

Steve Sisolak  
Governor



Marcie Ryba  
Executive Director

Jarrold Hickman  
Deputy Director

**STATE OF NEVADA  
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

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**PUBLIC MEETING NOTICE AND AGENDA**

**Date and Time:** December 19, 2019, 1:00 PM

**Location:** Legislative Counsel Bureau Building  
401 S. Carson Street, Room 3134  
Carson City, Nevada 89701

**Video Conference Location:** Grant Sawyer Building  
555 E. Washington Avenue, Ste. 4406  
Las Vegas, Nevada 89101

**MINUTES**

**Board Members Present:**  
Mayor Robert Crowell  
Chris Giunchigliani  
Professor Anne Traum  
Laura Fitzsimmons  
Rob Tellis  
Julie Cavanaugh-Bill  
Joni Eastley  
Lorinda Wichman  
Jeff Wells  
Drew Christensen  
Kate Thomas  
Senior Justice William Maupin

**Others Present:**  
Marcie Ryba  
Jarrod Hickman

Dave Mendiola  
Cindy Atanzio  
Heather Fields  
Victoria Gonzalez  
Sophia Long  
Franny Forsman

## 1. Call to Order / Roll Call

The Chairman called the meeting of the Department of Indigent Services Executive Board to order a little after 1:00 PM on Thursday, December 19, 2019.

Ms. Atanzio conducted a roll call. **Quorum was established.**

## 2. Public Comment (The first public comment is limited to comments on items on the agenda. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes).

There were no public comments from either North or South.

## 3. Approval of the October 9, 2019 Minutes (For possible action)

Ms. Eastley and Mr. Mendiola noted that their last names were spelled incorrectly on the October 9 Minutes.

**Motion:** Approve October 9, 2019 Minutes with corrections noted  
**By:** Joni Eastley  
**Second:** Laura Fitzsimmons  
**Vote:** Passed unanimously

## 4. Introduction of Board Members

Chairman Crowell said he thought everyone knew everyone, so they could go ahead to Agenda Item 5.

## 5. Report from the Executive Director of the Department of Indigent Defense Service (For possible action)

- Overview of the Budget and Organization Chart
- Duties of the Board Pursuant to AB 81, Section 8

- Proposal for Future Agenda Items
  - Propose minimum standards for the delivery of Indigent Defense Services.
  - Procedure to receive Complaints regarding Indigent Defense Services and Procedures for resolution.
- Information and discussion regarding approval to request proposals for a Delphi study to establish caseload guidelines and uniform data tracking.

Director Marcie Ryba introduced the newest Deputy Director, Jarrod Hickman, who will be over the Nevada State Public Defender's Office. She said another Deputy Director will come on board just as soon as they find a space to accommodate their Department.

Director Ryba went over some budget details. Commission travel is limited to per diem rates, in-state to \$2,288 for this fiscal year and next fiscal year it's \$2,648. There's also the personal vehicle in-state reimbursement and some air travel. The Director said they will be creating a policy for Board travel to be approved by the Board. If travel is too expensive or a problem, the Board is able to set up meetings at the District Courts. The Board can use their systems so that individuals can appear for the meetings over Skype. This will save money until they're able to build up the next budget and ask for the money that's needed to be able to meet as often as necessary.

Director Ryba said they are having "issues" with office space. They don't have enough of it, and they only have about \$1,500 a month for rent. The Director is scrambling to find an appropriate space. She and Victoria Gonzalez (the Executive Director for the Department of Sentencing Policy) have talked about the possibility of throwing their departments in and merging their rents to maybe try and find something that would work.

Once they get that place to rent, then they're going to be able to hire on more employees. They will be getting one more Deputy Director, one Administrative Assistant II and two management analysts. One management analyst will be more of a fiscal person that will help with the budgeting and building the budget. The other will be the management analyst that helps with the caseload study. Richard Whitley from the Department of Health and Human Services has been kind enough to let them house one management analyst at his office and he's willing to have them trained at his office as well, until they get their space.

Joni Eastley asked how much flexibility is there in the budget, in terms of travel?

Ms. Heather Field from the Budget Office said if they don't use the airfare budget, they can use the money on mileage or per diem within that same category. They can charge expenditures for other items that are within that category that fit that budget amount for the category.

