



Iris Eytan
Iris@Eytan-Nielsen.com

EDUCATION:

- University of San Diego, J.D., 1994
- University of Arizona, B.A., with honors, Psychology, 1991

BAR & COURT ADMISSIONS:

State of California (1994); State of Colorado (1998); U.S. District Court for the District of California (1996); U.S. District Court for the District of Colorado (2001)

LEGAL EXPERIENCE:

- 2015 – Present Founder, Eytan Nielsen LLC, Denver, CO
- 2001 – 2015..... Partner, Reilly Pozner LLP, Denver, CO
- 1999 – 2001 Colorado State Deputy Public Defender,
Arapahoe, CO
- 1997 – 1999 Senior Attorney, Legal Center for People with
Disabilities and Older People, Denver, CO
- 1995 – 1997 Senior Attorney, Legal Advocates for Children
and Youth, San Jose, CA
- Apr – Jun 1995 Trial Attorney, Bazelon Center for Mental Health
Law, Washington, D.C. *Wyatt Ex. Rel. Rawlins*
v. Sawyer, 80 F. Supp. 2d 1275 (M.D. Ala 1999).
- 1994 – 1995..... Staff Attorney, Disability Rights Advocates,
Oakland, CA

1993..... Project Coordinator/Intern, Bazelon Center for Mental Health Law and ACLU, Montgomery, AL

RECOGNITION:

2020 The Best Lawyers in America® in the area of Colorado Criminal Defense: General Practice

2019..... “Team of the Year” Award, “Jail Wait” Litigation Team, Colorado Lawyers Committee

2019..... “Best Law Firms for Colorado Criminal Defense: White-Collar” by U.S. News & World Report (since 2016)

2019..... “Best Law Firms for Colorado Criminal Defense: General Practice” by U.S. News & World Report (since 2016)

2019..... “Denver’s Top Lawyers” in Criminal Law by 5280 Magazine (since 2015)

2019..... "Top 100 Lawyers" by Colorado Super Lawyers® (since 2014)

2019..... "Top 50 Women Lawyers" by Colorado Super Lawyers® (since 2012)

2019..... Listed in Colorado Super Lawyers® (2006 – 2007, 2009 – present)

2019..... AV rated by Martindale-Hubbell® (since 2005)

2018..... Past Chair Award, Colorado Lawyers Committee

2017..... “Raising the Bar” Honoree, Colorado Women’s Bar Association, Foundation

2017..... “Team of the Year “Award, “Jail Wait” Litigation Team, Colorado Lawyers Committee

- 2013.....Award of Special Recognition from the Colorado Lawyers Committee
- 2008.....“Top Woman Lawyer” by Law Week Colorado
- 2005.....“Community Contribution Award,” Colorado Lawyers Committee

PROFESSIONAL AFFILIATIONS:

- 2016-2018.....Chair, Colorado Lawyers Committee, Colorado Lawyers Executive Committee
- 2013.....Co-Chair with NACDL, National Criminal Defense Forum on Forensic Mental Health & the Law
- 2016-Present.....Chair, Colorado Lawyers Committee Mental Health Task Force
- 2013-2017.....Board Member, Colorado Criminal Defense Bar Association
- 2014-Present.....Board Member, Colorado Lawyers Committee, Colorado Lawyers Executive Committee
- 2014-2016.....Secretary / Treasurer, Colorado Lawyers Committee
- 2013-Present.....Justice/Mental Health Task Force Member, Board of the Colorado Criminal Defense Bar
- 2017-Present.....Member, Colorado Women’s Bar Association
- 2011-Present.....Member, Colorado Criminal Defense Bar Association
- 2005-Present.....Board Member, Capitol Hill Community Services
- 2008.....Legal Co-Chair, 18th Judicial District Mental Health Court Project

2006..... Task Force Member, Department of Human Services Competency Committee

2004-2006 Volunteer High School Teacher, Goodwill Industries (Criminal Law Courses)

LITIGATION AND TASK FORCE MEMBERSHIP:

- 2019, Served as co-lead counsel in the *Legal Center v. Bicha, et al.* since 2011 and obtained a comprehensive Consent Decree in 2019 with the State of Colorado overhauling the competency system. Case involved a federal lawsuit over provision of competency evaluations to pre-trial detainees and was extensively litigated over eleven years. Received an Award of Special Recognition in 2013 and Team of the Year Award in 2019 from the Colorado Lawyers Committee in recognition of the work in this matter. *Legal Center v. Bicha, et al.*, No. 11-CV2285-BNB (D. Colo. 2011).
- 2016, In *People v. Thomas Fallis*, Iris and her partner, Dru Nielsen, exonerated Mr. Fallis after a three-week jury trial. Mr. Fallis was falsely accused, indicted, and charged with Murder in the Second Degree. The case was fueled by the media and family members who caused the case to be re-opened in 2014 after the death was ruled a suicide in 2012 by five law enforcement agencies whom investigated the case.
- 2015-2016, Lead counsel in *Center for Legal Advocacy v. Bicha, et al.*, in the Motion to Re-Open Settlement Agreement. Resolved motion without hearing by revisions to the settlement agreement to include an independent consultant to be paid by the Colorado Department of Human Services to ensure compliance with the Agreement. *Center for Legal Advocacy v. Bicha, et al.*, No. 11-CV-2285- NYW.
- 2015, Co-lead counsel in the *Castorena-Mares v. Judge Marcucci* and the Denver County Court to cure the illegal bond setting practices in Denver County Court. The County Court judges were sued resulting from setting bond on misdemeanor cases in chambers without a hearing or argument by defense counsel in violation of Colorado Law.
- 2014, Lead counsel pursuing enforcement of the Victim Rights Act for the Autabee family. This unique representation centered on the Autabee family's position against the prosecution's pursuit of the death penalty of their son's killer, Edward Montour. The family requested that the prosecution allow Montour to receive a sentence without the possibility of parole and filed a motion to be permitted to testify as to the request for a life sentence. *People v. Montour*, Douglas County District Court, No. 02-CR-782.

- 2012, In *People v. Tyler Sanchez*, Iris successfully convinced the prosecution to dismiss Mr. Sanchez' case after three years of protracted and complex litigation. Mr. Sanchez is a developmentally disabled young man, who was wrongly accused of committing a serious crime, and who falsely confessed to the crime, after being interrogated by multiple police officers over a two-day period in which he was in custody and not permitted to contact his parents. *People v. Sanchez*, Douglas County District Court, No. 09-CR-445.
- 2008, Iris Eytan was named to the group of Colorado state officials tasked with researching and rewriting Colorado's Competency Statute, HB 08-1392, which directs how and when mental incompetency is raised and evaluated. The bill became law in 2008. The group remains active, pursuing additional changes to the statute.
- 2007, In *People v. Eugene Zuniga*, the court determined that Colorado failed to provide timely court-ordered competency hearings and evaluations for 81 county-jail inmates whose competency to stand trial was in question. As a special prosecutor for the case, Iris forced the State to properly fund the programs and facilities needed for those inmates to get proper care. Following this decision, she was appointed as special counsel to the court – reporting on the treatment of the mentally ill in the criminal justice system. *People v. Zuniga*, Denver County District Court, No. 06-CR-999.
- 2004, With seven other attorneys, Iris created a task force on behalf of the Colorado Lawyers Committee to defend individuals at the State Hospital in Pueblo who pled Not Guilty by Reason of Insanity. For this role, she and her colleagues were awarded the Colorado Lawyers Committee "Community Contribution Award."

LECTURES:

- "Current State of Competency Law", University of Denver School of Law, Mental Health Clinic, 2019
- "Current State of Competency Law," University of Colorado Medical School, Psychiatric Fellows, 2019
- "Legal Challenges with Incompetent Clients," Colorado University School of Law Criminal Defense Clinic, 2018
- "Cross of an Expert on Competency," National Association of Criminal Defense Lawyers (NACDL), 2018 Fall Meeting & Seminar, Decoding & Litigating Mental Health Issues

