

State of the Colorado Judiciary 1979
Chief Justice Paul V. Hodges, Colorado Supreme Court
Message to the General Assembly
January 15, 1979

President of the Senate Anderson, Mr. Speaker, Ladies and Gentlemen of the 52nd Assembly:

It's good to be here. One of the most interesting experiences of my public service was the two terms I served as a member of the House of Representatives in the early 1950's. It is indeed a great honor to appear before you today and joint session to report on the state of the judiciary, as my predecessor Chief Justice Edward E. Pringle did on four previous occasions.

The Colorado judicial system is still regarded as a national model. The accomplishments which have made this possible have been aided materially by your support of our goals legislatively and financially. And implemented by the diligence and skill of dedicated judges in court personnel throughout the state.

Much credit for the high regard in which the Colorado court system is held is due to the work and dedication of former Chief Justice Edward E. Pringle, who held that office for eight years. His leadership in molding our court system has been outstanding. He plans to retire from the court this year, after serving in the Colorado judiciary for over 20 years. Justice Donald E. Kelley, formerly a member of the Colorado State Senate, and a distinguished jurist, is retiring from the court in two weeks. We shall miss both of these men who have been pillars of strength in our judicial structure.

It is not my intention today to recite statistics to substantiate needs for personnel or funding, or to justify the excellence I feel is present generally in our judicial system. It is necessary, however, to refer occasionally to comparative data to establish certain pertinent illustrations.

Fourteen years ago, our present judicial organization was structured. In that time the number of filings has increased dramatically. The number of judges and referees has increased as well, but to a lesser degree. Many additional services have evolved. Such as, the small claims court, advisement procedures, a new probate code, a new children's code, a new criminal code; but with the improvement in administrative techniques, and enhanced efficiency and management, we have been able to keep up in most areas.

The work of the Supreme Court continues to grow. In fiscal year 1977-78 our filings increased 16% over the previous year. I am happy to report, however, that the rate of terminations was 27% higher during the same period, resulting in a decrease of more than ten percent in pending cases.

In the court of appeals, the number of new cases filed in fiscal year 1977-78 remained constant with the previous fiscal year. The output of that court continues to climb with terminations of 9% in the last fiscal year. However, in the last six months of 1978, filings in the court of appeals have increased 24% over the same period of time in 1977.

In May of 1977, my predecessor appointed the Judicial Planning Committee. The committee is representative of all levels of the judicial system, the bar and the public. Its purpose is to identify organizational goals, access resources, determine priorities and evaluate the implementation of the priorities.

One of the first tasks of the committee was to identify the problems facing the courts. This was accomplished by distributing a survey questionnaire to all judges, administrators, clerks, and chief probation officers. As a result of the survey, several problems were identified. Among those were the need to improve the public's perception of the judicial system; they need to evaluate the existing methods of determining and justifying resources; the need to develop orientation programs for jurors, parties, witnesses and victims; the need for expanded education programs for both judges and other court personnel; and the need to address the problems of the "litigation explosion."

The Judicial Planning Committee, the Supreme Court, and State Court Administrator have taken special interest in the need to develop improved methods of determining and justifying judicial needs. The committee recommended that long range plans based on standards for workload and performance, staffing, facilities, case processing, forecasting and case reporting be developed. As a first step toward accomplishing this task, the State Court Administrator directed his staff to develop a management and budget program which would begin to eliminate some of the staffing inequities which predated the state's assumption of the responsibility for the courts. A new system based on cost per case as the measurement of performance and comparability was developed. This system has the capability of comparing all the varied court operations and staffing patterns against a common base. The cost model has been used to establish interim standards for court personnel and was compared to projected filings to arrive at trial court staffing needs for fiscal year 1979-80.

Other accomplishments toward achieving the goals of the Judicial Planning Committee include expanding training programs for judges and court personnel and initiating projects to begin to evaluate alternate means of dispute resolution.

The cost per case method of management and budget which I spoke of earlier was also used to analyze our need for new judgeships. By analyzing actual terminations over the last two fiscal years, we set a standard for our district judges. By applying the standards to our projected year 1979-80 filings we find a need for additional judgeships in the First, Fourth, Seventeenth, and Eighteenth Judicial Districts. In the Eleventh Judicial District (Fremont and Chaffee Counties) which includes Canon City and the State Penitentiary, special circumstances may point to a real need for an additional judgeship.

The same method was used to analyze our needs in the county courts. Again, by applying the standards to physical 1979-80 projected filings, we find a need for additional judgeships in Arapahoe, Boulder, Douglas and Jefferson County Courts.

Appropriate recommendations will be made to the General Assembly as these needs are analyzed and justified.

For several years, a training program for probation officers has been conducted by the State Court Administrator's Office. During the past year, this effort has been expanded to afford continuing education for trial court administrative and clerical staff members in all phases of the judicial system. Priorities have been established for development of court clerks' manuals, in-service workshops, orientation of new employees, and specialized local court training. This will enable court personnel to continue to be innovative and efficient in the administration of justice.

In the area of court operations, all 130 trial courts in our state have now completed the transition to the simplified case processing system. This system eliminated the use of the old-fashioned, thirty-pound "docket books," in favor of index cards in case jackets. Standard case numbering was instituted statewide on January 2nd this year, along with improved filing and record keeping systems. The overall impact of these changes is improved court services to the public, to attorneys, and to litigants.

