under section 18-3-204(1)(b), spitting on a peace officer with the intent to “harass, annoy, threaten, or alarm” is third degree assault, a misdemeanor. The division found that “harm” is limited to psychological or emotional harm in the felony provision. This amorphous distinction will lead to increased litigation.

PANDEMIC JURORS AND SPEEDY TRIAL:

[In Re People v. Sherwood, 489 P.3d 1233 \(Colo. 2021\).](#) Here the Court expansively interprets Rule 24(c)(4) which allows a trial court to declare a mistrial when it is unsafe to gather jurors due to the pandemic. This opinion, plus, the legislature's decision to give the Courts and prosecutors an express pandemic speedy trial exception, CRS §18-1-405(6)(j), means lengthy pre-trial

incarceration expenses for the State. OADC attorney preparation expenses increase as cases linger and need to be prepared for trial numerous times.

DUE DILIGENCE AND THE UMDDA:

[People v. Hines, 491 P.3d 578 \(Colo. App. 2021\)](#). The Uniform Mandatory Disposition of Detainers Act (UMDDA) requires that a person incarcerated in DOC be brought to trial within 182 days after the court and the prosecuting official receive his request for final disposition of charges unless that period is expressly waived or extended for good cause or by stipulation. § 16-14-104(1), (2). The UMDDA is intended to protect people from undue delay and prosecution of stale claims. The division sanctioned the delayed proceedings here because it was possible that the trial court inferred that the prosecutor exercised due diligence in trying to secure their witness by speaking with their witness over the phone instead of placing her under subpoena for the trial. Whittling away at the protections offered by the UMDDA (and other speedy trial protections) will only increase Agency costs.

CIVIL ACTION VERSUS CRIMINAL PROSECUTION:

[People v. Vidauri, 486 P.3d 239 \(Colo. 2021\)](#). Vidauri and her three children received over \$20,000 in Medicaid benefits over seven years (between 2009 and 2016). Government investigators believed she had omitted *some* income from her application and renewal forms. Instead of seeking disgorgement of any fraudulently obtained benefits under the Colorado Medical Assistance Act (“CMAA”), the government sought criminal charges. Our Supreme Court found Vidauri was liable for taking all \$20,000 even if her “deception” involved only a single dollar.

Justice Berkenkotter points out in her dissent that the majority approach punishes people based on the amount of their medical needs, not based on the amount of deception. As the dissent also points out, this provides the Department with a perverse incentive to seek criminal charges. The CMAA uses a disgorgement remedy where the Department, in a civil action, can claw back the amount of the overpayment plus interest where a person fraudulently obtains Medicaid assistance. But, if the Department chooses to pursue criminal charges they can force the defendant to pay back the entire amount of benefits (plus interest) as restitution. The approval of the modification of a civil action into a criminal enforcement will increase agency costs.

Appendix C

Agency Objectives and Performance Measures

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I. Performance Measures & Goals

Performance Measure A: Ensure Adequate Contractor Rates

For the FY20–21 Budget Request the OADC submitted a Decision Item requesting a 5% increase in contractor hourly rates. The Joint Budget Committee originally approved the request but later withdrew their decision due to statewide budgetary cuts related to the COVID-19 pandemic. The OADC will re-submit a Decision Item request for the FY23 Budget Request to increase its contractor hourly rates.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
OADC average hourly Attorney Rates	Target	\$80	\$80	\$85	\$85	undetermined	undetermined
	Actual	\$80	\$80	\$85			

Performance Measure B: Contain Case Costs

The OADC analyzes its cost per case monthly and strives to find innovative and effective strategies to contain those costs.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Average Cost per Case	Target	\$1,523	\$1,456	\$1,474	\$1,474	\$1,498	\$1,498
	Actual	\$1,474	\$1,498	\$1,451			
Keep ancillary costs per case to a minimum.	Target	\$107	\$91	\$91	\$67	\$70	\$70
	Actual	\$67	\$70	\$64			

Performance Measure C: Provide High-Quality Annual Trainings

The Agency has developed three basic components to its training program.

1. Assess and determine the types of training needed for the OADC contractors.
2. Develop, organize, and present trainings for the OADC lawyers, investigators, paralegals, and social workers.
3. Facilitate access to training for contractors throughout the state by providing in-person, virtual, Home Study, and webcasted trainings.

	FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Total Trainings	31	51	66	51	51	51
Total Hours	244	267	210	267	267	267
Total Attendees	1,351	2,650	2,731	2,650	2,650	2,650

Performance Measure D: Provide Cost-Effective Research Tools and Assistance

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 is:

1. Improving and expanding its eLibrary.
2. Providing legal research, motion drafting, and other assistance to contractors, using lawyers and non-lawyers.
3. Providing weekly emailed case law summaries of new criminal legal opinions issued by the Colorado Court of Appeals, the Colorado Supreme Court, the 10th Circuit of the United States Court of Appeals, and the United States Supreme Court.
4. Providing a weekly podcast discussing recent cases of interest, practice pointers and contractor wellness issues.
5. Analyzing and introducing best practice applications to OADC contractors.
6. Creating comprehensive manuals on complex but frequently used subject matter such as COCCA (Colorado Organized Crime Control Act), self-defense, character evidence, restitution claims, CRE 404(b) evidence, researching legislative history, sex offenders, out-of-state subpoenas, habitual criminal sentencing, proportionality review materials and post-conviction and ineffective assistance of counsel claims. The OADC also co-authored the 4th edition of the Juvenile Defense Manual, which was released in April 2020, as well as its addendum, released in April 2021.
7. Providing access to online subscription research services including Westlaw (legal research) and EBSCO (Psychology and Behavioral Sciences Collection and the Sociology Index).

