

Thursday, February 29, 2024

Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: HB24-1289 – Public Defender Workload Standards

Dear General Assembly Members,

As a former public defender, I am writing this letter today to urge you to consider HB24-1289 and implement workload standards to monitor public defender caseloads. I served as a Deputy State Public Defender in the Brighton Regional Office of the Colorado State Public Defender from 2017 until 2021. I have been a full-time criminal defense attorney since leaving OSPD, first with a private firm, and now as both a private attorney and contractor with OADC.

The decision to leave the Public Defender's office was not one that I took lightly – it remains one of the hardest decisions that I have made in my professional life. I had wanted to be a Public Defender since high school, when a mentor gave me a copy of Harper Lee's *To Kill a Mockingbird* with the famous line highlighted: "I simply want to tell you that there are some [people] in this world who were born to do our unpleasant jobs for us. Your father's one of them." To me, this quote represented the idea that our justice system can only function when there is a passionate and dedicated attorney zealously defending the accused from the power of the state. So, when I decided to go to law school, there was only one career option that I really considered.

In my first year as a Public Defender, I had over two hundred active cases open to me, on average, at any given time. I remember checking my total statistics when I was promoted to district court in 2019: during my time in county court, from fall of 2017- to spring of 2019, I had over a thousand cases under my name. After my promotion to district court, when I became responsible for defending clients facing prison sentences, my caseload dropped to between 130 and 190 open felony cases at a time. I had one of the highest caseloads of the attorneys assigned to my division. I can only remember a handful of conversations with my supervisors regarding how many cases I had – but they couldn't offer me any solutions: they were also buried deep in their own cases. One supervisor, who was supposed to have a reduced caseload so she could supervise us, took on just as many cases as we all did because she didn't want to see yet another attorney burn-out over the workload.

In county court, I was often set double or triple deep with jury trial settings in any given trial date on my courtroom's calendar. In one week I tried three back to back trials. In district court, it was not much better. It became a constant battle to prepare for docket, advise my clients, talk to them about their cases, research individual legal issues, and prepare for trials. I wasn't doing the quality of work that I wanted to do because for every case that I invested time into doing a good job, there were several other cases that I simply could not spend as much attention on. There are only so many hours of focus time available in a day.

This caseload cost a terrible personal price. I worked constantly. I sacrificed weekends and holidays with family for my clients. I grew distant from my family and friends. My relationship with my partner suffered badly. I lived with a constant awareness that no matter what I did, I could not work hard enough to keep up with all that the job requires. When I was not actively at work or in court, spare moments were filled with dread and perseverance about what I had forgotten to do.

In the end, I announced my decision to leave with tears in my eyes. I was not Atticus Finch staying up late to defend my clients from the angry mob. I was burned out. I had had too many cases for too long, and there was no end to the cycle in sight. When a recruiter approached me and offered me a job doing private criminal defense with less than one third of the cases and paying twice as much, I felt like I had no choice. I didn't leave because of the money – I left because I wanted to feel like I had the space and time to give each client the time and attention they deserve.

I believe that HB24-1289 would be a good first step towards reducing the kind of public defender burnout that ultimately caused me to leave the office. Implementing workload standards within the Public Defenders' offices would help with evidence based decision-making and provide OSPD supervisors with some of the resources that were lacking during my time there. Even just being able to formally recognize that my caseload was above workload standards would have made a difference in my own job satisfaction. Please vote in favor of HB24-1289.

Sincerely,

Ian McDavid, Esq.



March 5, 2024

House Judiciary Committee

Re: HB24-1289

Dear Chair Weissman and Committee Members,

I write to explain my opposition to HB24-1289. I was a Colorado State Public Defender for 27 years and remain committed to ensuring that our State provides excellent indigent defense services. This bill is incongruent with that goal.

In 2022, I was a member of the CBA's Ethics Subcommittee, and part of a working group that drafted CBA Informal Ethics Opinion 146, *A Lawyer's Duty to Maintain an Appropriate Workload*. That document summarized the ethical responsibilities of supervisors to ensure that lawyer and non-lawyer subordinates carry a workload that ensures clients receive diligent, competent representation. I understand that the proponents of 24-1289 may suggest this informal ethics opinion requires a numerical cap on caseloads for public defenders. That is incorrect, as even a casual reading of the informal opinion demonstrates.

Too, the indigent accused in states with public defense systems that have instituted caseload caps have languished in jail awaiting the appointment of conflict lawyers at the expense of their constitutional right to effective assistance of counsel. My decades of criminal defense practice have taught me that the first 72 hours after a case begins is the most important time to build the foundation of a successful defense. This bill risks leaving clients without a lawyer during that critical period and that outcome should be unacceptable in Colorado.

The Defenders Union of Colorado purports to speak for OSPD employees, even though no vote or certification exists to justify that group's use of the word "union" to describe itself. While high caseloads are a serious concern, especially because of the overwhelming amount of video and other digital discovery in even low-level misdemeanor cases, 24-1289 relies on a study unconnected with and unformed by

indigent defense realities in Colorado and proposes no solution to protect the constitutional rights of clients who would be harmed by caseload caps.

It is my hope that this bill does not pass out of your committee. I also hope that OSPD leadership will take meaningful steps to ensure that staffing and attrition are handled to keep the focus where it should be: on excellent defense for the agency's clients.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script that reads "Ann M. Roan".

Ann M. Roan



HB24-1289Lucas, Holly to: committees.lcs.ga@coleg.gov 03/05/2024 12:24 PM

Good Afternoon,

I have been a Deputy State Public Defender for decades and have worked in both metropolitan and rural offices during the course of my career. It is very unusual for anyone to remain with the Public Defender's Office for the amount of time I have remained except for members of management. While I have been in management for the Public Defender's Office, I have spent far more time as a line deputy and feel I can speak to the issue of our workloads directly.

I do not want to address any one case or client as I believe that would violate my obligations to my clients. Rather, I would like to speak to you on with a broader view. Over the years, the Public Defender's Office has lots countless talented attorneys due to the crushing demands of our caseloads. I have watched friends become mentally crushed and turn to alcohol to help them deal with the losses of family, friends, and partners because they could not balance work and life. I have seen them become people I no longer knew in the wake of caseloads that left no room to breathe. I have watched colleagues with smaller caseloads in rural jurisdictions drive hours for court hearings and jail visits. Those same colleagues were also crushed not by the number of cases but by the miles of driving that left with little time to balance mental health, life and work. I have supervised young lawyers and watched them struggle with heavy caseloads and trying to learn a craft all while trying to manage the demands and desires of youth. While, I did what I could to assist them, in the end there was little I could do to relieve their burdens. Rather, together we hoped the burden would be eased by advancing to more serious cases only to find the burden was just different but still crushing.

The issue of too many cases for Public Defenders is nothing new and has been an issue since I joined the Public Defender's. However, the amount of

cases our agency handles combined with the amount of information on each case (body worn cameras, surveillance, and video statements) has made already burdensome caseloads nearly impossible to manage, especially for those without decades of experience.

It is time that reasonable standards for the amount of cases to be handled by any given attorney per year should be implemented for the good of our clients and our staff. The burn out we face from burdensome caseloads takes not just a toll on mental health but on the finances of OSPD. Every person that leaves due to crushing caseloads must be replaced down the line by a new person (lawyer, investigator, social worker, or administrative assistant) the requires more dollars to be invested in training the replacement.

I urge you to pass HB24-1289.

Thank You for Your Consideration,

Holly Lucas

Thank you for taking the time to consider my thoughts, I will strive to keep them brief. Over my nearly twelve years as a deputy public defender, I've had the privilege to work with some of the best, most capable, dedicated lawyers to have practiced in Colorado. Unfortunately, during that time, because of excessive workloads, I've seen these lawyers perform deficiently, to the detriment of their clients.

One of the absolute best attorneys I've ever worked with asked me to join a case they inherited from another lawyer who departed our office. I joined because the aforementioned colleague had a major trial the week before the case in question was set for trial. The case in question was also a major case, a case where, if convicted, an individual Coloradan faced a life sentence to the Department of Corrections. When I joined the team, I realized that neither attorney assigned to the case conducted what I considered necessary investigation. Thankfully, we were able to continue the trial for investigation purposes, investigation that dramatically altered the course of the case and potentially saved an individual from a life sentence. This is just one of countless examples where the lack of workload standards forced an incredible attorney into the untenable position of providing deficient representation.

