**House Judiciary Committee**

**January 28, 2026**

**HB 2480**

**Proponent Testimony**

**Melody Brannon. Federal Public Defender**

Chairperson Humphries and Members of the Committee:

I am Melody Brannon, Federal Public Defender for the District of Kansas. I have worked as a public defender for 36 years in both the state and federal systems, in both trials and appeals. At the Federal Public Defenders Office, we have worked hard to develop a holistic approach to public defense. This means we do more than resolve the immediate criminal case that has brought our client before the court. We need to understand how our client came to us and how we can help lift them out of the system permanently. Bishop Desmond Tutu explained it best when he said that, "There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in."

Holistic public defense allows us to educate the courts, prosecution, probation, and the public about the experiences of our clients to reach a just and sometimes merciful outcome. This requires an effective defense team that can defend an innocent client against wrongful charges. And it also requires an effective defense team can help resolve a case in a way that acknowledges our clients' responsibilities and find the most fair and proportionate consequence. We need to understand a person's entire story to find this fair resolution and to lift them out of the criminal legal system, guided by Bryan Stevenson's observation that, "Each of us is more than the worst thing we have ever done."

As part of the holistic defense model, attorneys in private practice and in public defender offices employ or contract with social workers to provide, in appropriate cases, legal services to clients. Social workers help in many ways, including identifying mitigating evidence, connecting the clients with resources needed to comply with conditions of release and probation, and finding treatment services for clients. Often, our clients come to us with untreated mental health and substance abuse disorders. Identifying those issues and getting help is critical to a fair outcome and a safer community. This is but one example of how social workers are an integral part of the defense team.

However, in Kansas, an attorney's ethical duty of confidentiality conflicts with a social workers legal obligation of mandatory reporting. A simple legislative change could eliminate this conflict, clearing the way for more effective use of social workers on legal teams.

The conflict distills to this: the bedrock principle of the attorney-client relationship is confidentiality. Attorneys are strictly prohibited from revealing confidential information and face serious disciplinary action if they violate this rule of professional conduct. The constitutional right to effective assistance of counsel also demands confidentiality.

In contrast, a licensed social worker—even one working under the supervision of an attorney—must statutorily report, for example. suspected child abuse. Failure to abide by this requirement is a criminal offense and could result in a loss of their license. Likewise, attorneys who employ social workers face criminal penalties if they prohibit--as they must as an attorney--a social worker from reporting suspected child abuse learned during their work with a client. The attorney's confidentiality obligation does not supersede the social worker's legal obligation. This limits how attorneys and social workers work.

**HB 2480 creates a narrow exception to the mandatory reporting law** that will allow licensed social workers to work effectively in public defense, as well as other legal arenas. This will honor the attorney's ethical and constitutional obligations while supervising a social worker. And, because it is a narrow exception for social workers under attorney supervision, it lets licensed social workers work in this field. It encourages professionalism, licensure, employment, and the use of cross-disciplines in the legal arena.

One other point--unnecessarily punitive prison sentences are costly. Recidivism is costly. Both cost the courts, the jails and prisons, the public, and our clients and their families. Our efforts to identify issues and resources, to find a better path for our at-risk clients through the work of social workers, can only benefit the system and the public. This narrow exception will, in the end, help reduce recidivism and help our clients build new lives in our communities.

Thank you for the opportunity to inform the Committee on how this proposed legislation can benefit our legal community, the social work community, and public defense clients who are trying to rise out of the criminal legal system.

Melody Brannon
Federal Public Defender
District of Kansas