

B 011 99

EXECUTIVE ORDER

GOVERNOR'S TASK FORCE ON CIVIL JUSTICE REFORM

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order creating the Governor's Task Force on Civil Justice Reform.

1. Background and Need.

As Colorado approaches the 21st Century, our civil justice system faces new challenges. Colorado's surging population is placing new burdens on a State court system that, in too many cases, is already experiencing a serious backlog of civil cases. Justice delayed is justice denied. Consequently, a growing number of Colorado's citizens are seeking to resolve their private disputes in less costly and time-consuming ways. This trend has led to several unexpected effects.

First, a growing number of citizens are choosing to represent themselves in court instead of retaining attorneys to do so. This rise in *pro se* litigation imposes additional costs on Colorado's court systems as parties who have not been formally trained in the law seek to resolve their disputes in a forum that historically has been the nearly exclusive province of lawyers.

Second, many citizens and businesses are opting to forgo the court system entirely in favor of alternative dispute resolution (ADR). In some cases, the courts themselves are encouraging this trend by utilizing ADR techniques, such as mediation, to create so-called "multi-door" courthouses. The growing impact of ADR is substantial and needs to be better understood to ensure its effective implementation within Colorado's civil justice system.

Third, the increasing role of magistrates within Colorado's court system means that constitutionally appointed judges are hearing a reduced percentage of motions in civil cases, particularly in domestic relations and juvenile adjudications. This shift in judicial power from judges to magistrates is a relatively new phenomenon that affects both the quality and availability of civil justice in our State.

Fourth, Coloradans increasingly depend on another category of non-constitutional adjudicators—administrative law judges (ALJs)—to settle their disputes. Reforming the State’s ALJ system has been a key priority of the Executive Branch and the Colorado General Assembly this year. The selection, training and management of ALJs needs to be closely examined within the overall context of Colorado’s legal system to ensure the effective administration of justice.

Finally, a substantial and growing number of Coloradans are calling for the development of a specialized business court system to increase the quality and timeliness of commercial dispute resolution. This concept, similar to the chancery courts in Delaware and other states, should be thoroughly explored to determine its potential costs and benefits to our State.

To address these and other challenges, I am creating the Governor’s Task Force on Civil Justice Reform (“Task Force”). The Task Force will analyze the ideas and experiences of legal and non-legal professionals in order to develop recommendations aimed at strengthening civil justice in Colorado. I am charging this Task Force with developing systemic reforms to reduce the time it takes to resolve civil disputes at less cost and with the highest quality of adjudication possible.

2. Mission and Scope.

The Task Force shall:

- A. Assess the impact of alternative dispute resolution (ADR) techniques and whether ADR provides effective final determination of disputes for parties in civil matters.
- B. Analyze the judicial functions confined to the Executive Branch and recommend improvements to the State’s administrative law judge (ALJ) system.
- C. Assess the role magistrates play in the civil justice system and determine how magistrates can best be utilized.
- D. Determine how the increase in unrepresented parties in lawsuits affects the operation of Colorado civil courts and their ability to render justice.
- E. Explore the potential benefits and disadvantages of a business court system devoted exclusively to the resolution of commercial disputes.
- F. Recommend case management methods to accommodate the high number of civil matters currently before the courts.
- G. Convene such public meetings as may be needed to perform its work.

- H. Submit a public report of the Task Force's findings and recommendations to the Governor not later than October 1, 2000.

3. Membership.

- A. Members of the Task Force shall represent the broad diversity of the State from both legal and non-legal perspectives.
- B. All members shall be appointed by the Governor and shall serve at the pleasure of the Governor.
- C. The Governor shall appoint two members of the Task Force to serve as co-chairs. The co-chairs shall conduct meetings, create working groups, appoint working group co-chairs, and perform other such activities consistent with this order.
- D. Membership of the Task Force may be revised at any time as determined by the Governor.
- E. The membership of the Task Force shall include the Chief Counsel to the Governor, who shall be responsible for editing and approving the final report of the Task Force prior to its public release.

4. Duration.

The Task Force shall sunset one year from the date of my signature unless otherwise extended or terminated by the Governor.

GIVEN under my hand and
the Executive Seal of the
State of Colorado this Sixth
day of October, 1999.

Bill Owens
Governor

A 211 99

EXECUTIVE ORDER

GOVERNOR'S TASK FORCE ON CIVIL JUSTICE REFORM

ORDERED:

That the following named persons be and they are hereby appointed to the:

GOVERNOR'S TASK FORCE ON CIVIL JUSTICE REFORM

For terms expiring one year from the date of execution of this executive order unless otherwise extended or terminated by the Governor.

