

COLORADO PUBLIC DEFENDER COMMISSION

Application for Colorado State Public Defender

A. PERSONAL INFORMATION

1. Full Name: Janene K. McCabe
2. Date of Birth: [REDACTED]
3. Home Address: [REDACTED]
4. Work Address: 1300 Broadway, Denver, CO 80202
5. Telephone (w): 303-764-1400 x6448
6. Telephone (h): [REDACTED] cell [REDACTED]
7. Email Address: Janene.mccabe@gmail.com
8. Attorney Registration Number: 33411

B. EDUCATIONAL BACKGROUND

9. List names and locations of schools attended beginning with college.

Name	Location	Dates Attended	Degree
Illinois State University	Normal, IL	1989-1993	BA Political Science, minor Public Relations
University of Denver, College of Law	Denver, CO	1998-2001	JD

10. List scholarships, awards, honors, and citations you received during college and law school.

Olom Scholarship (financial award for applicants going into public defense)

Phillip C. Jessup International Law Competition
University of Denver, 2nd place March 1999
Pacific Region, 4th place individual speaker award 2000
Regional Team Winner 2000 and 2001

Natural Resources and Environmental Appellate Competition
Winner 1999

Daniel S. Hoffman Memorial Trial Advocacy Competition
Winner 2000

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

11. List all relevant personnel and fiscal management experience.

Position & Context	Dates
<p>GKC Theaters Manager, Peoria IL</p> <ul style="list-style-type: none">- Managed a 12plex Theater of over 35 employees including 3 assistant managers- Processed Daily, weekly and monthly P&L statements- Scheduled staffing based on anticipated audience attendance- Evaluated all staff and made determinations for promotion	1993-1994
<p>OSPD County Court Supervisor, Adams County</p> <ul style="list-style-type: none">- Supervised 12 county court lawyers and up to 6 interns at a time- Created Training Plan for the office for all new lawyers that was distributed to all regional offices as a template for others- Provided training, guidance, and mentoring for all new lawyers and interns- Wrote all evaluations and recommended promotions to District Court- Wrote performance plans when necessary- Interviewed, and hired all volunteer interns, both 1L and 2L- Wrote all evaluations for Interns and made the difficult decision to recommend some not be hired- Developed new County Court Schedule when invited by the Chief Judge ensuring the schedule provided time for attorneys out of court while also maintaining and even increasing the number of trial days available- Participated in the Interviewing and Hiring of interns and lawyers at the Equal Justice Conference in Washington D.C.	2007-2014

<p>Director of Litigation Technology</p> <ul style="list-style-type: none"> – Develop and Implement System-wide program for providing and teaching all levels of staff how to better incorporate technology into practice – Supervise an Applications Specialist, write evaluations and recommend raises – Participated in second interviews for interns and new lawyers and made recommendations for hiring <p><u>Led the OSPD Time-Tracking Study in 2016</u></p> <ul style="list-style-type: none"> – Created and delivered training on the new system; held review with all management after the first 2 months when results were concerning; contacted individuals and supervisors during the study when problems arose – Learned and utilized Excel Power Query and Power Pivot as well as Power BI (systems used to analyze the results) – Analyzed raw data and worked with consultants to translate information into finalized workload report and numbers utilized in 2018 Budget Request – Collaborated with CFO and Legislative Liaison to answer questions about the data and to assist with attorney resource allocation requests <p><u>Case Management System Budget Request</u></p> <ul style="list-style-type: none"> – Gathered group of stakeholders to determine needs – Viewed several demos of out of the box solutions and gathered quotes with CIO to provide to senior staff – Wrote and presented proposal to Doug Wilson, CFO and CIO – Proposal was included as part of the 2018 OSPD Budget Request <p><u>Led RFP process for Westlaw and WestKm</u></p> <ul style="list-style-type: none"> – Wrote the RFP, reviewed bids, viewed demonstrations of the products form Westlaw and LexisNexis – Made recommendation for best product – Reviewed contract and provided feedback to CFO; contract was adopted <p><u>Participated in RFP Process for Statewide Ediscovery System</u></p> <ul style="list-style-type: none"> – An RFP was undertaken as part of the E-discovery Task Force – The Legislative Branch had authorized budget of 2,000,000 for the System – Participated in drafting requirements, reviewing submissions and demo's and making recommendations for the appropriate vendor <p><u>Technology Budget Issues</u></p> <ul style="list-style-type: none"> – Work with CIO on technology budget issues including software needs, consultants for new Intranet, hardware and software for complex cases and regional offices <p><u>Policies and Procedures</u></p> <ul style="list-style-type: none"> – Wrote policy for Managing Digital Files – With Frances Brown and Candace Gonzales, updated policies and procedures for Case Transfer Policy, Closing Cases and File Retention and Request for 	<p>2014 - present</p>
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12. List all courts in which you have been admitted to practice, with dates of admission.

