

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

Alternate Defense Counsel

SMART Act Hearing 2026
Joint Judiciary Committee

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. 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.

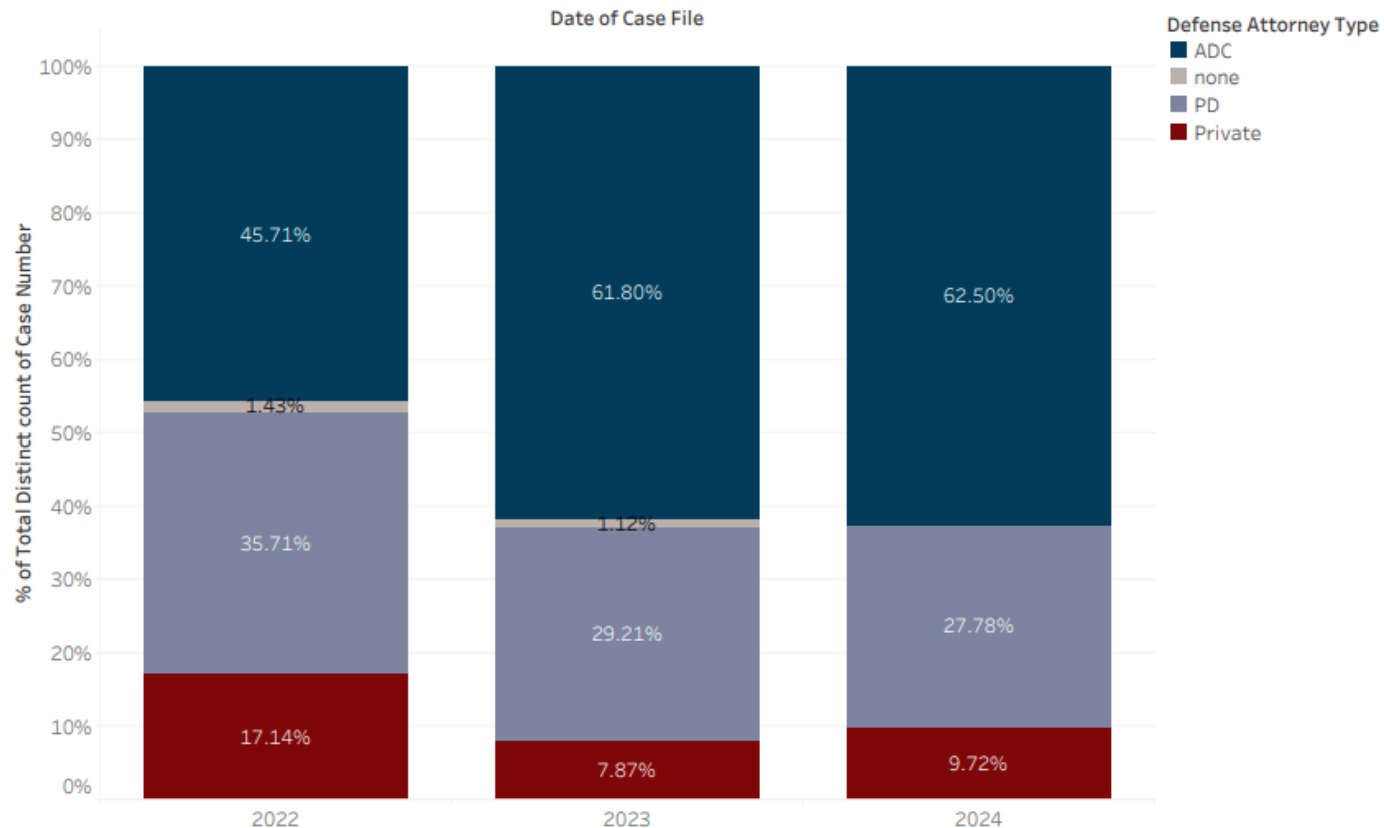
13 ADAMS COUNTY DEFENDANTS INDICTED FOR ALLEGEDLY STEALING VEHICLES FROM DENVER INTERNATIONAL AIRPORT AND SURROUNDING METRO AND USING SOME OF THOSE VEHICLES TO BURGLARIZE BUSINESSES