Sadly, it seemed as though this attorney had grown accustomed to proceeding to trial without meaningful investigation, relying instead on their trial skills. Meaningful investigation prevents the need to go to trial in a significant number of cases, especially those cases where a client is innocent of all charges. Excessive workloads should not force innocent persons into trial solely because their attorney didn't have time to adequately represent them. A lack of time to engage in pretrial investigation and casework carries through to a lack of time to prepare for trial and a lack of preparation at trial, all to the detriment of the client.

Countless times, I've received no response when I've reached out to defenders in other offices with whom I share a mutual client. These attorneys' excessive workloads prevent them from sending a quick email to make sure that everyone representing this individual client is on the same page in how we can best protect our client. The pitfalls of a lack of communication between attorneys are numerous, including where a resolution in one case jeopardizes a client's ability to receive probation in another case, their ability to testify in their own defense in a separate case, and their ability to meet with their lawyer after they've been sentenced to the Department of Corrections. Not only do these things harm the individual, they delay the legal process costing finite resources that are in high demand.

One stark example of this is where for months, a group of attorneys from various offices worked hard to obtain an outcome that would not force a judge to sentence our client to DOC. Unfortunately, another attorney, who was not communicative with the team, went ahead on their own, completely negating the work the other attorneys did for the client. I hate to say this, but these stories of lack of communication because of excessive workloads affect clients throughout the state on a regular basis. This is particularly true in a jurisdiction like the 1st JD, which pushes cases on one of, if not the, quickest timelines in the entire state. Again, the issues caused by excessive workloads harm individual clients, individual defenders, OSPD, the legal system and society.

Excessive workloads ravage dedicated passionate lawyers over their careers as defenders; workloads require defenders to sacrifice their physical, mental and emotional health in order to do the best they can for their clients. Worse yet, excessive workloads require lawyers to make sacrifices that directly affect their clients. Those sacrifices come in many forms, whether it be reduced investigation, fewer client contacts, less mitigation work performed, or less time spent preparing for hearings and trials. No matter the form of the sacrifice, the person affected most, and never for the better, is the client.

When I received my 10-year service award, I stood at the front of our conference room as the only non-management deputy public defender amongst the 10-12 persons. Every other “line-deputy” from my hire class had quit before they reached their 10-year mark. Less than one year later, one of the supervising attorneys who had stood in front of the room with me also quit because of their workload. Almost every time a dedicated defender quits because they’re burned out by the workload, they leave behind a workload that has in some ways been neglected. Now imagine a young attorney, in most offices, one with less experience than you’d prefer – especially if you’re the client – stepping into that workload and trying to provide effective representation while learning the ropes of felony practice. This cycle repeats itself regularly in the public defender system here in Colorado. Overwhelmingly, to the detriment of the young attorney, and especially, the client.

Public defenders are integral to not only the representation and defense of individuals, but also society’s constitutional rights, regardless of whether any individual person will ever need representation at state expense. By fighting for individuals’ rights, we provide a check on any number of abuses that threaten to deteriorate and diminish everyone’s constitutional rights. Workload standards would protect our individual clients, individual defenders and society generally. They would ensure that passionate, capable lawyers could continue to do the job they have sacrificed their physical, mental and emotional health for while simultaneously increasing the level of representation to that mandated by the public defender enabling statute, Colorado Criminal Rules of Procedure and the rules of professional conduct.

As you consider this bill and various amendments, I’d urge you to inquire of anyone proposing a new time-study, how the last time study went, and also, why a time study is the appropriate methodology for setting workload standards. Asking overworked, under-resourced attorneys how much time they currently spend on casework is not the right question, that question begs for a “business as usual approach to workload standards.” The right question is, how much time should attorneys be spending on each case/case type in order to provide the mandated level of assistance? Asking overworked attorneys who have never had the luxury of spending that amount of time on their cases inevitably leads to underestimations of the time that should be spent on the cases. That is why this bill should include a requirement that in setting workload standards, OSPD not engage in a new time-study, but instead, rely on existing methodologies and data, national studies and weighted case measurements adopted in other states, adjusted for OSPD.

I urge you to vote for this bill, with the sponsor's proposed amendment, L001; it will not only improve the lives of individuals charged with crimes, the defenders who represent them, the legal system and society, it is also the right thing to do in light of the harms caused by excessive caseloads. I further implore you to fund OSPD's most recent budget request to provide more defenders to help alleviate some of the excessive caseloads currently plaguing our state.

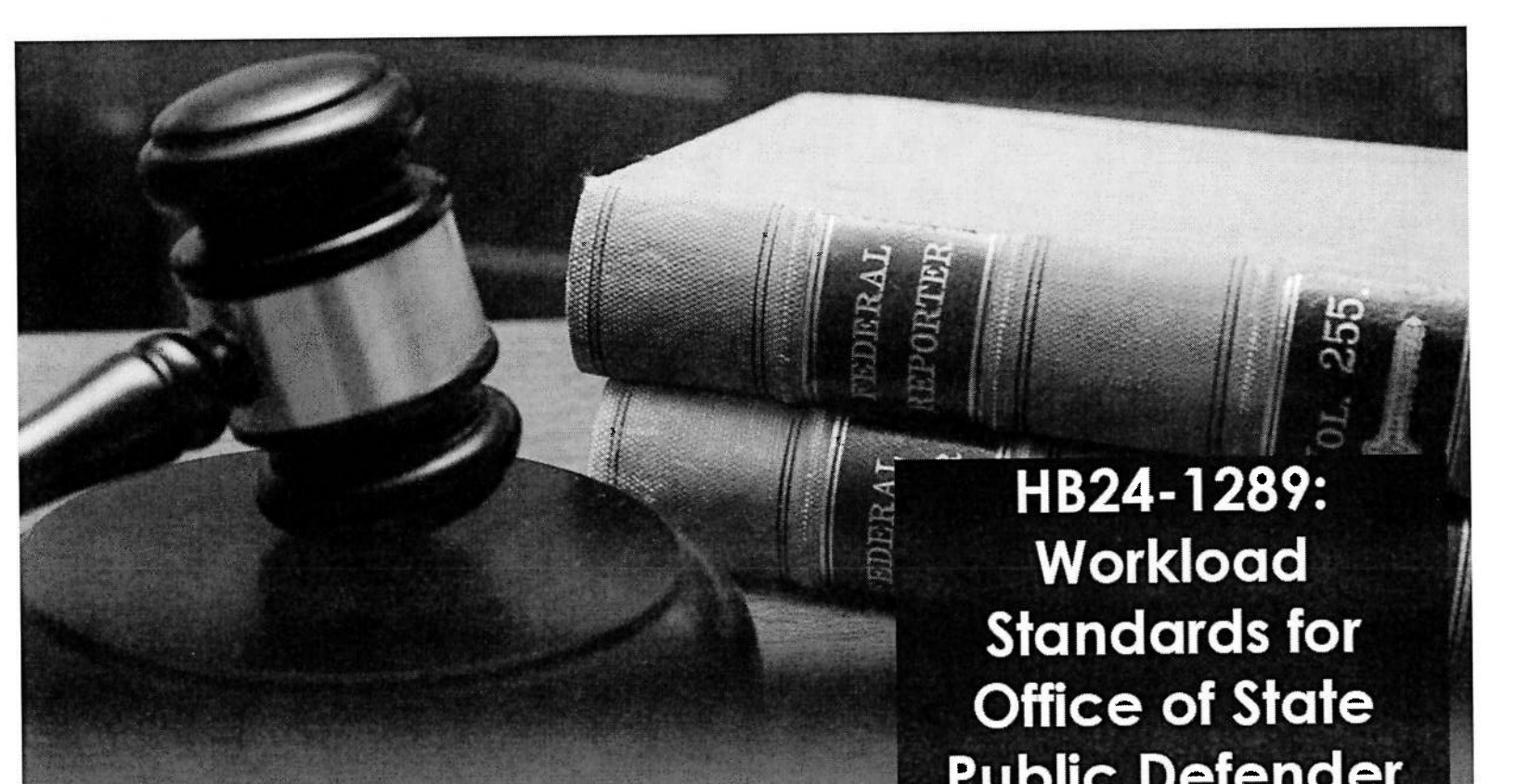
Thank you,

/s/ Garen D. Gervey

Garen D. Gervey

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Bill Summary

-The legislation recognizes the importance of providing indigent defendants with legal representation equal to that of nonindigent defendants and acknowledges the challenges public defenders face due to excessive workloads.

-It mandates the implementation of workload standards by the Office of State Public Defender by July 1, 2025, to ensure that public defenders can fulfill their constitutional, statutory, and ethical duties effectively.