The Chair asked, how do they request reimbursement? Ms. Field said they are actually training that right now. To request a reimbursement, there's a process. A travel request is filled out before the trip and after the travel is complete, there's a travel request

reimbursement form to complete. It's likely that the Indigent Defense Department will fill those forms out for Members.

Ms. Field said if there is a savings created in Category 10, which is travel that's set aside specifically for the Board, that budget can be moved into Categories 2 and 3 to be spent on the staff travel. That's a process that requires a Work Program and an approval from the Finance Office. If it exceeds any parameter possible, it goes before the Interim Finance Committee. Because those amounts are so small right now, Ms. Field doubts those parameters will come up this first and second year.

Laura Fitzsimmons asked if they scrimped and saved now, might that ultimately not be in their best interest of their goal if future funding is based on current expenses?

Ms. Field said the budget process will open up starting February and then the actual budget system will open up in March or April. That's the point where the agencies can get into the system and start building their budgets. That's when these guys will be busy and then that's when they can request more or an additional amount for rental expenses. The Budget Office knows that that rental expense will increase in the future, so they are already preparing to build an "enhancement decision unit" to request more funds for that.

Laura Fitzsimmons said they probably wouldn't have a handle on that in February or March because it sounds like they will just hopefully be getting an office and they will be getting information from the counties. Is there some kind of cut off for next session? What is their target date? Ms. Field replied the Agency's budget submission has to be at the Governor's Finance Office by September 1<sup>st</sup>. And that's when the Governor's Finance Office has that budget in their hands and Ms. Field's review begins at that time. The conversations happen between the Finance Office and the Governor's Office and the budget is cleaned and prepared to make its way to that next layer, the legislative branch of government.

Chairman Crowell asked Director Ryba if she had ever put one of these budgets together? Director Ryba responded yes, when she was in the Nevada State Public Defender's Office. Director Ryba said they are learning things that are not in the current budget, for example, subscriptions. There are no funds to have *West Law*. They are trying to find out ways to afford that for the next two years.

The Chair asked do they have any funds to take *West Law* or *Lexis Nexis*, perhaps through the State Public Defender's Office? Ms. Field said they want to keep the expenditures that are specific to indigent defense within Indigent Defense's budget. As far as sharing funds, there'd have to be justification for that.

Director Ryba said the Nevada State Public Defender has *Lexis Nexis*, but it's provided by the county through the courts. So, they couldn't necessarily get on to their subscription. The Director did contact a representative from *West Law* to see if there was any possibility of using any open subscriptions or anything like that, but they've been told that they have to sign their own contract for three attorneys that they're going to be hiring. And, they did work that out. They were able to work it out for a 24-month period and they're going to try and pay

out of this fiscal budget. Since they don't have any place to rent yet, they aren't spending any of that rent money.

Ms. Eastley asked what does a *West Law* subscription costs? Director Ryba replied \$276 per month.

Mr. Mendiola asked if that \$276 per month was for a couple of licenses or is that an enterprise license for many users? Director Ryba responded that's three licenses for the three attorneys who are going to be in the office. There are different levels that you can access on *West Law*. They requested the high level because it allows them to pull federal cases and also regulations, which will be necessary to provide information to the Board regarding regulation recommendations.

The Chair asked were they on track then for this type of service? Director Ryba said yes, they are able to cover that. They've requested the bill for the two-year period, and they're going to pay out of this bill cycle. They do have salary savings because they only have three employees at this point in time. They also have rental savings that they can pull it from as well. So, they should be fine with that. When they're building their next budget, that's just an example of something that they're going to need to put in there.

Chairman Crowell asked if there was any latitude in the rent department? Is there any way they can move around that to get a little more money out of that? Ms. Field replied they are trying to be really creative. They've recruited the Sentencing and Policy Department to see if they can move in with them. There are two other new agencies, the Department of New Americans and the Patient Protection Commission that have maybe two and three employees each, that they could also try and combine with to get a bigger space and a more accommodating space. That said, when they talk about salary savings and they have possibly some rent savings, they're thinking of that to get through the first year and then maybe creating savings in that second year to continue that second year lease. The other options are negotiating a lower rate for that first and second year, until they can get through that budget build for the next biennium and request a little higher rate. They are basically waiting to see if the owners of some of these leased buildings will work with us on that.