## 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

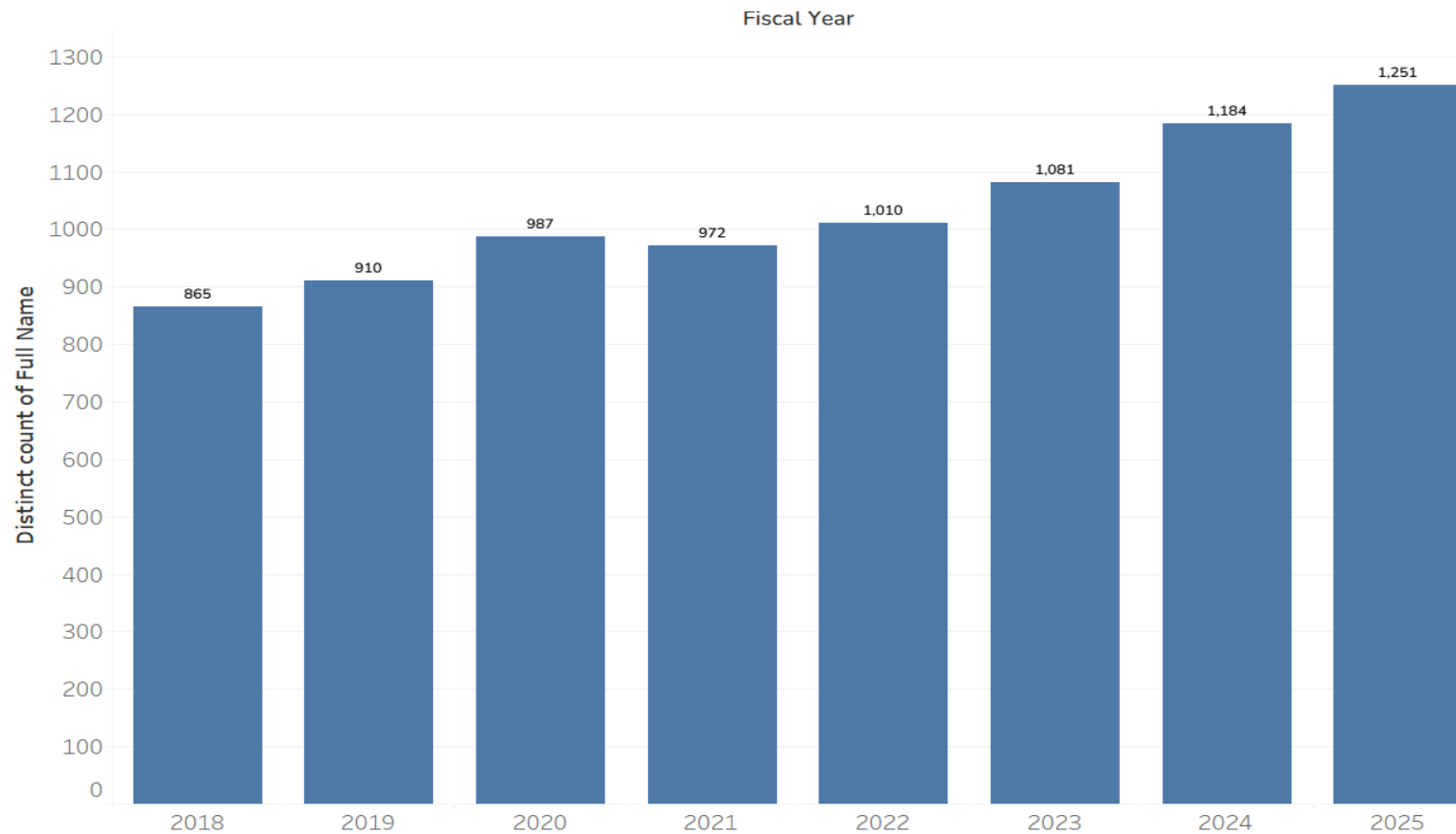
An ADC legal team was set for a month long trial for their young female client on a COCCA case.