-The standards must consider various factors such as case types, attorney duties, jurisdictional needs, non-case-related responsibilities, and feedback from employees, aiming to ensure adequate representation for indigent individuals while adhering to legal and professional standards.

Issue

-Public defenders across America regularly work triple the cases they can effectively handle, and some work upwards of 10 times too many cases.

-Public defense attorneys with excessive caseloads cannot give appropriate time and attention to each client. Excessive caseloads violate ethics rules and inevitably cause harm. Overburdened attorneys are forced to choose cases or activities to focus on, such that many cases are resolved without appropriate diligence.

Solution

HB24-1298 shows the need for equitable legal representation for indigent defendants, recognizing the constitutional duty of public defenders. It proposes the establishment of workload standards to ensure effective legal counsel and mandates consultation with stakeholders for their development. Additionally, it stipulates procedures for notification and feedback to enhance transparency and accountability in public defender services.

HB24-1289: Workload Standards for Office of State Public Defender

House Sponsors: Representatives
Joseph and Vigil

Senate Sponsors: Senators
Michaelson Jenet and Roberts

Supported by:

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To those considering and voting on HB24-1289:

I started writing poetry in second grade, on the banks of the Ohio river. My sister Kati bought me a small purple journal to write my poems in, and it was the first time I felt like my voice could be used for something. I grew up facing challenges that our clients face every day: my dad was in and out of jail, and our family struggled with tragedy and poverty. However, I had a privilege that changed my life: I was empowered to use my voice and to tell my stories. My single mom worked indescribably hard to give me and my sisters a future, and she encouraged me every day to keep speaking up. I went to college and majored in creative writing; I realized in the midst of that degree that it was the real stories of real people that I was drawn to tell. I went to law school passionate about telling the stories of people who were tossed into categories or cages—by the end of law school, my passion had found its focus: I wanted to be a public defender.

I wrote my cover letter applying to OSPD talking about the importance of storytelling to trial attorneys and their clients. When someone is charged with a crime, the story told about them in court becomes them; without an advocate, the only story told is maybe the worst thing they've ever done, or been wrongfully accused of doing. In my cover letter, I spoke about a former client that I had in a post-conviction posture who was, decades earlier, convicted of crimes that resulted in a century-long sentence. I spoke about all the things that I learned about her and how crucial telling her story would have been to her jury—but her story of abuse was never told, and her jury never understood how or why she did what she did. It struck me back then just how little time and attention that the trial attorney invested in understanding for themselves the case that was in front of them, and it resulted in a lifetime in prison. **Knowing that client at the end of her life made me a public defender—because every bone in my body wished that I could have been hers.**

Back then, I wrote mountains of poems about her and what this advocacy meant. It was the thing that inspired me, revitalized me, and kept me going. The simple act of writing poetry reminded me of who I was and why the voices of the people I served mattered. But over the last four years, I have lost any trace of these moments due to the overwhelming legal and emotional labor that goes into this work, and both my wellbeing and advocacy have suffered.

When I was freshly into district court, handling felony cases for the first time, I had replaced yet another great senior lawyer who had burned out under the unsustainable workloads. Almost immediately I picked up a case that was incredibly serious and legally complex; the client was essentially facing the rest of their life in prison. The legal issues were of such complexity that few lawyers in my office had ever dealt with some of the legal issues presented, and due to certain legal procedures, we were on an expedited timeline for trial. Realistically, there were few lawyers in the office with that level of experience; with a high rate of attrition, many offices like mine are left with on average a very young staff. Another young lawyer graciously agreed to help me with the case, but we were both unquestionably overwhelmed by the nature of the case and the significant consequences at risk. It was well known throughout our office what we had in front of us and the incredible time, attention, and legal experience it would take to give that client the necessary representation. While I believe that me and my co-counsel gave absolutely everything we could to that case, as I heard the

jury's verdict I could not help but believe that this client would have been better served in more experienced hands. But there was no mechanism for that to happen, or for that client to receive more experienced hands, because there is not the necessary, meaningful consideration of workloads and assignments to ensure that a brand new felony lawyer does not receive a case like that which necessitates a seasoned lawyer. And when a young lawyer does receive such a case, or multiple, there is not a mechanism to ensure that the hours and attention necessary do not outweigh what is professionally and humanly possible to do.

A few months later, I was driving to the office on a regular Friday morning and feeling the drain of another long week. As my mind tried to take stock of why I was so exhausted—the kind of exhausted that you feel in every part of your body—it occurred to me that I hadn't written anything in so long that I could not remember the last thing that I wrote that wasn't a motion or case note. I started recording myself on my phone, trying to write something out loud, unsure of what I even wanted to say. What came out were soft, unsteady prayers to myself about how scared I was that I'd lost myself in the stress of this job. I cried describing out loud what my life outside of this job had become—me “disappearing” into my couch when I got home at the end of the day, unable to do much but feel the weight of my exhaustion. There was no more poetry in my life. There were no stories, or books, and my passion felt so scarce that it was fighting just to exist at all. I didn't even know I had this fear until I became so overwhelmed by my own exhaustion that I forced myself to listen. And what I heard was that the job that I loved—the passion for people and telling their stories—it was dwindling to dust. So much of my identity is in my passion—so much that I was losing myself to too much work and not enough hours in the day to truly *do the work*. This is the poem that came from that drive:

“This poem sucks because
I am forcing myself to write it.
I wish I loved poetry again.
I wish I loved anything as much as
I love to disappear.

More than missing the poetry
I miss the need to write it.
When it felt like the words filled my body so fully
That if I did not let them out
My skin would burst at the seams.
I miss feeling so full of words
So full of my own voice
So full of this need.

But now
Instead of writing poems
I walk into my apartment
My puppies chirping at my feet

My heart swells for a moment
Remembering just how much I love them.
And then
I sit on the couch
I melt into it and
I forget that poetry ever existed
That I ever loved anything
As much as I loved poetry
And I disappear.
I disappear.

But I forced myself to write this poem
Not because it is good.
But because I must.
I force myself to write this poem because
I am afraid if I don't force myself to remember how much
I love poetry
That I could never love it again.
I am scared that for all the days that I disappear
So do the words I used to cling to for life support.
So do the words I used to write bad poems
And good poems
And short poems
And loud poems
I am scared that one day I will come home
My puppies will chirp at my feet
My heart will swell for a moment with the love I feel for them
And I will walk past my bookshelf
And all the poems will be gone.
That on some afternoon I disappeared
And pawned them off somewhere that I can't remember.
That they too will disappear.

I need poetry like a person needs a name.
Without it, I am not sure what my heart belongs to
Or what I am.

And without it,
I disappear.”

As advocates for vulnerable people, we come into this job knowing that it will be hard. We come into it knowing that it will take passion and true belief in the work to keep going. We come into it knowing that it will take a piece of us—and we let it, because we believe that our clients deserve a whole-hearted advocate in their corner.

What we do not come into this job expecting is to lose ourselves in the workload. We do not expect to fall out of love with the work we spent years learning how to do because we believed, to our core, that it was worth doing. We do not, and should not, expect that our workload will rob us of the joy we find in poetry, or feeling the warmth of the summer sun on our skin because we are spending every weekend in our office fighting for one of hundreds of our deserving clients.

For me, losing myself to the “disappearing” means losing my passion for telling the stories of people who deserve to be seen and known for who they are beyond what an affidavit says about them. When I don’t have the time or energy to tell my clients’ stories, those stories lose color and become less than what my clients deserve.

I believe in having workload standards because I believe that my clients deserve a passionate advocate ready to give the time and attention necessary to tell their stories. Without some kind of accountability for what is heaped onto our caseloads, we are left fighting to not disappear as soon as we leave the office. Even with the overwhelming nature of current workloads, we are fighting to stay and be the advocates that our clients deserve—the whole-hearted, poetic and passionate allies and storytellers that we are—because we believe in this work. But we should also be able to believe in a fulfilling life outside of it. I urge you to vote for the bill and amendment submitted by the sponsor.

Molly E. Bramble
Deputy State Public Defender

MEGAN BISHOP

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March 5, 2024

The Honorable Mike Weissman, Chair
State Capitol, RM 307
200 East Colfax
Denver, CO 80203

The Honorable Jennifer Bacon, Vice Chair
State Capitol, RM 307
200 East Colfax
Denver, CO 80203

RE: Support of HB 24-1289, Concerning Workload Standards for Office of State Public Defender

Dear Chair Weissman, Vice Chair Bacon, and Committee Members:

On my first day as a public defender, I was greeted by a mountain of files on my desk. I didn't know anything about the clients, their charges, or the status of their cases. With most of my day spent in court, I wondered where I'd find time to actually read those files. When would I squeeze in all the meetings? Would I ever be prepared for their hearings? These panicked thoughts were not just a beginner's learning curve. They persisted throughout my six years as a public defender, accompanied by constant worry about overlooking something—or someone—amidst to my excessive caseload.

