

ANNUAL REPORT OF THE DEPARTMENT OF INDIGENT DEFENSE SERVICES

FRAMEWORK FOR SUCCESS

JULY 1, 2022





Nevada Department of *Indigent Defense Services*

VISION

JUSTICE. EQUITY. SUPPORT.

MISSION

The mission of the Nevada Department of Indigent Defense Services (DIDS) is to assist Nevada counties in developing quality, equitable, and sustainable indigent defense systems that strengthen local communities and meet or exceed the state and federal constitutional guarantees that protect each of us.

GOALS

The goals of DIDS are to build a strong and resilient statewide network of effective indigent defense providers and to support them with regular education, training, and other defense-specific resources, including experts, investigators, social workers, and other valuable tools. DIDS also seeks to create a centralized resource center that provides holistic defense services and complex litigation assistance. DIDS is also working to create a pipeline program through Boyd School of Law at UNLV, to bring more qualified indigent defense attorneys into the rural areas.

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Introduction

“Framework for Success”

This annual report provides a review of the second full year of work by the newly-minted Nevada Department of Indigent Defense Services (“Department”). A number of important milestones were reached in the last year, including: (1) the Legislative adoption of the Board’s Permanent Regulations; (2) the completion of Indigent Defense Plans for all 15 rural counties; (3) the statewide roll out of LegalServer, a uniform case management system, to practitioners in all rural counties; (4) the passage of AB480, effectively achieving parity with prosecutors and independence from the judiciary; and (5) the beginning of the Department’s on-site oversight visits to the rural counties.

Legislative Efforts

The Department continued its legislative efforts by revising its regulations and seeing the enactment of AB480(2021). The Department revised and the Board adopted permanent regulations. The Legislature then followed suit. These regulations set forth procedural and substantive law that governs the Board and the Department, including: the Maximum Contribution Formula and Financial Reporting (Sections 18-21); Plans for the Provision of Indigent Defense Services (Sections 22-29); Attorney Qualifications, Training and Education (Sections 30-39); Audit, Investigation, or Review (Sections 40); Economic Disincentives and Contract Terms (Section 41-42); and Uniform Data Collection (Sections 43-47). The Permanent Regulations became effective on October 25, 2021. A copy of the Regulations can be found on our website. The passage of AB480, drafted and submitted by the Department in the last Legislative session, effectively created independence from the judiciary on parity with prosecutors. AB480 also eliminated economic disincentives by removing caps on the compensation amounts for appointed attorneys who provide indigent defense services.

Another significant litmus test for the success of the Department and its vision for a stronger, more sustainable system of indigent defense was the Interim Finance Committee’s recent approval of the Department’s first round of reimbursements for county expenditures under the maximum contribution formula. (In 2021, \$1.2 million was set aside by the Legislature in the IFC Contingency Account for this reimbursement.) This initial approval is important because it is the first indicator that the State of Nevada intends to honor its financial promise to help the counties build better systems of indigent defense.

Uniform Data Collection

One of the requirements of the stipulated consent judgment in *Davis v. State* is that the Department collect uniform reporting on caseload, type, and time from rural indigent defense practitioners. To achieve this goal, the Department chose the cloud-based case management system LegalServer. Throughout the month of June 2021, the Department hosted twice-weekly trainings on the system. Because the trainings were on Zoom, practitioners from across the state were able to attend remotely. For several months following the roll-out, the Department continued to work with individual offices to answer questions, provide individualized instruction, and continue to customize the system as needed. Beginning in October of 2021, all rural offices were required to begin using the system. The Department has now collected and published two quarters of time and caseload data and provided the same to the National Center for State Courts, who are working on a weighted caseload study.

Plans for the Provision of Indigent Defense Services

In 2008, the Nevada Supreme Court issued ADKT 411, which mandated that each county create a Plan for Indigent Defense incorporating its performance standards and other recommendations. But until the creation of the Department, only Washoe and Clark counties were able to comply. In 2021, the Department was finally able to fulfill this aspect of ADKT 411 for the first time, by working with county stakeholders to draft, edit, and approve Indigent Defense Plans for each of 15 rural counties. This unprecedented accomplishment lays much of the framework for the future success of a reimagined and revitalized indigent defense system in Nevada.

Oversight

With the successful implementation of Indigent Defense Plans in all 15 rural counties and the remission of the Covid-19 pandemic, the Department was able to take to the road and begin its on-location oversight visits. These visits generally include meeting with local public defenders, judges, and various county officials. The in-person aspect of these visits allows the Department to build and strengthen healthy relationships with its defense teams, and the decision-makers in the counties where they work, often bridging gaps in communication between the parties.

Conclusion

The Department has spent over two years building the framework for a stronger and more sustainable system of indigent defense across the state. We have now begun building on that framework, and we are committed to continuing to provide the leadership necessary to see the work completed.

Letter from the Chair

This past year, the Department of Indigent Defense Services has focused on improving indigent defense services and providing more resources to Nevada's rural counties. Building on the groundwork provided by the Board in establishing a system of caps on county spending — with promised state funding for every dollar over those amounts — true changes started to take place across the state. Some rural counties provided a complete overhaul of their indigent defense systems, while others took a more cautious approach. But in the end, all rural counties entered into their first ever Plans for the Provision of Indigent Defense Services.

Though the pandemic resulted in lean budgets for all agencies, the Department's tenacity resulted in a legislative set-aside of approximately \$1.2 million dollars for each year of the biennium for purposes of county reimbursement of indigent defense services. Despite doubt from naysayers, and due in no small measure to its steadfast advocacy, the Department was able to successfully obtain funds from this set-aside to reimburse several rural counties for monies spent to expand their indigent defense resources.

The Department is working on numerous fronts to lay the framework to make Nevada communities stronger and more resilient. This year the Board on Indigent Defense Services adopted Permanent Regulations, and DIDS successfully assisted every rural county in creating a plan for the provision of indigent defense services, assisted counties in implementing the changes brought about by AB480, began the process of uniform data collection, started publishing quarterly data reports, and took to the road to start its on-site oversight process.

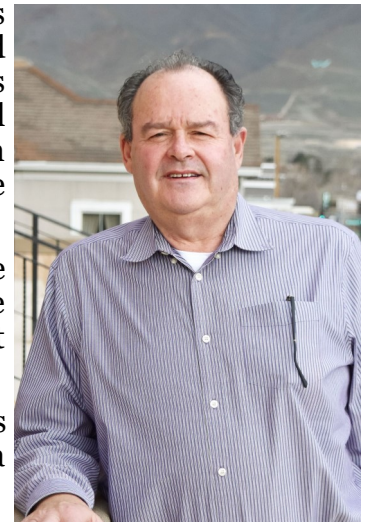
I was elected as Chair following Professor Anne Traum's appointment to serve as a U.S. District Judge for the District of Nevada. Both the Department and the Board benefitted greatly from Anne's leadership and counsel. During Anne's tenure as Chair, she presided over public hearings for the adoption of permanent regulations and led the Department in its drafting of AB 480, which the legislature adopted in 2021. AB 480 takes judges out of the business of selecting attorneys for cases and approving their expenses. It also removes per-case compensation caps so that attorneys will be justly compensated for their work. The Board elected Laura Fitzsimmons as Vice-Chair. Harriet Cummings from Douglas County was appointed to fill Anne's vacancy.

Other Department achievements this year include obtaining a grant to create externship opportunities for UNLV Boyd School of Law students to work in one of Nevada's rural public defender offices. And continuing its work of building an indigent defense community across the state, the Department hosted its first in-person training for Nevada Indigent Defense providers. The Department continues to deliver on all its objectives with determination, care, and efficiency. In the coming year, the Department will be focused on working closely with each rural county to ensure that sufficient funding is available to supplement the indigent defense systems in each of those counties.

The Department, though tiny, is fiercely committed to its mission. And in its short lifespan, the Department has already marked off meaningful milestones, due to its tireless work and dedication. The framework is in place, and the Department will continue its work in building a stronger and more resilient indigent defense network throughout Nevada.

One last comment is required. I want to thank both institutional and private Public Defender's throughout Nevada that are dedicated to providing the finest indigent defense services. While it has been a difficult path, it is my belief that we are driving toward excellence in this critical public service.

-Dave



Dave Mendiola, Chair

Letter from the *Davis* Monitor

I am embarking on my second year as the monitor for the *Davis v. Nevada* consent judgment. As the monitor, I submit quarterly compliance reports to the court and the parties.

It continues to be an honor to serve as the monitor. I have a deep appreciation for public defense work, having served as a public defender in Boston, Washington D.C., and Baltimore before coming to the UNLV Boyd School of Law to teach criminal law and to supervise student attorneys in a criminal defense clinic.



Professor Eve Hanan

The 2021-22 fiscal year has held many accomplishments for the Department, some of which are true “firsts” for Nevada’s indigent defense system. The Department worked with the counties to create and implement comprehensive plans for indigent defense that are unique to each county. Now, all counties have clear procedures related to, for example, selecting counsel, identifying conflicts, conducting first appearances, compensating counsel, and applying for state reimbursement. Importantly, each county’s method of selecting and reimbursing counsel is independent of the judiciary and prosecution. These county plans are designed to ensure that various terms of the consent judgment are met, and the Department has begun conducting regular oversight visits to the *Davis* counties to identify needs, provide assistance, and measure progress.

The Department continues to provide support, training, and mentorship to rural practitioners. In May, the Department held its first state-wide, in-person training conference, which was open to all indigent defense providers, with reimbursement for travel expenses to some rural attorneys in the *Davis* counties.

There are many important tasks ahead. First, the Department is persevering with a weighted caseload study despite pandemic-related setbacks. The study, which is being conducted by the National Center for State Courts, should help the Department set maximum caseloads for attorneys. Second, the Department has retained a data analyst to calculate fair compensation for private attorneys who provide indigent defense services in the *Davis* counties. Both the weighted caseload study and the wage/salary survey should help identify barriers to effective assistance of counsel that are created by excessive caseloads and financial disincentives to rural practice. The next step will be implementing the caseload and compensation recommendations.

I appreciate the Department’s forthrightness and responsiveness to my many requests for compliance information. Despite its lean budget and small staff, the Department accomplishes a lot. I look forward to working with the parties as the Department and Board work diligently to ensure that indigent people charged with crimes in the rural counties receive effective and zealous legal representation.

M. Eve Hanan

Members of the Board on Indigent Defense Services

**Dave Mendiola, Chair
Humboldt**

Selected by the Nevada Association of Counties and appointed by the Governor.

**Laura Fitzsimmons, Vice Chair
Carson City**

Appointed by the Governor.

**Drew Christensen
Clark**

Selected by the Board of County Commissioners of Clark County and appointed by the Governor.

**Harriet Cummings
Douglas**

Selected by the Chief Justice of the Nevada Supreme Court.

**Joni Eastley
Nye**

Selected by the Nevada Association of Counties and appointed by the Governor.

**Chris Giunchigliani
Clark**

Appointed by the Speaker of the Assembly.

**Catherine Hall
Mineral**

Selected by the Nevada Association of Counties and appointed by the Governor.

**Allison Joffe
Carson City**

Selected by the Board of Governors of the State of Nevada and appointed by the Governor.

**Dennis Bevan Lister
Lincoln**

Selected by the Nevada Association of Counties and appointed by the Governor.

**Robert Telles
Clark**

Selected by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities and appointed by the Governor.

**Kate Thomas
Washoe**

Selected by the Board of County Commissioners of Washoe County and appointed by the Governor.

**Jeff Wells
Clark**

Selected by the Board of County Commissioners of Clark County and appointed by the Governor.

**Justice A. William Maupin, retired
Clark**

Designated by the Chief Justice of the Nevada Supreme Court to serve as a non-voting member.

The Board consists of thirteen voting members and one non-voting member.

Statutory qualifications for appointment to the Board consist of:

- 1) significant experience in providing indigent defense services;
- 2) a commitment to providing effective legal representation to indigent persons; or
- 3) expertise or experience which qualifies the person to contribute to the purpose of the Board or to fulfilling its functions.

Board on Indigent Defense Services Meetings

All meetings of the Board on Indigent Defense Services are open to the public, unless otherwise noted. This fiscal year, the Board on Indigent Defense Services adopted their first set of Permanent Regulations, which regulate indigent defense services. The regulations can be found in Chapter 180 of the Nevada Administrative Code.

Board meeting times and locations, agendas, attachments, and minutes are available on the Department's website. Individuals interested in receiving notifications of upcoming board meetings may contact the Department at didscontact@dids.nv.gov to request to be added to the interested parties list or join the Department's listserv.

Website

The Department maintains a website, which is available at <http://dids.nv.gov/>.

Visit the website to find information on the Board on Indigent Defense Services, County and Attorney Resources, Forms, and News and Updates from the Department of Indigent Defense Services.

Department Operational Budget

FY23 Appropriation	\$1,060,769.00
Personnel Services	\$ 844,544.00
Out-of-State Travel	\$ -
In-State Travel	\$ 10,698.00
Operating	\$ 61,026.00
Commission Travel	\$ 10,655.00
Information Services	\$ 6,665.00
Training	\$ 3,166.00
Training and Resources	\$ 25,000.00
Court Monitor	\$ 75,000.00
Cost Allocation	\$ 11,836.00
Purchasing Assessment	\$ 215.00
AG Cost Allocation	\$ 11,964.00
IFC Contingency Funds	\$ 1,200,000.00

The Department of Indigent Defense Services was appropriated \$1,060,769 for FY23.

The Department was provided \$25,000 for Training. The Department uses these funds to provide high-quality training for indigent defense providers, at no expense to the provider or the counties.

Positive steps forward were made when the Legislature earmarked approximately \$1.2 million for the rural counties which are involved in the *Davis* settlement. The funds are to provide reimbursement of indigent defense expenses pursuant to the maximum contribution formula. In the future, as the Department collects more data related to the cost of indigent defense, the Department envisions funding being allocated within the Department budget for county reimbursement.

Department of Indigent Defense Services

Marcie Ryba, Executive Director

In November 2019, Marcie Ryba began her tenure as the Executive Director of the Department. Prior to moving to the Department, Ms. Ryba was an attorney for 15 years with the Nevada State Public Defender's Office in Carson City where she advocated on behalf of indigent persons charged with crimes at the trial level. Ms. Ryba started her legal career clerking for the Honorable Dan L. Papez and Honorable Steve L. Dobrescu in the Seventh Judicial District Court in Ely, Nevada.

Thomas Qualls, Deputy Director

Thomas Qualls joined the Department as a Deputy Director in April of 2021. Mr. Qualls was in private practice from 2003 until he joined the Department. Mr. Qualls served on the Washoe County indigent defense conflict panel, as well as the federal CJA panel. He has broad experience in indigent defense in the state and federal courts of Nevada. Mr. Qualls was qualified for capital appellate cases under SCR 250 and obtained the reversal of the death sentence for his clients in two different cases. He is also a published author.

Peter Handy, Deputy Director

Peter Handy joined the Department as a Deputy Director in September of 2021. Prior to joining the Department, Mr. Handy served as a Deputy Attorney General in Carson City, where he advised and represented State agencies in negotiations, administrative actions, and before Nevada Courts at the trial and appellate levels. Mr. Handy was a member of Attorney General Ford's award-winning Policy Research Team, which provided research and advice to enact criminal justice reform in Nevada. Before joining the Attorney General's Office, Mr. Handy was a Deputy District Attorney in Douglas County.

Staff

There are a total of seven employees in the Department of Indigent Defense Services.

From left to right: Peter Handy, Deputy Director; Stanley Morrice, Management Analyst; Bet-Nimra Torres Perez, Administrative Assistant; Jaime Hamtak, Management Analyst; Cynthia Atanazio, Executive Assistant; Marcie Ryba, Executive Director; and Thomas Qualls, Deputy Director.



Building Relationships

There is strength in numbers. And DIDS is focused on increasing those numbers. Whether they are numbers of practitioners and staff; resources like investigators, mental health professionals, and social workers; or funding allocated to indigent defense. We are working with legislators, UNLV Boyd Law School, the National Center for State Courts, the Administrative Office of the Courts, FASTT coordinators, and others to increase all of these numbers in meaningful ways that will have positive impacts on practitioners and the communities where they work.

There is strength in voices. Historically, public defenders have not had a seat at many stakeholder tables in Nevada. As a result, they have not had a voice in important policies that affect their profession and their clients' lives. DIDS is working to change that. In order to sit at the table, though, you must be invited to the table. And in order to be invited, the others there must know who you are and understand your mission. To that end, our Directors are busy starting and building relationships across the state to increase the visibility of indigent defense and to educate others as to the role and importance of public defender organizations.

