



EYTAN LAW

IRIS EYTAN

Education

- J.D., University of San Diego, San Diego, California, (1994)
- B.A., University of Arizona, Tuscon, Arizona, (1991)
 - With Honors
 - Psychology

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

- Founder, Eytan Law LLC, Denver, CO (2022-Present)
- Founder, Eytan Nielsen LLC, Denver, CO (2015-2022)
- Partner, Reilly Pozner LLP, Denver, CO (2001-2015)
- Colorado State Deputy Public Defender, Arapahoe, CO (1999-2001)
- Senior Attorney, Legal Center for People with Disabilities and Older People, Denver, CO (1997-1999)
- Senior Attorney, Legal Advocates for Children and Youth, San Jose, CA (1995-1997)
- Trial Attorney, *Bazon Center for Mental Health Law, Washington, D.C. Wyatt Ex. Rel. Rawlins v. Sawyer*, 80 F. Supp. 2d 1275 (M.D. Ala 1999) (Apr-Jun 1995)
- Staff Attorney, Disability Rights Advocates, Oakland, CA (1994-1995)
- Project Coordinator/Intern, Bazon Center for Mental Health Law and ACLU, Montgomery, AL (1993)

Awards

- Best Law Firms, Tier 1, Colorado Criminal Defense: General Practice, US News & World Report (2016-2023)
- Best Lawyers in America, Colorado Criminal Defense: General Practice, Top Lawyers in America (2020-Present)
- Top 100 Lawyers, Colorado Super Lawyers (2014-Present)
- Top 50 Women Lawyers, Colorado Super Lawyers (2012-Present)
- Colorado Super Lawyers (2006-2007, 2009-Present)
- Rated 10.0 Superb, Avvo (2013-Present)
- AV rated 5.0, Martindale-Hubbell (2005-Present)
- Best Law Firms, Tier 1, Colorado Criminal Defense: White-Collar, US News & World Report (2016-2022)
- Denver's Top Lawyers, Criminal Law, 5280 Magazine (2015-2023)
- Barrister's Best People's Choice, Best Criminal Defense Lawyer, Law Week Colorado (2020)
- Team of the Year Award, Jail Wait Litigation Team, Colorado Lawyers Committee (2017, 2019)
- Past Chair Award, Colorado Lawyers Committee (2018)
- Raising the Bar Honoree, Colorado Women's Bar Association Foundation (2017)
- Award of Special Recognition, Colorado Lawyers Committee (2013)
- Top Woman Lawyer, Law Week Colorado (2008)
- Community Contribution Award, Colorado Lawyers Committee (2005)

Memberships

- Protect Ethical Prosecutors (PEP)
 - Founder, (2020-Present)
- Colorado Women's Bar Association
 - Member (2017-Present)
- Colorado Criminal Defense Bar Association
 - Member (2011-Present)
 - Board Member (2013-2017)
- Colorado Lawyers Committee Mental Health Task Force
 - Chair (2016-Present)
- Colorado Lawyers Committee
 - Board Member, Executive Committee (2014-Present)
 - Chair, Executive Committee (2016-2018)
 - Secretary (2014-2016)
 - Treasurer (2014-2016)
- Board of the Colorado Criminal Defense Bar
 - Justice/Mental Health Task Force Member (2013-Present)

- Capitol Hill Community Services
 - Board Member (2005-Present)
- National Criminal Defense Forum on Forensic Mental Health & the Law (NACDL)
 - Co-Chair (2013)
- 18th Judicial District Mental Health Court Project
 - Legal Co-Chair (2008)
- Department of Human Services Competency Committee
 - Task Force Member (2006)
- Goodwill Industries (Criminal Law Courses)
 - Volunteer High School Teacher (2004-2006)