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.*

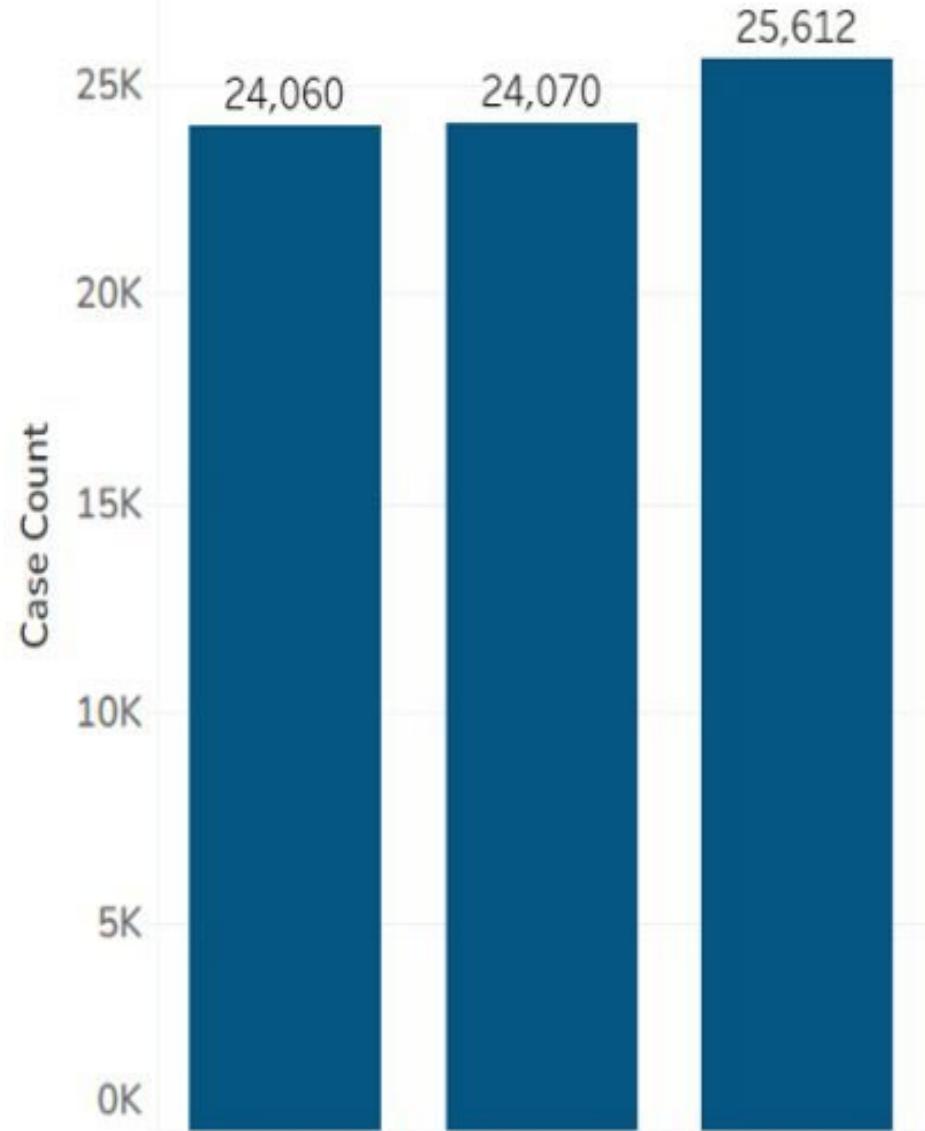
Savings of at least \$2m

# Number of ADC Contractors 2018-2025



# TOTAL CASES ADC ASSIGNED

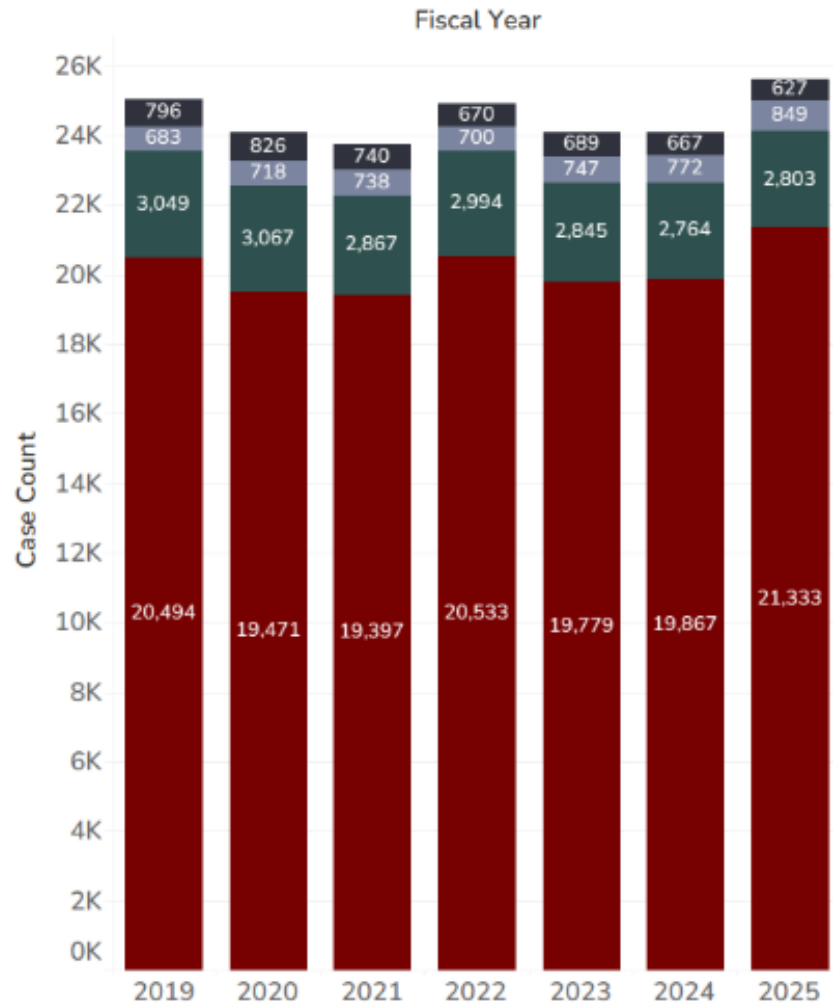
## FY23-25



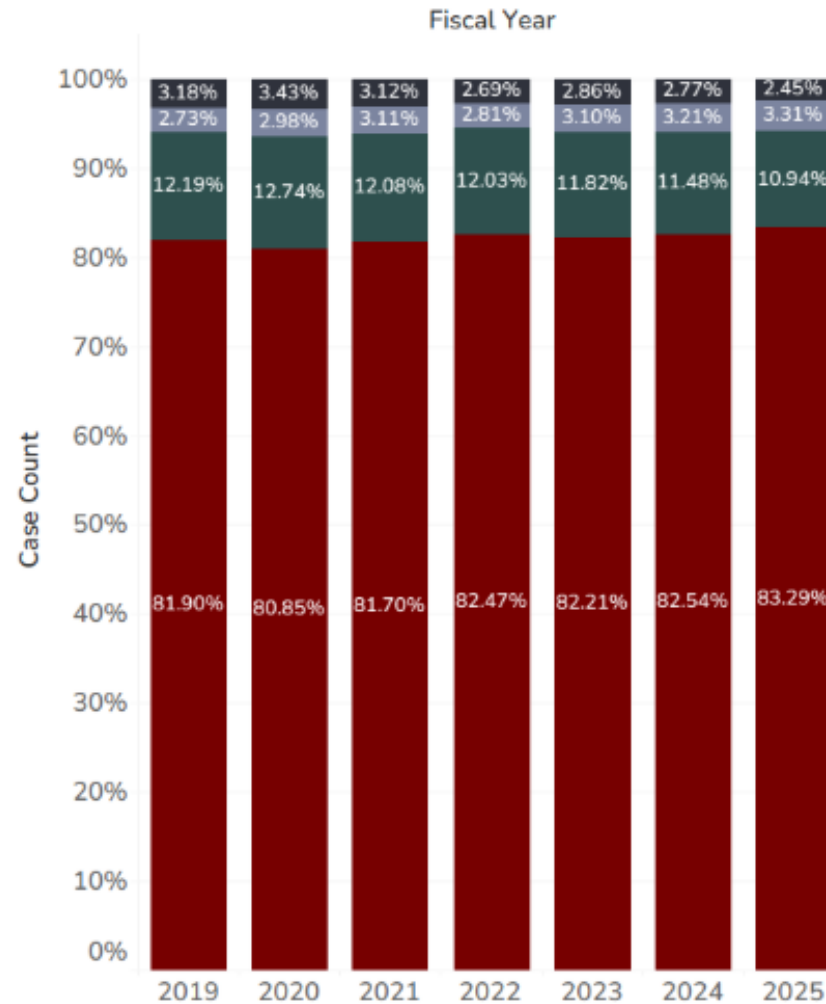
**FY23-25**

# 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

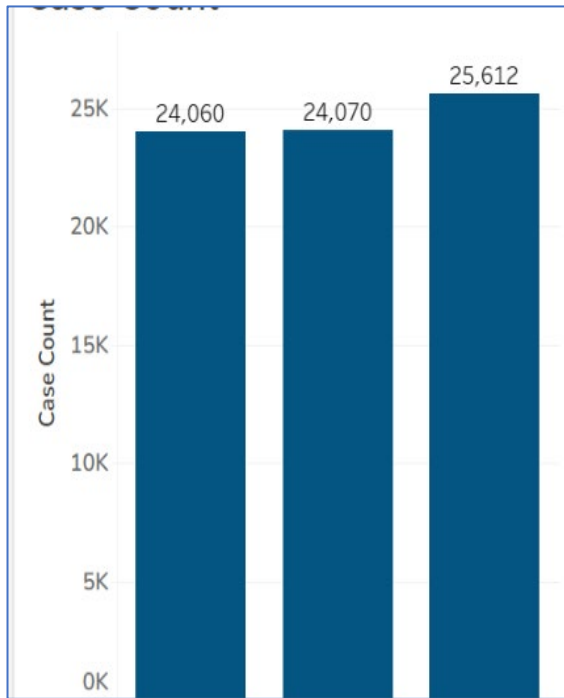
In December 2025 OSPD had notice of 3000+ FSIA cases.

