

Department of Law
Schedule 10
FY 2019-20 Budget Request

| Priority | Number | Division | Request | FTE | Total Funds | General Fund | Cash Funds | Reappropriated Funds | Federal Funds |
|-------------------------------------|--------|--------------------------------|--|------------|------------------|------------------|-------------------|----------------------|-----------------|
| Decision Items | | | | | | | | | |
| | 1 | Administration | Information Technology Asset Maintenance Increase | 0.0 | \$485,493 | \$139,765 | \$68,752 | \$264,160 | \$12,816 |
| | 2 | Criminal Justice and Appellate | Appellate FTE to Manage Backlog | 0.9 | \$87,533 | \$87,533 | \$0 | \$0 | \$0 |
| | 3 | Administration | 2.0 FTE from Consumer Protection and Antitrust to Administration | 0.0 | \$0 | \$0 | (\$142,449) | \$142,449 | \$0 |
| Total - Decision Items | | | | 0.9 | \$573,026 | \$227,298 | (\$73,697) | \$406,609 | \$12,816 |
| Base Reduction Items | | | | | | | | | |
| Total - Base Reduction Items | | | | 0.0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Non-Prioritized Items | | | | | | | | | |
| | | Administration | Annual Fleet Vehicle Request | 0.0 | \$15,478 | \$4,326 | \$4,960 | \$6,192 | \$0 |
| | | Administration | OIT R2 and R5 Requests | 0.0 | \$192,203 | \$55,052 | \$27,474 | \$104,480 | \$5,197 |
| Total Non Prioritized Items | | | | 0.0 | \$207,681 | \$59,378 | \$32,434 | \$110,672 | \$5,197 |
| Grand Total November 1, 2018 | | | | 0.9 | \$780,707 | \$286,676 | (\$41,263) | \$517,281 | \$18,013 |

Schedule 13
Funding Request for the 2019-20 Budget Cycle

Department: Department of Law
 Request Title: Information Technology Asset Maintenance Increase
 Priority Number: R-1

Dept. Approval by:  10/16/18
 Date

X Decision Item FY 2019-20
Base Reduction Item FY 2019-20
Supplemental FY 2018-19
Budget Amendment FY 2019-20

OSPB Approval by: _____
 Date

| Line Item Information | | FY 2018-19 | | FY 2019-20 | | FY 2020-21 |
|--------------------------------|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 6 |
| | Fund | Appropriation FY 2017-18 | Supplemental Request FY 2017-18 | Base Request FY 2018-19 | Funding Change Request FY 2018-19 | Continuation Amount FY 2019-20 |
| Total of All Line Items | Total | 833,595 | - | 833,595 | 485,493 | 290,678 |
| | FTE | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| | GF | 240,818 | - | 239,983 | 139,765 | 83,683 |
| | GFE | - | - | - | - | - |
| | CF | 120,189 | - | 118,050 | 68,752 | 41,165 |
| | RF | 450,184 | - | 453,557 | 264,160 | 158,157 |
| | FF | 22,404 | - | 22,005 | 12,816 | 7,673 |

| | | | | | | |
|---|--------------|---------|---|---------|---------|---------|
| (1) Administration: Operating Expenses | Total | 833,595 | - | 833,595 | 485,493 | 290,678 |
| | FTE | - | - | - | - | - |
| | GF | 240,818 | - | 239,983 | 139,765 | 83,683 |
| | GFE | - | - | - | - | - |
| | CF | 120,189 | - | 118,050 | 68,752 | 41,165 |
| | RF | 450,184 | - | 453,557 | 264,160 | 158,157 |
| | FF | 22,404 | - | 22,005 | 12,816 | 7,673 |

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:
 Cash or Federal Fund Name and COFRS Fund Number: All appropriated cash funds
 Reappropriated Funds Source, by Department and Line Item Name: NA
 Approval by OIT? Yes: No: Not Required: x
 Schedule 13s from Affected Departments:
 Other Information:



DEPARTMENT OF LAW

*FY 2019-20 Funding Request
November 1, 2018*

*Cynthia Coffman
Attorney General*

*Leora Joseph
Chief of Staff*

*Melanie Snyder
Chief Deputy Attorney General*

Department Priority: 1
Request Title Information Technology Asset Maintenance

| Summary of Incremental Funding Change for FY 2019-20 | Total Funds | GF | CF | RF | FF | FTE |
|--|------------------|------------------|-----------------|------------------|---------------|------------|
| Total Request | \$485,493 | \$139,765 | \$68,752 | \$264,160 | 12,816 | 0.0 |
| Information Technology Asset Maintenance | \$485,493 | \$139,765 | \$68,752 | \$264,160 | 12,816 | 0.0 |

| Summary of Incremental Funding Change for FY 2020-21 | Total Funds | GF | CF | RF | FF | FTE |
|--|------------------|-----------------|-----------------|------------------|----------------|------------|
| Total Request | \$290,678 | \$83,683 | \$41,165 | \$158,157 | \$7,673 | 0.0 |
| Information Technology Asset Maintenance | \$290,678 | \$83,683 | \$41,165 | \$158,157 | \$7,673 | 0.0 |

Request Summary:

The Department of Law (DOL) is requesting a two part budget request. The first part is a one-time \$485,493 increase to the DOL Information Technology Asset Maintenance Line in FY 2019-20 to provide necessary resources to address Continuity of Operations infrastructure needs and to replace network equipment that is at end of life and is no longer supported by vendors.

The second part is an ongoing \$290,678 increase to the Information Technology Asset Maintenance or FY 2020-21 and out years. This request will provide necessary resources to address the annual replacement of the department’s IT infrastructure and expand storage to meet data growth trends.