There is strength in unity. Most indigent defense providers in Nevada have never known what it is like to be connected to each other throughout the state. Similarly, many rural practitioners do not have sufficient connections to resources that are available in the urban areas. Through regular online trainings, group troubleshooting sessions, and our Annual Conference, DIDS is building a network of connected practitioners across the state. And we are working to build a Holistic Resource Center that will connect people to resources across the state.

There is strength in diversity. Bringing together people from different walks of life, who have different experiences, different strengths, and different perspectives, makes us all stronger. In its daily work, DIDS holds a vision of a stronger and more responsive indigent defense system, one that values its individual members, as well as those they serve. Over the last year, we laid the framework for this reimagined system and began the work of building. Some changes are already visible. And there is much more on the way.



Nevada Supreme Court, Las Vegas, Nevada.

DIDS WINS 2021-22

- * The successful Adoption of Permanent Regulations on Indigent Defense Services, which created minimum standards for the provision of indigent defense services, experience, continuing education, time and caseload reporting, maximum caseloads, consistency in representation, and reimbursement for defense services.
- * DIDS received a grant award of \$26,000 from the State Bar of Nevada to assist with our efforts to create a rural pipeline program in cooperation with the Boyd School of Law at UNLV. The pipeline program will introduce law students to the practice of indigent defense and provide the experience of working in the rural areas of our great state. The grant will allow two Boyd Law students per summer session, 2022 and 2023, to receive a stipend of \$6,500 to cover living expenses while they work in an established rural public defender's office. Additionally, students may receive externship credits.
- * Additionally, DIDS received a 2021 Edward Byrne Memorial Justice Assistance Grant Program (JAG) award of \$45,000 to enable rural indigent defense providers to attend our Second Annual Conference in Spring of 2022. The grant was used to reimburse travel expenses for rural public defenders who otherwise would not have been able to attend our Second Annual Conference.
- * Completion and approval of Plans for the Provision of Indigent Defense Services for all 17 Nevada counties. Before this year, only 2 counties, Washoe and Clark, had established such plans. This accomplishment is the culmination of over 18 months of work, which includes everything from establishing the standards for the indigent defense plans to working with stakeholders in each county to educate them and to assist in drafting these plans. Along the way, the directors of the department acted as ambassadors for the cause, traveling to meet with county commissioners, judges, and indigent defense providers across the state, and to hold countless follow-up virtual meetings until the plans were completed and passed by each county. It is noteworthy to mention that this feat was accomplished entirely during the Covid-19 pandemic.
- * Statewide roll-out of the integrated case management system LegalServer to all rural Nevada indigent defense providers on our qualified list, in order to track caseload, timekeeping, and other essential case data. This substantial task was completed by Deputy Director Thomas Qualls and Management Analyst Stanley Morrice. The roll-out included four weeks of intensive training in June of 2021, followed by regular written and visual training materials and weekly assistance to providers and their offices across the state.
- * Getting AB480 passed and signed into law. The Department successfully crafted, revised, and presented an important Bill Draft Request, which was ultimately passed by the Nevada Legislature and signed by the Governor into law. AB480 was designed to provide indigent defense providers with increased independence from the judiciary. The law resulted in parity of judicial oversight for indigent defense providers with that experienced by prosecutors and private attorneys. AB480 was effective October 2021.
- * The Department continues to provide free Continuing Legal Education for indigent defense providers across the state of Nevada. The Department organized and presented the Second Annual, but first in-person, Indigent Defense Conference in May 2022. Indigent defense providers from across the State attended.

- * The Board adopted regulations which set standards for indigent defense attorneys to meet in order to be qualified to accept court-appointments. To implement this, the Department developed an application procedure, and to date has curated a list of over 96 qualified counsel.
- * With the passage of AB480, the Department developed reimbursement forms for attorneys, confidentiality agreements with designees, and a process for selection of counsel which is independent from the judiciary.
- * Underlying all of these efforts are the Department's foundational accomplishments of actually building a brand new Department — navigating the various systems of human resources, finance, and IT, as well as the rulemaking and legislative processes along the way — while it secured and built out an office space, built the departmental infrastructure, hired staff, and undertook all of the other things on this list, beginning only two years ago in November of 2019, and navigating a global pandemic almost all the way.



Highlights from the Field:

Matt Stermitz

Humboldt County Public Defender

His Back Story.

Matt Stermitz has been the Humboldt County Public Defender since Humboldt County created the county-based public defender office in 2007. But an early struggle for autonomy from the judiciary nearly cut his tenure short. Stermitz believed that the judiciary should not control how he performed the duties of his office. Faced with case reassignment orders that would eventually pose an existential threat to his office, Stermitz sought and was granted relief in the Nevada Supreme Court. The battle did not end there, but eventually justice prevailed and the autonomy (and existence) of the Humboldt County Public Defender's Office was preserved. Fifty jury trials, countless motions, and many appeals later, Stermitz is still swinging the bat. And the citizens of Humboldt County are better off for his service.

Challenges He Navigated.

The principal challenges to his one-person public defender office have been an excessive case load, limited resources to hire investigators and experts, and a draconian bail schedule which favors the wealthy and puts undue scrutiny on the indigent. For fifteen years, through tenacity, dedication, and creative approaches, Stermitz has not only kept the ship afloat, he has guided thousands of clients out of rough waters.

Justice Sometimes Has a Sense of Humor.

Jury trials in small communities are generally serious affairs. There is much at stake, including a person's liberty, family, and future. But that is not always the case. In one instance, a client was charged with misuse of an emergency phone system for calling 911 to report that a fellow camper had drank all the beer. The jury acquitted, however, concluding that running out of beer while camping was an emergency.

Positive Changes He Sees.

Stermitz views the *Valdez-Jimenez* ruling as a long-overdue positive change in Nevada law. (*Valdez-Jimenez* is a 2020 decision by the Nevada Supreme Court which guarantees everyone a right to a thorough bail hearing. The court ruled that if a defendant cannot pay the bail amount, it is essentially a detention order and must meet strict constitutional standards.) He is also grateful for Humboldt County's creation of a pretrial services office and the expansion of Specialty Courts.

His Wish List for the Future.

Stermitz looks forward to the promulgation of case load standards by the Department of Indigent Defense Services. He also wants to see an influx of more state funding for experts and investigators. And, as mentioned earlier, he is still fighting for the elimination of what he views as Humboldt County's unfair bail schedule.



Highlights from the Field:

Franklin Katschke

Lincoln County Contract Public Defender



His Back Story.

Franklin Katschke graduated from the University of Kansas School of Law in 2014 and then promptly went to work as a Deputy District Attorney for Lincoln County. In August of 2018, he started his own practice and then effectively switched sides of the aisle, becoming Lincoln County's contract Public Defender. Franklin also shepherds clients through the Seventh Judicial District Drug Court of Lincoln County.

Notable Wins.

Franklin earned an acquittal in a jury trial for a woman charged with Category B domestic violence. He successfully explained to the jury that his client acted in self-defense after her partner pulled a gun on her. He is also proud of the fact that on his watch there has been little to no recidivism for those who successfully complete the drug court program.

Hurdles on the Path to Justice.

One of Franklin's biggest frustrations with the justice system has been the lack of resources in rural counties regarding alternatives to incarceration. Lincoln County is equipped to handle simpler substance abuse disorders, but there are not currently resources to properly treat and care for people with co-occurring disorders that are often associated with these substance abuse disorders. The complex screening process required in those circumstances are more appropriately handled by a full-time social worker. Also, lack of transportation and insurance often pose challenges for his clients.

Steps in the Right Direction.

Because of his unique relationship with the Lincoln County District Attorney's Office, Franklin has been able to work with them and the judiciary to find appropriate alternative placements for defendants. He has made it his standard practice at the beginning of his representation to assess whether there is a need for any additional services. His clients who begin an appropriate program and stay on track between arraignment and sentencing are likely to not receive a sentence of incarceration.

Wish List for the Future.

Franklin would like to see more holistic resources available to Lincoln County and other rural counties in the State of Nevada. He has recently been invited to be a member of the Southern Nevada Behavioral Health Policy Board. He hopes that his participation on that board can successfully address the lack of behavioral health resources in the region and bring some positive changes in the rural counties.

* * *

Highlights from the Field:

Kelly C. Brown

Eureka County Contract Public Defender & Lincoln County Contract Conflict Counsel



His Back Story.

Kelly Brown grew up in Las Vegas and graduated from UNLV. He then went to work for eight years as an accountant for the security contractor at the Nevada (nuclear) test site before going to law school. He graduated from McGeorge School of Law in 1995, and in 1996 he moved to Ely to work for the Nevada State Public Defender's office. Within five years, Kelly was the supervisor for the Ely NSPD office. He left the SPD in 2010 and served as White Pine's District Attorney from 2011 to 2014. Kelly then returned to indigent defense and became the contract public defender for Eureka County in 2015. Earlier this year, he also became the Lincoln County conflict public defender.

The Challenges of Limited Resources.

When Kelly was the head of the State Public Defender's office in Ely, they were tasked with serving three counties and the Ely State Prison. They had a very small office and his staff consisted of generally two or three brand new attorneys and one support staff. Ely is in a remote part of the state, 320 miles from Reno and 240 miles from Las Vegas, and it was difficult to get investigators or other resources out there. In short, he had to manage the office on extremely limited resources, including hand-me-down computers from the County Clerk's office. This is not that uncommon for public defenders, but it is one of the stories that DIDS is working to change.

Positive Changes.

Kelly has long believed there should be statewide resources for public defenders, including trainings and conferences. He is happy to see DIDS providing these things, as well as creating a network between the attorneys in different jurisdictions. He is also happy that there are many more resources available now, and that he does not have to ask a judge if he can hire an expert (or have his case compromised by a judge who severely limits the amount he can spend on an expert).

Two other big changes Kelly has seen over the years are in the areas of pretrial incarceration and drug laws. He remembers when people were regularly sentenced to prison for possession of small amounts of controlled substances or for being under the influence of controlled substances. Also, prosecutors used to regularly agree to an own recognizance release only upon entry of a guilty plea. He is happy that both of these situations have changed.

Wish List.

Looking ahead to the future, Kelly is optimistic about the recent changes in the practice of indigent defense in Nevada. He is also excited about the opportunity to share what he has learned in 25 years of practice and 40 jury trials, and he welcomes the benefit of learning from others in the new statewide network. Public defenders are historically a small and often isolated group, and he believes that working together will benefit attorneys, clients, and their larger communities.

Highlights from the Field:

Mario Walther

Lyon County Public Defender



His Back Story.

As a fourth generation Northern Nevadan, Mario Walther is no stranger to the unique beauty of his community. After graduating from the University of the Pacific, McGeorge School of Law and passing the Nevada Bar, Mario immediately began practicing law in Lyon County. Over his career, he has handled hundreds of criminal cases ranging from minor traffic matters to murders. In 2021, Mario became the contract Public Defender for Lyon County. He firmly believes every client deserves fair, thorough representation, and he treats each case with passion and integrity.

Challenges Navigated.

Historically, Lyon County has faced an issue with client access, especially for those clients charged in Dayton and Fernley, but incarcerated in Yerington. Through strong advocacy and significant modifications in the jail, client access has greatly improved for the better.

Positive Changes.

Walther Law Offices is proud to have been a part of many positive changes. Over the past year, Mario has seen significant improvements and more open communication amongst stakeholders who are working to improve Lyon County's Criminal Justice System.

Looking to the Future.

Mario looks forward to Lyon County updating their systems in order for counsel to take advantage of the best available technologies. He believes a more modern approach to information sharing will allow his office to provide better service to their clients, as well as better access to justice. His current challenges also include a significant increase in cases requiring a strong mental health component, while facing a simultaneous decrease in mental health services available in Northern Nevada. He is interested in working with all interested stakeholders to find a viable solution to this issue.

* * *

Annual Conference

The Second Annual (First In-Person) Annual DIDS Conference, held on May 25th-27th of 2022 in Las Vegas, was an overwhelming success. The conference was themed “Spotlight in the Dark: Using Experts and Investigators to Make Your Case” and showcased a wide variety of engaging and practical instruction from a diverse field of speakers.

A generous subgrant from the Department of Public Safety’s Office of Criminal Justice Assistance (OJCA), 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) was awarded to the Department. The grant made it possible for over 20 rural indigent defense attorneys to attend the Conference at low or no cost by providing reimbursement for their travel expenses and lodging.

The Conference opened on the 25th at 6:30 pm with a reception at the Nevada Supreme Court building in Las Vegas. Food and beverages were provided by the Nevada Attorneys for Criminal Justice. Approximately 35 people attended, including Court of Appeals Judges Herndon and Bulla and Supreme Court Justice Pickering.



Nevada Attorneys for Criminal Justice mixer at the Nevada Supreme Court in Las Vegas, May 25th, 2022.

The instructive portion of the conference was held at the Plaza Hotel & Casino, from 9 am through 4 pm on each day. Speakers at the conference included Supreme Court Justice James Hardesty, former Supreme Court Justice Mark Gibbons, 8th Judicial District Court Chief Judge Linda Bell, doctors, investigators, mitigation specialists, substance abuse treatment specialists, university professors, and criminal defense attorneys. While most of the speakers were local to Nevada, others came from Utah, Idaho, and California to help provide education for our attendees. Most of the speakers also made themselves available before or after their presentations to speak with conference attendees.

Networking breaks were taken regularly to encourage and promote the building of an indigent defense community by allowing the attorneys to meet and get to know their peers from across the state.

A mixer was held on the evening of the 26th at the Mob Museum, with beverages sponsored by Sapience Practice. Admission to the mixer also included entry to the museum itself and attendees were encouraged to explore the museum at their leisure. The mixer was also well-attended over the three-hour duration.

The NACJ, Sapience Practice, Westlaw, and LegalServer generously sponsored the conference. Their support was integral to the success of the conference. In all, over 40 people attended who received up to 5.5 hours of CLE credit on each day of the conference (for up to 11 hours total). Many more attended the conference but did not request CLE credit for the programming. The attendees represented indigent defense from nearly every county in Nevada and their combined indigent defense experience is in the order of centuries. Thanks to everyone who helped to put the conference together and to those who attended and participated at every level.

* * *

Distinguished presenters included John Lambrose, Supreme Court Justice James Hardesty, 8th Judicial District Court Chief Judge Linda Bell, and former Supreme Court Justice Mark Gibbons. Pictured in the top right is the “Investigative Teamwork Makes the Dream Work — Rural Attorney & Investigator Teams Panel.” And bottom is the panel on working with experts.





On the Road

With the successful implementation of Indigent Defense Plans in all 15 rural counties and the remission of the Covid-19 pandemic, the Department was able to take to the road and begin its on-location oversight visits. These visits generally include meeting with local public defenders, judges, and various county officials, as well as observation of court proceedings. The in-person aspect of these visits allows the Department to build and strengthen healthy relationships with its defense teams, and the decision-makers in the counties where they work, often bridging gaps in communication between the parties.

The importance of the relationship-building aspect of these in-person visits cannot be overstated. It is essential that DIDS form and build positive relationships across Nevada with all indigent defense providers on our team. It is important that these individuals know they can trust us, confide in us, and look to us for support. Put another way, we believe it would be unproductive and even corrosive for us to show up only to grade our indigent defense providers on their jobs. Our approach at this stage is to build a strong team, to find out what resources are needed, and to do our best to supply those resources.

Though we are familiar with many of the practitioners and county officials by now, our association with them has mainly been via Zoom meetings. We have discovered what we suspected to be true, that meeting these people face-to-face and spending time in person with them is invaluable and has taken us much further than any survey or checklist would. We have also discovered that seeing the process through different points of view and experience provides a greater picture of the whole. This allows us to better identify solutions and allocate resources.

Our oversight visits have also focused on four main areas to see where improvements are needed. We observe and inquire as to: (1) whether there is adequate time and dedicated spaces for confidential client communications; (2) Whether there are adequate resources for investigation and experts; (3) Whether the attorneys are given adequate time and resources to be prepared for court; and (4) Who is attending initial client appearances.

Finally, we've also had to confront the limitations of the office as it is currently organized. One deputy director is not able to effectively oversee 15 counties, especially when oversight is only one of the director's many functions. The job requires more people who are able to stay in the field for longer periods of time. The Department is currently working to expand its staffing and budget so that it can better fulfill its oversight duties.

Pay Comparisons and Recommendations

With funding provided by the IFC, the Department has again partnered with Dr. Mitchel Herian of Soval Solutions, LLC. Dr. Herian has been contracted to perform a wage salary survey, develop a pipeline to address any shortage of indigent defense providers, and streamline the Department's oversight of the rural counties.