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

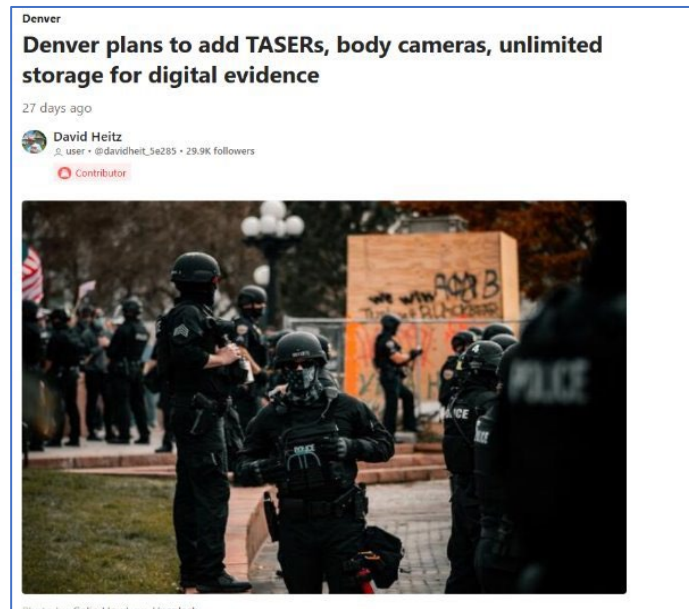
- FSIA cases are expensive.
- As of 12.31.25 ADC had paid ~\$210,000 for FY26 FSIA casework.
- When ADC assigns FSIA cases, legal teams must engage an expert to review the science and the harm from the malfeasance.

# What drives ADC Costs in Cases?

STATEWIDE CRIMINAL CASE INCREASE



INCREASED DISCOVERY IN EACH CRIMINAL CASE

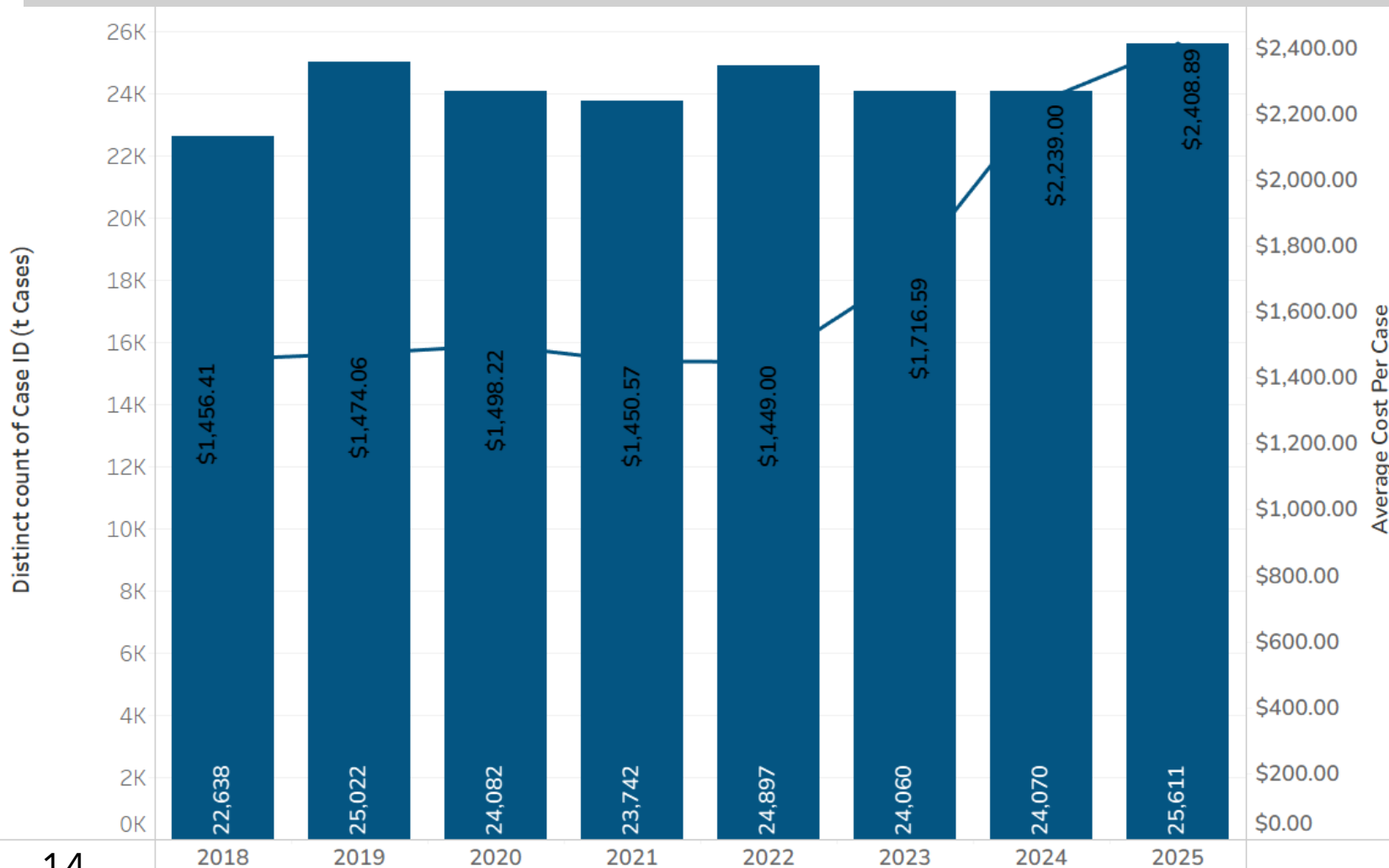


TRAVEL TO RURAL COLORADO COURTS



ThePhoto by PhotoAuthor is licensed under CCYYSA.