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
On-Line Research Tools and Resources to the OADC Contractors*	Target docs	7,000	7,500	7,541	7,854	8,482	8,482
	Actual docs	7,541	7,854	8,936			
	Target hits	1,700	2,000	4,952	5,928	6,692	6,692
	Actual hits	4,952	5,928	6,757			

** Including Juvenile, and Mental Health specific materials*

Performance Measure E: Monitor and Evaluate Contractors

The OADC has a process to ensure that all OADC lawyers, investigators, and social workers are under a current contract. This process includes interviewing and evaluating potential and renewing current contract attorneys, investigators, and social workers. To accomplish this the Agency:

1. Has created a database to track all attorney, investigator, and social worker contractors, including contract renewal dates. The agency is moving this database from Access based to the cloud.
2. Requests renewal applications from contractors, interviews and evaluates contractors, and renews contracts if appropriate.
3. Solicits feedback from judicial districts about the OADC lawyers.

4. Verifies attorney status with the Office of Attorney Regulation and Social Workers with DORA?
5. Monitors and evaluates courtroom practices through in-court observations.
6. Reviews written submissions from contractors and provides feedback as needed.
7. Mandates testing for investigators before initial contract issuance.
8. Conducts audits and time-efficiency studies of selected OADC contractors.
9. Runs reports on OADC contractors using the Court Appointed Attorney Payment System (CAAPS).
10. Requires at least 5 hours of juvenile or defense specific CLE/CE training per year.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Evaluate Renewing Attorney Applicants	Target	100%	100%	100%	100%	100%	100%
	Actual	100%	100%	100%			
Evaluate Renewing Investigator Applicants	Target	100%	100%	100%	100%	100%	100%
	Actual	100%	100%	100%			
Court Room Observations	Target	75	75	75	75	75	75
	Actual	96	39	55			
Mock Oral Arguments	Target	12	12	12	12	13	13
	Actual	9	6	13			
Oral Arguments	Target	16	16	16	16	16	16
	Actual	10	6	15			
Review Pleadings	Target	150	150	150	150	150	150
	Actual	180	158	129			

Performance Measure F: Strengthen OADC’s Social Worker Program

To facilitate the use of social workers in juvenile and criminal defense the Agency provides contractors with the following:

1. Contract Social Workers and Contract Forensic Clinical Advocates
2. Access to EBSCO Research Database
3. Social Worker and Forensic Clinical Advocate related trainings.
4. Continue to Incorporate Social Work into OADC’s main website.
5. Develop a model to incorporate Peer and Client Advocates on individual cases

OADC will continue to develop a landing page within the main website for use by social workers and attorneys to learn about the program and how to incorporate social workers on individual cases.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Number of Cases with Social Workers	Target	300	350	496	624	1,100	1,100
	Actual	496	624	1,172			
Number of Social Worker Contractors	Target	21	24	32	44	55	55
	Actual	32	44	49			
Number of Social Worker Interns	Target	4	5	5	6	6	6
	Actual	3	5	5			

Performance Measure G: Strengthen the OADC’s Youth Division

Since FY17, the OADC has maintained a specialized Youth Division of attorneys with the skills, knowledge, and experience necessary to competently represent children in delinquency and adult court. The OADC provides training specific to representing children, both on its own and through collaboration with other agencies and organizations, including an annual Excellence in Juvenile Defense Conference. The OADC assists contract attorneys in forming holistic defense teams, that may include social workers, forensic clinical advocates, investigators, paralegals, legal researchers, and experts in education advocacy, appeals, and other complex areas of law. The Youth Defense Coordinator observes Youth Division contract attorneys in court, and screens new and renewing contractors. The Coordinator also represents the OADC’s contractors and clients in various policy initiatives and stakeholder meetings.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Screen 100% of attorneys representing youth and up for contract renewal, to ensure competency in youth representation.	Target	25	25	26	100%	100%	100%
	Actual	26	18	18			
Incorporate a social worker into youth defense teams/cases where appropriate.	Target	50	60	112	114	125	125
	Actual	112	114	125			
Provide specialized education law assistance to youth defense teams where appropriate.	Target	20	25	40	42	52	52
	Actual	40	42	52			

Performance Measure H: Implement and Manage the Municipal Court Program

To ensure that indigent defendants in Colorado’s municipal courts receive representation free from political and judicial influence and that such representation is effective, high quality, ethical, conflict-free, and constitutionally sound, the OADC acquired a new position that is implementing its Municipal Court Program. The Program is evaluating the selection process of court-appointed counsel in municipalities and the independence and competence of those attorneys. Evaluations began January 1, 2020. Evaluation reports are provided to each Municipal Court in the program. To accomplish this, the Agency:

1. Evaluates the selection of court-appointed counsel by a municipality.
2. Evaluates municipal court-appointed counsel to determine whether services are being provided free from political and judicial influence and meet minimum constitutional standards.
3. Contracts with municipal courts to provide constitutionally adequate counsel.
4. Contracts with lawyers to provide representation in Denver Municipal Court.