### **Duties of the Board Pursuant to AB 81, Section 8**

Director Ryba moved on to an overview of the duties of the Board pursuant to AB 81, Section 8. Those duties are: the Board oversees the Executive Director. So, the Board oversees the Director's office. The Board receives annual reports from the office. The Board will review any recommendations that are made. These recommendations are what they are hoping to have for the Board at the next meeting.

The Board will provide direction for the Department. If the Board would like them to go in a certain way with the recommendations they are doing or any sort of standards that they're recommending, that's fine.

The Board is going to direct the Department to conduct any sort of audit that the Board deems necessary. That's likely where that Management Analyst II would be used, to help to do that audit.

The Board is going to help the Department develop procedures for mandatory data collection and then also review and approve the office budget.

Director Ryba moved on to mandatory duties. In AB 81, Section 8(2)(a), it says that the Department is supposed to establish minimum standards and in these standards, they are supposed to ensure that services meet constitutional requirements, that there is no sort of economic disincentive and that they do not impair the ability of a defense attorney to provide effective representation. The Board directs this, kind of the overarching principles of the Department.

An example of 10 overarching principles is the ADA 10 Principles. That's the overarching standard and then they would have to create regulations which would basically be the tools to make sure that the standards or the principles are being met. When establishing those overarching principles, they have to keep in mind that they meet constitutional requirements, no economic disincentives and that they don't impair the ability of that defense attorney to provide representation.

Another mandatory duty is they are required to establish a procedure to receive complaints and develop resolutions to complaints. So in the next Board Meeting, staff will be presenting a procedure possibly through the website where they could have a form that individuals could fill out and send in.

Staff has to establish a way for appointed attorneys to request reimbursement for trial expenses. They have to work with the law school to establish incentives for rural public defense and they also have to review laws and recommend legislation for constitutional representation.

The tools used to try and reach the goals of the overarching standards are in Subsection D. That's where they have to adopt regulations for indigent defense services. The regulations that they are supposed to adopt, to establish standards are including but not limited to: they have to establish specific continuing legal education and experience requirements. They have to require attorneys to track time and to provide reports. At some point, there probably will be a recommendation for some sort of model contract to include in there. There's a provision that they are required to track time, because that's also set out in AB 81, to have to have a contractual provision in all of their contracts that they are required to comply with them and track their time.

Mr. Mendiola said one thing they want to try to avoid is making attorneys become data collectors and clerical people, so they can spend time doing what they're really supposed to be doing. So if there's a way to do that, that would be great.

Director Ryba concurred. She said they've had several discussions with other departments of indigent defense and those attorneys have limited time to deal with their caseloads, let alone take on cumbersome reporting responsibilities. The Director said they are figuring out what numbers they specifically need and what are they really trying to get at? In some other states they've been collecting numbers and they've done nothing with it. So, they want to make it as easy as possible for individuals to use. That's why they are really focusing on what information they want and why they want it. They just don't want to ask something that really has nothing behind it.

Other states have done the Delphi Study to actually establish caseloads. When they are creating their Uniform Reporting Standards, is this something that they just want to throw out there and say hey, start giving us numbers right away? Or, is this something that they want to hold off on and say, let's look at getting one of these studies done first. Let's see what information they want and then model their reporting standards to what information the person that's doing the study actually needs to do the study.

Director Ryba said that's something that they will have to talk about at future meetings is what are they trying to get with this? What information do they need? Clearly one thing that they'll have to track is whether or not they're complying with the continuing legal education standard. If they have that, they are going to have to ask them about those numbers. But for sure they don't want to make this any more time consuming for the attorneys than they need to.

Director Ryba said the Uniform Reporting Standards establish the guidelines to determine maximum caseloads. That is the Delphi Study that other states have done. These are extremely expensive. They cost \$200,000 to \$250,000 to complete. Obviously, the Department doesn't have money at this point for this study. The Director said the Board needs to let staff know if they should proceed with a request for information. That would result in a number of how much they think it would cost. Once they have that request for information, since they don't have money in the budget, they would have the choice of either waiting until the next budget build and adding this into the next budget build, or if this is something that the Board thinks is imperative, they are also able to go to Interim Finance to request additional funds. If it's something that's important and they need to get it done, that's where they are going to have to go to get the money.