- ◇ **Wage Salary Survey.** Dr. Herian collected data from publicly-available sources about pay for public defenders and prosecutors. Ultimately, Dr. Herian recommended that:
 - ◇ The salary structure within the Department be changed to increase pay for defense attorneys.
 - ◇ Salaries for managing attorneys be increased to align with attorneys in the Attorney General's office that possess similar organizational responsibilities.
 - ◇ A position of Assistant Public Defender be created to provide a title and pay consistent with the actual duties of the position.
 - ◇ A new position of Senior Deputy Public Defender be created to provide advancement opportunities for public defenders. This will provide additional incentive for attorneys to seek employment with the Department and ultimately maintain loyalty to the organization as they progress through a structured career path.

Dr. Herian believes these recommendations will not completely address the discrepancies between urban and rural pay for defense attorneys in Nevada. These adjustments will represent the initial steps in providing incentives for defense attorneys to practice in the rural parts of the state.

The full report can be found on the Department's website: <https://bit.ly/3PWX8lC>

- ◇ **Hourly Compensation for Appointed Indigent Defense Services Counsel.** Dr. Herian will help determine the appropriate hourly compensation rate under NRS 7.125, which will be submitted as a bill draft request.
- ◇ **Oversight.** Dr. Herian will review the Department's Organizational Chart and make recommendations for the Department's budget build to ensure sufficient staff to provide proper oversight to the counties.
- ◇ **Develop a Pipeline.** Dr. Herian will recommend pipeline programs which will bring more indigent defense providers into the rural counties.

Dr. Mitchel Herian

SOVAL
SOLUTIONS



National Center for State Courts Workload Study

The Department, in collaboration with the National Center for State Courts (NCSC), is in the process of conducting a study to determine the appropriate numerical workload standards for providers of indigent legal representation in the rural counties of Nevada. The initial study was conducted between January 25 and March 5, a period during which a global pandemic shut down or severely altered court-related work, so the study did not result in the immediate development of average case processing times (case weights) by case types for attorneys. Although 100% of the staff that was expected to participate in the study did so, changes in work processes resulted in average case processing times that were not complete. Case filings were lower than usual, bench and jury trials were not conducted at pre-pandemic rates, and hearings were either canceled or held remotely. Additionally, attorneys traveled less to meet with clients or, in some cases, could not access clients in detention settings. These factors altered the time attorneys normally spend on case work and with clients compared to pre-pandemic times. Finally, complete case counts could not be obtained in a consistent manner, further hampering the NCSC's ability to calculate case weights.

All of these issues combined and resulted in the need to suspend work on the project until more complete data was obtained. Through the Department's case management system, data on the number and type of cases on which attorneys are working, along with the number of hours spent on those cases has been collected since October 2021 and provided to NCSC. NCSC will use this data, along with the initial study and published caseload studies to develop a recommendation for case weights.

As the leader in workload assessment for courts and justice systems in the U.S. and internationally, the NCSC employs a sophisticated multi-method approach to translating caseload into workload. The highly participatory process integrates empirical data with stakeholder perspectives on quality of justice and effective practices. NCSC has conducted workload assessments for judges, court staff, probation and parole officers, prosecutors, and public defenders in 35 states. To learn more about NCSC, visit their website at: www.NCSC.org. The NCSC Team that assisted our Department is pictured below.



Suzanne Tallarico, Principal Court Management Consultant



John Douglas, Principal Court Management Consultant



Shannon Roth, Business Analyst



Brian Ostrom, Principal Research Consultant

County Indigent Defense Expenditures

On a yearly basis, counties report costs related to the provision of indigent defense services to the Department. These expenses are broken down by category.

Below is the reporting, separated by county, for Fiscal Year 2021.

FISCAL YEAR 2021										
INDIGENT DEFENSE SERVICES										
Expenditure Category	Davis Counties									
	Churchill	Douglas	Esmeralda	Eureka	Lander	Lincoln	Lyon	Mineral	Nye	White Pine
Salaries	\$ 215,272	\$ -	\$ -	\$ -	\$ 9,074		\$ -	\$ -	\$ -	\$ -
Contract Attorneys	\$ 201,870	\$ 1,003,170	\$ 54,300	\$ 68,250	\$125,000	\$145,000	\$ 769,177	\$127,560	\$ 810,430	\$543,412
Expert / Investigators	\$ 8,446	\$ 50,245	\$ -	\$ -	\$ -		\$ 1,465	\$ -	\$ -	\$ 87,828
Equipment	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Travel/Training	\$ 26	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 9,640	\$ -
Construction/ Lease	\$ 48,579	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Supplies	\$ 8,930	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ 28,671	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 1,023	\$ -
Total	\$ 483,123	\$ 1,082,086	\$ 54,300	\$ 68,250	\$134,074	\$ 145,000	\$ 770,642	\$127,560	\$ 821,093	\$631,240
Expenditure Category	Non-Davis Counties									
	Carson	Clark	Elko	Humboldt	Pershing	Storey	Washoe			
Salaries	\$ -	\$34,165,484	\$1,469,387	\$459,065	\$ 198,986	\$108,699	\$12,305,105			
Contract Attorneys	\$1,537,365	\$10,256,248	\$ 803,071	\$ -		\$ -	\$ 580,116			
Expert / Investigators	\$ 71,407	\$ 2,000,785	\$ 99,577	\$ 25,885		\$ 13,000	\$ 489,555			
Equipment	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -			
Travel/Training	\$ -	\$ 13,974	\$ 12,354	\$ 2,123		\$ -	\$ 5,940			
Construction/ Lease	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -			
Supplies	\$ -	\$ 297,279	\$ 35,585	\$ 8,870		\$ -	\$ 28,188			
Other	\$ -	\$ 65,710	\$ -	\$ -	\$ 5,579	\$ -	\$ 797,674			
Total	\$1,608,772	\$46,799,480	\$2,419,974	\$495,943	\$ 204,565	\$121,699	\$14,206,578			

Data Collection and LegalServer

At the heart of the stipulated consent judgment in the *Davis* case is the collection of uniform workload data from across the state. Historically, the data on indigent defense cases from the various counties was inconsistent and not complete. This factor has long been a barrier to indigent defense reform, as indicated in the first two annual reports of the Department.

Though *Davis* set forth specific data that must be collected, it did not provide any kind of roadmap to accomplish the goal. That task was left to the Department, which immediately began the hard work of determining how to fulfill this obligation on behalf of the state. It was determined that the best course required four steps:

- ♦ Select an appropriate case management system and tailor it to fit the needs of multiple offices in multiple counties across the state;
- ♦ Draft and adopt data collection regulations for all rural indigent defense providers;
- ♦ Train indigent defense providers on the use of the system and provide ongoing technical support;
- ♦ Assist each rural county to incorporate the use of the data collection system in the creation of their county plans and contracts.

In the last Annual Report, the Department reported that it had adapted LegalServer for its purpose, rolled it out to all necessary indigent defense providers, and was in the process of providing virtual trainings on the system. The Department adopted regulations regarding county plans for the provision of indigent defense services, with each plan including a provision for the collection of uniform data through the system. Finally, at the time of the last report, the Department was in the process of collaborating with all counties to create their plans. All of this work was complicated by the pandemic.

Over the past year, the Department has successfully completed all the above steps. We completed the roll out of the case management system. We successfully transformed the Board's temporary regulations into permanent regulations. And we worked closely with the 15 rural counties to assist in the creation of each county's Plan for the Provision of Indigent Defense Services. As a result, for the first time in the state's history, all 17 counties have indigent defense services plans in place.

These plans can be found here: https://dids.nv.gov/Resources/Selection_and_Billing/Information_by_County/

In the pages that follow, uniform caseload data for the period of October to December 2021 is presented. Since all counties are tracking data in a similar manner, the data finally can be compared county to county.

The graphs provide the number of cases open per rural county, the breakdown of which type of cases are open during that time period, the number of closed cases per county in the quarter, number of cases closed by legal problem code, and the reason for closing the case.

The graphs also break down this information county by county, where reporting was submitted. The collection of this data has been a substantial change to the way most offices and practitioners have operated. For many there was a steep learning curve and for others, the time commitment prevented full reporting. Accordingly, though almost all counties are now on board, not all counties submitted complete data in this first quarter of reporting. If a graph is missing, it means only that such data was not entered during that quarter.

This data reflects the first quarter of reporting and is a good start. But as the rural indigent defense attorneys are becoming more proficient at the system, more usable data is emerging. The Department is publishing workload data on a quarterly basis. For more up-to-date information, these reports can be found on our website: <https://dids.nv.gov/litigation/Davis/>

It cannot be overstated what an enormous undertaking this has been, nor what an achievement it is, not only for the Department, but for indigent defense practitioners, defendants, and the justice system of this state. And it could not have been done without the hard work of the staff at the Department, the Board, county leadership, and most of all, rural indigent defense providers across the state. We celebrate and thank each of you.



State of Nevada

Department of Indigent Defense Services

Second Quarter: October 1, 2021-December 31, 2021

1

Indigent Defense Workload Data Second Report



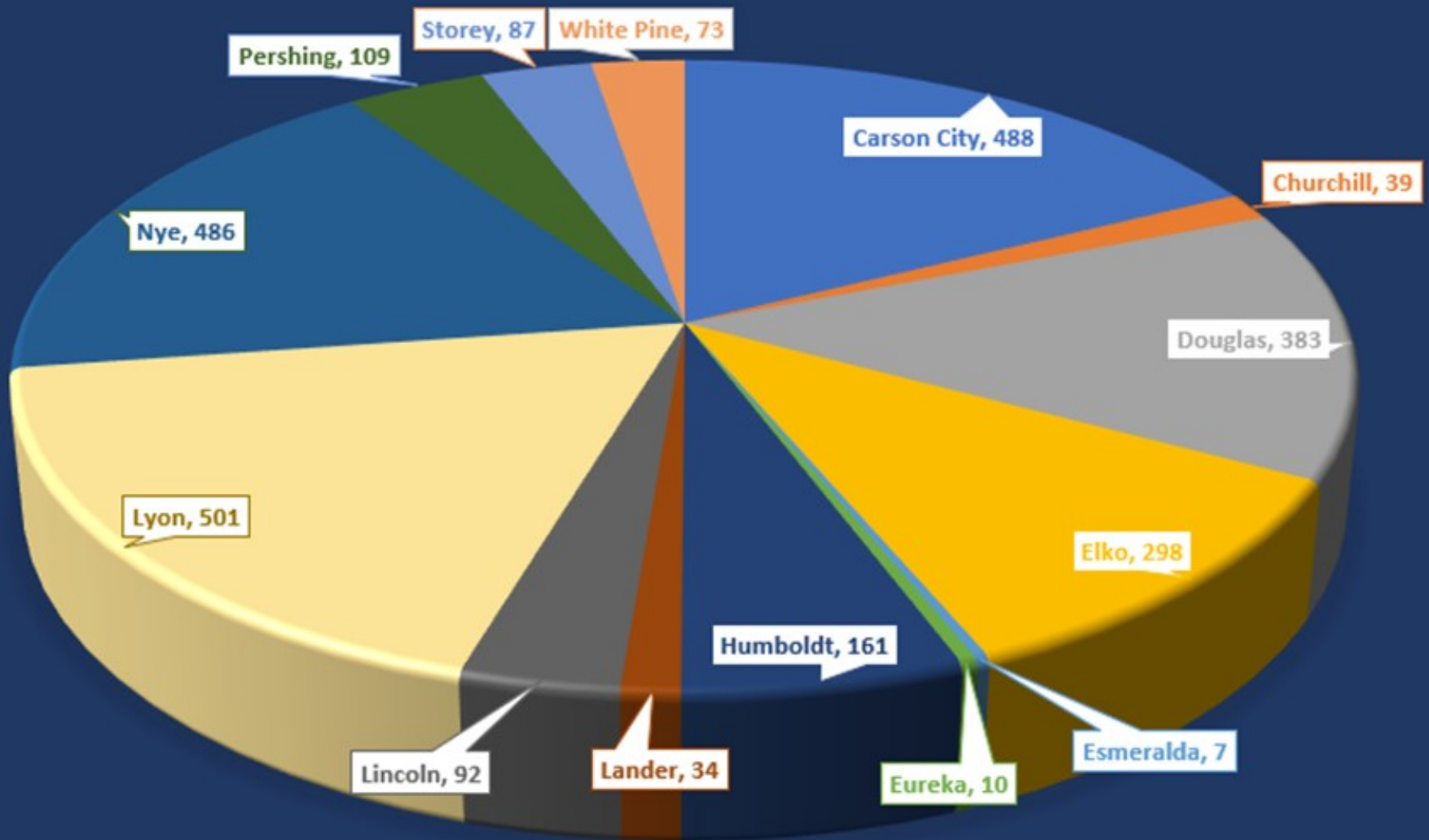
State of Nevada

Department of Indigent Defense Services

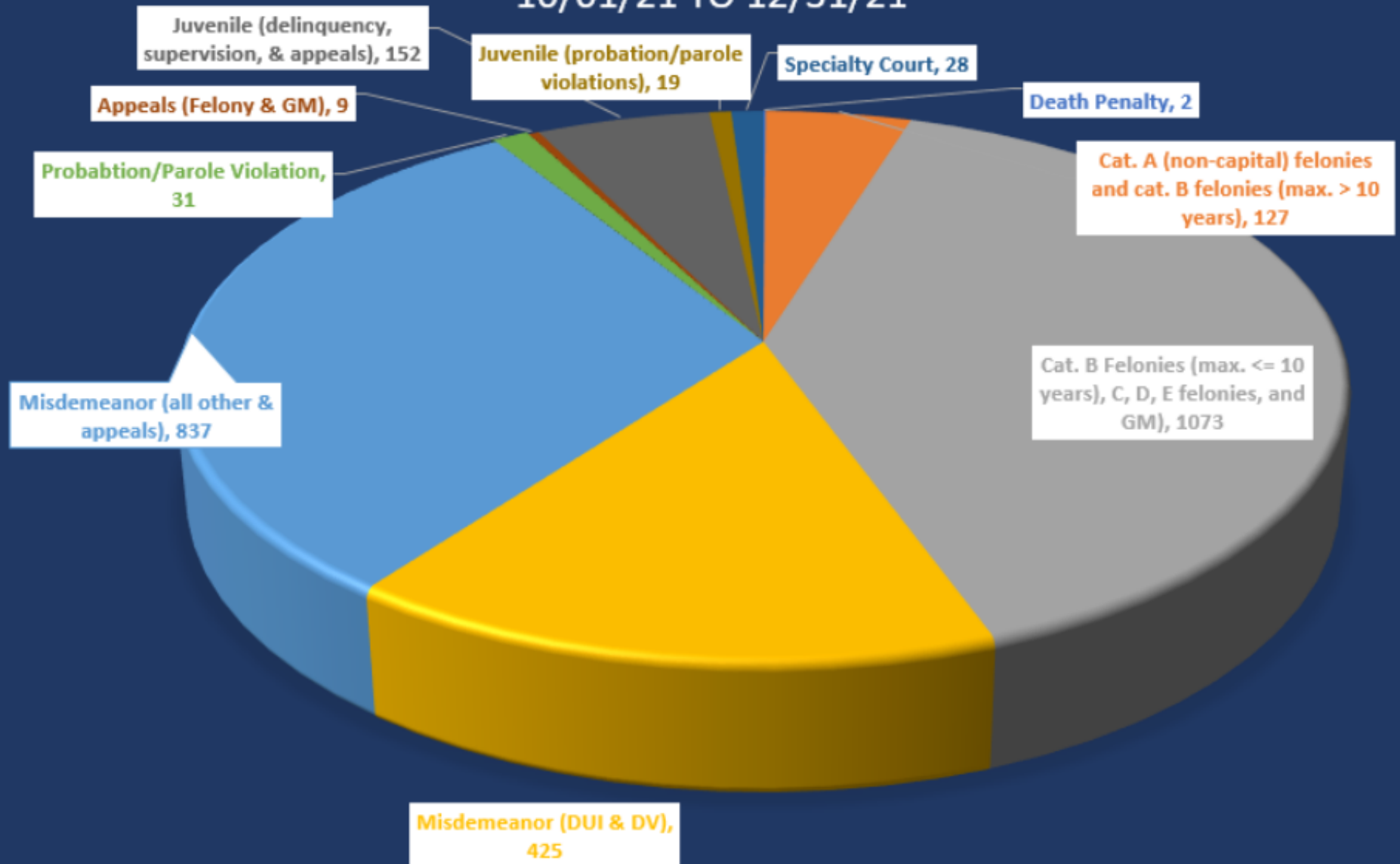
Third Quarter: January 1, 2022 - March 31, 2022

