

**FY 2008-09 BUDGET HEARING
JUDICIAL BRANCH**

**Monday, December 3, 2007
9:00 am to 12:00 pm**

9:00-9:05 JUDICIAL DEPARTMENT: Introductions & Opening Comments

1. Why is the Judicial Department portion of the request so far in excess of 6.0 percent? How can the Judicial Department live within the 6.0 percent limit in the future?

9:05-9:10 Common Questions: Department Goals & Objectives

2. What are your department's principal goals and objectives? What are the metrics by which you measure success or failure?
3. Given the change in the Administration, have there been any changes to your department's principal goals and objectives since last year?
4. What progress did you make during the last year in achieving your goals?
5. How is the additional money provided to your department in FY 2007-08 being used to achieve your goals? What improvements is your department making in its outputs?
6. Please identify your department's 3 most effective programs and your 3 least effective programs. Explain why you identified them as such. Explain how your most effective programs further the department's goals.
7. Are there programs that your department is required to perform that do not further your department's goals or have outlived their usefulness? If so, what are they and by whom are they required? Why don't they further your department's goals?

9:10-9:15 Common Questions: Costs and savings from complying with specific bills and orders

8. What are your department's anticipated costs, anticipated savings, and potential benefits from complying with Executive Order D 028 07, Authorizing Partnership Agreements with State Employees?

9. Provide an estimate of the costs your department will incur in FY 2007-08 in carrying out the provisions of H.B. 06S-1023. Provide an estimate of your department's savings in FY 2007-08 as a result of not providing services to individuals who are in the country illegally.

9:15-9:25 *JUD DI #2: Additional Regular Probation Officers*

10. For FY 2008-09 through FY 2011-12, discuss projected probation caseload growth and staffing needs, both in regular probation and in specialized programs.
11. Discuss how probation staffing shortages have affected: probation officer recruitment and retention; how probation officers do their job; probation success rates; and recidivism.
12. Did the Department's probation caseload projections reflect the Governor's anti-recidivism package and/or increased funding appropriated for treatment and services? If so, how? If not, how would the anti-recidivism package and increased funding for treatment and services impact the projections?
13. If the probation staffing decision item is funded, what is the anticipated effect on the number of technical violations and technical revocations? Will regular probation be more successful? Is there evidence that an increase in probation officers would result in fewer technical violations? If fewer technical revocations are expected, what would be the impact on the number of offenders sent to DOC, DYC, and community corrections?
14. What would it cost to fully staff the probation program? What would be the resulting success and recidivism rates? If fully funded, how many more or less offenders would be sent to DOC, DYC, and community corrections in the future? How does the Department make these projections?

9:25-9:40 *Probation Innovations and Other Probation Questions*

15. Do other states fully privatize probation?
16. Why are probation recidivism rates better than DOC recidivism rates? Are the success rates measured the same way for both populations (i.e. both one year after completion)?
17. How has the Probation Long Bill reorganization benefitted both management of the state's probation program and management of district probation offices?
18. Does the Department anticipate using all of the S.B. 03-318 Community Treatment Services appropriation in FY 2006-07? If proposals are still being evaluated, when will the spending occur? Will the funding be used for one-time expenses or on-going programs?
19. For what types of treatment and services does demand generally exceed supply?

20. What is the Department doing to help rebuild treatment and service opportunities in the community?
21. Where and in what form would additional treatment and services funding be most beneficial in terms of helping to yield better success rates and reducing recidivism?
22. In reference to the ROC program discussed in staff's briefing issue on Probation Innovations, what is the difference between a successful and a neutral discharge?
23. Regarding the supervision of economic crimes offenders, are there privacy concerns or obstacles for a probation officer trying to obtain copies of an individual's financial records (income tax records, bank records, etc.)? How does probation obtain these records? Does an offender have any privacy rights once convicted?
24. What type of data is collected and analyzed to track the success of various probation programs (including the innovative programs discussed during the briefing)? What has the Department found in terms of which programs are successful and which are not?

9:40-9:55 *JUD DI #3: Increase Judicial Compensation*

25. Has the Department had difficulty recruiting or retaining judges due to compensation levels? Where have most new judges in the state been employed prior to accepting judgeships? When judges leave the bench for reasons other than retirement, what type of positions do they take?
26. Why hasn't the Department maintained, or re-created, a Judicial Compensation Panel? When did the Department last participate in the Colorado State Officials' Compensation Commission? What is the status of this commission?
27. Why were ALJ salaries tied to judicial salaries when that results in circular comparisons?
28. Why aren't salary survey increases enough to keep judge salaries competitive? Can salary survey increases ever occur if ALJ salaries are indexed to judges salaries and vice versa? How much salary survey has been granted to judges over the last few years? How was that level determined?
29. How is the salary survey calculated? Should salary survey amounts be based on private sector salaries?
30. Would special legislation be needed to stop judicial salaries from being indexed to ALJs and to index them to something else?

