

Judicial Department – Public Defense Independent Agencies

FY 2026-27 Joint Budget Committee Hearing Agenda

Friday, January 9, 2026

9:00 am – 10:30 am

9:00 – 9:10 Office of the State Public Defender: Introductions and Opening Comments

Presenter: Megan A. Ring, State Public Defender

9:10 – 9:45 Discussion with the Office of the State Public Defender

Main Presenters:

- Megan A. Ring, State Public Defender
- Lucienne Ohanian, Chief Deputy Public Defender
- Kyle Hughes, Chief Information Officer
- James Karbach, Director of Legislative Policy and External Communications

Topics:

- Common Statewide Question 1: Page 1, Question 1 in the packet
- Discussion with OSPD: Page 2, Questions 2-11 in the packet

9:45 – 10:30 Discussion with the Office of Alternate Defense Counsel

See Packet Page 12 for the list of speakers for Alternate Defense Counsel

Judicial Department – Public Defense Independent Agencies

FY 2026-27 Joint Budget Committee Hearing

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9:00 am – 10:30 am

Common question For Department Hearings (Written-only Response)

1. Please provide a breakdown of your department’s total advertising budget for the current and prior fiscal year. Specifically:

a. What is the total amount budgeted and expended on advertising and media placement type?

FY25 expenditure was \$7934. FY26 projected expenditure is \$7,538.

b. How are those advertising dollars allocated across different media types (e.g., television (national/local/cable), radio (terrestrial vs streaming), SEM, digital (display, YouTube), connected TV, social media, print, outdoor, etc.)?

Advertising dollars are used for posting open job positions across the state, mainly in rural areas, through newspaper media. Occasionally, specific positions, i.e. Informational Technology positions, could be posted to industry specific online job boards.

c. How much of that spending is directed to Colorado-based or local media outlets? How is the media currently purchased?

Approximately 94% are local media with most in rural Colorado. 4% are nationwide online platforms.

d. What performance metrics or evaluation tools does the department use to measure the effectiveness of these advertising campaigns? What are the goals of the campaigns, and what key performance indicators are measured for success?

Due to the targeted scope and infrequent use of OSPD advertising expenditures, there are no established measures. OSPD advertising expenditures are to reach a broader audience for possible applicants.

- e. If any portion of advertising is managed through third-party vendors (or ‘partners’;) or media buying firms, please provide any available data or reporting from those companies on campaign performance and spending. How often do the departments discuss media placements with these vendors?**

N/A

- f. Monthly or quarterly reporting - how is reporting delivered?**

OSPD does not perform monthly or quarterly reporting on advertising/marketing due to the small annual expenditure.

Discussion with the Office of the State Public Defender

- 2. [JBC Staff] Provide a discussion on budget requests made by OSPD.**

R-1: Impact of Aurora Domestic Violence Cases

OSPD is beginning to experience an influx of domestic violence cases that require increases in FTE to handle the additional workload. Due to Aurora Municipal Court ending domestic violence prosecutions on July 1, 2025, these cases are now filed in state courts, primarily in Arapahoe and Adams counties. OSPD estimates based upon Arapahoe County court services data, a municipal court workload study conducted by the National Center for State Courts, and OSPD’s workload data related to these kinds of cases that OSPD will need 7 attorney FTE with supporting administrative, paralegal, and investigator staff to defend approximately 900 additional DV cases per year.

R-2: Representation of Clients Impacted by CBI DNA Misconduct (OSPD & OADC)

The Office of the State Public Defender (OSPD) and the Office of Alternate Defense Counsel (OADC) are jointly requesting \$2,000,000 General Fund spending authority for FY 2026-27 to continue funding work on cases affected by decades-long misconduct by Colorado Bureau of Investigation DNA analyst Yvonne “Missy” Woods, as well other forensic misconduct that has come to light since the agencies submitted their initial joint budget request on November 1, 2025.

OSPD is also submitting a supplemental budget request of \$243,328 of General Fund spending authority for FY 2025-26 to respond to the workload increase incurred by the agency as it initiates Colorado’s response to the state’s ongoing forensic science crisis.

The agencies' November decision item stated that "this CBI scandal is now in its third year of public scrutiny with no end in sight." Unfortunately, recent revelations of more forensic analyst misconduct in Colorado will only expand the scope and impact of this scandal. The agencies have gained a better understanding of how many cases might be impacted by Woods' misconduct, but the new assertions of misconduct have created potential relief for hundreds more defendants than previously known. This will certainly compound the impact of forensic misconduct on Colorado's criminal legal system.

The agencies have been diligently working to determine how claims related to the Forensic Science Integrity Act ("FSIA") will truly increase workload, but more work and a larger data set is necessary to fully predict this scandal's fiscal impact. It is clear, however, that the agencies will need increased funding in at least the next 18 months.

R-3: IT True-Up

Over the last several years, the OSPD, with support from the Joint Budget Committee, has made investments in various software tools and solutions for staff to be able to do their job, including research, transcription, discovery review, security, case management, communication, and IT tools. These tools and solutions were funded, however, as point in time costs based on the licensing model and price at the time. Since these items were originally funded, more OSPD staff have been approved (partially covered through standard FTE calculations) and licensing costs have gone up significantly. While OSPD's approach has been to manage these cost increases within its existing budget, the costs continue to rise, and additional funds are needed to continue providing these necessary resources.

3. [JBC Staff] Discuss any trends observed in OSPD's caseload and/or case complexity.

OSPD is seeing the biggest increase in case filings at nine percent in new misdemeanor cases from FY24 to FY25 due to law changes, increased enforcement, and the elimination of domestic violence prosecutions in Aurora Municipal court. The complexity of the cases continues to be a challenge for defenders. Complexity is created by the exponential increase in the amount of discovery that includes highly technical information because of new policing techniques, forensic science materials, and computer, phone, and other digital device downloads. Further, the continuing prevalence of mental illness in the people prosecuted requires expertise and additional attention for defenders. Related, efforts by judicial districts to create special dockets to handle competency cases strain OSPD staffing. Finally, other factors like representing children charged as adults, and handling complex financial crime and organized crime prosecutions take significant time for defenders.

4. [Sen. Amabile] Discuss the source and uses of Gift, Grants, and Donations in the budget for the State Public Defender.

OSPD pursues and assesses grants to foster programs and reduce agency need for General Fund money. OSPD currently has spending authority for several grants including: Boulder IMPACT grant that assists juveniles appearing before the Boulder Juvenile

Integrated Treatment Court; Veterans Treatment Court Discretionary Grant Program that supports high-risk/high-need justice involved veterans with unmet behavioral health needs in the 8th Judicial District; and Client Advocates Grant is a successful program in OSPD's Grand Junction office in partnership with Partners for Justice that aims to improve access to stabilizing and restorative social services for low-income people represented by OSPD and reduce the amount of time that low-income people spend incarcerated and thus, limit the resulting harm to their health and economic mobility.

- 5. [Sen. Amabile] Provide examples of when the State Public Defender would not be the first public option for provision of legal services to indigent clients, i.e., what leads to being conflicted off a case and any other circumstances might lead to deferring to Alternate Defense Counsel.**

By statute, OSPD is the first, and only, option for the provision of legal services to people accused of a crime in state courts where there is not a conflict of interest. Where there is a conflict of interest, OADC is the exclusive option to provide those legal services. Other examples of state-funded counsel for non-criminal representation are described in the next section.

A conflict of interest can occur under a variety of circumstances. The determination of a conflict of interest is governed by the Colorado Rules of Professional Conduct and interpreting case law. Most conflicts occur when the same regional office of the OSPD represents two defendants in the same case ("co-defendant conflict") or the office represents a witness in the case ("witness/client conflict"). In these circumstances, the lawyer's duties of loyalty and confidentiality cannot be met for all clients involved requiring that one client be provided conflict-free counsel. Both co-defendant and witness/client conflicts are imputed to the entire regional office requiring that conflict-free counsel be assigned from outside the office. The Office of Alternate Defense Counsel is then responsible for the assignment of counsel. While OADC contracts with some municipal courts to provide indigent counsel regardless of conflict, in state courts there are no other circumstances where OADC would be appointed than because of a conflict. In the post-conviction context, like for Forensic Science Integrity Act claims, a conflict can occur when the post-conviction claim would require criticism of the same lawyer's or office's performance in the original representation or would require representation of a different co-defendant than who the office originally represented.

- 6. [Sen. Amabile] How are appeals initiated when cases that lead to conviction were included in ones that may have been impacted by CBI analyst misconduct? When does OSPD expect all appeals related to the misconduct will be filed? Discuss the statute of limitations for filing appeals as it relates to these defendants.**

Direct appeals are most commonly made to the Court of Appeals when a client is convicted at trial or disagrees with a judge's sentence following a conviction. That process is separate

from an FSIA claim, which must be brought in the trial court and only addresses the issues of forensic misconduct.

If the case is already on direct appeal and the client wants to lodge an FSIA claim, the client must file a motion for a limited remand to the trial court because jurisdiction is currently in the appellate courts. OSPD is not aware of any clients or non-OSPD defendants who have made such a motion yet.

The FSIA contains a tolling provision for any claims while the case is in the appellate courts, so the time in which to file an FSIA claim would not be affected by the appeal.

It is difficult to predict the time in which these cases will be filed, it is highly dependent on many factors. For instance, the statute of limitations is different for various levels of offense. Also, the statute of limitations does not begin until “actual receipt by the defendant of the notice of reported wrongful action.” CRS § 16-12-311(1)(a). The appellate tolling provisions could also extend the time for filing these claims.

Those statute of limitations are as follows:

- *All class 1 felonies:*
 - *No limit*
- *All other felonies:*
 - *Three years*
- *Misdemeanors:*
 - *Eighteen months*
- *Petty offenses:*
 - *Six months*

The highly complex FSIA cases will take months – and even years – to resolve. Many of the FSIA cases could be resolved more quickly, however. Also, any successful FSIA claims that lead to new trials would need to be separately retried, which also could take many years. Appeals could also happen following any of that litigation.

OSPD is conservatively estimating that it will take at least 10 years for all aspects of Missy Woods’ misconduct to be resolved.

7. [Rep. Sirota] Discuss generally the misconduct that led to reviewing these cases. Please also highlight misconduct uncovered that is not directly related to employment of Missy Woods.

OSPD is currently litigating claims and conducting investigations involving two DNA analysts (Missy Woods and Chiarra Wuensch). The extent of their misconduct is still not fully known, in spite of OSPD’s work. Much of the information known by OSPD is also covered by Colorado Rule of Professional Conduct 1.6 and cannot be publicly disclosed. Therefore, OSPD is limited in what information it can provide to answer this question.

However, there are several public reports about Ms. Woods and her extensive misconduct in serology and DNA cases. CBI has produced an Internal Affairs report that details much of the misconduct here: <https://cbi.colorado.gov/news-article/colorado-bureau-of-investigation-releases-internal-affairs-report-into-former-forensic>. The State also commissioned an external audit that examines some of the issues that allowed long-running fraud to continue: <https://cbi.colorado.gov/forensics/forward-resolutions-audit-assessment-of-cbi-forensic-services>.

Another DNA analyst, Chiarra Wuensch, has publicly been identified as committing similar misconduct at the Northern Colorado Regional Forensic Crime Lab. Public media reports regarding Ms. Wuensch's conduct can be found here: <https://www.cbsnews.com/colorado/news/prosecutors-wont-charge-former-northern-colorado-dna-forensic-analyst-history-errors-work/>.

OSPD also has received FSIA notices for two other CBI analysts whose work primarily focused on drug testing. These analysts have not been publicly identified. OSPD has included the number of notices it has received for all analysts but omitted the names of the analysts who have not been publicly identified (these are cases where the analyst who committed misconduct worked on a case that led to a conviction):¹

Yvonne "Missy" Woods (DNA and serology) – 1773

CBI drug testing analysts – 813

Chiarra Wuensch (DNA) – 115

OSPD is also aware of more analysts who have committed forensic misconduct. The agency's knowledge is directly related to client representation, however, and the time limit for FSIA notices to be issued about this misconduct has not yet run. Therefore, the impact of those analysts' misconduct is not yet known.

