



JUDICIAL PLANNING COUNCIL

COLORADO JUDICIAL DEPARTMENT
TWO EAST FOURTEENTH AVENUE, ROOM 255
DENVER, COLORADO 80203
(303) 861-1111

Hon. Donald P. Smith, Jr.
Chairman

Daniel J. Hall
Director, Planning & Analysis

M I N U T E S

JUDICIAL PLANNING COUNCIL

October 16, 1981

The meeting of the Judicial Planning Council was called to order at 8:30 a.m. by its chairman, Judge Donald P. Smith, Jr., in the Supreme Court Conference Room. The following members were present:

Hon. Donald P. Smith, Jr.
Sen. Martha Ezzard
Mr. Any Vogt
Hon. Jerry Lincoln
Ms. Kathy Busch
Hon. Dorothy Binder
Mr. Les Moroye
Ms. Linda Gibson
Mr. Daniel Vredenburg
Hon. Anthony Vollack
Mr. Michael Sabien
Mr. Paul Holdeman
Mr. James Thomas
Hon. Joe Cannon
Hon. Laura DeHerrera
Hon. George Mannerbino

Members absent were:

Mr. Daniel Hoffman
Mr. Alex Keller
Mr. Robert Johnson
Hon. Roger Cisneros
Hon. Joseph Studholm
Mrs. Norma Walker
Mr. Gregory Wallta
Hon. Marsha Yeager

The following State Court Administrator's staff were present during all or portions of the meeting: Mr. Dan Hall, Director of Planning and Analysis; Mr. Carl Jacobson, Director of Special Projects; Mr. Bob Cassidy, Staff for Committee on Court Jurisdiction; Mr. E. Keith Stott, Deputy State Court Administrator; and, Mr. Jim Benway, Research Analyst.

Judge Smith introduced two new Council members: Judge Anthony Vollack, representing the District Judges Association and Ms. Linda Gibson, representing the Trial Court Administrator's Association.

COMMITTEE ON COUNCIL FOR INDIGENT

Senator Ezzard, chairman of the committee, presented the final report on providing legal representation for the indigent. The report addresses the legal background of indigent representation in criminal cases, cost and workload considerations and the professional responsibility of the legal profession for providing pro bono services. The Committee's most difficult task was addressing the philosophical charge of pro bono. Although the Committee has no definitive answer to the issue, it made progress towards clarifying the legal vs. state responsibility.

The recommendations in the report address the increasing cost of providing counsel for indigents to the state and to the legal profession. Recommendations include two pilot projects to test the concept of contracting with private lawyers and firms, one for juvenile and one for adult. The Chief Justice approved these projects and an ongoing committee will monitor the progress and success of the projects.

The Committee also recommends increasing the fees paid to private attorneys based on the cost of living index.

It was noted that determining indigency is a critical problem. It was suggested that guidelines are needed to specify that assets as well as income should be considered. Mr. Cassidy noted that indigency screening units look at income as well as other assets. The goal is cost avoidance rather than cost recovery.

Mr. Sabien was concerned that contracting with specific attorneys or law firms may cut-off some lawyers who want to represent indigent persons.

The Judicial Planning Council adopted the report unanimously and recommended that the report be presented to the Interim Judiciary Committee. The Council also urged the chairman to investigate the feasibility of publishing the report in the Colorado Lawyer.

Senator Ezzard offered special thanks to Judge Shannon, who headed the criminal sub-committee and Judge Behrman, who headed the juvenile sub-committee. Judge Litwiller gave valuable assistance to the juvenile sub-committee.

Senator Ezzard told the Committee that she is leaving the JPC because of time constraints. She noted that from her experience she would recommend to the Council that they analyze the needed staff work before entering a project. Judge Smith thanked Senator Ezzard for her work and expressed the Council's disappointment that they would lose her valuable participation.