		FY19 Actual	FY20 Actual	FY21 Actual	FY22 Request	FY23 Anticipated	FY24 Anticipated
Municipalities Requesting OADC Attorney Evaluations	Target	50	50	50	56	56	56
	Actual	37	56	56			
Evaluation of Municipalities requesting services	Target	na	56	56	56	56	56
	Actual	na	56	0 ***			
Evaluation of Court-Appointed Attorneys	Target	na	112	33%	33%	33%	33%
	Actual	na	81*	11%***			
Municipalities visited that requested OADC services	Target	100%	100%	100%	100%	100%	100%
	Actual	97%	13% **	2% **			
Municipalities Contracting with OADC for court-appointed services	Target	na	na	0	0	1	1
	Actual	na	na	1			

**The remaining attorneys are OADC contractors that do not require an evaluation and where not up for renewal in FY20.*

***These numbers are low due to COVID-19 closures of municipal courts.*

****Evaluations are due at the end of the calendar year.*

II. Strategies

Increase Compensation Rates

As mentioned in the Performance Measures and Goals section of this plan, the OADC submitted a Decision Item requesting a 5% increase to its contractor hourly rates for the FY20-21 budget. The Joint Budget Committee originally approved the request but later withdrew their decision due to statewide budgetary cuts due to the COVID-19 pandemic. The OADC will re-submit a Decision Item request for the FY23 Budget Request to increase its contractor hourly rates.

Provide Ongoing Trainings

The Performance Measures and Goals section provides a list of the OADC's commitment to trainings in the upcoming 3 fiscal years. The types of trainings provided are based on an assessment of the needs of the OADC contractors. Despite COVID-19, the OADC successfully exceeded its training and attendees' goals but did not meet its hour's goal.

Conducting Periodic Evaluations

Section V (Recent Performance Evaluations) outlines several tools that the Agency uses to evaluate its programs. The Agency's billing system overhaul, which went into effect on July 23, 2015, continues to enhance the Agency's ability to monitor and evaluate its contractors.

Improved and Cost-Effective Research Tools

As described in the Performance Measures and Goals, the OADC will continue to provide resources and technology to its contractors. A highly utilized resource that the Agency has developed is a centralized, online legal research and information platform called the eLibrary that continues to expand and assist many of the Agency's contractors. This asset is imperative to the Agency because it reduces average case costs by streamlining research time for contractors while simultaneously improving the effectiveness of representation. This eLibrary has expanded to include a separate juvenile and social sciences section and will eventually include a separate mental health section. In 2020, the OADC added enhanced Boolean search commands, culled outdated materials, and added updated and new materials.

Paperless and Administrative Efficiencies

The Agency's revamped web-based billing system (CAAPS) went live on July 23, 2015. Each individual contractor bill is reviewed online for reasonableness and accuracy. This overhaul continues to enhance the Agency's monitoring capabilities, benefiting not only internal auditing procedures but also the annual fiscal note process and individual contractors' payment monitoring options. The Agency has also acquired a data analytics software called Tableau to further assist with reporting and forecasting efficiencies.

Ancillary Services to Reduce Attorney Hours

To increase the quality and efficiency of OADC contract attorneys, the Agency has implemented and continues to seek out measures that reduce billable attorney hours and associated ancillary costs. These measures include:

1. Continuing the in-house appellate case management system that streamlines OADC appellate cases from inception through transmittal of the record on appeal.
2. Continuing the in-house post-conviction case management system to include triage and per-case fee contracting.
3. Attorney access to electronic court records pursuant to HB 08-1264.
4. Expanding and promoting the eLibrary.
5. Providing legal research, motion drafting, and other case related assistance.
6. Evaluating contractor efficiency and auditing billing.
7. Closely monitoring requests for expert assistance.
8. Identifying and promoting technologies that increase contractor efficiency.

Fraud, Waste, & Abuse Prevention

The OADC diligently monitors all financial transactions. In addition to the annual audit performed by the Office of the State Auditor, the Agency reviews all payments, ensuring appropriate documentation and support, utilizing segregation of duties, second level approvals, and executive review of over-the-maximum requests. Quarterly vendor totals are also audited for anomalies. The Agency verifies monthly payroll through the state financial and payment processing system.

III. Performance Evaluation

Contractor Survey and Evaluations

This year the Agency conducted a survey regarding the OADC's billing system, CAAPS.

The OADC Staff Evaluations

The Agency conducted its employee self-evaluations in June 2021. This year the Agency approached the process a little differently and conducted '360 degree' evaluations, in which 15 FTE staff members rated each other on various job quality and performance questions. Each staff member also completed a self-evaluation, and met with their supervisor to discuss the results, concerns, and overall performance of each employee.

Evaluation of Prior Year Performance

Performance Measure A: Ensure Adequate Contractor Rates:

In FY21 the OADC did not request a rate increase for its contractors.

Performance Measure B: Contain Case Costs:

The Agency continues to contain its average cost per case and keep ancillary costs per case to a minimum. (See chart on page 4 of 13)

Performance Measure C: Provide High-Quality Annual Trainings:

As can be seen by the chart below, the agency provided 66 trainings, consisting of 210 hours, and reaching 2,731 attendees, an increase from the projected 1,351.

	FY21 Projected	FY21 Actual
Total Trainings	31	66
Total Hours	244	210
Total Attendees	1,351	2,731

Performance Measure D: Provide Cost-Effective Research Tools and Assistance:

As the chart below demonstrates, the Agency continues to exceed its goals in this area.

	FY21 Projected	FY21 Actual
Total Number of Documents	7,541	8,936
Total Number of Hits	4,952	4,341

Performance Measure E: Monitor and Evaluate Contractors:

The Agency met its goal of evaluating 100% of renewing attorneys and investigators and exceeded its goal of Mock Oral Arguments by 1 as seen below.