As my experience grew, so did the severity of my workload. Difficult cases demanded more research, longer motions, and extended hearings. Meetings with clients took longer as I learned more info to share with them. Due to a high turnover rate, it only took a couple years before I was asked to train or mentor other lawyers. Now part of the small group of "senior" attorneys, I was appointed to higher-level cases facing higher potential sentences, where the consequences were even steeper if I missed a beat.

At some point, I approached management about my excessive workload. One supervisor suggested I do less work and more self-care. Another supervisor said the opposite, recommending I work more hours and stay later. Both suggestions implied that the solution was in my own hands; that my workload could be fixed so long as I adjusted individual habits. But when I made time for self-care, I would return to an overflow of voicemails, hearings scheduled in my absence, and angry co-workers forced to pick up the slack. Even working late at the office, I could still only make a dent in a handful of my cases, leaving the rest to languish.

As illustrated by OSPD's increased attrition rate, excessive workloads hurt office culture. Dozens of empathic lawyers with deteriorating optimism are crammed into one high-stress workspace, then given never-ending caseloads with mixed messages on how to manage them. The attrition causes a vicious cycle: people frequently quit, dumping their old workloads on remaining employees, which makes them quit too.

I left the Office of the Colorado State Public Defender in September 2022.

My experience is not unique. The excessive workload of public defenders is widely acknowledged yet often excused as an inescapable reality of the job, since “too many cases, too little time” has long been the status quo.

New research studies reveal the endemic extent of excessive workloads. It’s a systemic issue hindering effective representation and inflicting moral injury on the public defenders who tirelessly climb mountains against an avalanche.

HB 24-1289 calls on OSPD management to take accountability for its role in the excessive workload issue. Supervisors must establish safeguards or policies to maintain workloads of their subordinates, and ensure workloads are adequately regulated so all clients receive competent and diligent representation. See generally Colo. RPC 5.1(a)–(b); 5.2(b).

Nearly half this committee’s members are lawyers who, pursuant to the Rules of Professional Conduct, must “be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.” Colo. RPC Preamble, [6].

For these reasons, I urge you to support Colorado’s public defenders in their fight against systemically unsustainable workloads. Please support the strike below as offered by the bill sponsor.

Sincerely,

A handwritten signature in cursive script that reads "Megan Bishop".

Megan Bishop

To: House Judiciary Committee

From: Madison Lips

Re: HB24-1289 – Testimony in Support of Bill

House Judiciary Committee,

I am writing in support of HB24-1289 as a former public defender in Arapahoe County. My experience at the public defender's office was dominated by feelings of guilt that I was never doing enough. I cared deeply about my clients, and felt that some of the most important work I could do was not legal work - calling sober living facilities to try to get my client into one to help obtain a better plea offer; waiting on hold for over an hour with the DMV to figure out what my client needed to do to get their license back; pleading with providers of classes like Making Better Choices or Safe Driving to give my indigent client a discount on the cost. Each of my clients was a whole person facing a mountain of collateral consequences of their criminal cases, and I desperately wanted to help my clients holistically. But on my first day in the office, I had over 160 of those cases. I was drowning in the endless need for my time and energy, and I simply could not stomach cutting back on the vigor of my representation for any one of my clients. My personal life suffered, as did my physical and mental health. As I looked ahead at a career in this field, which I had sincerely hoped to pursue, I panicked at the future I saw. And so, I did what so many others do every year at the public defender's office - I quit.

A huge part of me regrets leaving - I loved being in the courtroom every day, and I cared so deeply about serving my clients. But it was a simple fact that the amount I cared about each individual client and the staggering number of cases I was responsible for made it feel impossible to do the job at a level of vigorous representation that I felt compelled to provide. I am in awe of my colleagues who continue to do this work with the caseloads they face, because I know many of them do continue to sacrifice their own personal lives to deliver that level of representation. But I know that my decision to leave was a direct result of my unwillingness to sacrifice either my own health and wellness or my level of representation for each client. I sincerely urge you to pass this bill. Clients who rely on the public defender's services will be infinitely better served by better retention of lawyers who have more manageable caseloads - I know they suffer greatly from the incredible rate of turnover of public defenders. Clients also will be better served if their attorneys have the time and energy to devote to their cases. This bill is merely a first step towards gaining an understanding of the workloads in the system, and that understanding is critical to bringing about positive change. I urge you to take that first critical step.

Sincerely,

Madison Lips

Attorney Registration # 56351

House Judiciary Committee Members:

I am writing in support of HB 24-1289. My name is Gillian McGann and I am a currently employed Deputy State Public Defender. I have been a Deputy State Public Defender for only three years, and I am already a more senior attorneys in my office. I am assigned as a mentor, I am taking on homicide cases, and I am the first chair on several sex assault cases. I am expected to manage a caseload of class one felonies through class six felonies, and at any given time, my caseload is well above ABA standards. Throughout my career, I have had to work well past 40 hours/week on a regular basis to meet the bare minimum on my case requirements. It constantly feels like a ball is going to be dropped and often I have to stop to address those "fires" to prevent a case from going off the rails. I should not have to prioritize the needs of one client over another, but I absolutely do. This job is impossible to do otherwise.

I went to law school because I wanted to be a public defender, but over the course of the last three years, I have thought about quitting repeatedly. The crushing weight of the work is one thing, but add to that the constant emotional turmoil of feeling ineffective at every turn, and it is almost impossible to show up for work each day.

Despite this passion for the work, I am burnt out. I am starting to take as much PTO as possible, but that becomes a viscous cycle. If I take time off, my already overburdened workload spirals out of control, and I come back from vacation with more to do than before I left. This is not sustainable. I have watched so many attorneys start in this system and quit well before ever making it as far as I have. We are handling such serious cases because we have experience, but we are handling far too many. And constantly being asked to do more. The moment you close a case, a new one opens.

Our management has done nothing to stem the workload. They hire more attorneys or ask for more money, but the workload keeps going up. Digital discovery is so overwhelming. We are talking about two plus officers' BWC on every case, with BWC anywhere from 45 minutes to hours. BWC is so necessary to keep the police in line. It is appalling the type of police behavior you see watching the body camera. Plus, officers are now writing briefer and briefer reports - also relying on the BWC, so we have to watch all of it. Setting aside the basic issue that it is required for me to be effective.

All this bill is asking is for management to at least create a policy to help guide us. OSPD's opposition to the bill makes clear to me that on their own, they will do nothing to address our workloads and will do nothing to protect our clients. I have no recourse to say, I simply cannot do more. Please vote in favor of HB 24-1289.

Thank you,

Gillian McGann

Deputy State Public Defender

Statement based on personal opinion, not those of my agency

315-807-9663

House Judiciary Committee Members:

I am writing in support of HB 24-1289. I am submitting written testimony as I will be a contested hearing at the time of this meeting and cannot appear in person. My name is Alison Haugen and I am a currently employed Deputy State Public Defender. I have been a Deputy State Public Defender for about seven years, this makes me one of the more senior attorneys in my office. I am well past the point where I am getting direct supervision on my cases and am expected to manage a caseload of class one felonies through class six felonies. At any given time, my caseload is well above ABA standards. Throughout my career, I have had to work well past 40 hours/week on a regular basis to meet the bare minimum on my case requirements. It constantly feels like a ball is going to be dropped and often I have to stop to address those "fires" to prevent a case from going off the rails. I should not have to prioritize the needs of one client over another, but I absolutely do. This job is impossible to do otherwise. I have two small children and have regularly contemplated quitting, so that I can spend more time with them and my partner. I don't because I need public service loan forgiveness and because I'm committed to my clients. I have gone into this line of work, even getting a Masters in Social Work, to stand beside these clients and help them through the hardest times of their lives.

Despite this passion for the work, I am burnt out. I am starting to take as much PTO as possible, but that becomes a viscous cycle. If I take time off, my already overburdened workload spirals out of control, and I come back from vacation with more to do than before I left. This is not sustainable. I have watched so many attorneys start in this system and quit well before ever making it as far as I have. Everyone around my level feels the same. We are handling such serious cases because we have experience, but we are handling far too many. And constantly being asked to do more. The moment you close a case, a new one opens.