Litigation and Task Force Membership

- 2022, In *People v. Morphew*, Iris and her team, forced the prosecution to dismiss the First-Degree Murder and other charges against Mr. Morphew nine days before the five-week jury trial was set to commence. Iris uncovered egregious prosecutorial misconduct, including that the prosecution concealed exculpatory DNA evidence from the judge and defense. This extremely dedicated fight for Mr. Morphew's life and innocence caused the judge to strike more than 10 of the prosecution's experts from testifying at trial, and ultimately the prosecution dismissed Mr. Morphew's case.
- 2020, In *People v. Micah Kimball*, while at Eytan Nielsen, Iris obtained a not guilty verdict on Murder in the 1st Degree and False Imprisonment charges after a two-week jury trial in Denver, Colorado. Mr. Kimball is innocent and the jury confirmed he was falsely accused and charged with these crimes. Mr. Kimball served 67 days in jail before Iris and Dru convinced the judge to release him. In the 10 months leading up to trial, Iris and Dru found that the Denver prosecutors withheld the expert opinions of both the Deputy Director of the Crime Lab and the Lead Homicide Detective. They had determined that Mr. Kimball's fiancé's single gunshot wound was self-inflicted. The Judge sanctioned the prosecutors for their misconduct.
- 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).
- 2018, In 2014, Boulder Police Department Officers shot *Cole Stewart* twice while he was in his home after running from a \$4.85 cab fare. Mr. Stewart was wrongly

charged with 5 counts of menacing Boulder Police Officers. Mr. Stewart was convicted at trial, but in 2018, the Court of Appeals dismissed the case and convictions due to the judge's and prosecutor's errors, and the Boulder DA's Office refiled the charges. In late 2018, Iris was brought in to re-try the case. Iris achieved the second dismissal and exoneration of Mr. Stewart after conducting the only forensic crime scene investigation conducted in the case. Mr. Stewart then filed a civil rights action against the Boulder Police Department, and in 2022 the City of Boulder settled with Mr. Stewart for 1.3 Million Dollars.

- 2017, In *People v. John San Agustin*, after a year and a half of intense litigation, and a month prior to trial, Iris achieved the dismissal of Mr. San Agustin's Kidnapping and False imprisonment charges. Mr. San Agustin, the former lead El Paso County Sheriff's Investigator, was wrongly indicted as a result of not cooperating with the prosecution to assist in the indictment of former Sheriff Maketa.
- 2016, In *People v. Thomas Fallis*, while with Eytan Nielsen, Iris obtained a righteous not guilty verdict on the 2nd Degree Murder charge after a three-week jury trial in Greeley, Colorado. Mr. Fallis is innocent, and the jury resoundingly confirmed he was falsely accused, indicted, and charged with this crime. 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 Autobee family. This unique representation centered on the Autobee 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."

Presentations

- LECTURER, "Prosecutorial Ethics and Discovery Obligations - Changes to CRPC 3.8(d)," 2022 Colorado State Public Defender's Office Conference (2022)
- INTRODUCTION, Keynote Speaker Kristen Clarke, Assistant Attorney General for Civil Rights at the U.S. Department of Justice, Colorado Lawyers Committee Luncheon (2022)
- LECTURER, "Propelling Change 2021: Supporting the Social Justice Movement Through Legislative Action," Center for Legal Inclusiveness (2021)
- LECTURER, "COVID-19 & Courts Reopening – Lessons Learned in Litigation," National Association of Criminal Defense Lawyers Engage & Exchange Discussion Series (2020)
- LECTURER, "Current State of Competency Law", University of Denver School of Law, Mental Health Clinic (2019)
- LECTURER, "Current State of Competency Law," University of Colorado Medical School, Psychiatric Fellows (2019)