8. **[Sen. Amabile] Describe the process for being appointed defense counsel for an indigent criminal defendant. Are there times when the Court may choose to appoint counsel for indigent criminal defense clients that are not OSPD attorneys or ADC attorney-contractors? If so, provide a description and/or example.**

The appointment of counsel for indigent defendants in state courts starts with the determination of whether the person is in-custody or out-of-custody. Where in-custody, the OSPD may elect to automatically represent the person without requiring proof of indigency.

¹ These figures are only based on the notices received by OSPD. OSPD only receives institutional FSIA notice under the following statutory circumstances: 1) OSPD currently represents a pre-conviction client in the FSIA-qualifying case, or on appeal of that case; 2) the defendant who was convicted in the FSIA-qualifying case is in custody and there is not a pending appeal or pending post-conviction motion in that case; or 3) the defendant's last-known counsel was the public defender.

Typically, this is announced at the person's first appearance along with addressing bond and other preliminary matters. Where out-of-custody, the defendant is required to complete a JDF 208, Application for State-Paid Professional, to demonstrate indigency. OSPD makes the initial determination about indigency and refers it to the court for review and appointment of OSPD. Where there is an ethical conflict of interest, OSPD still makes the initial determination of indigency (or automatic election, if in-custody) and then alerts the court of the conflict of interest and requests that the court appoint alternate defense counsel. The court often has a list of local counsel who routinely accept ADC appointments, or the court contacts the administration of OADC to request assignment of contract counsel. These processes are provided by Chief Justice Directive 04-04, Appointment of State-Funded Counsel in Criminal Cases and For Contempt of Court.

A similar process happens in juvenile delinquency cases. For youth accused, there are additional bases for appointment of state-funded defense counsel when, for example, the parents refuse to fund counsel or the court finds counsel should be appointed "to protect the interest of the juvenile or other parties" or the youth is in the custody of the Department of Human Services or Social Services. Chief Justice Directive 14-01, Appointment of State-Funded Counsel in Juvenile Delinquency Cases. Youth are likewise assigned alternate defense counsel when OSPD alerts the court to a conflict of interest. While counsel is not guaranteed in all post-conviction matters, where there is a right to counsel, like, for cases under the Forensic Science Integrity Act, OSPD does the initial assessment of conflict and where a conflict is identified, refers the case to the court and alternate defense counsel for appointment and assignment of counsel.

OSPD and OADC are the exclusive providers of indigent criminal defense to people accused in Colorado state courts as provided by Title 21 of the Colorado Revised Statutes, establishing the Offices of the State Public Defender and Alternate Defense Counsel, and Chief Justice Directives 04-04 and 14-01. The court cannot appoint criminal defense counsel for indigent defendants outside of these processes. When a person is facing contempt of court where a jail sentence is contemplated, the court can appoint counsel to defend the contempt. OSPD is prohibited from accepting these appointments and while some of the same contractors who work with OADC do take these cases, the Judicial Department pays for counsel's fees because the appointment is not based on a conflict of interest. Colorado does provide state-funded counsel for other purposes, like, guardian ad litem appointments to represent the best interests of the child through the Office of the Child's Representative, appointments to represent parents in dependency and neglect matters through the Office of Respondent Parents' Counsel, and counsel for other civil proceedings, like, extreme risk protection order cases. Chief Justice Directives 04-06, 16-02, and 04-05, respectively, describe the processes for these appointments.

- 9. [Sen. Kirkmeyer] Describe ways in which OSPD attempts to coordinate with other independent agencies when formulating budget requests and budget submissions.**

OSPD collaborates with other independent agencies on budget requests that impact each agency. Last year OSPD and OADC collaborated on two joint requests, Representation of Clients Impacted by CBI DNA Misconduct and OSPD & OADC Electronic Discovery Legislation Sponsorship. This year OSPD and OADC collaborated on Continuing Representation of Clients Impacted by CBI DNA Misconduct.

10. [JBC Staff] As related to S.B. 22-188 (Behavioral Health Support Funds):

a. Briefly discuss the demand for the program and how the funds are being spent.

OSPD continues to see a high demand for the program the agency developed in response to receiving funding from the passage of SB22-188. OSPD utilizes a multi-layered approach incorporating training, skill development, and support systems for defenders to assist with the direct and secondary trauma, as well as other work-related stressors. As part of the support system, OSPD created an Employee Peer Support team which provides peer support to colleagues and has been incorporated into onboarding for new employees. Employee peer supporters are trained in recognizing when employees are struggling and reach out directly to them.

A key component is training and education programs that teach defenders to recognize job-related trauma and how to prevent and treat it. Mindful Mondays is a weekly meditation session dedicated to addressing job-related stress through group meditation. The OSPD recorded and retained prior educational training content as a resource library for staff. Additional training and education programs have not occurred due to limited resources.

b. How do the services being provided compare to your insurance benefits? Is this program paying for services that wouldn't otherwise be covered?

OSPD's program is specialized for public defenders to assist with the direct and secondary trauma, as well as other work-related stressors. OSPD engagement with multiple direct service providers including three therapists, one yoga therapist and a mindfulness coach. Direct service providers are experienced and trained with working with public defenders and understand the challenges and needs of the OSPD's staff. The portion of the funding is for reimbursement for out-of-pocket expenses, above what insurance covers, is particularly valuable because it allows for individuals to determine the support they need and find their therapeutic alliance, making the impact personalized and therefore long-lasting.

11. [Rep. Gilchrist] Provide a summary of expenditures by category including identifying FTE types and contractor expenses. (Written response only).

Office of the State Public Defender FY 2026-27							Schedule 14	
Personal Services							Position and Object Code Detail	
		FY 2023-24 Actual		FY 2024-25 Actual		FY 2025-26 Appropriation		FY 2026-27 Request
Position Type								
State Public Defender		\$201,713	1.0	\$206,845	1.0			
State Ofc Exec Mgt		\$1,241,438	6.5	\$1,391,048	6.9			
State Ofc Sr Mgt		\$2,086,812	12.8	\$2,440,073	14.2			
State Ofc Prof Svcs		\$3,766,518	40.2	\$4,406,298	45.0			
Trial / Appl Managing Atty		\$3,987,442	22.0	\$4,180,618	22.0			
Trial / Appl Sr Atty		\$23,885,912	175.4	\$26,862,478	193.1			
Trial / Appl Staff Atty		\$30,788,780	352.6	\$33,681,830	386.0			
Trial / Appl Inv / Paralegal / Social Workers		\$22,093,891	283.6	\$24,905,095	306.2			
Trial / Appl Prof Svcs		\$8,611,687	152.2	\$9,025,016	156.0			
Total Full and Part-time Employee Expenditures		\$96,664,194	1,046.2	\$107,099,300	1,130.4			
PERA Contributions		\$20,782,139		\$23,426,806				
Medicare		\$1,406,752		\$1,560,125				
State Temporary Employees		\$1,016,427		\$1,131,264				
Sick and Annual Leave Payouts		\$745,986		\$1,094,245				
Contract Services		\$771,949		\$1,271,089				
Other Expenditures (specify as necessary)		\$5,000		\$0				
Total Temporary, Contract, and Other Expenditures		\$24,728,253		\$28,483,529				
Pots Expenditures (excluding Salary Survey and Performance-based Pay already included above)		\$12,498,078		\$15,380,620				
Total Expenditures for Line Item		\$133,890,525	1,046.2	\$150,963,449	1,130.4			
Total Spending Authority / Request for Line Item		\$134,023,453	1,098.1	\$151,064,232	1,176.7	\$135,272,025	1,212.0	\$138,144,501
Amount Under/(Over) Expended		\$132,928	51.9	\$100,783	46.3			

Office of the State Public Defender FY 2026-27							Schedule 14	
Operating Expenses							Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request			
	Cleaning/Disposal Services	\$38,132	\$47,166					
	Equip Maint and Repairs	\$1,516	\$329					
	Motor Pool	\$79,416	\$106,877					
	Equip Rental	\$91,557	\$92,875					
	IS Travel	\$413,639	\$493,651					
	OS Travel	\$21,884	\$22,682					
	Telephone and Cellphone	\$725,715	\$838,211					
	Printing	\$11,516	\$21,448					
	Training/Recruiting	\$81,297	\$51,904					
	Transcription Services	\$417,824	\$510,000					
	Subscriptions & Books	\$54,481	\$274,708					
	Office Supplies	\$145,473	\$187,388					
	Postage	\$39,878	\$50,244					
	Equipment	\$164,903	\$2,494					
Total Expenditures for Line Item		\$2,287,232	\$2,699,980					
Total Spending Authority / Request for Line Item		\$2,741,532	\$2,741,532	\$2,282,254	\$2,912,889			
Amount Under/(Over) Expended		\$454,300	\$41,552					

Office of the State Public Defender FY 2026-27 Automation Plan				Schedule 14 Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request
	IT Services/Training	\$53,061	\$221,225		
	IT Hardware Maint/Repair	\$56,627	\$593,289		
	IT Software Licenses/Subscriptions	\$1,717,626	\$2,207,917		
	Communications	\$613,133	\$692,133		
	IT Supplies	\$41,592	\$142		
	Equipment	\$1,959,473	\$1,721,873		
Total Expenditures for Line Item		\$4,441,512	\$5,436,579		
Total Spending Authority for Line Item		\$4,526,055	\$5,464,594	\$3,822,295	\$4,200,197
Amount Under/(Over) Expended		\$84,543	\$28,015		

Office of the State Public Defender FY 2026-27 Leased Space / Utilities				Schedule 14 Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request
	Total Leased Space Costs	\$8,996,469	\$9,924,728		
	Utilities and Maintenance	\$175,894	\$150,664		
Total Expenditures for Line Item		\$9,172,363	\$10,075,392		
Total Spending Authority for Line Item		\$9,177,212	\$10,122,723	\$10,882,882	\$11,375,869
Amount Under/(Over) Expended		\$4,849	\$47,331		

Office of the State Public Defender FY 2026-27 Capital Outlay				Schedule 14 Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request
	Office Equip and Furn	\$281,350	\$679,940		
Total Expenditures for Line Item		\$281,350	\$679,940		
Total Spending Authority / Request for Line Item		\$281,350	\$680,013	\$46,690	\$234,740
Amount Under/(Over) Expended		\$0	\$73		

Office of the State Public Defender FY 2026-27 Mandated Costs				Schedule 14 Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request
	Experts	\$1,425,894	\$1,734,915		
	Interpreters	\$723,493	\$935,596		
	Transcripts	\$2,041,773	\$2,141,121		
	Travel	\$121,937	\$105,068		
	Discovery	\$281,771	\$289,322		
	Misc	\$61,796	\$53,669		
Total Expenditures for Line Item		\$4,656,665	\$5,259,690		
Total Spending Authority for Line Item		\$4,659,836	\$5,260,730	\$4,604,036	\$4,604,036
Amount Under/(Over) Expended		\$3,171	\$1,040		

Office of the State Public Defender FY 2026-27				Schedule 14	
Training				Position and Object Code Detail	
Object Code	Object Code Description	FY 2023-24 Actual	FY 2024-25 Actual	FY 2025-26 Appropriation	FY 2026-27 Request
	Equip Rental	\$59,181	\$68,784		
	IS Travel	\$371,586	\$736,497		
	OS Travel	\$29,039	\$28,200		
	Speakers/Registration	\$33,593	\$45,495		
	Misc Expense	\$6,602	\$7,024		
Total Expenditures for Line Item		\$500,000	\$886,000		
Total Spending Authority / Request for Line Item		\$500,000	\$886,000	\$466,760	\$483,040
Amount Under/(Over) Expended		\$0	\$0		

Judicial Department – Public Defense Independent Agencies

**FY 2026-27 Joint Budget
Committee Hearing Agenda**

Friday, January 9, 2026

9:00 am – 10:30 am

**9:45 – 10:30 Alternate Defense Counsel: Introduction, Opening
Comments, and Discussion**

Main Presenters:

- Joanna Landau, Executive Director

Supporting Presenters:

- Darren Cantor, Deputy Director
- Juanise Cornell, Chief of Staff
- Daniel Nunez, Chief Operating Officer
- Stacie Nelson Colling, Youth Defense Coordinator

Topics:

- Written & Discussion Common Questions: Pages 1-18/41
- Introduction of agency & Hearing Presentation: Pages 19-40/41

Judicial Department – Public Defense Independent Agencies

**FY 2026-27 Joint Budget
Committee Hearing**

Friday, January 9, 2026

9:00 am – 10:30 am

Common question For Department Hearings (Written-only Response)

Please provide a breakdown of your department’s total advertising budget for the current and prior fiscal year. Specifically:

- a. What is the total amount budgeted and expended on advertising and media placement type?