1

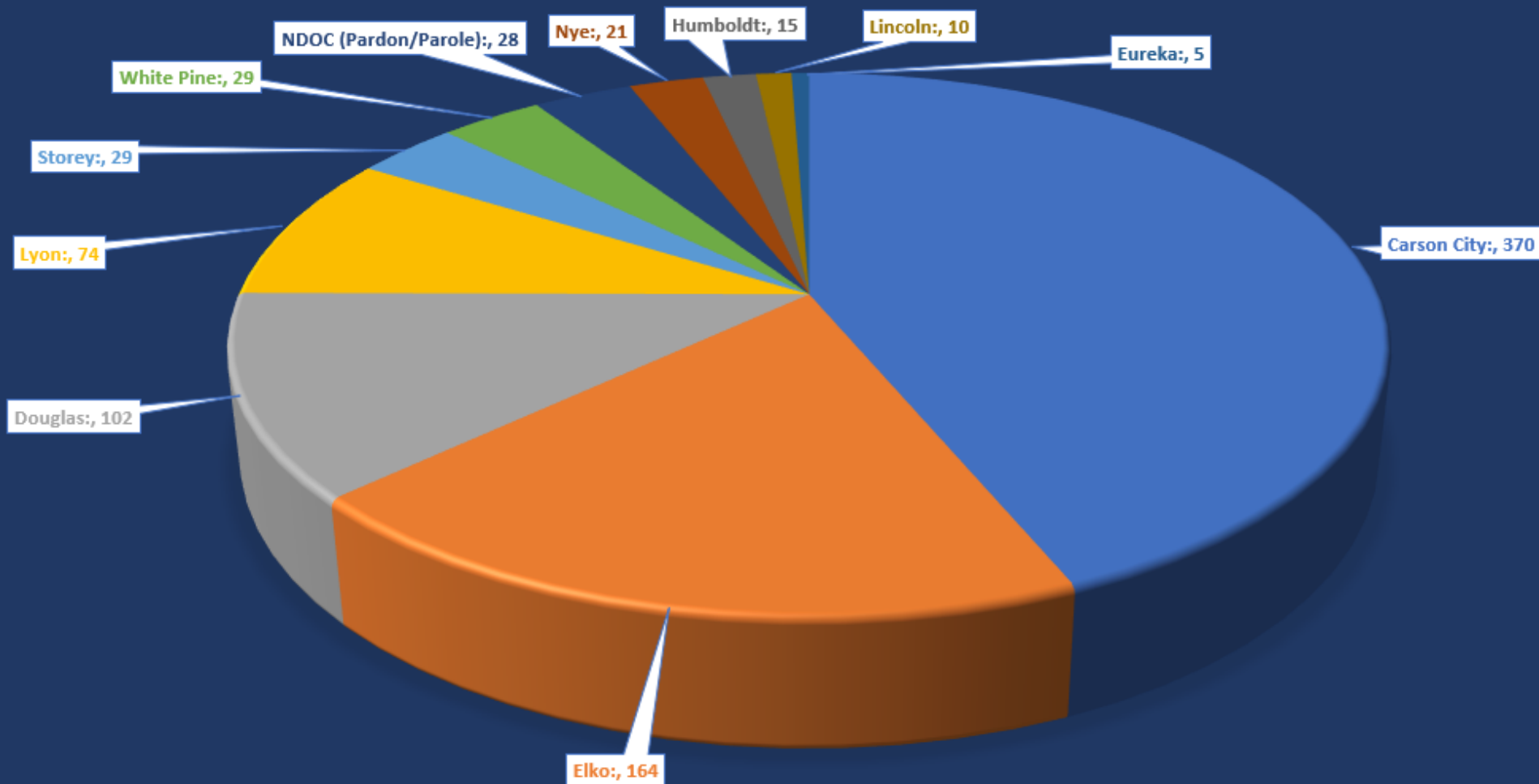
OPEN CASES PER COUNTY 10/01/21 TO 12/31/21



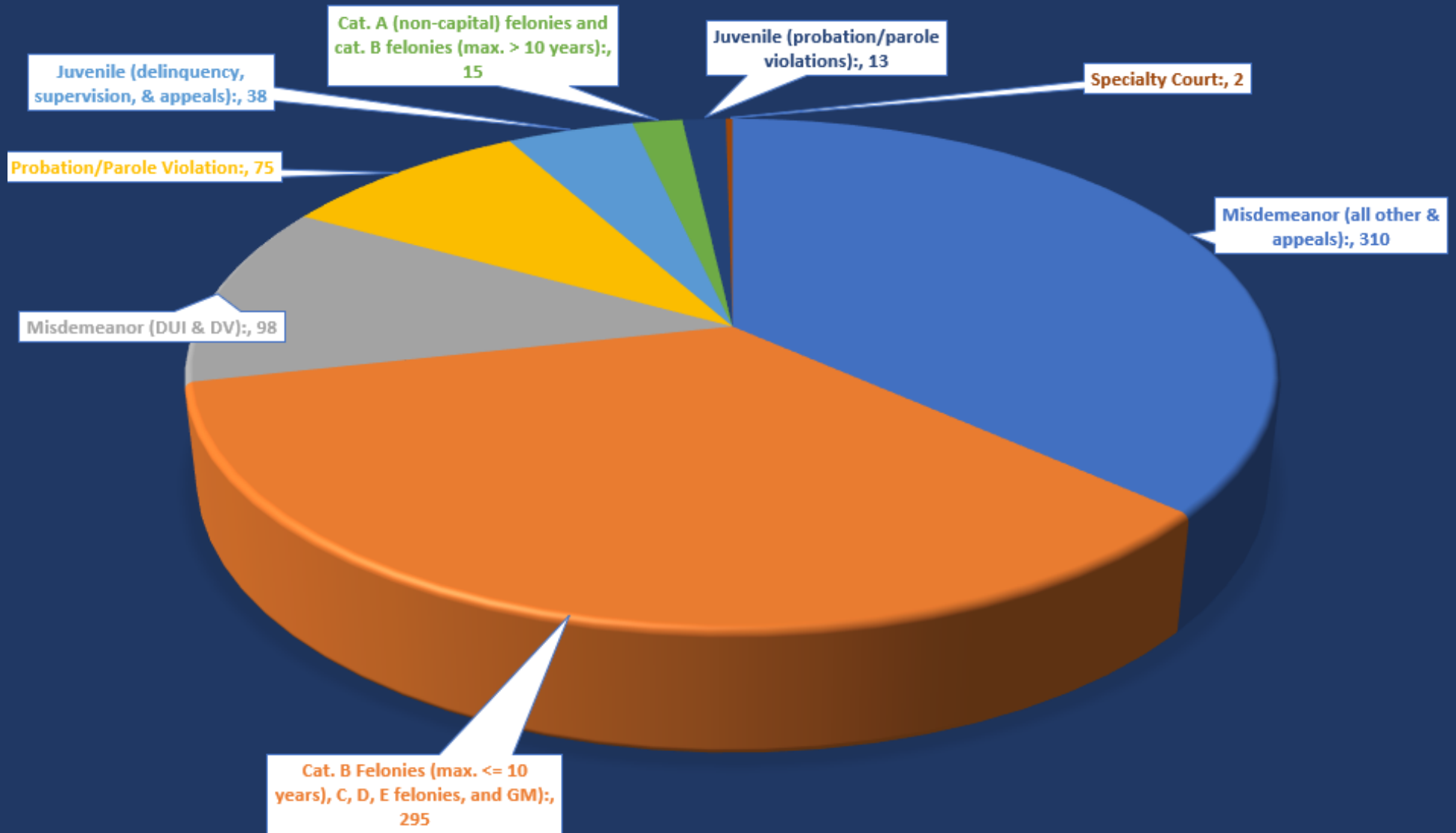
CASES OPEN BY LEGAL PROBLEM 10/01/21 TO 12/31/21



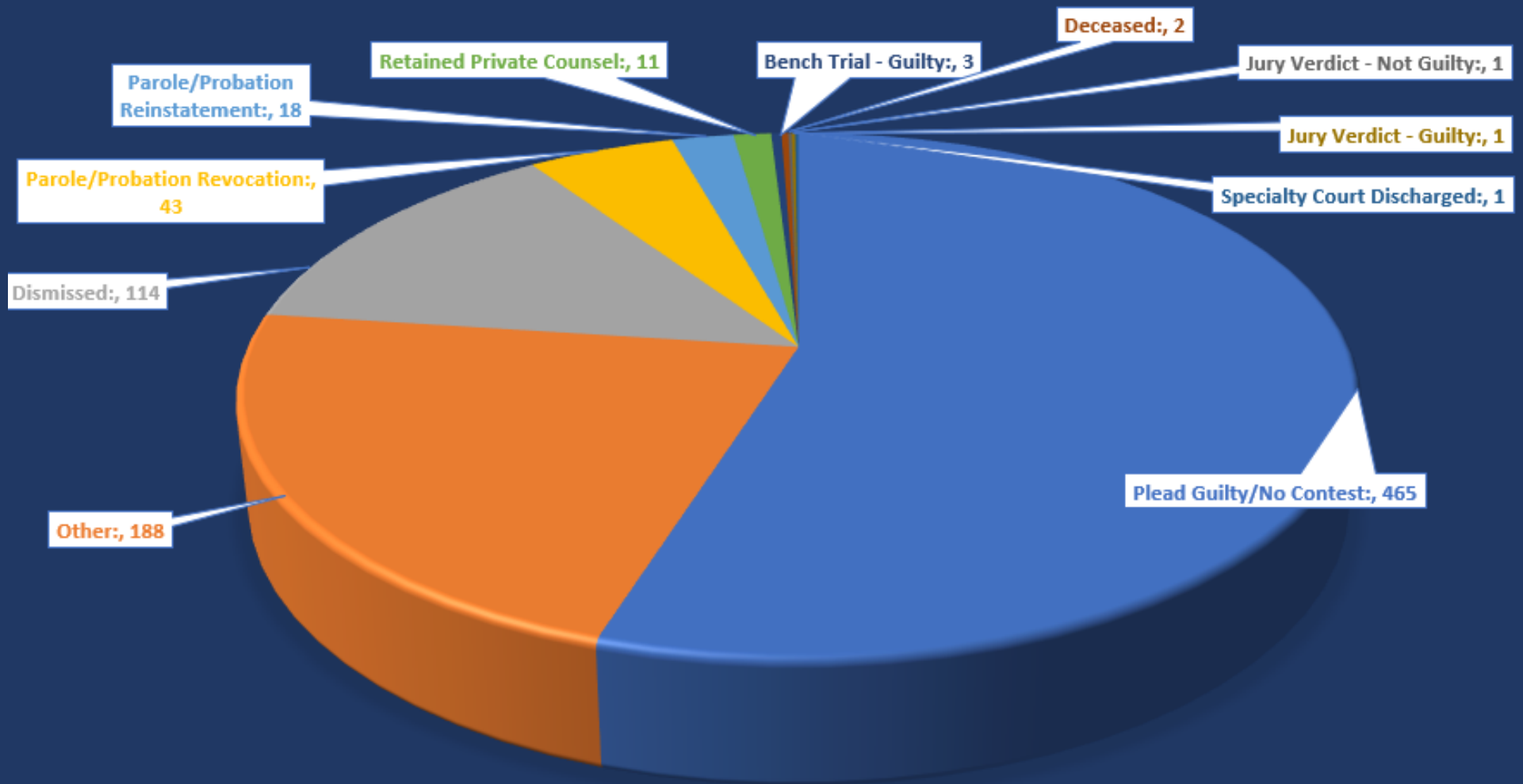
CASES CLOSED PER COUNTY
10/01/21 TO 12/31/21



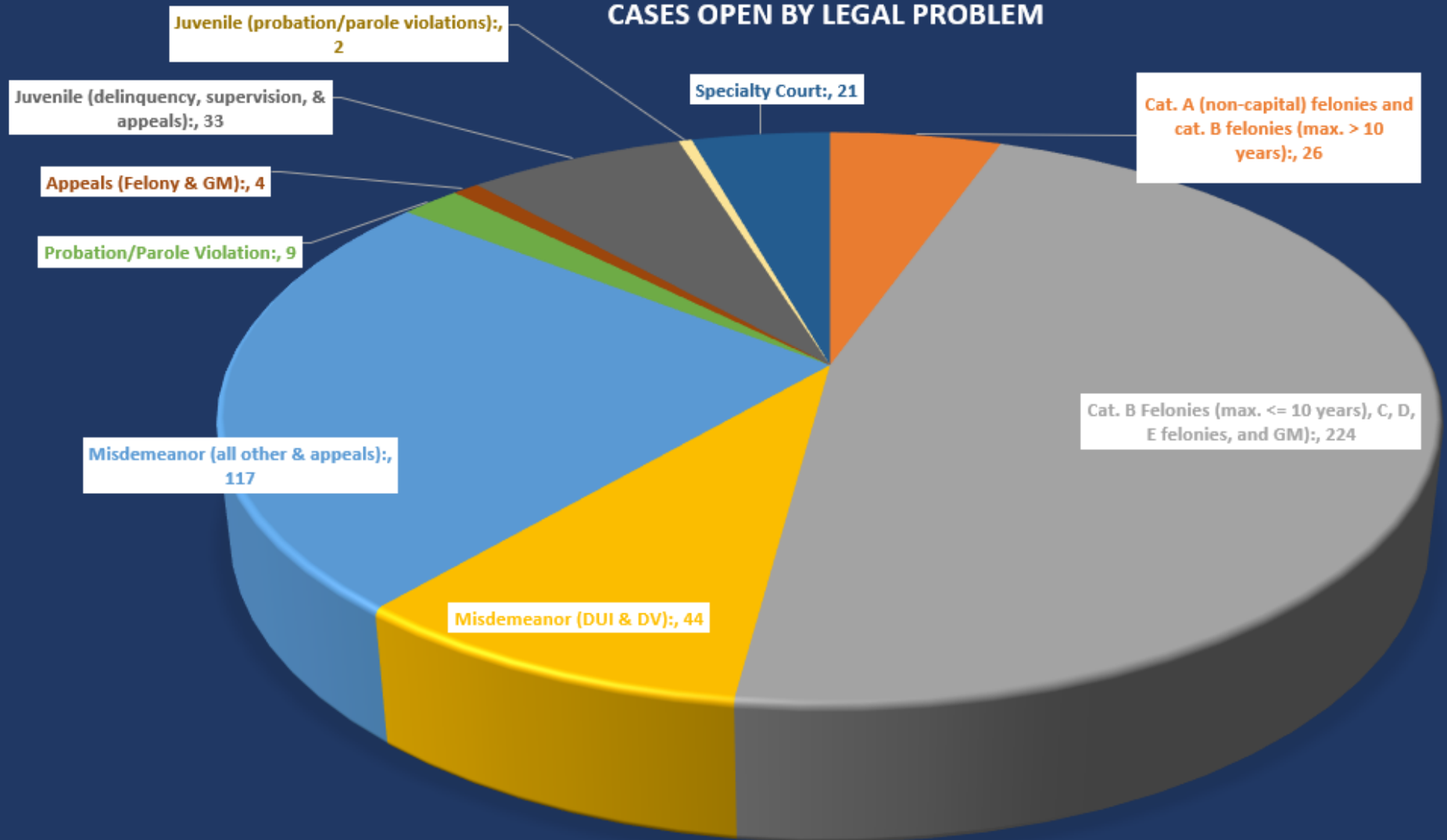
CASES CLOSED BY LEGAL PROBLEM 10/01/21 TO 12/31/21



