

State of Nevada
Department of Indigent Defense Services
Board Meeting Minutes
Thursday, October 23, 2025
1:00 PM

Meeting Location:

OFFICE	LOCATION	ROOM
Department of Indigent Defense Services	751 Basque Way Carson City, NV 89706	Conference Room and Virtual via Zoom

1. Call to Order/Roll Call:

Kate Thomas: called the meeting of the Board on Indigent Defense Services to order at 1:01 pm, on Thursday, October 23, 2025.

Casey Popovich conducted a roll call. A **quorum was established.**

Board Members Present: Chair Kate Thomas, Joni Eastley, Chris Giunchigliani (joined at 1:30pm), Susan Bush, Lorina Dellinger, Joe Crim, Allison Joffee (joined shortly after roll call), Dave Mendiola, Jarrod Hickman, Dayvid Figler and Abigail Frierson (joined shortly after roll call)

Members not present: Jeff Wells, Angela Cook and Justice William Maupin.

Others Present: Executive Director Peter Handy, Deputy Director Brenda Roberts, Deputy Director Homa Sayyar, David Schieck, Casey Popovich, Derrick Lopez, Douglas County Department of Indigent Defense, Brian Filter, Senior Deputy Attorney General Todd Weiss and Nevada State Public Defender Andrew Coates.

2. Public Comment:

Kate Thomas: opened the line for public comment.

Franny Forsman: stated that she was the former Federal Public Defender for the District of Nevada, and a co-counsel on the Davis case. She had some very serious concerns about the most recent court monitor's report. She felt the Board needed to step up their oversight role. In her experience she felt that reviewing vouchers was a delicate function and that they didn't want to drive lawyers away by nickel and diming them. She felt that because there are no experienced criminal defense attorneys at DIDS, they should have someone to assist with voucher review that has credibility. She encouraged the Board to inquire about the delays and denials of the vouchers and try to remedy this situation.

Kate Thomas: thanked Franny for her comments. She moved on to Item 3, since there were no additional comments.

3. Introduction of New Board Member(s) (For discussion).

Executive Director Handy: noted that DIDS was expecting new appointments, but they have not received them yet.

Vice Chair Thomas: said the Board will revisit this topic when there are more appointments. She was happy to report that the Board of County Commissioners at Washoe County, suggested her name to the governor to be reappointed to the Board.

4. Election of the Board Chair and Vice Chair: (For discussion and possible action)

There was some discussion to open the floor to nominate others, however no other members volunteered to be nominated for Board Chair.

Member Mendiola: announced that he would be resigning from the Board on December 31, 2025, so he would no longer be a good option for Vice Chair.

Member Eastly: made a motion to nominate Kate Thomas for the Board Chair.

Vice Chair Thomas: asked the Board if they would like to package the nomination together. She inquired if they had a nomination for Vice Chair. She recommended Chris. G. but she wasn't yet present at the meeting, she withdrew her comment.

Member Hickman: thought that Member Figler would be a good Vice Chair, however he declined.

Vice Chair Thomas: asked Member Hickman if he might be interested? He stated that he would serve as Vice Chair.

Amended Motion: nominated Kate Thomas for Board Chair to include Jarrod Hickman to be nominated for Vice Chair.

By: Joni Eastley
Amended Second: Allison Joffee
Vote: Passed Unanimously

5. Approval of the Minutes: (For discussion and possible action)

Executive Director Handy: wanted to make the Board aware that they received some public comments from Ms. Laura Fitzsimmons regarding prior meeting minutes already approved at a previous board meeting. He hoped that everyone had a chance to read her email which is attached to the meeting minutes for the instant meeting to ensure the record is complete with Ms. Fitsimmons' point of view.

Motion: Approve the Meeting Minutes of June 26, 2025.
By: Dave Mendiola
Second: Joe Crim
Vote: Passed Unanimously

6. Davis Litigation Updates (For discussion and possible action)

a. Monitor's Report(s).

Executive Director Handy: highlighted a few items regarding the monitor's report, namely the executive summary on page three that discussed the compliance issues, particularly failure to comply with work standards due to insufficient attorneys. He stated these are the priorities of the Department and they are trying to come into compliance. The Department is trying to get weekend stipends rollout in a way where counties are starting to pay them. Also, they just submitted a work program today where NSPD can get a stipend as well as reimbursement for going out to the rural communities. In regard to the oversight portion

of the report, he has not had a chance to contract with another oversight attorney. The person that they thought they were going to hire has not yet reached back out. The last area of the report that he wanted to address is the delegation to stand-in counsel, and how they are still running into this issue in Lyon County. They are unable to determine exactly how many attorneys there are in a couple of these offices. They reached out to Kale Brock a few times, and they don't have any actual subcontracts with attorneys. The other firm working in Lyon County, Mansfield and Mayo, has four full-time attorneys in the office, and one part-time attorney. Only one of these attorneys is still providing significant amount of service to Humboldt County. Unfortunately, it is not enough to meet all the obligations of that firm across multiple counties. The Department wanted the Board to be aware there are some LegalServer reporting problems that are happening across the counties. Going forward, the Department will be providing more training, small groups and office hours to help these attorneys understand what reporting needs to look like and what case opening needs to look like. There's a lot of duplications of cases and they are not capturing the right data, which is causing big problems. Nye county has set up a track system so that there are four attorneys assigned to track A and four attorneys that are assigned to track B. They have similar ranges of qualification levels, but that's so that they can all be in court on that day. They have two Justice Courts in Pahrump that have hearings at the same time on the same day. The attorneys can't be in two places at once, resulting in stand-in counsel. This new track system should allow the attorneys to be in just one place at one time, responding to all their clients' needs and the court's attention on those days. It seems like it is working appropriately. There have been some issues for higher level cases that still need to do that back and forth in the Justice Courts. They hope as time goes on those drop down so that they do not see things like standing council or where the attorney who represents the client isn't available or present because it's not best practice. Handy stated that on page 18 of the report there are recommendations from the monitor. They use this as a roadmap as to what they should be working on next. They reached out to the NAPD to ask for technical assistance. They asked for an evaluation of where the office is at, how performance can be better, how the model inside the office could be reworked if that's needed, and how they can work better to improve communication among the employees in that office. They haven't heard back from the NAPD, so they are going be reaching out again. They are the top-tier providers of this practice for lessons learned or best practices going forward. Another thing that was mentioned in public comments was that the Board consider a statutory role and oversight. As he mentioned at the last meeting, DIDS doesn't have a lot of the actual on-the-ground experience as the public defenders, so the Boards input would be extremely valuable, and direction would be very helpful.

Vice Chair Hickman: asked Mr. Handy if it would be useful to set up a regular cadence to meet with him and his staff at the office to help in that support role?

Executive Director Handy: replied absolutely.

Vice Chair Hickman: stated that he could help monthly.

Member Bush: said she would be willing to help as well, especially with structures and tracks.

Executive Director Handy: thanked them for the help.

Member Figler stated that at the risk of making the suggested cadence a public meeting, he would like to be involved as well.

Executive Director Handy: finished by stating he had nothing else to offer regarding the monitors report and turned it over to Professor Eve Hanan if she wanted to provide some more background information.

Professor Hanan: thanked Peter for going over the aspects of reports and his plans for the Department moving forward. She felt that she has been reporting on the same issues, the only difference is that she felt

the Board should step up and provide more direction and assistance to the Department. She is concerned because the State has until August 2026 to comply with these workload standards and there are no corrective action plans to do something different. She felt this was an opportunity where the Board might be able to assist the Department. The second thing she wanted to point out was low number of hours being recorded per case. She felt these low numbers were because investigators were not being used, experts were not being consulted with, and attorneys were not meeting with their clients more than once. This was her attempt to provide some oversight and understanding of what is happening in these counties. She wondered if the Department could use some more support and training. She thanked the Board and stated she was available for any questions.

Chair Thomas: thanked the Professor and encouraged the Board to discuss their role in assisting with this report. She is not a fan of the Board overstepping their role however they do want to be a resource to the Department.

Vice Chair Hickman: inquired with the monitor about what additional materials the Board should provide regarding additional audits, investigations and review to help fulfill this function. Additionally, what are the NAPD training courses that could help us get into the weeds a little further.

Monitor Hanan: answered the second question first by stating a good place to start would be the Deason Center for Criminal Justice out of Texas. She said she would look into additional resources and provide this information in her next report. Regarding the oversight question, she felt all the oversight reports looked different from one another and the Board should provide the oversight attorneys with more direction on what they should be reporting. When Deputy Director Qualls was with DIDS he would summarize the reports, which was very helpful. She reiterated that she was concerned with investigators and experts not being used enough and about reported denials of their requests because this is essential to effective representation.

Chair Thomas: inquired if there were any additional comments.

Member Figler: wanted to inquire how they should go about getting Nye County into compliance with the Davis Report because that seems to be the most acute issue at hand. Also, he has some follow up questions for Professor Hanan.

Executive Director Handy: explained that our toolbox is limited in how to achieve compliance. The main tool that they use is to have the counties volunteer to receive funding and pay out the funds to get into compliance. The Department might be able to withhold funds but that is heavy handed because they are forcing the county to outlay those funds. The other tool is a corrective action plan where the Nevada State Public Defender takes over providing services in the county, however that won't work very well if they can't staff the Public Defender's office even if they do get the funding. The pay isn't even close to most local Public Defender salaries, so corrective action isn't a good option. They could have the NSPD take over and hire contracts directly but that is a slow process. He doesn't disagree that the situation with Nye County is their biggest problem, they do not have enough attorneys. There are other systemic issues such as the closure of the Tonopah Jail and prisoner transport. Unfortunately, they did not get the items they asked for in the last legislature session.

Chair Thomas: inquired if Mr. Coates would like to speak on the issue.

State Public Defender Coates: is aware of the issues because he was a Nye County Public Defender. He added that Mr. Handy has been a great advocate for his office with funding with the Legislature. This is the biggest challenge that he has faced but they will get through this.

Member Figler: emphasized that action needs to be taken in Nye because the report was so stunning. He wanted to change gears and find out if there was any truth in the investigators or experts not being paid because there are rumors floating around. If there was any truth to these rumors, then what were our next steps.

Executive Director Handy: responded by stating it is very rare that they deny somebody's application for an investigator and expert. They do frequently ask questions to better understand what is happening in the case. The attorneys give great explanations, and we almost always approve them. He reiterated that it is rare that we deny these requests, but he will defer to Brenda Roberts. He can only remember one time where a request was denied, and it had to do with immigration because it didn't fall with the scope of what DIDS can pay for.

Member Figler: would like to add denials in full or part to our agenda.

Member Bush: stated that it is confidential information.

Member Figler: he stated that this could be anonymous and it will help them to determine if this needs more monitoring.

Chair Thomas: stated that she was aware there were couple of people with hands up. She was going to let Chris G. speak first, then Mr. Hickman, and then Mrs. Joffee.

Member Giunchigliani: inquired what the outcome would be if there was no extension in August.

Executive Director Handy: stated that he is working under the assumption that there will not be an extension. His plan is either counties will be in compliance or in corrective action by the end of August in 2026. He would like to build a timeline for developing things that happen at the next legislative session to truly bring the state into compliance.

Member Giunchigliani: felt that a corrective action plan was too limiting and wants to pursue something that has some more teeth in it. She felt that we have accommodated counties to get their input but feels they have not met their expectations. She reiterated we need to come up with something down the road that is better makeup for a corrective action plan. She inquired how many people worked for the NSPD now and do they have criminal experience.

Public State Defender Coates: he stated that his chief deputies and deputies do have criminal experience but there are different levels of experience. He is trying to hire more Category A certified attorneys as well. He would like the Chief Deputy Position to mentor the deputies so there is more flow.

Member Giunchigliani: felt we need to make improvements in monetary issues in his office in the long run to staff it properly. She appreciates the passion, because that can overcome some inadequacies, but she would like some attorneys with criminal experience.

Vice Chair Hickman: stated this is sort of shade of Chris G.'s question. It may not be a question to answer today, but something they need to consider over time. What tools are available for corrective action without the State Public Defender in a takeover capacity, and what does that framework look like. He also followed up on Mr. Figlers' question inquiring if DIDS could generate a summary report on how many investigators and experts submitted request and how many are approved or denied.

Executive Director Handy: felt the typical option is a restructuring. He thought that instead of the county directly contracting with these attorneys, they pick a designee to contract with public defenders, like

Douglas County is doing. They have autonomy within the county to then go out and hire experienced public defenders who are qualified. He felt this model might be effective because then it doesn't have to go through every Board of County Commissioners meeting to get to a contract. Instead, it can just be a direct contract scenario. Another option Peter suggested was opening a County Public Defender's office if the county is offering competitive salaries and benefits. This might be an alternative rather than having the NSPD taking over because they don't have the critical staff to do the job in a meaningful way. He answered the second question stating the Department does keep a log of requests that are approved or denied, and they could certainly anonymize those. He suggested reviewing these at the monthly standing meeting.

Chair Thomas: inquired whether the Board wanted to attempt to accept this as a possible action or if there was a recommendation on a motion to draft a corrective action proposal. She wanted to help drive the Board to some sort of actionable thing that would be beneficial to our directors.

Member Joffee: wanted to speak on this topic before moving on. She agreed with the monthly meeting that Jarrod Hickman suggested. She inquired if DIDS had an open position for a criminal defense specialist because she felt that criminal defense lawyers had different ways of thinking. She also stated that she heard the rumor as well that investigators, experts and lawyers were being denied their requests and that she would be happy to interview them to find out how we can meet their needs.

Executive Director Handy: felt that was a great idea. He would be happy to circle back with any attorneys that we work with that have questions or concerns about their requests being denied. He encouraged Member Joffee to have them reach out to him.

Vice Chair Hickman: inquired per recommendation of the monitor if the Department and Board should consider a correction action plan for Nye County. He inquired if the Oversight Deputy Director made productive steps forward regarding the oversight concerns in this report by considering a possible motion to recommend corrective action before the next meeting.

Member Joffee: asked if there was an oversight director that could answer their questions.

Deputy Director Sayyar: stated that she would be happy to answer any questions. She inquired if the questions were specific to Nye County or generally related to the report. She stated that since she started in May, she wanted to observe and learn. She didn't want to jump in and start having opinions on things. She had conversations with David Scheik and Derrick Lopez about the unique issues in Nye County. She felt a soft correction plan would bring people together with the understanding it is in their best interests. She explained her viewpoint on the documentation necessary to approve bills and that the Department is being audited right now. As LCB Auditors are examining records as lay people and not attorneys, sufficient detail is necessary to justify the cost of the bills.

Member Joffee: felt there was a disconnect between the contractors and DIDS and she offered again to talk to lawyers, experts, and investigators. She also would like more communication with herself as a Board member. She felt staff need more understanding of criminal issues and that she is happy to help.

Deputy Director Sayyar: offered to provide the Board with emails that she is exchanging with the attorneys and redact anything specific. She does explain that her tone is "please let me help you get paid." She reiterated that DIDS is being audited, and she doesn't want the auditors to come back and say the Department was reckless and didn't verify their bills. She understands that it can make people feel challenged to be asked questions. The goal is not to deny the bill, it's to have a dialogue with counsel to see how DIDS can support them, and to see if they're spending time on something they don't need to. She gave the example of an attorney who was spending a lot of time checking transcripts. DIDS secured an agreement to allow them to use our state rates on transcription services, and sent that out to all the attorneys.

Chair Thomas: thanked Member Joffee and encouraged her to solicit and pass along any feedback that would be very helpful. Member Bush who had her hand up and hoped that she could provide some help.

Member Bush: agreed that looking at bills is difficult and the Department does have to justify these costs. She wanted to talk about Nye County for a moment. She was pleased with some of the reports that David Schieck submitted. There are some new attorneys doing great work. She understands that there are fewer contract attorneys, but DIDS has been assigning out the overload of work, so the attorneys aren't overwhelmed. The caseloads have been spread out and the quality of representation has gone up. Susan was not aware when this report came out, so she is not sure when the case load came out.

Vice Chair Hickman: inquired if the Board needs to have an agenda item that focuses on whether or not a corrective action plan is recommended by the Department?

Member Bush: felt that sound great based on what is going on right now.

Chair Thomas: clarified if this item should be added to agenda at our next meeting on December 4, 2025. She confirmed that we should stay on the course and make a decision at that meeting.

Member Bush: replied yes.

Executive Director Handy: confirmed that it would be ideal to decide at the meeting in December because it is before the February IFC (Interim Finance Committee). He also stated that in the meantime he could do a presentation on those numbers and get some more information from David Schieck. If Professor Hanan makes her way out to Nye county again she could provide some additional information that David might not see. He felt like then we could all make a well-informed decision.

Chair Thomas inquired if we should make a motion.

Senior Deputy Attorney General Weiss: confirmed that there was no need for a motion and adding this topic to the agenda for next time is sufficient.

Member Figler: made a motion to accept the report prepared by Professor Hanan.

Senior Deputy Attorney General Weiss: stated that it wasn't necessary to take a vote because it is a court document but if the Board wanted to go through the motions that was fine.

Motion: **Accepting the 16th report of the Davis monitor**
By: **David Figler**
Second: **Chris Giunchigliani**
Vote: **Passed Unanimously**

Chair Thomas: moved on to item 7 and which is the Department of Indigent Defense Board updates.

- b. Amended Stipulated Consent Judgment.**
 - 1. Conditions Precedent.**
 - 2. Compliance Deadline Extensions.**
 - 3. NSPD Workload Monitoring & Reporting.**

Executive Director Handy: wanted to point out a couple of things from 6B, at the end of page two, beginning of page three where it talks about the conditions precedent to the extension occurring. The first

was passage of some legislation that was passed during the session. The second is a submission to the Interim Finance Committee for some funding to help improve the NSPD's office. The Department had a couple of work programs in the past the first one moved categorical funds from personnel to operating to pay for contracting needs and the other one was to get funds moved from Category 1 to Category 4 to ensure additional funding needed to rent office space. He informed the Board that he has had some pushback from the auditors about paying the weekend stipend bills because they were not specially mentioned in that bill. They finally decided the Department could make those payments and that has been taken care of. He made a request today to the IFC to provide funding for travel stipends for the NSPD employees approximately \$865.00 per week because it is expensive to travel the Humboldt and White Pine County. He is hoping that it will be approved in November. He pointed out that the deadline for the compliance extension for meeting workload standards is August 30th, 2026, and if compliance is not reached, the parties would agree to confer on appropriate actions that could be undertaken at the upcoming 2027 legislature to address compliance. The third thing he wanted to mention was the executive director's role in monitoring cases of the NSPD and what he plans on reporting. He is reviewing the total number of open cases assigned to those attorneys, and the second is the total number of open cases assigned that was opened in the last quarter. He believes in the report that there are roughly 15.5% of duplicate cases, he is focusing on working to ensure that cases are correctly being entered into LegalServer. The reason he is focused on this is to ensure that everyone has a clear understanding of the attorney's workloads.

Member Eastly: stated after reading the reports she noticed that one attorney has a chronic problem of not reporting any hours. She inquired if this is something that Board should handle or is it addressed by the counties.

Executive Director Handy: replied yes to both. We can exercise one of those hammers and not reimburse the county because they are not entering time, but he feels counties should first have an opportunity to address time not being entered into LegalServer with their contractors.

Chair Thomas: inquired if there were any more questions and apologized for skipping that section.

Executive Director Handy: finished by explaining that going forward these reports will be published on a quarterly basis, as required by the Amended Consent Judgment. He will also put together a written plan of action based on this report and publish it on the website as well. As he mentioned before he will offer additional LegalServer training. He asked the Chair if it was okay to move on to Item 7.

7. Department of Indigent Defense and Board Updates: (For discussion and possible action).

a. Weekend/Holiday Bail Review Hearing Stipends.

Executive Director Handy: stated that he has already talked about the Weekend Stipend and Holiday Bail Review Hearings Stipends. He reiterated that this issue seems to be resolved and payments are being processed. He also noted there were some concerns whether these stipends were PERS compensable and it was eventually decided that they were PERS compensable. They have had some problems with the counties regarding this new method. In the past DIDS would front all the cash to the counties and they would spend it as they see fit. They can't give funds directly to a county, and then account backwards, so they are working on a reimbursement model. Essentially, the county pays the stipends to the eligible person, and then they'll provide a reimbursement to the county when they receive the report and the backup.

b. Cybersecurity Incident and Effects on the Department.

Executive Director Handy stated as you all likely already know the state had a cyber security issue. They lost almost everything. They had no phones and no virtual shared drive where most of our files are stored.

They were very limited in our ability to make payments because other agencies were experiencing similar problems therefore payment systems were down for a period of time. Those are all back up and working now. They didn't have any data loss so far as they could tell and have been advised, no information the Department collected was exfiltrated. Unfortunately, due to this situation attorneys have been experiencing delays in payments for post-conviction and prison. Since most of the processes have been in paper, they have been continuously processing bills for claims to send to the county. They have implemented some more security policies to make sure that the information they are accessing is safe.

c. Hiring for positions: AA2, ASO1.

Executive Director Handy: explained that due to the cyber incident and the blackout period for payroll it has delayed the Department from being able to hire for those positions. They should be able to get those posted in the next couple of weeks. He believes that ASO is going to be an integral part of the team, leading the fiscal people we have in-house, working with the Administrative Services Division, making sure our budgets are clean, as well as initial review of the invoices.

d. New Forms, Guidelines, and Policies & Procedures.

Executive Director Handy: explained this last item has already been talked about a few times. He would like to workshop with the Board to set a standard that comports both the need to show how the state is spending money and while allowing the attorneys flexibility to get the services they need from investigators. The Department is trying to get those in a place where they're ready to roll out in a way that makes the process more seamless for everybody, so that the Department can get as fast as they can from receiving a claim to payment of those claims. Our staff spends a lot of time working with attorneys already, trying to make sure they understand the new processes and the new forms. Hopefully they will not change again, and they understand it is a pain for everyone involved.

Member Joffe: thinks it would be a good idea to go back to the beginning and look at the mission of DIDS. She feels like the department is doing more patchwork than providing a holistic approach. She believes the next hire should be a criminal defense expert. She wants to be an active member of this Board. She offered on the record to help the Department with billing review matters and feels like there is pushback. She reiterated that the Board could help and she would like to be one of those people who jump in and supports. She finished by inquiring about whether the Board was supposed to have monthly training.

Chair Thomas thanked Mrs. Joffe and wanted to point out that in preparation for the meeting she was speaking with Director Handy, and he commented and she quoted "It is always good to have an active Board." She felt there was openness to the Boards support. She asked Executive Director Handy if he wanted to say anything else.

Executive Director Handy: expressed that he was aware that he didn't know everything and thus this is the Boards function. He is aware that the Board has a lot of combined wisdom from decades of experience and that the Department needs to be able to lean on them to make sure that they are doing the best they can for indigent defendants in the State of Nevada. He was pleased that the Board is willing to step up and he will utilize their knowledge.

Chair Thomas moved on to item 8 since there was no proposed motion that needed to be addressed.

8. NSPD Status and Update on Humboldt County Office (For discussion and possible action).

a. Work Programs

1. Rent & Office Needs.

State Public Defender Coates: stated that since the Board last met, they have opened the office in Winnemucca, and the caseload is going relatively smooth. As touched on earlier, there is only one office in Winnemucca so they will be requesting extra funds.

2. Recruitment and Retention.

State Public Defender Coates: stated that he is always hiring and always recruiting, he goes to Las Vegas quite a bit to meet with attorneys and law students to try to get people to come on board. They have three open positions for Winnemucca and Humboldt County and one to two for White Pine. He wanted to add that they are also taking on Pardons Board cases, and they have three coming up in December.

Vice Chair Hickman: inquired about how the Department was incentivizing recruitment to the NSPD. He understands the pay band is not where it should be but are they exploring any other options that may help them get around that.

State Public Defender Coates: replied that they are but it may be from rural counties out of state. He was focused on opening the office in Humboldt County but now he can turn his attention to recruiting. He would like to keep it local but if he can't get people from Ely then he will go to Idaho or Utah.

Chair Thomas: offered to connect State Public Defender Coates with the folks who offered signing bonuses to attract people to these rural areas. She stated that they are not PERS compensable, but it might be helpful.

State Public Defender Coates: thought it would be helpful.

Chair Thomas: moved on the Item 9 since there were no other questions or comments.

3. Personnel Increases.

9. Oversight Update (For discussion and possible discussion)

Deputy Director Sayyar: informed the Board that Derrick Lopez and David Scheik were on the call as well. She didn't know what the Board's preference is on who should speak first.

a. Reports from Outreach Advisors.

Derrick Lopez: explained that he handles five counties Elko, Lander, Pershing, Douglas, and Humboldt. His concern is filling positions. He said that some of these young people are leaving law school with such debt that these salaries are something that they cannot consider. He is not sure what the solution should be other than financial. He explained that the progress was slow and that the office isn't even open because of IT issues. It worries him that the office isn't even open. He explained that Humboldt's hotel rates jumped from \$110.00 to \$405.00 a night and that they were offering a government rate of \$285.00. He felt that Massey Mayo does an excellent job and at times her caseload was large, but she knew every case and her clients. Lander seems to be going smoothly. They recently lost their judge who passed away so there will be a lot of visiting judges until that gets filled. Pershing has a public defender who is experienced and does a good job. There was a conflict council attorney who ended his contract because it wasn't worth the money. His other concern is with the two other attorneys but he doesn't want to name their names but he assured the Board he is looking into that.

Chair Thomas: thanked Mr. Lopez and stated that Member Giunchigliani had her hand up.

Member Giunchigliani: the loan forgiveness piqued her interest. She thinks Nevada has a Justice program called Forgiveness for Eligible Full-Time Prosecutors and Public Defenders, but she doesn't know if that forgiveness only means if you went to school here. We might want to take a look to see if it's called the JRJ program.

Chair Thomas: thought Member Mendiola might have something to say.

Member Mendiola: informed the Board that the high cost of the hotels would end soon because Lithium Nevada has just opened their workforce hub here. He believes by early December they will be able to move, so that should help improve the hotel situation. He thinks the other challenge with attorneys trying to move here is that home costs are expensive and there is limited inventory.

Chair Thomas: thanked Member Mendiola and moved the floor to Vice Chair Hickman who had his hand up.

Vice Chair Hickman: stated that he found the comprehensive oversight reports from the past more helpful because it really summarized the different reports. He inquired if the Department was going to use the reports from the past because he thought they were very useful. Second, he wanted to follow up on Derrick Lopez's report about the critique the judge made regarding an attorney to see if the Department was going to offer more training to that individual.

Executive Director Handy: addressed the issue regarding the judge's critique. The Department wanted to see if this was a one-time problem or a pattern that the attorney was consistently doing across multiple clients. They take judges' concerns very seriously and the Department will be offering an annual training course focused on technology in defense. The Department has identified the problem and will be deciding if this is a training issue or a competency issue and how to best address these kinds of problems. He hoped he would answer their question.

Chair Thomas: thanked Executive Director Handy and moved on to Member Crim who had been patiently waiting to speak.

Member Crim: addressed the issue regarding the loss of their conflict attorney by informing the Board that he had to drive back and forth from Winnemucca. He stated that they were actively looking for a replacement, but it's been difficult because a lot of people do not want to work in Lovelock. He also felt that it was going to be difficult to find a replacement judge.

Chair Thomas: thanked him for that update.

Deputy Director Sayyar: circled back to the first question regarding the oversight reports. She addressed their concerns about how the department was going to take this voluminous data and make it something meaningful. She was aware that even the reporting was different among the oversight attorneys. She explained that the Department would like to move the report into an excel spreadsheet and have it guide the oversight attorneys with the questions that are applicable. For example, if it was an arraignment the questions would guide them differently than if it was sentencing. The department would like a dynamic dashboard that tracks more useful data about how the attorney's time is being spent. She also stated the use of ChatGPT is a common issue across all legal practices right now to generate briefing but if someone is being pushed to that because of other factors, we want to be sensitive to that. She also wanted to note the Department has gone forward with the mentoring role in Nye, but a lot of attorneys have dropped out, they

feel like when they submit these reports to the State they would be negatively outing new attorneys receiving coaching by name.

Executive Director Handy: wanted to trail off of how we would synthesize all this data. He explained that the department would use an excel spread sheet that would be a numbers-based system as opposed to yes or no. So instead of asking the question “was this attorney prepared today” it would say on a scale of 1-5 how prepared this attorney was. This would be easier to track, and the oversight attorneys would be to see a trend. He feels this would be a better way to synthesize the data. He asked if that made sense.

Chair Thomas: said yes and this topic goes into the second item of the oversight report about the synthesis and analysis of data but she wanted to first hear from David unless we wanted to continue with the synthesis of the data.

David Schieck: explained that he has seven counties and that he would start with Eureka first. They have a contracted Public Defender that is retiring at the end of December. They have been in discussion with Jane Eberhardy to pick up this 0.3 contract, but they wanted to give others an opportunity to see if anyone put a request in for consideration. He expects Jane to pick up that contract. Eureka closed their jail a year and half ago and still haven't reopened it yet but there is still a push to get it reopened. He moved on to White Pine explaining that they have an NSPD attorney servicing the majority of those cases and Jane Eberhardy has a contract to pick any additional case load from NSPD. They basically have two full time attorneys based out of Las Vegas that are sharing The White Pine duties. Robert Melcic is the new attorney, and the judges are pleased with him. He stated another county that he oversees is Lincoln County and he is not have any issues with this county. He did want to mention they have a new District Attorney there, April Bradshaw, and she is fitting in quite well. He continued on to Esmeralda County and explained that he was not having any issues with this county. He did point out that they have a capital murder case pending there and Justice Cherry is stepping in as senior judge to hear that case. They are unsure where the trial will take place and the venue is going to be an issue due to the small population. His last county that he oversees is Nye County. He felt that it would be a good idea to wait until December to consider whether or not a corrective action plan is needed. He stated that he ran a report in March of 2024 which stated that there were 3275 open cases in Nye County that spread between 6 contract attorneys and a number of court appointed attorneys and this number seemed extremely unrealistic and inaccurate to him. He is pleased to report that number is now down to 873 open cases and in the last week and half they have closed 150 cases. They have also increased the number of attorneys to eight in Nye County. He also pointed out that 187 cases have been assigned to hourly contract attorneys. So, his preliminary numbers showing roughly 500 cases spread among eight attorneys which are still probably too high and will require some additional information about these cases. For instance, how many of those cases are misdemeanor cases where there is a two year stay out of trouble order in place. By December, he expects to report the numbers much closer to meeting case standards than they thought all long. He does not like to be critical of attorneys, but they should be taught how to close cases in LegalServer and it should fall on the oversight attorneys or DIDS to handle this. Lastly, he is finding, as Executive Director Handy referenced earlier, there are duplicate cases in the system. He also stated that when there is a bulk transfer of cases to a new attorney, they don't know what is going on with the older cases and he is hoping to have those removed from the system by December. He has been talking to Nye County about getting an appointed council coordinator on board to help so you don't have eight different attorneys running in eight different directions. The Justice Court and District Court ran their calendar at the same time and attorneys cannot be in two places at the same time. He feels that if they had an experienced defense attorney coordinator, they could talk to the judges about changing their calendars, making it easier for all involved. The Tonopah Jail has closed, and the Justice of the Peace

is concerned because transport arrives just before court and she has had to delay her calendars in order for council to talk with their clients.

Member Eastly: suggested getting input from some of the District Court Judges about some of the problems they are encountering with transporting prisoners to Tonopah for Court.

David Scheik: stated that he met with Justice of the Peace Klapper, and she said they had taken steps to remedy the feeding of the transported inmates by giving them a sack lunch at the noon break. He was happy to answer any questions.

Member Giunchigliani: thank David for his time and appreciated his thoughts.

Chair Thomas: thanked both oversight attorneys and asked did we wanted to go into item B, which was talking more about the models of synthesis and analysis of reporting data.

b. Development of models of synthesis and analysis of reporting data.

Deputy Director Sayyar: stated the takeaway that she would like the Board to know is the Department is trying to draw out the information that is useful.

Chair Thomas: thanked Deputy Director Sayyar and suggested that we put this back on the agenda for February so that we could stay on top of it. This item was a possible action, but she didn't hear a motion formed through the discussion, so she would like to move on to Item 10 unless there was any comment from the Board.

10. Training and Pipeline Update (For discussion).

a. Pipeline/LASSO Update.

Deputy Director Roberts: informed the Board of the LASSO event last week at Boyd Law. She brought in two defense lawyers who did a moving presentation on a wrongly accused janitor. This summer they had six Lasso recipients, three 1Ls that were in line in Humboldt County, Elko, and Carson City, they had two Ls that were out in Churchill County. They also had a new graduate accept a job in the Carson City Public Defenders office and another one in Douglas County.

State Public Defender Coates: confirmed that it was a very moving event and that he might have gotten a prospective attorney from it.

b. Annual Conference Update.

Deputy Director Roberts: thanked NSPD Coates and spoke about the annual conference. The Department will be contracting with NPHF to manage the event and bring in talent from both Nevada and around the country. This year theme will be technology, and she is hoping to have an ethics course about the use of technology. It is tentatively scheduled to start March 18, 2025, and it should be a nice, smoke-free, facility. They are planning on wrapping up the contract and getting out save the dates in December.

c. Virtual Training Update.

Deputy Director Roberts: mentioned since the last Board Meeting they have done two-part training over the summer on enhancing representation of people with disabilities. They also offered an ethics training session before the Board meeting today and the Department is offering training on substance abuse by the end of the year.

c. Externs from Boyd.

Deputy Director Roberts: explained we had two interns this summer from Boyd. One is a dual master's candidate at UNLV and he will be helping us develop the model of synthesis. He has done a prototype about what the excel Spreadsheet should look like and he has done a lot of great work for the Department. Lastly, in regard to the attorney in Elko, she is wrapping up her information gathering phase to determine the best course of action. She is hoping to have an update by the next meeting. She explained that was all she had for item 10 but if anyone has any questions, she is available.

Vice Chair Hickman: had a question, in the past the department was offering monthly CLE opportunities is the goal to get back to that.

Deputy Director Roberts: responded yes or as close to that as we can. We moved offices, we lost reliable internet access for a period and then we lost Zoom for a period of time, so we are now back up and running. The plan is to get into a more regular cadence on CLEs.

Chair Thomas inquired if there were any more questions or comments. She moved on to Item 11 Workload Compliance.

11. Workload Compliance Update: (For discussion and possible action).
a. Churchill County.

Executive Director Handy: explained that they are basically at status quo. They have two attorneys in the Public Defender's Office, and one attorney in the Alternate Public Defender's Office. They have a Conflict Contract Attorney. They added a paid intern position, so they were able to hire somebody that received the LASSO scholarship that they paid to come work in the office. They still have both a Deputy Public Defender I and II position posted and it looks like they have adjusted their salary scales to be more appropriate for the actual County salary scales. They have a new County manager, so things seem to be moving in a good direction. They have asked if they could hire a social worker and it seemed to be positive at the County level. We really need them to add three more attorneys.

b. Douglas County.

Douglas County Director Brian Filter: he felt that looking at the monitor report it's somewhat inaccurate and also evolving. They do currently have five annual contract attorneys. They essentially have six, because the rotation that they do is a six-attorney rotation The sixth attorney being one, hourly contract attorneys. They currently have 12 hourly attorneys that distribute to cases on a rotational basis. They will have a sixth annual contract attorney that will be joining them on January 1, 2025. They are getting close to being in compliance and they are certainly working towards it.

c. Eureka County.

Executive Director Handy: felt that David Schieck had covered most of this. Again, Kelly Brown was retiring in December, and it looks like the Board is poised to hire Jane Eberhardy. They are hoping to hire another attorney in White Pine county to offset those cases so Jane can work on those cases in Eureka County and White Pine as needed.

d. Lyon County.

Executive Director Handy: Lyon County is a more difficult one to analyze for a lot of the reasons we mentioned earlier and that are mentioned in the Monitor's report. There are four full-time attorneys in Mansfield, Mayo. Mario Walther's office is mostly covering juvenile cases. They only have one attorney available on the list right now. Olga Walther was removed because she still hasn't met the DIDS CLE requirements. If she were to just provide the Department with five CLE hours, annually as required, she'd be eligible to be put back on the list and could potentially help Mario Walther out with that caseload. Kale Brock has a third contract in Lyon County. He indicates he doesn't have any subcontracts. When they look at the cases, it looks like a lot of them are going to attorneys who are taking a lot of cases in other northern Nevada counties from a selection list. Lyon County requires 12 attorneys exactly worth of caseload coverage, having a total of six across three contracts isn't remotely close to what's needed.

e. Mineral County

Executive Director Handy: wanted to mention that they have one attorney currently. They may have a conflict counsel, but the Department hasn't seen a copy of that yet, so they will be looking into that. They need 2.1 attorneys in Mineral County.

f. Nye County:

Executive Director Handy: they talked a lot about Nye County, David Schieck covered most of the high points, or low points, as it might be in Nye County. They currently have eight contracts. They also require 12 attorneys under the weight of caseload study. He was informed that they plan on soliciting again for more attorneys in the next month. and he sincerely hopes that the county will be hiring as many qualified applicants as apply.

g. White Pine:

Executive Director Handy: explained the Board has heard about White Pine already. The attorney caseload seems like it's met. They have two full-time attorneys from the NSPD. He stated that he was happy to answer any questions regarding this item.

Member Eastley: wondered if for caseloads if they ever have ever compared what's in legal server to what the district attorney's office currently shows as open cases.

David Scheick: stated that he would love to see the district attorney's list of open cases and compare it to Legal Server. He thinks it would assist him in determining the real caseload. He is unsure if they track cases the same as LegalServer. He would love to be able to work with the DA's office on that. He assured the Board the next time he is out there, he will ask them whether or not they can provide that for him.

Chair Thomas inquired if there were any more questions on Item 11.

Vice Chair Hickman: asked if they were still recruiting for the appointed counsel administrator position or was it still under discussion.

Executive Director Handy: they got funding and their budget built in to directly contract for that position, as under their auspices. So, it would be a contractor of the Department to fill that role, rather than the county filling that role.

Chair Thomas: replied if there were no more comments, she was going to continue unless Mr. Weiss stopped her. She moved on to Item 12.

12. Upcoming Meetings. (For discussion and possible action).

Chair Thomas: asked Mr. Handy if he had any comment on the proposed dates and if not she was going to have a blanket ask and move forward.

Executive Director Handy: stated that he did not have any comments on that. Her informed the Board that there were no changes on his end between when the agenda went out and now about proposed dates.

- a. December 4, 2025, at 1:00 p.m.
Virtual Board Meeting via Zoom.
- b. February 5, 2026, at 1:00 p.m.
Virtual Board Meeting via Zoom.
- c. June 11, 2026, at 1:00 p.m.
In-Person Board Meeting and Virtual. Location: TBD.

Chair Thomas: suggested that it would be super helpful for the board members if they could have those dates put onto their calendars, just as a place holder for three hours, so they could plan accordingly.

13. Public Comment.

Chair Thomas asked if there was public comment and handed the floor to former Board Member and Chair Laura Fitzsimmons for her public comment.

Laura Fitzsimmons: she felt that a lot of good work was being done but there are things getting put off such as the Davis deadline. She informed the Board that she talked to three Indigent defenders, all “stars,” in her opinion, that could be recruited to do contracts with Northern Nevada. They informed her they do not intend to do any further work with DIDS because they do not get paid to deal with billing questions. She would love to see the emails where the attorneys are writing Deputy Director Sayyar back and explained that perception is all that matters. She understands that we are being audited, but we have unique people who are under unique pressures who are getting beat up by judges and their clients. She felt that if something causes us concern, we should have David Schieck speak with the attorneys because he has been in their shoes. She explained that three attorneys left for other good jobs and the Department will be left with attorneys who do not have the ability or commitment or just want the hourly rate. She ended by stating that she was gravely concerned about this.

Chair Thomas: thanked Laura Fitzsimmons and inquired if anyone else would like to speak during public comment. She noticed that Patrick Mansfield popped on camera and encouraged him to proceed.

Patrick Mansfield: thanked the Chair and replied that he wanted to speak because he felt they (his office, Mansfield Mayo) were always a “hot topic” at these meetings. He wanted to express his firm’s discouragement with the whole situation. He felt there was such a divide in communication between the boots on the ground (i.e., his firm) and the board. He took full responsibility that he is not good at entering his time into LegalServer and he has brought on paralegals to help him with this. They have changed their whole note system and that is huge. He informed the Board that he didn’t see anyone at the hearing last night where his client got acquitted. He has won three preliminary hearings that did not get bound over and anyone who has practiced knows how hard that is. He feels that his firm is delivering but they aren’t getting the full picture of that actual performance. He felt that Brenda and Peter were great and wanted to open lines of communication on his end. He said that we all should be working towards a common goal. His firm has brought on two more attorneys to try and help but it’s very discouraging to hear that they are going to take a qualified attorney from Humboldt County because he is not good at billing. He reiterated that that he does not want this divide and that our goal should be to work together.

Chair Thomas: thanked Mr. Mansfield for taking the time to show up and provide comments. She assured him they are not falling on deaf ears. She asked for any other public comment.

14. Adjournment.

Chair Thomas adjourned the meeting at approximately 4:06 p.m.