This does not apply to the Office of the Alternate Defense Counsel. The ADC does not budget for or expend any funds on advertising.

- b. How are those advertising dollars allocated across different media types (e.g., television (national/local/cable), radio (terrestrial vs streaming), SEM, digital (display, YouTube), connected TV, social media, print, outdoor, etc.)?

This does not apply to the ADC. The agency does not conduct any advertising or media placement of any kind.

- c. How much of that spending is directed to Colorado-based or local media outlets? How is the media currently purchased?

This does not apply to the ADC. No advertising or media placement occurs.

- d. What performance metrics or evaluation tools does the department use to measure the effectiveness of these advertising campaigns? What are the goals of the campaigns, and what key performance indicators are measured for success?

This does not apply to the ADC. The agency has no advertising activities to measure or evaluate.

- e. If any portion of advertising is managed through third-party vendors (or 'partners';) or media buying firms, please provide any available data or reporting from those companies on campaign performance and spending. How often do the departments discuss media placements with these vendors?

This does not apply to the ADC. The agency does not use any vendors or partners for advertising or media buying.

- f. Monthly or quarterly reporting - how is reporting delivered?

This does not apply to the ADC. No advertising occurs, and no reporting exists.

Discussion with the Office of Alternate Defense Counsel

1. *[JBC Staff]* Provide a discussion on budget requests made by ADC.

ADC's statutory and constitutional obligation is to receive the cases where OSPD has a conflict, assign the cases to legal teams to represent those clients, and to pay those legal teams for their work. ADC does not control case intake. Appointment decisions are made by the courts when conflicts prevent representation by the Public Defender, and overall case volume is driven by law enforcement and prosecutorial activity.

ADC's FY27 budget request is limited and driven by the cases that are coming in and driving the workload of our contractors and putting cost pressures on our budget.

ADC's primary request is R-1: Case Cost/Load Increase, totaling \$3.54 million from the General Fund, to ensure ADC can continue appointing legal teams to cases and paying them for their work. This request reflects measurable growth in ADC caseload and the cost per case.

ADC's caseload increased by 6.4% from 24,070 FY24 cases to 25,612 FY25 cases.

The average cost per case rose by \$692 from FY23 (\$1,717) to FY25 (\$2,409). This increase is driven by factors including increased discovery requirements, increased travel distances in rural areas, statutory attorney rate adjustments, and rising case complexity requiring more training and more work by legal teams.

The FY27 request does not expand services or staffing, it is intended to maintain current service levels and prevent the erosion of contractor compensation for work already performed.

ADC included a technical correction to annualize previously approved FY25 supplemental and add-on funding so the base budget accurately reflects ongoing costs, outside of the R-1 request.

ADC is also submitting, jointly with OSPD, a placeholder request related to CBI DNA misconduct cases, recognizing the likelihood of additional workload while acknowledging that the full fiscal impact from CBI malfeasance is still developing.

2. *[JBC Staff]* Discuss any trends observed in ADC's caseload and/or case complexity.

ADC continues to experience growth in its caseload, approximately 10 percent over FY26 at this same time, as of the date of this response. Case complexity has also increased, driven in part by the expanding volume of digital and other evidentiary materials that defense teams are constitutionally required to review. Together, these trends place sustained upward pressure on the Conflicts and Mandated line items.

Colorado statute SB23-227, provides for up to a \$5/hour rate annual increase for ADC attorneys, which adds to the agency's overall spending—the FY25 increase resulting in approximately \$2.6 million in increased spending. This spending keeps attorneys working for the ADC and able to take the plethora of cases the agency assigns annually. Further, no person on an ADC case was paid more than \$115 per hour in FY25, and that rate is for only the most experienced ADC attorneys. The average rate paid to ADC contractors is \$61.30/hour. While private Colorado attorneys charge an average of \$319/hour.

From a volume perspective, ADC's caseload has increased steadily over recent fiscal years, with notable growth in trial-level cases, which are the most resource-intensive. Because ADC is frequently appointed in multi-defendant cases where conflicts arise, a single filing decision can result in multiple ADC appointments at the trial level, which amplifies workload impacts beyond raw case counts, because one case with 5 clients on it is still counted as one case.

Case complexity has also increased in several significant ways, and the volume of discovery on every ADC case has substantially expanded. Discovery is the evidence in a criminal case from things like body-worn cameras, digital forensic evidence, DNA, and staggered or delayed discovery production from prosecutors. It is illustrative that hours billed for reviewing this discovery rose by 45% in two years, from 91,753 hours in FY23 to 134,517 hours in FY25. This growth is closely tied to

Travel costs have also increased sharply, because of geographic attorney shortages, judicial requirements for in-person appearances, and the statewide nature of ADC's appointments that require attorneys to get to every single court in Colorado. Travel costs rose from \$4.6 million in FY23 to \$6.9 million in FY25.

ADC has responded to these trends by continuing to invest in a holistic defense model, utilizing investigators, case assistants, social workers, and

other legal team members to shift appropriate work away from higher-cost attorney hours. While this approach can increase reported per-case costs in the short term, it improves efficiency, supports attorney sustainability, and contributes to better long-term outcomes. Even with these adjustments, overall costs continue to rise due to workload growth and structural factors outside the agency's control.

3. *[Sen. Amabile]* Describe the process for being appointed defense counsel for an indigent criminal defendant. Are there times when the Court may choose to appoint counsel for indigent criminal defense clients that are not OSPD attorneys or ADC attorney-contractors? If so, provide a description and/or example.

When a person who is indigent and charged with a criminal offense, requests the appointment of defense counsel, due to an inability to hire private counsel, a Court must determine if the person can afford counsel. People in custody are all entitled to court-appointed counsel. See Chief Justice Directive 04-04 Part III. People who are out of custody must complete an indigency application, which OSPD reviews to determine if the individual qualifies for court-appointed counsel.

Under Colorado law, the OSPD is the primary provider of indigent criminal defense services. If the OSPD has no conflict, the court appoints them to the case. If OSPD has a conflict of interest, Colorado Statutes and legal precedents require that the Court appoint ADC. *Hodges v. People*, 158 P.3d 922, 923 (Colo. 2007).

There are certain situations where courts appoint someone who is not under contract with ADC. Those situations are limited to:

- Judicial appointments of Advisory Counsel (when an individual wishes to represent themselves, but wants advice of a lawyer)

or the Court requires one be appointed), CJD 04-04 Part IV(C)(1)(a).

- Appointments of Counsel for people charged with contempt of court who may face punitive sanctions. CJD 04-04 Part IV(C)(1)(b).
- Appointments of Counsel for people who are subpoenaed as a witness to appear and testify before a grand jury. CJD 04-04 Part IV(C)(1)(c).
- Appointments of Counsel for people who are subpoenaed to testify as a witness and wants counsel to advise around the privilege against self-incrimination. CJD 04-04 Part IV(C)(1)(d)

The Judicial Department pays for counsel in these situations at the same rates as ADC counsel, as set forth in CJD 04-04 Part V(C) and Attachment D(2) to that directive.

4. *[Sen. Kirkmeyer]* Describe ways in which ADC attempts to coordinate with OASIA or other independent agencies when formulating budget requests and budget submissions.

ADC coordinates with OASIA and peer independent judicial agencies primarily to ensure technical accuracy, consistency, and timely submission of required budget materials, while retaining full responsibility for setting its own budget priorities and request content.

For ADC, OASIA's role is focused on administrative and technical support, not substantive budget development. OASIA processes ADC payroll and supports routine personnel transactions, such as benefit updates and position changes. During the budget cycle, OASIA also provides guidance on budget schedules, Performance Budgeting (PB) entries, timelines, and formatting requirements, and compiles ADC's final submission alongside

those of other independent agencies for delivery to the Joint Budget Committee.

ADC develops its budget requests internally, including caseload analysis, cost modeling, and narrative justification. Drafts are not written or reviewed by OASIA for policy or funding decisions. Coordination is instead aimed at ensuring that submissions comply with statewide requirements and are aligned with shared deadlines and procedural expectations.

ADC also coordinates informally with other independent agencies when appropriate, particularly around shared issues such as hearing logistics, common questions from the JBC, and process-related updates from Legislative Council Staff. This coordination supports clarity and efficiency while preserving each agency's statutory independence and distinct mission.

5. *[Rep. Gilchrist]* Provide a summary of expenditures by category including identifying FTE types and contractor expenses. (Written response only).

Please see ADC Schedules 14A and 14B below for category breakdown.

Office of Alternate Defense Counsel

Schedule 14A

Job Class #	Job Class Name	FY25 FTE	FY25 Wages
RE0300	OADC DIRECTOR	1.0	\$198,798
RE1180	OADC DEPUTY DIRECTOR	1.0	\$192,989
RE1841	OADC BUSINESS INTEL ANLST	1.0	\$97,215
RE2472	OADC CRT PROG ANALYST 1	2.8	\$229,633
RE2474	OADC CRT PROG ANALYST III	1.8	\$186,524
RE2475	OADC CRT PRG ANALYST IV	1.9	\$225,616
RE3010	OADC 1ST ASST LEG COUNSEL	5.8	\$923,419
RE3209	OADC PEOPLE &EDI ADVOCATE	1.0	\$114,383
RE3329	OADC ACCOUNTANT 1	1.0	\$77,100
RE3331	OADC ACCOUNTANT III	2.0	\$222,579
RE3370	OADC BUDGET MANAGER	1.0	\$159,568
RE5000	OADC INFO TECHNOLOGY COOR	1.0	\$121,885
RE7100	OADC APPT SPECIALIST	1.0	\$53,560
RE9A55	OADC PCU COORDINATOR	1.0	\$96,312
RE9H22	LICENSED SOC WORK FELLOW	1.7	\$124,960
RE9H24	OADC PCU LCSW	1.0	\$86,341
RE9L12	OADC PCU PARALEGAL	1.0	\$72,430
RE9N33	OADC PCU INVESTIGATOR	1.7	\$148,211
RE9P11	OADC PCU ATTORNEY 1	4.7	\$405,525
RE9P12	OADC PCU ATTORNEY II	0.9	\$82,918
RE9P13	OADC PCU ATTORNEY III	2.0	\$235,557
RE9P15	OADC PCU DIRECTOR	1.0	\$160,832
Total Wages		37.3	\$4,216,353

