

AGENDA

Joint Judiciary Committee SMART Government Act Hearing

Thursday, January 22, 2026

Upon Adjournment of the House and Senate

Old State Library

State Capitol Building

3:15 p.m. Office of the Alternate Defense Counsel Presentation

- Joanna Landau, Executive Director
- ✓ Public Testimony Concerning the Office of the Alternate Defense Counsel



COLORADO OFFICE OF THE
ALTERNATE DEFENSE COUNSEL

Joanna E. Landau, Executive Director

Annual Report to the Joint Judiciary Committee

Pursuant to :

HB 13-1299 (SMART Act)

HB 14-1032 (Youth Defense)

SB 19-223 (Competency Bill)

January 22, 2026

Joanna E. Landau, Executive Director



Joanna E. Landau, Executive Director

Dear Joint Judiciary Committee,

I am thrilled to meet you all and to introduce myself as I step into this formidable role as the new Executive Director of the Colorado Alternate Defense Counsel (ADC). I am profoundly grateful for the General Assembly's enduring support for the Constitutional work the ADC does, through its nearly 28 years of existence.

Colorado is home. I grew up here and returned because Colorado is renowned for its public defense system, and especially the ADC, for its dynamic ability to handle public defense cases effectively and efficiently when "the state public defender has a conflict of interest."

I am excited to help steer the ADC into its next phase. I bring a commitment to **fiscal responsibility, data-driven policy, and the zealous representation** of indigent clients to the job. I spent fifteen years working across Utah's public defense systems. I was the Executive Director of Utah's first statewide public defense agency, where I worked closely with the Utah Legislature to improve local systems with a responsible and accountable budget. I have also managed the Criminal Justice Act Panel of conflict attorneys for the Utah Federal Defenders, working under the strict scrutiny of Federal Judges who demanded accountability for attorney billing.

In considering our FY27 request to the General Assembly, I focused on fiscal responsibility and the extreme economic stress facing Colorado, while knowing the Constitution requires the ADC to ensure Colorado's indigent clients are represented by competent defense teams.

I am also undertaking a systematic review of all that we do as a state agency, to increase our accountability and efficiency. And I brought in fresh eyes and a critical data-driven analysis to our consideration of ADC's fiscal needs for the next fiscal year. As described in more detail below, our budget request is based on an adjusted evaluation of our case trends, case expenditures, and consideration of the potential savings from a more holistic, less attorney-heavy approach to representing clients. The reality is, even with our approach, statewide caseloads and case costs are increasing, and our budget request is to ensure we can keep representing clients to whom we are assigned.

The ADC is the criminal justice agency with the least ability to control its intake of cases. Law enforcement brings cases, prosecutors screen and file cases, the Office of the State Public Defender (OSPD) takes the cases they can, and ADC is given the rest. This means, for cases with many individuals, ADC must assign attorneys to several more. And we take our constitutional responsibility to show up for these clients seriously and are mindful that every penny we spend representing them comes from Colorado's taxpayers.

Our requested budget increase will enable us to maintain our constitutionally mandated work, paying contractors across Colorado to represent ADC clients. Without adequate funding, contractors will be forced to stop working on pending cases, stop accepting appointments on new cases, and the system will experience untenable consequences and an avoidable constitutional crisis.

We hope the charts below explain the landscape of ADC cases, our explanation for the higher costs, and our focus on potential savings of providing an interdisciplinary defense to ADC clients.

We ask for this funding, with a commitment to use it wisely, efficiently, and effectively.

Sincerely,

Joanna E. Landau

Executive Director, Colorado Office of Alternate Defense Counsel

Budget Summary

The total FY 2026-27 budget request for the Office of the Alternate Defense Counsel is \$81,213,149 and 41.0 FTE.

FY 2025-26 Appropriation \$ 69,264,392

MINUS Annualization of Legal Services (\$21,145)

PLUS FY26-27 Statewide Total Comp Request \$ 503,433

PLUS Annualize SB23-227 \$ 2,596,115

PLUS Technical Correction FY25 Supplemental \$ 2,792,679

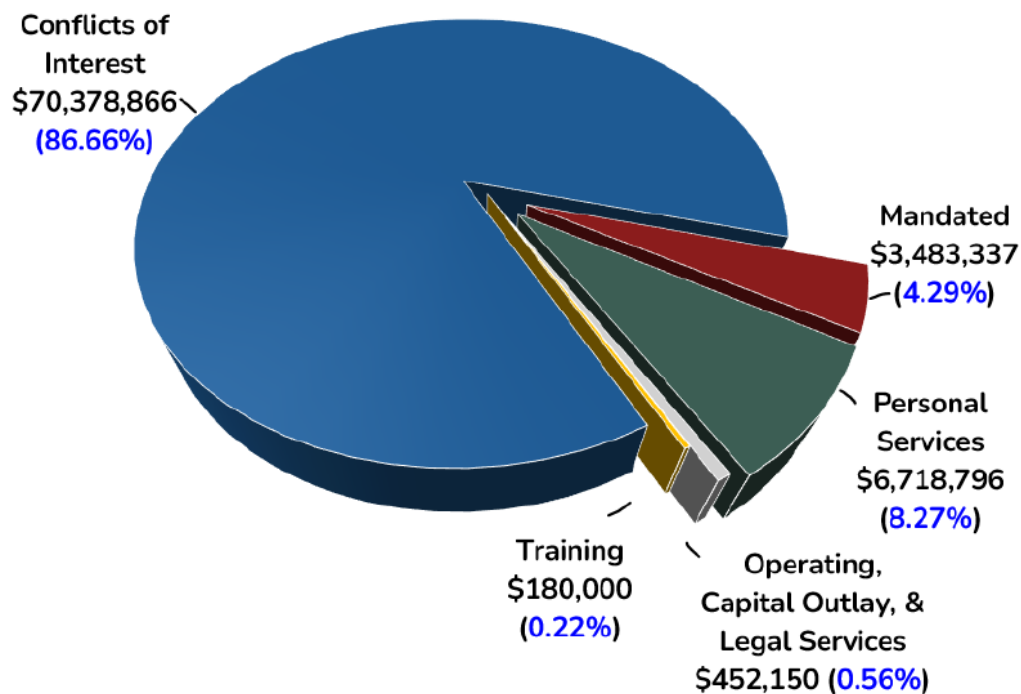
PLUS Technical Correction FY25 LB Add-on \$ 2,534,914

FY 2026-27 Base Request of \$ 77,670,388

PLUS DI 1 – Change Request – Case Cost/Load Increase (FY27) \$ 3,542,761

FY 2026-27 Budget Request of \$ 81,213,149

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



Agency Overview

Background

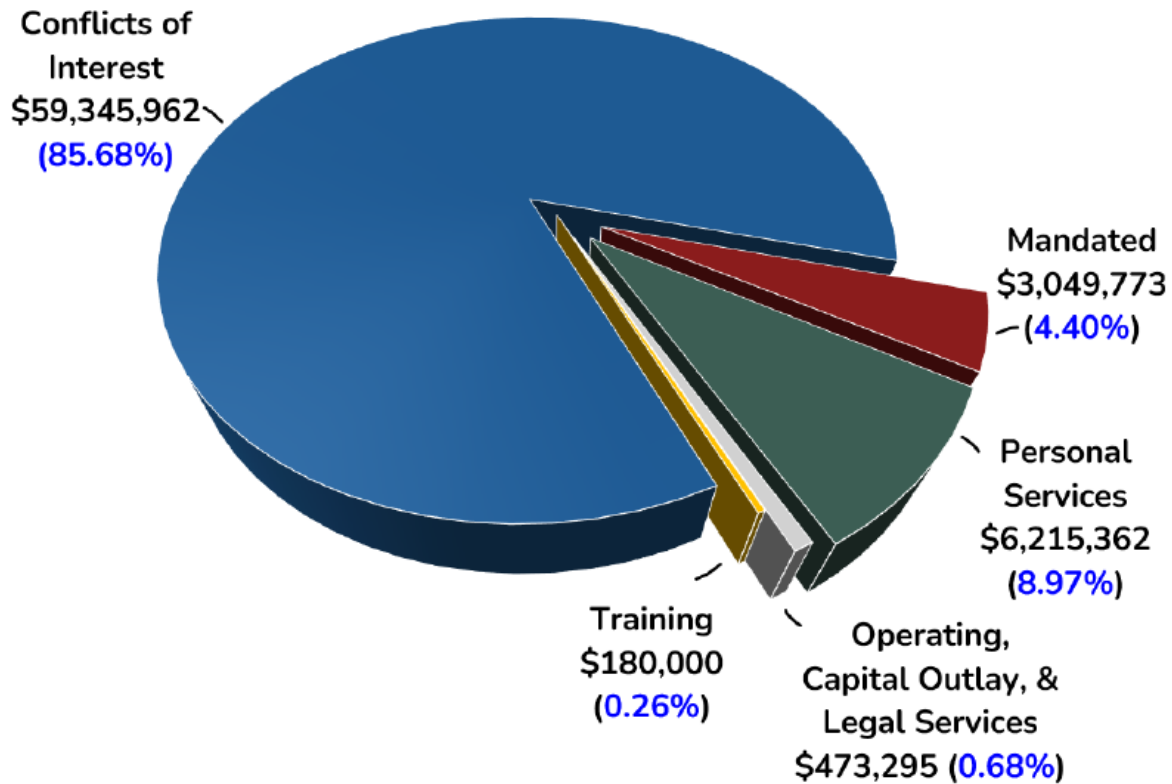
The United States and Colorado Constitutions provide every accused person with the right to legal representation by counsel in criminal prosecutions. [U.S. Const., amend. VI](#); [Colo. Const., art. II, §16](#). This constitutional right means counsel must be provided at government expense for people who cannot afford an attorney, and their case includes a loss of liberty as a possible penalty.

The ADC was established pursuant to statute as an independent governmental agency of the State of Colorado Judicial Branch. The statutes governing our work are here: <https://www.coloradoadc.org/images/OADCUpload/CRS21-2-101-et-seq.pdf>

The ADC achieves these goals by providing statewide holistic public defense services at the statewide municipal, juvenile, trial, appellate, and post-conviction stages of cases to the people it is assigned to represent, a model of legal representation that is ethical, informed, and client-focused. The economic goal of holistic defense is to increase community safety, reduce recidivism, and help people return to successful participation in their communities.

