

State of the Judiciary,
Chief Justice Mary J. Mullarkey, Colorado Supreme Court
Message to the Legislature
January 9, 2009

President Groff, Speaker Carroll, Members of the 67th General Assembly, honored guests and friends.

Introduction

It is an honor to be here with you today to discuss the state of Colorado's judiciary. I was pleased to accept your invitation to continue a longstanding tradition of the Chief Justice addressing members of the General Assembly at the beginning of a new legislative session.

Thank you for your support over the past several years it is most appreciated. There are many ways you have helped us, but I would like to focus on a few that will undoubtedly have positive impacts in serving the people of Colorado for years to come.

I want to focus on four of these accomplishments: the addition of new judges, approval for the Ralph L. Carr Justice Center, courthouse security grants and increasing the state's probation officers.

Before I discuss the specifics of these accomplishments, let me take a minute to provide an overview of the judiciary.

Overview of the Judiciary

As Chief Justice, I proudly represent the state's 304 judges and justices and more than 3,200 additional full and part-time employees of the Colorado Judicial Department. These devoted professionals work in a variety of settings around the state—from the trial courts and probation offices in each of the state's 64 counties to the appellate courts here in Denver. I would like to take a moment to publicly thank the justices, judges, and employees of the Colorado Judicial Department. I remain impressed with their hard work and dedication to serving the citizens of Colorado.

Colorado courts continue to face a daunting workload. Colorado is the fifth-fastest growing state. Since the 2000 Census, our population has grown 15 percent. During that same time period, we have seen court filings rise 25 percent. In Fiscal Year 2008, nearly three-quarters of a million new cases were filed in Colorado. That is equivalent to 300 cases filed every business hour. Our case loads historically track population growth. But in difficult economic times we've seen a dramatic growth in debt-related actions. For example, foreclosure filings are up more than 400 percent since the last Census, and debt-collection actions at the county court level alone have increased more than 70 percent.

New Judges

That is why adding new judges has been so important. House Bill 1054, passed in 2007, addressed an historic shortage of judges by creating 43 new judgeships around the state. The addition of these new judges enables us to enhance the quality of justice delivered to the people of Colorado.

I want to thank the bill's sponsors, Speaker Carroll and Senator Shaffer for shepherding this legislation.

Ralph L. Carr Justice Center

Another very important accomplishment of last year was the passage of Senate Bill 206, which authorized the construction of the Ralph L. Carr Justice Center. I thank you for your commitment to this project, particularly the bill sponsors – Senators Shaffer and Penry and Representative Marostica and Speaker Carroll.

The Justice Center is expected to open in 2014, on the block now occupied by the Judicial Building and the Colorado History Museum. The bill creates a new home for the museum one block away from its current location. Naming the building after Governor Carr is a fitting tribute and should prove to be an inspiration to all public servants because he had the courage to do the right thing in the face of overwhelming public opposition.

The new justice center will be a complex of buildings. The heart of the justice center will be the courtrooms and offices of the Supreme Court and Court of Appeals. The complex itself will bring together all of the state's legally related offices, the largest of which is the Office of the Attorney General.

Your support for a new justice center will have long lasting benefits for all the state's law-related agencies and the people who utilize these agencies. Not only will the new facility improve operational efficiencies, it is projected to save the state approximately \$60 million over 30 years in lease savings, along with reduced utility and maintenance costs.

Courthouse Security Grants

Another initiative you supported that will have long-lasting benefits for court users is the courthouse security grant program. Through our partnerships with Colorado's 64 counties we are ensuring citizens have safe environments for resolving their disputes. The sponsors of this bill were Senator Shaffer and Representative Steve King.

Probation Services

Over the last several years you authorized a 23 percent increase in the number of probation officers. Probation is an integral part of the Judicial Branch. The Department of Probation Services is the largest correctional system in the State of Colorado. It is responsible for the supervision of approximately 60 percent of all the juvenile and adult cases that come through the courts. That represents 7,600 juvenile offenders and 61,000 adult offenders.

With those additional probation officers we have reduced case loads, which has resulted in better supervision. We have been effective in keeping offenders in the community and out of the Department of Corrections at a significant cost savings. For every dollar spent on probation you would spend \$23 for an adult offender in the Department of Corrections and \$37 for a juvenile in the Division of Youth Corrections.

Quality of Services

The support you have provided us through these initiatives, and many others, is important because it has enabled us to improve the quality of services we provide to the public. There are three parts to our quality improvement efforts – feedback, accountability and training.

Last year, we launched a project to obtain citizens' perspectives on the Colorado courts' accessibility and how they were treated in terms of fairness, equality, and respect. In this program judges, clerks and other court employees surveyed people as they exited the courthouses. Overall, we received survey responses from approximately 5,500 people in 11 of our 22 judicial districts.

These court users overwhelmingly indicated that they felt they were treated with courtesy and respect in their dealings with the court. They also indicated that the court processes and facilities were easy to navigate. The survey responses show some evidence that litigants sometimes feel rushed through court hearings. I hope that your recent infusion of new resources and judgeships will enable us to begin to address these concerns.

We will continue conducting these surveys in 2009 to help ensure that the needs of the public are properly considered when pursuing changes in our business practices.

We also receive feedback from a variety of other sources. For example, I was pleased to learn that a 2008 U.S. Chamber of Commerce report ranks the fairness of the civil litigation climate in Colorado 9th nationally with our judges' impartiality and competence identified as the strongest elements of our system.

Last year we took our first comprehensive overhaul of time standards for processing cases in Colorado courts. These standards establish how long it should take to resolve different types of cases. Overall we are doing well, but the case type areas showing the most delay are in district court with civil cases and in DUI cases at the county court level. Overall, I am pleased with our efforts to eliminate delay in resolving cases. We work hard to balance the need to move cases through the process and the desire for all litigants to receive ample time during hearings to present their case.

We know that ongoing training for judges is invaluable. Our annual new judge orientation programs have been expanded to address more substantive areas of law, as well as case management, the role of the judge, demeanor and access and fairness issues. Providing all of our judges with the most technologically advanced tools is also essential.

Our information technology continues to rival the best among the state court systems. No other state courts can match our system's integrated case management and ability to share data with other agencies. This is especially important for tracking criminal cases and dependency and neglect cases because it provides judges with all of the information they need to make the best decisions.

Looking Ahead

We have tried to present to you a budget that is as frugal as possible. There is one significant item we are requesting. The counties have invested \$191 million in new courthouses and courthouse additions. Now the state must meet its statutory obligation to furnish and equip those facilities. We are asking for \$3.1 million to meet this requirement.

We recognize that this is an especially difficult budget year. Since our budget is 88 percent personal services, our options for achieving savings are somewhat limited. We are bound by common policies. Again, I thank you for your past and ongoing support of the Judicial Department, its people and programs.

I leave you with my commitment to work with you as a partner in proactively addressing any issues that may arise this year. I wish you well as you undertake the important work of this session. Doing the work of the people is always challenging, and that work will likely be compounded by this year's economic challenges.