# Case Count/Average Cost Per Case

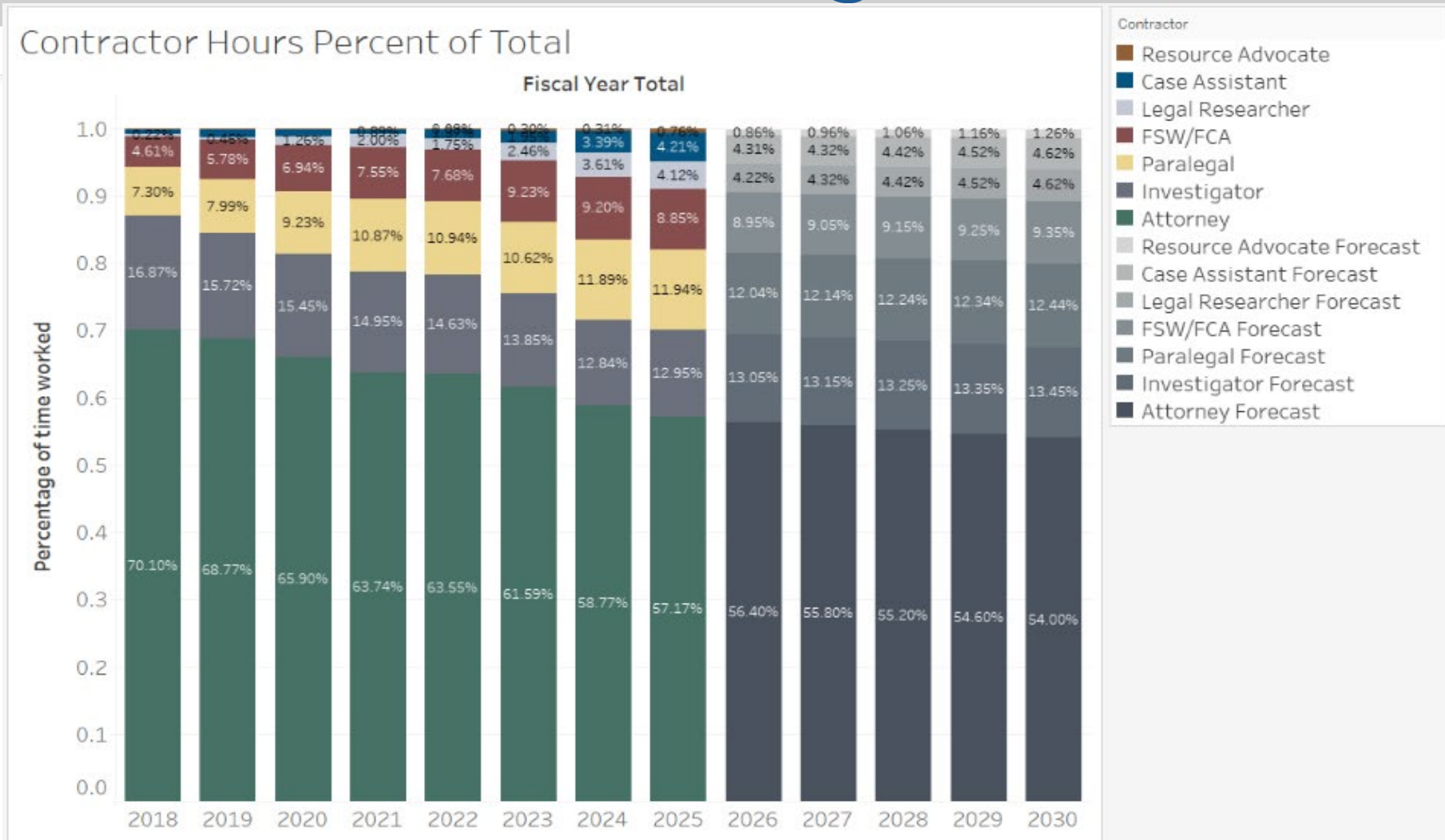


**\$2,409**  
 is the average cost  
 per case for over  
 25,000 cases  
 -----  
 This cost is within  
 our projected  
 range of  
**\$1,600-\$2,500**  
 per case. The case  
 volume is just  
 increasing