	FY21 Projected	FY21 Actual
Evaluate Renewing Attorney Applicants	100%	100%
Evaluate Renewing Investigator Applicants	100%	100%
Court Room Observations	75	55*
Mock Oral Arguments	12	13
Oral Arguments	16	15*
Review Pleadings	150	129*

*The OADC usually does a significant number of observations, oral arguments, and pleadings review, but due to COVID-19, these numbers were limited this year.

Performance Measure F: Strengthen OADC’s Social Worker Program:

The Agency’s Social Worker program has continued to expand as seen in the chart below. Since the hiring of a full-time Social Worker Coordinator in September 2016, the Agency expanded the number of Social Worker contractors, and therefore the number of cases with social workers. The JBC approved the OADC’s request for a Social Worker Outreach Coordinator for FY19-20, and that position was filled on July 1, 2019.

	FY21 Projected	FY21 Actual
Number of Cases with Social Workers	496	1,172
Number of Social Worker Contractors	32	49
Number of Social Worker Interns	5	5

Performance Measure G: Strengthen the OADC’s Youth Division:

The OADC successfully implemented a Youth Division in FY17 and anticipates that the efficacy of this program will continue to increase as it moves forward.

	FY21 Projected	FY21 Actual
Screen 100% of attorneys representing youth and up for contract renewal, to ensure competency in youth representation.	26	18
Incorporate a social worker into youth defense teams where appropriate.	112	125
Provide specialized education law assistance to youth defense teams where appropriate.	40	52

Performance Measure H: Implement and Manage the Municipal Court Program:

Pursuant to SB18-203, the OADC is evaluating municipal court-appointed counsel through the Municipal Court Program. In a similar approach to the process already in place by the OADC to contract with effective counsel, this program will ensure that indigent defendants in municipal courts are represented free from any political considerations or private interest and that such representation is effective, high quality, ethical, conflict-free and constitutionally sound. The evaluation process includes interviews with relevant municipal court staff and court-appointed counsel, court observations, and a review of relevant documents. When complete, the evaluation is provided to the municipality. Court-appointed counsel in municipal courts is also afforded the opportunity to attend trainings and have access to the same legal resources as OADC contract attorneys. Beginning January 1, 2021, the OADC also began contracting with the Denver Municipal Court to provide contract attorneys for the cases where the Office of the Municipal Defender has a conflict.

	FY21 Projected	FY21 Actual
Municipalities Requesting OADC Attorney Evaluations	50	56
Municipalities visited that requested OADC services	100%	2%**

