



March 20, 2018
The Honorable Vicki Marble and Honorable Susan Lontine
Legislative Services Building, 3rd Floor
200 East Colfax
Denver, CO 80203

Memorandum of Objection Regarding Proposed New Laws Addressing Conflict-Free Municipal Public
Defense SB18-203

There are a number of concerns for rural communities with the proposed addition of increased requirements regarding appointed counsel for indigent defendants. Small courts depend on court appointed lawyers. In contrast to larger jurisdictions, smaller rural areas don't have a surplus of lawyers willing to accept court appointed work. There are many reasons for this, the main one being money. With the exception of large, high profile cases, criminal defense work is not as lucrative as other areas of the law. In areas where there are fewer lawyers per capita, not many flock to criminal defense as a primary source of income. Many do it to garner courtroom and trial experience, but it tends not to be a primary focus. Court appointed defense attorneys only make a fraction of what a retained attorney can make.

Compound this difficulty with requiring them to be "periodically evaluated for competency" and the level of interest will further degrade. A lawyer in good standing with the Colorado Bar Association is free to take on whatever type of case they desire including a death penalty case. But this proposed legislation is suggesting that more stringent requirements be placed on a licensed attorney who wants to handle a misdemeanor trespass case.

The requirements will overwhelm smaller jurisdictions. A five member commission of independent attorneys? Serving voluntarily without compensation? That isn't realistic. In rural areas, with courts that create the suggested "regional" panel, either the attorney or the panel will need to travel and SET ASIDE THE TIME to do these analyses. Again, this is highly unlikely to occur within such a lucrative profession. Further, who better to determine the qualifications of a local attorney than the local judge before whom he will practice?



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Our Public Defenders and ADC attorneys in Garfield County don't have the people or resources to cover municipal courts. In fact, they are only available one day per month for COUNTY courts.

Finally, the wording "[a]ll Colorado Municipalities must provide indigent defendants facing a possible jail sentence for violation of a municipal ordinance with independent indigent defense" could be interpreted as contrasting with C.R.S. 13-10-114.5, just enacted last year, which allows for a waiver after advisement as long as the waiver and advisement are compliant with CMCR 210 and C.R.S. 16-7-207.

There are many aspects of this proposal that sound good on paper, but won't function in the real world. Imposition of higher standards on municipal courts than on other Colorado courts seems contrary to justice. All courts should have the tools necessary for the pursuit of justice. Justice that is equally shared among defendants AND victims.

The City of Rifle opposes SB18-203 as it is currently written. If you have any questions, please feel free to contact our Assistant City Manager, Nathan Lindquist, at 970-665-6403. Thank you for all of your work on behalf of the citizens of Colorado.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Lindquist", is written over a faint, larger version of the signature. The signature is stylized and cursive.

Nathan Lindquist
Assistant City Manager

Cc: Senate Judiciary Committee
Representative Bob Rankin
Senator Randy Baumgardner
Colorado Municipal League
Associated Governments of Northwest Colorado



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