Background:

The DOL manages its IT infrastructure budgets through the Information Technology and Asset

Maintenance Line Item. The entire budget for IT efforts is \$833,595 TF. This line item was augmented by a FY 18 budget request addressing security concerns discovered from a FY 16 audit of the IT security infrastructure and protocols.

In FY 2018 the DOL continued to make strategic investment in the IT infrastructure. The department completed refresh and upgrade of critical sever and storage infrastructure as well as purchasing and implementing off-site backup capability and disaster recovery servers. Unfortunately, the DOL is still at risk and was not appropriately scoped for costs in the DOL FY 15 Information Technology Asset Maintenance request. The network switches, which provide local and wide area connectivity have been in service for 7 years, and are no longer supported by the vendor. The age of the equipment increases the likelihood of failure, and the lack of vendor

support could cause service to be crippled for a significant length of time. Disaster recovery security and storage must be implemented to ensure information and system availability in the event that the DOL data center is unavailable. As such, the DOL requests one-time incremental funding to mitigate these risks.

For FY 2020-21 and out years, the DOL is making a strategic request to bolster data storage requirements as evidenced by a 46% growth in FY 2018 (Chart #1).

Additionally, the DOL is unable to meet the department standard of 4 year replacement of desktop computers (Chart #2), To better align replacement cycles and funding, the DOL has projected ongoing annual refresh cost for FY 2020-21 and out years in Chart #3. These estimated costs include the refresh cycle on \$485K network investment in the first part of this request.

This requested funding will provide the necessary equipment to enrich legal data management, bolster Continuity of Operations capabilities, maintain our strong cyber-security position, and enhance system and network availability and effectiveness.

Anticipated Outcomes:

With this request, the department will augment and maintain the IT infrastructure, thereby reducing risk, enabling department efficiency, and elevating department effectiveness. This will better position the DOL to minimize system failures and to leverage emerging technologies ensuring each department employee has the appropriate tools to provide adequate document and data handling as the agency represents client agencies and other state interests.

Assumptions for Calculations:

The DOL is estimating the supplemental funding request for network refresh and continuity of operations hardware and software based on provider quotes (See separate documentation), and is requesting the increase in incremental funding based on the life cycle estimates established in Chart #3.

Consequences If Not Funded:

If this request is not funded, the department will continue to manage IT infrastructure needs through available resources and priorities. However, the consequence of not funding the request has the potential to be disastrous for the department in its responsibilities to effectively represent the legal interests of the state. Stretching the life expectancy of computer equipment increases the risk of data compromise, and may result in total loss of data on network resources; missing a court filing deadline due to loss of a data caused by desktop equipment failure; and/or loss of productivity as a result of system or network failure. Without a right sizing of the IT replacement budget, the efficient and effective work of the department may be compromised.

Impact to Other State Government Agency:

This request, if approved, will ultimately increase the transfer of dollars From CDPHE and DORA to support the CERCLA, Mortgage Broker Consumer Protection, and Securities Fraud programs.

Current Statutory Authority or Needed Statutory Change:

NA

Chart #1: DOL Increase in Data Storage Requirements

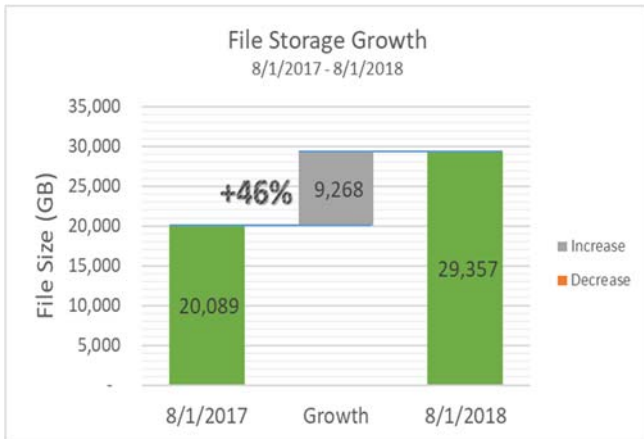


Chart #2: DOL Desktop Inventory

| CY Purchase | # in inventory | % |
|-------------|----------------|---------|
| 2012 | 20 | 3.49% |
| 2013 | 95 | 16.58% |
| 2014 | 60 | 10.47% |
| 2015 | 107 | 18.67% |
| 2016 | 105 | 18.32% |
| 2017 | 110 | 19.20% |
| 2018 | 76 | 13.26% |
| | 573 | 100.00% |

Chart #3: Forecasted annual replacement need:

| Infrastructure Equipment | Quantity | Cost | Lifecycle | Annual Cost |
|---|-----------------|--------------|------------------|-----------------------|
| Adobe Suite | 1 | \$51,000.00 | 1 | \$51,000.00 |
| Barracuda Backup Device Maintenance | 1 | \$14,500.00 | 1 | \$14,500.00 |
| Barracuda Email Security | 1 | \$8,000.00 | 1 | \$8,000.00 |
| Barracuda Message Archiver | 1 | \$12,000.00 | 3 | \$4,000.00 |
| Barracuda WAF | 1 | \$2,500.00 | 1 | \$2,500.00 |
| Cisco Hyperconverged System (Data Center) | 1 | \$216,404.47 | 3 | \$72,134.82 |
| Cisco Hyperconverged System (e-Fort (DR)) | 1 | \$82,418.26 | 3 | \$27,472.75 |
| Conference Room Provisioning | 10 | \$30,000.00 | 4 | \$7,500.00 |
| CrowdStrike Advanced Threat Protection | 1 | \$50,000.00 | 1 | \$50,000.00 |
| Firewalls (Data Center) | 1 | \$70,000.00 | 5 | \$14,000.00 |
| Firewalls (e-Fort (DR)) | 1 | \$18,368.94 | 5 | \$3,673.79 |
| IDERA SQL Monitoring License | 1 | \$8,500.00 | 1 | \$8,500.00 |
| Microsoft Enterprise Agreement | 1 | \$135,000.00 | 1 | \$135,000.00 |
| Microsoft Mobile Device Management (MDM) | 1 | \$45,000.00 | 1 | \$45,000.00 |
| Microsoft Premier Support | 1 | \$61,000.00 | 1 | \$61,000.00 |
| Monitors | 600 | \$120,000.00 | 6 | \$20,000.00 |
| Multifactor Authentication | 1 | \$1,500.00 | 1 | \$1,500.00 |
| Nintex Workflow & Forms | 1 | \$8,526.00 | 1 | \$8,526.00 |
| Personal Computing -- Desktop/Laptop | 573 | \$767,000.00 | 4 | \$191,750.00 |
| Printers - Color | 4 | \$30,000.00 | 4 | \$7,500.00 |
| Printers - Large B/W | 10 | \$200,000.00 | 4 | \$50,000.00 |
| Printers - Maintenance & Consumables | 1 | \$55,000.00 | 1 | \$55,000.00 |
| Printers - Small B/W | 24 | \$201,600.00 | 4 | \$50,400.00 |
| Rapid 7 Incident Response License | 1 | \$27,000.00 | 1 | \$27,000.00 |
| Rapid 7 InsightVM | 1 | \$15,000.00 | 1 | \$15,000.00 |
| Sharegate Data Management Tool | 1 | \$5,900.00 | 1 | \$5,900.00 |
| Shoretel Licenses (Telephony) | 650 | \$20,000.00 | 1 | \$20,000.00 |
| SmartDraw Site License | 1 | \$2,900.00 | 1 | \$2,900.00 |
| Switches/Maintenance/license -- Core Cisco Distribution | 7 | \$165,101.07 | 7 | \$23,585.87 |
| Switches/Maintenance/license -- IDF Cisco | 24 | \$263,523.26 | 7 | \$37,646.18 |
| Data Storage (Data Center/Dell) | 1 | \$38,000.00 | 3 | \$12,666.67 |
| Data Storage (DR/Dell) | 1 | \$38,000.00 | 3 | \$12,666.67 |
| Varonis Data Classification Tool | 1 | \$25,000.00 | 1 | \$25,000.00 |
| VEEAM Availability Suite | 1 | \$16,200.00 | 1 | \$16,200.00 |
| Visual Studio | 4 | \$6,000.00 | 1 | \$6,000.00 |
| Data Storage growth Requirements (DR/DC @ +25%/year) | 1 | \$30,750.00 | 1 | \$30,750.00 |
| | | | Total | \$1,124,272.75 |

Chart #4: Financing FY 2019-20, Part 1:

| Unit | Fund | Unit | Dist | FTE | % | GF | CF | RF | FF |
|----------------------------|------|------|----------------|-------|--------|---------------------|---------------------|---------------------|---------------------|
| Administration | 1000 | 1000 | 46,438 | 46.2 | 0.0957 | 46,438 | | | |
| OCE | 1000 | 1100 | 9,046 | 9.0 | 0.0186 | 9,046 | | | |
| Special Prosecutions | 1000 | 4000 | 17,992 | 17.9 | 0.0371 | 17,992 | | | |
| Securities Fraud | 1000 | 4200 | 6,534 | 6.5 | 0.0135 | | | 6,534 | |
| Auto Theft | 1000 | 4300 | 2,010 | 2.0 | 0.0041 | 2,010 | | | |
| Medicaid Fraud GF/FF | 1000 | 4400 | 17,088 | 17.0 | 0.0352 | 4,272.00 | | | 12,816 |
| Appellate | 1000 | 5000 | 38,196 | 38.0 | 0.0787 | 38,196 | | | |
| Federal/Interstate Wtr. | 1000 | 6000 | 5,528 | 5.5 | 0.0114 | 5,528 | | | |
| CO River | 1000 | 6100 | 3,518 | 3.5 | 0.0072 | 3,518 | | | |
| CERCLA | 1000 | 6400 | 3,518 | 3.5 | 0.0072 | | | 3,518 | |
| Consumer Protection GF | 1000 | 7000 | 11,760 | 11.7 | 0.0242 | 11,760 | 0 | | |
| Mortgage Fraud | 1000 | 7200 | 1,508 | 1.5 | 0.0031 | | | 1,508 | |
| CORA/OML | 1000 | 8500 | 1,005 | 1.0 | 0.0021 | 1,005 | | | |
| Consumer Protection | 1460 | 7000 | 18,093 | 18.0 | 0.0373 | 0 | 18,093 | | |
| Collection Agency Bd | 1500 | 7300 | 7,036 | 7.0 | 0.0145 | | 7,036 | | |
| UCCC | 1510 | 7400 | 13,067 | 13.0 | 0.0269 | | 13,067 | | |
| P.O.S.T. | 2960 | 4500 | 14,072 | 14.0 | 0.0290 | | 14,072 | | |
| Tobacco | 4300 | 7100 | 2,010 | 2.0 | 0.0041 | | 2,010 | | |
| Insurance Fraud | 16Z0 | 4100 | 14,474 | 14.4 | 0.0298 | | 14,474 | | |
| LSSA | 26Q0 | 2900 | 252,600 | 251.3 | 0.5203 | | | 252,600 | |
| | | | 485,493 | 483.0 | 1.00 | | | | |
| | | | | | | Total GF | Total CF | Total RF | Total FF |
| | | | 485,493 | | | 139,765 | 68,752 | 264,160 | 12,816 |

ATTACHMENT: INFRASTRUCTURE QUOTES (PROVIDED UNDER SEPARATE COVER)