**These numbers are low due to COVID-19 closures of municipal courts.

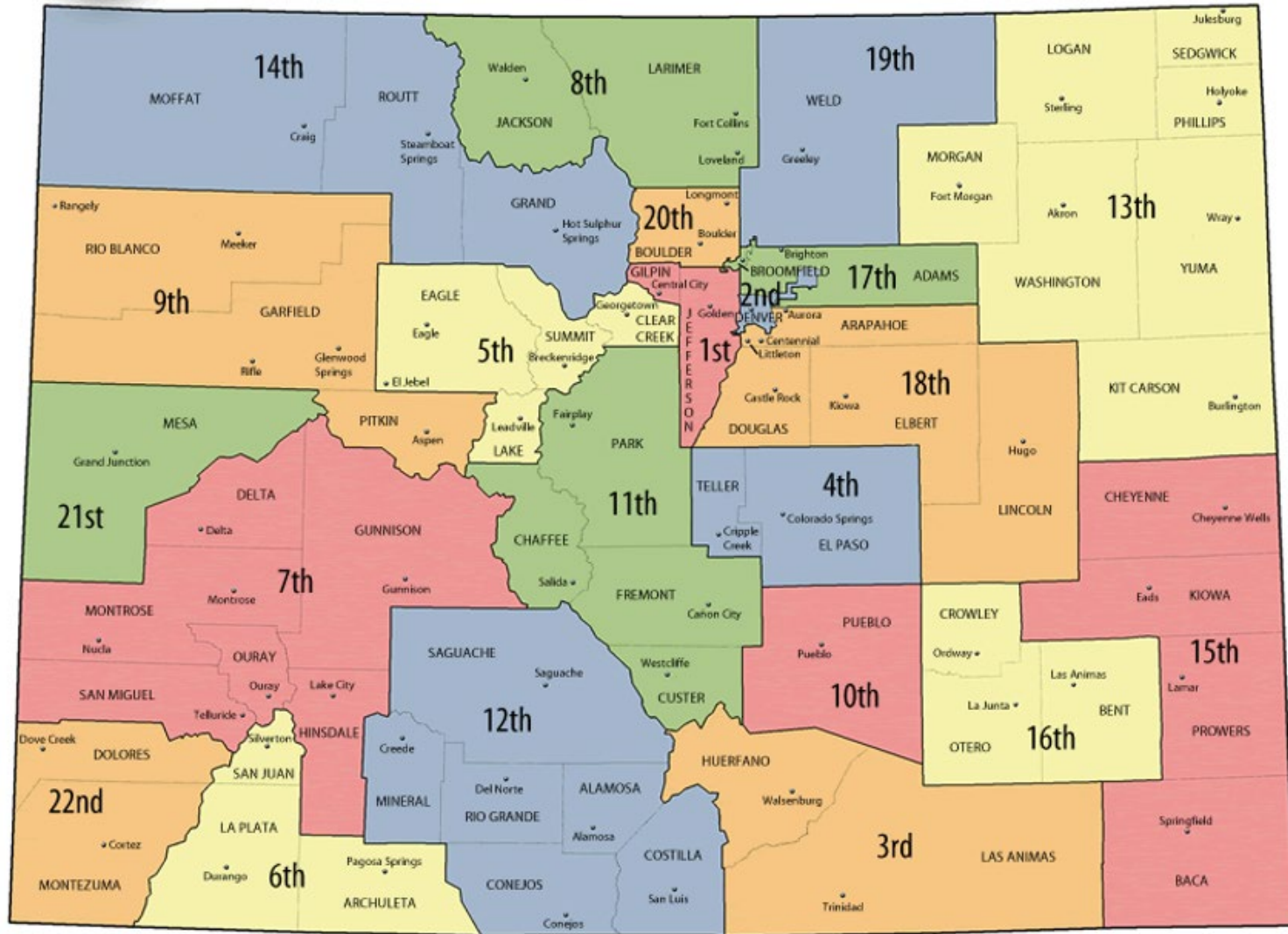
Appendix D

The Greater Colorado Practitioner Fellowship

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COLORADO JUDICIAL DISTRICTS



The Greater Colorado Practitioner Fellowship

Chart #1: The Office of Attorney Regulation Counsel (OARC) 2020 Annual Report
- Who Are Our Active Practitioners in Colorado?

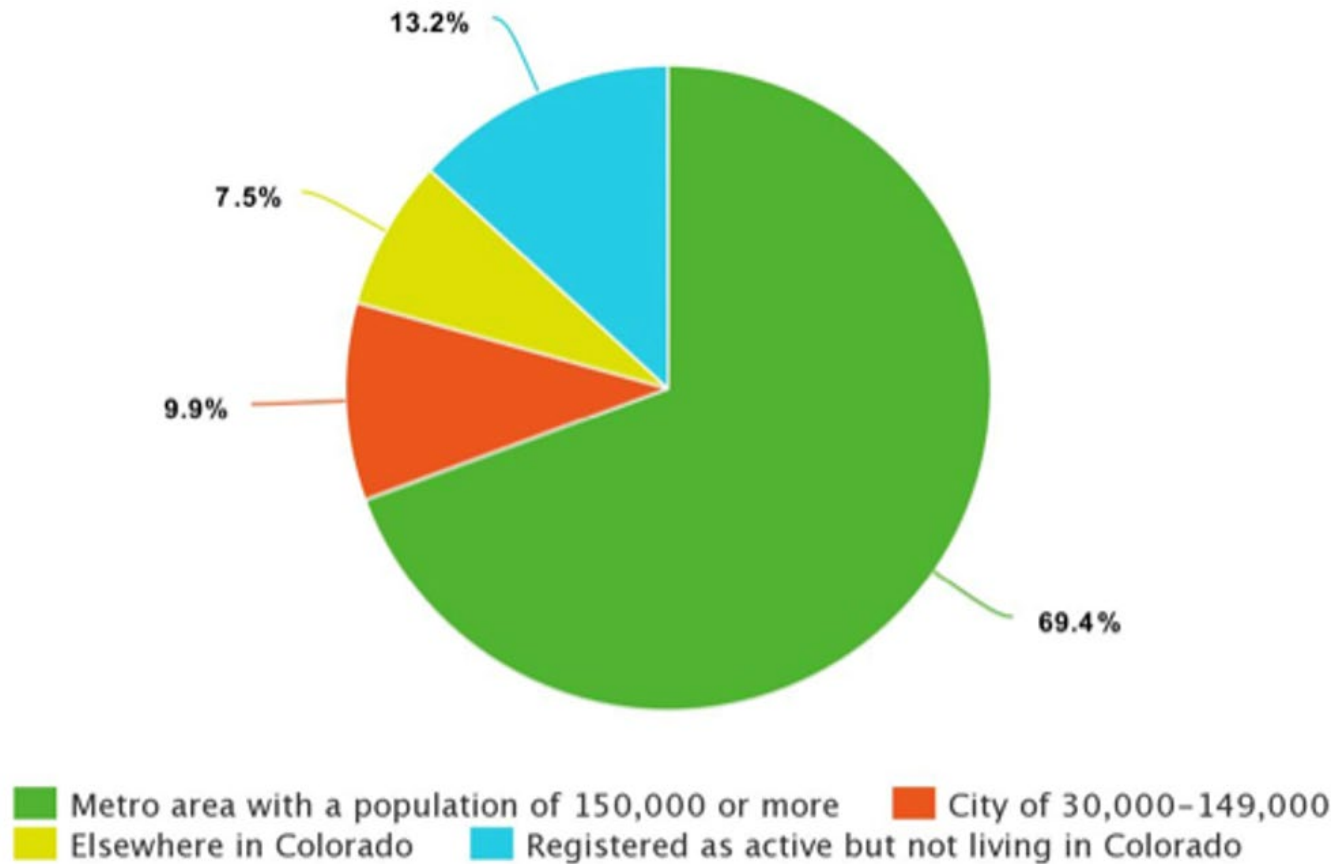


Chart #2: The Office of Attorney Regulation Counsel (OARC) 2020 Annual Report
 - Colorado's Legal Deserts