06. Office of the Alternate Defense Counsel

Schedule 14B

Line Item Object Code Detail	Object Group Name	FY 23-24 Actual Exp	FY24 FTE	FY 24-25 Actual Exp2	FY25 FTE2	FY 25-26 Approp Budget	FY26 FTE	FY 26-27 EO Request Budget	FY27 FTE
Personal Services									
Personal Services - Employees									
Object Group	Object Group Name								
FTE	Total FTE		-		40.7		41.0		41.0
1000	Total Employee Wages and Benefits	\$3,767,899		\$5,689,993		\$4,975,643		\$5,136,720	
Object Code	Object Name								
1000	Personal Services	-		-		\$4,975,643		\$5,136,720	
1110	Regular Full-Time Wages	\$2,760,195		\$4,106,900		-		-	
1111	Regular Part-Time Wages	\$24,317		\$63,406		-		-	
1140	Statutory Personnel & Payroll System Annual Leave Pay	-		\$6,930		-		-	
1340	Employee Cash Incentive Awards	\$143		-		-		-	
1510	Dental Insurance	\$14,311		\$20,635		-		-	
1511	Health Insurance	\$311,926		\$486,022		-		-	
1512	Life Insurance	\$2,544		\$3,959		-		-	
1513	Short-Term Disability	\$4,113		\$6,228		-		-	
1514	Statutory Personnel & Payroll System Vision Insurance	\$1,342		\$1,838		-		-	
1515	Statutory Personnel & Payroll System - FAMILI	-		\$17,261		-		-	
1520	FICA-Medicare Contribution	\$40,506		\$59,950		-		-	
1522	PERA	\$319,391		\$481,640		-		-	
1524	PERA - AED	\$137,798		\$207,269		-		-	
1525	PERA - SAED	\$137,798		\$207,269		-		-	
1530	Other Employee Benefits	\$13,036		\$19,186		-		-	
1630	Contractual Employee Other Employee Benefits	\$480		\$1,500		-		-	
Personal Services - Contract Services									
Object Group	Object Group Name								
1100	Total Contract Services (Purchased Personal Services)	\$834,226		\$177,402		-		-	
Object Code	Object Name								
1910	Personal Services - Temporary	\$8,500		-		-		-	
1920	Personal Services - Professional	\$56,212		-		-		-	
1935	Personal Services - Legal Services	\$587,014		\$177,402		-		-	
1960	Personal Services - Information Technology	\$182,500		-		-		-	
Subtotal All Personal Services		\$4,602,125	-	\$5,867,395	40.7	\$4,975,643	41.0	\$5,136,720	41.0
All Other Operating Expenditures									
Object Group	Object Group Name								
2000	Total Operating Expenses	\$38,515		-		-		-	
Object Code	Object Name								
2231	Information Technology Maintenance	\$17,510		-		-		-	
2254	Rental Of Equipment	\$198		-		-		-	
2255	Rental of Buildings	\$1,020		-		-		-	
3120	Books/Periodicals/Subscriptions	\$5,304		-		-		-	
3121	Office Supplies	\$71		-		-		-	
4100	Other Operating Expenses	\$987		-		-		-	
4220	Registration Fees	\$13,425		-		-		-	
Subtotal All Other Operating		\$38,515	-	-	-	-	-	-	-
Total Line Item Expenditures		\$4,640,640	-	\$5,867,395	40.7	\$4,975,643	40.7	\$5,136,720	41.0

06. Office of the Alternate Defense Counsel

Schedule 14B

Line Item	Object Code	Object Group Name	FY 23-24 Actual Exp	FY24 FTE	FY 24-25 Actual Exp2	FY25 FTE2	FY 25-26 Approp Budget	FY26 FTE	FY 26-27 EO Request Budget	FY27 FTE
Dental										
Personal Services - Employees										
Object Group	Object Group Name									
FTE	Total FTE									
1000	Total Employee Wages and Benefits									
			-	-	-	-	\$580,208	-	\$806,519	-
Object Code	Object Name									
1000	Personal Services									
			-	-	-	-	\$580,208	-	\$806,519	-
Personal Services - Contract Services										
Object Group	Object Group Name									
Object Code	Object Name									
Subtotal All Personal Services			-	-	-	-	\$580,208	-	\$806,519	-
All Other Operating Expenditures										
Object Group	Object Group Name									
Object Code	Object Name									
Subtotal All Other Operating			-	-	-	-	-	-	-	-
Total Line Item Expenditures			-	-	-	-	\$580,208	-	\$806,519	-
Disability										
Personal Services - Employees										
Object Group	Object Group Name									
FTE	Total FTE									
1000	Total Employee Wages and Benefits									
			-	-	-	-	\$7,056	-	\$3,376	-
Object Code	Object Name									
1000	Personal Services									
			-	-	-	-	\$7,056	-	\$3,376	-
Personal Services - Contract Services										
Object Group	Object Group Name									
Object Code	Object Name									
Subtotal All Personal Services			-	-	-	-	\$7,056	-	\$3,376	-
All Other Operating Expenditures										
Object Group	Object Group Name									
Object Code	Object Name									
Subtotal All Other Operating			-	-	-	-	-	-	-	-
Total Line Item Expenditures			-	-	-	-	\$7,056	-	\$3,376	-

06. Office of the Alternate Defense Counsel

Schedule 14B

Paid Family and Medical Leave Insurance

Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	-	-	\$20,922	\$21,706
Object Code	Object Name				
1000	Personal Services	-	-	\$20,922	\$21,706
Personal Services - Contract Services					
Object Group	Object Group Name				
Object Code	Object Name				
Subtotal All Personal Services		-	-	\$20,922	\$21,706
All Other Operating Expenditures					
Object Group	Object Group Name				
Object Code	Object Name				
Subtotal All Other Operating		-	-	-	-
Total Line Item Expenditures		-	-	\$20,922	\$21,706

Liability AED

Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	-	-	\$470,456	\$482,345
Object Code	Object Name				
1000	Personal Services	-	-	\$470,456	\$482,345
Personal Services - Contract Services					
Object Group	Object Group Name				
Object Code	Object Name				
Subtotal All Personal Services		-	-	\$470,456	\$482,345
All Other Operating Expenditures					
Object Group	Object Group Name				
Object Code	Object Name				
Subtotal All Other Operating		-	-	-	-
Total Line Item Expenditures		-	-	\$470,456	\$482,345

06. Office of the Alternate Defense Counsel

Schedule 14B

Step Pay

Personal Services - Employees						
Object Group	Object Group Name					
FTE	Total FTE	-	-	-	-	-
1000	Total Employee Wages and Benefits	-	-	\$32,089	-	\$22,270
Object Code	Object Name					
1000	Personal Services	-	-	\$32,089	-	\$22,270
Personal Services - Contract Services						
Object Group	Object Group Name					
Object Code	Object Name					
Subtotal All Personal Services		-	-	\$32,089	-	\$22,270
All Other Operating Expenditures						
Object Group	Object Group Name					
Object Code	Object Name					
Subtotal All Other Operating		-	-	-	-	-
Total Line Item Expenditures		-	-	\$32,089	-	\$22,270

Expenses

Personal Services - Employees						
Object Group	Object Group Name					
FTE	Total FTE	-	-	-	-	-
1000	Total Employee Wages and Benefits	\$917	\$6,838	-	-	-
Object Code	Object Name					
1622	Contractual Employee PERA	\$492	\$3,676	-	-	-
1624	Contractual Employee Pera AED	\$213	\$1,581	-	-	-
1625	Contractual Employee Pera - Supplemental AED	\$213	\$1,581	-	-	-
Personal Services - Contract Services						
Object Group	Object Group Name					
1100	Total Contract Services (Purchased Personal Services)	\$17,777	\$170,967	-	-	-
Object Code	Object Name					
1910	Personal Services - Temporary	-	\$9,000	-	-	-
1920	Personal Services - Professional	(\$12,175)	\$31,495	-	-	-
1935	Personal Services - Legal Services	\$4,952	\$55,472	-	-	-
1980	Personal Services - Information Technology	\$25,000	\$75,000	-	-	-
Subtotal All Personal Services		\$18,694	\$177,805	-	-	-

06. Office of the Alternate Defense Counsel

Schedule 14B

All Other Operating Expenditures					
Object Group	Object Group Name				
2000	Total Operating Expenses	\$326,054	\$696,837	\$408,087	\$408,087
3000	Total Travel Expenses	\$42,379	\$49,775	-	-
Object Code	Object Name				
2000	Operating Expense	-	-	\$408,087	\$408,087
2220	Building Maintenance	\$4,467	-	-	-
2231	Information Technology Maintenance	\$3,977	\$361,403	-	-
2250	Miscellaneous Rentals	\$1,931	\$280	-	-
2252	Rental/Motor Pool Mile Charge	\$270	\$180	-	-
2253	Rental of Equipment	\$3,328	\$1,600	-	-
2254	Rental Of Equipment	-	\$328	-	-
2255	Rental of Buildings	\$6,818	\$14,888	-	-
2511	In-State Common Carrier Fares	\$2,451	\$5,163	-	-
2512	In-State Personal Travel Per Diem	\$8,724	\$14,528	-	-
2513	In-State Personal Vehicle Reimbursement	\$8,811	\$23,326	-	-
2521	In-State/Non-Employee - Common Carrier	\$1,587	\$3,744	-	-
2522	In-State/Non-Employee - Personal Per Diem	\$1,166	-	-	-
2523	In-State/Non-Employee - Personal Vehicle Reimburse	\$509	-	-	-
2531	Out-Of-State Common Carrier Fares	\$7,952	\$948	-	-
2532	Out-Of-State Personal Travel Per Diem	\$8,882	\$1,053	-	-
2533	Out-Of-State Personal Vehicle Reimbursement	\$171	-	-	-
2541	Out-Of-State/Non-Employee - Common Carrier	\$894	\$1,013	-	-
2542	Out-of-State/Non-Employee - Personal Per Diem	\$1,432	-	-	-
2631	Communication Charges - Office Of Information Technol	\$11,862	\$22,722	-	-
2680	Printing And Reproduction Services	\$152	\$1,284	-	-
2810	Freight	\$59	\$60	-	-
2820	Purchased Services	\$2,975	\$2,944	-	-
3110	Supplies & Materials	\$7,001	\$3,036	-	-
3118	Food and Food Service Supplies	\$3,477	\$2,439	-	-
3120	Books/Periodicals/Subscriptions	\$184,536	\$219,924	-	-
3121	Office Supplies	\$2,507	\$2,600	-	-
3123	Postage	\$2,944	\$1,651	-	-
3128	Noncapitalizable Equipment	\$4,100	\$3,434	-	-
3132	Noncapitalizable Furniture And Office Systems	\$5,774	\$526	-	-
3140	Noncapitalizable Information Technology	\$49,291	\$15,512	-	-
3950	Gasoline	-	\$21	-	-
4100	Other Operating Expenses	(\$125)	\$6,392	-	-
4105	Bank Card Fees	\$0	\$8	-	-
4140	Dues And Memberships	\$11,485	\$10,934	-	-
4150	Interest Expense	\$0	\$436	-	-
4170	Miscellaneous Fees And Fines	\$66	\$372	-	-
4220	Registration Fees	\$19,161	\$20,340	-	-
4240	Employee Moving Expenses	-	\$3,500	-	-
4260	Nonemployee Reimbursements	-	\$25	-	-
Subtotal All Other Operating		\$368,433	\$746,612	\$408,087	\$408,087
Total Line Item Expenditures		\$387,127	\$924,418	\$408,087	\$408,087

06. Office of the Alternate Defense Counsel

Schedule 14B

Legal Services

Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	-	-	\$65,208	-
Object Code	Object Name				
1000	Personal Services	-	-	\$65,208	-
Personal Services - Contract Services					
Object Group	Object Group Name				
Object Code	Object Name				
Subtotal All Personal Services					
		-	-	\$65,208	-
All Other Operating Expenditures					
Object Group	Object Group Name				
2000	Total Operating Expenses	-	\$36,921	-	\$44,063
Object Code	Object Name				
2000	Operating Expense	-	-	-	\$44,063
2890	Legal Services	-	\$36,921	-	\$0
Subtotal All Other Operating					
		-	\$36,921	-	\$44,063
Total Line Item Expenditures					
		-	\$36,921	\$65,208	\$44,063

Conferences

Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	\$3,058	\$7,800	-	-
Object Code	Object Name				
1310	Honorarium	\$3,058	\$7,800	-	-
Personal Services - Contract Services					
Object Group	Object Group Name				
1100	Total Contract Services (Purchased Personal Services)	\$1,100	\$1,300	-	-
Object Code	Object Name				
1935	Personal Services - Legal Services	\$1,100	\$1,300	-	-
Subtotal All Personal Services					
		\$4,158	\$9,100	-	-
All Other Operating Expenditures					
Object Group	Object Group Name				
2000	Total Operating Expenses	\$22,203	\$50,392	-	-
3000	Total Travel Expenses	\$24,174	\$19,780	-	-
5200	Total Other Payments	-	-	\$180,000	\$180,000