A. FY 2020 Estimated Costs

| FY | Item | Cost |
|------|-----------------------------|----------------------|
| 2020 | Switch Replacement Phase I | \$ 194,094.06 |
| | Switch Replacement Phase II | \$ 234,530.27 |
| | DR Storage | \$ 38,500.00 |
| | DR Firewall | \$ 18,368.85 |
| | TOTAL | \$ 485,493.18 |

Chart #5: Financing FY 2020-21, Part 2:

| Unit | Fund | Unit | Dist. | FTE | % | GF | CF | RF | FF |
|----------------------------|------|------|--------|------|--------|----------|--------|-------|-------|
| Administration | 1000 | 1000 | 27,804 | 46.2 | 0.0957 | 27,804 | | | |
| OCE | 1000 | 1100 | 5,416 | 9.0 | 0.0186 | 5,416 | | | |
| Special Prosecutions | 1000 | 4000 | 10,773 | 17.9 | 0.0371 | 10,773 | | | |
| Securities Fraud | 1000 | 4200 | 3,912 | 6.5 | 0.0135 | | | 3,912 | |
| Auto Theft | 1000 | 4300 | 1,204 | 2.0 | 0.0041 | 1,204 | | | |
| Medicaid Fraud GF/FF | 1000 | 4400 | 10,231 | 17.0 | 0.0352 | 2,557.75 | | | 7,673 |
| Appellate | 1000 | 5000 | 22,869 | 38.0 | 0.0787 | 22,869 | | | |
| Federal/Interstate Wtr. | 1000 | 6000 | 3,310 | 5.5 | 0.0114 | 3,310 | | | |
| CO River | 1000 | 6100 | 2,106 | 3.5 | 0.0072 | 2,106 | | | |
| CERCLA | 1000 | 6400 | 2,106 | 3.5 | 0.0072 | | | 2,106 | |
| Consumer Protection GF | 1000 | 7000 | 7,041 | 11.7 | 0.0242 | 7,041 | 0 | | |
| Mortgage Fraud | 1000 | 7200 | 903 | 1.5 | 0.0031 | | | 903 | |
| CORA/OML | 1000 | 8500 | 602 | 1.0 | 0.0021 | 602 | | | |
| Consumer Protection | 1460 | 7000 | 10,833 | 18.0 | 0.0373 | 0 | 10,833 | | |
| Collection Agency Bd | 1500 | 7300 | 4,213 | 7.0 | 0.0145 | | 4,213 | | |
| UCCC | 1510 | 7400 | 7,824 | 13.0 | 0.0269 | | 7,824 | | |
| P.O.S.T. | 2960 | 4500 | 8,425 | 14.0 | 0.0290 | | 8,425 | | |

| | | | | | | | | | |
|-----------------|------|------|----------------|-------|--------|---------------------|---------------------|---------------------|---------------------|
| Tobacco | 4300 | 7100 | 1,204 | 2.0 | 0.0041 | | 1,204 | | |
| Insurance Fraud | 16Z0 | 4100 | 8,666 | 14.4 | 0.0298 | | 8,666 | | |
| LSSA | 26Q0 | 2900 | 151,236 | 251.3 | 0.5203 | | | 151,236 | |
| | | | 290,678 | 483.0 | 1.00 | | | | |
| | | | | | | Total GF | Total CF | Total RF | Total FF |
| | | | 290,678 | | | 83,683 | 41,165 | 158,157 | 7,673 |

Schedule 13 Funding Request for the 2019-20 Budget Cycle

Department: Department of Law
 Request Title: Appellate FTE Increase to Manage Backlog
 Priority Number: R-2

Dept. Approval by:  10/16/18
 Date

X Decision Item FY 2019-20
 Base Reduction Item FY 2019-20
 Supplemental FY 2018-19
 Budget Amendment FY 2019-20

OSPB Approval by: _____
 Date

| Line Item Information | | FY 2018-19 | | FY 2019-20 | | FY 2020-21 |
|--------------------------------|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 6 |
| Fund | Fund | Appropriation FY 2017-18 | Supplemental Request FY 2017-18 | Base Request FY 2018-19 | Funding Change Request FY 2018-19 | Continuation Amount FY 2019-20 |
| Total of All Line Items | | | | | | |
| | Total | 3,953,309 | - | 4,041,575 | 87,533 | 91,616 |
| | FTE | 38.0 | 0.0 | 38.0 | 0.9 | 1.0 |
| | GF | 3,528,230 | - | 3,598,036 | 87,533 | 91,616 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 425,079 | - | 443,539 | - | - |
| | FF | - | - | - | - | - |

| | | | | | | |
|---|--------------|-----------|---|-----------|--------|--------|
| (3) Criminal Justice and Appellate: Appellate Unit | | | | | | |
| | Total | 3,953,309 | - | 4,041,575 | 87,533 | 91,616 |
| | FTE | 38.0 | - | 38.0 | 0.9 | 1.0 |
| | GF | 3,528,230 | - | 3,598,036 | 87,533 | 91,616 |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 425,079 | - | 443,539 | - | - |
| | FF | - | - | - | - | - |

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:
 Cash or Federal Fund Name and CORE Fund Number:
 Reappropriated Funds Source, by Department and Line Item Name: NA
 Approval by OIT? Yes: No: Not Required: x
 Schedule 13s from Affected Departments:
 Other Information:



DEPARTMENT OF LAW

*FY 2019-20 Funding Request
November 1, 2018*

*Cynthia H. Coffmann
Attorney General*

*Leora Joseph
Chief of Staff*

*Melanie Snyder
Chief Deputy Attorney General*

**Department Priority: 2
Request Title Appellate FTE Increase to Manage Backlog**

| Summary of Incremental Funding Change for FY 2019-20 | Total Funds | GF | FTE |
|---|-------------|----------|-----|
| Appellate Unit Total | \$87,533 | \$87,533 | 0.9 |

*Please note these numbers do not represent additional need, but are the calculations to retain current budget levels

| Summary of Incremental Funding Change for FY 2020-21 | Total Funds | GF | FTE |
|---|-------------|----------|-----|
| Appellate Unit Total | \$91,616 | \$91,616 | 1.0 |

Request Summary:

This request is to provide resources to reduce and effectively control the growing criminal appeal backlog. The Department of Law is requesting \$87,533 GF and 0.9 FTE in FY 2019-20, annualizing to \$91,616 and 1.0 FTE in out years.

to pare down the pending backlog in a timely manner. The DOL submitted FY 2013-14 and FY 2017-18 decision items to address this issue. This request accommodates new data and a new forecast to accommodate workload needs.