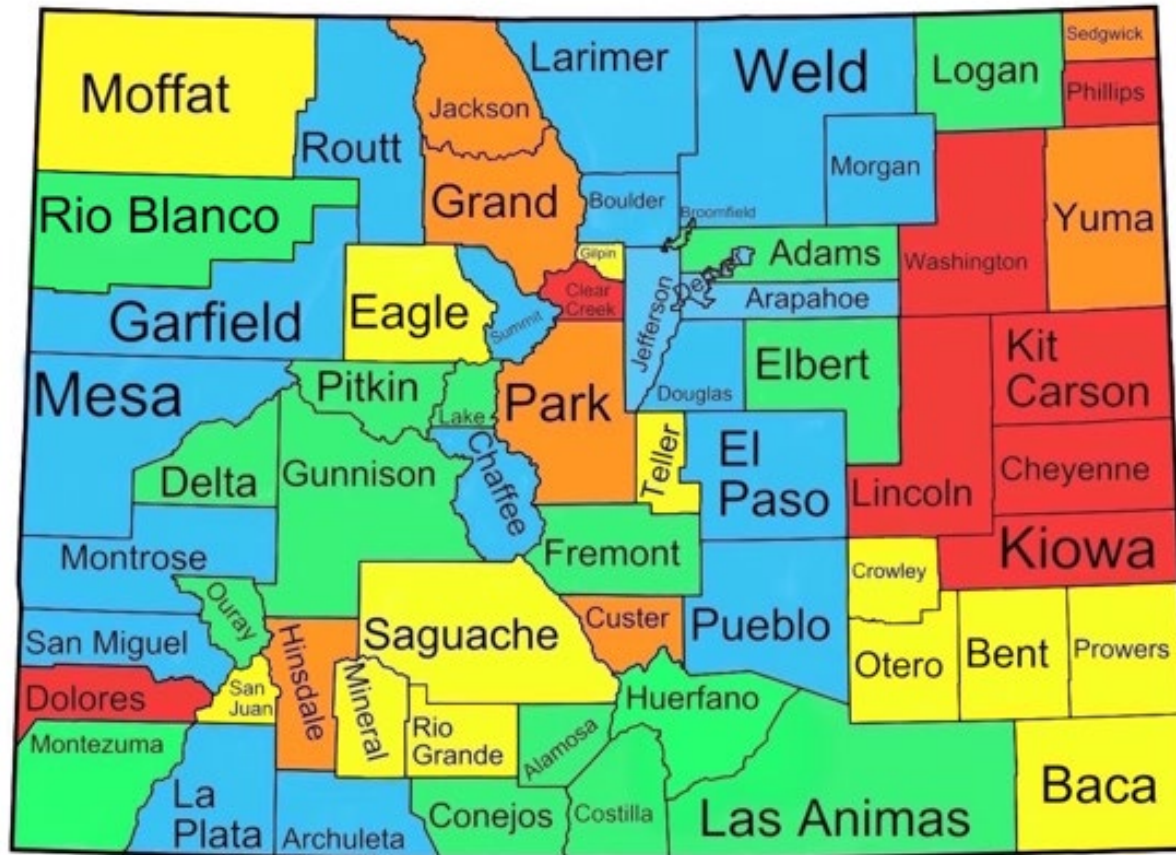


Denver County has more than 42% of Colorado's active attorney population. But about half of Colorado's counties, many clustered in the southern and eastern regions of the state far from a major metropolitan anchor, could be considered legal "deserts" – areas with few or no registered attorneys.



Chart #3: Office of Alternate Defense Counsel – Attorney Travel Costs (CY 2019)

OADC Attorney ATT/AT (2019)
Office of Alternate Defense Counsel



■ <15%
 ■ 15-29%
 ■ 30-44%
 ■ 45-59%
 ■ 60% or more

ATT = Attorney Travel Time (spending on ADC attorney travel)
 AT = Attorney Time (total spending on ADC attorneys)

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Appendix E

The Inclusivity Fellowship

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The Inclusivity Fellowship

Additionally, language from the Fourth Edition (2017) of the *Criminal Justice Standards for the Defense Function* supports diversification of the public defenders throughout multiple areas of the State:

Standard 4-1.13 Assuring Excellence and Diversity in the Hiring, Retention, and Compensation of Public Defense Counsel

(b) In selecting personnel, a public defense office should also consider the diverse interests and makeup of the community it serves, and seek to recruit, hire, promote and retain a diverse group of defenders and staff that reflect that community.

(e) Defense counsel should seek to reform and improve the administration of criminal justice. When inadequacies or injustices in the substantive or procedural law come to defense counsel's attention, counsel should stimulate and support efforts for remedial action. Defense counsel should provide services to the community, including involvement in public service and Bar activities, public education, community service activities, and Bar leadership positions. A public defense organization should support such activities, and the office's budget should include funding and paid release time for such activities

(f) Defense counsel should be knowledgeable about, and consider, alternatives to prosecution or conviction that may be applicable in individual cases, and communicate them to the client. Defense counsel should be available to assist other groups in the community in addressing problems that lead to, or result from, criminal activity or perceived flaws in the criminal justice system.

Standard 4-1.6 Improper Bias Prohibited

(b) Defense counsel should be proactive in efforts to detect, investigate, and eliminate improper biases, with particular attention to historically persistent biases like race, in all of counsel's work. A public defense office should regularly assess the potential for biased or unfairly disparate impacts of its policies on communities within the defense office's jurisdiction, and eliminate those impacts that cannot be properly justified.

Standard 4-1.12 Training Programs

(b) In addition to knowledge of substantive legal doctrine and courtroom procedures, a core training curriculum for criminal defense counsel should seek to address: investigation, negotiation and litigation skills; knowledge of the development, use, and testing of forensic

evidence; available sentencing structures including non-conviction and non-imprisonment alternatives and collateral consequences; professional responsibility, civility, and a commitment to professionalism; relevant office, court, and prosecution policies and procedures and their proper application; appreciation of diversity and elimination of improper bias; and available technology and the ability to use it. Some training programs might usefully be open to, and taught by persons outside the criminal defense community, such as prosecutors, law enforcement agencies, court staff, and members of the judiciary

(d) A public criminal defense organization should also make available opportunities for training and continuing education programs outside the office, including training for non-attorney staff.