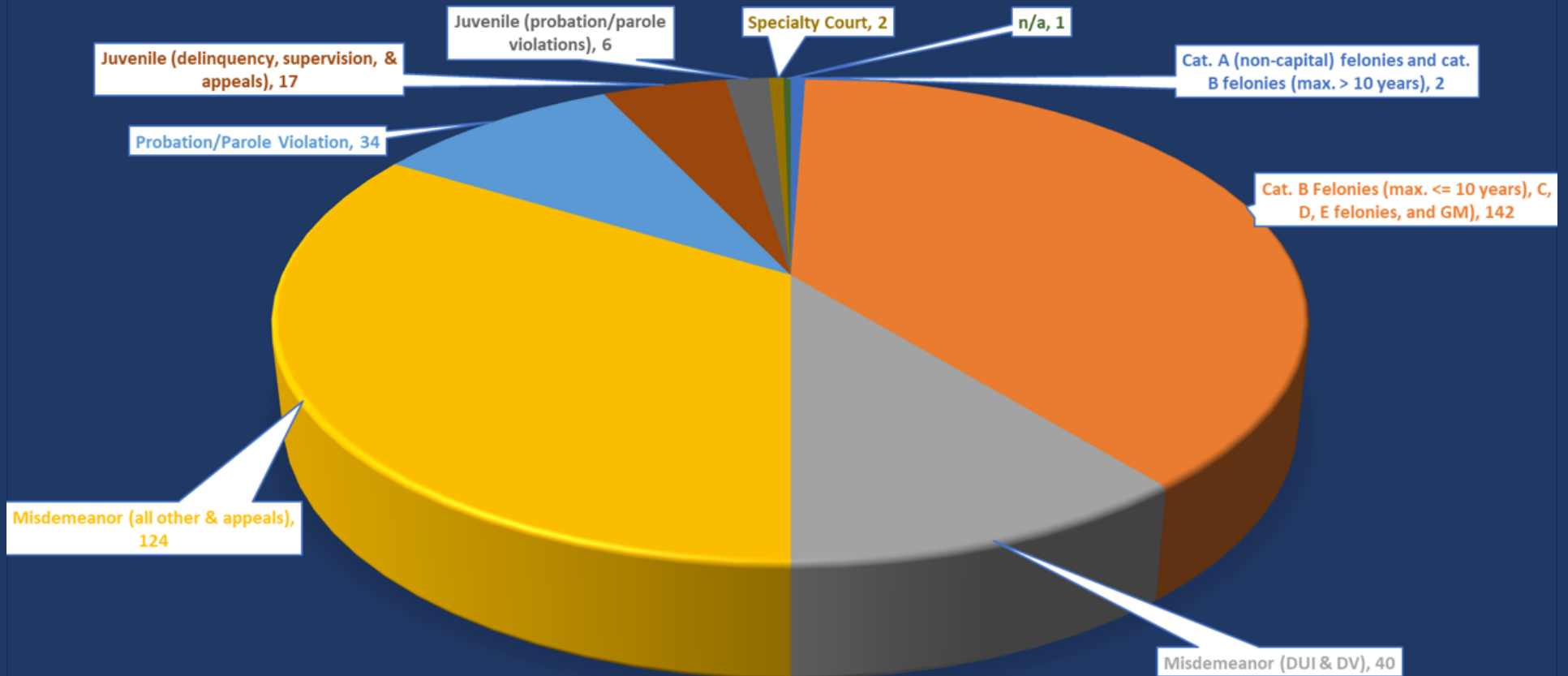
CLOSE REASON STATEWIDE
10/01/21 TO 12/31/21



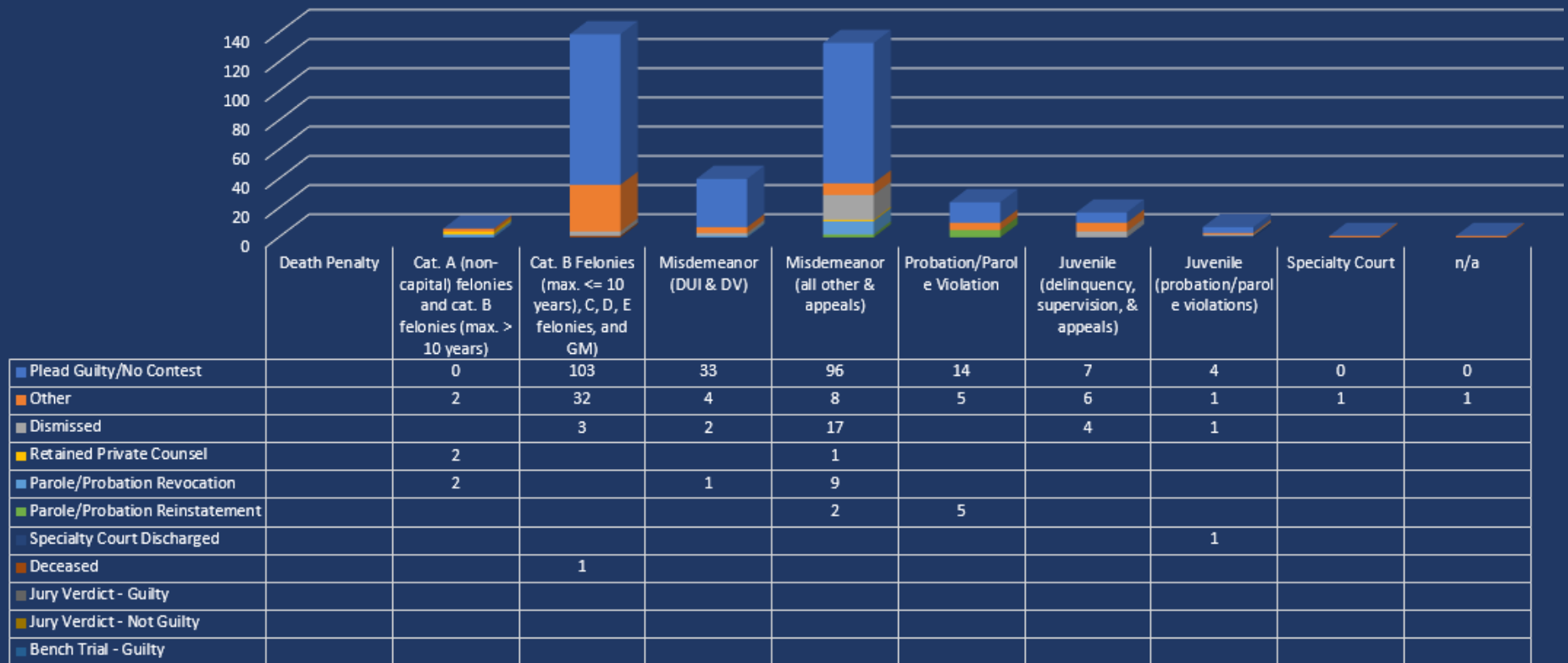
**CARSON CITY
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM**



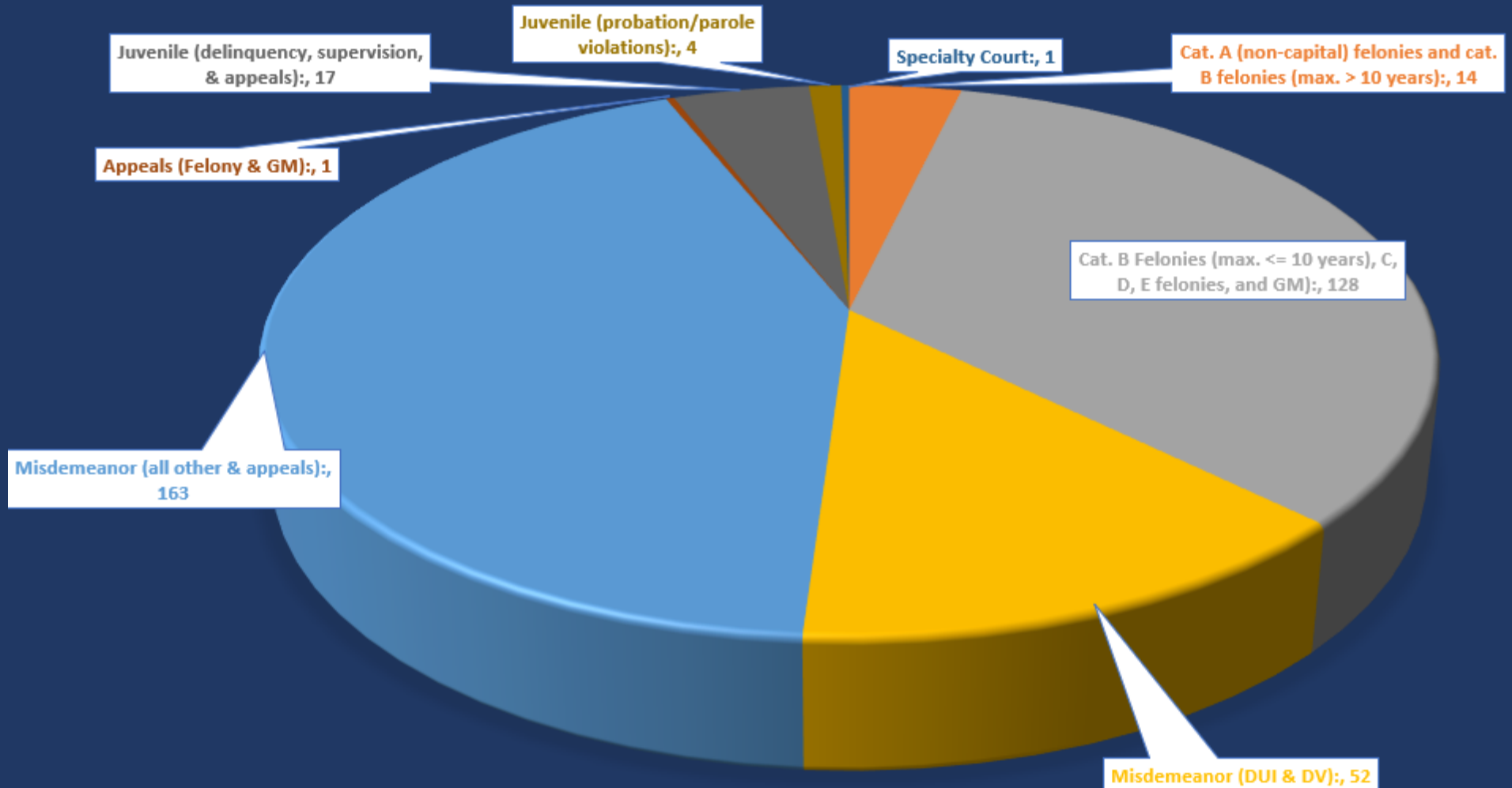
CARSON LEGAL PROBLEM # CASES CLOSED



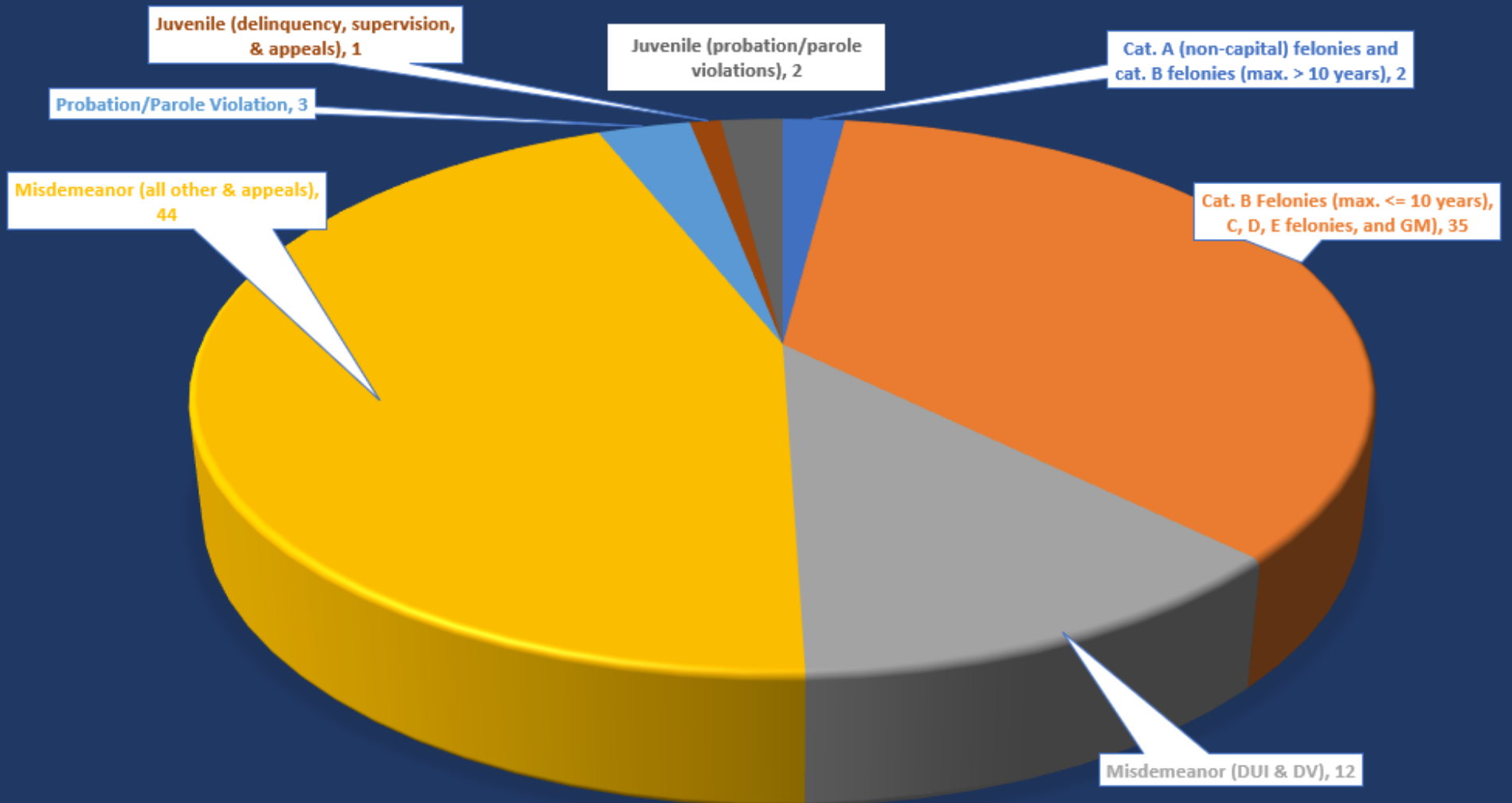
Carson Closed Case Disposition by Legal Problem



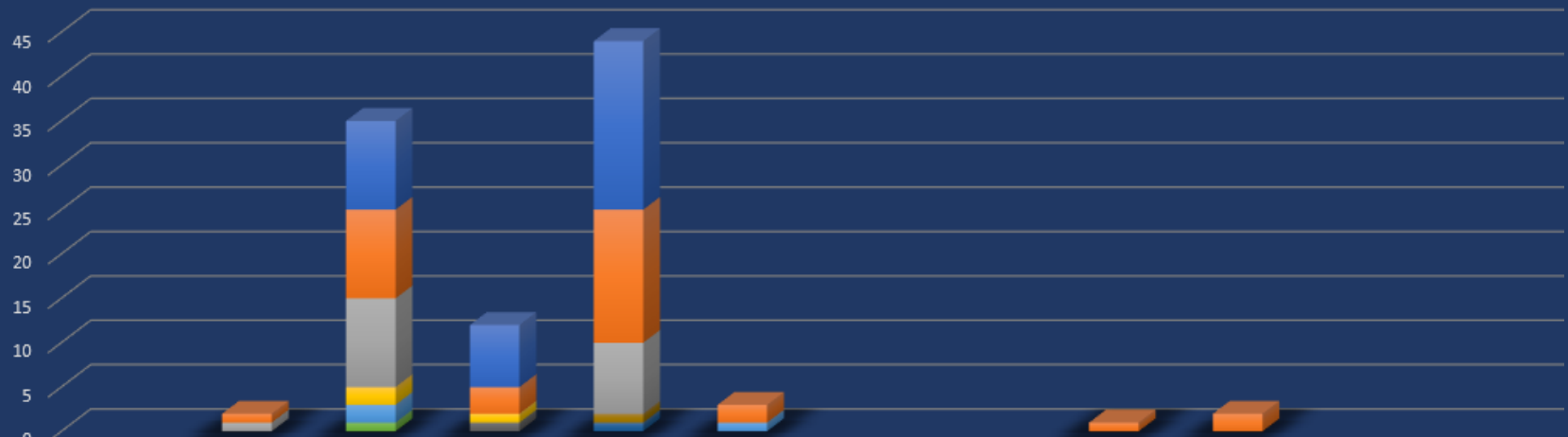
DOUGLAS
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