FY2025-26 Total Appropriation

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



SMART Act (HB 13-1299)

Agency Objectives and Performance Measures

- Performance Measure A: Contain Case Costs
- Performance Measure B: Providing Multidisciplinary Legal Teams for ADC clients

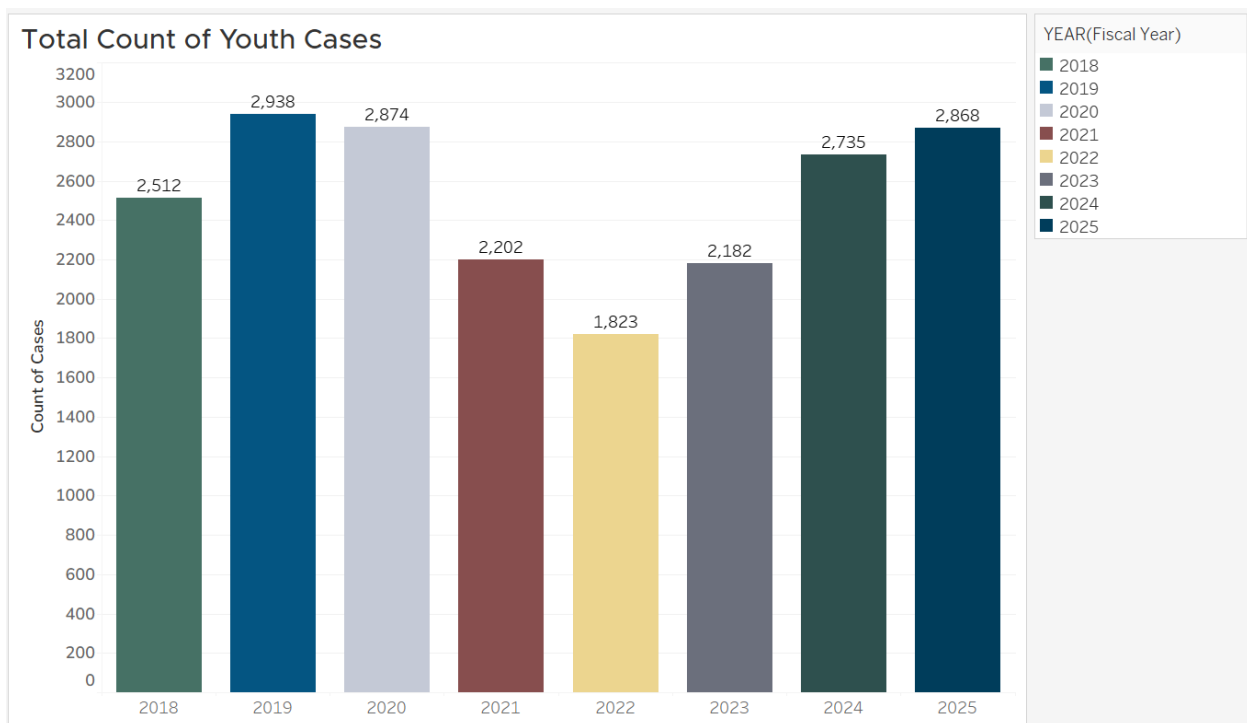
For historical and projected data please see Appendix A: Agency Objectives and Performance Measures.

HB 14-1032 (Youth Defense)

§ 21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) PURSUANT TO SECTION 2-7-203, C.R.S., THE OFFICE OF ALTERNATE DEFENSE COUNSEL SHALL REPORT ANNUALLY TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR TO ANY SUCCESSOR COMMITTEES, INFORMATION CONCERNING:

(a) THE NUMBER OF JUVENILE DELINQUENCY CASES FOR WHICH COUNSEL FROM THE OFFICE IS APPOINTED;



(b) THE NUMBER OF JUVENILE CASES THAT INVOLVE A CONFLICT OF INTEREST;

Each case involves a conflict of interest. An OADC contract attorney may only be appointed when the Office of the State Public Defender has declared a conflict of interest.

(c) THE PROCESS OF SELECTING, TRAINING, AND SUPPORTING ATTORNEYS WHO REPRESENT CHILDREN IN JUVENILE DELINQUENCY COURT;

Selection: Since 2017, ADC has maintained a Youth Defense Division of attorneys who specialize in defending youth and have the requisite knowledge, experience, and training to represent children.

To have a youth defense contract, applicants must show interest in youth defense, experience, command of relevant case law, statutes, policies, and standards, and understanding of social science research related to adolescent behavior and development. Applicants must also demonstrate the ability to provide holistic defense to youth through multi-disciplinary teams and a commitment to best practices in youth defense, such as effective communication strategies, family and community engagement, and the importance of frequent and regular visits.

Youth in adult court are only assigned defenders with the experience and skills needed for defending youth in adult court. Attorneys interested in developing such expertise are encouraged to assist more experienced attorneys in these cases.

Training: ADC co-sponsors an annual youth defense specific conference with other youth-serving agencies and offers additional youth defense specific training throughout the year. ADC also updates and edits the Colorado Youth Defense Manual, a comprehensive practice manual in its 6th edition. The OADC identifies training needs through communication with ADC contractors and other juvenile legal system stakeholders, changes in law and policy, and observations of attorneys' oral and written practice.

The Youth Defense Coordinator stays updated on changes in law and policy through participation in various statewide initiatives involving multiple stakeholders from across the juvenile legal system. The Youth Defense Coordinator was an appointed member of Colorado's Juvenile Justice & Delinquency Prevention Advisory Council until term-limited in 2023; the

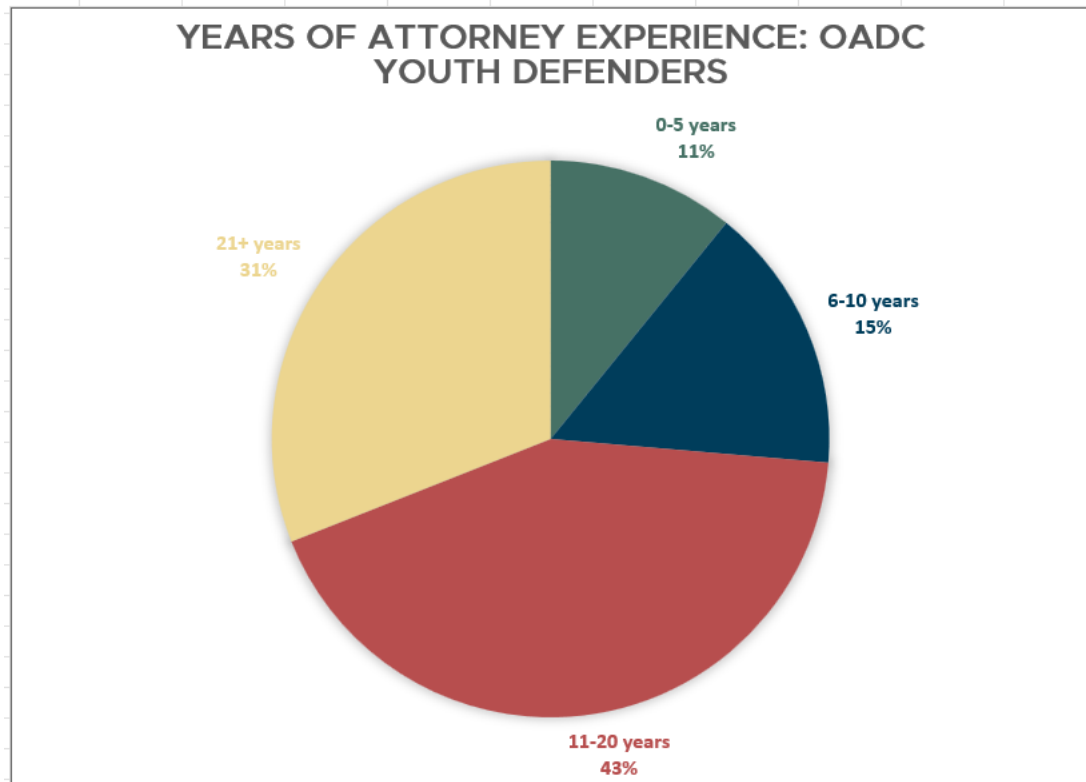
Juvenile Justice Reform Committee until its sunset in 2022; and the Bridges Program Statewide Steering Committee until the Bridges program became an independent agency in 2023. The Coordinator currently serves as a member of the Colorado Restorative Justice Council and the Colorado Youth Detention Continuum/Interstate Compact Advisory Board.

Support: The full-time Youth Defense Coordinator is available to consult with and advise youth defense teams, and to connect contractors to resources. ADC supports youth defenders in forming holistic defense teams by making available forensic social workers, resource advocates, paralegals, education advocates, investigators, specialty area consultants, experts, legal researchers, case assistants and student interns. Further, ADC provides access to Westlaw and an e-library that includes youth defense-specific legal memos, briefs, motions and social science research.

(d) THE AVERAGE LENGTH OF TIME ATTORNEYS ARE ASSIGNED TO JUVENILE COURT;

ADC recognizes that youth defense is a specialty practice distinct from adult defense. As such, there is no set length of time that one stays in juvenile court and no expectation that a youth defender will move out of juvenile court at any specific time.

Currently, 89% of ADC's juvenile defenders have been practicing law for at least 6 years, and 74% have been practicing for at least 10.



**(e) THE OUTCOME OF EFFORTS TO REDUCE JUVENILE COURT ROTATIONS
AND INCREASE OPPORTUNITIES FOR PROMOTIONAL ADVANCEMENT IN
SALARIES FOR ATTORNEYS IN JUVENILE COURT**

ADC does not use rotations but rather contracts with attorneys that it expects to continue representing youth in delinquency and adult court long term. ADC is an independent contractor-based organization with a set hourly fee schedule and cannot increase the compensation of attorneys without legislative approval.

SB 19-223 (Competency Bill)

§21-2-104 C.R.S. Duties of alternate defense counsel and contract attorneys.

(3) Pursuant to section 2-7-203, C.R.S., the office of alternate defense counsel shall report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

(f) The process of training employees and contractors concerning determinations of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

The Office of the Alternate Defense Counsel, in conjunction with the Colorado State Public Defender's office, developed comprehensive competency training that was delivered, live, to fifteen locations throughout the state during the end of 2019, into 2020. To make this training accessible to all our contractors, it was also webcast from one location and recorded so it would be available after the fact to those who were not able to attend in person or via webcast. The fifteenth training was delivered in March of 2020, just before the pandemic hit and this training has not been offered live since then. However, this training has been posted on our agency's online training portal and is readily available to all our contractors to view on-demand. This comprehensive competency training contained four hours of instruction and attorneys who attended received five Continuing Legal Education credits.

In addition to these fifteen statewide comprehensive competency trainings, our agency did two competency trainings in the fall of 2019 and two additional advanced level competency trainings in May and June of 2020. All of these competency trainings are also available for on-demand viewing and on our agency's training website. A collection of competency trainings is also being used in onboarding new contractors and fellows.

