

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0463.02 Chelsea Princell x4335

**HOUSE BILL 24-1289**

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**HOUSE SPONSORSHIP**

**Vigil and Joseph,**

**SENATE SPONSORSHIP**

**Michaelson Jenet and Roberts,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ESTABLISHMENT OF WORKLOAD STANDARDS BY THE**  
102                    **OFFICE OF STATE PUBLIC DEFENDER TO PREVENT EXCESSIVE**  
103                    **WORKLOADS FOR DEPUTY PUBLIC DEFENDERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

No later than July 1, 2025, the bill requires the office of state public defender to implement workload standards for determining when a deputy public defender's workload is excessive pursuant to the federal and state constitutions and the Colorado rules of professional conduct.

The bill requires the office of state public defender to consult with

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

employees of the office of state public defender in creating the standards.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Indigent defendants deserve legal representation  
5 commensurate with the legal representation that nonindigent defendants  
6 receive;

7 (b) Public defenders have a constitutional, statutory, and ethical  
8 duty to provide competent, diligent, and effective representation and legal  
9 services to indigent defendants. However, excessive workloads may  
10 prevent public defenders from fulfilling these obligations.

11 (c) Validated and weighted case measurements are an important  
12 tool for public defender agencies, policymakers, and other stakeholders  
13 to have to evaluate public defender workloads within their communities.

14 (2) Therefore, the general assembly declares that workload  
15 standards are critical to the office of the state public defender's ability to  
16 obtain the necessary resources to provide competent, diligent, and  
17 effective legal counsel guaranteed by the federal and state constitutions,  
18 the Colorado Rules of Professional Conduct, and the office of the state  
19 public defender's mandate to provide legal services that are  
20 commensurate with those available to nonindigent individuals.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 21-1-108 as  
22 follows:

23 **21-1-108. State public defender workload standards - study -**  
24 **report.** (1) NO LATER THAN NOVEMBER 1, 2025, THE OFFICE OF THE  
25 STATE PUBLIC DEFENDER SHALL COMPLETE A WORKLOAD STUDY THAT IS

1 SPECIFIC TO THE WORKLOAD OF THE ATTORNEYS EMPLOYED BY THE OFFICE  
2 OF THE STATE PUBLIC DEFENDER WHO REGULARLY ENGAGE IN THE  
3 REPRESENTATION OF CLIENTS. THE STUDY MUST COLLECT AND ANALYZE  
4 DATA AND RELEVANT INFORMATION REGARDING THE WORKLOAD OF THE  
5 ATTORNEYS EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER  
6 WHO REGULARLY ENGAGE IN THE REPRESENTATION OF CLIENTS IN ORDER  
7 TO:

8 (a) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN  
9 OBTAINING THE RESOURCES NEEDED TO PROVIDE COMPETENT, DILIGENT,  
10 AND EFFECTIVE REPRESENTATION CONSISTENT WITH THE STATUTORY  
11 MANDATE PURSUANT TO SECTION 21-1-101(1);

12 (b) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER  
13 SUPERVISING STAFF IN MONITORING AND MANAGING OFFICE OF THE STATE  
14 PUBLIC DEFENDER STAFF WORKLOADS WITHIN EACH REGIONAL OFFICE OF  
15 THE STATE PUBLIC DEFENDER AND IN RESPONDING TO EXCESSIVE  
16 WORKLOADS;

17 (c) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN  
18 ALLOCATING STAFF RESOURCES ACROSS THE REGIONAL OFFICES; AND

19 (d) ASSIST IN THE DEVELOPMENT OF WORKLOAD STANDARDS THAT  
20 WILL GUIDE AN ATTORNEY EMPLOYED BY THE OFFICE OF THE STATE PUBLIC  
21 DEFENDER WHO REGULARLY ENGAGES IN THE REPRESENTATION OF  
22 CLIENTS IN IDENTIFYING EXCESSIVE WORKLOADS.

23 (2) THE WORKLOAD STUDY MUST:

24 (a) RECOMMEND A WEIGHTED UNIT OF WORKLOAD MEASUREMENT  
25 BY CASE TYPE AND OFFENSE FOR ALL CASE TYPES AND OFFENSES AS  
26 DESCRIBED IN TITLE 18, ARTICLE 2.5 OF TITLE 19, AND TITLE 42, AND ANY  
27 OTHER CASE TYPES OR OFFENSES SPECIFIED IN STATE LAW THAT REQUIRE

1 LEGAL ASSISTANCE FROM THE OFFICE OF THE STATE PUBLIC DEFENDER;

2 (b) NOT RELY SOLELY ON THE AMOUNT OF TIME THAT AN  
3 ATTORNEY, EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER  
4 WHO REGULARLY ENGAGES IN THE REPRESENTATION OF CLIENTS,  
5 CURRENTLY SPENDS ON A CASE.

6 (c) ACCOUNT FOR JURISDICTIONAL DIFFERENCES;

7 (d) ACCOUNT FOR THE TIME NEEDED TO MANAGE JOB  
8 RESPONSIBILITIES UNRELATED TO DIRECT CASE REPRESENTATION,  
9 INCLUDING, BUT NOT LIMITED TO, ATTENDING TRAINING, PAID TIME OFF,  
10 FAMILY AND MEDICAL LEAVE, EXTENDED SICK LEAVE, SUPERVISOR  
11 RESPONSIBILITIES, AND PERFORMING ADMINISTRATIVE TASKS;

12 (e) CONSIDER ANY EXISTING METHODOLOGIES AND DATA USED TO  
13 ESTIMATE THE NECESSARY TIME FOR THE CASEWORK OF ATTORNEYS  
14 EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER WHO  
15 REGULARLY ENGAGE IN THE REPRESENTATION OF CLIENTS, INCLUDING  
16 METHODS USED IN PRIOR PUBLIC DEFENDER WORKLOAD STUDIES IN  
17 COLORADO AND IN OTHER STATES, AND ANY OTHER AVAILABLE RESEARCH  
18 ON PUBLIC DEFENDER WORKLOAD ALLOCATION INCLUDING RELEVANT  
19 STUDIES AND WEIGHTED CASE MEASUREMENTS ADOPTED IN OTHER  
20 STATES; AND

21 (f) CONSIDER TIMELY INPUT REGARDING THE DESIGN OF THE  
22 WORKLOAD STUDY FROM OFFICE OF THE STATE PUBLIC DEFENDER  
23 EMPLOYEES, REGARDLESS OF EMPLOYMENT STATUS, JOB CLASSIFICATION,  
24 OR AFFILIATION WITH EMPLOYEE ORGANIZATIONS AS DEFINED IN SECTION  
25 29-33-103.

26 (3) ON OR BEFORE JULY 1, 2026, THE OFFICE OF THE STATE PUBLIC  
27 DEFENDER SHALL ESTABLISH WORKLOAD STANDARDS BY CASE TYPE AND

1 OFFENSE BASED ON THE INFORMATION GATHERED IN THE WORKLOAD  
2 STUDY REQUIRED IN SUBSECTION (1) OF THIS SECTION. THESE WORKLOAD  
3 STANDARDS MUST:

4 (a) ASSIST THE COLORADO STATE PUBLIC DEFENDER AND ANY  
5 EMPLOYEES OF THE OFFICE OF THE STATE PUBLIC DEFENDER WITH  
6 SUPERVISORY AUTHORITY IN MONITORING AND MANAGING ATTORNEYS  
7 EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER WHO  
8 REGULARLY ENGAGE IN THE REPRESENTATION OF CLIENTS AND OTHER  
9 OFFICE OF THE STATE PUBLIC DEFENDER STAFF WORKLOADS WITHIN EACH  
10 REGIONAL OFFICE TO ENSURE THAT THE WORKLOADS ARE NOT EXCESSIVE;  
11 AND

12 (b) ASSIST THE OFFICE OF THE STATE PUBLIC DEFENDER IN  
13 IDENTIFYING WORKLOAD NEEDS TO ADJUST STAFFING IN REGIONAL  
14 OFFICES AS NECESSARY AND IN DEVELOPING REQUESTS FOR INCREASED  
15 RESOURCES FROM THE GENERAL ASSEMBLY.

16 (4) ON OR BEFORE JULY 1, 2026, THE OFFICE OF THE STATE PUBLIC  
17 DEFENDER SHALL ESTABLISH POLICIES AND PROCEDURES FOR THE  
18 IMPLEMENTATION OF THE WORKLOAD STANDARDS AS DESCRIBED IN  
19 SUBSECTION (3) OF THIS SECTION. THE POLICIES AND PROCEDURES MUST:

20 (a) GUIDE THE SUPERVISORS, CHIEF DEPUTY PUBLIC DEFENDERS,  
21 ATTORNEYS EMPLOYED BY THE OFFICE OF THE STATE PUBLIC DEFENDER  
22 WHO REGULARLY ENGAGE IN THE REPRESENTATION OF CLIENTS, AND  
23 OTHER OFFICE OF THE STATE PUBLIC DEFENDER STAFF ON HOW TO  
24 IMPLEMENT THE WORKLOAD STANDARDS;

25 (b) ESTABLISH A PROCESS FOR NOTIFYING THE OFFICE OF THE  
26 STATE PUBLIC DEFENDER OF ANY EXCESSIVE WORKLOAD CONCERNS BASED  
27 ON THE WORKLOAD STANDARDS;

1 (c) REQUIRE THE OFFICE OF THE STATE PUBLIC DEFENDER TO MAKE  
2 INFORMATION AND DATA ABOUT WORKLOAD STANDARDS AS APPLIED TO  
3 EACH REGIONAL OFFICE AVAILABLE TO ALL OFFICE OF THE STATE PUBLIC  
4 DEFENDER EMPLOYEES AT LEAST EVERY SIX MONTHS; AND

5 (d) NOT CONFLICT WITH THE COLORADO RULES OF PROFESSIONAL  
6 CONDUCT.

7 (5) (a) ON OR BEFORE JANUARY 1, 2027, AND EACH JANUARY 1  
8 THEREAFTER, THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL SUBMIT  
9 A REPORT TO THE SENATE JUDICIARY COMMITTEE AND THE HOUSE OF  
10 REPRESENTATIVES JUDICIARY COMMITTEE, OR THEIR SUCCESSOR  
11 COMMITTEES, CONTAINING INFORMATION ABOUT THE IMPLEMENTATION  
12 AND EXECUTION OF THE WORKLOAD STANDARDS.

13 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORT  
14 REQUIRED IN THIS SUBSECTION (5) CONTINUES INDEFINITELY.

15 (6) (a) IN CREATING THE WORKLOAD STANDARDS PURSUANT TO  
16 SUBSECTION (3) OF THIS SECTION AND THE POLICIES AND PROCEDURES  
17 PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE OF THE STATE  
18 PUBLIC DEFENDER SHALL SOLICIT INPUT FROM OFFICE OF THE STATE  
19 PUBLIC DEFENDER EMPLOYEES REGARDLESS OF THE EMPLOYEES'  
20 EMPLOYMENT STATUS, JOB CLASSIFICATION, OR AFFILIATION WITH  
21 EMPLOYEE ORGANIZATIONS AS DEFINED BY SECTION 29-33-103.

22 (b) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL HOLD AT  
23 LEAST ONE MEETING FOR INTERESTED OFFICE OF THE STATE PUBLIC  
24 DEFENDER EMPLOYEES TO PROVIDE INPUT ON THE WORKLOAD STANDARDS  
25 AND POLICIES AND PROCEDURES AND MUST ALLOW EMPLOYEES TO SUBMIT  
26 WRITTEN FEEDBACK AND COMMENTS. AT LEAST ONE MEETING MUST BE  
27 HELD PRIOR TO CREATING THE WORKLOAD STANDARDS.

1 (c) THE MEETING MUST BE CONDUCTED IN PERSON AND ALLOW FOR  
2 REMOTE PARTICIPATION.

3 (d) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL PROVIDE  
4 SUFFICIENT NOTICE OF A MEETING TO ALL EMPLOYEES OF THE OFFICE OF  
5 THE STATE PUBLIC DEFENDER. THE NOTICE MUST INCLUDE THE DATE, TIME,  
6 AND LOCATION OF THE MEETING, AND INFORMATION ON HOW TO ATTEND  
7 REMOTELY.

8 (e) THE OFFICE OF THE STATE PUBLIC DEFENDER SHALL PROVIDE  
9 A COPY OF ANY PROPOSED WORKLOAD STANDARDS AND POLICIES AND  
10 PROCEDURES TO ALL OFFICE OF THE STATE PUBLIC DEFENDER EMPLOYEES  
11 PRIOR TO A SCHEDULED MEETING. THE OFFICE OF THE STATE PUBLIC  
12 DEFENDER SHALL PROVIDE A COPY OF THE FINAL WORKLOAD STANDARDS  
13 AND POLICIES AND PROCEDURES DEVELOPED AFTER THE FINAL MEETING TO  
14 ALL OFFICE OF THE STATE PUBLIC DEFENDER EMPLOYEES AT LEAST THIRTY  
15 DAYS PRIOR TO IMPLEMENTATION OF THE WORKLOAD STANDARDS AND  
16 POLICIES AND PROCEDURES TO ALLOW FOR ADDITIONAL COMMENTS AND  
17 INPUT.

18 **SECTION 3. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2024 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.