Bar Admission	Date
Colorado State Courts	2001

13. Indicate your present employment. If you currently practice law, describe the nature of your present law practice, listing the major types of law you practice and the percentage each constitutes of your total practice.

Colorado State Deputy Public Defender, Director of Litigation Technology

After serving 13 years in a regional office, I was promoted to the state administrative office to help lawyers incorporate technology into their practice. I presently wear multiple hats including, training lawyers, investigators and admin to use technology in practice. I work to find technology solutions to our current practice in the courtroom and have been instrumental in a movement to update our internal systems. I take on special assignments as needed including time tracking, intranet remodel and public website re-design. I serve as the OSPD representative on several committees including Ediscovery, Efiling, and Digital Images Task Force.

My practice is currently administrative with 100% criminal defense focus.

14. Have you practiced in the trial courts of Colorado or elsewhere? If so, please indicate where and when. Please also state what percentage of your total practice your trial practice constituted and the types of matters handled.

My practice has been in Colorado Trial Courts.

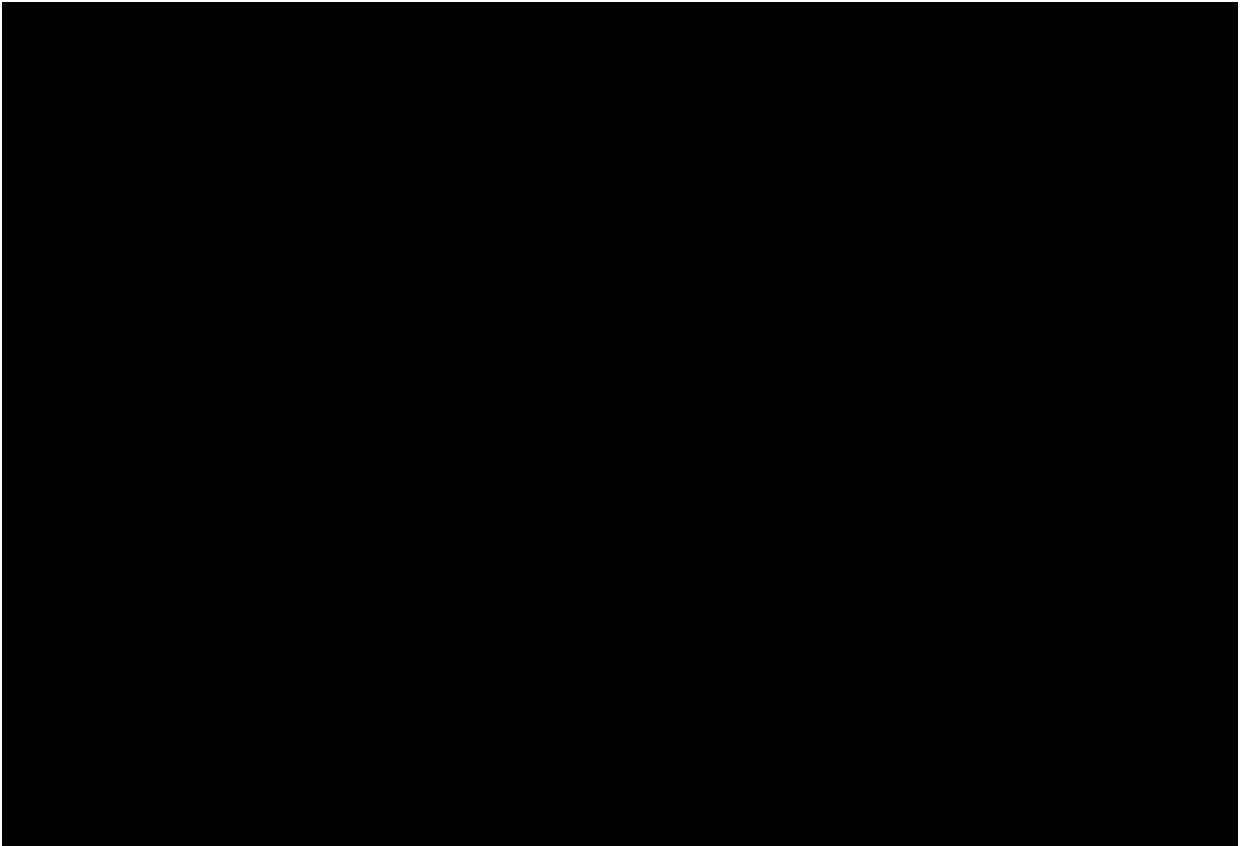
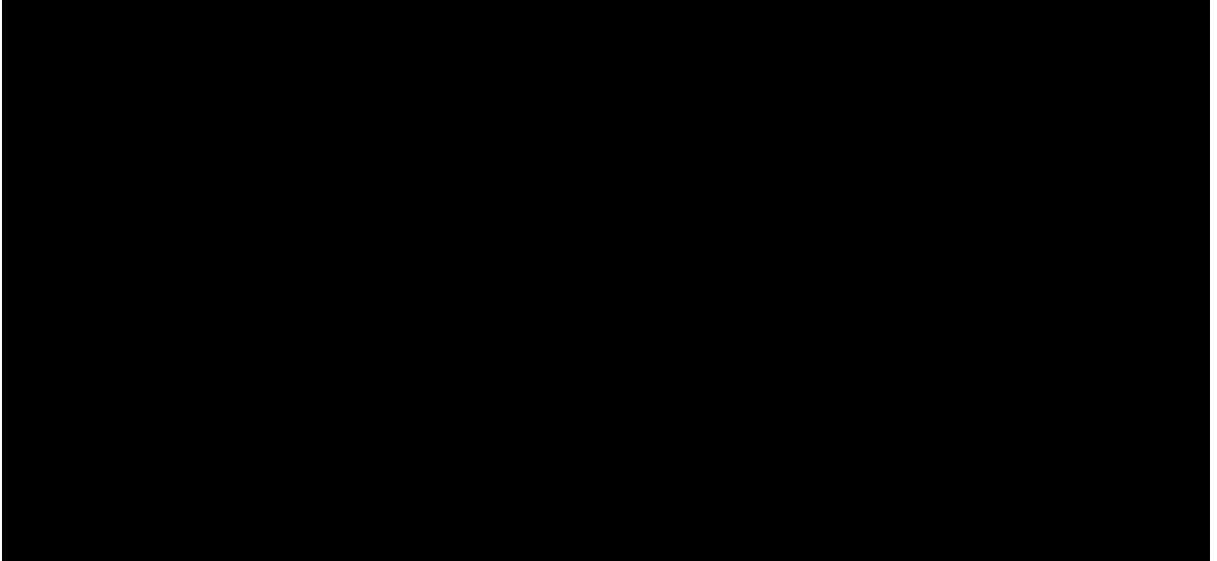
As a public defender, I interned (summer 2000) and then was placed in the Arapahoe Regional Trial office in 2001-2/2005. I handled county court and juvenile cases for approximately one year. Then I moved into felony practice handling all ranges of felonies including complex forensics cases, sex assaults and homicides (I did not do any homicide trials in Arapahoe as they either plead or continued after I transferred).