Background:

The Appellate Division represents the prosecution when defendants challenge their felony convictions before the state appellate courts or the federal courts. Most of the cases handled by the Appellate Division are in the Colorado Court of Appeals; the remainder are in the Colorado Supreme Court and the federal courts. For each case, an Appellate Division attorney must review the trial court record and the brief filed by the defense, do legal research into the defendant's claims, and file at least one brief in response.

In prior years, in an attempt to bring down the backlog of DOL cases, some cases were able to be resolved without briefing by the AG's Office. Two mechanisms made that possible.

The first mechanism was the expedited docket, in which the Court of Appeals selected cases that could be resolved without full briefing. The Court ended that docket in the fall of 2014. The final cases on that docket were resolved by the end of FY 2014-2015.

The Appellate Unit is primarily funded through the General Fund. The Unit's biggest challenge has always been how to keep pace with an unpredictable incoming caseload, while also trying

The second mechanism was the experimental docket, which began in March 2012 by agreement with the Court of Appeals as a temporary measure to deal with cases that were not selected for the expedited docket, but which appeared to be cases that could be resolved without comprehensive

briefing. This was a short term fix to which the Court agreed pending Criminal Appeals staff increases at DOL. The judges prefer full briefing on all appellate cases, so once staff increases were realized, the Court discontinued the experimental docket. All of the experimental docket cases were completed by the end of FY 2014, and all cases now receive full briefing.

Backlog:

Several factors have increased the Appellate Unit's workload, affecting its ability to reduce the backlog. Briefs filed by the defense, in particular by the public defender's office, have become more involved and the issues have become more complex. The Court of Appeals has stressed the importance of the AG's Office responding to all arguments raised by the defense in the appropriate level of detail. Also, in each year since FY 2015-16, there has been a need to respond to an increased number of certiorari petitions in the U.S. Supreme Court. (See Chart 1 below) Previously, the AG's Office had typically been able to waive the filing of a response. These briefs opposing certiorari petitions are complex and require nationwide legal research, since the U.S. Supreme Court is concerned with the ways other states and the federal circuit courts are addressing certain issues. If certiorari is granted, briefing the U.S. Supreme Court on the merits of the case is very time consuming. The U.S. Supreme Court granted certiorari in two cases in FY 2015-16, and the merits briefs and oral argument preparations in those cases consumed hundreds of hours of attorney time. That "merits stage" attorney time can be entirely avoided by persuading the U.S. Supreme Court that a petition should be denied at the certiorari stage.

The DOL annually reports backlog data to the legislature. At the end of FY 16, the backlog was reported as 428 cases. At the end of FY 17, the backlog was reported as 466 cases. At the end of FY 18, the backlog has been reported as 494 cases. For the last three years, the appellate backlog has grown.

This request intends to reverse this trend.

Anticipated Outcomes:

The department is expecting that this solution will ensure that the DOL can keep pace with the more comprehensive briefing requirements in both state and federal appellate courts and annually reduce the backlog over the next 8 years.

Assumptions for Calculations:

The Assistant Attorney General position is estimated based on the projected minimum salary for Assistant Attorneys General in FY 2019-20. (See Chart #6) Additionally, the DOL is estimating increased production on briefing per attorney, using an 8 year average. Lastly the DOL is estimating an increase in annual incoming filings at an average of 1,000 per year.

Consequences if not Funded:

If the DOL is not allowed to add the requested 1.0 attorney position, the DOL will continue to struggle with effectively addressing the briefing backlog, while continuing to provide the appropriate research and time to each briefing. Delays in the processing of appeals are detrimental to all of the parties involved. When a case is reversed after many years, both sides generally have difficulty preparing the case for retrial – witnesses are gone; memories fade; and evidence is lost or misplaced. This does a disservice to all of the people affected by that case, most significantly victims and defendants.

The United States Court of Appeals for the Tenth Circuit has concluded that "delay in adjudicating a direct criminal appeal beyond two years from the filing of the notice of appeal gives rise to a presumption that the state appellate process is ineffective. *Harris v. Champion*, 15 F.3d 1538, *1556 (10th Cir. 1994).

Because the Appellate Division is a reactive division, it has no control over its incoming caseload. Regardless of staffing, whatever cases come in must be handled appropriately. Every case in the state or federal appellate courts has the potential to result in a published decision that

affects all of Colorado criminal law. An unfavorable decision could result in the release of inmates, retrials, or the inability to retry cases because of the loss of witnesses or evidence, resulting in a high cost to other parts of the legal system, to public confidence, and to public safety as a whole.