Probation has long been the best established form of correct in and rehabilitating many offenders. In Colorado, probation is a strong right arm of the criminal court system, and under the direction of many skilled and dedicated professionals in the field, has been developed into one of the finest correctional vehicles in the nation. The success rate is excellent by any yardstick of measurement, and the cost to the taxpayer is a fraction of the cost of incarceration.

In view of the growing nationwide interest in restitution to victims of crime, it is well to know the growth of the program administered by the courts in Colorado. Two years ago, the Chief Justice told the General Assembly that in fiscal year 1976-77, we collected \$658,718 from probationers. It pleases me to tell you today that in the last fiscal year, collections totaled \$1,221,028, an increase of 85%. In 1976, a national news weekly stated that Colorado's restitution collections then were the highest of any state in the union.

A program of public information funded through a grant received in July 1978 is being undertaken under management of staff members of the State Court Administrator's Office, in cooperation with the Judicial Planning Council. This will include formation of a statewide speakers bureau consisting of active and retired judges, members of the bar, and judicial system personnel. It will work closely with local groups of citizens, such as service clubs, civic organizations, churches, schools, etc., to meet the growing demand for information about the courts, including the jury system, probation, victim compensation, and other matters of interest.

A newsletter known as Colorado Courts has been published on a trial basis by the State Court Administrator's Office, and has proved invaluable and disseminating information to all personnel in the system, as well as keeping readers informed of happenings in the court family. The January - February issue which you will receive within a few days will feature legislative matters. We feel it is a great importance to keep the field closely informed about the laws that are being written, particularly those affecting the courts and related services.

The Colorado commission on judicial qualifications was established in 1967, charged with the constitutional responsibility of investigating complaints of judicial misconduct, willful or persistent failure to perform duties, in temperance, physical or mental disability, and conduct prejudicial to the administration of justice. Although its work is confidential, I can report that 87

meetings have been held since 1967. Three hundred forty-three cases have been filed in that time. A little more than one-half of the cases were dismissed as being without merit or unfounded.

Through 1977, 17 judges have resigned or retired following commission action. 24 have been censured, and two suspended temporarily after recommendation to the Supreme Court.

The small claims court was created by the 1976 legislature on a three-year trial basis, and all reports indicated has been well received and used more extensively than anticipated. This court affords relief to the aggrieved citizen in an expeditious manner, for a nominal fee. The General Assembly has legislation pending to extend this court indefinitely. The board of governors of the Colorado bar association wholeheartedly recommends continuation, and communication statewide from the users of this service urgent its retention. The Supreme Court supports extension.

Implementation of the 1977 judicial retirement act has added more than one thousand days service of retired judges annually to the demands of the Colorado bench. Many emergencies throughout the state have been met by the wise use of the provisions of this plan.

The Judicial Building was completed and occupied in 1977, and dedicated to the people of Colorado on August 1, 1977, the one hundred and first anniversary of statehood. The Supreme Court, Court of Appeals, the Court Library, and the various divisions of the State Court Administrator's Office are now for the first time under one roof, befitting the dignity of the judicial system and affording utilitarian quarters for the required functions.

We are grateful to Otto Friedrichs, a prominent retired Denver attorney, and his wife Helen, for their generous contribution of one hundred thousand dollars for a mural depicting the growth of justice in human rights, created and installed by Angel Di Benedetto, noted Colorado artist, and for ornamental fountains outside the building. The Colorado Bar Association has recently accepted a further gift of more than \$5000 from Mr. and Mrs. Friedrichs to be applied on purchase of a new chandelier. The bar group will institute procedure for selection and funding of a suitable fixture, subject to final approval by the Supreme Court.

We are grateful for the consideration given to our budget request in the past. I am completely aware of the Herculean task you phase each year and reducing the great volume of fiscal request to meet the actual amount of money available. This is an ever-present challenge, and you can be proud that Colorado has administered its revenues wisely and fairly.

The 1979-80 budget request we have submitted is an attempt to make the process freely responsive to the needs of the trial courts identified carefully during the past year by needs assessments conducted throughout the state, and discussions with judges, court personnel, legislators, officials in all levels of government and citizens generally.

The growth and development of the judicial system in Colorado during this decade has tested the stamina and ingenuity of our personnel, but they have a credit themselves well, and each year new methods and procedures are implemented which make us increasingly proud of our unified court system. The increase in funding requested of you for the coming fiscal year is necessary to

maintain current programs, and to meet the demands of inflation and expanded services so that we may continue to give the people of Colorado the quality of court services which they deserve.

James Madison, and one of the Federalist Papers, stated “preservation of liberty requires the three great departments of power should be separate and distinct.” Nevertheless, each branch of government is dependent upon each other. And none can function without mutual cooperation and support. I have served in the executive, legislative and judicial branches, and recognized the unity of purpose we must all achieve to secure a good government for the people. Sir Walter Raleigh said “there can be no greater liberty than a good government.”

I want to express sincere thanks once more for affording me the opportunity to appear before you today. Your keen interest in the administration of justice, described by George Washington as “the firmest pillar of government,” has been proven many times by your support of the Colorado judicial system.

It pleases me to report that the “state of the courts” is good. We are not content to rest here, however, but shall move forward, with dedication and relentless effort to make the system even better. To give the people of Colorado the type of justice they deserve, befitting the tradition and dignity of the Centennial State.