Ms. Fitzsimmons asked was there any downside in making a request for information? Was there a commitment or downside just to find out who's willing to do it and what it would cost? The Director replied she didn't think so and that's why she brought it up. Does the Board want to look into getting this caseload study immediately or would they prefer to establish the standards first? They are willing to go with whatever the Board feels is the best way to go first.

Ms. Giunchigliani said when she talked to the Speaker, he indicated there was an opportunity for them in Interim Finance. She doesn't think they should dismiss that as a potential to make some requests early on to at least get the work done that they need to make some recommendations down the road. Otherwise, they are just spinning around in a circle. So at

some point as a Board, they can have that discussion. Ms. Giunchigliani thought Ms. Fitzsimmons' point was well taken too; they might as well find out what's out there and what those costs are so they can build something properly to make a request to IFC.

Professor Traum said it's a little bit of a chicken and egg problem about data collection, which is if you don't start collecting data right away and you're waiting for money, you might not have the justification to show that you need it and how urgent it is. Professor Traum wondered if, when they make a request for information, they could at least assemble a little bit of a data framework which might be refined later, when they're actually in a study getting the information. She understands the need to be collecting the information that they actually need to do a proper study. But they might need to start collecting data now, in order to justify the request to do what they need to do and get them on that track.

Ms. Wichman asked wasn't there something about having a \$10 million budget?  
Director Ryba said when AB 81 was in the legislature, there was a line item for \$15 million to try and pay for it, but that was taken out of the bill. So the amount of money that they have for their budget is what she provided earlier. There is no additional money.

The Chairman asked the Director what was her suggestion? Did she want to have the Board tell her it's okay to go out and get information or did she want to go find a way to get into the Delphi System? Director Ryba said she just wanted to know if the Board was supportive of the idea of doing the request for information or if they felt that was an unreasonable request. In order to do a request for information, they have to complete a time consuming form. It will need to be posted by the Purchasing Department. This all can be done, but she needs the agreement of the Board.

The Chair said under the Open Meeting Law, as he reads the Agenda, the Board could make that recommendation to the Director right now. He asked if anyone had any objections, and there were none.

**Motion:** Authorize Director Ryba and her staff to gather information concerning the Delphi Study and bring it back to the Board for future consideration.  
**By:** Joni Eastley  
**Second:** Lorinda Wichman  
**Vote:** Passed unanimously

Director Ryba said they will get information from the State Public Defender who compiles annual caseload information. They also have contracts for most of the counties. At the next meeting, Director Ryba is planning on presenting that information so that Members know how they are reporting at this point.

The regulations that they will have to complete are requiring vertical representation. This will likely be done in a model contract, once they create a model contract. Another required regulation is they have to establish a formula. They have to determine some sort of formula as to the maximum amount a county is required to pay for indigent defense services. More than likely they will be putting in a formula of 2018 plus any sort of inflation. So, they'll be



proposing something like that at the next Board Meeting. Then the Department will have to adopt any other necessary regulations that they see fit.

Ms. Giunchigliani asked if staff could find out what's currently in the State Contingency Account. She thinks that that could be a potential revenue place that they could take a look at through IFC. And secondarily, in Section 8, 3.3, they have to come up with a formula for funding, so Ms. Giunchigliani thinks they need to start at least kicking around what that should look like, so they're not behind the 8-ball on that part of it. That should be on the next agenda.

Chairman Crowell said they ought to take a look at what their next steps are and what they should direct the staff to be doing. They should also discuss establishing some workgroups that would be taking a look at different sections of AB 81 under Section 8. For instance, one workgroup might take a look at how to integrate with the UNLV Law School.

Professor Traum said she was very enthusiastic about working at UNLV to help the Board do its work and help the office do its work. She has already recruited a team of six volunteer students, who are working on these issues. The goal is to have some product in the Spring. Also, she and the students would like to assist the Director in some of her tasks, like setting up standards. She asked should she be doing this with just her students or should she involve other interested parties? Would there be Open Meeting implications if other people were involved? Chairman Crowell said he thought if they set up workgroups vs. formal subcommittees they didn't have to comply with the Open Meeting Law. If they actually moved to create a subcommittee, that has to be noticed and Open Meeting Law applies. The Chairman said he was not suggesting a way to get around the Open Meeting Law; he just wants to facilitate things so they can get off the ground.

Professor Traum said if there's someone who's particularly interested in either that work in general or a particular aspect of it, like researching the standards, they should contact her. That would be an easy way to do that.

