

FY 2009 Change Request Judicial Branch

Schedule 13							
Request Title:		Decision Item FY 08-09 X			Base Reduction Item FY 08-09		
Department:		Judicial Education			Judicial Branch		
Priority Number:		6			Dept. Approval by:  OSPB Approval: N/A		
	Fund	1	2	5	6	7	10
		Prior-Year Actual FY 06-07	Appropriation FY 07-08	Base Request FY 08-09	Decision/Base Reduction FY 08-09	November 1 Request FY 08-09	Outyear Costs FY 09-10
Total of All Line Items	Total	111,236,192	105,393,628	121,303,145	176,783	121,471,286	168,141
	FTE	1,608.5	1,715.0	1,835.0	2.0	1,837.0	2.0
	GF	98,053,984	92,144,332	100,255,375	-	100,255,375	-
	CF	13,182,208	13,249,296	21,047,770	176,783	21,215,911	168,141
	FF	1,198,100	-	-	-	-	-
Trial Courts	Total	104,889,064	98,558,722	110,358,872	153,097	110,511,969	153,097
Personal Services	FTE	1,608.5	1,715.0	1,835.0	2.0	1,837.0	2.0
	GF	97,830,033	91,735,045	96,330,562	\$0	96,330,562	\$0
	CF	5,860,931	6,823,677	14,028,310	\$153,097	14,181,407	153,097
	FF	1,198,100	-	-	-	-	-
Operating	Total	7,545,228	6,693,883	6,884,633	11,820	6,896,453	11,820
	GF	223,951	268,264	268,264	-	268,264	-
	CF	7,321,277	6,425,619	6,616,369	\$11,820	6,628,189	11,820
Capital Outlay	Total	1,029,387	868,700	541,421	8,642	550,063	-
	GF	-	141,023	-	-	-	-
	CF	1,029,387	727,677	541,421	\$8,642	550,063	-
Special Purpose	Total	-	-	3,093,059	2,195	3,095,254	2,195
Amortization Equal. Disb.	GF	-	-	2,785,942	-	2,785,942	-
	CF	-	-	307,117	\$2,195	309,312	2,195
Special Purpose	Total	-	-	966,581	1,029	967,610	1,029
Supplemental Amortiz. Equalization Disb.	GF	-	-	870,607	-	870,607	-
	CF	-	-	95,974	\$1,029	97,003	1,029
Letternote revised text: Letternote A: Of this amount, an estimated \$18,758,510 shall be from the Judicial Stabilization Cash Fund Cash Fund name/number, Federal Fund Grant name: Judicial Stabilization Cash Fund IT Request: Yes No X Request Affects Other Departments: Yes No X							

Request Summary

Increasing the Branch's judicial training capacity by two education specialists FTE will provide the staffing needed to continue delivery of our current programming to judges and magistrates across the state, and further, will allow for the development of other offerings across a spectrum of delivery methods and targeted participants. The cost of this request is approximately \$177,000.

General Description of Request

Background

When a new judge walks into the courtroom for the first time, all eyes are on the judge. Despite the experience attorneys bring to the bench, becoming an effective judge is a matter of getting the lay of the land and navigating the fine line between law, justice and management of people.

For sitting judges, new challenges occur when a judge rotates into another division within their court; they again are entering new judicial terrain. The judges entering a new division within their court require a broad-based type of judicial education where they can take anticipatory courses so that they can hit the ground running when they enter the new division. Compounding the challenges for sitting judges are the emerging areas of law and legislative changes that judges must adapt to on an annual basis.

Fortunately for judges in Colorado, the Judicial Branch strives to provide training and assistance as the new and sitting judges learn and adapt to their new roles. However, the resources currently dedicated to judicial training are inadequate to provide the type of training that judicial officers need at the right time. Within existing resources, three training sessions for judicial officers are held each year, New Judge Orientation, Advanced New Judge Orientation and the Judicial Conference (for ongoing training). If a judge is unable to attend the new judge sessions, due to calendaring conflicts or the time of year they are appointed, the judge must manage to perform the duties required of them without the benefit of any formal training.