Statistics

Per recent American Bar Association (ABA) data gathered, the BIPOC population of the legal field is low. White members overall outnumber racial and ethnic minorities of all backgrounds, in leadership and membership generally. For presidential appointments, there is more parity and greater racial and ethnic diversity, with 42% of people of color appointed. Women of color made up 25% of appointees to the ABA. (2019, Chart #1)

There is also overwhelming literature and scholarly articles demonstrating this lack of diversity in the legal and criminal justice systems and the implications that extend beyond the courtroom, particularly as they relate to outcomes for BIPOC individuals. Below is a sampling of some of these findings:

- "Black lawyers respond at higher rates to clients with black-sounding names than clients with white-sounding names" (Lewis & Clark Law School, 2015-2018)
- "[Lawyers] uniquely possess the qualities to enact overwhelming change in our societies. Collectively, we engender ideas and creativity that provide access, protection and opportunity for so many." (Mondaq, 2021)
- "Defense attorneys can advocate for reforms in their communities — including by reviewing the admissions and hiring policies of their alma maters — while also modeling reforms in their workplaces" (Sentencing Project, 2018)
- "Defense attorneys can mitigate how implicit bias impacts their triage of heavy caseloads through data collection and oversight, and they can educate their peers to do the same" (Sentencing Project, 2018)
- "Experts maintain that because of a shared group identity, a black attorney can more easily communicate with and gain the trust of a black client" (The Guardian, 2015)

- “...studies show that white attorneys might have biases that result in less favorable outcomes for their black clients.” (The Guardian, 2015)
- A study found that lawyers were twice as likely to steer black clients into Chapter 13 than they were white clients, even after controlling for financial and demographic factors (Journal of Empirical Legal Studies, 2012-2013)
- “...the statistical analyses consistently showed that the race of the judge can make a significant difference. While plaintiffs have a poor win rate in general, they are much more likely to win if their cases come before African American rather than white judges.” (Washington University Law Review, 2008-2009)
- The former head of the National Black Prosecutors Association, Bruce Brown: “When you have African Americans in the room making decisions, challenging decisions, folks are forced to look at the motives behind what they’re doing, and it’s not until all those motives are questioned that we make sure that our system is working, not only effectively, but also efficiently and fairly for everyone involved.” (The Guardian, 2015)
- In 2020, the American Bar Association (ABA)'s Profile of the Legal Profession ("ABA Profile") collected data revealing that African-American attorneys represent just five (5%) percent of all attorneys in America. According to the U.S. Census Bureau, African-Americans make up approximately thirteen (13%) percent of America's population. Black attorney representation, at an amount of five (5%) percent, has remained unchanged for the last ten years. The North Carolina State Bar reports that of the twenty-two (22%) of African-Americans that make up its total population, only nine (9%) percent are lawyers while eighty-six percent of its lawyers identify as Caucasian/White. (Mondaq, 2021)
- White men and women are still overrepresented in the legal profession compared with their presence in the overall U.S. population. At the same time, people of color remain underrepresented in the legal profession compared with their presence in the U.S. population. In addition to the African American percentages outlined above, five (5%) percent of all lawyers are Hispanic (up from 4% a decade earlier) although the U.S. population is 18.5% Hispanic and two (2%) percent of all lawyers are Asian (up slightly from 1.6% 10 years earlier) while the U.S. population is 5.9% Asian. Native Americans, however, are represented in the legal profession at roughly the same proportion as their presence in the general population: less than one-half of 1 percent of all lawyers (0.4%) are Native American while the U.S. population is reportedly 1.3% Native American. Additionally, the ABA's Profile reveals that the number of mixed-race lawyers is slowly rising based on data that was initially captured in 2014 and in 2020 which reflected two (2%) of the total attorney population. (Mondaq, 2021)

- “A study funded by the American Bar Foundation examined employment discrimination cases and tried to determine why African Americans are 2.5 times more likely than white plaintiffs to file employment discrimination claims pro se”. They found that “of the 20 lawyers who participated, 19 were white and admitted that in deciding to reject a case, they considered clients’ ability to pay, as well as their perceived “demeanor and mannerisms”, which is often coded language for racial characteristics.” (The Guardian, 2015)

Charts & Graphs

Chart #1: American Bar Association (ABA) — Lawyer Member Demographics (As of August 21, 2019):

