

Office of The Municipal Public Defender

Presentation to Safety, Housing, Education, &
Homelessness Committee, December 11, 2019

History of Office

Ordinance DRMC 14-130 enacted in September 2014 & office opened in January 2015

- Established with intent to have public defenders within the City and County of Denver rather than contracted private attorneys
- Started with 5.5 FTE attorneys, including the Chief
- Covered 2 traffic courtrooms, 3 full time trial courtrooms, 3 specialty courts, and a 7day/week arraignment courtroom
- Office is still located on the 5th floor of the City and County Building, in original location of an estimated 3500 sq. feet

Denver County Court
September 26, 2014
Alice Norman appointed as the City's first Chief Municipal Public Defender.
PRESS RELEASE
For Immediate Release

Thursday, September 25, 2014
Denver County Court
720-865-7800

DENVER – On September 15th, 2014 the five members of Public Defender's Commission, as appointed by Presiding Judge John Marcucci of the Denver County Court, announced the appointment of Alice Norman as the City's first Chief Municipal Public Defender. Ms. Norman will begin her duties with this new City agency on October 6th, 2014. The newly created Municipal Public Defender's office will open on January 1st, 2015 on the fifth-floor of the City and County Building.

"Although there are state and county public defender offices in every State in the union, only a few municipalities have chosen to provide in-house Municipal Public Defender Offices", stated Commissioner Cyrus Callum. "The creation of the Denver Municipal Public Defender Office puts Denver in the fore front of indigent defense services with such cities as Aurora, Colorado, Atlanta, Georgia and Seattle, Washington that have taken steps to improve representation of their indigent citizens. We are pleased to have appointed someone with Ms. Norman's qualifications to head the office."

Ms. Norman has worked for the Law Office of Frank Moya since 1998; during which time she was the supervising attorney for the Denver municipal public defender contract. She provided supervision and staffing of indigent representation for 3 trial courtrooms and 3 problem-solving courts in Denver County Court.

Ms. Norman has a tireless career attending to the needs of the indigent. In 2007 Alice was awarded the "Team of the Year" award by the Colorado Lawyers Committee for her work on Project Homeless Connect, an annual event that provides free legal services to hundreds of individuals. She is a member of the Crime Prevention and Control Commission Mental Health Sub-Committee and a founding member and Co-Chair of the Board of Directors of "The Spirituals Project" a non-profit organization whose mission is to preserve and revitalize the music and teachings of the sacred songs called spirituals created and first sung by enslaved Africans in America in the 18th and 19th centuries.

Ms. Norman said, "My hope

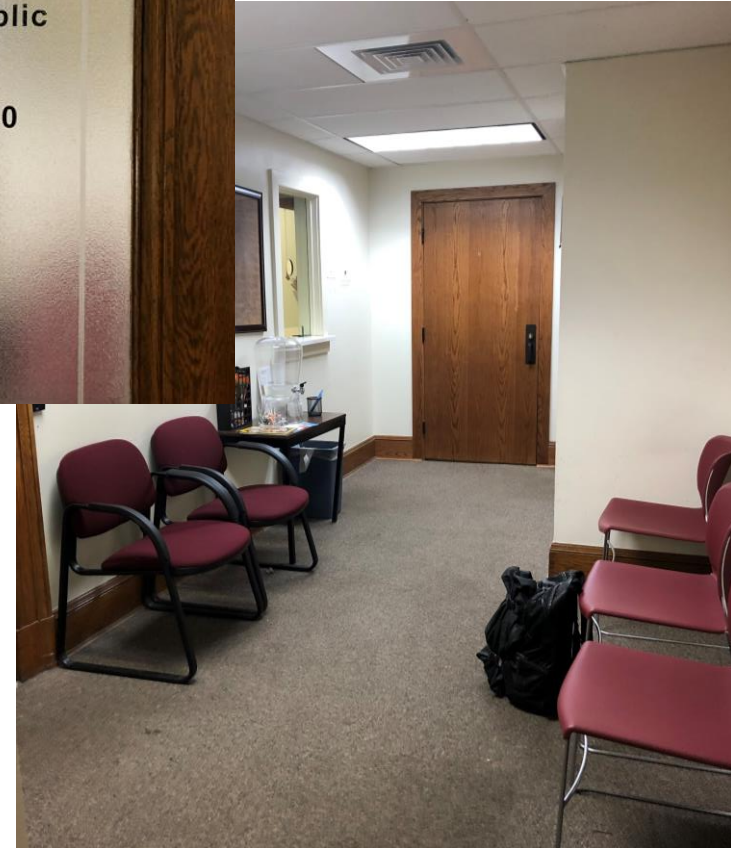
Who Are We?