Ms. Giunchigliani said she thought that was an excellent idea. And perhaps they could reach out to pre-law programs in other parts of the state, so that would be getting a voice from the rurals, as well as Northern Nevada. Staff could reach out and they could maybe be assigned some tasks to do.

Professor Traum said she and her students are already focused on reaching out to the rurals, and Julie Cavanaugh-Bill is in the rurals. So, she's happy to work with the student group on that. They will make that part of our plan.

Ms. Giunchigliani said they should have a group working on budget and/or funding formula. And is there any work done by the previous Commission that maybe they could use as a basis to work from? There were several formulas that had been looked at by the previous Commission and that had been an iteration in the legislation as AB 81 was moving forward. So, they maybe do a secondary one that looks at the numbers.

Mr. Christensen said he thought in some of the previous iterations of the bill, there were funding formulas that capped the county's expenses going forward. So some of that work has been done. They shouldn't have to recreate the wheel.

Mr. Wells said he recalled the formula was the average of the previous three years plus CPI. And that's what the cap was going to be for the rural.

Ms. Fitzsimmons noted that AB 81 says that the County's obligations shall not be more than it was in the previous fiscal year, plus inflation. So the data they would need is what each county is paid.

Mr. Christensen said Clark County has generated a lot of information and materials over the last decade. So if it's information that the Director needs, they've got it. Mr. Christensen said he could provide model plans, contracts that they ask their attorneys to sign, and grids as far as how the attorneys in Clark County report their time. That's part of their current contract. Based on what they heard from the Sixth Amendment Center, there are various models around the state on how the counties are complying with Defense. There are going to have to be some tweaks per counties, but it's at least a good starting point to utilize what Washoe and Clark have done to capture the work product of the lawyers and then ultimately look at that work product and make a determination as to whether that's constitutionally adequate.

Mr. Wells said one of their mandatory duties was to establish a way for appointed attorneys to request reimbursement for travel expenses. They had that in their model plan and they do it now. They actually have forms that require lawyers to submit to them for investigators, for experts, etc., travel, all of those things are routinely approved. So, all of those things can be sent up to the Director because they actually have that plan and have been doing it for a decade.

Mr. Tellis inquired if it would be possible to get a copy or two of Delphi studies for other jurisdictions, other states, so that they can review those and be a little better prepared for future discussions? Director Ryba said yes. There are some available online and she will provide links for everyone.

The Chairman reread Section 14(2) of AB 81: if a plan of correction will cause the County to expend more money than budgeted by the County in the previous budget year, plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the County in the next budget for the Department of Indigent Defense Service to help support and pay for that bill. That means they are going to need all the county budget information.

Director Ryba said they could get that information. There was paperwork submitted when AB 81 was presented to the legislature that says what was spent by each County for the last fiscal year. They should also be able to get where they're at this year. They are planning on giving that information to Members in the Board packet for the next meeting.

Chairman Crowell asked Ms. Giunchigliani if she could take a look at how they work with the finances -- what's the best way to proceed from a fiscal standpoint to get things paid for? Ms. Giunchigliani said she would be happy to help with that.

Chairman Crowell said he still wasn't completely clear on the county obligations.

Mr. Wells said in Section 8, Paragraph 3, it says: the Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of services. So, it's in there as a duty to establish the formula. One formula is for solving what you have to ask the legislature for and the other one is a formula for their maximum amount.

Ms. Eastley said she spoke against that part of the bill because the counties are behind the 8-ball no matter what happens. If the corrective action plan is recommended and the counties cannot come up with the money to implement the corrective action plan, then they can go back to the State and request that the State take over the indigent defense function, which is significantly more expensive for them to do than if the County were to do it themselves. So, they're stuck no matter which way you look at it.

Ms. Eastley said all of the counties have a significant part of their budget devoted to indigent defense services. It may or may not go up or down depending on what the counties are, but the rural counties are doing worse financially every year, not better. It's fair to accept the fact that the counties aren't all of a sudden going to be coming up with \$100 million for indigent defense. Year-by-year, the rural counties, there's not much deviation on that what they've been budgeting. If there's remedial action needed, if in some county the quality of defense is constitutionally deficient, the State is going to have to pay for that.