Continuing judicial education is essential to developing and maintaining each judge's skill set, with reference material and training on issues that occur infrequently and timely information on emerging trends and practices. The Branch has identified the following subject areas where expanded judicial education is needed and or desired:

New Judge Programs:

1. Orientation to Branch
2. Transition to Bench
 - a) Trial & courtroom management
 - b) Caseflow Management
 - c) Procedures
 - d) Overview substantive issues
 - e) Effectively using Court Technology
3. Benchbook, benchcards, forms, reference materials

Specialty Court Issues:

1. Domestic Relations / Family and Juvenile Matters
2. Domestic Violence
3. Probate
4. Drug & Other Problem-solving Courts
5. Business and Complex Litigation
6. Elder Law

Continuing Judicial Education & Development:

1. Creation of a Judicial College
 - a) Legal – substantive focus for judges in mid-career or at some period in the judicial performance cycle
2. Judicial Wellness and Personal Growth
 - a) Court System Improvement
 - b) Substance abuse programs
 - c) Vicarious trauma
 - d) Burnout / Stress management
3. Judicial Integrity
 - a) Law & Literature (making meaning of the work judges do)
 - b) Cultural Competencies
 - c) Judicial Ethics
 - d) Fairness
 - e) Courts and Community

Programs to Promote Generativity:

1. Faculty Development
2. Sabbatical / Judge in residence
3. Judge in Residence

Addressing Performance Issues:

1. Technical assistance
2. Program Development
3. Individual education plan/followup
4. Regional or group plans
 - (Must keep in mind limited number of complaints which are limited in nature.)
 - i. Advanced trial management
 - a) Experiential – mock court
 - b) Feedback driven
 - c) Cultural competencies
 - ii. Substantive Legal Procedures, Programmatic
 - a) E-filing
 - b) Electronic Assisted Trials
 - c) Evidence

Conference Planning/Support:

1. Judicial Conference
2. Family Issues
3. Future Conference Support Addressing Criminal Justice Issues
ie. State Drug Court Professionals State Conference

In HB-1054, passed in 2007, 43 additional judges in appellate and trial courts across the state were authorized by FY 2010. Additionally over the past 3 years, there have been 82 judicial vacancies that have been filled statewide.¹ Given this addition of resources and the number of retirements occurring within the state's current judgeships, the need for targeted training for judicial officers is essential.

Opportunity

With advances in technology and the advent of distance learning platforms, the Branch now has the tools to deliver programs which are ideal for "just in time" learning demands. The additional judicial education specialists will provide the Branch with the resources necessary to develop programs designed to meet the needs of judges handling a specific case type, such as an on-line tutorial on death penalty cases or computer based education on cases involving sex offenders. Judges handling such a case would be able to access information in an on-line format and drill through the materials to get answers or information specific to their case.

Further, the additional judicial educators would also allow for the continual development of programs and new curricula. Under the current resource levels, there is no time available for the continuous and timely development of other programs. The annual Judicial Conference, for example, virtually requires the full commitment of judicial education staff for three months. With additional educators on staff and flexibility in program assignments, the Judicial Education Team will have the resources to continually plan, deliver and evaluate programs.

Ultimately, judicial educators must strive to create dynamic programs that stray far from the usual "talking head" program, where someone stands at the podium delivering a lecture. In funding this request the Colorado judicial branch will be in a position to strive to capture the judge's eyes, ears, and emotions with programs that teach both the nuts and bolts, as well the human components of judging.

The requested positions are to be fully cash funded, no general fund appropriation is necessary. By redirecting approximately \$25 million to the Judicial Stabilization cash fund over the next three years, HB-07-1054 provided the funding mechanism for the branch's trial court staff needs while reducing pressure on the general fund (given the 6% growth restriction).