DOUGLAS LEGAL PROBLEM # CASES CLOSED

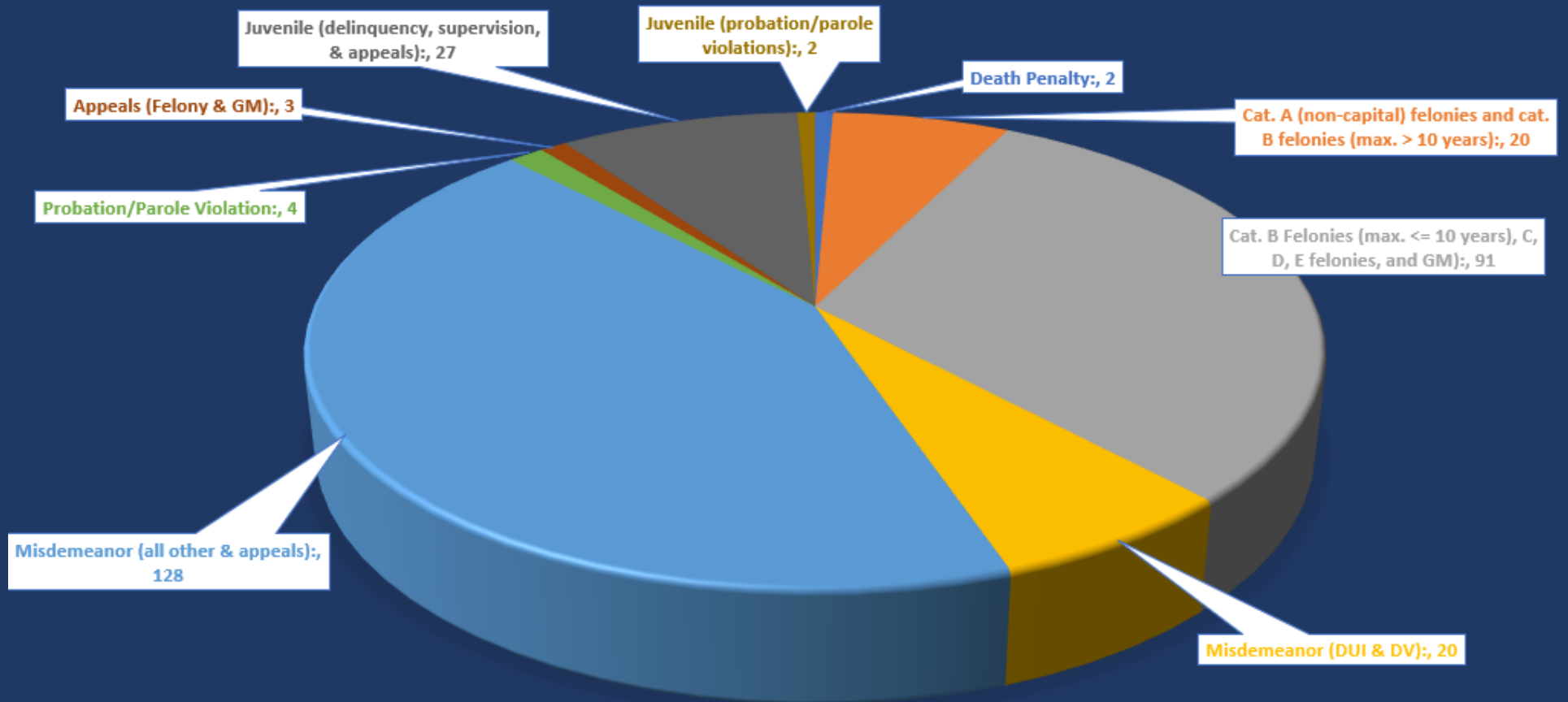


Douglas Closed Case Disposition by Legal Problem

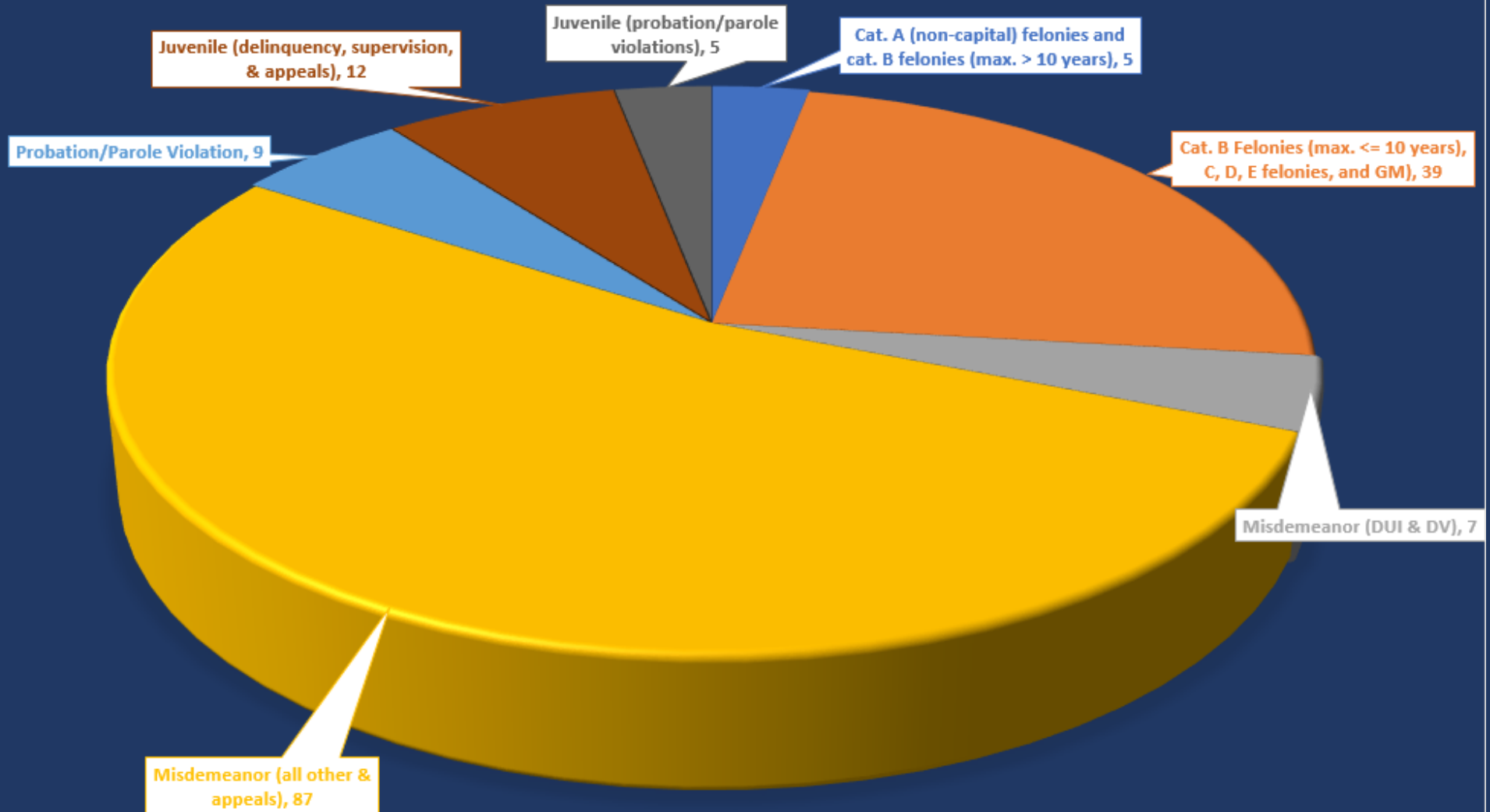


Plead Guilty/No Contest			10	7	19							
Other		1	10	3	15	2			1	2		
Dismissed		1	10		8							
Retained Private Counsel			2	1								
Parole/Probation Revocation			2			1						
Parole/Probation Reinstatement			1									
Specialty Court Discharge												
Deceased												
Jury Verdict - Guilty				1								
Jury Verdict - Not Guilty					1							
Bench Trial - Guilty					1							

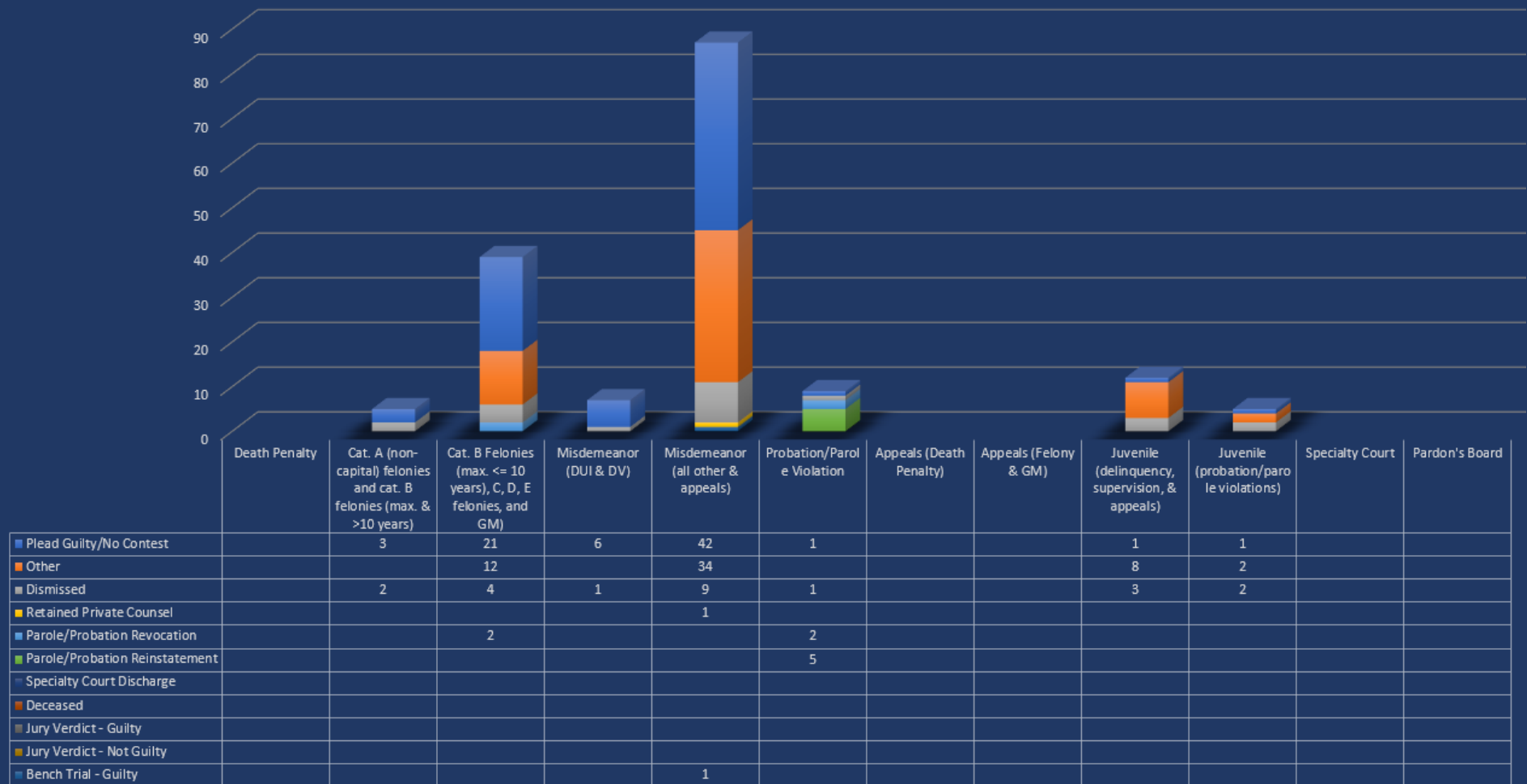
ELKO
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



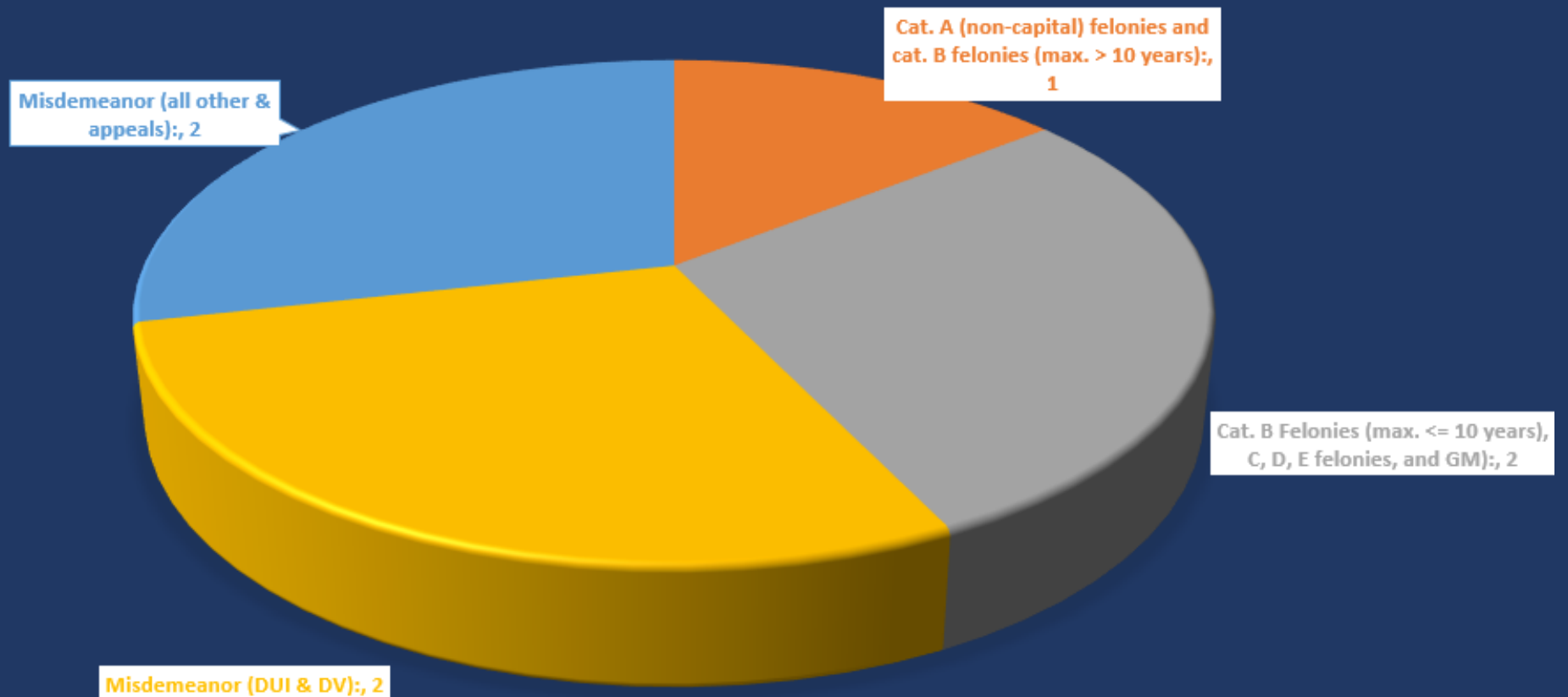
ELKO LEGAL PROBLEM # CASES CLOSED



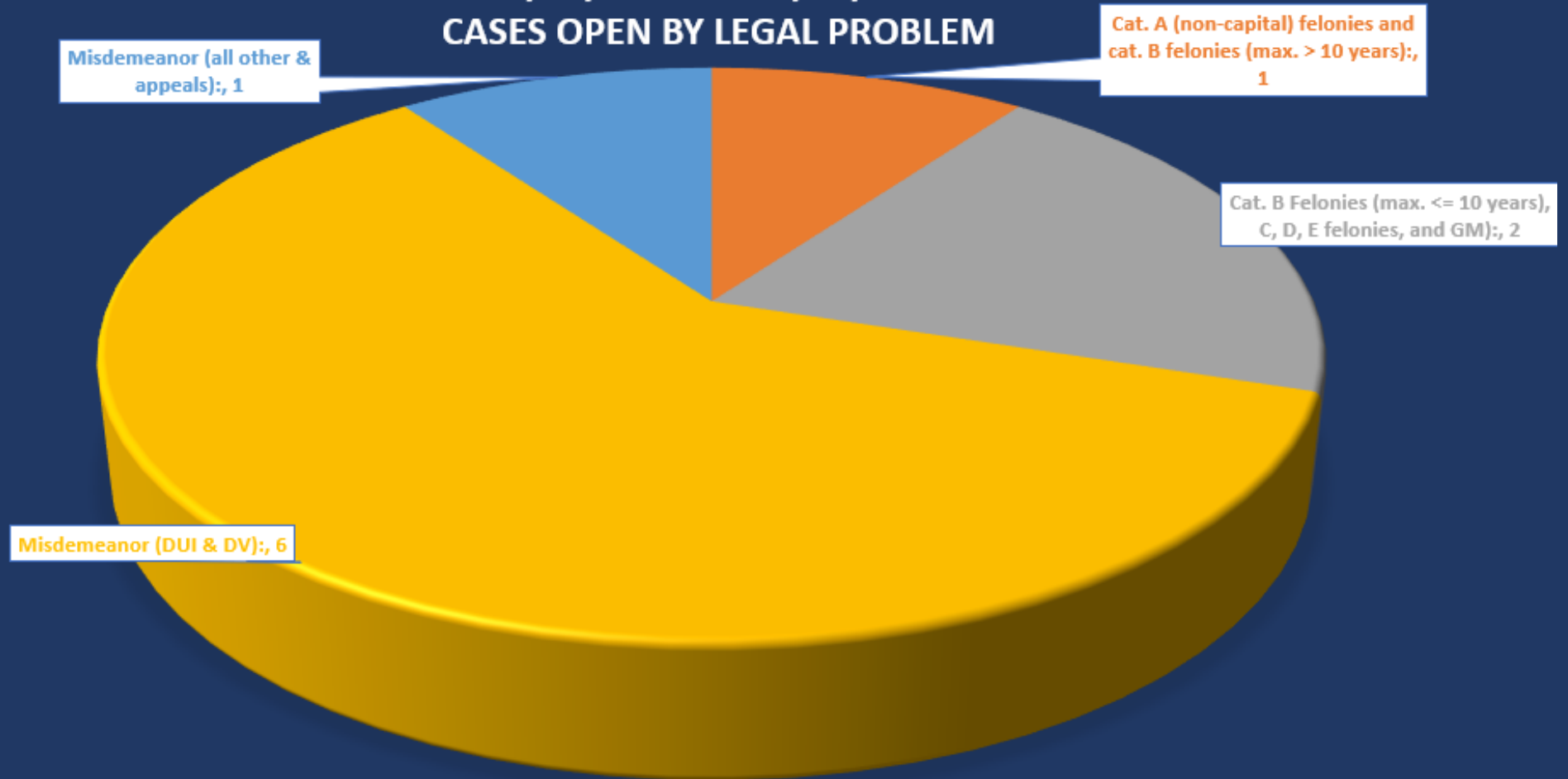
Elko Closed Case Disposition by Legal Problem