Our management has done nothing to stem the workload. They hire more attorneys or ask for more money, but the workload keeps going up. Digital discovery is so overwhelming. We are talking about two plus officers' BWC on every case, with BWC anywhere from 45 minutes to hours. BWC is so necessary to keep the police in line. It is appalling the type of police behavior you see watching the body camera. Plus, officers are now writing briefer and briefer reports - also relying on the BWC, so we have to watch all of it. Setting aside the basic issue that it is required for me to be effective.

All this bill is asking is for management to at least create a policy to help guide us. Right now there is silence on this issue. I have no recourse to say, I simply cannot do more. Please vote in favor of HB 24-1289.

Thank you,

Alison Haugen
Deputy State Public Defender
Statement based on personal opinion, not those of my agency
720-453-9799

House Judiciary Committee Members:

I am writing in support of HB 24-1289. My name is Jason Lamprecht and I am a currently employed Deputy State Public Defender. I have been a Deputy State Public Defender for almost eight years. I work in two different counties and have rarely, if ever, had less than one hundred felony cases at a time for my entire career. Having this many cases to handle at all times makes it impossible to be a constitutionally effective attorney for any one of my clients. In order to just survive in this job, I have to constantly triage what needs to be done for a case most urgently, leading to every one of my cases being delayed longer than it would need to be if I could give it the time and attention it deserves right away. These delays likely mean missed opportunities to conduct investigation which would be necessary to present an effective defense or negotiate a reasonable resolution of the case with the district attorney. At times, my unmanageable caseload has forced me to miss court-imposed filing deadlines and even has led to me forgetting what my own clients look like when I have met them before.

This is not effective representation, and I shudder to think of how much better my thousands of clients' lives would be now if their cases had had my full attention. In addition to the actual outcomes of their cases that have been affected, they have also received the indignity of having to get used to their calls being returned late or not at all and, for most clients, only speaking to their attorney either when they arrive to court or in the few days prior, all because they are indigent. These are individuals who come to me often already possessing a mistrust of the justice system and public defenders specifically, and, for some of them, they leave me with the same or a deeper mistrust. In these ways and many others, the lack of effective guidelines for managing public defenders' caseloads is causing ongoing damage to the judicial system and our communities as a result.

All of this is completely apart from the effect that this issue is having on us as public defenders. Unmanageably large caseloads are having a direct, disastrous effect on retention in our office. Because of our caseloads, defenders are required to work long hours for significantly reduced pay compared to our counterparts in private practice or even in other agencies. This is a quality of life that many of our best attorneys are unwilling to bear for many years despite our best intentions when we enter the work. Further, our inability to represent our clients to our own high standards or even the lower standard required by ethical rules weighs on our self-esteem and erodes our morale in a way that makes it not worth staying in our line of work in light of everything else we have to bear.

With HB 24-1289, we're not asking the legislature to waive a magic wand, reduce our caseloads, and make our jobs easy. We signed up for this knowing our job would be hard. What we're asking for is for some framework to be developed to protect both our clients and us from caseloads that are so high and unmanageable that it is causing irreparable harm to us and our system as a whole.

Thank you,
Jason Lamprecht
Deputy State Public Defender
Statement based on personal opinion, not those of my agency

My name is Kelly France Jones, and I am a Senior Deputy Public Defender working in the Brighton Regional Trial office. I am asking you to vote in favor of the proposed House Bill 24-1289 and to create workload standards for all OSPD employees.

I have been a public defender for almost 7 years, and I have consistently had an unethically high caseload. I currently maintain a caseload of anywhere between 80 and 120 felony cases including homicide and sex assault cases. I feel constantly overwhelmed with the workload and while I always strive to provide the best possible representation to each of my clients, I fear I fall short. As a more senior attorney in our office, I also have been needed to fill in and supervise newer attorneys and take on additional cases in a supervisory capacity. Every single day, I have to prioritize some cases over others, and some clients over others. Picking and choosing which case needs the most attention leaves other clients and cases who deserve my attention under-represented.

I am very passionate about this work. I went to law school specifically with the goal to represent the most underserved in our community and to be a voice for the voiceless. But I have recently considered leaving this line of work because I simply cannot be the lawyer that I want to be for every client I am appointed to represent.

In my 7 years as an attorney, I have never seen such progress towards workload standards. HB-24-1289 would simply guide our agency on how to maintain effective representation for all of our clients, instead of having to constantly triage our caseloads. This bill would not leave those accused of crimes unrepresented; it would not create waitlists for people to get a lawyer. Instead, what this bill would do would allow each person accused of a crime to obtain a lawyer who has the time and energy to dedicate to their case and provide constitutionally effective and ethical representation.

2023 was the 60th anniversary of Gideon v. Wainwright which paved the way for the creation of the Colorado Public Defender System in 1970. While we have grown in the last 55 years from a small connection of metro offices to a thriving state system, that does not mean we should stop growing or stop striving to be the best Public Defender system in the country. Other states have modeled their public defender systems after Colorado, but, now we are falling behind. Our state is stagnant and stuck in 1970. The workload standards that were appropriate when our system was founded are out of date and not empirically based. The RAND study makes that clear. We as a state need to continue to grow and improve so we can actually fulfill Gideon's promise, instead of continuing to fail our clients because we are overworked and underfunded.

Our criminal "justice" system is broken. HB 24-1289 is one small step towards improvement.

Please vote in favor of HB24-1289.

Thank you,

Kelly France Jones

Senior Deputy State Public Defender

This statement is entirely my personal opinion and obviously does not represent the position of my employer.

Dear Mr. Chair Weissman and members of the committee,

Thank you for giving me the opportunity to submit my testimony. My name is Meredith Rose, I am a Colorado appellate public defender, and I am writing to support this bill because the Office of the State Public Defender needs to implement caseload standards to protect criminal defendants, victims, and all of the attorneys and staff who call ourselves Colorado state public defenders.

I am an appellate defender – I represent clients on appeal who have been convicted of serious crimes at trial. Through my work, I have read the transcripts of hundreds of trials, and I have seen how my trial-level public defender colleagues are so overburdened by their caseloads that they are forced to go to trial without the time and resources necessary for an adequate defense.

In particular, I remember the appeal of a drug trial where my client was facing habitual drug offender charges. His public defender had three other serious felony cases going to trial within two months of this case, and he begged the judge for a continuance so he could prepare to represent my client at trial. Although the case was less than a year old, the judge denied a continuance. The public defender stated multiple times, on the record, that he could not be effective given the time constraints and his other casework, but the trial proceeded as scheduled and my client was convicted of all the charges. Many mistakes were made and balls were

dropped, and my client received a 64-year sentence for drug possession without having had a fair shot at a defense.

I get cases like this on appeal all the time. As you probably know, it is exceedingly difficult to win an appeal and reverse a defendant's conviction, even when he has received ineffective assistance at trial. It breaks my heart because I know that my colleagues are doing the best they can, but ultimately they are not providing the level of representation that they are capable of because they have too many cases. This is why I support this bill to require the OSPD to create caseload standards so that we can begin to manage the crush of cases that our trial PDs are forced to handle. I want my clients to have excellent representation at trial, and I want my colleagues to have sustainable, fulfilling careers with OSPD instead of succumbing to burnout and leaving the system.

I want to thank all of the members of this Committee for reading my statement and for your time and attention to this critically important bill.