- LECTURER, "Legal Challenges with Incompetent Clients," Colorado University School of Law Criminal Defense Clinic (2018)
- LECTURER, "Cross of an Expert on Competency," National Association of Criminal Defense Lawyers (NACDL), Fall Meeting & Seminar, Decoding & Litigating Mental Health Issues (2018)
- LECTURER, "Effectively Presenting Forensic Evidence at Trial Using Experts and Demonstratives," National Association of Criminal Defense Lawyers (NACDL), Making Sense of Science X Conference (2017)
- PANELIST, "Show and Tell: A Demonstrative Approach to Expert Testimony," Alternative Defense Counsel and Criminal Justice Panel, Experts CLE (2017)
- MC & CHAIR, Colorado Lawyers Committee Luncheon (2016)
- LECTURER, "Understanding Forensic Mental Health," National Association of Criminal Defense Lawyers (NACDL), 8th Annual Forensic Science and the Law Conference (2015)
- KEYNOTE SPEAKER, "Top 10 Forensic Mental Health Issues" Colorado State Public Defender's 2015 Annual Conference (2015)
- INTERVIEWS, The Insanity Defense and James Holmes Trial, Associated Press (2015)
- LECTURER, "Top 10 Forensic Mental Health Issues" National Association of Criminal Defense Lawyers, NACDL's 2015 Forensic Law Meeting, Las Vegas (Apr 2015)
- LECTURER, "Challenging the State's Competency Mental Health Expert," Colorado Criminal Defense Bar (2014)
- LECTURER, "Trial Tactics, Openings and Closings of Trial," University of Colorado School of Law (2014)
- LECTURER, "The Truth is: Individuals with Mental Impairments Falsely Confess," Colorado Criminal Justice Act-Standing Committee, Annual CLE Training (2014)
- LECTURER, "The Truth Is: People with Mental Impairments Falsely Confess," American Academy of Psychiatry and Law Annual Conference, Chicago (Apr 2014)
- LECTURER, "Demonstrative Evidence: Pictures of Winning," National Association of Criminal Defense Lawyers, NACDL's 2014 Annual Meeting, Philadelphia, July 2014
- LECTURER, "Sex, Booze and the Law," University of Denver Fraternities and Greek Life Organization (May 2014)
- LECTURER, "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
- LECTURER, "Insanity Defense and Mental Competency in the Colorado Courts," University of Colorado Denver School of Public Affairs (Apr 2014)
- LECTURER, "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 (Apr 2014)

- LECTURER, "Character & Fitness in the Bar Admission Process," University of Denver Sturm College of Law (Mar 2014)
- LECTURER, "Sex, Booze and The Law," Kent Denver School (Mar 2014)
- PRESENTER, "Presentation re: Tyler Sanchez Case," University of Denver Sturm College of Law (Feb 2014)
- INTERVIEW, "Celebrity Court Radio Show," Elizabeth Kelly Blog Talk Radio, November (2013)
- LECTURER, "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 (Nov 2013)
- LECTURER, "Police & Doctors & Judges: Oh My! Representing Clients with Mental Impairments," Wisconsin State Public Defender's Conference (Nov 2013)
- LECTURER, "Street Law: In Re Gault," East High School (2013)
- LECTURER, "Opening Remarks and Introductions," National Criminal Defense Forum and Forensic Mental Health and the Law," National Association of Criminal Defense Lawyers (NACDL) (Sept 2013)
- LECTURER, "Trial Tactics: Openings and Closings of Trial," University of Colorado School of Law (2013)
- LECTURER, "Mental Health Defenses," Metropolitan State University of Denver (2013)
- LECTURER, "Sex, Drugs, and the Law," Kent Denver School (May 2012, 2013)
- INTERVIEW, "The Insanity Defense with Joe Scarborough," MSNBC (2012)
- INTERVIEW, "Insanity Defense Looks Likely in Holmes Case," USA Today (2012)
- LECTURER, "Trial Tactics: Theory," University of Colorado School of Law (2012)
- LECTURER, "What I've Learned from Representing the Incompetent in an Incompetent System," Colorado Public Defender Annual Fall Conference (2012)
- LECTURER, "Pro Bono Practice at Law Firm," University of Denver Sturm College of Law (2012)
- LECTURER, "Demonstrative Evidence," National Association of Criminal Defense Lawyers (NACDL), Winter Conference (2009)
- LECTURER, "Competency Statutes Post Zuniga," Colorado Judicial Conference (2009)
- LECTURER, "Competently Representing the Incompetent," Colorado Criminal Defense Bar (CCDB) (2008)
- PANELIST, "Competency Statutes," Probate Court Panel (2000)