Ms. Giunchigliani said within that formula, they could also make some recommendations on where resources of revenue could be found to assist the state as well as the counties, and that could be something that they come up with as a recommendation that could be looked at. Then that gives them a better opportunity. They could help the rurals come into compliance and have a fiscal source that's there permanently so they don't get sued again and they don't neglect people's proper rights in the long run.

After a brief break for audio checks, Chairman Crowell started a discussion on the cap and funding. He asked Ms. Giunchigliani if she could get a workgroup together that could bring back a recommendation that would talk about the cap, maybe draft some language and integrate what's required in Section 14(2), because that could form the basis of what they talked about in Section 8. The Chair said he thought the cap was really 2018 plus inflation. Period.

Ms. Giunchigliani said she would absolutely form a group and she invited all interested parties to join.

Ms. Fitzsimmons said she was sure Dagny Stapleton and Jeff Wells would be willing to serve and that would make up a great group.

Director Ryba asked Sophia Long, the DAG, to weigh in on "workgroups" that might be subject to Open Meeting Law. If they do form some sort of workgroups, would they be subject to Open Meeting Law? Ms. Long said they recently had an update on working groups, and they were told if the workgroup is going to make any sort of recommendation that the entire Board is going to act on, then it's subject to Open Meeting Law.

Senior Justice Maupin said it seems to him if you're going to have a working group, you can kind of avoid the problem by not making a decision, but just coming in and presenting facts and then arguing about it in the actual open meeting.

The Chair asked were they on the right track if they have Chris and Jeff come with some language or some suggested language or discussion about the cap for counties? Ms. Long said in the past, he would be right. She will confer with her staff to see if it would be okay now.

The Chair asked what if those folks reported to the Executive Director instead of the whole Board? Ms. Long said she would definitely get with the Executive Director and determine if the conversations of the working groups were subject or not.

The Chair said they could give their information back to the Executive Director. She could massage it and think about it, whatever and then present what she wants to present because she's the ultimate one that's going to be doing it. Ms. Long said she understood.

Ms. Giunchigliani said to make that easier, she could always just meet with Dagny first and gather and then she could meet with Jeff, so she's not doing anything that kicks those numbers in.

The Chair said they'll have those two groups kind of work among themselves and then work with the Executive Director. And then if Ms. Long determines that they should be subject to the Open Meeting Law, then so be it. The Chair thinks that they need smaller groups to work on these things. Nobody on the Board is trying to go around the Open Meeting Law, but they are staff poor and they need to get this going.

## **6. Presentation on Developing Regulation** (For Discussion)

Senior Deputy Attorney General Sophia Long said the Board needed to draft regulations and standards, so she would briefly discuss the process.

The AG Office did create an Administrative Rule Making Manual which breaks down NRS 233B, which is basically where the procedure is set forth. They are in the process of updating it. When it's finished being updated, she will give it to their Executive Director. Basically there are three types of regulations. There are permanent regulations, temporary regulations and emergency regulations. Permanent regulation is what they all shoot for and it just depends on timing, as far as when you submit your draft regulations to LCB. Currently they are in that timeframe where if they submit their regulations to LCB they'll become permanent regulation. In 233B, it says any regulation submitted to LCB between July 2<sup>nd</sup> of an odd year to June 30<sup>th</sup> of an even year, if LCB reviews it and kicks it back then it will become a permanent regulation.

So, they have about six months to pretty much draft them and send them in. The process starts by drafting the regulation and usually staff does that. They're tasked with the workload,

with of course input from all the members. Then there needs to be a Small Business Analysis. That analysis needs to be done when you're done drafting your proposed regulations to see what sort of impact your regulations are going to have on small businesses. It's called a Small Business Impact Statement and will be sent to LCB with your proposed regulations.

During this regulation process, you do need to conduct at least one workshop. And what a workshop is, it basically invites the general public to make any sort of comments, either good or bad on the regulations being proposed. After the workshop, the regulations are sent to LCB and all LCB will do is they'll review your proposed regulations and make sure that the regulations that you're proposing you have jurisdiction over. Your regulations are in the confines of AB 81.