COMMITTEE ON COURT JURISDICTION

Mr. Cassidy summarized the activity of the Committee's initial meeting which took place on September 11, 1981. He noted that the Committee had organized to address the obsolete and non-adjudicatory issues identified in the Lawson-Jamison report and then to address the jurisdictional items. A report on the Committee's action concerning the first two sections of the Lawson-Jamison report will be available for the next meeting.

Judge Smith noted that two members will join the committee; one, a member of the State Senate and the other a member of the Denver City Council. Mr. Sabien hoped that any findings or reports would be revised by other groups before it is released.

DISPUTE RESOLUTION

Ms. Jessica Pearson, director of the Denver Custody Mediation Project reviewed the results of the mediation program. Mediation in domestic relations child custody cases offers an alternative to dealing with the up-surge in family litigation.

Conclusions drawn from the program include: 75 percent of the couples who reach a mediation agreement decide on joint or shared custody of children compared to only 21 percent who did not reach an agreement; mediation is a less expensive way to resolve custody and visitation disputes; and, whether mediation succeeds or fails, it is favorably rated by disputants.

Judge Smith thanked Ms. Pearson for the presentation saying how informative it was and asked that she keep the Council informed of the project's progress.

PUBLIC EDUCATION COMMITTEE

Judge Binder gave the Public Education Committee's report which reviewed the Committee's accomplishments and future plans. Over half of the 75,000 booklets "Your Colorado Courts" have been distributed; slide shows and tapes have been produced and distributed to numerous courts in the state; and the Speaker's Bureau, "The Colorado Judicial Planning Council Forum" has been organized and a brochure "Speaking of the Courts" has been prepared. Media coverage of the Judicial system will continue to be explored by the Committee.

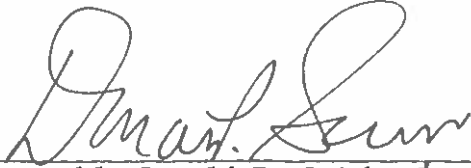
The report highlighted areas for future activity. The Committee's next major focus is education in the schools concerning the judicial system. Ms. Kathy Bush will head the sub-committee on this project. A workshop for members of the media designed to inform them about court procedures, functions and limitations is being considered. An additional printing of "Your Colorado Courts" is planned as well as a project to prepare "primers" on court procedures to assist lay persons who are summoned to court and to educate high school level students. The Committee's 1982-83 budget request is \$30,000 for the development and dissemination of publications and to provide equipment for the slide show.

PERSONNEL CLASSIFICATION COMMITTEE

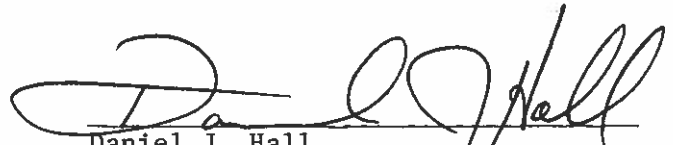
Judge Cannon, chairman of the Personnel Classification Committee, informed the Council of the hearing held by the Committee on September 25 1981, in Colorado Springs. Twenty-five people were present to express their views on the problems within the Personnel System. Judge Cannon expressed the view of the Committee to focus on broad areas rather than focus on individual concerns. A report will be presented at the December meeting of the JPC.

The next meeting will be on December 18, 1981, in the Supreme Court Conference Room from 8:30 a.m. until 1:30 p.m.

The meeting was adjourned at 1:30 p.m.