Most recently, following the changes to the competency laws in 2024 with HB24-1355 (Measures to Reduce Competency Wait List) and HB24-1034 (Adult Competency to Stand Trial), we have developed a CLE course entitled "Recent Changes to Colorado Competency Law." This training was given live and webcast in September 2024 and is

scheduled again for January 2025. Again, this training will be recorded and available “on-demand” for our contractors.

Appendix A

Agency Objectives and Performance Measures

Performance Measure A: Contain Case Costs

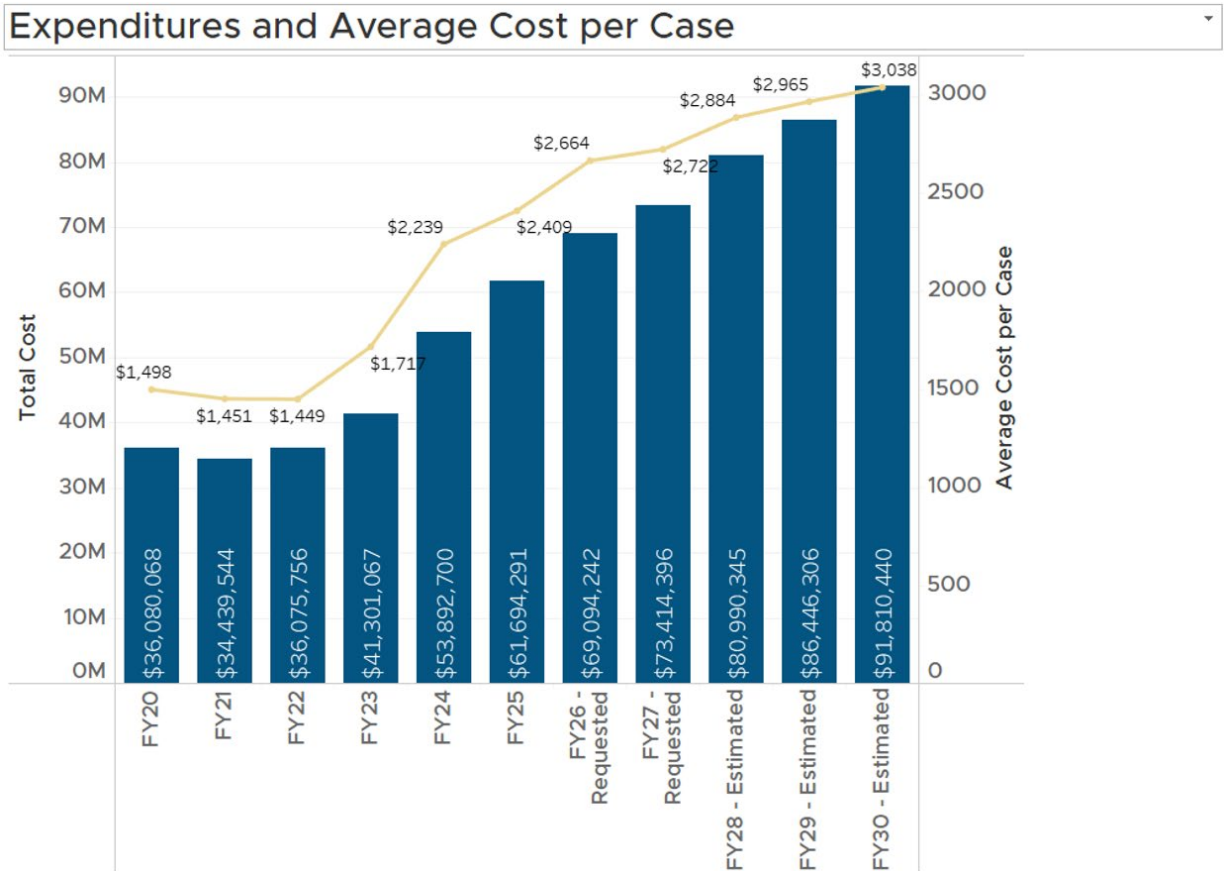
The ADC regularly analyzes its total annual expenditures and average cost per case, reviewing statewide case trends, law enforcement practices, service provider billing, among other factors to understand cost drivers and identify effective strategies for cost containment. Knowing that holistic defense takes initial infrastructure build up, the ADC views that as an investment in our work and will move forward with targeted training to educate service contractors how to effectively and efficiently provide robust services to ADC clients.

In the ADC's FY26 performance plan, we estimated that the average cost per case for FY25 would be within the range of \$1,600 to \$2,500. The actual average cost for FY25 fell within that range and totaled \$2,409. The Agency will continue to work towards targeted training to help contain the average cost per case. However, the ADC has no control over the ongoing statewide case increase.

The chart below shows those amounts from FY20 to FY25 and estimated numbers for FY26-28.

Due to the many factors that can affect both the Average Case Cost and Total Year-end Expenditures, it remains a struggle for the ADC to estimate these numbers accurately and consistently for future fiscal years.

Some of the factors that contribute to this struggle include Hourly Contractor Rate Adjustments (occurring in FY19, FY23, FY24, FY25, and continuing pursuant to SB23-227), year-end caseload, and expenditure fluctuations. Additionally, integrating holistic defense into the overall representation of clients increased the cost, and ADC is continuing to train contractors to provide holistic defense for clients, with the goal of lessening our clients' future system involvement.



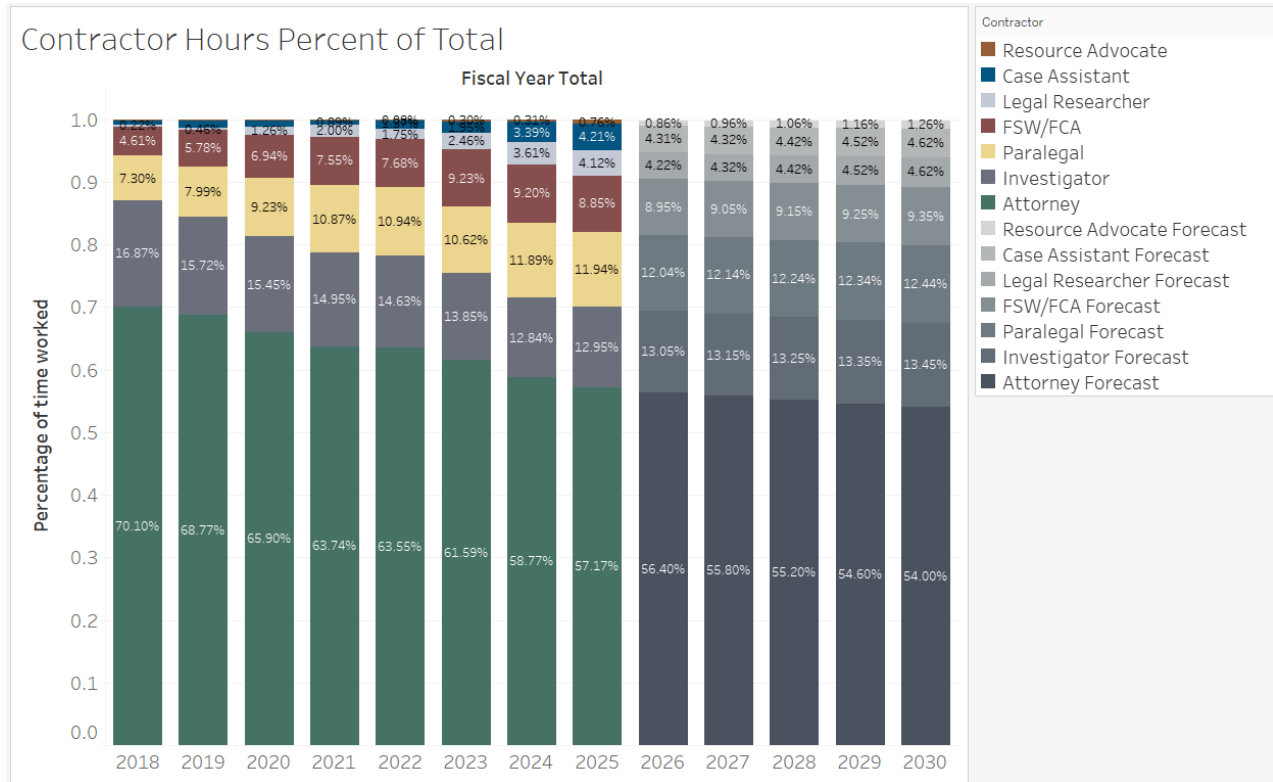
Performance Measure B: Providing Multidisciplinary Legal Teams for ADC clients

The ADC provides holistic defense services to ADC clients and empowers contractors to build and maintain strong and supportive teams to best serve their clients.

The chart below shows the overall percentage of hours spent on an average ADC case by varying team members. Attorneys accounted for 70.10% of the hours worked in FY18 but only 57.17% in FY25, a 12.93% drop that was offset by a rise in other contractor hours. The ADC hopes to see these holistic teams continue to grow in the upcoming years.

In evaluating the prior year's performance, the Agency experienced adjustments across the board in its proportional percentages as estimated in the FY25 Performance Plan. The ADC estimated the FY25 ratio of attorney time on cases would be 58.56%; and the actual percentage ended up lower, at 57.17%. Another example was the FY25 ratio of work on ADC cases by paralegals, which was estimated to be 11.69% and ended up increasing to 11.94%. Holistic defense helps each contractor focus on their specialized

work, while allowing other providers to handle their own roles, decreasing attorney hours overall on cases. The ADC Holistic Defense Training Coordinator will continue to provide targeted training to contractors on the effective and efficient use of multidisciplinary legal teams to represent ADC clients.



Alternate Defense Counsel

SMART Act Hearing 2026
Joint Judiciary Committee



What is the Right to Counsel?



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

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.



Clarence Earl Gideon
Gideon v. Wainwright
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.