Impact to Other State Government Agency:
NA

Current Statutory Authority or Needed Statutory Change: NA

Chart 1: Briefs in Opposition to U.S. Supreme Court Certiorari Petitions

| Fiscal Year | Number |
|-------------|--------|
| FY 2011-12 | 3 |
| FY 2012-13 | 2 |
| FY 2013-14 | 0 |
| FY 2014-15 | 1 |
| FY 2015-16 | 5 |
| FY 2016-17 | 5 |
| FY 2017-18 | 7 |

Chart 2: Actual incoming cases and filed briefs FY 17 through FY 18:

| | Actual | | Est from FY 2017-18 DI | |
|----------|--------------|--------------|------------------------|-----------------------|
| | Cases Opened | Briefs Filed | Est Cases Opened | Estimate Briefs Filed |
| FY 17-18 | 971 | 943 | 1,050 | 1,080 |
| FY 16-17 | 968 | 931 | 1,050 | 1,080 |
| | | | | |

| | |
|------------------|-----|
| FY 17-18 Backlog | 466 |
|------------------|-----|

Chart #3: Annual Data

| | Cases Opened | Briefs Filed by Division | # of Actual Attorney FTE | Filed Briefs per Actual FTE | Cases Resolved Other Ways | Total Cases Resolved |
|-------|--------------|--------------------------|--------------------------|-----------------------------|---------------------------|----------------------|
| FY 09 | 1240 | 1029 | 24.4 | 42.2 | 87 | 1116 |
| FY 10 | 1152 | 1054 | 26.8 | 39.3 | 62 | 1116 |
| FY 11 | 1050 | 1021 | 26.9 | 38.0 | 66 | 1087 |
| FY 12 | 1171 | 894 | 26 | 34.4 | 67 | 961 |
| FY 13 | 1018 | 885 | 26.3 | 33.7 | 163 | 1048 |
| FY 14 | 911 | 1149 | 32 | 35.9 | 149 | 1298 |

| | | | | | | |
|-------|------|------|------|------|----|-------|
| FY 15 | 952 | 1017 | 32 | 31.8 | 40 | 1,057 |
| FY 16 | 1056 | 911 | 31.2 | 29.2 | | 911 |
| FY 17 | 968 | 931 | 31.2 | 29.8 | | 931 |
| FY 18 | 971 | 943 | 30.9 | 30.5 | | 943 |

8 year avg 32.90

Chart #4: Estimates with 1.0 additional AAG

| | # of Attorney FTE | Filed Briefs | Avg briefs/ Attorney | Incoming Cases | Backlog |
|--------------------|-------------------|--------------|----------------------|----------------|---------|
| Attorney FTE FY 17 | 31.2 | 931 | 29.84 | 968 | 466 |
| Attorney FTE FY 18 | 30.9 | 943 | 30.52 | 971 | 494 |
| Attorney FTE FY 19 | 31.1 | 1,023 | 32.90 | 969 | 440 |
| Attorney FTE FY 20 | 32.0 | 1,053 | 32.90 | 1,000 | 387 |
| Attorney FTE FY 21 | 32.0 | 1,053 | 32.90 | 1,000 | 334 |
| Attorney FTE FY 22 | 32.0 | 1,053 | 32.90 | 1,000 | 281 |
| Attorney FTE FY 23 | 32.0 | 1,053 | 32.90 | 1,000 | 228 |
| Attorney FTE FY 24 | 32.0 | 1,053 | 32.90 | 1,000 | 175 |
| Attorney FTE FY 25 | 32.0 | 1,053 | 32.90 | 1,000 | 122 |
| Attorney FTE FY 26 | 32.0 | 1,053 | 32.90 | 1,000 | 69 |

Assumptions:

In FY 19, the DOL assumes the actual attorney FTE will be the average of the attorney hours in FY 17 and FY 18. This accommodates for vacancies and time to fill.

In FY 20 and out years, the DOL assumes the same percentage of actual attorney FTE to appropriated attorney FTE (31.1 to 33, compared to 32 to 34)

The DOL is assuming the average briefs filed per actual FTE in FY 11 through FY 18, will be the expected work product in out years.

Chart #5: Budget Request Calculations

| Calculations for 1.0 AAG | FY 20 | FY 21 |
|---|-----------------|-----------------|
| Supplies @ \$500/\$500 | \$500 | \$500 |
| Telephone Base @ \$450/\$450 | \$450 | \$450 |
| Office Furniture | \$3,473 | |
| Total Operating | \$4,423 | \$950 |
| | | |
| Monthly Minimum Salary AAG | \$6,755 | \$6,755 |
| Annual Salaries (11 months FY 20) 1.0 FTE | 74,305 | 81,060 |
| PERA at 10.40% | \$7,728 | \$8,430 |
| Medicare at 1.45% | \$1,077 | \$1,175 |
| Total Personal Services | \$83,110 | \$90,666 |
| | | |
| Total Costs | 87,533 | 91,616 |
| Total FTE | 0.9 | 1.0 |

Chart #6: Attorney Pay Ranges:

| AGO Title | AGO Range Minimum | AGO Range Midpoint | AGO Range Maximum |
|-----------------------------------|--------------------------|---------------------------|--------------------------|
| Deputy Assistant Attorney General | \$143,471 | \$176,453 | \$209,436 |
| 1st Assistant Attorney General | \$117,778 | \$144,855 | \$171,932 |
| Senior Assistant Attorney General | \$100,969 | \$124,180 | \$147,392 |
| Assistant Attorney General | \$81,059 | \$99,707 | \$118,354 |

Schedule 13

Funding Request for the 2019-20 Budget Cycle

Department: Department of Law
 Request Title: 2.0 FTE from Consumer Protection and Antitrust to Administration
 Priority Number: R-3

Dept. Approval by: 
 Date: 10/16/18

X Decision Item FY 2019-20
 Base Reduction Item FY 2019-20
 Supplemental FY 2018-19
 Budget Amendment FY 2019-20