The Office of The Municipal Public Defender is comprised of:

- Chief
- 10 ½ public defenders
- 5 full time staff
- 2 part time/on call administrative staff
- Law Student interns
- Paralegal/college interns
- The use of contract attorneys daily to fill the gaps

Where Are We?

- Suite 500, City and County Building
(yes there is a 5th floor!)
- 3,500 square feet of space
- Room 375, Lindsay Flannigan Courthouse
(the Court loans us an office to take applications)



Municipal Public Defenders

Represent People

LFC - 4 full time courtrooms
(duty court every 4th week and 3 weeks of trials)

- 1 specialty court 2 half days a week

DDC – 1 arraignment courtroom 7 days a week with 2 attorneys

CCB – 2 traffic courtrooms 7 days a month between the 2 courtrooms

Denver Rescue Mission – 2 days a month Outreach Court

In Varied Cases

- Nuisance cases (trespass, urinating in public, etc.)
- Theft, shoplifting
- Assaults
- Dog cases
- Roofing cases
- Vendor Licensing cases
- And the list goes on...

With Penalties

- 300 days in jail – general offense
- 365 days in jail – class 1 offense
- 60 days in jail – class 2 offense
- \$999.00 fines maximum
- All penalties can be consecutive
- Probation can be up to 2 years in jail
- Traffic offenses differ depending upon whether charged with the state offense or the muni ordinance.

Office of The Municipal Public Defender

DEFENDERS

- Represent people in 10,000 + cases per year
- Prepare for trial in 7,500 cases
- Arraign an average of 30 in custody clients per day, 355 days a year

CLIENTS

- All are indigent!
- 60% unsheltered
- 37% are in custody
- 75% have mental health issues
- 80% are people of color
- These are the highest utilizers of the jail, hospital, police and fire.

* see HRU Study in Appendix regarding clients and identified needs

Meeting Standards

American Bar Association (ABA) workload standards

In 2009, two national studies concerned with indigent defense documented the enormous caseloads of many of the lawyers who provide representation of the indigent and the crucial importance of addressing the problem.

In 2006, the ABA Standing Committee on Ethics and Professional Responsibility issued its first ever ethics opinion concerning the obligations of lawyers, burdened with excessive caseloads, who provide indigent defense representation.

Denver does NOT meet these standards in current conditions.

Denver office is NOT meeting parity with the prosecution.

** see Eight Guidelines of Public Defense Related to Excessive Workloads and Ten Principles by ABA in Appendix*

Coming in 2020

Despite challenges, the Office has reasons to celebrate!

- American Bar Association Public Defense Summit will be in Denver
- A new case management system will be built for us
- Hopeful for a new space so we can meet the ABA standards and have a conference room
- Ompd has a grant to add a social worker and 2 peer navigators to the staff. (hopefully funded in 2020.)

Time for Questions and Comments

Thank you for your time!

Commissioners are in attendance for additional answers and commentary or Committee's questions

Appendices

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Appendix pages

1. 2014 Denver Post article
2. High Resource Utilizer Project presentation (3/18/2019)
3. ABA Eight Guidelines of Public Defense Related to Excessive Workloads
4. ABA Ten Principles