# 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

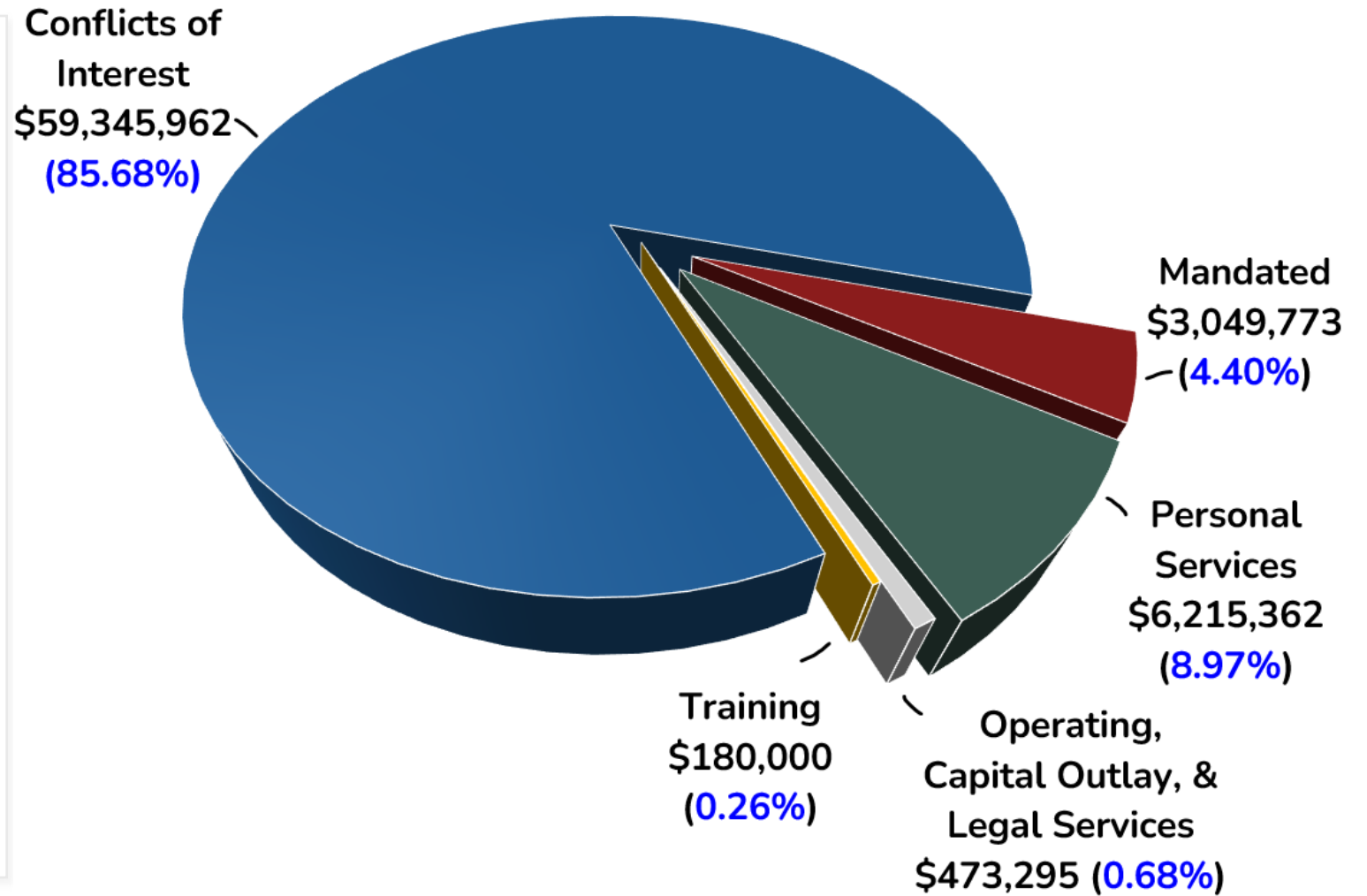


# FY 2025-27 Funding Overview

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

# 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

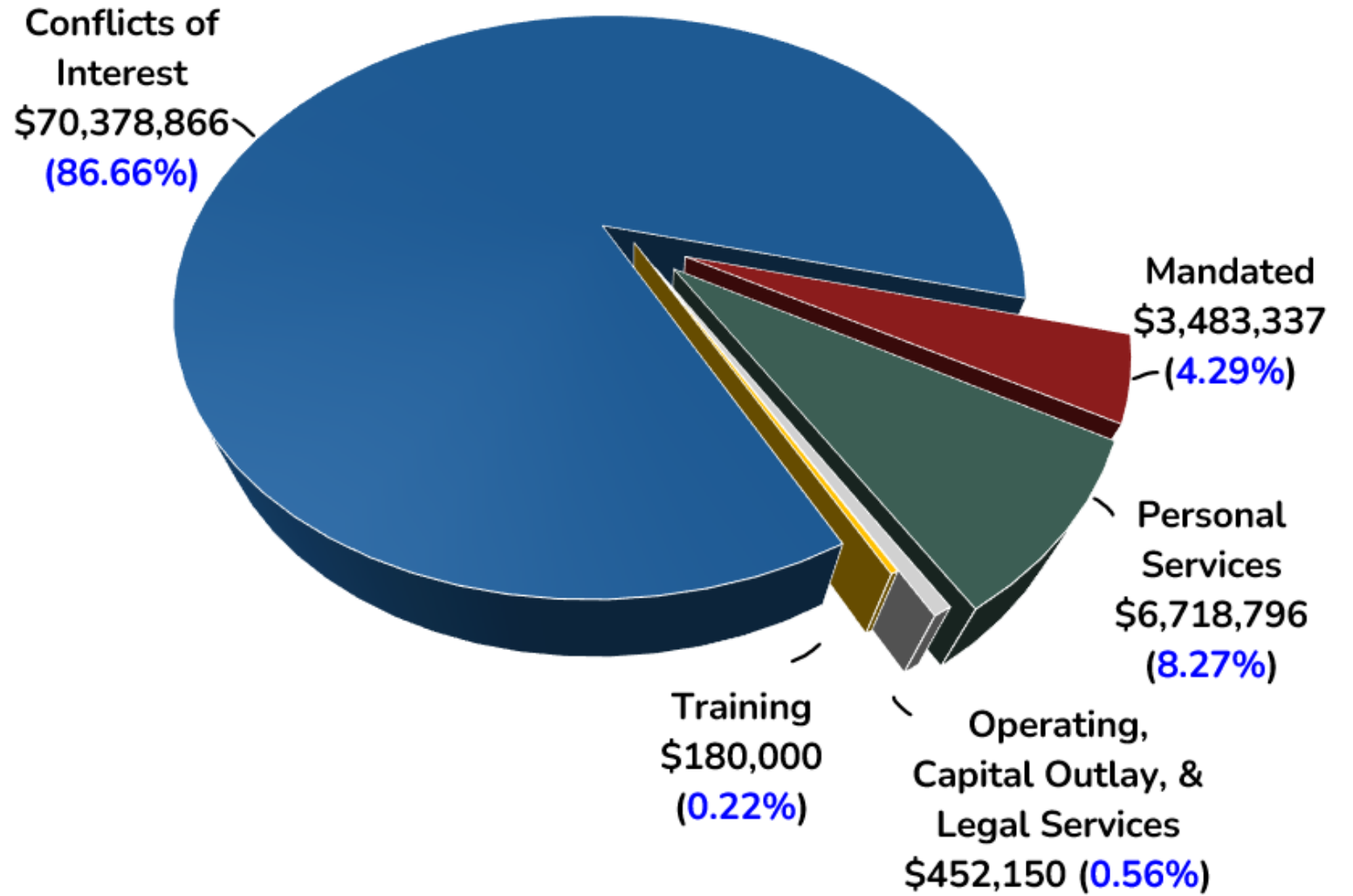
FY 25 SUPP (SB25-096)      +\$2,792,679

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