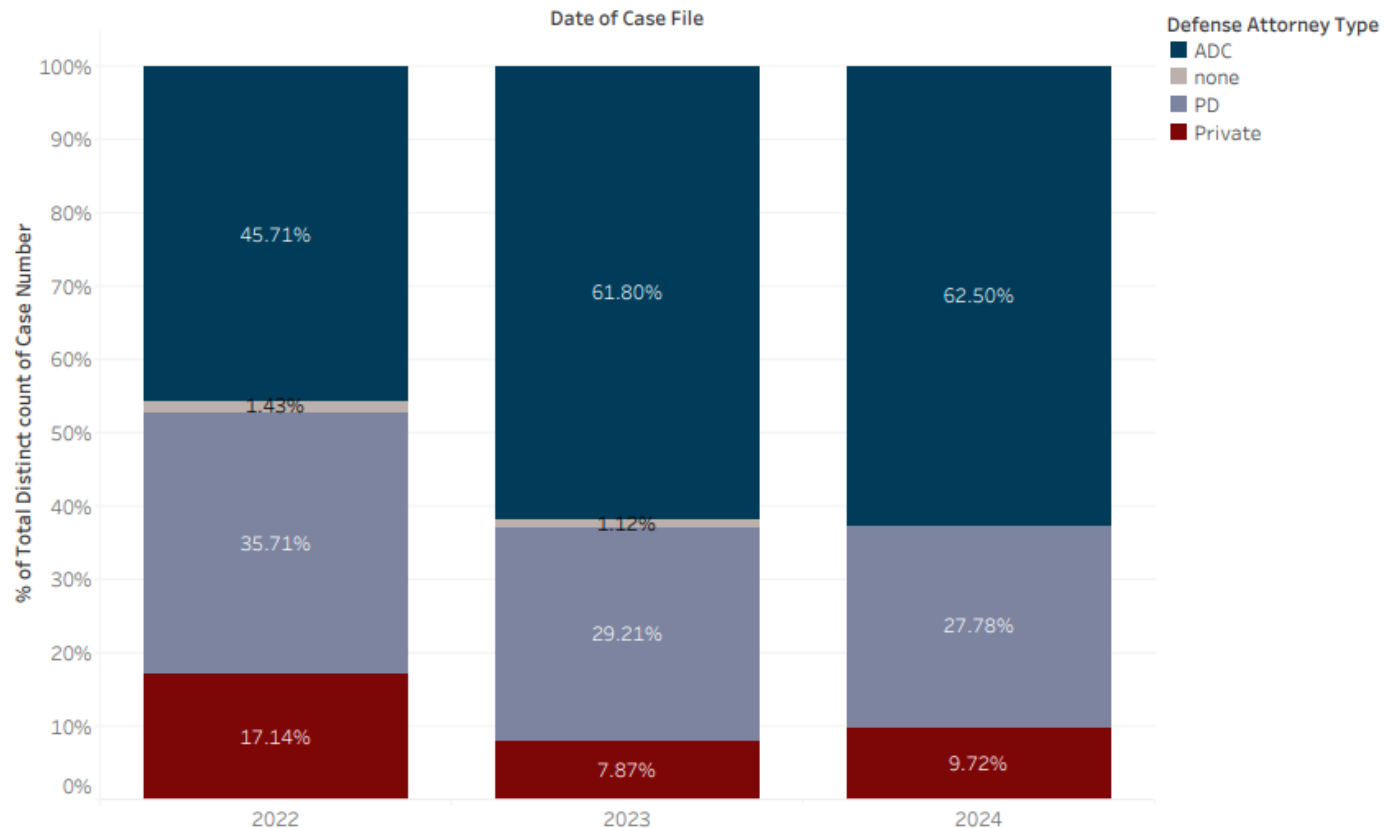
13 ADAMS COUNTY DEFENDANTS INDICTED FOR ALLEGEDLY STEALING VEHICLES FROM DENVER INTERNATIONAL AIRPORT AND SURROUNDING METRO AND USING SOME OF THOSE VEHICLES TO BURGLARIZE BUSINESSES

## 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.

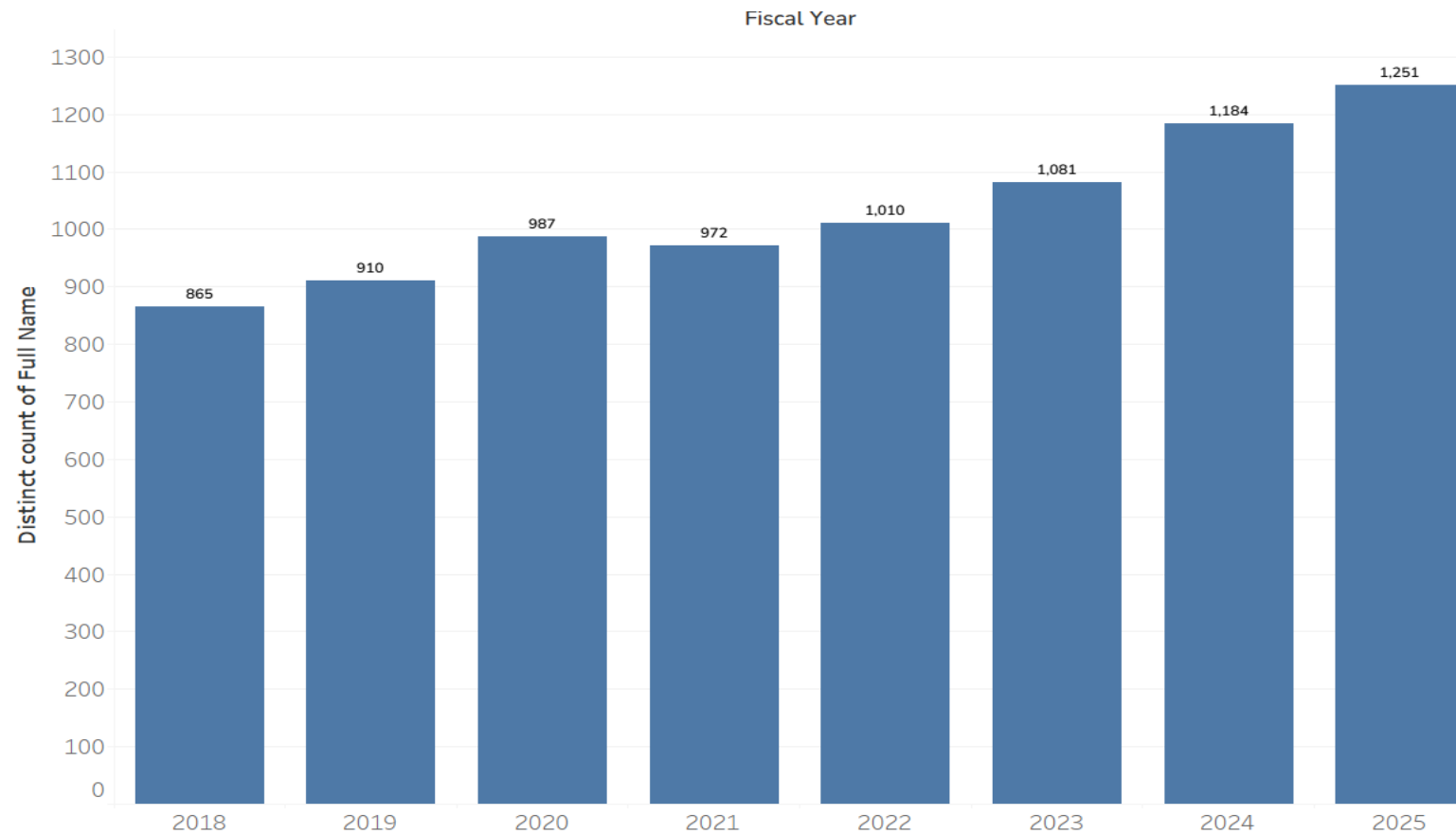
They avoided trial negotiating an 8-18 open concurrent sentence, down from the original DA offer of 25 years.