Consequences if Not Funded

The first year for the new judge is the prime time to set the new judge on the proper path of judging. It is a prime time because new judges are not set in their ways, are amenable to new ideas, are able to learn new tricks, and are not constrained by the old adage, "it is the way we always do it."

¹ 25 vacancies occurred in 2005, 32 in 2006, and through October 1 there have been 45 vacancies in 2007.

If a judge is unable to attend the new judge sessions, due to calendaring conflicts or the time of year they are appointed, the judge must manage to perform the duties required of them without the benefit of any formal training. When this occurs, critical opportunities can be lost. If, for example, a judge begins handling cases without any formal training in caseload management, the judge may develop a set of practices that are inefficient. Ultimately, these practices will need to be undone, yet at that point, expectations of practitioners have already been developed making implementation of changes in procedure more difficult.

Calculations for Request

PERSONAL SERVICES CALCULATIONS				
GRAND TOTAL				
		FY 08-09	FY 08-09	FY 09-10
PERSONAL SERVICES		Education Specialist		
Number of PERSONS / class title		2.00	2.00	2.00
Monthly base salary	\$	5,716		
Number months working in FY 08-09		12		
Salary		\$137,184	\$137,184	\$137,184
PERA	10.15%	\$13,924	\$13,924	\$13,924
AED	1.60%	\$2,195	\$2,195	\$2,195
SAED	0.75%	\$1,029	\$1,029	\$1,029
Medicare	1.45%	\$1,989	\$1,989	\$1,989
Health/Life/Dental (non-add)	6,684	\$13,369	\$13,369	\$13,369
Short-Term Disability (non-add)	0.13%	\$178	\$178	\$178
Subtotal Personal Services		\$169,868	\$156,321	\$156,321
OPERATING				
Supplies @ \$500/FTE	\$ 500	\$1,000	\$1,000	\$1,000
Travel @ \$1000/FTE	\$ 1,000	\$2,000	\$2,000	\$2,000
Telephone Base @ \$450/FTE	\$ 450	\$900	\$900	\$900
Leased Space of 180 SF/FTE @ \$22 SF	\$ 3,960	\$7,920	\$7,920	\$7,920
Subtotal Operating		\$3,900	\$11,820	\$11,820
CAPITAL OUTLAY				
Computer @ \$959/FTE	\$ 959	\$0	\$0	
Laptop @ \$1,500/FTE	\$ 1,500	\$3,000	\$3,000	
Office Suite Software @ \$300/FTE	\$ 300	\$600	\$600	
Office Equipment @ \$2,021 /FTE	\$ 2,021	\$4,042	\$4,042	
Printer @ \$500/FTE	\$ 500	\$1,000	\$1,000	
Subtotal Capital Outlay		\$8,642	\$8,642	\$0
GRAND TOTAL ALL COSTS		\$182,410	\$176,783	\$168,141

Assumptions for Calculations

Personal Services

All personal services calculations were based on FY08-09 Common Policies

Impact on Other Government Agencies

No impact on other state agencies is anticipated.

Statutory Authority

C.R.S. Sections 13-3-102; 13-6-203.

Performance Measures

MEASURE I-1:					
Objective – Increase positive perceptions of court experience.					
Performance Measure	Outcome	FY 07-08 (actual)	FY 08-09 (actual)	FY 09-10 (estimate)	FY 10-11 (projected)
Percentage of respondents surveyed indicating positive perception of access and fairness.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A

MEASURE II-2(a):					
Objective – Trial Court case dispositions should occur within established time standards.					
Performance Measure	Outcome	FY 07-08 (actual)	FY 08-09 (actual)	FY 09-10 (estimate)	FY 10-11 (projected)
Percentage of district court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of county court civil dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of felony dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of misdemeanor dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of juvenile dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of domestic relations dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A
Percentage of traffic dispositions meeting established time standards.	Benchmark	N/A	N/A	N/A	N/A
	Actual	N/A	N/A	N/A	N/A