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

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

## Alternate Defense Counsel FY 26-27 Budget Snapshot





# **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.

**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

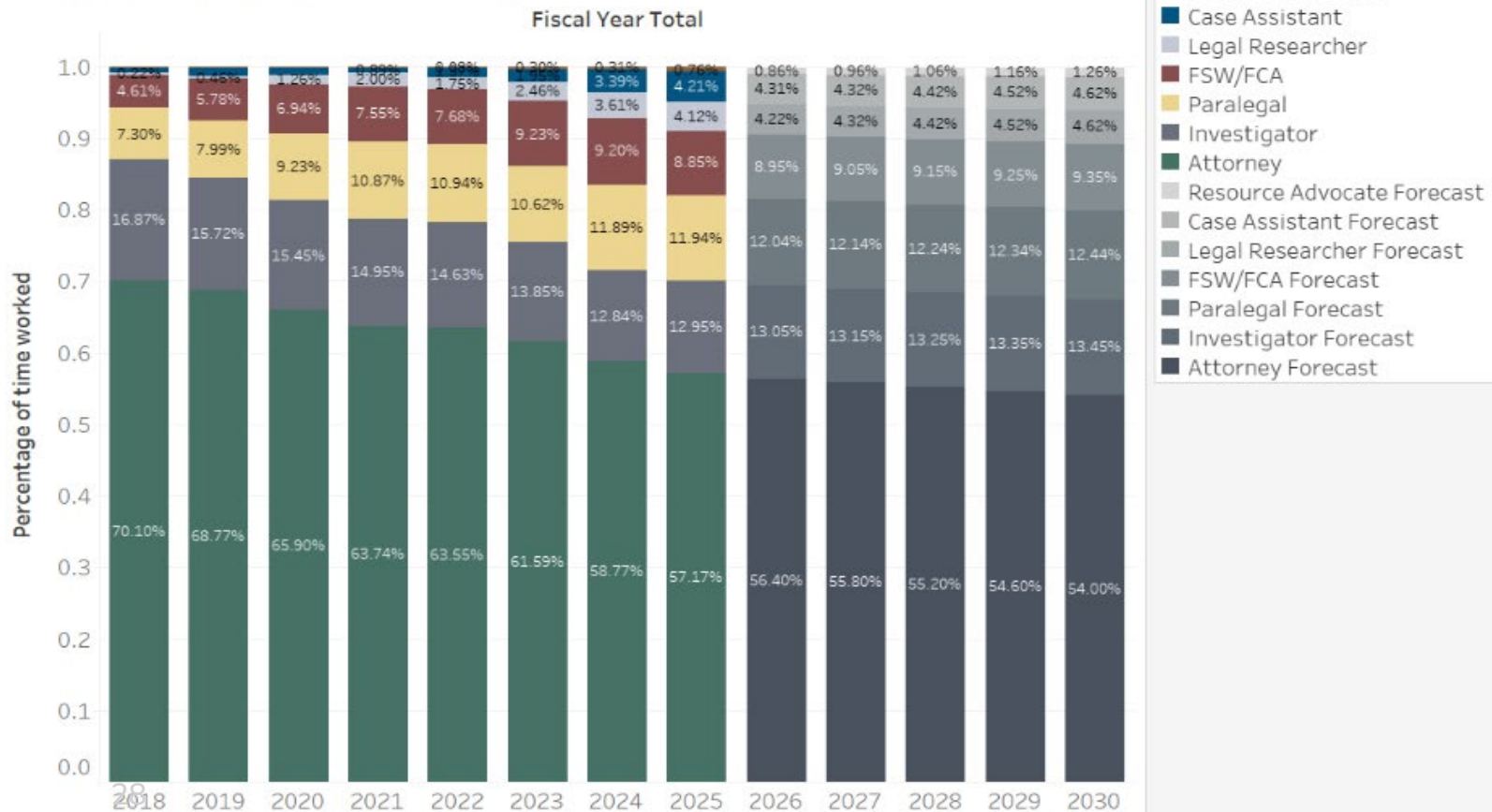
## Holistic Defense:

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

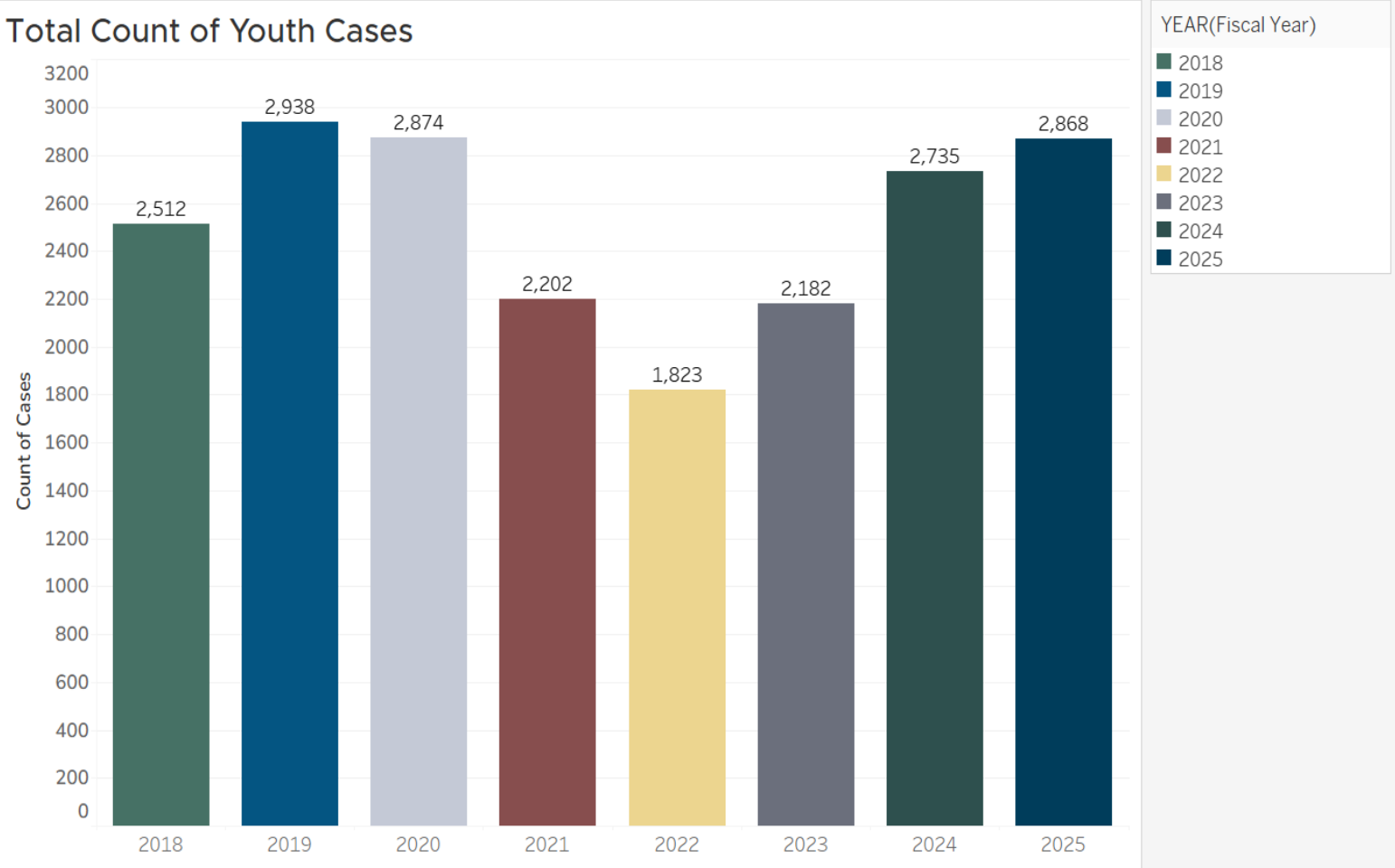
The outcome of efforts to reduce juvenile court rotations and increase opportunities for promotional advancement in salaries for attorneys in juvenile court.



# SMART Act Reporting: *YOUTH CASES*

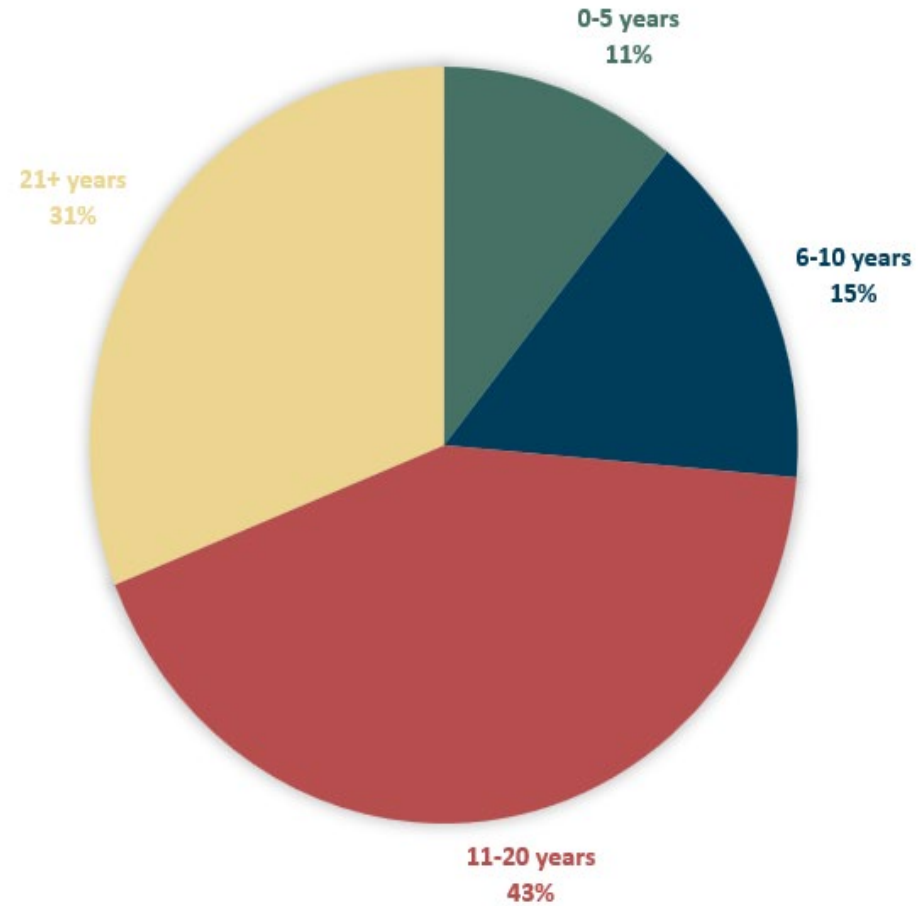
## TOTAL CONFLICT CASES HANDLED BY ADC YOUTH DEFENSE TEAMS

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.

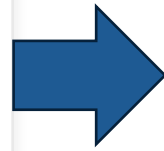
# SMART ACT REPORTING: COMPETENCY TRAINING 2019-2024

- **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.

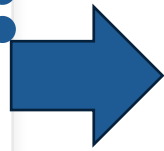
# 3-PART COMPETENCY TRAINING STARTING FEB. 2026



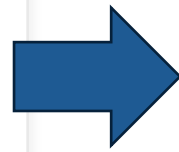
## SMART ACT REPORTING: *COMPETENCY* *2026*



**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**