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

Savings of at least \$2m

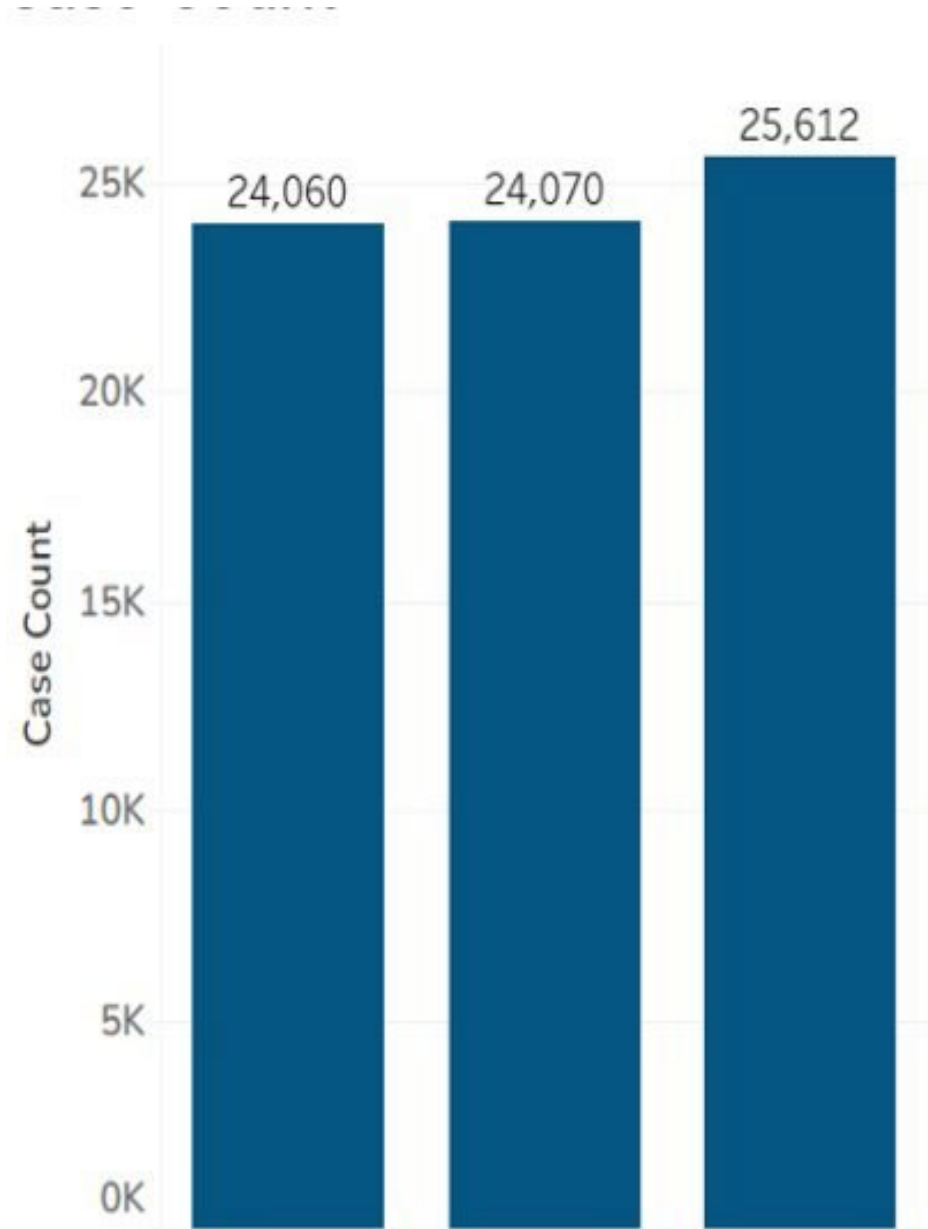


# Number of ADC Contractors 2018-2025



# TOTAL CASES ADC ASSIGNED

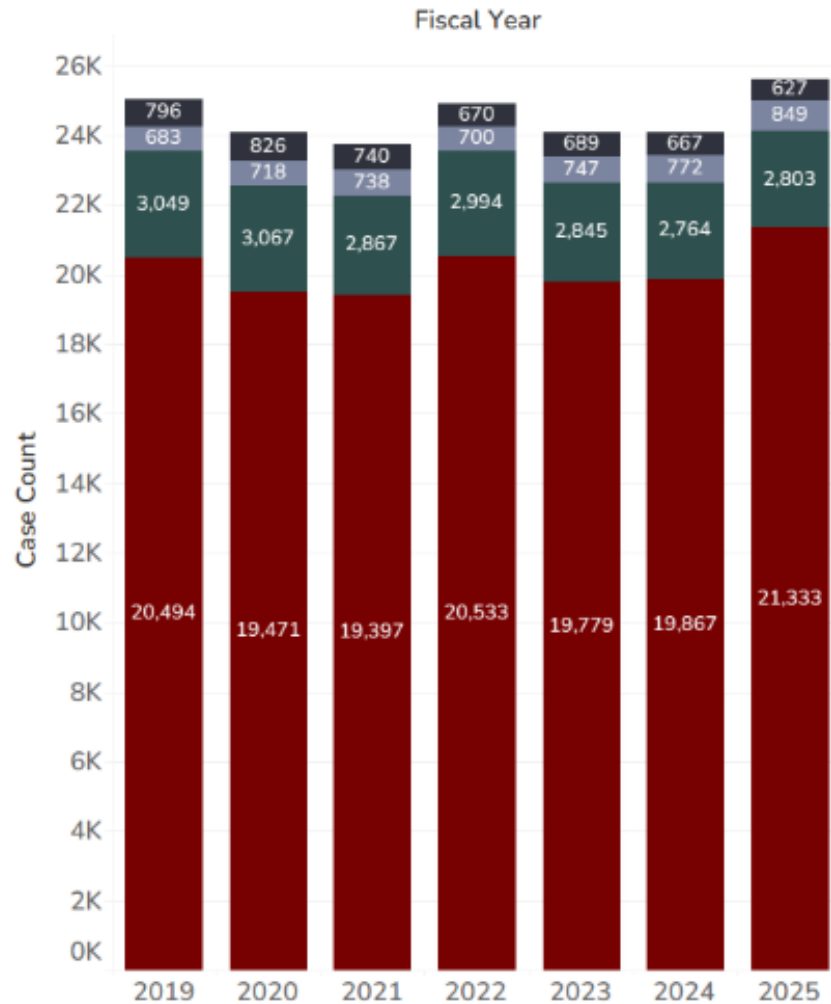
## FY23-25



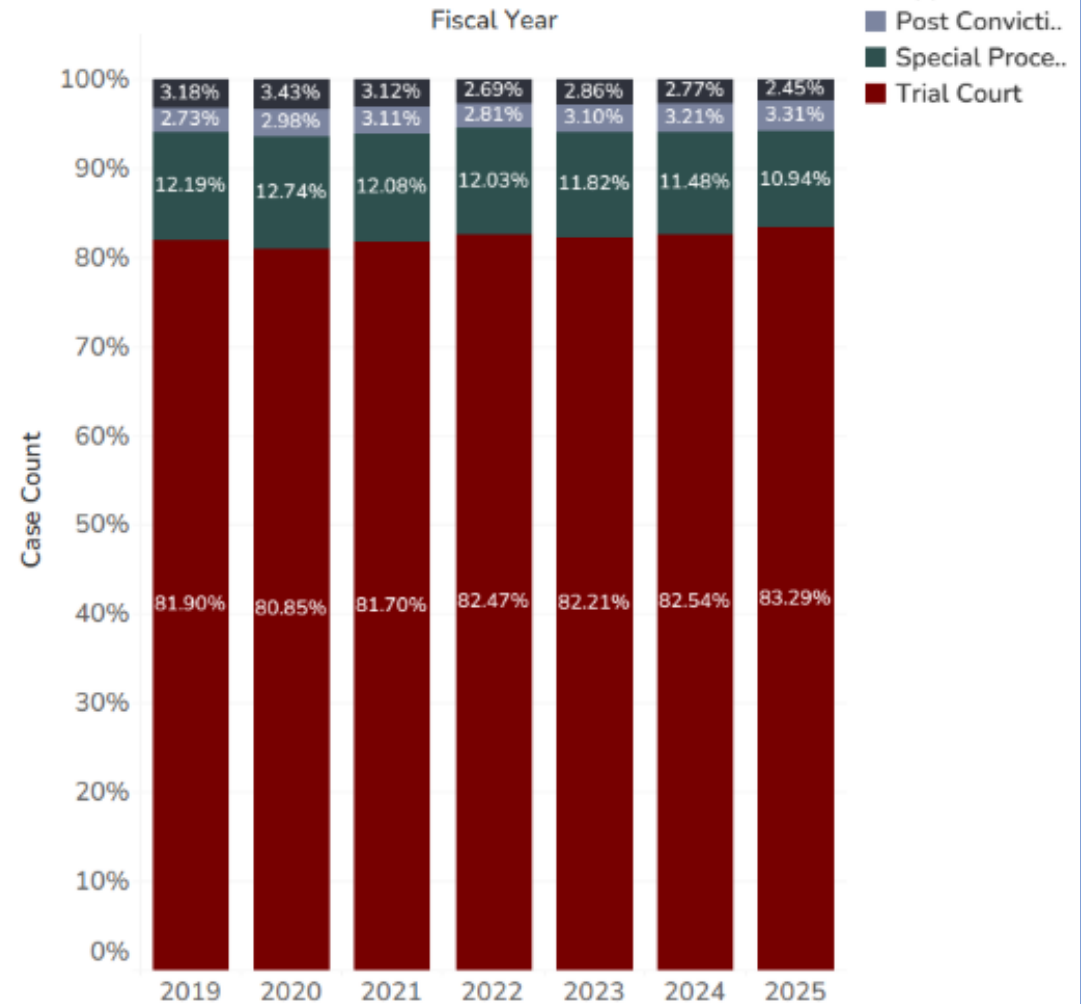
## FY23-25

# ADC CASES BY TYPE FY19-25

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

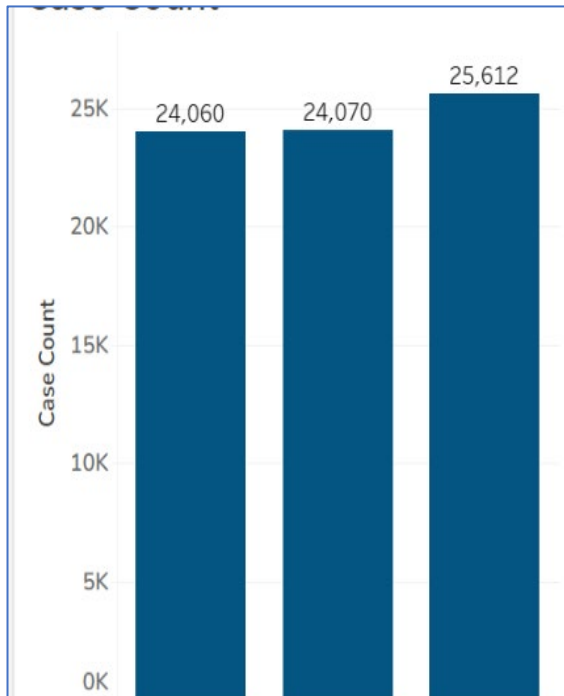
In December 2025 OSPD had notice of 3000+ FSIA cases.

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

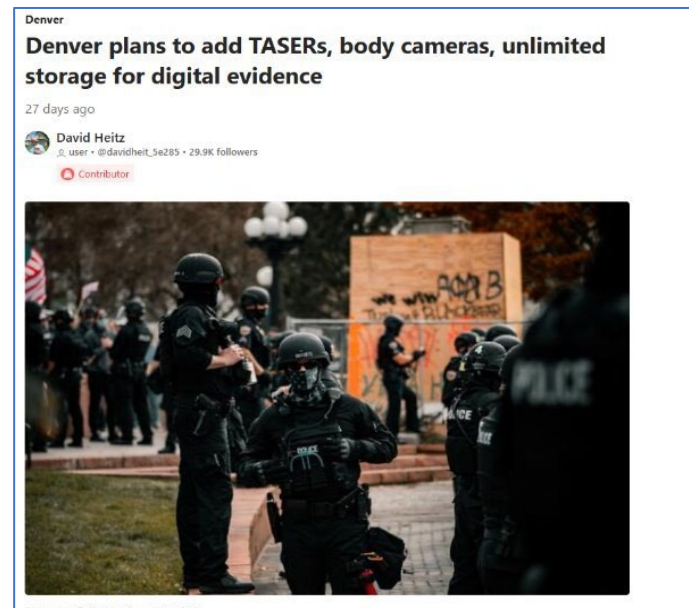
- FSIA cases are expensive.
- As of 12.31.25 ADC had paid ~\$210,000 for FY26 FSIA casework.
- When ADC assigns FSIA cases, legal teams must engage an expert to review the science and the harm from the malfeasance.