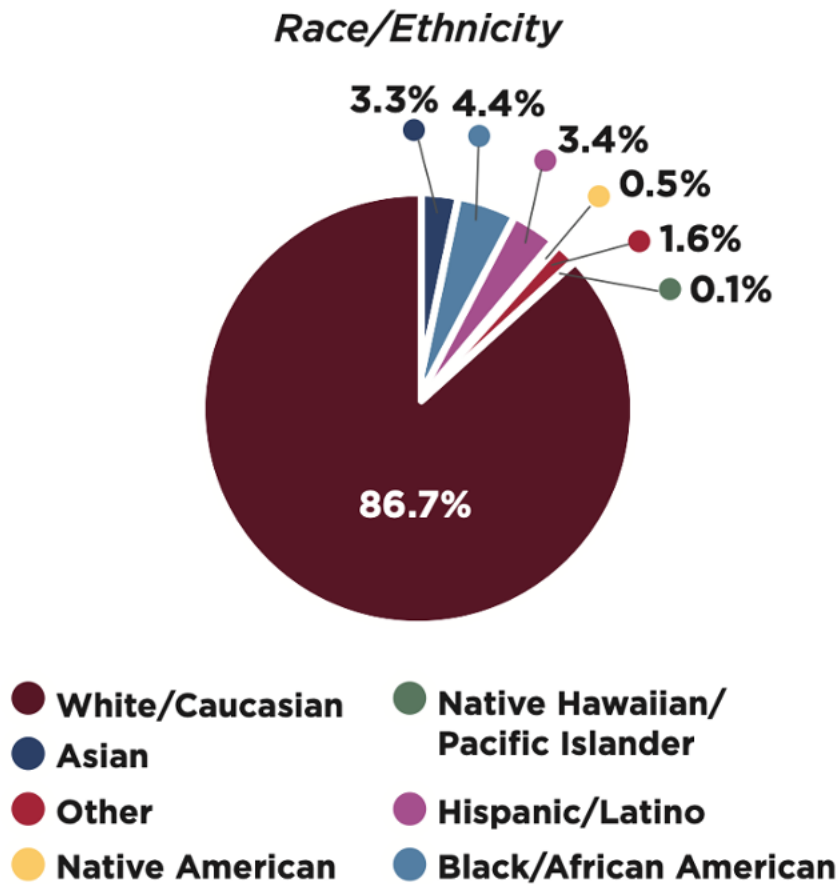


Figure represents the 33% of all lawyer members whose data was available.

Chart #2: The Office of Attorney Regulation Counsel (OARC) 2020 Annual Report — Percentage of active lawyers in each type of area who identify as diverse (Colorado):

	CO Larger City	CO Smaller City	CO Non-City
Racially/ethnically diverse	15.5%	14.7%	9.8%
Veteran	6.0%	8.8%	8.8%
Non-binary or transgender	0.7%	0.2%	0.6%
Gay, lesbian, bisexual	8.5%	7.6%	6.6%

13.3% CO average for racially/ethnically diverse lawyers, assuming the remaining 86.7% is White, which is in line with ABA statistics in Chart #1

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Appendix F

Long-Range Financial Plan

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**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Appropriation Unit	FY 2022-23 Budget Request			FY 2023-24 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$2,131,867		\$2,131,867	\$2,131,867		\$2,131,867
Health, Life and Dental	\$271,685		\$271,685	\$271,685		\$271,685
Short-term Disability	\$3,140		\$3,140	\$3,140		\$3,140
Amortization Equalization Disbursement (AED)	\$98,132		\$98,132	\$98,132		\$98,132
Supplemental Amortization Equalization Disbursement (SAED)	\$98,132		\$98,132	\$98,132		\$98,132
Paid Family and Medical Leave (PFML)	\$4,416		\$4,416	\$4,416		\$4,416
Salary Survey	\$56,984		\$56,984	\$56,984		\$56,984
Merit Pay	\$0		\$0	\$0		\$0
Operating Expenses	\$131,637		\$131,637	\$138,219		\$138,219
Capital Outlay	\$31,000		\$31,000	\$0		\$0
Training	\$20,000	\$80,000	\$100,000	\$20,000	\$80,000	\$100,000
Conflict-of-interest Contracts	\$ 44,430,312		\$44,430,312	\$ 40,615,865		\$40,615,865
Mandated Costs	\$ 2,895,573		\$2,895,573	\$ 2,782,735		\$2,782,735
Municipal Court Program	\$242,507		\$242,507	\$242,507		\$242,507
Total	\$50,415,384	\$80,000	\$50,495,384	\$46,463,680	\$80,000	\$46,543,680

Appropriation Unit	FY 2024-25 Budget Projection			FY 2025-26 Budget Projection		
	General Fund	Cash Fund	Total	General Fund	Cash Fund	Total
Personal Services	\$2,131,867		\$2,131,867	\$2,131,867		\$2,131,867
Health, Life and Dental	\$271,685		\$271,685	\$271,685		\$271,685
Short-term Disability	\$3,140		\$3,140	\$3,140		\$3,140
Amortization Equalization Disbursement (AED)	\$98,132		\$98,132	\$98,132		\$98,132
Supplemental Amortization Equalization Disbursement (SAED)	\$98,132		\$98,132	\$98,132		\$98,132
Salary Survey	\$56,984		\$56,984	\$56,984		\$56,984
Merit Pay	\$0		\$0	\$0		\$0
Operating Expenses	\$145,130		\$145,130	\$152,386		\$152,386
Capital Outlay	\$0		\$0	\$0		\$0
Training	\$100,000	\$80,000	\$180,000	\$100,000	\$80,000	\$180,000
Conflict-of-interest Contracts	\$ 43,863,048.09		\$43,863,048	\$ 47,369,839.63		\$47,369,840
Mandated Costs	\$ 3,005,210.70		\$3,005,211	\$ 3,245,473.24		\$3,245,473
Municipal Court Program	\$242,507		\$242,507	\$242,507		\$242,507
Total	\$50,015,835	\$80,000	\$50,095,835	\$53,770,146	\$80,000	\$53,850,146

(See additional information on the following page)

**Colorado Office of the Alternate Defense Counsel
Long-Range Financial Plan**

Assumptions

Personal Services and related costs (PERA, Medicare, HLD, AED, SAED, PFML,

> Disability)

> We are unable to predict any salary survey or merit increases. However, OADC aligns its requested increases with OSPB and JBC recommendations during the annual budget process

> Operating

> Operating expenditures are projected to increase 5% per year starting FY23

> Conflict-of-interest Contracts & Mandated Costs (General Fund)

> Projections reflect an 8% expenditure increase of Conflicts and Mandated Costs for each FY moving forward.

> Municipal Court Programs

> Amount is aligned with SB18-203.