As long as they're in LCB before June 30<sup>th</sup>, they'll still be considered permanent regulations even if the LCB sends them back for changes. If you make the changes, if you like them, then what you'll do is conduct a public hearing that's basically like a workshop. And at that time, you're still welcome to make changes. Otherwise, you'll do what's called a final adoption and that's pretty much everybody agreeing to, these are the regulations that we'd like to set in stone. Then they would go back to LCB after you do a final adoption hearing. Then, they'll include it at their next Legislative Commission meeting and that's pretty much the process in a nutshell.

## **7. Discussion and Announcement of Dates for Future Meetings**

(For possible action)

The Chairman said they needed to decide how often they want to meet. And then, they need to speak to what deliverables they're going to ask the Director to bring to them at the next meeting.

The group had a discussion about the merits of various days, dates, times, and deadlines. They could not agree on a regular, set schedule for the entire year, but they did agree that their next meeting would take place on Wednesday, January 29<sup>th</sup>, at 1:00 PM.

**Motion:** Convene Department of Indigent Services Board meeting on January 29, 2020 at 1:00 PM  
**By:** Professor Traum  
**Second:** Lorinda Wichman  
**Vote:** Passed unanimously

Director Ryba said that meeting will be held at the Old Assembly Chamber at the Capitol rather than in the LCB.

Chairman Crowell said as far as deliverables for that meeting, he was thinking a draft of something along the lines that would deal with a complaint procedure. The minimum standards concept. A report on Delphi and also, something to do with a discussion on the cap for local governments.

Director Ryba said they've been working on the complaint protocol. They have to build the website themselves, so that's something that they're also working on. The minimum standards, Jarrod Hickman has been working on those, and she will get them copies of the Delphi report. She will have some examples for that request for information. They will work with Ms. Giunchigliani to try and prepare a formula that they can present to the Board.

The Chair said they are going to be running up against deadlines for regulation purposes, so they need to be aggressive at the beginning and see what they can get done. He said he would entertain a motion on those deliverables.

**Motion:** Request for staff to bring back to the Board draft language for receiving and resolving complaints, draft language on the minimum standards of delivery for indigent defense, a report on Delphi, and a report or draft language on the caps that counties will be subject to in the event there's corrective action.

**By:** Lorinda Wichman

**Second:** Professor Traum

**Vote:** Passed unanimously

Mr. Wells suggested that the Board have a meeting where they can all be together at the same time. He thinks they'll have better results if they have better interaction and everybody's together. He knows funds are limited, and his suggestion is that during this time span between now and the next meeting, each of them could potentially go back to their own sponsoring person and see if they could come up with budget to cover the travel for the rest of this fiscal year. Just something to think about between now and the next meeting.

Director Ryba said she and Jarrod would like to appear down in the South and they are hoping to get in contact with Professor Traum and possibly go around the college and meet some of the law students. They are hoping to go down there and be present in Vegas for the next meeting.

**8. Public Comment** (This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board will impose a time limit of three minutes.

Ms. Franny Forsman said two times there has been a massive data collection in the federal system that might be helpful. It's probably more elaborate than what they would want to do in the State system, but there's a lot of work that's gone into it in terms of weighted caseloads. And as far as standards, there were Performance standards adopted under ADKT 411, and those could be used as a starting point for standards.

Director Ryba said they are using that to create the standards and they are trying to put it together with the Supreme Court rules on capital cases as well. They are trying to merge everything together.

## **9. Adjournment** (For possible action)

Chairman Crowell thanked everyone and adjourned the meeting at 2:46 PM.

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body will limit public comments to three minutes per speaker and may place other reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint. We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Cynthia Atanzio at (775) 687-0139 as soon as possible and at least two days in advance of the meeting. If you wish, you may e-mail her at [catanazio@dids.nv.gov](mailto:catanazio@dids.nv.gov). Supporting materials for this meeting are available at 209 E. Musser Street, Suite 200, Carson City, NV 89701 or by contacting Cynthia Atanzio at (775) 687-0139 or by email at [catanazio@dids.nv.gov](mailto:catanazio@dids.nv.gov).

### **Agenda Posted at the Following Locations:**

1. Blasdel Building, 209 E. Musser Street, Carson City, NV 89701
2. Capitol Building, 101 North Carson Street, Carson City, NV 89701
3. Legislative Building, 401 N. Carson Street, Carson City, NV 89701
4. Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
5. Grant Sawyer Building, Capitol Police, 555 E. Washington, Las Vegas, NV 89101

Notice of this meeting was posted on the Internet: <https://notice.nv.gov>