# What drives ADC Costs in Cases?

STATEWIDE CRIMINAL  
CASE INCREASE



INCREASED DISCOVERY  
IN EACH CRIMINAL CASE

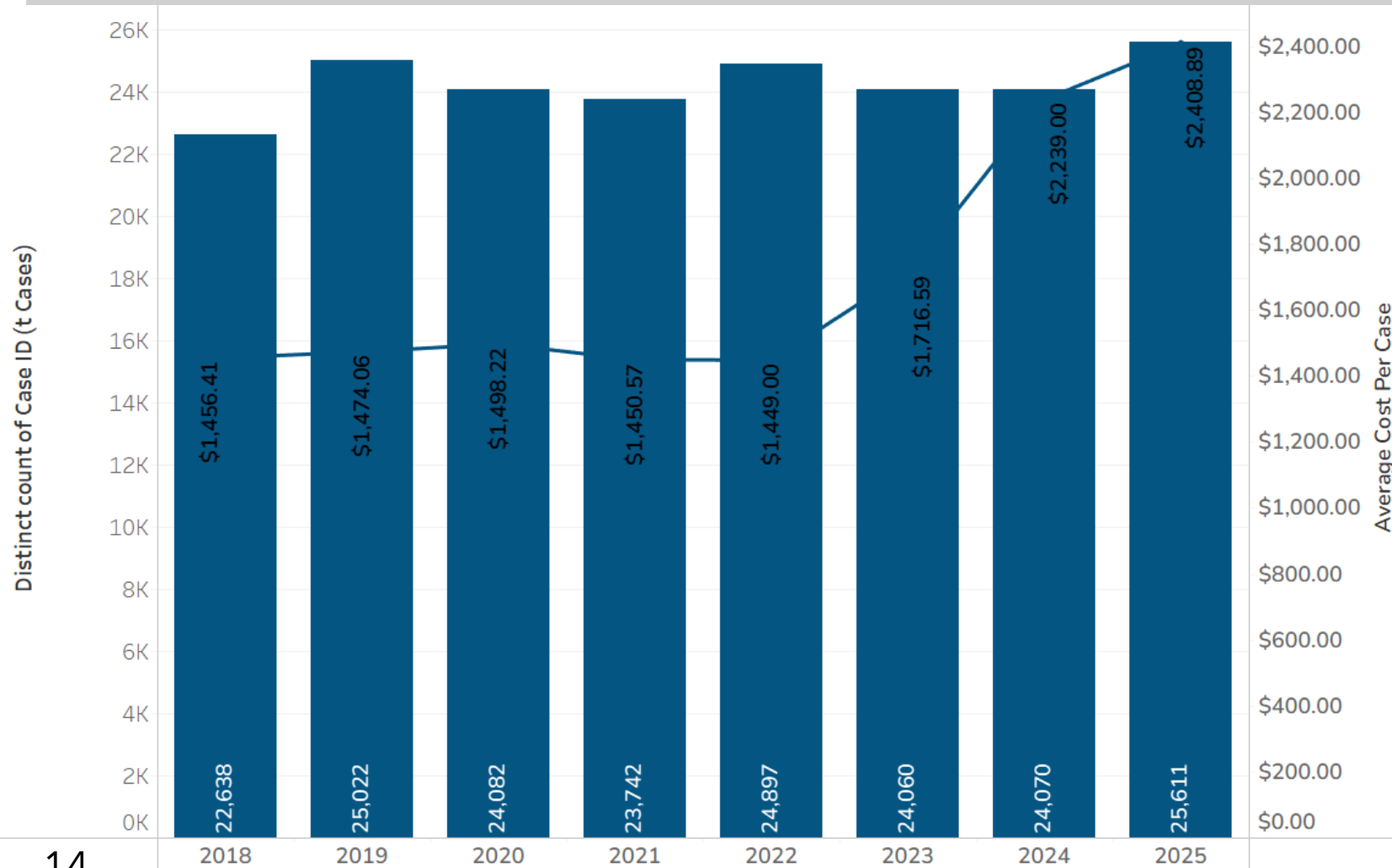


TRAVEL TO RURAL  
COLORADO COURTS



ThePhoto by PhotoAuthor is licensed under CCYYSA.

# Case Count/Average Cost Per Case



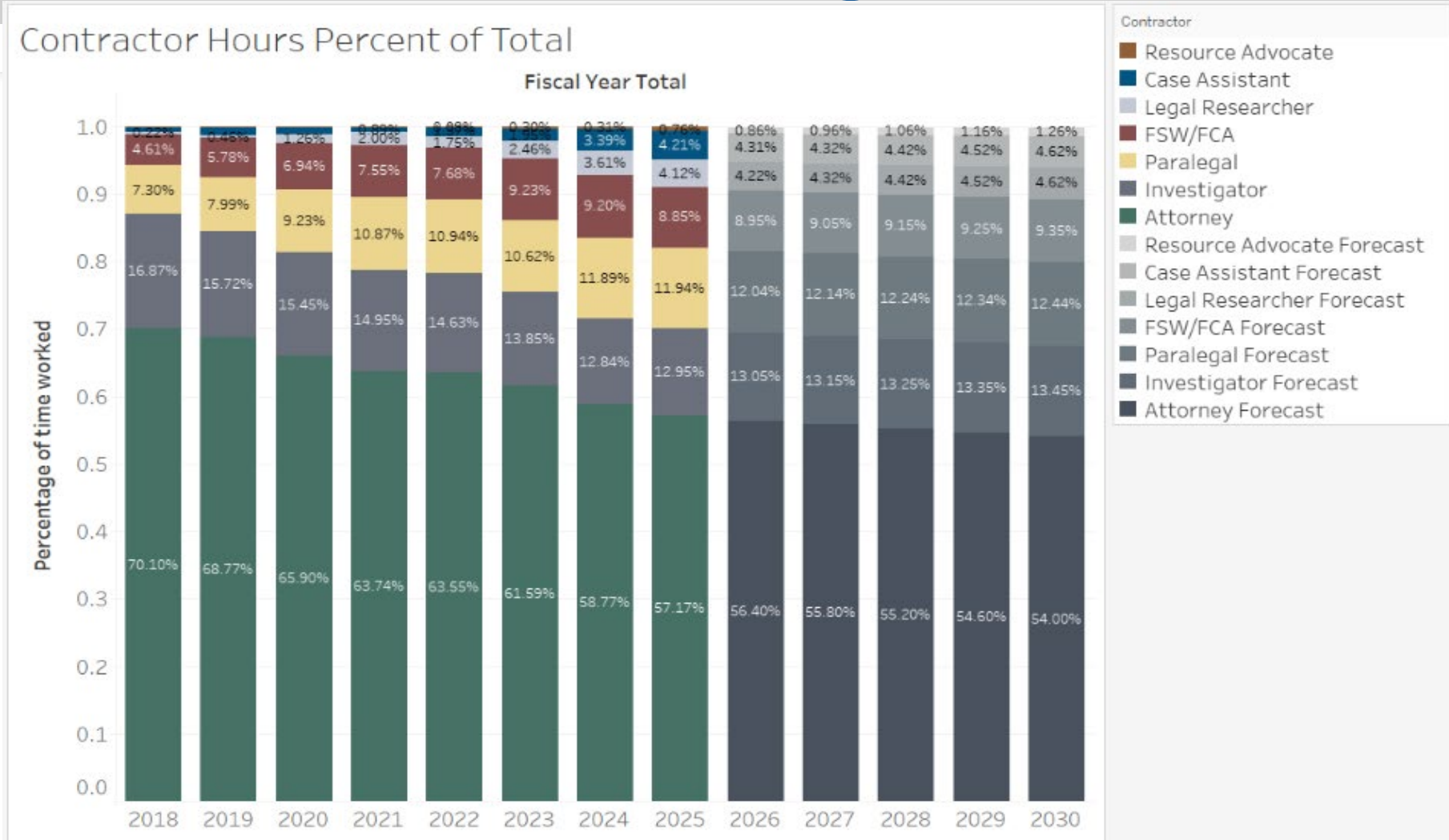
**\$2,409**  
is the average cost  
per case for over  
25,000 cases