OSPB Approval by: _____
 Date: _____

| Line Item Information | | FY 2018-19 | | FY 2019-20 | | FY 2020-21 |
|---|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 6 |
| Fund | | Appropriation FY 2017-18 | Supplemental Request FY 2017-18 | Base Request FY 2018-19 | Funding Change Request FY 2018-19 | Continuation Amount FY 2019-20 |
| Total of All Line Items | Total | 7,364,632 | - | 7,818,677 | - | - |
| | FTE | 79.4 | 0.0 | 79.4 | 0.0 | 0.0 |
| | GF | 1,467,712 | - | 1,511,359 | - | - |
| | GFE | - | - | - | - | - |
| | CF | 1,594,121 | - | 1,652,241 | (142,449) | (142,449) |
| | RF | 4,302,799 | - | 4,496,382 | 142,449 | 139,589 |
| | FF | - | - | - | - | - |
| (1) Administration: Personal Services | | | | | | |
| | Total | 3,962,891 | - | 4,306,526 | 139,589 | 139,589 |
| | FTE | 46.2 | - | 46.2 | 2.0 | 2.0 |
| | GF | - | - | - | - | - |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 3,962,891 | - | 4,147,831 | 139,589 | 139,589 |
| | FF | - | - | - | - | - |
| (1) Administration: Operating Expenses | | | | | | |
| | Total | 200,057 | - | 200,057 | 2,860 | 2,860 |
| | FTE | - | - | - | - | - |
| | GF | - | - | - | - | - |
| | GFE | - | - | - | - | - |
| | CF | - | - | - | - | - |
| | RF | 200,057 | - | 200,057 | 2,860 | - |
| | FF | - | - | - | - | - |
| (5) Consumer Protection: Consumer Protection and Antitrust | | | | | | |
| | Total | 3,201,684 | - | 3,312,094 | (142,449) | (142,449) |
| | FTE | 33.2 | - | 33.2 | (2.0) | (2.0) |
| | GF | 1,467,712 | - | 1,511,359 | - | - |
| | GFE | 0 | - | - | - | - |
| | CF | 1,594,121 | - | 1,652,241 | (142,449) | (142,449) |
| | RF | 139,851 | - | 148,494 | - | - |
| | FF | - | - | - | - | - |

| | | | |
|---|-------------|------------|---|
| Letternote Text Revision Required? | Yes: | No: | If yes, describe the Letternote Text Revision: |
| Cash or Federal Fund Name and CORE Fund Number: | | | Consumer Protection Custodial Fund #1460 |
| Reappropriated Funds Source, by Department and Line Item Name: | | | NA |
| Approval by OIT? | Yes: | No: | Not Required: x |
| Schedule 13s from Affected Departments: | | | |
| Other Information: | | | |



DEPARTMENT OF LAW

*FY 2019-20 Funding Request
November 1, 2018*

Department Priority: 3
Request Title Refinance 2.0 FTE from Consumer Protection and Antitrust to Administration

| Summary of Incremental Funding Change for FY 2019-20 | Total Funds | GF | CF | RF | FTE |
|--|-------------|-----|-------------|-----------|-------|
| Total | \$0 | \$0 | (\$142,449) | \$142,449 | 0.0 |
| Administration Personal Services | \$139,589 | \$0 | \$0 | \$139,589 | 2.0 |
| Administration Operating | \$2,860 | \$0 | \$0 | \$2,860 | |
| Consumer Protection and Antitrust | (\$142,449) | \$0 | (\$142,449) | \$0 | (2.0) |

| Summary of Incremental Funding Change for FY 2020-21 | Total Funds | GF | CF | RF | FTE |
|--|-------------|-----|-------------|-----------|-------|
| Total | \$0 | \$0 | (\$142,449) | \$142,449 | 0.0 |
| Administration Personal Services | \$139,589 | \$0 | \$0 | \$139,589 | 2.0 |
| Administration Operating | \$2,860 | \$0 | \$0 | \$2,860 | |
| Consumer Protection and Antitrust | (\$142,449) | \$0 | (\$142,449) | \$0 | (2.0) |

Request Summary:

The Department of Law (DOL) is requesting a refinance of \$142,449 and 2.0 FTE. This request refinances 2.0 FTE currently appropriated in the Custodial Cash spending authority in the Consumer Protection Antitrust Line Item and move these personal services and associated operating expenses to the Administration line items. This request has a total budget impact of \$0.

The DOL received funding from a FY 18 budget request to support a fulltime social media and public information FTE, as well as an FTE to oversee the administration of the grants and other

activities within the DOL custodial funds. At the time of the request, the DOL assumed that these positions would focus exclusively on consumer protection efforts. Over the past year, the DOL has assessed those efforts and recognizes that these positions, while spending significant time on CP related efforts, support the entire mission of the office. As such, the DOL is requesting that these two positions be moved to the Administration Personal Services and Operating Line Items, which is funded entirely by Indirect Recoveries and is the best fit of funding, oversight, and associated work product.

Anticipated Outcomes:

This request allows two positions that support all the functions of the Department of Law to be paid consistently with other, like positions. Such like positions include DOL IT, HR, accounting, budget, and front office staff. All of these positions are financed through indirect recoveries.

Assumptions for Calculations:

The department is assuming that the budget estimates associated with salaries, PERA, Medicare and associated operating of these two positions will be moved from the Consumer Protection Antitrust Line Item to the Administration Personal Services and Operating Line Items.

Consequences if not Funded:

There are no tangible consequences if this request is not approved. The Consumer Protection Custodial Fund will continue to pay the entire costs of these positions. However, this is not the most appropriate financing of these positions, based on the nature of their work.

Impact to Other State Government Agency:

This request will increase the costs within the DOL indirect recovery plan. As such, the Securities Fraud, and Mortgage Fraud transfers from the Department of Regulatory Agencies will increase slightly, due to those increases being spread over all appropriate non General Fund sources. This is true, as well, for the CERCLA transfer line from CDPHE.

