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14 *Attorneys for Plaintiffs*

15 **THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
16 **IN AND FOR CARSON CITY**

17 DIANE DAVIS, JASON LEE ENOX,
JEREMY LEE IGOU, and JON WESLEY
18 TURNER II, on behalf of themselves and all
others similarly situated,

19 Plaintiffs,

20 vs.

21 STATE OF NEVADA; JOE LOMBARDO,
22 Governor, in his official capacity,

23 Defendants.

Case No. 170C002271B

Dept. No. II

**[PROPOSED] AMENDMENT TO
STIPULATED CONSENT JUDGMENT**

REC'D & FILED

2025 JUL 24 AM 11:36

WILLIAM S. STUBBS

BY

1 **WHEREAS**, the Parties to the Stipulated Consent Judgment, entered on August 11, 2020
2 (the “Judgment”), wish to amend certain terms to further ensure the effective provision of
3 indigent defense services in Nevada’s Rural Counties (Churchill, Douglas, Esmeralda, Eureka,
4 Lander, Lincoln, Lyon, Mineral, Nye, and White Pine) in compliance with the Sixth and
5 Fourteenth Amendments to the U.S. Constitution, Article 1, Section 8 of the Nevada Constitution,
6 Nevada Revised Statutes, and the caseload standards established by Nevada’s Delphi study
7 (together, the “Right to Counsel Requirements”);

9 **WHEREAS**, the Parties have negotiated in good faith to address the Monitor’s
10 identification of certain areas of non-compliance and ongoing challenges in implementing the
11 Judgment, including resource constraints and the need for enhanced oversight and independence
12 of the Department of Indigent Defense Services (“Department”);

14 **WHEREAS**, the Parties agree to additional terms and an extension of certain compliance
15 deadlines, proposed legislative amendments to reinforce the Department’s independence,
16 acknowledge an expanded budget to accomplish the Department’s mandates, and assign the
17 Executive Director the responsibility of monitoring and managing caseloads at the State Public
18 Defender for compliance with the Right to Counsel Requirements, all conditioned on the passage
19 of the legislative proposals by the parties;

21 **WHEREAS**, the Parties agree that these amendments are in the public interest and serve
22 the Plaintiff Class by ensuring constitutionally adequate representation;

23 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND ORDERED** that the
24 Stipulated Consent Judgment is amended as follows, subject to approval by the First Judicial
25 District Court of the State of Nevada in and for Carson City:

26 **I. CONDITION OF AMENDMENT**

27 1. Condition on Approval: All terms and obligations set forth in this Amendment are
28 expressly conditioned upon the passage into law of (a) the agreed-upon legislative amendments

1 contained within 2025 Senate Bill 407 no later than June 14, 2025, (See **Appendix A: Proposed**
2 **Legislation**) and (b) the anticipated submission(s) by the Department of Indigent Defense
3 Services' of an appropriate work program to the Interim Finance Committee to address the
4 Department's outstanding compliance needs as may include, but not necessarily be limited to,
5 issues identified by the Monitor pursuant to this Judgment. Defendants will support the
6 aforementioned work program, which will be consistent with the supplemental budget request to
7 the Nevada Legislature in the 2025 legislative session. If the foregoing legislative amendments
8 are not passed into law or if the foregoing Interim Finance Committee submission is not
9 supported by Defendants, the terms of this Amendment shall be null and void, and the original
10 Judgment shall remain in effect without modification, and the good faith negotiation requirements
11 of Section XII of the Judgment shall be considered satisfied, unless otherwise agreed by the
12 Parties or ordered by the Court.

13 **II. EXTENSION OF COMPLIANCE DEADLINES**

14 1. Revised Deadline for Workload Standards Compliance: To account for resource
15 constraints and the need for additional time to implement reforms effectively, the Parties agree to
16 extend the workload standards deadline set forth in Section VIII.G of the Judgment to August 30,
17 2026. If compliance is not reached by this extended deadline, in addition to the existing
18 provisions of the Judgment, the Parties agree to confer on any appropriate actions that could be
19 undertaken at the forthcoming 2027 Legislature to address compliance.

20 2. Rationale for Extensions: The extensions reflect that additional time was and is needed
21 to secure funding, conduct a comprehensive Delphi study, and integrate workload standards into
22 contracts, particularly given the expanded scope of responsibilities outlined below. The Parties
23 agree that these extensions will not compromise the Plaintiff Class's right to effective
24 representation but will enhance the quality and sustainability of reforms.

25 3. Dismissal Timeline: The earliest permissible dismissal date in Section V.C of the
26 Judgment is extended from June 30, 2023, to June 30, 2028, to align with the revised compliance
27 deadlines. The Court shall retain jurisdiction over this action until dismissal, ensuring oversight of
28 the amended terms. The Court shall not dismiss this action until it determines that all terms of the

1 Judgment, including the amendments herein, have been substantially complied with.

2 **III. LEGISLATIVE AMENDMENTS TO ENHANCE DEPARTMENT**
3 **INDEPENDENCE AND RECRUITMENT**

4 1. Agreed Legislative Amendments: The Parties have agreed to jointly propose and
5 advocate for legislative amendments in the 2025 legislative session to grant the Department
6 greater independence from the executive branch and to enhance the Department's and the State
7 Public Defender's abilities to recruit talented attorneys from outside Nevada. The proposed
8 amendments include provisions for enhanced independence from the executive branch and
9 enhanced authority regarding recruiting candidates for the position of Executive Director of the
10 Department and State Public Defender. See **Appendix A: Proposed Legislation**.

11 **IV. EXPANDED BUDGET FOR DEPARTMENT MANDATE**

12 1. Budget Expansion: The Parties acknowledge that the Legislature has approved the
13 Department's budget request for the 2025–2027 biennium to expand funding for its mandate
14 under AB 81 and this Judgment. The expanded budget includes:

15 a. Funding for additional public defense attorneys and support staff (e.g., investigators,
16 social workers) in the Rural Counties to meet workload standards established by the Delphi study,
17 specifically an additional annual \$2,827,002 to reimburse counties for their public defense
18 expenditures within the Department's budget, rather than upon review and approval of the Interim
19 Finance Committee.

20 b. Resources for enhanced training programs, including at least 8 hours of annual
21 continuing legal education (CLE) specific to indigent defense for all contracted attorneys,
22 specifically an additional annual \$163,668 for training and programming.

23 c. Increased funding for expert witnesses, investigative services, and appellate support to
24 ensure compliance with Section VII.A of the Judgment.

25 d. Operational funds for the Department to conduct caseload monitoring, client surveys,
26 and compliance reporting as required by this Amendment and the Judgment.

27 **V. EXECUTIVE DIRECTOR'S ROLE IN MONITORING AND MANAGING**
28 **CASELOADS**

1 1. Caseload Monitoring and Managing at State Public Defender: In light of shifting
2 certain responsibilities for indigent defense in Nevada's Rural counties to the State Public
3 Defender, the Executive Director of the Department of Indigent Defense Services shall monitor
4 and manage caseloads at the State Public Defender's office to ensure compliance with the Right
5 to Counsel Requirements, as articulated in *United States v. Chronic*, 466 U.S. 648 (1984) and
6 *Strickland v. Washington*, 466 U.S. 668 (1984). This responsibility includes:

7 a. Quarterly Caseload Reviews: Conducting quarterly reviews of caseloads for attorneys
8 employed by or contracted with the State Public Defender, using data collected under Section
9 IX.A of the Judgment, to assess whether workloads allow for effective representation, including
10 timely client communication, investigation, and motion practice.

11 b. Compliance with Delphi Study Standards: Ensuring that caseloads align with workload
12 standards established by the Delphi study.

13 c. Corrective Action: If caseloads exceed the Right to Counsel Requirements, the
14 Executive Director shall develop and implement appropriate plans, which could include
15 corrective action plans, within 60 days of identifying noncompliance, in consultation with the
16 Board and the State Public Defender. Such plans shall include reallocation of cases, hiring
17 additional attorneys, or other measures to reduce workloads.

18 d. Reporting: Including caseload monitoring findings in the quarterly workload data
19 reports (Section IX.B) and annual reports (Section IX.C), with specific details on State Public
20 Defender compliance, corrective actions taken, and any barriers to compliance.

21 2. Coordination with Monitor: The Executive Director shall provide caseload monitoring
22 data and corrective action plans to the court-appointed Monitor (Section X) for inclusion in
23 quarterly compliance reports, ensuring alignment with the Judgment's oversight mechanisms.

24 **VI. ENFORCEMENT AND DISPUTE RESOLUTION**

25 1. Enforcement of Amended Terms: The terms of this Amendment shall be enforced
26 under the same procedures outlined in Section XII of the Judgment, with disputes resolved
27 through notification, negotiation, and, if necessary, motions to the Court.

28 2. Monitor's Role: The court-appointed Monitor shall assess compliance with the

1 amended terms, including caseload monitoring and legislative proposal progress, in quarterly
2 reports as outlined in Section X of the Judgment.

3 **VII. GENERAL PROVISIONS**

4 1. Severability: If any provision of this Amendment is found legally unenforceable, the
5 remaining provisions shall remain in effect, consistent with Section XV of the Judgment.

6 2. Applicable Law: This Amendment shall be interpreted under the laws of the State of
7 Nevada, as specified in Section XVIII of the Judgment.

8 **VIII. REPRESENTATIONS AND WARRANTY**

9 1. Authority: Counsel for the Parties represent and warrant that they are fully authorized
10 to stipulate to this Amendment on behalf of their clients, consistent with Section XIV of the
11 Judgment. The Parties rely on these representations in entering this Amendment.

12 **IX. EXECUTION**

13 1. Counterparts: This Amendment may be executed in counterparts.

14 2. Effective Date: This Amendment shall take effect upon approval by the First Judicial
15 District Court of the State of Nevada.

16 HAVING READ the foregoing and understood and agreed to the terms of this
17 Amendment, consisting of 6 typewritten pages (not including counterpart signature pages), and
18 having been advised by counsel, the Parties hereby voluntarily affix their signatures.

19
20 **IT IS SO ORDERED.**

21
22 Dated July 24, 2025



23 Hon. Kristin N. Luis
24 District Judge

1 For Plaintiffs:

2 Signed: 

3 Title: Attorney for Plaintiffs

4 Dated: 6-13-2025

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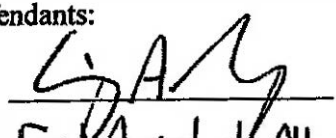
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For Defendants:

Signed:



Title:

First Assistant Attorney General

Dated:

June 13, 2025

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Appendix A: Proposed Legislation

Senate Bill No. 407--Committee on Judiciary

CHAPTER.....

AN ACT relating to indigent services; revising provisions governing the Executive Director of the Department of Indigent Defense Services and the State Public Defender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Indigent Defense Services and requires the Governor to appoint the Executive Director of the Department, who serves at the pleasure of the Governor. (NRS 180.400) **Section 25.5** of this bill instead: (1) requires the Executive Director to serve at the pleasure of the Board on Indigent Defense Services; and (2) authorizes the Board to remove the Executive Director only for good cause, unless an exception applies. **Section 25.5** also specifies that the Executive Director serves a term of 4 years and may be reappointed.

Existing law creates the Office of the State Public Defender within the Department and requires the Governor to appoint the State Public Defender. (NRS 180.010) **Section 16** of this bill instead requires the Executive Director to appoint the State Public Defender. **Section 16** also authorizes the Executive Director to reappoint the State Public Defender.

Existing law requires the Executive Director and the State Public Defender to be licensed to practice law in this State. (NRS 180.010, 180.400) **Sections 16 and 25.5** instead require each such person to be a member of the State Bar of Nevada or otherwise authorized to practice law in this State under the rules of the Supreme Court.

Section 25.7 of this bill authorizes the person serving as the State Public Defender on the effective date of this bill to serve the remainder of the term for which he or she was appointed. **Section 25.7** also provides that the person serving as the Executive Director on the effective date of this bill is deemed to have been appointed to a term of 4 years beginning on that date.

EXPLANATION--Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-15. (Deleted by amendment.)

Sec. 16. NRS 180.010 is hereby amended to read as follows:

180.010 1. The Office of State Public Defender is hereby created within the Department of Indigent Defense Services.

2. The ~~{Governor}~~ *Executive Director* shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified. *The State Public Defender may be reappointed.*

3. The State Public Defender is responsible to the Executive Director.

4. The State Public Defender:



(a) Must be ~~{an attorney licensed}~~ *a member of the State Bar of Nevada in good standing or otherwise authorized* to practice law in the State of Nevada ~~{;} pursuant to the rules of the Supreme Court.~~

(b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may supervise the State Public Defender. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may assign the State Public Defender duties in addition to those prescribed by this chapter.

Secs. 17-25. (Deleted by amendment.)

Sec. 25.5. NRS 180.400 is hereby amended to read as follows:

180.400 1. The Department of Indigent Defense Services is hereby created.

2. The *Governor shall appoint the* Executive Director of the Department ~~{must be appointed by the Governor}~~ from a list of three persons recommended by the Board. *The Executive Director serves a term of 4 years, and until a successor is appointed and qualified. The Executive Director may be reappointed.*

3. ~~{The}~~ *Except as otherwise provided in subsection 5, the* Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the ~~{Governor}~~ *Board*, except that the Executive Director may only be removed ~~{upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or}~~ for ~~{any other}~~ good cause;

(c) Must be ~~{an attorney licensed}~~ *a member of the State Bar of Nevada in good standing or otherwise authorized* to practice law in the State of Nevada ~~{;} pursuant to the rules of the Supreme Court;~~ and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.



5. In extraordinary circumstances, the Governor may remove the Executive Director upon a finding that the Executive Director:

(a) Engaged in criminal conduct, whether or not the conduct occurred in office; or

(b) Committed an act that constitutes malfeasance or nonfeasance in office. For the purposes of this paragraph, an otherwise lawful action taken within the scope of the statutory authority of the Executive Director does not constitute malfeasance or nonfeasance.

↳ The Legislature declares that the purpose of this subsection is to uphold the public policy that an indigent defense system must be independent in order to provide constitutionally adequate representation, as recognized by the American Bar Association Ten Principles of a Public Defense Delivery System, as published on November 9, 2023.

Sec. 25.7. Notwithstanding the amendatory provisions of this act:

1. The State Public Defender who was appointed pursuant to NRS 180.010 as that section existed on June 30, 2025, and who is serving a term on July 1, 2025, is entitled to serve the remainder of the term for which he or she was appointed.

2. The Executive Director who was appointed pursuant to NRS 180.400 as that section existed on June 30, 2025, shall be deemed to have been appointed to a term of 4 years on July 1, 2026.

Sec. 26. This act becomes effective on July 1, 2025.