-----  
**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



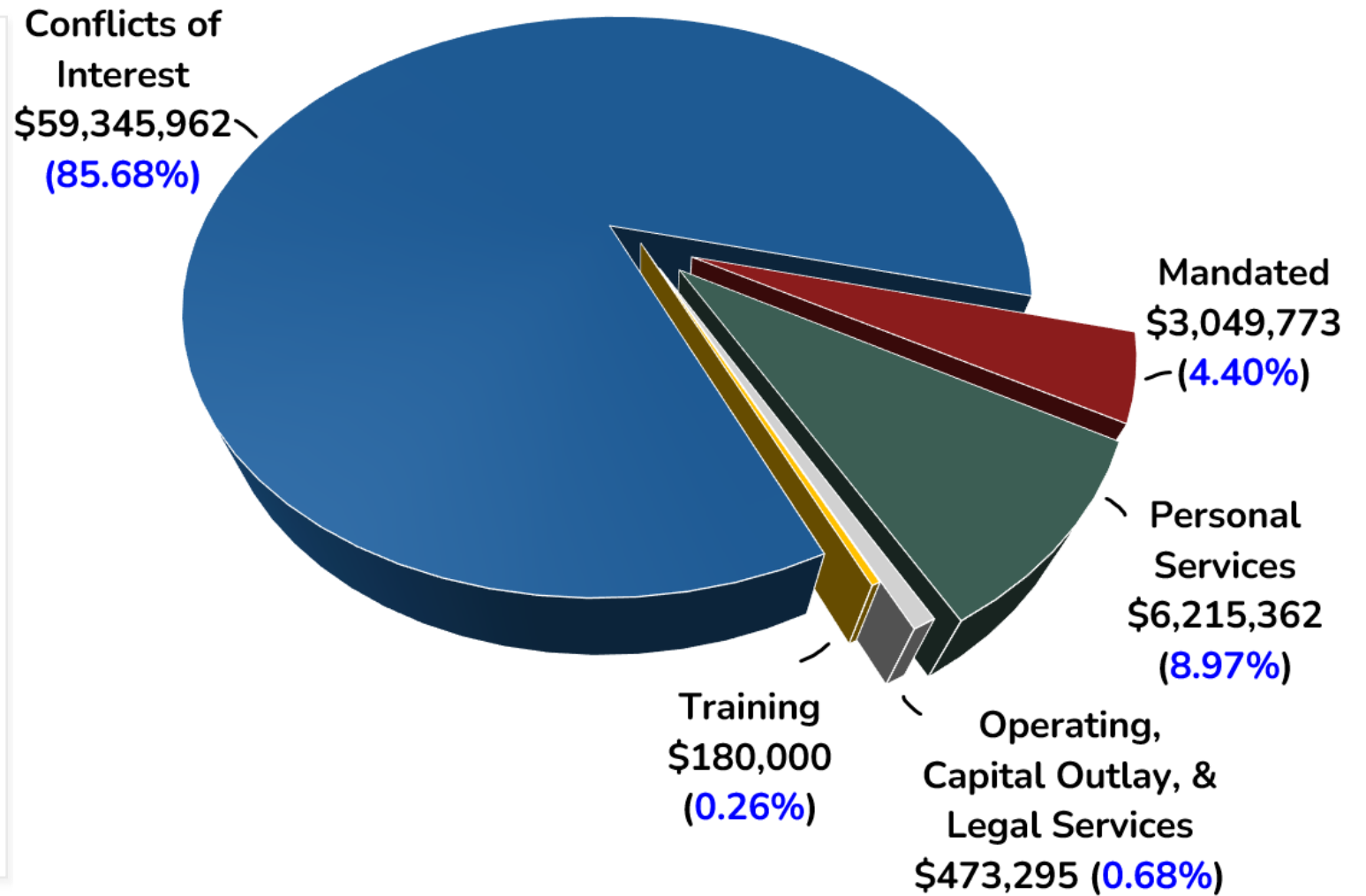


# **FY 2025-27 Funding Overview**

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

# Alternate Defense Counsel FY 25-26 Budget Snapshot

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



# 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            |            |

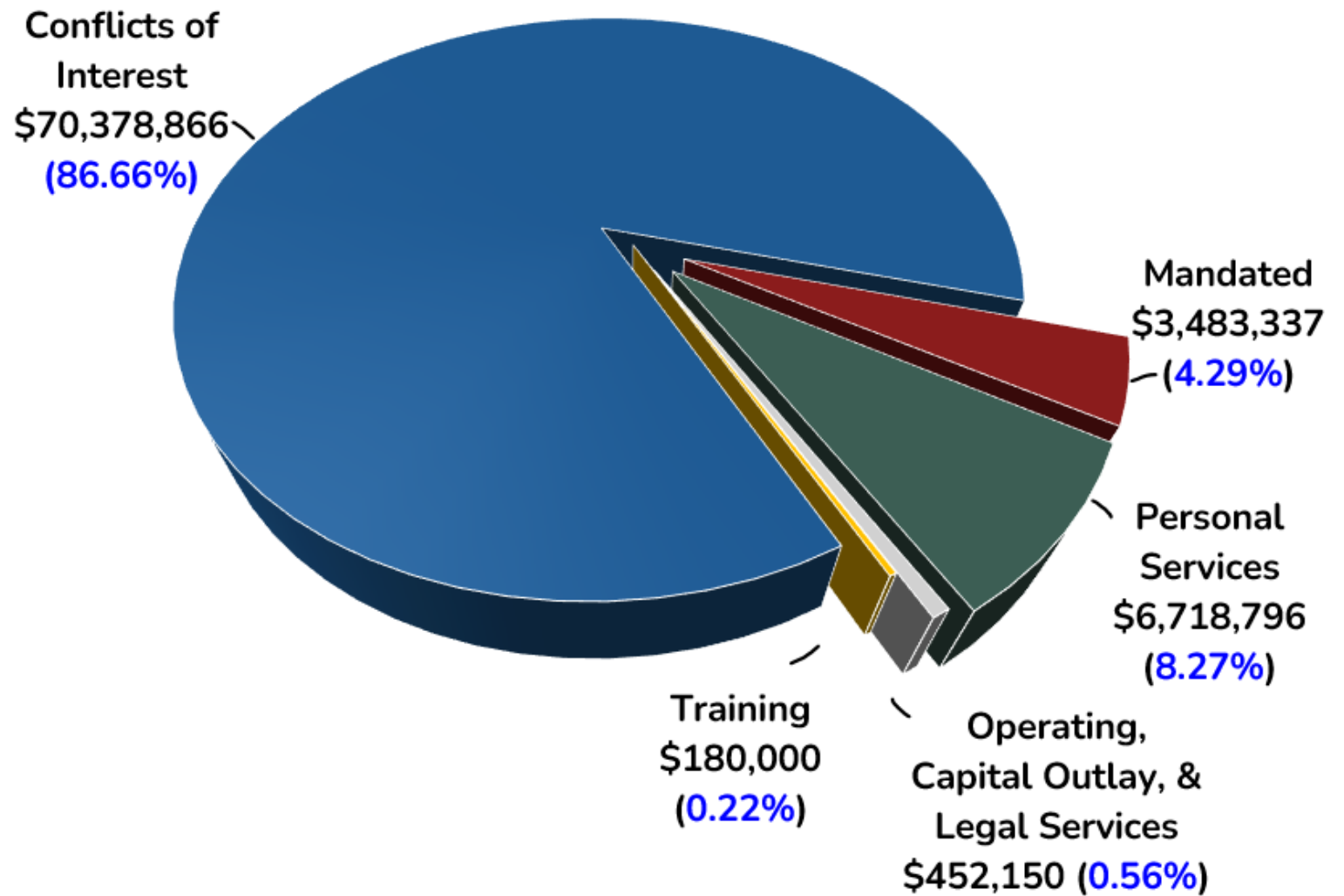
|                       |              |
|-----------------------|--------------|
| FY 25 SUPP (SB25-096) | +\$2,792,679 |
|-----------------------|--------------|

|                         |              |
|-------------------------|--------------|
| 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 PERFORMANCE MEASURES SMART ACT**

# Goal 1: The ADC is a responsible and effective steward of state financial resources.

**Internal Finances:** ADC evaluates and monitors agency finances, and it adheres to protocols for financial stewardship. ADC promotes transparency to prevent fraud and waste.

**Trainings to ensure ADC contractors bill appropriately:** The ADC provides trainings on increasing the use of non-attorney contractors to strengthen representation and reduce overall case costs.

**ADC Resources:** The ADC provides contractors with AI tools to speed discovery review, legal and holistic defense trainings, case law updates, and more to improve representation.

FINANCIAL  
STEWARDS

## Goal 2: Promote & strengthen holistic defense representation for ADC clients.

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ADC Contractors work in Holistic Defense, using other contractors to provide stronger representation and reduced hourly costs.

**Resource Advocates & Social Workers:** Professionals connecting clients to housing, mental health, and employment services to reduce recidivism.

**Case Assistants:** Professionals who improve attorney efficiency and enable attorneys to dedicate time to complex legal work.

**Attorney Focus:** Providing different contractors on legal teams helps minimize burnout and ensures high quality advocacy.

HOLISTIC  
DEFENSE

## Goal 3: Provide superior legal and technological resources and training.

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**Resources.** The ADC supports interdisciplinary legal defense teams with:

Legal research tools, AI platforms to download, organize, and search discovery, the ADC's eLibrary, practice manuals, and best practice guides.

RESOURCES  
&  
TRAINING



**PERFORMANCE  
MEASURES**

Contain Case Costs  
&  
Provide  
Multidisciplinary Legal  
Teams for ADC clients



# Contain Case Costs

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**Analyzing Cost Drivers:** ADC reviews annual expenditures, average cost per case, statewide trends, and billing data to identify cost drivers and strategies for cost containment.

**FY25 Results:** The average cost per case was \$2,409, within the projected range of \$1,600–\$2,500; case volume continues to rise statewide beyond ADC's control.

**Training Focus:** Holistic defense requires initial investment; ADC is prioritizing targeted training to help contractors deliver efficient, high-quality services at decreased case cost.

**Ongoing Challenges:** Future cost estimates remain difficult due to contractor rate adjustments, caseload fluctuations, and the continued integration of holistic defense.

# Providing Multidisciplinary Legal Teams for ADC clients

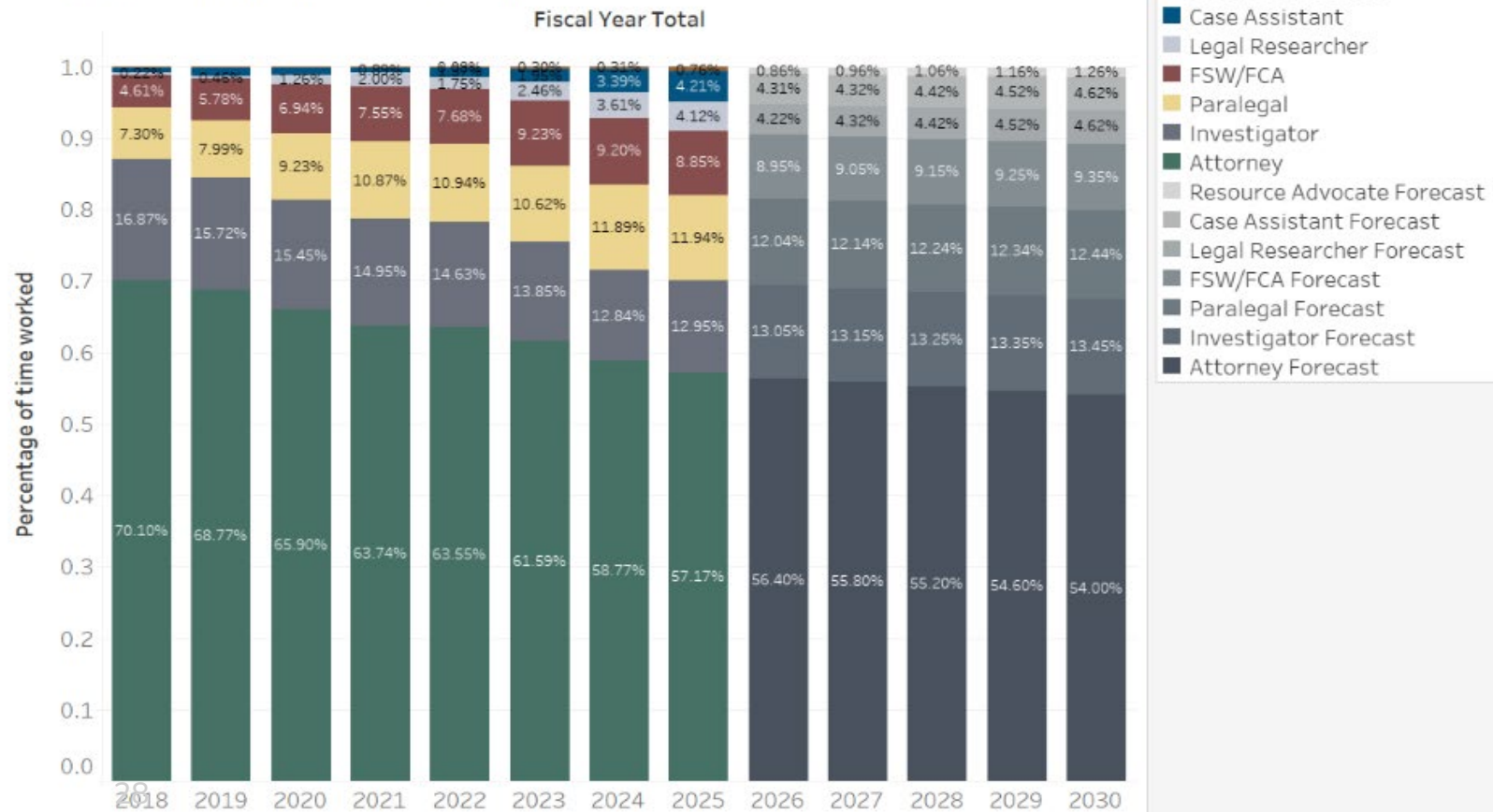
## Holistic Defense:

Addresses the legal, factual, and social issues affecting clients, to reduce repeat offenses and improve community stability.