Rebecca Koppes Conway, Attorney, Greeley, Colorado, appointed co-chairman;
Timothy Tymkovich, Hale Hackstaff Tymkovich ErkenBrack & Shih, Broomfield, Colorado, appointed co-chairman;

Representative Andy McElhany, State Representative, Colorado Springs, Colorado, appointed;

Garth C. Lucero, Assistant State Attorney General, Boulder, Colorado, appointed;

Joe Epstein, Alternative Dispute Resolution, Denver, Colorado, appointed;

Jeffrey C. Schutt, Department of Personnel, Denver, Colorado, appointed;

The Honorable Dennis Maes, District Judge, Tenth Judicial District, Pueblo, Colorado, appointed;

Representative Tambor Williams, State Representative, Greeley, Colorado, appointed;

Michael V. Shoop, Business, Greeley, Colorado, appointed;

Robert N. Miller, Trial Attorney/Formal District Attorney, Greeley, Colorado, appointed;

The Honorable Leonard P. Plank, Judge, Colorado Court of Appeals, Denver, Colorado, appointed;

John W. Grund, Trial Lawyer Insurance Defense, Denver, Colorado, appointed;

Jonathan D. Asher, Legal Aid Society of Metro Denver, Denver, Colorado, appointed;

Annita Menogan, Assistant General Counsel, Coors, Denver, Colorado, appointed;

Gerald P. McDermott, Partner, McDermott and Hansen, Denver, Colorado, appointed;

Anthony Van Westrum, Sole Practitioner, Denver, Colorado, appointed;

Dale R. Harris, Davis Graham and Stubbs, Incoming President of CBA, Denver, Colorado, appointed;

Cole A. Wist, Patton Boggs, Englewood, Colorado, appointed;

P. Kay Norton, Counsel, University of Northern Colorado, Greeley, Colorado, appointed;

Doris B. Truhlar, Family Law, Littleton, Colorado, appointed;
Michael Luchetta, Hall and Evans-Family Law, Colorado Springs, Colorado, appointed;
Bruce A. Menk, Hall and Evans-Products Liability, Littleton, Colorado, appointed;
Thomas L. Kanan, Workers' Compensation Defense, Denver, Colorado, appointed;
Benjamin R. Loye, Administrative Law Judge, Wheat Ridge, Colorado, appointed;
Janet L. Frickey, Workers' Compensation Plaintiff, Lakewood, Colorado, appointed;
The Honorable Leland Anderson, District Judge, First Judicial District, Golden,
Colorado, appointed;
Miles Cortez, Business Law, Past President, CBA, Englewood, Colorado, appointed;
Wayne W. Williams, Employment Law, Colorado Springs, Colorado, appointed;
Mark S. Loye, Dispute Resolution, Golden, Colorado, appointed;
Ben M. Ochoa, Rothgerber, Johnson & Lyons, Lakewood, Colorado, appointed;
Michael Goldman, Goldman, Robbins and Rogers, Durango, Colorado, appointed;
Representative Shawn Mitchell, State Representative, Broomfield, Colorado, appointed;
Trish Nagel, Moye, Giles, O'Keefe, Denver, Colorado, appointed;
Bill Neighbors, Judge Advocate General, Boulder, Colorado, appointed;
Karen Howard, Deputy Attorney General, Denver, Colorado, appointed;
Justice Michael L. Bender, Colorado Supreme Court, Denver, Colorado, appointed;
Justice Rebecca Kourlis, Colorado Supreme Court, Englewood, Colorado, appointed;
David Paul, Strategic Marketing, Westminster, Colorado, appointed;
John Suthers, Executive Director, Department of Corrections, Colorado Springs,
Colorado, appointed;
Ed Ledderman, Independence Institute, Denver, Colorado, appointed;
Mary Ann Liston, Guardian ad Litem, Colorado Springs, Colorado, appointed;
Representative Gayle Berry, State Representative, Grand Junction, Colorado,
appointed;
John Berry, Workers' Compensation, Denver, Colorado, appointed;
Brian Vogt, South Metro Denver Chamber of Commerce, Littleton, Colorado,
appointed;
Jeanne Smith, District Attorney, 4th Judicial District, Colorado Springs, Colorado,
appointed;
The Honorable Stephen Ruddick, Judge, 18th Judicial District, Aurora, Colorado,
appointed;
Mark Kling, Cypress-Amax, Englewood, Colorado, appointed;
Eric Field, Independence Institute, Lakewood, Colorado, appointed;
Senator John Andrews, State Senator, Englewood, Colorado, appointed;
Kathy Hall, Mesa County Commissioner, Grand Junction, Colorado, appointed;
Merrill Shields, In-house counsel, Denver, Colorado, appointed;
Representative Bill Kaufman, State Representative, Loveland, Colorado, appointed;
Senator Dottie Wham, State Senator, Denver, Colorado, appointed;
David B. Wilson, Partner, Holme Roberts & Owen, Lakewood, Colorado, appointed;
Troy A. Eid, Chief Counsel to the Governor, Golden, Colorado, appointed;
Britt Weygandt, Deputy Counsel to the Governor, Boulder, Colorado, appointed.

GIVEN under my hand and
the Executive Seal on this sixth
day of October, 1999.

Bill Owens
Governor

A 042 00

EXECUTIVE ORDER

GOVERNOR'S TASK FORCE ON CIVIL JUSTICE REFORM

ORDERED:

That the following named persons, in addition to those appointed by EXECUTIVE ORDER A 211 99, be and they are hereby appointed to the:

GOVERNOR'S TASK FORCE ON CIVIL JUSTICE REFORM

For terms expiring October 6, 2000 unless otherwise extended or terminated by the Governor.

W. Robert Montgomery of Lakewood, Colorado, appointed;

Charles E. Mortimer, Jr. of Morrison, Colorado, appointed.

GIVEN under my hand and
the Executive Seal on this ninth
day of January, 2000.

Bill Owens
Governor

