

# Colorado Water Courts: Conclusions and Opportunities for Improvement

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# Limitations on Conclusions and Recommendations

- We looked for opportunities to more efficiently manage cases within the current rules and statutes
- The data may suggest changes to the rules and statutes, but our focus was on identifying information that would assist attorneys and judicial officers in identifying and classifying cases for purposes of processing the cases more efficiently, defined as more quickly without sacrificing quality and with less total economic cost to the parties

# Conclusions: Timely Disposition

- 0.4 years is approximately the quickest a referred case could possibly be completed under the statute
- 1/2 of all water cases are resolved in 1.01 years or less
- 1/4 of all water cases will take between 1.02 and 2.40 years
- 1/4 of all water cases will take 2.41 years or greater

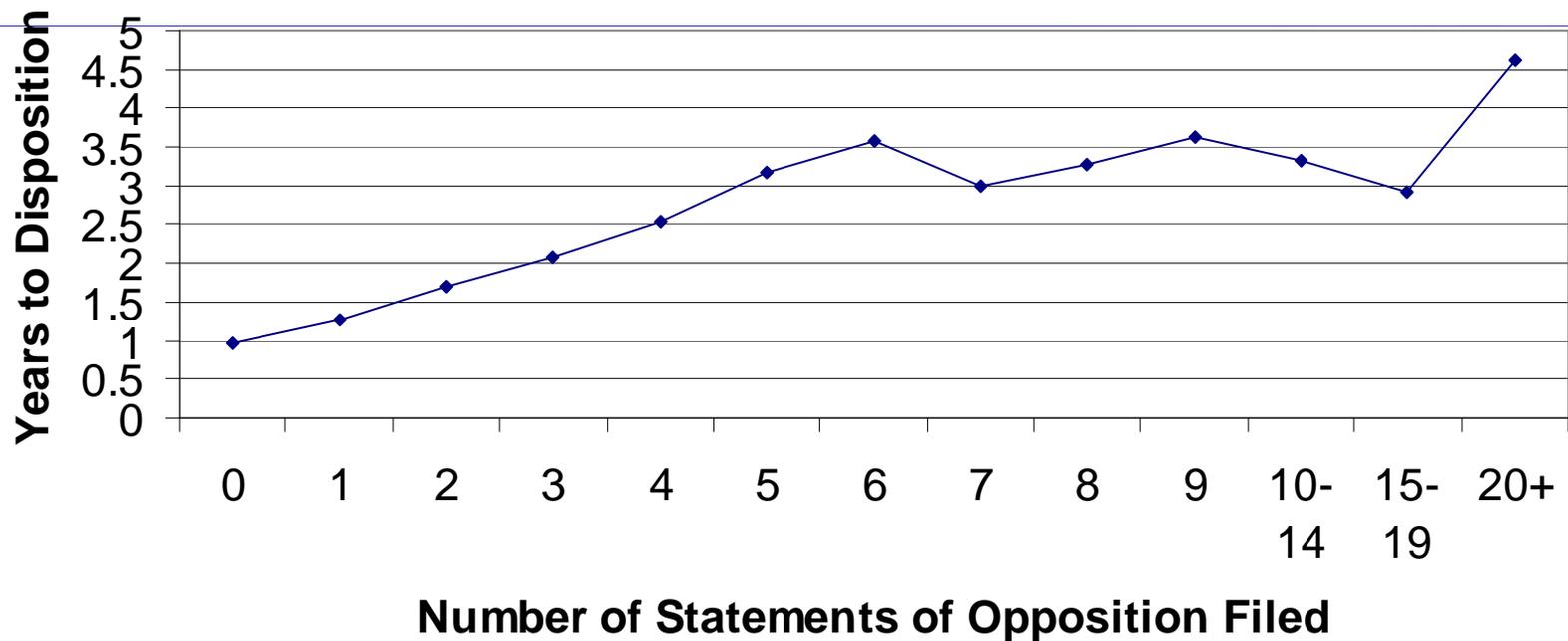
# Conclusions: Factors that Drive Length

Water Cases, Cases Closed FY 2007

| <u>Time to Disposition</u> | <u>Number of Cases</u> | <u>Avg. Number of Opposers</u> | <u>Avg. Number of Structures</u> |
|----------------------------|------------------------|--------------------------------|----------------------------------|
| 0 to 0.64 years            | 300                    | 0.28                           | 2.7                              |
| 0.65 to 1.01 years         | 299                    | 0.17                           | 2.67                             |
| 1.02 to 2.40 years         | 299                    | 1.53                           | 5.02                             |
| 2.41 years and greater     | 299                    | 3.78                           | 7.91                             |

# Conclusions: Factors that Drive Length

**Median Time to Disposition by Number of Opposers, FY1998-2007**



# Conclusions: Factors that Drive Length

- Case Type (Median Time to Disposition)

Augmentation (1.12 years)

Change (2.21 years)

Multiple Claims (1.81 years)

Surface (0.82 years)

Storage (1.47 years)

Underground (1.06 years)

# Conclusion: Opportunities for Differentiated Case Management

- Differentiated Case Management: The practice of managing cases based on distinguishing factors between cases that suggest the amount of attention they need from judges and lawyers and the pace at which they can be resolved

David C. Steelman, Caseflow Management: The Heart of Court Management in the New Millenium 5-6 (National Center for State Courts) (2000).

## Conclusions: Three Categories of Cases for Differentiated Case Management

- Unopposed Cases, 70% of Docket, Median Time to Disposition 10.6 months
- Opposed Cases, 5 or less, 26% of Docket, Median Time to Disposition 18.9 months
- Opposed Cases, 6 or more, 4% of Docket, Median Time to Disposition 40.7 months

# Conclusions: Differentiated Case Management

- The three classes observed from the data fit neatly into the theory of the three basic groups of cases for purposes of differentiated case management:
  - Those that proceed quickly with modest court oversight
  - Those that have contested issues but otherwise don't present great difficulty
  - Those that call for ongoing and extensive involvement because of size, number of parties, or difficulty or novelty of legal issues involved

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# Conclusions: Other Opportunities for Improvement

- 11.5 percent of the total docket end up as cases that tend to languish on referee dockets, ultimately to be dismissed.
- The median case is nearly 3 years old at time of dismissal.
- The only factors of commonality between the cases in this category is that they languish on the docket and that they are slightly more opposed than cases in general

# State Court Administrator's Office: Plan for Continuous Improvement

- Improve management data through further study to facilitate improved judicial officer case management
- Explore opportunities for expanding understanding of water case management and improve training on efficient management of water dockets
- Assist districts in dealing with district-level resource and case management issues
- Pursue resources in response to the committee recommendations in order to implement such recommendations
- Complete revisions to the weighted-caseload model to better determine whether there is need for additional resources

# Conclusions: Other Issues Explored

- A more detailed presentation is being issued on paper along with this report, and explores the following issues in more detail:
  - Rereferrals
  - Timeliness
  - *Pro Se* Parties
  - Filings
  - Trends
  - Trials
  - How Cases Are Resolved