06. Office of the Alternate Defense Counsel

Schedule 14B

Object Code	Object Name				
2250	Miscellaneous Rentals	-	\$4,097	-	-
2253	Rental of Equipment	(\$843)	-	-	-
2255	Rental of Buildings	\$1,326	\$275	-	-
2511	In-State Common Carrier Fares	-	\$600	-	-
2512	In-State Personal Travel Per Diem	\$4,478	\$3,805	-	-
2513	In-State Personal Vehicle Reimbursement	\$1,277	\$1,015	-	-
2521	In-State/Non-Employee - Common Carrier	-	\$638	-	-
2522	In-State/Non-Employee - Personal Per Diem	\$12,184	(\$2,970)	-	-
2523	In-State/Non-Employee - Personal Vehicle Reimb	\$287	\$292	-	-
2541	Out-Of-State/Non-Employee - Common Carrier	\$5,835	\$7,137	-	-
2542	Out-of-State/Non-Employee - Personal Per Diem	\$112	\$9,244	-	-
2810	Freight	\$0	\$222	-	-
2820	Purchased Services	\$5,219	\$7,675	-	-
3110	Supplies & Materials	-	\$192	-	-
3118	Food and Food Service Supplies	\$8,884	\$19,402	-	-
3120	Books/Periodicals/Subscriptions	\$2,122	\$3,994	-	-
3121	Office Supplies	\$46	\$549	-	-
3128	Noncapitalizable Equipment	\$228	\$199	-	-
3140	Noncapitalizable Information Technology	\$324	\$1,449	-	-
4100	Other Operating Expenses	\$3,484	\$6,744	-	-
4105	Bank Card Fees	-	\$825	-	-
4140	Dues And Memberships	\$60	\$65	-	-
4170	Miscellaneous Fees And Fines	\$4	-	-	-
4220	Registration Fees	\$1,350	\$4,703	-	-
5200	Other Payments	-	-	\$180,000	\$180,000
Subtotal All Other Operating		\$46,377	\$70,152	\$180,000	\$180,000
Total Line Item Expenditures		\$50,535	\$79,252	\$180,000	\$180,000
Interest					
Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	\$116,827	\$78,323	-	-
Object Code	Object Name				
1622	Contractual Employee PERA	\$62,703	\$42,350	-	-
1624	Contractual Employee Pera AED	\$27,062	\$17,986	-	-
1625	Contractual Employee Pera - Supplemental AED	\$27,062	\$17,986	-	-
Personal Services - Contract Services					
Object Group	Object Group Name				
1100	Total Contract Services (Purchased Personal Svcs)	\$47,317,335	\$53,761,046	-	-
Object Code	Object Name				
1935	Personal Services - Legal Services	\$47,317,335	\$53,761,046	-	-
Subtotal All Personal Services		\$47,434,162	\$53,839,369	-	-

06. Office of the Alternate Defense Counsel

Schedule 14B

All Other Operating Expenditures					
Object Group	Object Group Name				
2000	Total Operating Expenses	\$140,332	\$155,974	\$59,345,962	\$70,378,867
3000	Total Travel Expenses	\$1,395,202	\$1,818,703	-	-
Object Code	Object Name				
2000	Operating Expense	-	-	\$59,345,962	\$70,378,867
2250	Miscellaneous Rentals	-	\$430	-	-
2521	In-State/Non-Employee - Common Carrier	\$25,755	\$44,353	-	-
2522	In-State/Non-Employee - Personal Per Diem	\$123,154	\$153,890	-	-
2523	In-State/Non-Employee - Personal Vehicle Reimb	\$1,190,744	\$1,385,383	-	-
2541	Out-Of-State/Non-Employee - Common Carrier	\$26,753	\$24,730	-	-
2542	Out-of-State/Non-Employee - Personal Per Diem	\$28,797	\$30,547	-	-
2680	Printing And Reproduction Services	-	\$1,594	-	-
3110	Supplies & Materials	\$446	\$372	-	-
3120	Books/Periodicals/Subscriptions	-	\$17	-	-
3123	Postage	-	\$4	-	-
4170	Miscellaneous Fees And Fines	-	\$2,962	-	-
4260	Nonemployee Reimbursements	\$139,886	\$150,595	-	-
Subtotal All Other Operating		\$1,535,535	\$1,774,677	\$59,345,962	\$70,378,867
Total Line Item Expenditures		\$48,969,697	\$55,614,046	\$59,345,962	\$70,378,867
Mandated Costs					
Personal Services - Employees					
Object Group	Object Group Name				
FTE	Total FTE	-	-	-	-
1000	Total Employee Wages and Benefits	\$16,892	\$18,091	-	-
Object Code	Object Name				
1622	Contractual Employee PERA	\$8,961	\$9,723	-	-
1624	Contractual Employee Pera AED	\$3,866	\$4,184	-	-
1625	Contractual Employee Pera - Supplemental AED	\$3,866	\$4,184	-	-
Personal Services - Contract Services					
Object Group	Object Group Name				
1100	Total Contract Services (Purchased Personal Svcs)	\$2,690,472	\$2,590,839	-	-
Object Code	Object Name				
1935	Personal Services - Legal Services	\$2,690,472	\$2,590,839	-	-
Subtotal All Personal Services		\$2,707,164	\$2,608,930	-	-
All Other Operating Expenditures					
Object Group	Object Group Name				
2000	Total Operating Expenses	\$26,324	\$14,867	\$3,049,773	\$3,483,337
3000	Total Travel Expenses	\$28,385	\$32,587	-	-
Object Code	Object Name				
2000	Operating Expense	-	-	\$3,049,773	\$3,483,337
2521	In-State/Non-Employee - Common Carrier	\$4,610	\$8,297	-	-
2522	In-State/Non-Employee - Personal Per Diem	\$650	\$4,444	-	-
2523	In-State/Non-Employee - Personal Vehicle Reimb	\$6,753	\$8,181	-	-
2541	Out-Of-State/Non-Employee - Common Carrier	\$14,207	\$10,191	-	-
2542	Out-of-State/Non-Employee - Personal Per Diem	\$2,165	\$1,474	-	-
3120	Books/Periodicals/Subscriptions	\$10,016	\$10,717	-	-
3123	Postage	-	\$57	-	-
4170	Miscellaneous Fees And Fines	\$1,347	\$760	-	-
4260	Nonemployee Reimbursements	\$14,961	\$3,332	-	-
Subtotal All Other Operating		\$54,709	\$47,453	\$3,049,773	\$3,483,337
Total Line Item Expenditures		\$2,761,873	\$2,656,384	\$3,049,773	\$3,483,337

Office of Alternate Defense Counsel

Joint Budget Committee



Joanna E. Landau

Executive Director

Juanise Cornell **Darren Cantor**

Chief of Staff

Deputy Director

Daniel Nunez

Chief Operating Officer

Stacie Nelson Colling

Youth Defense Coordinator

ADC Executive Leadership Team

What is the Right to Counsel?

The Colorado Constitution and the 6th Amendment to the United States Constitution provide accused people with the right to legal representation at government expense in criminal cases.



Scottsboro Boys
Powel v. Alabama,
287 US 45 (1932)



Clarence Earl Gideon
Gideon v. Wainright
372 US 335 (1963)



What is the Office of Alternate Defense Counsel?

The ADC was established in 1996 as an independent government agency of Colorado's Judicial Branch to represent people when the OSPD has a conflict that prevents their representation of clients.

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ADC has 41 FTEs and 1,200+ contractors (attorneys, investigators, paralegals, social workers, etc.) working across the state representing people in Colorado's Municipal, County, Juvenile, and Appellate Courts.

# Why do we need Alternate Defense Counsel?

The Office of State Public Defender (OSPD) can't take every client charged with a criminal offense.

Courts appoint ADC conflict counsel when OSPD has a conflict of interest preventing them from representing a client. Conflicts are governed by attorney rules of professional conduct.

Attorneys representing different clients on the same criminal case cannot generally be in practice together. So, ADC works with independent contractors.

# WHO ARE ADC CLIENTS?

When multiple people are charged on one criminal case, OSPD may take 1 client while ADC must assign contract attorneys to everyone else on the case who is indigent.

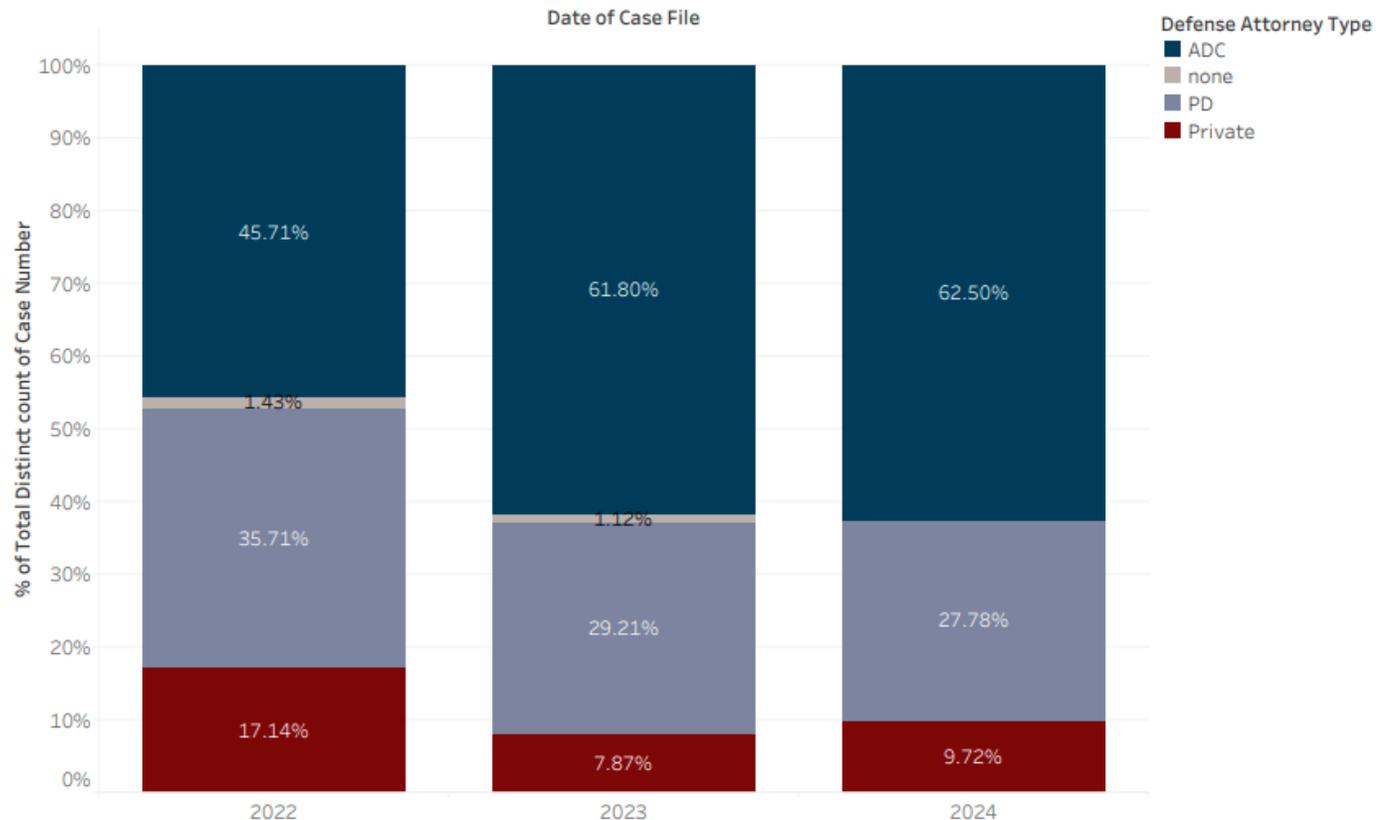
13 ADAMS COUNTY DEFENDANTS INDICTED FOR ALLEGEDLY STEALING VEHICLES FROM DENVER INTERNATIONAL AIRPORT AND SURROUNDING METRO AND USING SOME OF THOSE VEHICLES TO BURGLARIZE BUSINESSES

## LOCAL NEWS

**2 in custody after man assaulted, vehicle stolen while pumping gas on Colfax**

# ADC YOUTH CASES/CLIENTS

Type of Defense Attorney Percent of Total CY22 to CY24



ADC represents youth in juvenile delinquency cases

ADC represents 62.5% of kids in cases where kids are charged as adults.