Honorable Donald P. Smith, Jr.
Chairman



Daniel J. Hall
Director, Planning and Analysis

November 4, 1981

NAME, ADDRESS AND REPRESENTATION

TERM IN YEARS

Honorable Dorothy E. Binder
Hall of Justice
1931 East Bridge Street
Brighton, Colorado 80601
659-1161

1
(reappointed 1981)

Mrs. Kathy Busch
6310 S. Newport Court
Englewood, Colorado 80111
771-5651

2
(appointed Dec., 1980)

Honorable Joe Cannon
Judicial Building
20 East Vermijo
Colorado Springs, Colorado 80903
Council of Juvenile Judges

1
(designated by
Association, 1981)

Honorable Roger Cisneros
City and County Building
1437 Bannock Street
Denver, Colorado 80202
575-2517

2
(appointed Dec., 1980)

Honorable Laura M. DeHerrera
State Representative
4137 Kalamath Street
Denver, Colorado 80211

1
(appointed April 1,
1981)

Honorable Martha Ezzard
State Senate
State Capitol Building
Denver, Colorado
893-2006
15 Cherry Vale Drive
Englewood, Colorado
80110
781-0082

2
(reappointed April,
1981)

Ms. Linda Gibson
Baca County Combined Court
741 Main Street
Springfield, Colorado 81073
523-4555

2
(designated by Associ-
ation, 1981)

Dean Daniel S. Hoffman
University of Denver - School of Law
200 West 14th Avenue
Denver, Colorado 80203

2
(reappointed April 1,
1981)

Mr. Paul Holdeman
1305 West Ridge Drive
Loveland, Colorado 80537

2
(reappointed April 1,
1981)

Mr. Robert W. Johnson, Esq.
El Paso County Judicial Building
20 East Vermijo
Colorado Springs, Colorado 80903
471-5705

1
(reappointed April 1,
1981)

Alex S. Keller
Keller, Dunievitz and Johnson
950 - 17th Street
Suite 1650
Denver, Colorado 80202

2
(appointed July 1,
1981)

Honorable Jerry D. Lincoln
Montrose County Courthouse
P. O. Box 368
Montrose, Colorado 81401
249-9677

1
(reappointed 1981)

Honorable George A. Manerbino
City and County Building
1437 Bannock Street
Denver, Colorado 80202
575-2651

1
(reappointed 1981)

Les Moroye
Colorado Association of Probation Officers
Denver District Court Probation Department
1440 Speer Boulevard
Denver, Colorado 80204
575-3571

1
(designated by the
Association, 1981)

Michael A. Sabian
Judiciary Section of the Colorado
Bar Association
1660 Lincoln Street #1660
Denver, Colorado 80203
839-1133

1
(appointed Jan. 1,
1981)

Honorable Donald P. Smith, Jr.
Court of Appeals
Colorado Judicial Building
2 East 14th Avenue
Denver, Colorado 80203
861-1111, Ext. 218
Appellate Courts

(At pleasure of
Chief Justice)

Honorable Joseph Studholme
Lakewood Municipal Court
44 Union
Lakewood, Colorado 80228
234-8636
Municipal Judges' Association

1
(designated by
Association 1981)

Mr. James D. Thomas
State Court Administrator
Colorado Judicial Building
2 East 14th Avenue
Denver, Colorado 80203
861-1111, Ext. 125

(Permanent by
virtue of office)

Mr. Andrew Vogt, Executive Director
Colorado District Attorney's Council
7330 South Alton Way, Suite N
Englewood, Colorado 80112
779-0841

2
(designated by DA's
Council, 1981)

Honorable Anthony Vollack
1701 Arapahoe Street
Golden, Colorado 80419
279-0500

1
(designated by the
Association, 1981)

Mr. Daniel Vredenburg
Hall of Justice
1701 Arapahoe Street
Golden, Colorado 80419
279-0500

1
(designated by the
Association, 1981)

Mrs. Norma Walker
309 Uvalda Street
Aurora, Colorado
343-4209

2
(appointed Dec., 1980)

Gregory Walta, Esq.
State Public Defender
718 Social Services Building
1575 Sherman Street
Denver, Colorado 80203
839-2661

(permanent by
virtue of office)

Honorable Marsha B. Yeager
Boulder Justice Center
1777 Sixth Street
P. O. Box 471
Boulder, Colorado 80306
441-3759
County Judge's Association

1
(designated by the
Association, 1981)