I transferred to the Adams County PD office in 2005 where I spent the next 9 years litigating cases. I was able to handle any case that was assigned including several homicide trials. I was placed on a potential death penalty case in 2008, and after successful mitigation presentation the DA's decided not to pursue death.

In 2007 I became the county court supervisor and trained and assisted all new lawyers and interns in our office. I continued to handle a half-time felony caseload while supervising county court. In addition, I took on several cases as a strong second chair to give lawyers an opportunity to take on first chair responsibilities with a guiding hand. I mentored lawyers as I second chaired felonies, misdemeanors and juvenile cases.

15. List two litigated cases in which you participated as a judge or lawyer in the past five years, the names of the judges presiding, and the names of counsel. Please list current telephone (including area code) for each person identified.

1.



2.



16. List any lectures, speeches, or other presentations you have given and any such books or articles you have authored.

Acting for Lawyers, Conference 2002

(promising young lawyers selected to give a plenary at Conference)

DNA with Steve Jacobson, Conference 2005

DNA for Investigators, Conference 2007

DNA Basics, State Training Room 2008

Reid Technique, Conference 2010

Technology in Practice, Conference 2014

NAPD (National Association of Public Defense)

Drafted opinion letter regarding Debtors Prison Issus in Ferguson, MO
[Debtor's Prisons Entrench Poverty](#)

Wrote a Policy Paper as Chair of the Fines and Fees Committee

Policy Statement on the Predatory Collection of Costs, Fines and Fees in America's Criminal Courts (May 2016)

Wrote Letter to the Attorney General Session regarding the rescission of DOJ guidance to courts on Court Costs and Fees and ending the unconstitutional practice of jailing people for failure to pay without first holding an ability to pay hearing

[NAPD Letter](#)

Testified in front of the United States Commission on Civil Rights in Washington, DC 2016 regarding the unconstitutional practice of jailing clients who cannot afford to pay fines and fees

17. List your prior professional or business employment since completion of your formal education (include dates).

1993-94 GKC Theaters, Manager

1994-96 Kinko's, Regional Trainer

1997-98 New Horizons, Software Instructor

2000 - Summer OSPD Intern, Arapahoe

2001 - present - OSPD Deputy Public Defender

18. If you have not been employed continuously since completion of your formal education, describe generally what you were doing (include dates).

N/A

D. PROFESSIONAL AND PUBLIC SERVICE

19. List activities in professional associations, including offices held, committees, awards, honors, and citations (include dates).

Colorado State Public Defender, Attorney of the Year 2009

Colorado Criminal Defense Bar - Board member since 2014
Serve on the Legislative Committee

National Association of Public Defense since 2014
Steering Committee Member
Chair, Fines and Fees Committee

Colorado Women's Bar Association, member

National Association of Criminal Defense Lawyers, member

20. List your activities in civic and charitable organizations, including offices held, awards, honors, and citations (include dates).

City Year, Sponsor and Mentor 2015
Volunteer Soccer Coach 2004-2008
Children's Hospital Courage Classic Rider and Volunteer since 2007

21. Describe any policy advocacy or lobbying experience.

- Helped Doug Wilson present policy argument in 2015 when the prosecution led a bill to carve out OSPD to comply with Colorado Open Records Act
- Serve on the Digital Images Task force and propose legislation that would set standards for social services workers for taking, maintaining and using photographic images in child welfare cases.
- Served on the Intensive Supervised Probation Committee which made recommendations to changes in the law for ISP statutes and programs
- Wrote Policy Paper on Fines and Fees for NAPD
- Testified in front of the United States Commission on Civil Rights which published findings for the US legislature on the need for reform
- Serve on the Legislative Policy Committee for CCDB

22. List the names of no more than three individuals from whom you are requesting a letter of reference.

Laurie Rose Kepros
David Beller
Scott Evans

E. PROFESSIONAL CONDUCT AND ETHICS

23. Have you ever been cited for contempt of Court? If so, please give detail.

No

24. Have you ever been disciplined or sanctioned for a breach or possible breach of ethics or unprofessional conduct by the Supreme Court Grievance Committee, the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, the Commission on Judicial Discipline (including a private letter of admonition, reprimand, or censure), or by any administrative agency or disciplinary committee? If so, please give details.