Sincerely,

Meredith Kelly Rose
Denver, CO 80206
Meredith.rose@coloradodefenders.us

House Judiciary

03/06/2024 01:30 PM

HB24-1289 Workload Standards for Ofc of State Pub Defender

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Danielle Davila For themselves	<p>Hello,</p> <p>I am writing today in full support of the caseload standards bill. Our public defenders work tirelessly and need a reasonable number of caseloads to effectively do their jobs. As a public school teacher, I understand doing more for the greater good and taking my personal time and money to support our students. Consequently, I have experienced how the extra hours can detrimentally impact my family, home life and mental health, just like overworked public defenders. Public defenders are the cornerstone of giving our fellow citizens a fighting and fair chance. We need our public defenders to be able to have smaller caseload numbers so they can give more time and support to each case. It is a great disservice to expect our public defender to handle 90 cases and sometimes even more. The amount of time, research, preparing, writing of motions, and legal arguments and so much more takes time. Every person deserves a fair fight and it is our incredible public defenders to provide that support. Every public defender I know is overworked and still impressively passionate about what they do. They want to do their best and we can help them by giving them less caseloads. Having their current high amount of caseloads is not sustainable. As a state, we are losing hard working public defenders due to their unreasonable number of caseloads. Our public defenders put their heart and souls into doing anything they can to support our fellow citizens and we need to pass this bill to support them. They need lower caseload numbers and they needed them a long time ago. Please pass this bill right away. It is the right choice for all of us.</p> <p>Hoping for your support,</p> <p>Danny Davila</p>

<p>Jackson Laughlin For themselves</p>	<p>Members of the Committee,</p> <p>Thank you for the opportunity to submit my testimony. My name is Jackson Laughlin. I am a proud deputy state public defender and have been for several years. I have been working with the Colorado Public Defender's office on and off since I first interviewed for an undergraduate internship in the Douglas County Public Defender's office when I was 19 years old.</p> <p>This bill is a critical first step towards building a realistic workload for public defender's that allows them to effectively represent their clients. While I have always worked very hard to keep my caseload at a reasonable level, it is often luck of the draw on how many cases an attorney is appointed on. I witnessed a young attorney in our office who, at one point, had over 400 active cases. None of her clients were receiving adequate representation. She ultimately left our office because she could not keep up with the workload. Another attorney inherited her cases. While she was able to work nights and weekends to close those cases, she ultimately burned out and left the public defender's office after only a year. In short - without standards in place, the varying caseloads that public defender's face often drive them to leave the public defender's system.</p> <p>This problem hurts indigent individuals entitled to adequate criminal defense. But it also hurts individuals who are the victims in criminal cases. This can be seen when looking at the effects of the recent malware attack on the state public defender's system. With many public defender's unable to act in the short term, cases were continued and dragged out for several weeks - which hampered their resolution for the victims in those cases. The high, unregulated caseloads that the public defender system faces are like a long-term malware attack - when public defenders are unable to give each case the due diligence it deserves, the justice system slows down or even grinds to a halt. HB24-1289 establishes workload standards that are the first step to solving these problems.</p> <p>In sum - this bill is a necessary first step towards ensuring longevity in public defender employment, giving public defenders the ability to effectively represent our clients, and ensuring the justice system can move forward effectively.</p>
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	<p>Thank you for your time. Please feel free to contact me if you have any questions.</p>
<p>Saleem Touny For themselves</p>	<p>Supporting a bill aimed at reducing caseloads for lawyers can be crucial for several reasons, as it addresses various issues affecting both legal professionals and their clients. Here are some supporting points and reasons to advocate for such a bill:</p> <p>Quality of Legal Representation: With reduced caseloads, lawyers can devote more time and attention to each case. This means they can conduct thorough research, develop robust legal strategies, and provide better representation to their clients. Increased quality of legal representation ultimately leads to better outcomes for clients and a more just legal system overall.</p> <p>Client Well-being and Satisfaction: Overloaded lawyers often struggle to maintain regular communication with their clients, leading to frustration and dissatisfaction among clients. By reducing caseloads, lawyers can allocate more time to communicate with clients, address their concerns, and provide updates on their cases. This improves client satisfaction and ensures that their needs are adequately met throughout the legal process.</p> <p>Prevention of Burnout: High caseloads contribute to lawyer burnout, which can have detrimental effects on both the legal profession and individual practitioners. Burnout can lead to increased stress, decreased job satisfaction, and even substance abuse or mental health issues among lawyers. By reducing caseloads, the bill can help mitigate burnout and promote the well-being of legal professionals.</p> <p>Enhanced Legal Analysis and Advocacy: With fewer cases to manage, lawyers have the opportunity to engage in more in-depth legal analysis and advocacy. They can thoroughly review case law, examine relevant statutes, and explore creative legal arguments that may benefit their clients. This leads to more effective advocacy in court and increases the likelihood of achieving favorable outcomes for clients.</p> <p>In summary, reducing caseloads for lawyers through legislative measures is essential for promoting the quality of legal representation, improving client satisfaction, preventing burnout, enhancing legal analysis and advocacy, promoting efficiency and</p>

	<p>fairness in the legal system, and attracting and retaining legal talent. These benefits ultimately contribute to a more effective and equitable justice system for all stakeholders involved.</p>
<p>Sally Haselschwardt For themselves</p>	<p>Hello Judiciary Committee Members,</p> <p>I am a Colorado resident in House district 10.</p> <p>I urge you to vote to approve this bill for our state public defenders. In order for our system to be as just as possible, folks need representation. Public defenders are essential, allowing everyone the ability to be represented in the criminal system, even if they can't afford an attorney. If public defenders are not able to properly represent their clients because their caseload is too high, the most underserved population in the system becomes even more underserved. By creating caseload standards and allowing public defenders room to breathe in their caseloads, it will help thousands of Coloradans get the representation they need in the criminal justice system.</p> <p>In addition, this bill is important for the public defenders themselves. In order to retain the integrity of our public defenders office, we must protect their rights as workers and create conditions under which they can carry out their mission. Please help the citizens of Colorado receive their constitutional rights and vote for this bill to send it to the House floor.</p> <p>thank you, Sally</p>
<p>Audrey Bianco For themselves</p>	<p>My name is Audrey Bianco and I strongly support HB24-1289, the Public Defender Workload Standards bill.</p> <p>I served as a Colorado State Public Defender in the Appellate Division for five and one half years. I loved being a public defender and I gave everything I had to provide a good defense to my clients. I handled cases widely ranging in seriousness, including everything from second-degree assaults to first degree murders and numerous cases of sexual assaults on children. Many of my clients had been sentenced to spend the rest of their lives in prison. So I took my moral and ethical responsibilities to those clients very seriously.</p> <p>As an attorney I have an ethical and moral duty to take the time needed to provide competent representation for each client. As a PD, that meant carefully reviewing all trial proceedings in each case, often consisting of thousands of pages of documents, carefully researching the law to make non-frivolous arguments, which meant additional time to review hundreds of pages of case law, and consulting with clients prior to filing briefs in their cases. Therefore, as a public</p>

	<p>defender I traveled throughout the state to various prison facilities, from Sterling, to Rifle, to Trinidad, as well as spent time on the telephone and in drafting correspondence with clients. All that work was necessary and permitted me to provide the type of representation to which my clients were entitled. Because I had such a large caseload, however, other clients had unreasonable waits for me to get to their cases.</p> <p>Furthermore, the stress and strain from the excessive workload, the constant pressure to crank through cases, resulted in the deterioration of my health. I was frequently sick while working for the Public Defender, including suffering seven cases of bronchitis in only five and a half years. The pressure was so significant that I ultimately felt compelled to resign my position. I was a dedicated public defender, and I was good at my job. But ultimately the workload was bad for me and it was bad for my clients.</p> <p>I hope this legislation will help the OSPD to improve the services it provides to the public and to make work as a PD a more sustainable proposition. The Colorado State Public Defender's Office is filled with incredibly talented, smart, dedicated employees. I hope that many of those individuals will continue serving the people of this state to the best of their abilities for as long as possible, and this bill will help make that a reality.</p>
<p>Tracy Crowley For themselves</p>	<p>I support this bill because I was a public defender for 2 years. It is a hard job to represent indigent criminal defendants, for so many reasons. The clients have very unstable lives, leading to many changes in addresses and phone numbers. Just keeping in touch with them can prove to be a time consuming task. With this instability, they often also have mental health issues that make communication difficult. Imagine advising someone of legal concepts, concepts that are difficult for even lawyers to understand, when that person does not have a place to sleep and maybe did not have any food that day. They face obstacles in many areas of life, they should not be disadvantaged in the criminal justice system due to their financial limitations. Public defenders, when able to do their job properly, ensure that the system works fairly and justly for everyone. If the public defender's system is overloaded with cases, and understaffed, they can no longer provide competent and adequate representation, and the system begins to erode. Someone who was stopped illegally by police due to their race will be advised to simply plead guilty because their attorney did not have time to watch the 8 hours of body camera footage. That police officer will go on to illegal discriminate and stop other people due to their race. Another person will sit in jail, at government expense, because their attorney did not</p>