Current Statutory Authority or Needed Statutory Change:

No statutory changes needed.

Chart 1: Decision Item Calculations

| Calculations for Refinance of 2.0 FTE | FY 20 | FY 21 |
|--|----------------|----------------|
| Supplies @ \$500/\$500 | \$1,000 | \$1,000 |
| Telephone Base @ \$450/\$450 | \$900 | \$900 |
| Cell phone at \$80/month (Marketing and Communications Specialist) | \$960 | \$960 |
| | | |
| Total Operating | \$2,860 | \$2,860 |

| | | |
|--|------------------|------------------|
| Monthly Salary Marketing and Comm Spec III | \$5,150 | \$5,150 |
| Monthly Salary Purchasing Agent III | \$5,250 | \$5,250 |
| Annual Salaries | 124,800 | 124,800 |
| PERA at 10.40% | \$12,979 | \$12,979 |
| Medicare at 1.45% | \$1,810 | \$1,810 |
| Total Personal Services | \$139,589 | \$139,589 |

| | | |
|------------------|------------|------------|
| Total Costs | 142,449 | 142,449 |
| Total FTE | 2.0 | 2.0 |

Impact to Long Bill Line Items

| | | |
|---|-------------|-------------|
| Administration Personal Services | \$139,589 | \$139,589 |
| Administration Personal Services FTE | 2.0 | 2.0 |
| Administration Operating | 2,860 | 2,860 |
| Consumer Protection and Anti Trust Cash | (\$142,449) | (\$142,449) |
| Consumer Protection Cash FTE | (2.0) | (2.0) |
| Total Request | 0.00 | 0.00 |

Schedule 13
Funding Request for the 2019-20 Budget Cycle

Department: Department of Law
 Request Title: Annual Fleet Vehicle Request
 Priority Number: Non Priority

Dept. Approval by:  Date

Decision Item FY 2019-20
 Base Reduction Item FY 2019-20
 Supplemental FY 2018-19
 Budget Amendment FY 2019-20

OSPB Approval by: _____ Date

| Line Item Information | | FY 2018-19 | | FY 2019-20 | | FY 2020-21 |
|--------------------------------|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 6 |
| | Fund | Appropriation FY 2017-18 | Supplemental Request FY 2017-18 | Base Request FY 2018-19 | Funding Change Request FY 2018-19 | Continuation Amount FY 2019-20 |
| Total of All Line Items | Total | 66,876 | - | 66,876 | 15,478 | - |
| | FTE | - | - | - | - | - |
| | GF | 31,194 | - | 31,194 | 4,326 | - |
| | GFE | - | - | - | - | - |
| | CF | 16,300 | - | 16,300 | 4,960 | - |
| | RF | 18,842 | - | 18,842 | 6,192 | - |
| | FF | 540 | - | 540 | - | - |

| | | | | | | |
|-------------------------------|--------------|--------|---|--------|--------|---|
| (1) Administration: | Total | 66,876 | - | 66,876 | 15,478 | - |
| Vehicle Lease Payments | FTE | - | - | - | - | - |
| | GF | 31,194 | - | 31,194 | 4,326 | - |
| | GFE | 0 | - | - | - | - |
| | CF | 16,300 | - | 16,300 | 4,960 | - |
| | RF | 18,842 | - | 18,842 | 6,192 | - |
| | FF | 540 | - | 540 | - | - |

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number: #1510 UCCC, #2960 POST, #16Z0 Insurance Fraud

Reappropriated Funds Source, by Department and Line Item Name: #26Q0 LSSA

Approval by OIT? Yes: No: Not Required: x

Schedule 13s from Affected Departments:

Other Information:

Schedule 13
Funding Request for the 2019-20 Budget Cycle

Department: Department of Law
 Request Title: OIT R2 and R5 Budget Requests
 Priority Number: Non Priority

Dept. Approval by: *J. Peto* 10/16/18
 Date

Decision Item FY 2019-20
 Base Reduction Item FY 2019-20
 Supplemental FY 2018-19
 Budget Amendment FY 2019-20

OSPB Approval by: _____
 Date

| Line Item Information | | FY 2018-19 | | FY 2019-20 | | FY 2020-21 |
|--|--------------|-----------------------------|---------------------------------------|----------------------------|--|--------------------------------------|
| | | 1 | 2 | 3 | 4 | 6 |
| | Fund | Appropriation FY 2017-18 | Supplemental Request FY 2017-18 | Base Request FY 2018-19 | Funding Change Request FY 2018-19 | Continuation Amount FY 2019-20 |
| Total of All Line Items | Total | 639,107 | - | 639,107 | 192,203 | - |
| | FTE | - | - | - | - | - |
| | GF | 182,709 | - | 199,480 | 55,052 | - |
| | GFE | - | - | - | - | - |
| | CF | 92,539 | - | 99,557 | 27,474 | - |
| | RF | 346,610 | - | 382,507 | 104,480 | - |
| | FF | 17,249 | - | 18,558 | 5,197 | - |
| (1) Administration: Payments to OIT | Total | 639,107 | - | 639,107 | 192,203 | - |
| | FTE | - | - | - | - | - |
| | GF | 182,709 | - | 199,480 | 55,052 | - |
| | GFE | 0 | - | - | - | - |
| | CF | 92,539 | - | 99,557 | 27,474 | - |
| | RF | 346,610 | - | 382,507 | 104,480 | - |
| | FF | 17,249 | - | 18,558 | 5,197 | - |

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and COFRS Fund Number: #1510 UCCC, #2960 POST, #16Z0 Insurance Fraud, #1460 CP Custodial
 Reappropriated Funds Source, by Department and Line Item Name: #26Q0 LSSA

Approval by OIT? Yes: No: Not Required: x

Schedule 13s from Affected Departments:

Other Information: