



JUDICIAL PLANNING COUNCIL

COLORADO JUDICIAL DEPARTMENT
TWO EAST FOURTEENTH AVENUE, ROOM 235
DENVER, COLORADO 80203
(303) 861-1111

Hon. Donald P. Smith, Jr.
Chairman

Barbara J. Gietne
Director, Planning & Analysis

MINUTES OF THE JUDICIAL PLANNING COUNCIL MEETING

April 15, 1981

The meeting of the Judicial Planning Council was called to order by its chairman, Judge Donald P. Smith, Jr., at 9:00 a.m. in the Supreme Court Conference Room. The following members were present:

Hon. Donald P. Smith, Jr.
Hon. Dorothy E. Binder
Ms. Kathy Busch
Hon. Richard Greene
Dean Daniel S. Hoffman
Mr. Paul Holdeman
Hon. Robert W. Johnson
Hon. Jerry D. Lincoln
Ms. Josephine D. Linden
Hon. George A. Manerbino
Mr. Derek McGee for
 Sen. Regis S. Groff
Mr. Mike Riede, for Mr. Ben Duarte
Mr. Michael A. Sabian
Mr. Walter A. Steele
Hon. Joseph Studholme
Mr. James D. Thomas
Mr. Timothy J. Turley for
 Hon. Orrelle R. Weeks
Mr. Andrew Vogt
Mr. Daniel Vredenburg
Ms. Norma Walker
Hon. Marsha B. Yeager

Members absent were:

Hon. Roger Cisneros
Sen. Martha Ezzard
Mr. Gregory Walta

The following State Court Administrator's staff and guests were present during all or portions of the meeting: E. Keith Stott, Jr., Deputy State Court Administrator; Carl Jacobson, Director of Special

Projects; Ed Zimny, Director of Court and Audit Services; Dan Hall, Director of Planning and Analysis, and Herbert Hermann, Administrative Secretary.

Also attending were Donald S. Skupsky, court management consultant, and James Vetter, Director of the Division of Criminal Justice, Department of Local Affairs.

Judge Smith mentioned that Barbara Gletne had resigned to go with the State Public Defender's Office. Dan Hall is her replacement, and he will join the State Court Administrator's staff on May 1. In the meantime, Keith Stott has assumed Ms. Gletne's duties. Mr. Hall was introduced to the members of the Council by Judge Smith.

THE FUTURE OF LEAA AND THE COLORADO DIVISION OF CRIMINAL JUSTICE.

James Vetter, deputy administrator of the Department of Local Affairs and director of the Division of Criminal Justice, gave a report on the status of LEAA and the DCJ and noted that the future looks bleak because of the loss of funding. The greatest losses will be in the juvenile area, especially in projects related to the status of juvenile offenders. There has been a great deal of pressure for more funding put on the federal government because of the question of institutionalization of juveniles and problems with violent offenders. Another problem relates to Senator Dole's bill dealing with the construction of jails and prisons. This bill has little chance of success in its present form.

Mr. Vetter also mentioned the bill to create a State Court Institute. Senator Heflin supports this legislation.

Mr. Vetter pointed out that there is much prejudice against criminal justice programs. Amendments to existing programs emphasize violent crimes and police in the justice system. Funding for future programs will be on a 50-50 basis compared with a 75-25 or 90-10 percent in past years. As a result, the states will have a more pre-eminent role in the programs that survive.

REPORT FROM THE STATE COURT ADMINISTRATOR

James D. Thomas, State Court Administrator, welcomed Mr. Hall and mentioned that Frank Gallo had been chosen to succeed Max James as the director of financial services. He also stated that he wished Ms. Gletne were present so he could thank her and express appreciation for her work on the JPC.

Mr. Thomas stated that there is a great deal of turnover with both Mr. Alvarez and Ms. Slon leaving the Planning and Analysis Division of his office. He is moving quickly, however, to get new staff. Also, improvements are continuing on the computer system. The staff

has now stabilized, and it no longer seems to be threatened with reductions by legislature. A new court appointed counsel system is being developed which will tie in with the attorney registration system. Terminals are being installed in court rooms as fast as possible on a statewide system. Steps are being taken to reduce the amount of information gathered by as much as 20 percent.

Jury management is being improved. Pilot programs using the new type of jury service are now being used in Colorado Springs and Denver. There will be tremendous savings because of a new telephone device to inform jurors whether they will be needed the following day. As much as one-half million dollars in wages could be saved using this new technique.

In discussing the Long Bill, Mr. Thomas stated that the judicial system will receive about 12 percent increase in funding over last year. Hopefully, there will be 41 new clerks for the trial courts, five new referees, and a small staff increase in probation. Also, community corrections is being returned to the Judicial Department

Mr. Thomas stated that judicial system would receive \$50,000 for training compared with \$150,000 received under the LEAA. A bill was also introduced which would provide \$10,000 for nominating commissions. Judge Smith mentioned that in the past JPC had been funded by the LEAA and this would be the first year the State would do the funding. Mr. Thomas also noted that he had been elected to the Board of Directors of the National Center for State Courts, an organization that does court-related research and has helped the Colorado courts at various times. He will attend his first meeting of the Board in August.

Mr. Thomas briefly discussed various bills pending before the legislature. The bill for additional judges is still in the Judiciary Committee. Salaries are also being discussed in the legislature but nothing concrete has come out of the committees.

ASSOCIATION REPORTS

Colorado District Judges Association. Judge Richard Greene reported that there has been a great deal of discussion concerning compensation of judges throughout the state. He compared the state judges' pay with federal and other public employees. Federal District judges are now paid \$67,100 annually which is considerably above that of the Chief Justice of the Colorado Supreme Court. Some municipal judges receive greater compensation than district judges. One pending bill would raise sheriffs' salaries to \$39,000 annually, which is almost equal to the salary of a district judge. Judge Smith mentioned that the Denver District Attorney will also be earning more than district judges because of the latest salary increases in Denver. A federal magistrate now receives \$51,800. A study indicated that the large Denver law firms are hiring new law graduates at \$30,000 per year and that an attorney in the private

sector with eight years experience receives compensation equal to a federal judge. All of this encourages judges to return to private practice.

One of the problems with obtaining satisfactory increases is that the judiciary does not have a strong constituency. Out of 38 representatives in the legislature, Judge Greene believes there may be only ten that are friendly towards the judiciary.

Judge Smith suggested that if the council is concerned, he would entertain a resolution directed to the issue of judges' compensation. The precise wording would be worked out during the day. It was moved and seconded and unanimously decided that a resolution be prepared. Bob Johnson, Bill Steele, Dan Hoffman and Dick Greene were appointed as an ad hoc committee to work on the wording of a resolution to be sent to the General Assembly.

Colorado County Judges Association. Judge Marsha Yeager explained that county judges are working with district judges and the legislature on the salary and retirement bills for judges. In addition, work is going forward on the mid-year County Judges Association conference in Steamboat Springs which will include appellate and district court judges. Judge Yeager briefly discussed the interest of county judges in the jurisdictional study of the JPC and the pending legislation that would change county court jurisdiction.

Colorado Municipal Judges Association. Judge Studholme explained that the Municipal Judges Association was organized in 1970 to meet educational needs and to upgrade judges at the municipal level. The association meets twice a year in meetings approved for credit by the continuing education program. There are many items in the current legislative session affecting municipal courts. About 80 to 90 percent of the association's members are part-time judges representing more than one court. The judges are under the administration of municipalities as well as the rules of the Judicial Department. Their pay is approximately the same as county court judges, perhaps just a little higher in some cities.

Colorado Bar Association. Walter Steele and Michael Sabian reported on the CBA. The association is governed by a 90-person board and has 45 standing committees and sections. Membership, which is not a requirement to practice law in Colorado, is approximately 7,000.

The goal of the association is to improve the administration of justice, to enhance the legal profession, to encourage proper legislation, and to help provide legal services to the poor. The CBA is very interested in continuing education, especially because of ethical problems that continue to occur with lawyers. At the last Board of Governors meeting in Boulder resolutions were adopted

concerning adequate funding for legal services to the poor. The association also contributes to a fidelity fund to pay people who are "done in by attorneys."

The Bar is opposed to Senate Bill 258 dealing with attorney fees in civil cases. It is their feeling that this works against the poor person. The Bar is also opposed to television in courtrooms and the House resolution calling for senate confirmation of members of the Commission on Judicial Qualifications.

COMMITTEE MEETINGS

The Council adjourned at 11:15 a.m. for committee meetings in the rooms indicated on the agenda. Judge Smith reconvened the meeting at 1:30 p.m. following the group luncheon.

ASSOCIATION REPORTS, continued

Colorado District Attorneys Council. Andrew Vogt, Executive Director of the Council, gave a brief description of the DA's organization. The organization came into being through legislation passed in 1977 for the purpose of providing training and upgrading staff. All areas of the state are represented in the organization. The organization is presently developing arrest and prosecution standards.

Mr. Vogt mentioned that one of the most significant activities of the Council has been the development of the PROMIS data processing system. PROMIS is used by most of the metropolitan area district attorneys to manage their caseload and provide statistical information. The Council's members are considering the purchase of a small computer for the system. The Council has coordinated its work through the Division of Criminal Justice committee on criminal justice information systems. Judge Smith suggested that the JPC work with the Council on data processing since DCJ funds are being cut.

Colorado Council of Juvenile Judges. Timothy Turley, Administrator of the Denver Juvenile Court, gave a brief report and indicated that Judge Cannon had asked him to convey to the JPC that the role of the juvenile judges in the mid-year meeting will focus on training.

Colorado Trial Court Administrators Association. Josephine Linden explained that the Colorado Trial Court Administrators Association was formed in 1966 and it includes all the state's court administrators. The organization's goal is to improve the administration of the courts. Ms. Linden referred briefly to the conference

in Ft. Collins last week, and she noted that a national conference of court administrators will be in San Francisco in September.

Dan Vredenburg elaborated on the work of the organization and spoke briefly on its interest in training. Letter-size conversion was also mentioned. One complaint was that files would become more bulky, but the attorneys on the whole are accepting the conversion. Two advantages are that all papers will look alike and time will be saved in preparing pleadings.

Colorado Association of Probation Officers. Michael Riede gave a short report on the Colorado Association of Probation Officers. There are approximately 300 members representing 95 percent of the probation officers in Colorado. The main purposes of the organization are to improve case reporting, training, and the probation services throughout the state. The organization worked with Jim Thomas on a personnel "utilization" project which resulted in pay raises for probation officers.

COMMITTEE REPORTS

Resolution Committee. A resolution concerning pay raises for judges was presented by the ad hoc Resolution Committee. It was suggested that the resolution, if passed, would be expanded to reflect more of the discussion, and that in its final form, should be signed by all members of the JPC and sent to the General Assembly. A motion was made and seconded to this effect. A short discussion followed, and the motion was passed unanimously. Judge Smith volunteered to hand carry the final resolution to the proper members of the legislature after he discusses it with the Chief Justice.

Ad Hoc Planning Committee. The Ad Hoc Planning Committee recommended that the JPC abolish its standing committee on administration and adjudication. Neither committee has any specific assignments at this time since their subcommittees carry out committee tasks. A motion was made and seconded that these committees be abolished. After a short discussion the motion was passed.

Committee on Court Reorganization. Judge Smith said that this committee is almost organized except for a chairman. The committee should be ready to begin work by the next meeting.

Training Committee. Before any formal meeting of the Committee is held, the amount of money available for training must be ascertained. This information should be available by May 15.

Committee on Counsel for Indigent Persons. Jack Smith reported that at the committee's most recent meeting decisions were

made concerning (1) indigents charged with criminal violations, which is the major cost item; (2) counsel for children covered by the Children's Code, primarily guardian ad litem; and (3) the treatment of pro bono time by individual attorneys. The Committee has considered many alternatives for appointing attorneys for indigents and a more precise definition of indigency. Judge Smith will be meeting with Senator Ezzard and Mr. Smith to put together a concrete proposal on these matters.

District Judges Handbook. A committee composed of Judges Flowers, Cannon, Binder, Sullivan and Steinberg met on April 3. It decided to expand the project by publishing a benchbook for district judges and another for county judges. Municipal courts will not be included for the time being (Judge Studholme volunteered to check with his association on this). The deadline for completion of this project is September 30, 1981.

Alimony and Support. Dan Vredenburg introduced Donald Skupsky, a consultant hired to prepare a report on alimony and support. The consultant's report will be sent to the JPC members before the next meeting. Discussion of the report will be a major item on the next JPC agenda.

Telephone Conferencing. Bob Cassidy reported that Colorado is one of several states experimenting with telephone conferencing. It saves time and money for litigants, and it appears to be accomplishing its objectives. It was suggested that bar associations should advise attorneys to cooperate in this program. Judge Smith suggested that the JPC organize a committee of all the judges participating in this project. Judge Wolvington was also recommended for the committee.

Library Standards. Judge Johnson presented the committee's report. The committee is recommending that a \$25.00 fee be collected from all attorneys to cover the estimated costs of the program, which would enable each county to have a computer terminal with access to automated legal research. The committee's report will be a major topic for discussion at the next meeting.

Public Education. The JPC authorized the Public Education committee to spend funds to buy slide projectors. Also, Jim Havey is preparing another slide show on the judicial system which can be used by speakers and schools through local speakers' bureaus. There have been many requests from various groups and organizations for these shows.

OTHER BUSINESS

Mr. Stott gave a brief financial report on the JPC's various activities and projects. Most of the funds for judicial education will be spent during the next three months. The benchbook project has not spent its funds yet, but the grant has been extended until September 30. Travel and meeting funds for the JPC itself are available, and committees were encouraged to meet at least once before the next meeting if necessary.

Council members expressed dissatisfaction with holding council meetings in the middle of the week. Therefore, the Council decided to hold its next meeting on Friday, June 19. This will be a shorter meeting with a limited agenda. It will probably start at 8:30 and end about 1:00 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:48 p.m.



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April 30, 1981

M E M O R A N D U M

TO: Members of the Judicial Planning Council

FROM: Keith Stott, Deputy State Court Administrator

SUBJECT: Minutes, Resolution on Judicial Compensation
and Notice of the Next Meeting

Enclosed are the minutes of the last JPC meeting together with a copy of the Council's resolution regarding judicial compensation. The resolution was delivered to the leaders of the General Assembly and the chairmen of the judiciary committees of both houses.

Please note that the next meeting will be held on Friday, June 19, from 8:30 a.m. to 1:00 p.m. A light brunch will be served during the meeting.

Major agenda items for this meeting include the report of the Library Standards Committee, the report of the Ali-mony and Support Committee (a copy of which will be mailed to you several weeks in advance of the meeting), and an introduction of the members of the Committee on Court Re-organization together with an overview of that committee's responsibilities.

EKS/hh

Enclosures



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April 28, 1981

Hon. Fred E. Anderson
President of the Senate

Hon. Carl "Bev" Bledsoe
Speaker
House of Representatives

Hon. Paul Powers
Chairman
Senate Judiciary Committee

Hon. Kathy Spelts
Chairman
House Judiciary Committee

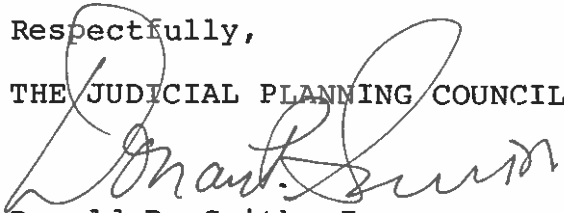
Dear Senators Anderson and Powers
and Representatives Bledsoe and Spelts:

At its meeting on April 15, the Colorado Judicial Planning Council adopted the attached resolution supporting the immediate passage of H.B. 1365, concerning the compensation of justices and judges.

We believe that the bill has great merit, and we urge your immediate and careful consideration of this important piece of legislation.

Respectfully,

THE JUDICIAL PLANNING COUNCIL


Donald P. Smith, Jr.
Chairman

DPS/

cc: Hon. Paul V. Hodges
Chief Justice

Enc. Resolution of April 15, 1981,
and related minutes
List of Council Members

RESOLUTION OF APRIL 15, 1981, PASSED AT A REGULAR
MEETING OF THE COLORADO JUDICIAL PLANNING COUNCIL

WHEREAS, the members of the Colorado Judicial Planning Council are greatly concerned about the increasing resignations of capable and experienced judges at all levels of the Colorado Judiciary.

AND WHEREAS, it is patently obvious to the Council, in performing its analysis and planning function, that the State of Colorado is suffering a substantial loss of investment in the training and development of a career judiciary as a result of these resignations. This is an alarming trend which threatens to undermine and denigrate the quality that has resulted from the willingness of younger lawyers to commit their professional lives to a career on the bench at both the trial and appellate level. Many of the current applicants for judicial appointments seem to fall into two categories: young inexperienced lawyers who barely meet the minimum statutory practice requirements, or, lawyers with many years of experience, who for various reasons, want to spend their remaining professional years on the bench. Unfortunately, those in the first category often remain on the bench for only six or seven years. Then the financial demands of their families substantially increase and the experience and training they have gained makes it possible for them to command much higher compensation than the Colorado judicial system can pay. Colorado thus loses many judges prior to or during their most creative and productive professional years.

This trend is confirmed by interviews with the many capable judges who have resigned in recent years. They consistently give as reasons for their leaving, first, the pressure of dramatically increasing caseloads with no commensurate increases in judges and staff, and, second, compensation below that of other public attorneys and considerably lower than the earnings of the judges' contemporaries.

AND WHEREAS, although present salaries are inadequate, we believe that regular annual percentage increases will help alleviate this situation.

NOW, THEREFORE, BE IT RESOLVED by the Judicial Planning Council that the immediate passage of H.B.1365 is an essential step in helping to preserve the high caliber of our judicial system.

BE IT FURTHER RESOLVED that the chairman is hereby directed to communicate this resolution requesting immediate passage of H.B.1365 to the appropriate members of the Colorado General Assembly.