Publications

- INTERVIEWED, “The Murder of Ana Walshe has Lawyers Raising Questions, Poking Holes in Case Against Husband Brian,” Fox News, (January 20, 2023)
- QUOTED, “Ana Walshe: Former Prosecutor Says There's 'More Than Enough Evidence' to Convict Bryan Walshe Without Body,” Fox News (January 17, 2023)
- INTERVIEWED, “‘A Perfect Case Study’: How Advances in Tech allowed Idaho Police to Unravel Mysterious Student Killings,” USA Today (January 8, 2023)
- INTERVIEWED, “Attorney Regulation Counsel Investigating District Attorney Linda Stanley,” 9 News (October 31, 2022)
- QUOTED, “Barry Mophew’s Request Over Seized Property Denied,” The Gazette (October 25, 2022)
- QUOTED, “Why Boulder Took Eight Years to Pay Police Shooting Victim \$1.3 Million”, Westword (Jul 27, 2022)
- QUOTED, “Barry Mophew's Prosecution for Using Missing Wife's Ballot Was Harassment, Attorney Says” Westword (Jul 25, 2022)
- QUOTED, “Colorado Man Pleads Guilty to Casting Missing Wife’s Ballot for Trump,” New York Times (July 22, 2022)
- QUOTED, “District Attorney Linda Stanley's Law License Suspended”, 9 News KUSA (Jun 1, 2022)
- QUOTED, “Prominent Denver Defense Lawyer Pushes for Statewide Prosecutor Accountability Law”, 9 News KUSA (May 9, 2022)
- QUOTED, “Barry Mophew Attorney Teases Lawsuit Over Case, Takes Prosecutor Misconduct Claims National”, Westword (May 3, 2022)
- QUOTED, “Charges dropped against husband in missing woman case,” Associated Press (Apr 19, 2022)
- QUOTED, “Judge rebukes prosecutors in Barry Mophew case; trial still set to begin this month”, The Denver Gazette (Apr 8, 2022)
- QUOTED, “Arrest of murder suspect Barry Mophew was 'worst' decision, former co-lead investigator allegedly said”, NBC News (Mar 2, 2022)
- QUOTED, “Who is Iris Eytan, attorney representing Barry Mophew,” Fox News (May 18, 2021)
- QUOTED, “The Boulder Shooting Suspect’s Attorneys Have Referenced Supposed Mental Illness, But Previous Assault Misdemeanor Probably Wouldn’t Have Caught It,” The Denver Gazette (Apr 3, 2021)
- INTERVIEW, “Specialty Courts Work, But Fairness of Access Questioned,” Colorado Politics (Dec 7, 2020)
- AUTHOR, “Sending Your Sons to College? The Title IX Process Might Send Them Home,” Law Week Colorado (Sept 30, 2019)
- INTERVIEW, “Decision Clarifies Colorado’s Criminal Rape Shield Status,” Law Week Colorado (Sept 16, 2019)
- INTERVIEW, “Jeffrey Epstein's Apparent Suicide Echoed in Colorado Jails,” Westword (Aug 12, 2019)

