

MONTHLY REPORT

December 1, 2024

I. Observations and Contacts

During November, I was able to schedule in-person court observation for Eureka District Court, along with the more regular observation of court proceedings in Pahrump and Ely. With regard to my assigned Counties (Nye, Esmeralda, Lincoln, Eureka and White Pine), the only courts I have not personally observed court proceedings are Beatty Justice Court, Meadow Valley Justice Court, and Eureka Justice Court. I have visited all courts with the exception of Beowawe Justice Court located in Crescent Valley Nevada.

Court observation for the month of November were:

November 1, 2024 - Eureka County District Court law and motion calendar in person
November 4, 2024 - Ely Justice Court law and motion afternoon calendar via Zoom
November 5, 2024 - Pahrump Justice Court Department A and B in person
November 7, 2024 - Ely Justice Court arraignment calendar (one case) via Zoom
November 12, 2024- Ely Justice Court plea hearing (one case) via Zoom
November 18, 2024 -White Pine District Court law and motion calendar in person
November 21, 2024 - Nye County District Court and Pahrump Justice Court in person

During November there were two (2) meetings of note: the first, with all of the contract public defenders for Nye County in the conference room of Jason Earnest's office on November 13, 2024, and the second a meeting of all the **Davis** Observation and Compliance Analysts with DIDS Acting Executive Director Peter Handy and Deputy Director Brenda Roberts in Carson City on November 19, 2024.

1. Nye County Meeting with attorneys.

On November 13, 2024 I met with Jason Earnest, Nathan Gent, Jherna Shahani, Karl Shelton, Kelly Blatnik and Alexis Duecker in the conference room of Earnest's office. This was a prearranged meeting for discussion of the status of indigent representation in Nye County. I have previously submitted a Memo summarizing the discussions. Issues noted were:

a. The impact of the vacant Justice Court Department B on calendar size, appearance times, and length of calendar.

- b. The need for corrective action to remedy caseload.
- c. The number of additional public defenders needed.
- d. The need for an Appointed Counsel Program Coordinator.
- e. Enforcement of indigent eligibility standards.
- f. Allow self-representation when requested by the defendant.
- g. Remove traffic citations from the coverage of the contracts
- h. Remove DCFS cases from the criminal public defender contracts.
- i. Engage in discussions with the District Attorney's Office concerning charging decisions and the effect on caseloads.
- j. Allow access to the JusticeWeb program by public defenders.
- k. Develop a protocol that removes appointment to Tonopah cases for the Pahrump based public defenders.

2. Meeting with Compliance and Oversight Monitors

A number of topics were covered, including continuing to work on standardized reporting and the particular issues faced in the different counties. Each *Davis* county faces unique challenges, with the overriding continuing concern being the lack of attorneys willing to handle rural caseloads. Whether a function of relative pay scales or remoteness of location the problem remains that there are not enough willing and able attorneys to cover the need for counsel.

It was agreed during the meeting that it is appropriate for the Compliance and Oversight Analysts to engage in discussions with the County officials about issues and challenges facing indigent defenders with the goal of resolving as many problems as possible. Nye County is facing a possible mandatory Corrective Action plan and needs to be engaged in efforts to achieve an amicable solution to the caseload issue.

II. Assessments

The 14th Report of the Monitor was released on November 18, 2024 and the Board of Indigent Defense Services met for a regularly scheduled meeting on November 21, 2024.

Notably, the Monitor's Report found failures to meet caseload guidelines in Nye County and contained questions concerning the number and status of attorneys in White Pine County.

Questions continue to persist regarding the vacant positions of Nevada State Public Defender and permanent Executive Director of the Department of Indigent Defense.

III. Suggestions

Work with Nye County to add as many new public defenders as are needed to bring caseload number into compliance.

Determine the most efficient way to have accurate entries into LegalServer for caseload and time from the Nye County Public Defenders.

Coordinate with Nye County management on the new contracts currently being advertised and develop a plan to integrate the new attorneys into the rotation with the least amount of interruption of competent representation.

IV. Schedule of Oversight Visits and Stakeholder Meetings

The current plan is to make a trip through northern Nye County in January, 2025 and another trip through Eureka to visit the Justice Court in Crescent Valley. The trips will be coordinated with scheduled court days at the respective locations.

In connection with the trip to Nye County, I will attempt to meet with current acting County Manager Lorina Dellinger concerning the posting for additional attorneys and some of the issues raised during my November 20, 2024 meeting with the existing attorneys.

I will be in White Pine County on December 9, 2024 on a pending case and will conduct Court Observation while I am there. If feasible I will return through Pioche in order to observe Meadow Valley Justice Court in session.

Dated: December 4, 2024