These cases typically involve multiple youth, creating a conflict for OSPD.

# Why do we need Alternate Defense Counsel?



- Every day of incarceration in the Colorado State Prison costs Colorado taxpayers: \$155 or \$56,000+ /year.
- CO Prison beds are reaching capacity
- Jails house the overflow.
- CO reimburses jails \$77.16/person/day.
- Jails say the actual daily cost to house individuals is \$143.18.

# Why do we need Alternate Defense Counsel?

## ADC contract attorneys are saving the state \$\$\$

An ADC legal team achieved a sentence reduction from LWOP to 48 years, making their client immediately eligible for parole.

*We're super grateful for our ADC partnership -- none of this would have been possible without it! We saved a life and achieved a second chance for an incredibly deserving person.*

Savings of \$1.5m

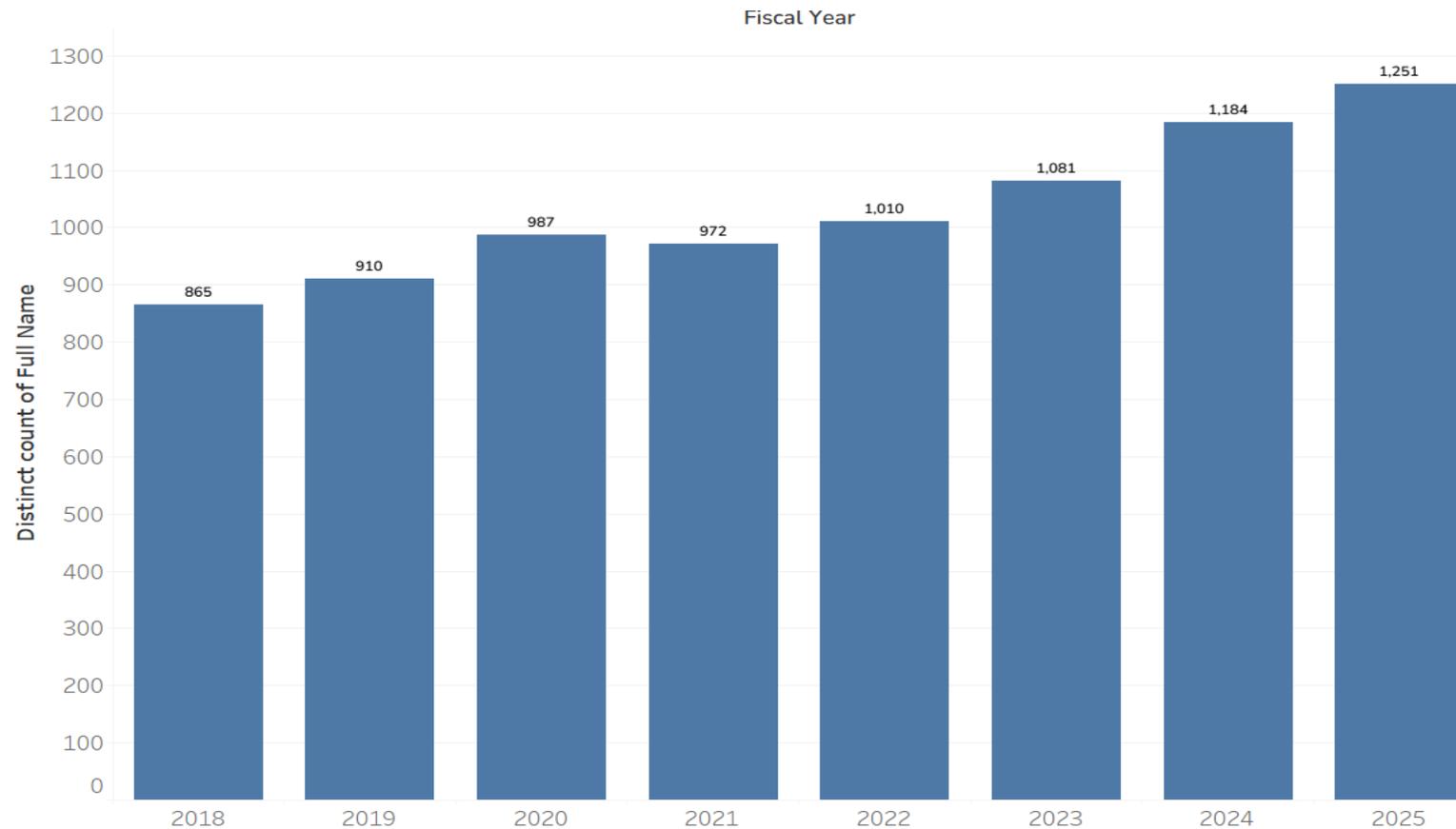
An ADC legal team was set for a month long trial for their young female client on a COCCA case.

They avoided trial negotiating an 8-18 open concurrent sentence, down from the original DA offer of 25 years.