9:55-10:05 JUD DI #4: Court-appointed Counsel Rate Increase

31. Is it more difficult to retain court-appointed counsel in some parts of the state than others? Explain.
32. Have there been instances when no court-appointed counsel was available?
33. Have complaints of inadequate representation been filed against the agency or the court-appointed counsel with which they have contracted?
34. What efforts has the agency made to recruit and train court-appointed counsel?
35. Did the rate increases obtained in the last two fiscal years help to reduce turnover rates? Has it been any easier to recruit and retain experienced attorneys?

10:05-10:20 JUD DI #8: Probate Audit Response

36. Prior to the audit, how frequently had the Department received complaints about how probate cases are managed? Who tended to complain and why? How did the Department respond?
37. For what other areas of the law does the State Court Administrator's Office (SCAO) provide statewide programmatic support? How many SCAO FTE are dedicated to each specialty?
38. If the proposed pilot projects identify the need for additional district court staff to better manage probate cases, does the Department anticipate seeking additional FTE to address this particular need? Alternatively, would it work this need into its Trial Courts staffing model, driving increases in general Trial Court staffing needs?
39. Please provide more information on the Uniform Adult Guardianship and Protective Proceedings Act, including how it would benefit probate case management and when it will be available for adoption.
40. Did the audit find that there were conflicts of interest for individuals handling probate cases? If so, what is Judicial doing to address this problem? Do changes require special legislation?
41. Is there a probate filing fee? If so, what is it? Could this decision item be funded with revenues from a probate filing fee instead of General Fund?

10:20-10:30 Miscellaneous

42. Regarding decision item #7 for Family Violence Grant Funding: How does this request relate to the work done by Colorado Legal Services?

43. Regarding footnote #6: Provide a detailed analysis of the Drug Offender Surcharge Fund and the Sex Offender Surcharge Fund, including historic and projected revenues and expenditures. What are the surcharges that are directed into these funds? Have the surcharges recently been changed? Why are there such large fund balances in these funds? Is there a reason large balances are being retained in these funds? Should these funds be subject to the 16.5 percent fund balance restriction? Are there additional ways these funds can be used?
44. What is the Department doing in terms of charging the public for e-filing and electronic access to court records? How much revenue do these fees generate? What is the revenue used for? Are there other similar opportunities to generate additional revenue?

10:30-10:40 BREAK

10:40-11:00 PUBLIC DEFENDER'S OFFICE: Introductions & Opening Comments

Common Questions: Department Goals & Objectives

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3. What progress did you make during the last year in achieving your goals?
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Common Questions: Costs and savings from complying with specific bills and orders

7. What are your department's anticipated costs, anticipated savings, and potential benefits from complying with Executive Order D 028 07, Authorizing Partnership Agreements with State Employees?
8. Provide an estimate of the costs your department will incur in FY 2007-08 in carrying out the provisions of H.B. 06S-1023. Provide an estimate of your department's savings in FY

2007-08 as a result of not providing services to individuals who are in the country illegally.

Questions from Briefing

9. Why is the PDO portion of the request so far in excess of 6.0 percent? How can the PDO live within the 6.0 percent limit in the future?
10. Regarding PDO DI #1 for Base Funding Increases: When the Public Defender's Office has received new FTE in the past, has it received additional Leased Spaced funding? Is so, why are additional funds needed? If not, why not?
11. Regarding PDO DI #2 to Convert "Temporary" Staff to FTE: How is it that the PDO has funding for these staff but not the associated FTE appropriation? Is the PDO hiring some FTE on a temporary basis? Why does the PDO need to convert the temporary staff to regular FTE? Does converting them to FTE change any of the salary or benefits they receive?

11:00-11:30 ALTERNATE DEFENSE COUNSEL: Introductions & Opening Comments

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Questions from Briefing

9. Is the ADC seeing an increase in conflicts requiring defendants to be represented by the ADC rather than the PDO?
10. Is it more difficult to retain court-appointed counsel in some parts of the state than others? Explain.
11. Have there been instances when no court-appointed counsel was available?
12. Have complaints of inadequate representation been filed against the agency or the court-appointed counsel with which they have contracted?
13. What efforts has the agency made to recruit and train court-appointed counsel?
14. Did the rate increases obtained in the last two fiscal years help to reduce turnover rates? Has it been any easier to recruit and retain experienced attorneys?

11:30-12:00 OFFICE OF THE CHILD'S REPRESENTATIVE: Introductions & Opening Comments

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Questions from Briefing

9. Why is caseload continuing to increase? How does the Department of Human Services affect with this caseload? Are lack of preventive services by DHS driving increases in OCR caseloads?
10. Is it more difficult to retain court-appointed counsel in some parts of the state than others? Explain.
11. Have there been instances when no court-appointed counsel was available?
12. Have complaints of inadequate representation been filed against the agency or the court-appointed counsel with which they have contracted?
13. What efforts has the agency made to recruit and train court-appointed counsel?
14. Did the rate increases obtained in the last two fiscal years help to reduce turnover rates? Has it been any easier to recruit and retain experienced attorneys?