- **Holistic Defense Model:** ADC empowers contractors to build multidisciplinary teams that deliver comprehensive, client-centered defense services.
- **Shifting Workload Balance:** Attorney hours on cases dropped from 70.1% in FY18 to 57.2% in FY25, reflecting increased participation by other team members.
- **FY25 Performance Results:** Actual time allocations closely matched projections, attorney hours slightly lower (57.2%) and paralegal hours slightly higher (11.9%) than estimated.
- **Training for Efficiency:** The Holistic Defense Training Coordinator leads targeted training to help contractors use team-based representation more effectively and efficiently.

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

Contractor Hours Percent of Total



# **SMART Act Reporting: *Juvenile Defense Data***

## **HB 14-1032 Requires the ADC to report the following Juvenile Defense Data**

The number of juvenile delinquency cases for which counsel from the office is appointed;

The number of juvenile cases that involve a conflict of interest;

The process of selecting, training, and supporting attorneys who represent children in juvenile delinquency court;

The average length of time attorneys are assigned to juvenile court; and

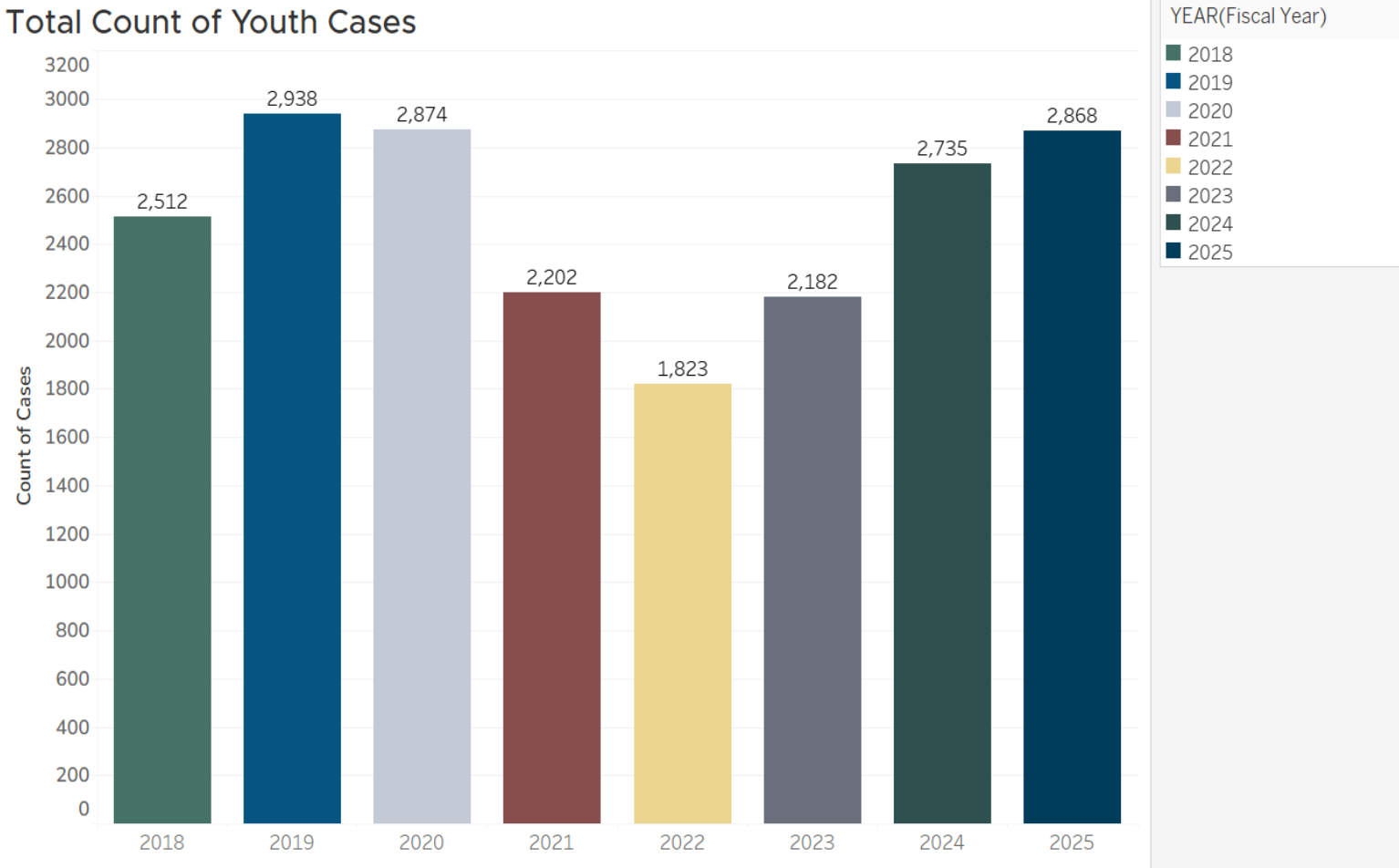
The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.



# SMART Act Reporting: *YOUTH CASES*

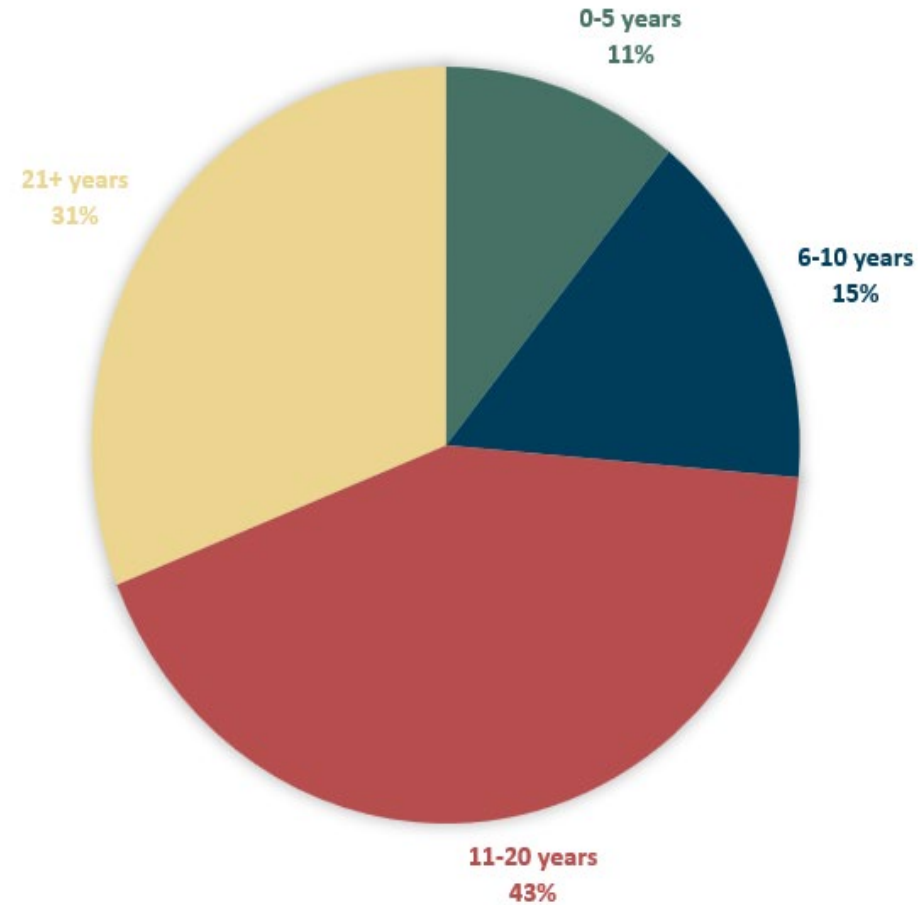
## TOTAL CONFLICT CASES HANDLED BY ADC YOUTH DEFENSE TEAMS

Total Count of Youth Cases



# SMART ACT REPORTING: *YOUTH DEFENSE*

YEARS OF ATTORNEY EXPERIENCE: OADC  
YOUTH DEFENDERS



# SMART ACT REPORTING: *COMPETENCY*

## Competency Definitions.

**Competency to Stand Trial.** Means a client does not have a mental or developmental disability preventing them from consulting with a lawyer to assist in their defense with a rational understanding of the law. C.R.S. §16-8.5-101.

**Competency Courts.** Several CO judicial districts created competency courts with dockets devoted to moving competency cases forward addressing the client's legal, community, and mental health needs.

**Competency Diversion.** A program for clients likely to be found incompetent and provides an off-ramp from the criminal system. A District Attorney's office must agree and the client must participate in Bridge's Wraparound service program.



# **SMART ACT REPORTING: *COMPETENCY***

## **SB 19-223 (Competency Bill)**

§21-2-104 C.R.S. Duties of ADC contract attorneys.

2-7-203, C.R.S. requires ADC to report annually to the judiciary committees of the house of representatives and senate, or to any successor committees, information concerning:

Training people on the determination of competency to proceed for juveniles and adults, competency evaluation reports, services to restore competency, and certification proceedings governed by Article 65 of Title 27.

# **SMART ACT REPORTING:**

## ***COMPETENCY 2024-2025***

### **Responding to 2024 Law Changes:**

Following HB24-1355 and HB24-1034, ADC created a new CLE, Recent Changes to Colorado Competency Law, offered in September 2024 and January 2025, with recordings available on-demand.

**2025:** In October we held a listening session to find out what contractors want to learn about competency and competency diversion.

# **SMART ACT REPORTING: COMPETENCY TRAINING 2019-2024**

- **Statewide Competency Training Launch:**  
In partnership with OSPD, ADC developed and delivered 15 live competency trainings statewide in 2019–2020, with sessions webcast and recorded for on-demand access.
- **Expanded Access & Continuing Education:**  
The comprehensive course offered 4 hours of instruction and 5 CLE credits, now available to all contractors through ADC's online training portal.
- **Ongoing Training Integration:**  
Advanced and follow-up competency trainings are incorporated into new contractor onboarding and continuing education efforts.

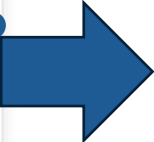
# 3-PART COMPETENCY TRAINING STARTING FEB. 2026



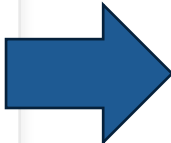
## SMART ACT REPORTING: *COMPETENCY* *2026*



**PART I:** SCAO TRAINING CONTRACTORS ON COMPETENCY CASES AND COMPETENCY DIVERSION.



**PART II:** BRIDGES TRAINING CONTRACTORS ON THEIR WORK WITH CLIENTS AROUND COMPETENCY AND COMPETENCY DIVERSION.



**PART III:** VIRTUAL MEET AND GREETINGS IN COLORADO'S 23 JUDICIAL DISTRICTS WITH CONTRACTORS, BRIDGES' DIRECTORS, WRAPAROUND AND COURT LIASIONS.



**Office of  
Alternate Defense  
Counsel**

**Thank  
you**