

## **Pre-trial Conference Pilot Project Guiding Principles**

1. The pre-trial conference pilot project will operate from April 6, 2015 until January 2016, at which time it will be evaluated by Chief Judge Berkenkotter and by the County Court Judges. Based on this assessment, the pilot project may be formalized by changes made to Admin Order 03-101 or it may be terminated, with a return to pre-trial conferences and adherence to the Administrative Order.
2. The goal of the project is to improve case management in county court. Interests identified include: a) to utilize the time of deputy district attorneys more efficiently, b) facilitate improved accessibility of deputies to defense counsel and self-represented defendants, c) have meaningful court appearances, d) communicate clear expectations of case flow to attorneys and enforce timelines, and e) keep to the case resolution guidelines established by the State Court Administrator's Office.
3. Transition: Cases will continue to be scheduled for pre-trial conferences through April 6, 2015. If the pre-trial conference date would fall after April 6, the Court Judicial Assistant (CJA) will instead set the case for status conference as per the timeline indicated below.
4. There will be one status conference scheduled approximately eight weeks from arraignment or jail advisement. This will be a Court appearance, and defendants must appear for the status conference even if represented by counsel. In those interim eight weeks, it is expected that discovery will be made available and that defense attorneys and the DA's office will conduct meaningful discussion about potential case disposition. This requires that deputies become familiar with the facts of each particular case and consider any information provided by counsel and defendants that may affect the ultimate disposition. County court deputies will initiate communication with pro se defendants, including those who may need the assistance of an interpreter.
5. Interpreter availability: If communication is occurring by telephone, the DDA may call extension x1672 to reach an interpreter for assistance. If an in-person discussion with an interpreter is requested, these can be scheduled on Tuesday or Friday morning or Thursday afternoon.
6. The District Attorney's office will file a Trial Data Certificate in each misdemeanor and traffic case at least one week prior to the status conference. This TDC shall provide the court information about what plea offer was extended to the defendant and the manner in which this discussion took place, i.e. by phone, e-mail or in person. If no meaningful discussion

with the defendant or counsel occurred, a TDC will still be filed with an explanation.

7. If there is no disposition at the status conference, the Court may set motions and trial or schedule the case for case management conference approximately four weeks later. Defendants must appear at the case management conference even if represented by attorneys unless leave of Court is granted.
8. If there is no disposition at the CMC, the case will be set for motions and trial. There will be rare continuances of the CMC, and only for extraordinary reasons in the Court's discretion. When a case is set for motions and trial, judges will discuss disposition deadlines, and these will be closely enforced.
9. If an attorney enters an appearance in a case prior to arraignment, the arraignment date will be vacated and a status conference in the division will be scheduled approximately eight weeks from the original arraignment date. The Court will provide the DA's office a copy of the setting notice.
10. Attorneys must accept a setting as provided by the CJAs (eight weeks for the SC or four weeks thereafter for the CMC) or within fourteen days before or after this date. If the attorney indicates unavailability within this timeframe, the attorney must request leave of court by written motion to set a proceeding outside the expected timeline.
11. Speedy trial calculations will be unaffected. A plea of not guilty will continue to be entered as of the original advisement or arraignment date.
12. In-custody pre-trial conferences for defendants who do not post bond will continue to be held at the jail without change in the present system. If a case does not resolve at the in-custody PTC, the case will be set for status conference in the division on a timeline after conferring with the public defender.
13. The District Attorney's office will maintain office hours during the days that pre-trial conferences were previously conducted. In addition, deputies commit to return e-mail and phone messages promptly and to set face-to-face meetings if requested. Defense counsel are expected to make themselves available for meaningful discussion about case status and potential plea disposition well in advance of the status conference. Defense counsel should not expect that court time will be utilized for this purpose. County court deputies agree, upon request, to set an appointment for meeting with the public defender assigned to his or her particular division to review cases. The County Court supervisor will field any concerns from attorneys about deputies' unavailability.

14. Trial Data Certificates will be submitted by the DA's office to the County Court Specialist. The specialist or his/her designee will date stamp TDCs and docket these on Eclipse. The specialist, in cooperation with division CJAs, as needed, will keep a log documenting a) the number of TDC's filed, b) whether these were filed on time (7 days or more prior to the SC) or late, c) whether or not an offer was included, and d) the manner in which discussion between the parties occurred.
15. Evaluation of the project will include review of all benchmarks documented as per the process in the preceding paragraph as well as feedback from all affected parties, including the judges' experiences with the pilot project and its effect on case management practices.
16. The pilot project is initiated at the request of the District Attorney's office and developed in consultation with the Office of the Public Defender and with a representative of the Colorado Criminal Defense Bar, Boulder Chapter. As needed, this group will continue to meet during the course the pilot project is operational to address any issues identified.