No

25. Do you know if any proceeding is pending against you before the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, or by any administrative agency or disciplinary committee? If so, please give details.

No

26. Have you ever been convicted of a felony, misdemeanor, or serious traffic offense? If so, please give details.

No


27. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the Commission, might tend to affect adversely your qualifications to serve as the Colorado State Public Defender? If so, please explain.

No

F. STATEMENT OF INTEREST

28. Please attach a statement not to exceed two pages in length, double-spaced, discussing: (a) your knowledge and experience that qualifies you to serve as Colorado Public Defender; and (b) the reasons why you wish to be appointed as Colorado Public Defender and the leadership and other professional and personal qualities you would bring to the position.

Date: 5/22/18



Signature of Applicant

Janene K. McCabe

Print or Type Name

STATEMENT OF INTEREST

Making the decision to start law school with a six-week old baby seems crazy as I look back, but when you find your passion you take the leap to make it happen. That is exactly what I did in the fall of 1998 and it has put me on this incredibly demanding and rewarding path. I learned how to get organized, compartmentalize and stay balanced early in my career and was recognized for my abilities as a persuasive litigator. When I was promoted into leadership roles I took steps to enhance my skills as a strong leader and mentor. I believe in challenging those around me to rise up and stretch further. My greatest successes have come when I have inspired others to tackle challenges and have been able to celebrate their victories. I enjoy strategizing with others to accomplish short and long term goals and I have built trust with teams to invite honest feedback, changing course when someone else had a better idea. I will use all the tools I have gained as a leader, manager and strategist to steer the Public Defender system.

When I arrived at the state office in 2014, I was introduced to a national organization (NAPD) which broadened my view of public defense methods and strategies. I developed relationships with a number of systems leaders who have been generous in providing feedback, direction, and suggestions for improvements and they and Doug Wilson have enlightened me on the value of data collection and analysis. Doug tasked me with the responsibility of running the OSPD Time Tracking Study in 2016, a project that no one wanted to do but recognized as an evil necessity. The project was a success which is demonstrated by the fact we were able to effectively advocate at the legislature for additional full time employees in the 2018-19 Budget Request. We must continue to collect and analyze data to make our system efficient, determine resource allocation and have the information needed to support our legislative efforts.

We must continue to build strategic litigation and legislation to tackle pressing criminal justice issues including money bail, the death penalty, racial justice, mass incarceration, decriminalization of drugs and mental health, and exploitative fines and fees and more. I will

STATEMENT OF INTEREST

work with internal and external stakeholders in addressing many of these issues as well as building new allies whenever possible. Along with legislative efforts, I will help shape the public narrative to combat the work done by prosecutors to disparage our clients and our work.

Regional offices rely on the state office to knock down barriers. We need to invest in our infrastructure, which will allow lawyers to spend more time working with and resolving client's cases and less time on administrative functions. Currently the prosecution and the court have both implemented digital paperless systems and we are behind, but we have begun to address the problems with the right direction and technologies. Initial steps are being taken, and the strategic planning and implementation will be crucial to our future success.

One of the ties that binds all public defenders together is our culture. We do the work out of a sense of duty, a calling if you will. The Colorado system has done an outstanding job of harnessing that culture by hiring and indoctrinating talented and dedicated new lawyers. As the State Public Defender I will continue to nurture that culture by seeking those with the same passion and zeal that we have been hiring for decades. While our culture is strong, we are seeing dissatisfaction rise. Our system has grown to include more than 800 people, but our internal communications methods have stagnated creating silos and frustration. This is an area ripe for improvement. I will work with the leadership team to take steps to implement the ideas drafted by the communication group last spring and develop innovative ways to increase communication for all, disrupting toxic back-channels, and building our community spirit which is necessary to do this difficult work.

In closing, I believe I possess the skills, knowledge, and passion for the position and have a solid vision for the future. I look forward to an opportunity to discuss more fully the ways I can best serve the system as the next State Public Defender.