	<p>have time to call their family and collect mitigating information for their bond argument.</p> <p>Not only does allowing public defenders to be over worked and carry too many cases cause the quality of representation to suffer, it makes the whole system inefficient and more costly for tax payers. So many people have quit the job, unable to continue sacrificing their personal and family lives to keep up with an unrealistic case load. The high turn over rates require more and more resources to go into training new attorneys, who just end up leaving after a short time due to the high case load. To ensure that qualified attorneys stay in the system and use their institutional knowledge to improve the system, the state must ensure that the work load is sustainable and reasonable.</p> <p>Thank you for your time in considering my point of view on this very important bill.</p>
<p>Rachel Adams For themselves</p>	<p>Dear Esteemed Members of the Judiciary Committee,</p> <p>As a concerned Colorado resident, I urge your support for the bill setting caseload standards for public defenders. My friend, a dedicated public defender, is currently overwhelmed with 90 to 120 felony cases. This unsustainable situation jeopardizes the quality of our legal system.</p> <p>Implementing caseload standards will ensure fairer trials and improve legal representation. This change has been effective in other states, leading to a stronger judicial system where each defendant receives the attention they deserve, regardless of their financial status.</p> <p>Supporting this bill will not only alleviate the burden on public defenders like my friend but also enhance the integrity of our justice system. It's an opportunity to affirm our commitment to justice and fairness.</p> <p>I appreciate your dedication and hope for your support in passing this essential reform.</p> <p>Sincerely,</p>

	Rachel
<p>Ase Carlson For themselves</p>	<p>House Judiciary Committee Members:</p> <p>I am writing in support of HB 24-1289. I am submitting written testimony as I will be in court at the time of this meeting and cannot appear in person. My name is Ase Carlson and I am a currently employed Deputy State Public Defender. I have been a Deputy State Public Defender for about five years, this makes me one of the more senior attorneys in my office. I am well past the point where I am getting direct supervision on my cases and am expected to manage a caseload of class one felonies through class six felonies. At any given time, my caseload is well above ABA standards. Throughout my career, I have had to work well past 40 hours/week on a regular basis to meet the bare minimum on my case requirements. It constantly feels like a ball is going to be dropped and often I have to stop to address those "fires" to prevent a case from going off the rails. I should not have to prioritize the needs of one client over another, but I absolutely do. This job is impossible to do otherwise.</p> <p>Despite this passion for the work, I am burnt out. I am starting to take as much PTO as possible, but that becomes a viscous cycle. If I take time off, my already overburdened workload spirals out of control, and I come back from vacation with more to do than before I left. This is not sustainable. I have watched so many attorneys start in this system and quit well before ever making it as far as I have. Everyone around my level feels the same. We are handling such serious cases because we have experience, but we are handling far too many. And constantly being asked to do more. The moment you close a case, a new one opens.</p> <p>Our management has done nothing to stem the workload. They hire more attorneys or ask for more money, but the workload keeps going up. Digital discovery is so overwhelming. We are talking about two plus officers' BWC on every case, with BWC anywhere from 45 minutes to hours. BWC is so necessary to keep the police in line. It is appalling the type of police behavior you see watching the body camera. Plus, officers are now writing briefer and briefer reports - also relying on the BWC, so we have to watch all of it. Setting aside the basic issue that it is required for me to be effective.</p> <p>All this bill is asking is for management to at least create a policy to help guide us. Right now there is silence on this issue. I have no recourse to say, I simply cannot do more. Please vote in favor of HB 24-1289.</p>

<p>Sam Dunn For themselves</p>	<p>I've been a public defender for 10 years. During that time, I've had a caseload as high as 250+ cases. As a felony attorney, my caseload has exceeded 100 cases on a regular basis.</p> <p>The right to effective, constitutional counsel for indigent people is not a reality when the attorneys assigned to represent them are overworked. Having experienced public defenders is vital to effective representation and zealous advocacy. One of the great benefits to having a public defender represent someone is the institutional knowledge of the jurisdiction in which the public defender practices. People that have left the system over the years almost always do so because the workload is overwhelming and taxing, to the detriment of their professional obligations and personal well-being.</p> <p>Having caseload standards is the first step in correcting what for too long has been unfettered caseloads carried by individual attorneys. Having a law to point to when an attorney feels their caseload is too high and unmanageable is a needed check and balance to providing indigent defense.</p>
<p>Richard Landy For themselves</p>	<p>Public defenders play an indispensable role in our legal system, ensuring that every individual, regardless of their financial status, has access to competent legal representation. This is a cornerstone of our constitutional rights and a fundamental principle of justice. However, it is no secret that public defenders are currently facing an unsustainable workload, significantly hindering their ability to provide effective representation to those in need.</p> <p>The consequences of overburdened public defenders are far-reaching. Not only does it affect the quality of defense that economically disadvantaged individuals receive, but it also undermines the efficiency of our judicial system as a whole. When public defenders are stretched too thin, it leads to delays in proceedings, increased likelihood of errors, and, most distressingly, a higher chance of wrongful convictions or unfair sentencing. This not only devastates the lives of individuals and their families but also erodes public trust in the fairness and integrity of our legal system.</p> <p>Implementing workload standards for public defenders is a critical step toward remedying this issue. By establishing clear, reasonable limits on the number of cases a public defender can be expected to</p>

	<p>manage, we can ensure that they have the necessary time and resources to dedicate to each client. This will not only improve the quality of legal representation for those who cannot afford private counsel but will also enhance the overall efficiency and fairness of our judicial system.</p> <p>The passage of this bill represents an opportunity for our state to lead by example, demonstrating a commitment to justice and the rights of all individuals, regardless of their economic status. It is an investment in the integrity of our legal system and in the principle that justice should be accessible to everyone.</p>
<p>Amy Kelso For themselves</p>	<p>Hello my name is Amy Kelso and I am a social worker at the Colorado Public Defender’s Office. I have worked in various offices and positions as a social worker in the Colorado Public Defender and Massachusetts Public Defender. I have over 17 years of experience as a forensic social worker and absolutely love my job. I feel so much privilege and honor to share space with people in the darkest moments of their lives. My work has included mitigation and preparation for reverse transfer and transfer cases, capital mitigation investigation, homicide mitigation, and mental health based investigation. The social workers from the public defenders office work as agents of the attorney.</p> <p>I support this bill to create case standards for all agents of the defense team for a myriad of reasons. I think it is absolutely critical for our office to provide zealous advocacy at every turn in the legal process. Unfortunately, there are times that our office has fallen short of this because of the unmanageable caseloads. I get assigned complex homicides throughout the state which severely impacts my ability to give each case the time and zealous advocacy it deserves. We only have 24 social workers to cover the entire state which makes our resource finite. There are several clients who would greatly benefit from having a public defender social assigned to their cases but we simply do not have enough social workers to allow that. As a result, the social workers have incredibly high caseloads that limit our ability to zealously advocate for individual clients. There have been times when I carry a homicide caseload that would be too extreme for 3 social workers. The clients undoubtedly suffer when we are not able to provide the individualized time that each client deserves because of our high caseloads. I think it is imperative to create standards for all of the employees at the public defenders office to ensure that we are meeting our ethical obligations and effectively advocating for some of the most vulnerable citizens.</p>

<p>Shannon Carson For themselves</p>	<p>I was a public defender for twelve years and thought I would be a public defender for my entire legal career. Even since law school, I was drawn to the agency. I am a great lawyer, well trained by the agency, smart, dedicated, and compassionate. But after twelve years, I left the position in large part due to the case loads. I left, not for a higher paying job, but to work for a non profit providing legal representation in civil law.</p> <p>When I left, I was assigned to a felony caseload, where the cases assigned to me were rarely below 100. That is 100 people who deserve zealous representation. It was impossible. I began to fear that my law license was at risk because it was simply impossible to devote the amount of time needed to effectively represent everyone. In order to devote the time needed to my clients, my family suffered, my mental health suffer, and ultimately when I decided to leave, my clients and the organization as a whole suffered - losing the knowledge and skills I had developed.</p> <p>My story is not unique. This is an area that needs to be studied to understand what effective representation is and how to achieve this goal. The people of Colorado deserve advocates that provide zealous legal representation to those in need. I hope you vote in favor of this bill.</p>
<p>Nicole Kleiman-Moran For themselves</p>	<p>Madam (or Mr.) Chair. members of the committee, thank you for the opportunity to submit my testimony. My name is Nicole Kleiman-moran and I am writing to</p> <p>support of this bill because I am a public defender in denver and I have too many cases to ethically do my job. I am a felony attorney who averages 85 felony cases at a time- I range between 70 and 110 felony cases. When I am advising clients, who rely on my advice and due diligence, who are facing years and years in prison it is unfair that I cannot give them my all. It is unfair that I cannot visit them as much as they deserve. It is unfair that I cannot look at their discovery as closely as i should/ need to. It is unfair that I cannot research the legal issues as much as I should. It is unfair that I cannot provide resources to help mitigate or that I cannot investigate as much as I should. In short, it is unfair. I do not have time to do all the above because if I did, my clients would suffer. If I did that for one client, another would suffer. There simply are not enough hours in the week to do everything i ethically and effectively should do as a public defender. This Bill would create standards to ensure that I can start to</p>