*Our client, who was likely trafficked, is relieved and so grateful.*

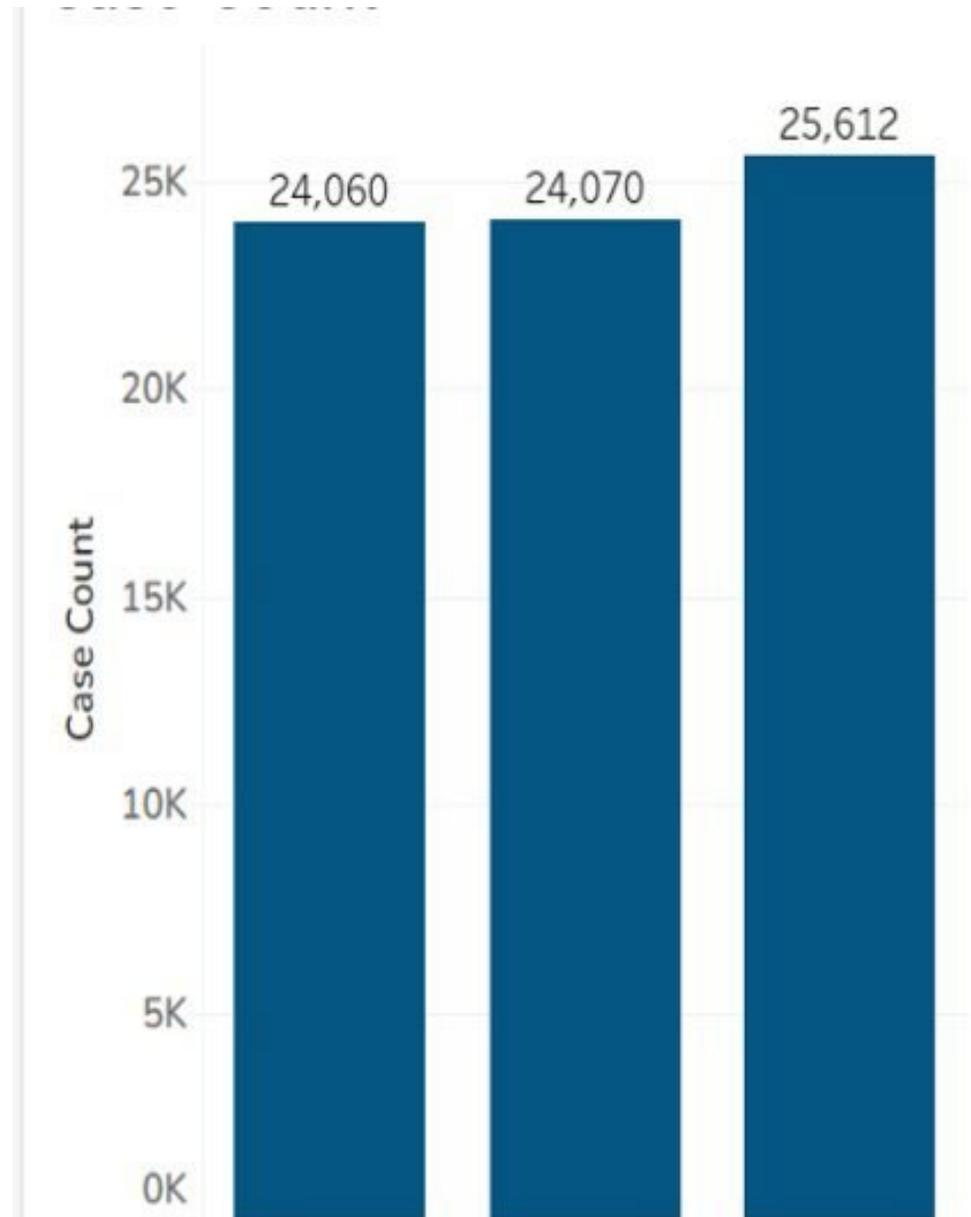
Savings of at least \$2m

# Number of ADC Contractors 2018-2025



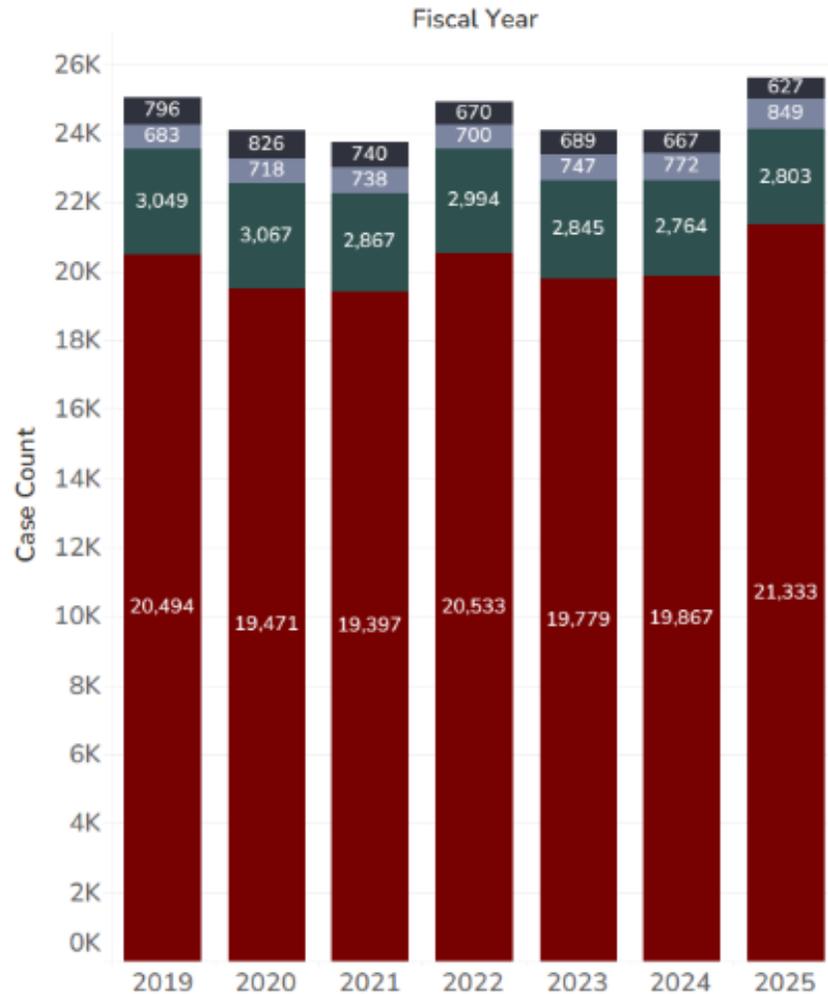
# TOTAL CASES ADC ASSIGNED

## FY23-25

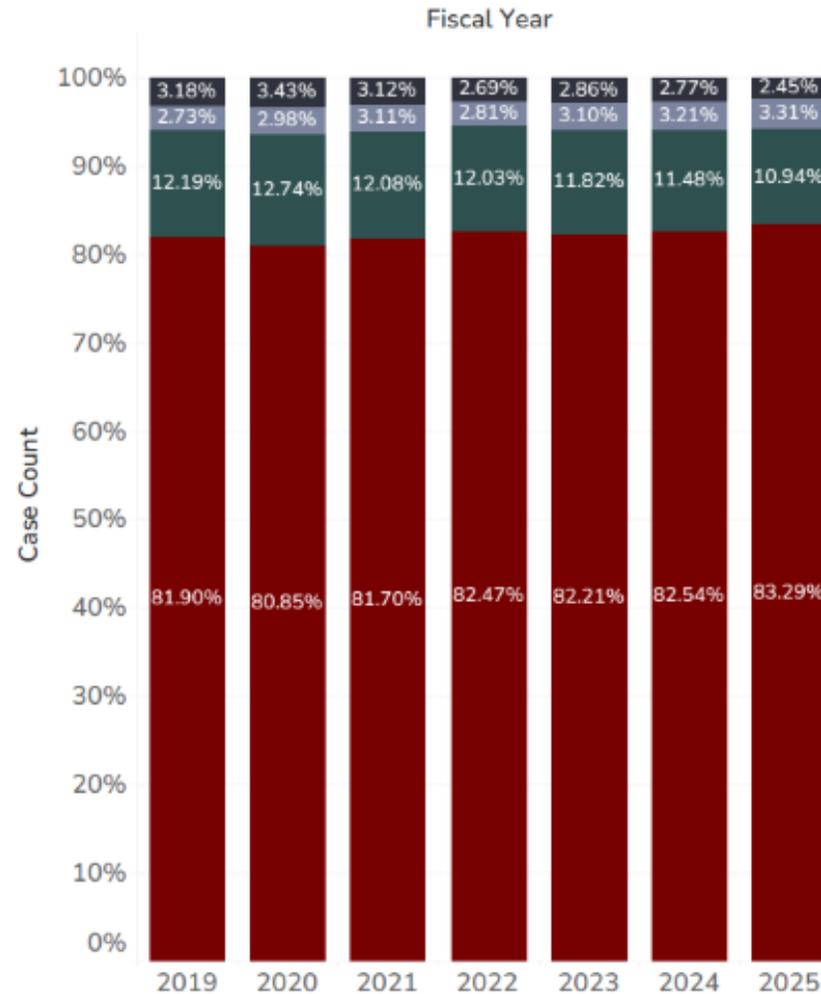


# ADC CASES BY TYPE

Total Cases by Category



Total Cases by Category Percentages



Case Category  
 ■ Appeal  
 ■ Post Convicti..  
 ■ Special Proce..  
 ■ Trial Court

# COLORADO FORENSIC SCIENCE INTEGRITY ACT "FSIA" CASES



- The FSIA requires every person to be appointed counsel in cases affected CBI's mishandled evidence.

HOUSE BILL 25-1275

In December 2025 OSPD had notice of 3000+ FSIA cases.

ADC/OSPD are collaborating on trainings for legal teams to efficiently work these cases.

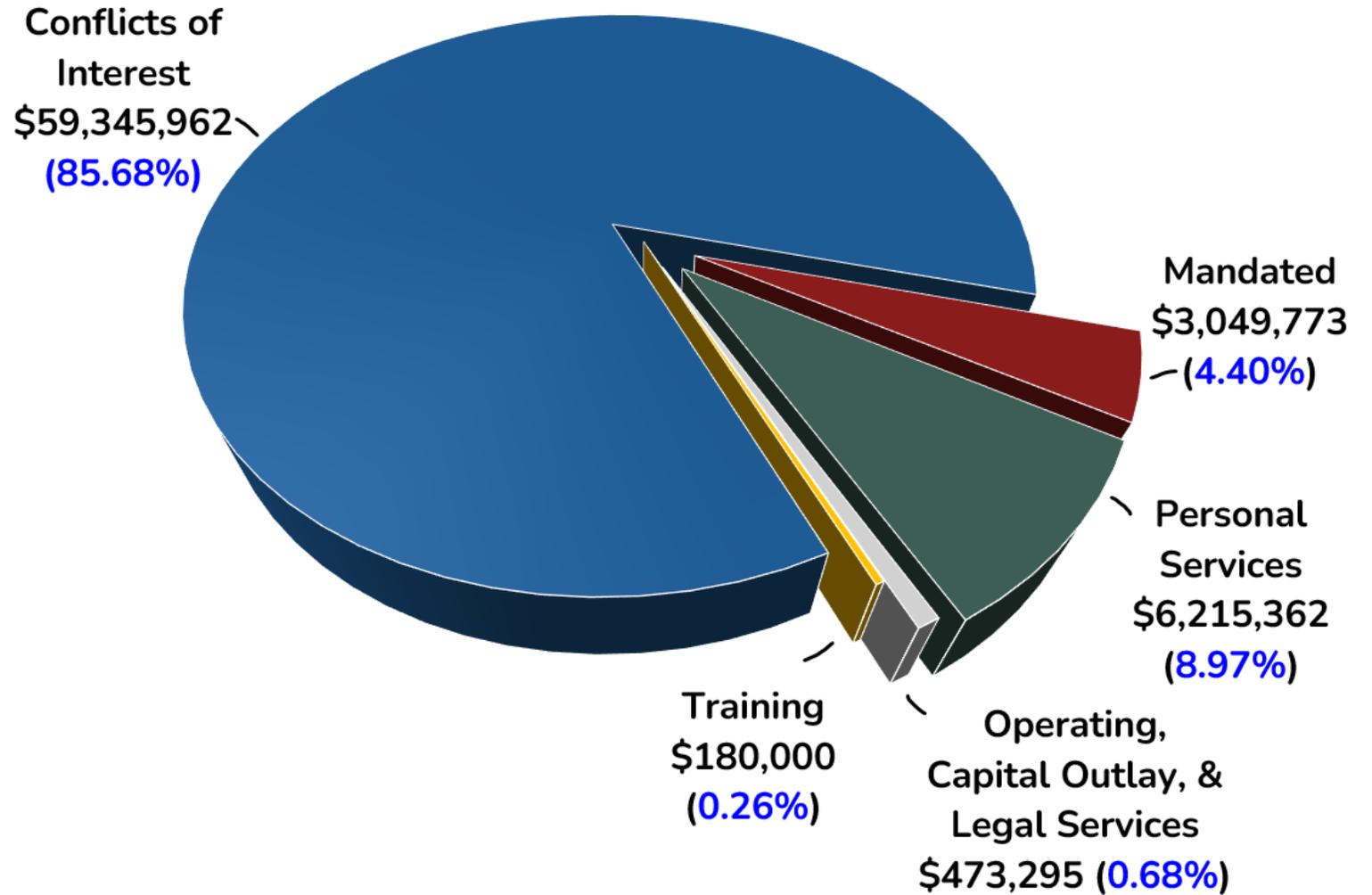
- FSIA cases are expensive.
- As of 12.31.25 ADC had paid ~\$210,000 for FY26 FSIA casework.
- When ADC assigns FSIA cases, legal teams must engage an expert to review the science and the harm from the malfeasance.

# FY 2025-27 Funding Overview

ADC is asking for continued/annualized and increased conflicts funding for FY27

# FY2025-26 Total Appropriation \$ 69,264,392

## Alternate Defense Counsel FY 25-26 Budget Snapshot



# FY 26-27 BUDGET REQUEST EXPLAINED

|                                    |             |
|------------------------------------|-------------|
| D1 CONFLICT COSTS INCREASE REQUEST | \$3,542,760 |
|------------------------------------|-------------|

## ANNUALIZATION REQUESTS

|                          |            |
|--------------------------|------------|
| FY 26-27 Statewide Total | +\$503,433 |
| Comp. Request            |            |

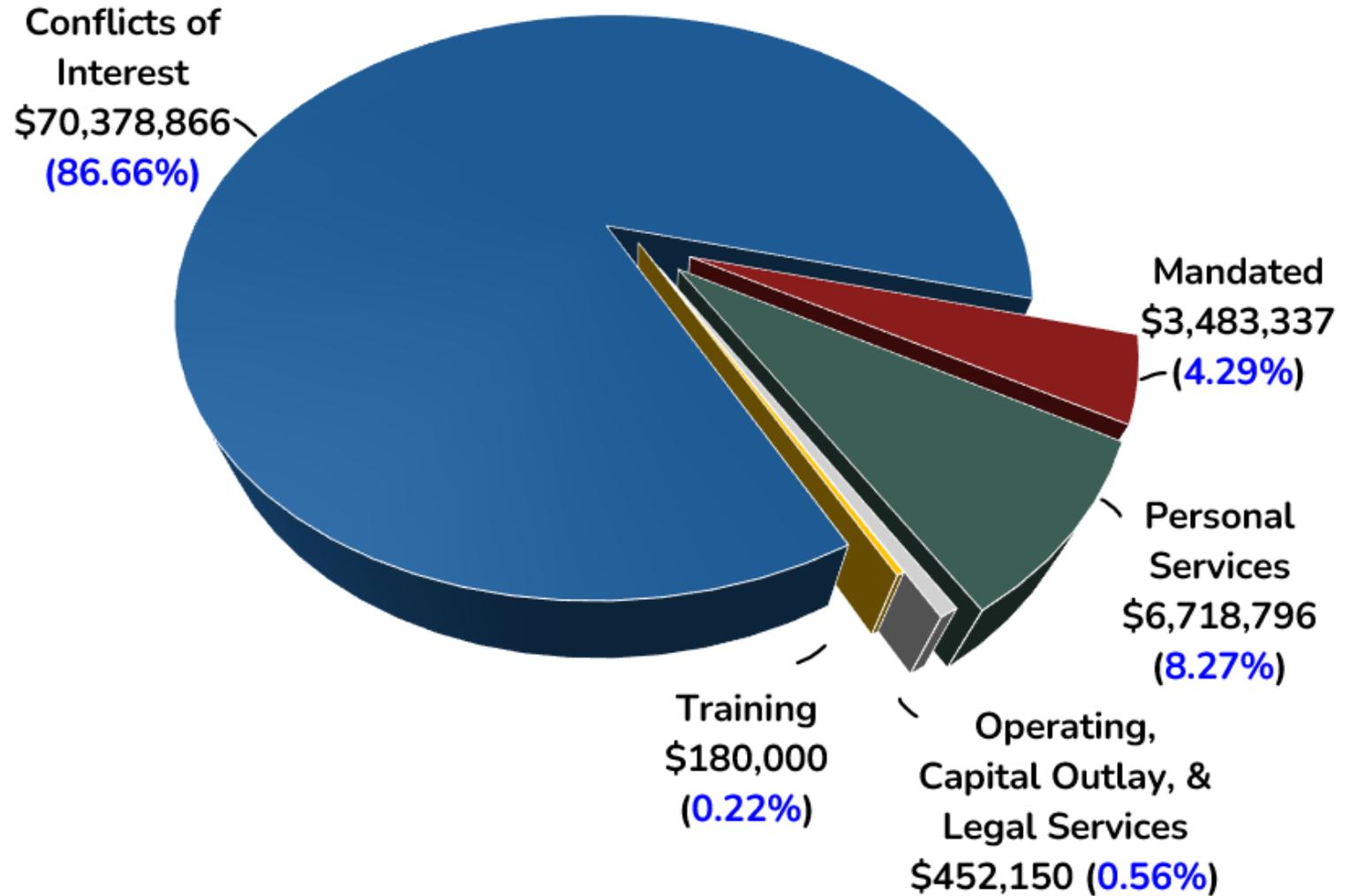
|                       |              |
|-----------------------|--------------|
| FY 25 SUPP (SB25-096) | +\$2,792,679 |
|-----------------------|--------------|

|                         |              |
|-------------------------|--------------|
| FY 25 ADD ON (SB25-206) | +\$2,534,914 |
|-------------------------|--------------|

|                                         |                    |
|-----------------------------------------|--------------------|
| FY 27 ATTORNEY RATE                     | UP TO +\$2,148,307 |
| INCREASE - UP TO \$5/HOUR<br>(SB23-227) |                    |