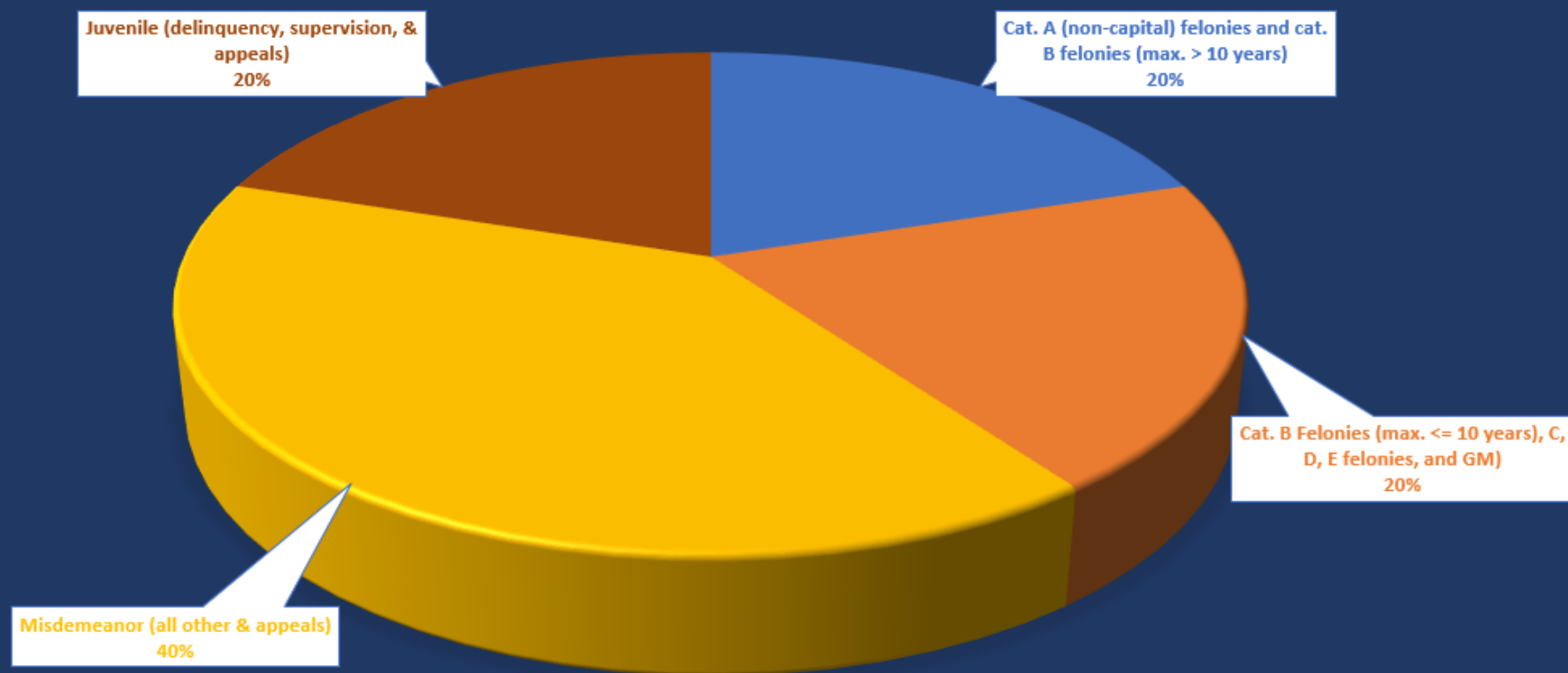
ESMERALDA
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



EUREKA
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



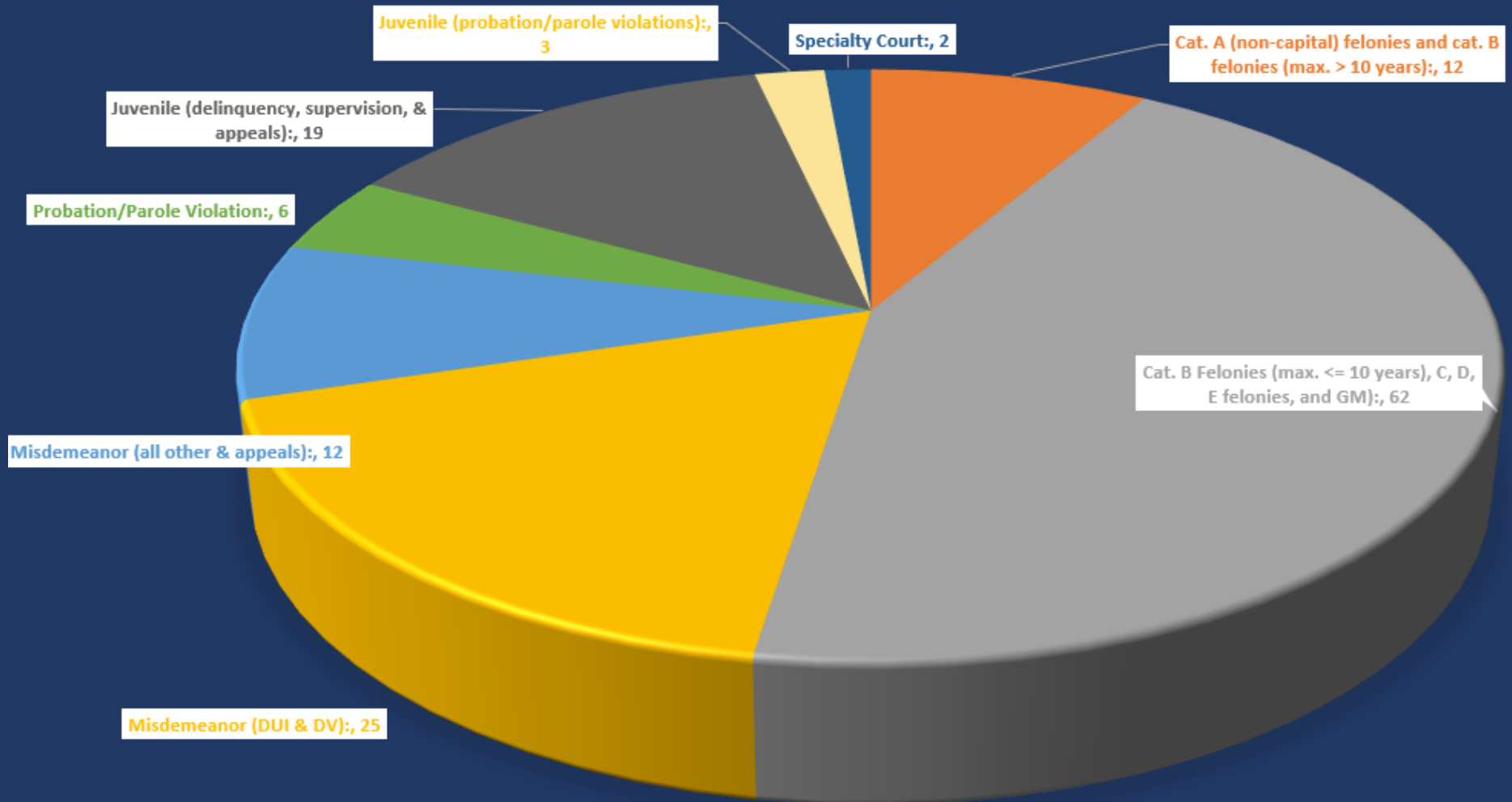
EUREKA CLOSED CASE DISPOSITION BY LEGAL PROBLEM



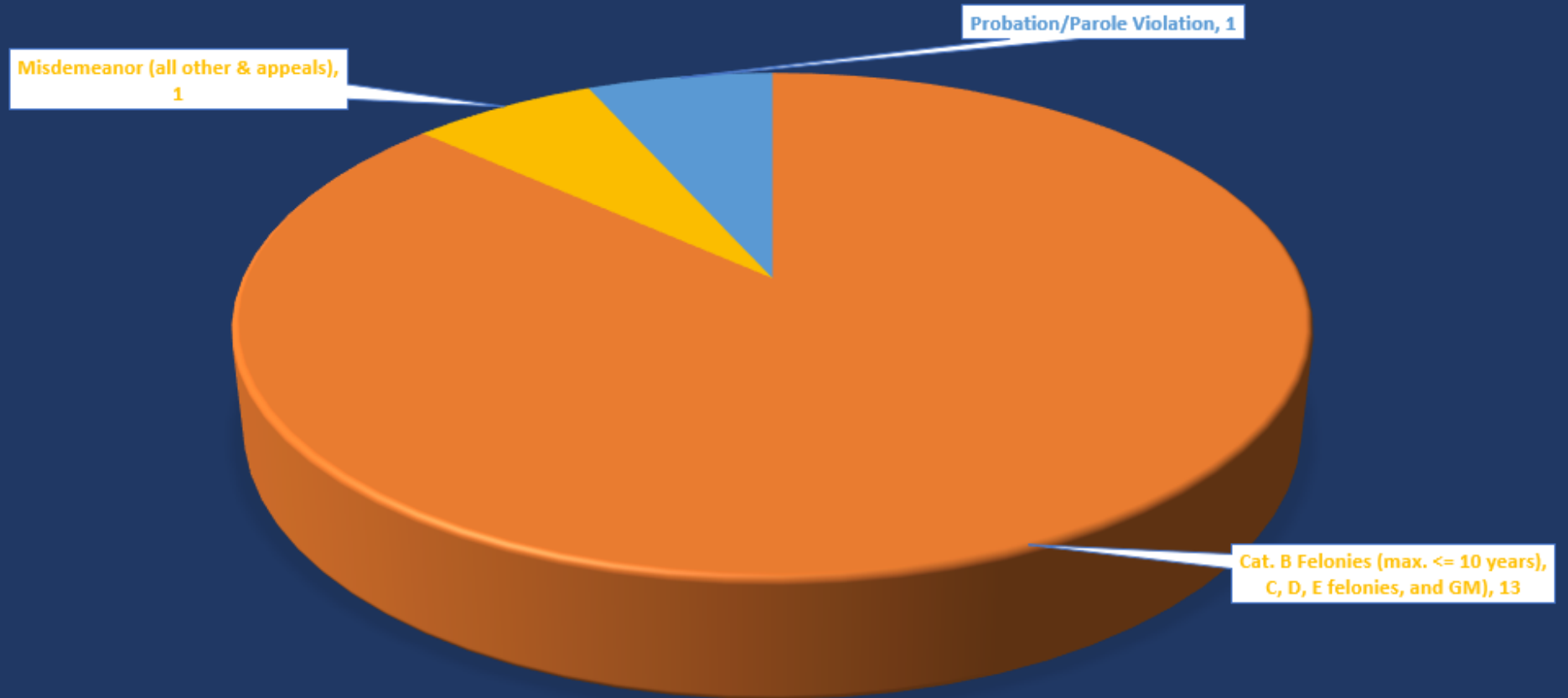
Eureka Closed Case Disposition by Legal Problem



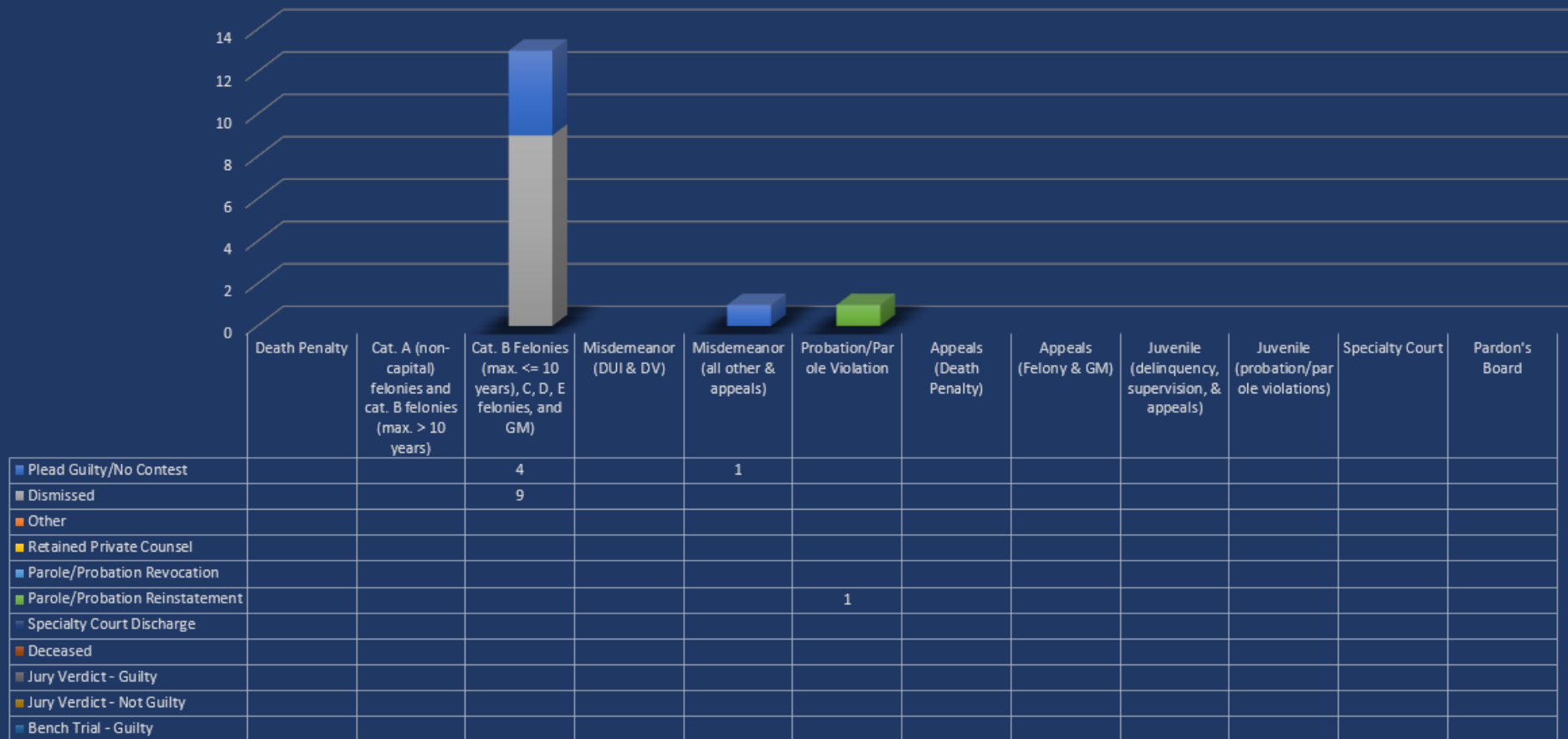
HUMBOLDT
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