- INTERVIEW, "How You Can (and Can't) Get Out of a Subpoena," Super Lawyers Magazine (Jul 23, 2019)
- INTERVIEW, "Pro Bono Team Helps Overhaul Colo. Treatment Of Mentally Ill," Portfolio Media (Law360) (Apr 28, 2019)
- INTERVIEW, "Competency Litigation Concludes with Consent Decree," Law Week Colorado (Apr 16, 2019)
- INTERVIEW, "Multifirm Litigation Team Enters into Consent Decree to Settle Decade-Long Battle To Protect Thousands in Colorado with Mental Illness," PRWeb (Mar 23, 2019)
- INTERVIEW, "CMHIP Deal Lauded; It's Designed to End Backlog of Treating Defendants," The Pueblo Chieftain (Mar 15, 2019)
- INTERVIEW, "Pact Reached on CMHIP Backlog Involving Criminal Defendants," The Pueblo Chieftain (Mar 15, 2019)
- INTERVIEW, "Colorado Agrees to Overhaul System for Evaluating, Treating Mentally Incompetent Criminal Defendants," The Gazette (Mar 15, 2019)
- INTERVIEW, "State Agrees to \$10 Million in Fines, Overhaul of How it Handles Mentally Ill in Jail," Colorado Public Radio News (Mar 15, 2019)
- INTERVIEW, "Independent Monitor: State's Plan For Addressing Mentally Ill In Jail Is 'Scattershot'," Colorado Public Radio News (Feb 7, 2019)
- INTERVIEW, "Coleman Stewart: Other Menacing Exonerations," The National Registry of Exonerations (Feb 4, 2019)
- INTERVIEW, "Colorado Cries Uncle in Ten-Year Fight Over Warehousing of Mentally Ill," Westword (Dec 18, 2018)
- INTERVIEW, "Colorado Accused of Failing to Comply with Settlement in Mental Health Court Suit," Prison Legal News (Oct 12, 2018)
- INTERVIEW, "Why Mentally Ill Colorado Man Has Spent Eight Months in Jail for Spitting," Westword (Oct 5, 2018)
- INTERVIEW, "State Hospital in Pueblo Can't Keep Up with Competency Evaluations for Criminal Suspects," The Pueblo Chieftain (Sept 28, 2018)
- INTERVIEW, "Colorado Increasingly in Contempt as More Judges Recognize That Jail Isn't a Mental Health Answer," High Plains Public Radio (Sept 13, 2018)
- INTERVIEW, "Colorado Faces Growing Legal Jeopardy Over Dealing with Mentally Ill Inmates," Mental Health Colorado (Jul 23, 2018)
- INTERVIEW, "DLC Moves to Reopen Jail Wait Lawsuit Against CDHS," Disability Law Colorado (Jun 14, 2018)
- INTERVIEW, "Colorado Agency Blasted for Failing to Live Up to Mental Healthy Competency Agreement," The Gazette (Jun 13, 2018)
- INTERVIEW, "Colorado to Spend \$20 Million to Relieve Ongoing Backlog of Mental Incompetency Evaluations; Critics Say Problem was Foreseeable," The Denver Post (Dec 28, 2017)
- INTERVIEW, "One Man's Tragic Journey Through the Colorado Legal System," 5280 Magazine (Oct 2017)
- INTERVIEW, "Colorado Says It's Cleared Backlog of Inmates Waiting for Evaluations," Journal-Advocate (Feb 5, 2016)

- CO-AUTHOR, "The Importance of Visual Presentation at Trial," with Jason M. Lynch, *The Champion* (Jan-Feb 2016:14-18)
- INTERVIEW, "Group: Colorado Inmates Languishing Without Mental Evaluations, Care," CBS Denver (Aug 25, 2015)
- INTERVIEW, "Colorado Theater Shooter Deserves to Die, Prosecutors Say," Associated Press (Jul 22, 2015)
- INTERVIEW, "More Defendants in Colorado Tested for Incompetency," CBS Denver (Apr 20, 2014)
- INTERVIEW, "Mental Health Delays Assailed," *The Denver Post* (Sept 11, 2011)
- INTERVIEW, "Legal Center Sues for Excessive Delays in Providing Court-Ordered Competency Evaluations and Restorative Treatment," *Business Wire* (Aug 31, 2011)
- INTERVIEW, "State Settles Competency Wait-List Lawsuit," *Vote Smart* (Feb 22, 2007)

Expert Testimony

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