# Alternate Defense Counsel FY 26-27 Budget Snapshot

## FY2026-27 Total Appropriation \$ 81,213,149



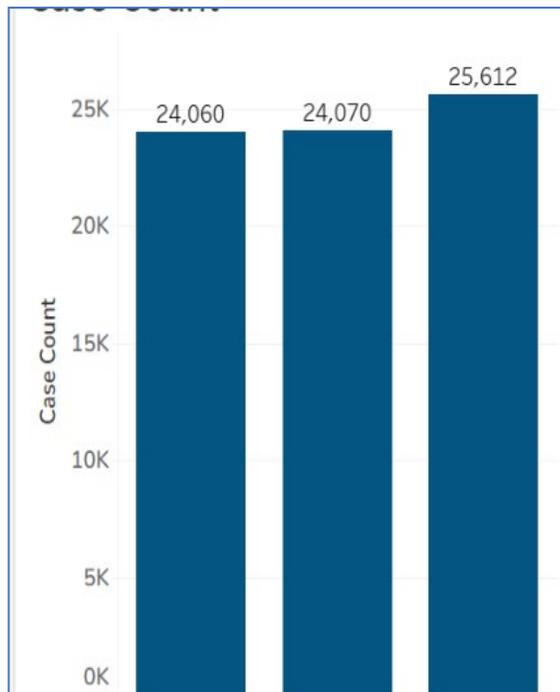


# **ADC** **Base** **Budget** **Numbers**

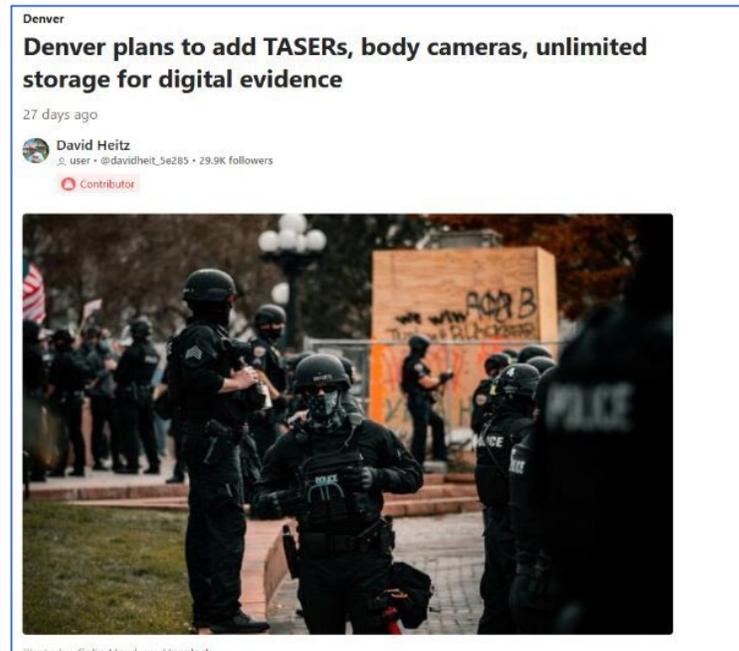
|                        |              |
|------------------------|--------------|
| ADC FY25-26 BASE       | \$69,264,392 |
| ADC FY26-27 BASE       | \$77,670,388 |
| ADC FY27-28 BASE up to | \$81,213,149 |

# FACTORS DRIVING ADC SPENDING

STATEWIDE CRIMINAL CASE INCREASE



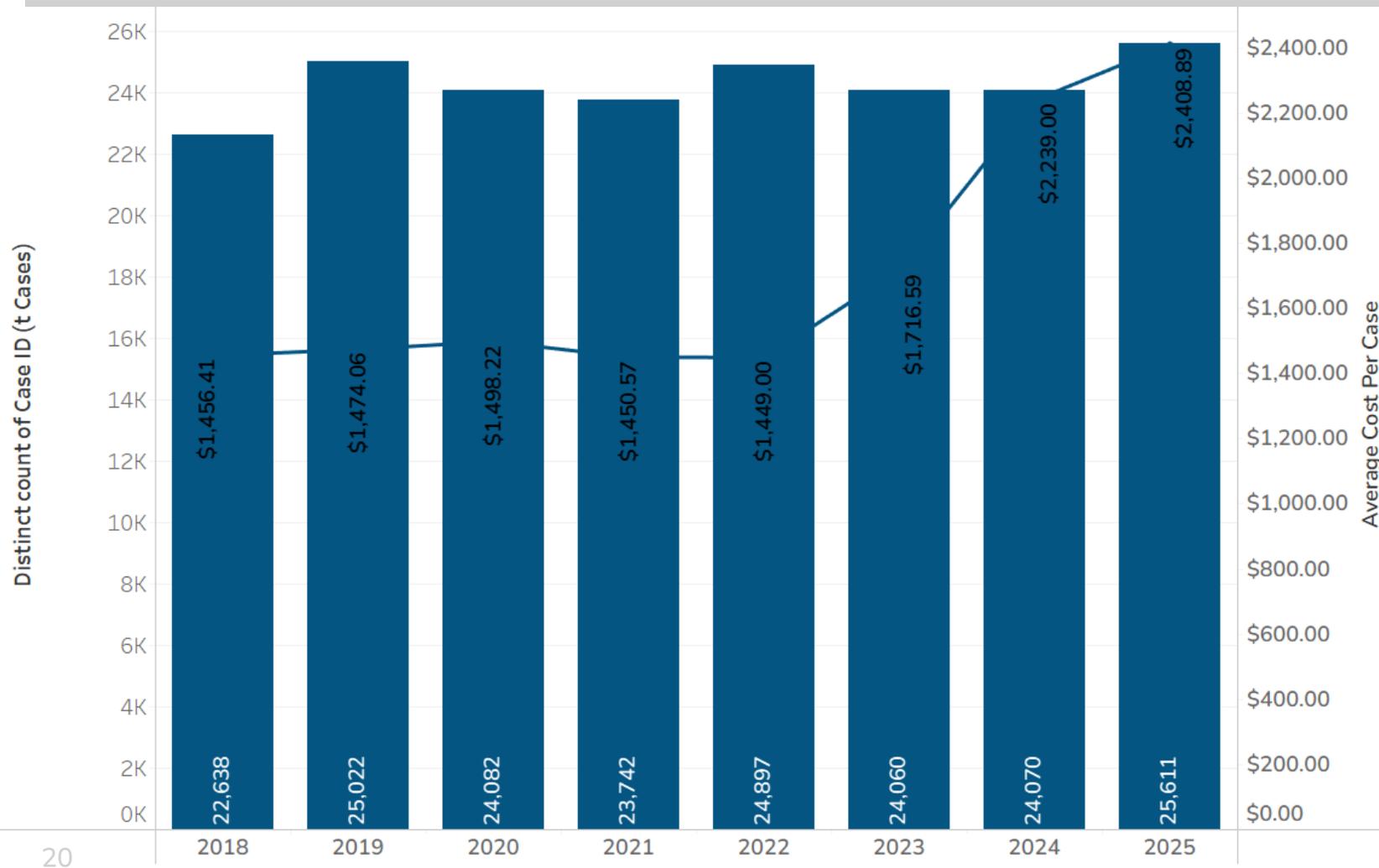
INCREASED DISCOVERY IN EACH CRIMINAL CASE



TRAVEL TO RURAL COLORADO COURTS



# Case Count/Average Cost Per Case

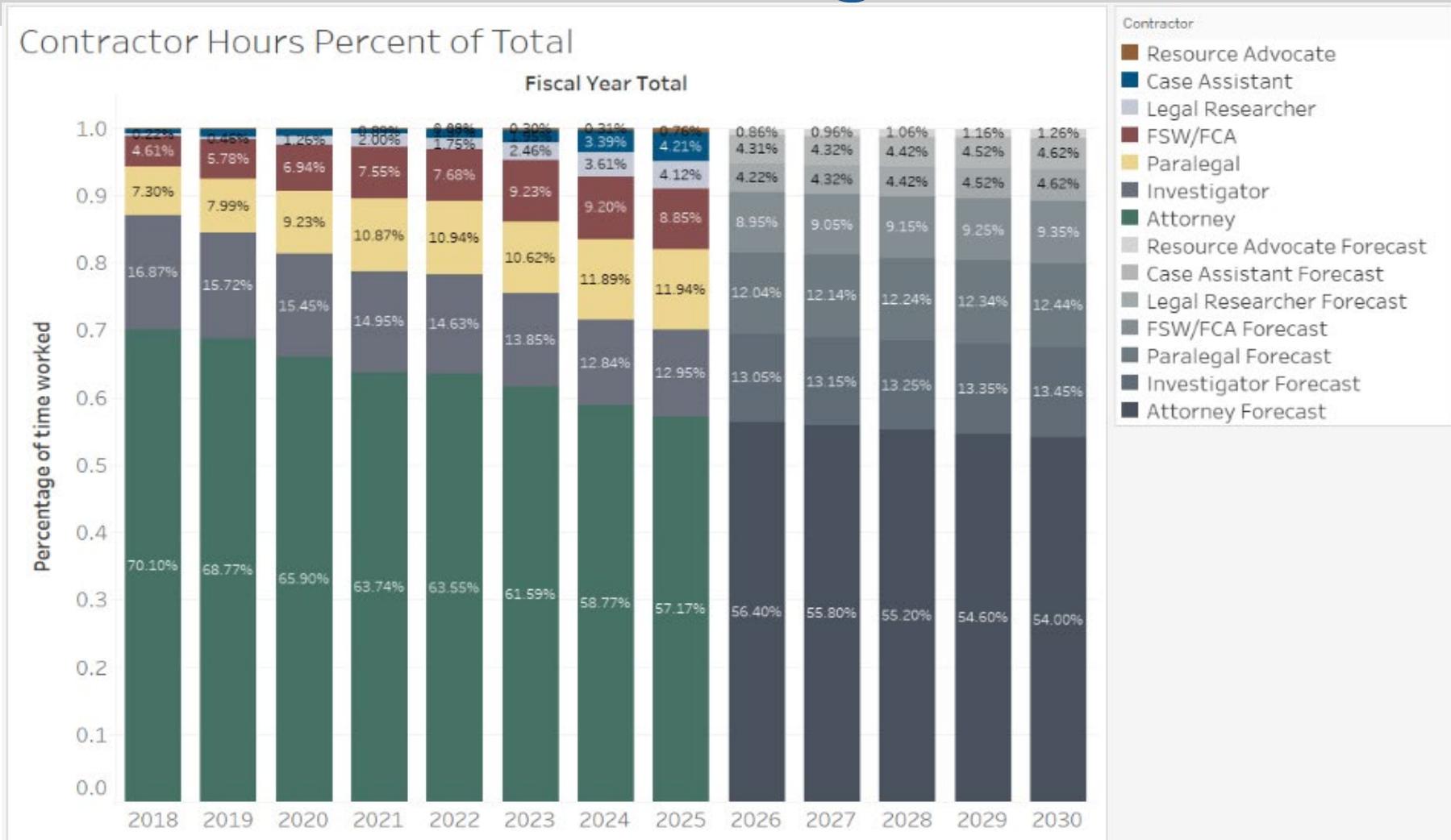


**\$2,409**  
 is the average cost  
 per case for over  
 25,000 cases  
 -----  
 This cost is within  
 our projected  
 range of  
**\$1,600-\$2,500**  
 per case. The case  
 volume is just  
 increasing

# ADC GOOD NEWS

- New Executive Director with a new innovative/strategic approach.
- Analyzing Case Costs: ADC is reviewing expenditures, average costs per case, trends, and billing data to identify drivers and strategies for cost containment.
- Denver case numbers are down. 2024 case filings are down in all categories except municipal filings which are up 3%. A good trend.
- Training Focus: ADC is prioritizing targeted training of legal teams to help deliver efficient, high-quality services at decreased overall case costs.
  - Workload Balance: ADC Attorney hours dropped from 70.1% in FY18 to 57.2% in FY25, reflecting increased participation by legal team members who work at a lower rate than attorneys.
  - FY25 Hours: Attorney hours were slightly lower (57.2%) & paralegal hours slightly higher (11.9%) than we estimated they would be for last FY.

# Providing multidisciplinary legal teams for ADC clients & training to contain costs





**Office of  
Alternate Defense  
Counsel**

**Thank  
you**