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UPDATE ON THE COLORADO CIVIL ACCESS PILOT PROJECT EVALUATION

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The Colorado Civil Access Pilot Project Applicable to Business Actions in District Court (CAPP) is contained in Chief Justice Directive 11-02 and scheduled to run through the end of 2014. This is one of many rules projects around the country aimed at providing greater access to a just, speedy, and inexpensive civil justice system. The central purpose of a pilot project is to determine whether ideas translate into real improvements when put into practice. But, how can one know whether a particular set of rules is “working” or whether a particular project is a “success”?

In Colorado, this determination will not be left exclusively to anecdote. The Supreme Court has designated IAALS to conduct a systematic evaluation of CAPP, in consultation with the National Center for State Courts. This evaluation will bring forth useful information, providing a clearer picture of CAPP’s impact and paving the way for better decision-making on any permanent rules changes.

THE SPECIFICS

To obtain the best information possible, IAALS is conducting a multiple-methods study. By combining quantitative and qualitative research methods, we can view CAPP from multiple perspectives while overcoming some of the weaknesses associated with a single method. We are conducting an objective docket study, as well as gathering the experiences and opinions of attorneys and judges.



The docket study is designed to collect case-level data from court records with respect to the following outcome variables: time to case resolution, volume of motions practice, number of court appearances, number of judges per case, trial rate, and trial time.

The attorney survey is designed to collect case-level data with respect to the following outcome variables: litigation costs, amount of discovery, level of judicial involvement, proportionality of the process, and perceived fairness of the process. In addition, the survey gives attorneys an opportunity to provide open-ended comments.

The judge survey is designed to gather aggregate data on how the rules are implemented, as well as how they affect case management and the overall docket. CAPP judges also have an opportunity to provide open-ended comments.

It is our hope that the study will provide hard facts about the CAPP process, along with the rich understanding of the CAPP experience from many different perspectives necessary to properly interpret those facts.

TIMELINE

As CAPP cases filed during the first two years of the project make their way through the system, we are currently in a period of data collection. This will continue through the end of 2013 and the beginning of 2014. We plan to conduct an initial analysis and issue a preliminary report in the spring of 2014, which the Civil Rules Committee can use in considering the best course of action. The final report is scheduled for release in September 2014, in advance of the expiration of the CAPP period at the end of that year. The timing of the preliminary and final reports is dictated by the estimated portion of CAPP cases that will have concluded by those dates, a required element for accurate time to resolution data.

We suspect that the Colorado legal community is just as eager for answers on the effects of CAPP as we are here at IAALS. It will be exciting to move forward in considering next steps for improving the civil justice process. With the benefit of our evaluation, decision makers will not have to rely exclusively on individual experiences with the project in deciding the outcome. Rather, their conclusions will be informed by the evidence—something that all of us in the law can appreciate.

For more information about CAPP and rules projects in other states, visit the IAALS “Action on the Ground” web tool: <http://iaals.du.edu/action-on-the-ground>