	<p>do what my clients deserve as they face serious charges. I strongly support this bill.</p>
<p>Alexandra Corey For themselves</p>	<p>To whom it may concern,</p> <p>Our public defenders are such an important part of our legal system. The current workload they have is not sustainable. And as a result, both the clients and the public defenders suffer. Our public defenders are working to protect what really matters; the individual. NOT corporations or the system. Without individual citizens the system doesn't exist. As a citizen of Colorado and a registered voter, I feel that it is of the highest importance that this be addressed and fixed!</p> <p>Sincerely, Alex Corey</p>
<p>Victor Lin For themselves</p>	<p>I am a former Colorado deputy state public defender who left last year because of the workload. The workload is not a bug but a feature of the system; this results in ineffective representation for Coloradoans.</p> <p>I went to law school wanting to be a public defender; I knew theoretically that comparatively, the pay would not be ideal and not commensurate with the hours worked. And when I did clinics and internships with various public defender offices, I began to get a sense of the workload. Nevertheless, I was undeterred. Becoming a public defender in Colorado was the realization of a life goal; there was nothing else I wanted to do professionally and no desire to ever do anything else.</p> <p>Nothing prepares you for receiving 200 clients in your first week. These are fellow Coloradoans, your neighbors, who are relying on you, who deserve time and attention that you are unable to give as each day becomes triage. But you try your best, talking to people in jail until midnight, reaching out with cold calls and emails to a small number of community resources, driving to other counties on weekends to give a client some face time before their next court date. The whole time you know that your fellow Coloradoans also have families, children, and friends who are affected by the absence of your client in their lives.</p>

	<p>The bottom line, in my view, is not that this is a sob story for me (though I am sad). Rather, it is a but one of many signals from the ground floor that injustice is rampant, built into the criminal system. Public defenders have a poor reputation for a reason. And beyond not protecting the constitutional rights of Coloradoans (as if that were not reason enough), ineffective defense is costly to Colorado as a whole. The cost to the families is immense, the cost to Colorado to cage thousands of people is high.</p> <p>The workload standards bill, as I read it, is the tiniest step on the path towards protecting Coloradoans' Constitutional rights. On the ground, at the moment, I am certain that the Coloradoans' Constitutional rights in regards to criminal representation are violated on a daily basis. Please change this.</p>
<p>Jessica Trujillo For themselves</p>	<p>I support this bill. It is necessary to keep public defender employees. Workload standards will allow all OSPD employees to have some guidelines and barriers</p> <p>I've been public defender for the last 3.5 years. When I first started, I had 250 misdemeanor cases in county court. Now, in district court, I generally have 120 felonies at a time. I have three homicide cases with the rest of my case load being a mix of crimes of violence and felonies ranging from class 1 drug felonies with mandatory prison time to low level felonies, with at least 6 of those case set for trial. Given the amount of cases I have, I am unable to provide the same level of representation for all 120 clients. Even though some cases require less time, the concern is being able to watch all BWC on every case, to look into every possible defense and litigate appropriately.</p> <p>Over the last 5 months, I have missed multiple motion filing deadlines because of the case load I carry. When this occurs, the motions hearings are vacate, prejudicing my clients. Motions work takes up substantial time. With 120 felonies, it is impossible to meet court deadlines while effectively representing clients. Clients stay in custody longer than necessary as cases are continued.</p> <p>There is also current tension with work-life balance. I weigh my personal mental and physical health, especially 50+ hours a week. It is impossible to provide each client with the representation they deserve while trying to make sure I am sleeping enough at night, staying active and prioritizing my own mental health. I have considered other jobs, ways to be an advocate for clients that allows me to have a better work-life balance, but this is the job I desire. Just because there is this desire to remain a public defender, it does not justify the excessive caseloads. I feel that when I am able to effectively represent clients, my representation is an asset to them. This is the</p>

	<p>job that I want to continue doing and workload standards will make this possible.</p> <p>When Gideon v. Wainright came down, public defenders were the exception, not the default. Colorado public defenders represent the majority of criminal defendants. Arrest standards are not changing, Weld County prosecutorial standards are not changing so this needs to change. Everyone accused of a crime deserves effective representation. Without workload standards, this truly is not happening.</p>
<p>Arielle Roter Questions Only themselves</p>	<p>I love being a public defender, being a public defender has always been my dream, but the immense caseload is burning me out and forcing me to have to possibly think of other dreams. I have always had a larger caseload throughout my experience as a PD and it has continually impacted my ability to work thoroughly and effectively on each of my clients' cases. I quite simply cannot give each client's case the attention and time it deserves. I used to work every weekend my first year of this job to try and be as effective as possible, only realizing I was still wildly ineffective and I was quickly burning out. The large caseloads and feelings of guilt and inadequacy have caused my mental health to decline and spiral, leaving me to further be ineffective to my clients. This is a serious concern that has not been addressed within the system and needs to be. It is absolutely not fair to our clients; our clients deserve fierce advocacy, care and attention to their cases and thus their lives, and our current caseloads make it impossible to give them such. Please help my coworkers and I to be able to maintain our dreams of working as public defenders and help our clients maintain their constitutional right to zealous advocacy by implementing caseload standards. Thank you.</p>

House Judiciary Committee Members:

I am writing in support of HB 24-1289. I am submitting written testimony as I will be seeing clients at the Adams County Jail at the time of the hearing and cannot appear in person.

My name is Anna Jones and I have been a Deputy State Colorado Public Defender for almost five years. I handle any level of felony case from class one felonies through class six felonies. I handle these cases with little direct supervision and am expected to manage my schedule and case load independently.

During my career, I have regularly worked more than 40 hours per week and have frequently worked on the weekend. Recently, I worked while on PTO out of the country because the demands of this job are so unpredictable and often require immediate attention. My partner and other family members frequently express frustration and surprise about the time demands of my job. There has almost never been a time that I could take vacation without finding myself working during that time. Further, taking time off is always a difficult decision because the work does not stop and only builds up while I am gone, meaning that coming back is extremely stressful. I often wonder whether taking time off is even worth it, but I know that I need a break from the stress and emotional toll of this work in order to continue doing it.

I support this bill and workload standards because I know how completely unmanageable this job is when caseloads are too high. It is a vicious cycle, and defenders are forced to prioritize some clients and cases over others to great detriment. Further, once your caseload reaches an unmanageable level, it is almost impossible to return to a workable number of cases because there simply is not enough time in the day. The result is that other members of the office must take on cases those cases, despite not having the bandwidth to take them on either. That is not a sustainable solution.

The discovery demands of this job have increased exponentially in the five years that I have been a public defender. The majority of my cases involve hundreds of pages of paper discovery as well as numerous hours of BWC footage, often for five or more officers. I have worked on cases involving so much discovery that I do not believe I could provide effective representation even if it was my only case. But we are never able to put our other cases aside when we are assigned a case with voluminous discovery; we must simply find the time, which inevitably means our other clients suffer, our partners and family members suffer, our mental health and wellbeing suffers, and our ability to do this job long term suffers.

If we want defenders to stay in this job in the long term, which benefits our clients, our system, and the people of the state of Colorado, we must address the unmanageable public defender workloads. This bill simply asks management to create a policy to guide our system where there has otherwise been silence. Please vote in favor of HB 24-1289.

Thank you,

Anna Jones
Deputy State Public Defender
Statement based on personal opinion, not that of my employer

To whom it may concern:

I am writing in support of HB 24-1289. My name is Paige Bettge and I have been a public defender for just over 4 years now. I am so passionate about this job and so grateful to get to do this work. That being said, I have had many moments where I have been close to quitting because of an unsustainable workload. I am lucky to have supportive co-workers, a fantastic supervisor, and a relatively low caseload as compared to other attorneys in my office. Even with all of that, there are still not enough hours in the day to do everything that needs to be done. My caseload remains above ABA standards. Even working over 40 hours each week, I am forced to triage. Triageing work necessarily means that some of my clients do not get the results that they deserve, or that the outcome they are hoping for occurs later than it should. This means people stay in jail longer—missing out on their families, their jobs, their lives. This is not an ethical or sustainable way for a system to operate.

This bill would put guidelines in place to make sure our indigent clients are able to receive the representation they deserve—which is something everyone should support.

Thank you,

Paige Bettge
Deputy State Public Defender
Statement based on personal opinion, not those of my agency
571-268-9234