- “Effectively Presenting Forensic Evidence at Trial Using Experts and Demonstratives,” National Association of Criminal Defense Lawyers (NACDL), Making Sense of Science X Conference, 2017
- “Show and Tell: A Demonstrative Approach to Expert Testimony,” Alternative Defense Counsel and Criminal Justice Panel, Experts CLE, 2017
- MC and Chair, Colorado Lawyers Committee Luncheon, 2016
- “Understanding Forensic Mental Health,” National Association of Criminal Defense Lawyers (NACDL), 8th Annual Forensic Science and the Law Conference, 2015
- “Top 10 Forensic Mental Health Issues” Colorado State Public Defender’s 2015 Annual Conference, Keynote Speaker, 2015
- Interviews with the Associated Press regarding the Insanity Defense and James Holmes Trial, 2015
- “Top 10 Forensic Mental Health Issues” National Association of Criminal Defense Lawyers, NACDL’s 2015 Forensic Law Meeting, Las Vegas, April 2015
- “Challenging the State’s Competency Mental Health Expert,” Colorado Criminal Defense Bar, 2014
- “Trial Tactics, Openings and Closings of Trial,” University of Colorado School of Law, 2014
- “The Truth is: Individuals with Mental Impairments Falsely Confess,” Colorado Criminal Justice Act-Standing Committee, Annual CLE Training, 2014
- “The Truth Is: People with Mental Impairments Falsely Confess,” American Academy of Psychiatry and Law Annual Conference, Chicago, April 2014
- “Demonstrative Evidence: Pictures of Winning,” National Association of Criminal Defense Lawyers, NACDL’s 2014 Annual Meeting, Philadelphia, July 2014
- “Sex, Booze and the Law,” University of Denver Fraternities and Greek Life Organization, May 2014
- “False Confessions and Competency Issues to Waive Miranda,” Capital Case Litigation Training Conference for the Office of the Public Defender of the State of Delaware, May 2014

- “Insanity Defense and Mental Competency in the Colorado Courts,” University of Colorado Denver School of Public Affairs, April 2014
- "Case of False Confession and Incompetence to Waive Miranda: Language and Learning Disabilities in Criminal Defense," From Sexual Sadism to Maternal/Fetal Rights: The Wide World of Forensic Mental Health, Tulane University 2014 Forensic Psychiatry Conference, April 2014
- “Character & Fitness in the Bar Admission Process,” University of Denver Sturm College of Law, March 2014
- “Sex, Booze and The Law,” Kent Denver School, March 2014
- “Presentation re: Tyler Sanchez Case,” University of Denver Sturm College of Law, February 2014
- “Celebrity Court Radio Show,” Elizabeth Kelly Blog Talk Radio, November 2013
- “A Case of False Confession and Incompetence to Waive Miranda: Language and Learning Disabilities in Criminal Defense,” Presentation for Grand Rounds, Department of Psychiatry at the University of Colorado School of Medicine with and on behalf of Dr. Richard Martinez, MD, MH – Director, Forensic Psychiatry, Denver Health Medical Center and Director, Forensic Psychiatry Fellowship, UCDSM, Dept. of Psychiatry, November 2013
- “Police & Doctors & Judges: Oh My! Representing Clients with Mental Impairments,” Wisconsin State Public Defender’s Conference, November 2013
- “Street Law: In Re Gault,” East High School, 2013
- “Opening Remarks and Introductions,” National Criminal Defense Forum and Forensic Mental Health and the Law,” National Association of Criminal Defense Lawyers (NACDL), September 2013
- “Trial Tactics: Openings and Closings of Trial,” University of Colorado School of Law, 2013
- “Mental Health Defenses,” Metropolitan State University of Denver, 2013
- “Sex, Drugs, and the Law,” Kent Denver School, May 2013
- “The Insanity Defense with Joe Scarborough,” MSNBC, 2012
- “Insanity Defense Looks Likely in Holmes Case,” USA Today, 2012

- “Trial Tactics: Theory,” University of Colorado School of Law, 2012
- “What I’ve Learned from Representing the Incompetent in an Incompetent System,” Colorado Public Defender Annual Fall Conference, 2012
- “Pro Bono Practice at Law Firm,” University of Denver Sturm College of Law, 2012
- “Sex, Drugs, and the Law,” Kent Denver School, May 2012
- “Demonstrative Evidence,” National Association of Criminal Defense Lawyers (NACDL), Winter Conference, 2009
- “Competency Statutes Post Zuniga,” Colorado Judicial Conference, 2009
- “Competently Representing the Incompetent,” Colorado Criminal Defense Bar (CCDB), 2008
- “Competency Statutes,” Probate Court Panel, 2000

PUBLICATIONS:

- Interview, “How You Can (and Can’t) Get Out of a Subpoena,” Super Lawyers Magazine, July 23, 2019
- Interview, “Pro Bono Team Helps Overhaul Colo. Treatment Of Mentally Ill,” Portfolio Media (Law360), April 28, 2019
- Interview, “Competency Litigation Concludes with Consent Decree,” Law Week Colorado, April 16, 2019
- Interview, “Multifirm Litigation Team Enters into Consent Decree to Settle Decade-Long Battle To Protect Thousands in Colorado with Mental Illness,” PRWeb, March 23, 2019
- Interview, “CMHIP Deal Lauded; It’s Designed to End Backlog of Treating Defendants,” The Pueblo Chieftain, March 15, 2019
- Interview, “Pact Reached on CMHIP Backlog Involving Criminal Defendants,” The Pueblo Chieftain, March 15, 2019
- Interview, “Colorado Agrees to Overhaul System for Evaluating, Treating Mentally Incompetent Criminal Defendants,” The Gazette, March 15, 2019

- Interview, "State Agrees to \$10 Million in Fines, Overhaul of How it Handles Mentally Ill in Jail," Colorado Public Radio News, March 15, 2019
- Interview, "Independent Monitor: State's Plan For Addressing Mentally Ill In Jail Is 'Scattershot'," Colorado Public Radio News, February 7, 2019
- Interview, "Coleman Stewart: Other Menacing Exonerations," The National Registry of Exonerations, February 4, 2019
- Interview, "Colorado Cries Uncle in Ten-Year Fight Over Warehousing of Mentally Ill," Westword, December 18, 2018
- Interview, "Colorado Accused of Failing to Comply with Settlement in Mental Health Court Suit," Prison Legal News, October 12, 2018
- Interview, "Why Mentally Ill Colorado Man Has Spent Eight Months in Jail for Spitting," Westword, October 5, 2018
- Interview, "State Hospital in Pueblo Can't Keep Up with Competency Evaluations for Criminal Suspects," The Pueblo Chieftain, September 28, 2018
- Interview, "Colorado Increasingly in Contempt as More Judges Recognize That Jail Isn't a Mental Health Answer," High Plains Public Radio, September 13, 2018
- Interview, "Colorado Faces Growing Legal Jeopardy Over Dealing with Mentally Ill Inmates," Mental Health Colorado, July 23, 2018
- Interview, "DLC Moves to Reopen Jail Wait Lawsuit Against CDHS," Disability Law Colorado, June 14, 2018
- Interview, "Colorado Agency Blasted for Failing to Live Up to Mental Healthy Competency Agreement," The Gazette, June 13, 2018
- Interview, "Colorado to Spend \$20 Million to Relieve Ongoing Backlog of Mental Incompetency Evaluations; Critics Say Problem was Foreseeable," The Denver Post, December 28, 2017
- Interview, "One Man's Tragic Journey Through the Colorado Legal System," 5280 Magazine, October 2017
- Interview, "Colorado Says It's Cleared Backlog of Inmates Waiting for Evaluations," Journal-Advocate, February 5, 2016

- Co-Author with Jason M. Lynch, “The Importance of Visual Presentation at Trial,” *The Champion*, January-February 2016:14-18
- Interview, “Group: Colorado Inmates Languishing Without Mental Evaluations, Care,” CBS Denver, August 25, 2015
- Interview, “Colorado Theater Shooter Deserves to Die, Prosecutors Say,” Associated Press, July 22, 2015
- Interview, “More Defendants in Colorado Tested for Incompetency,” CBS Denver, April 20, 2014
- Interview, “Mental Health Delays Assailed,” *The Denver Post*, September 11, 2011
- Interview, “Legal Center Sues for Excessive Delays in Providing Court-Ordered Competency Evaluations and Restorative Treatment,” *Business Wire*, August 31, 2011
- Interview, “State Settles Competency Wait-List Lawsuit,” *Vote Smart*, February 22, 2007

PRIOR EXPERT TESTIMONY:

- December 2018, *Sanchez v. Detectives Duffy and Mykes*, 11-CV-01945, Criminal Defense Expert in Criminal Competency
- February 2016, *People v. Jakob Mayer*, 11CR796 and 04CR2329, Criminal Defense Expert Specializing in Forensic Mental Health Law and Competence