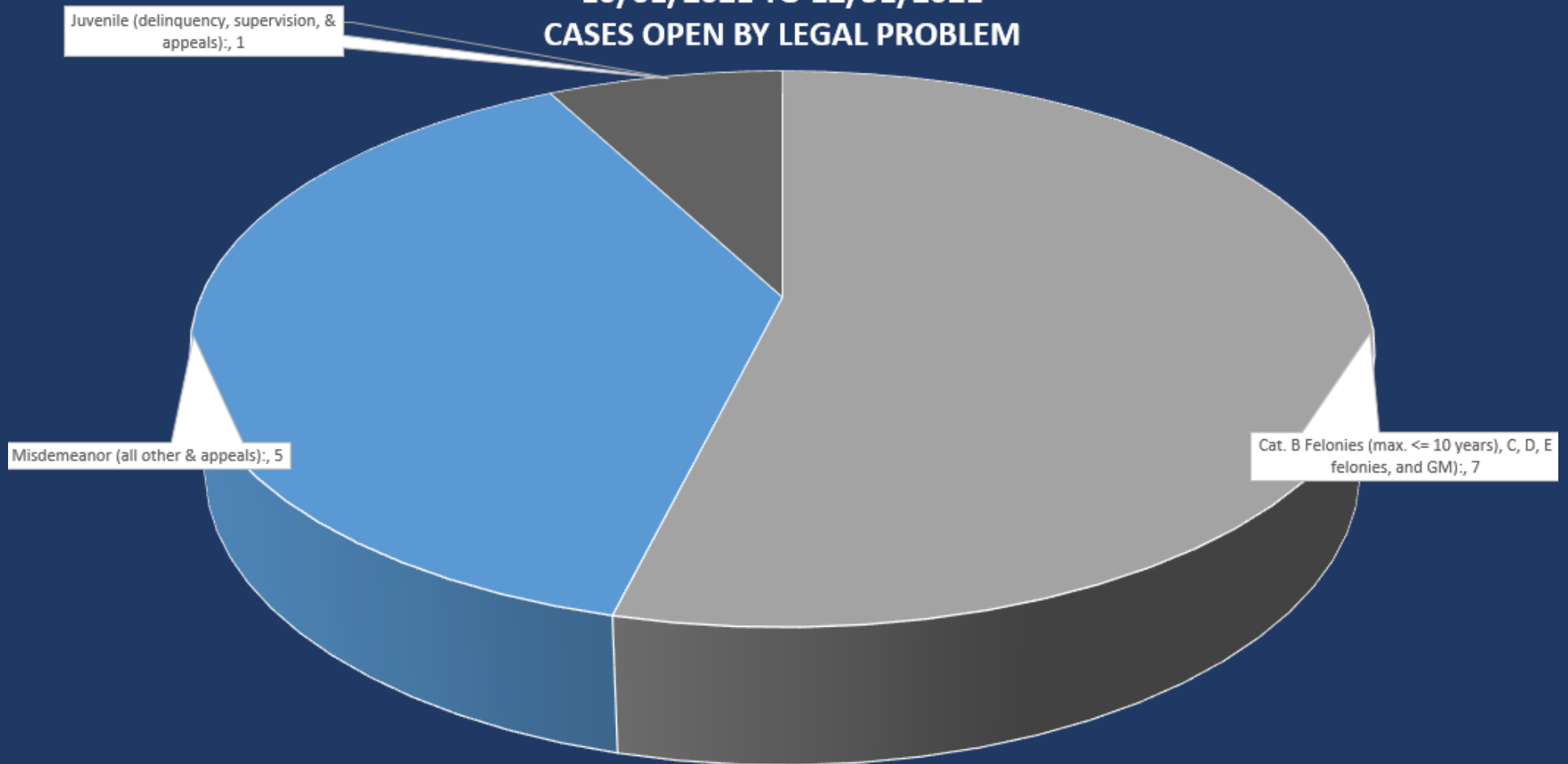
HUMBOLDT LEGAL PROBLEM # CASES CLOSED



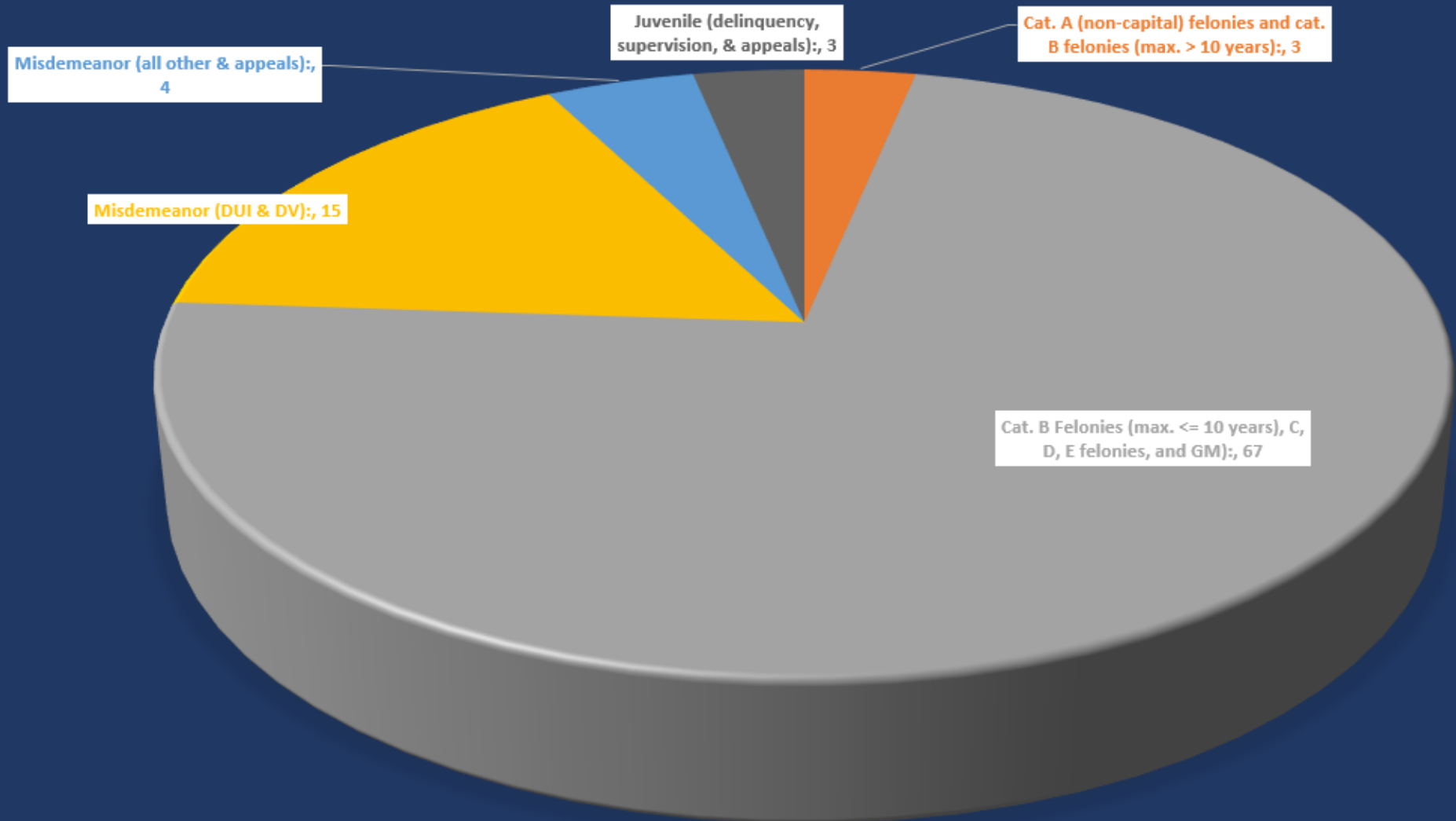
Humboldt Closed Case Disposition by Legal Problem



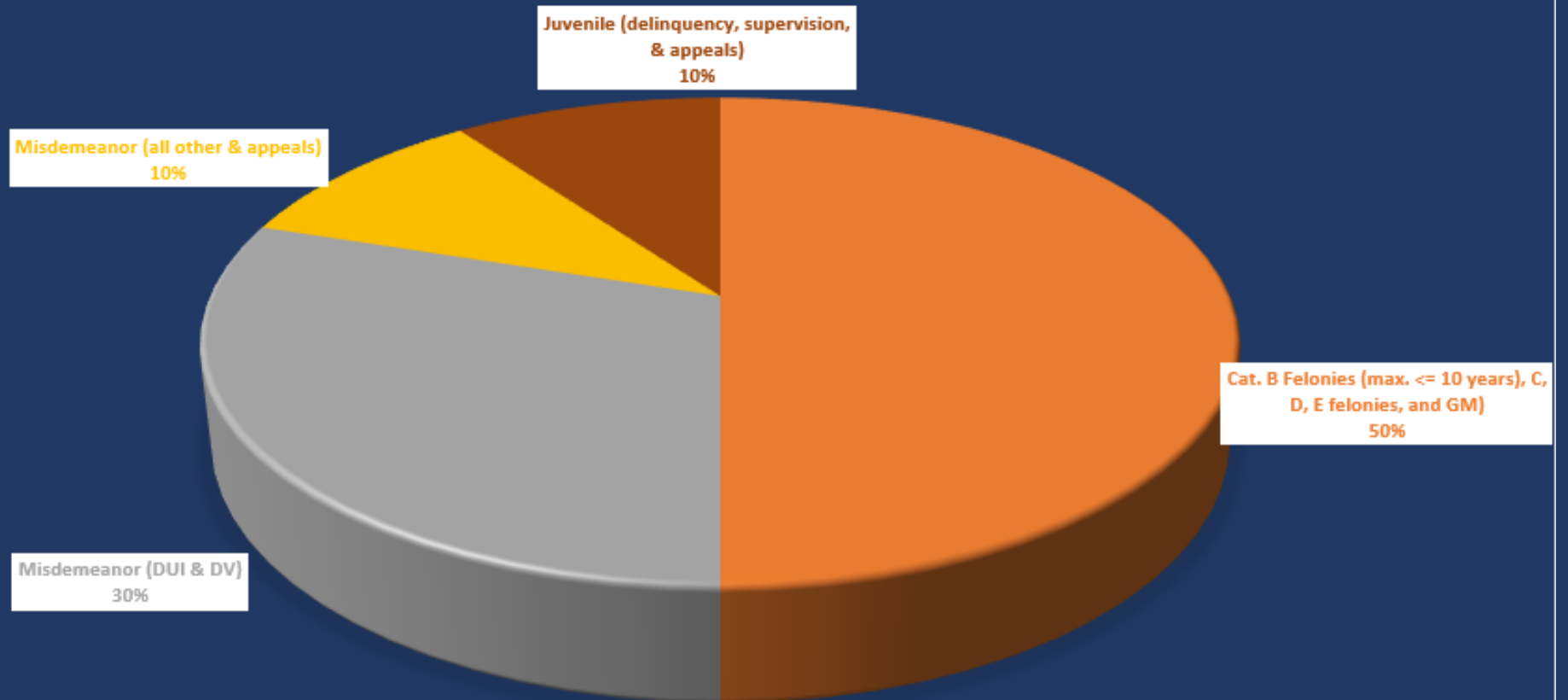
LANDER
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



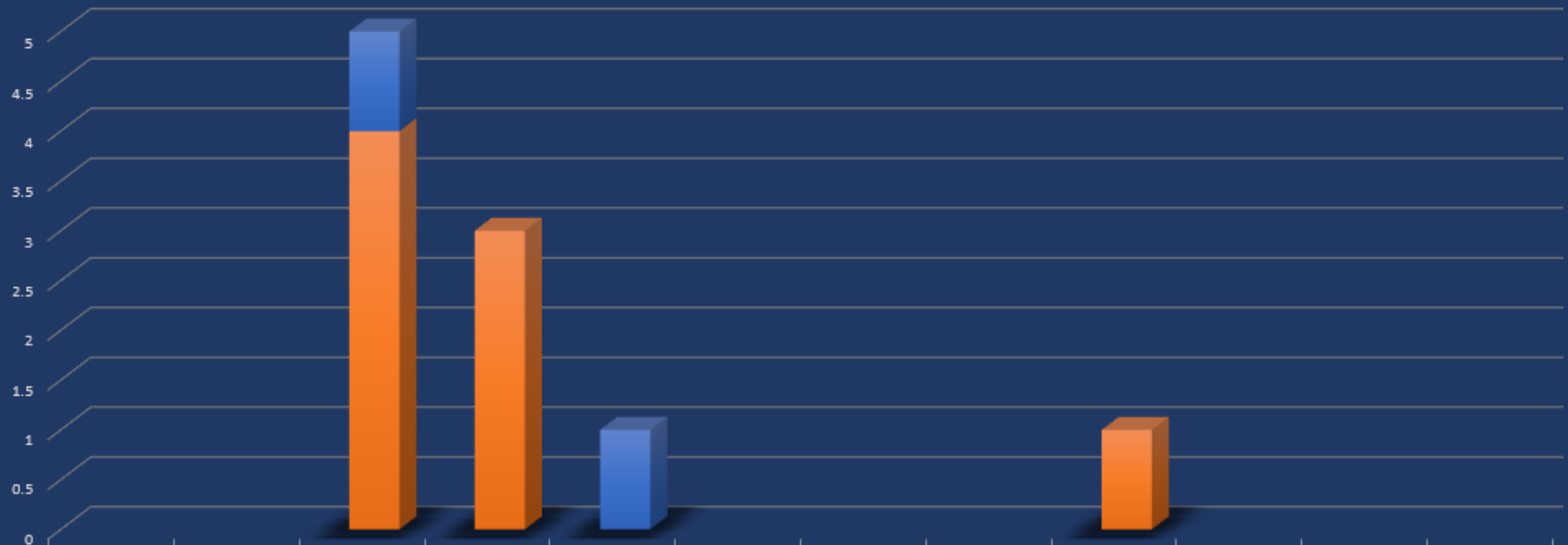
LINCOLN
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



LINCOLN LEGAL PROBLEM # CASES CLOSED

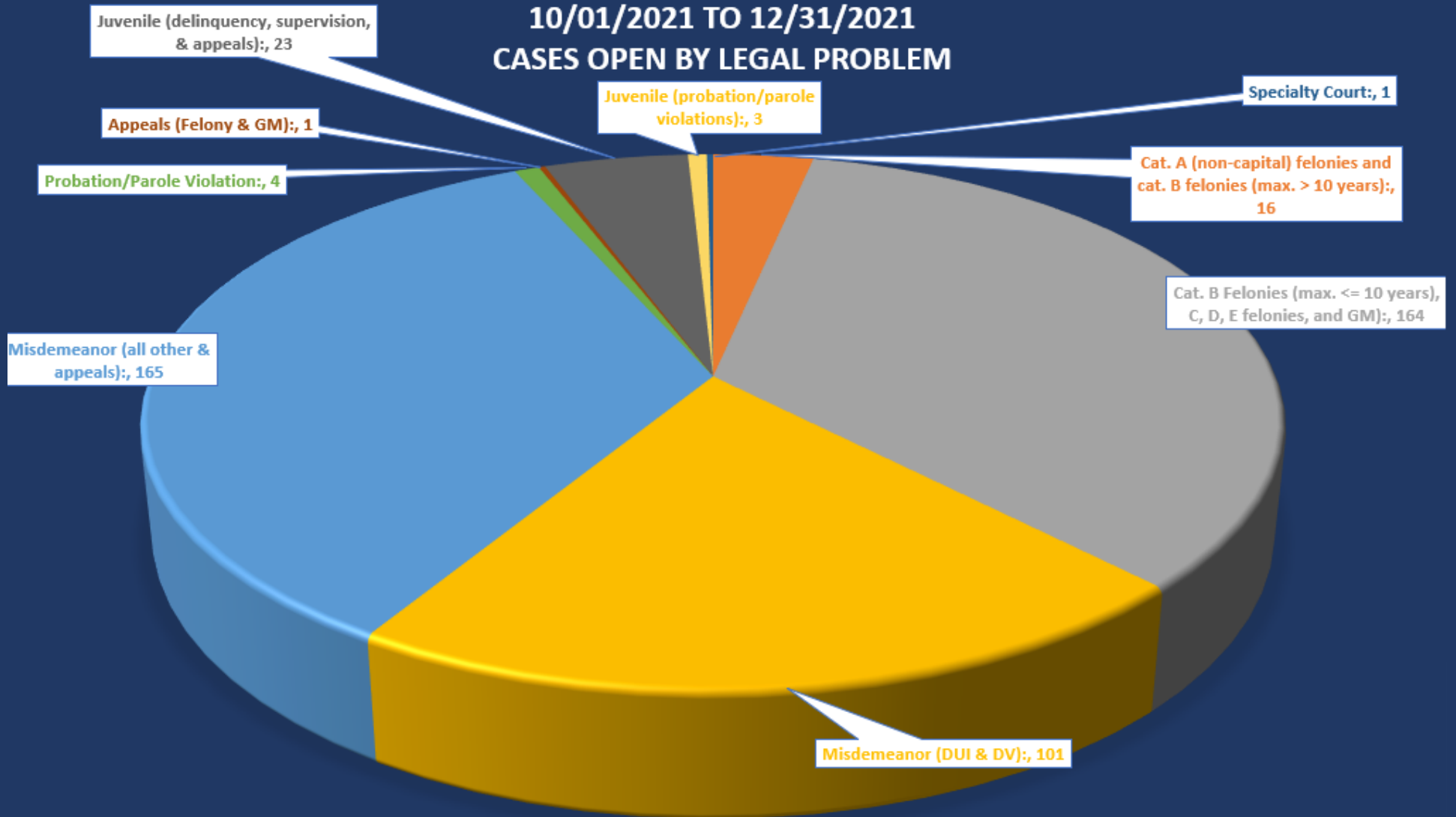


Lincoln Closed Case Disposition by Legal Problem

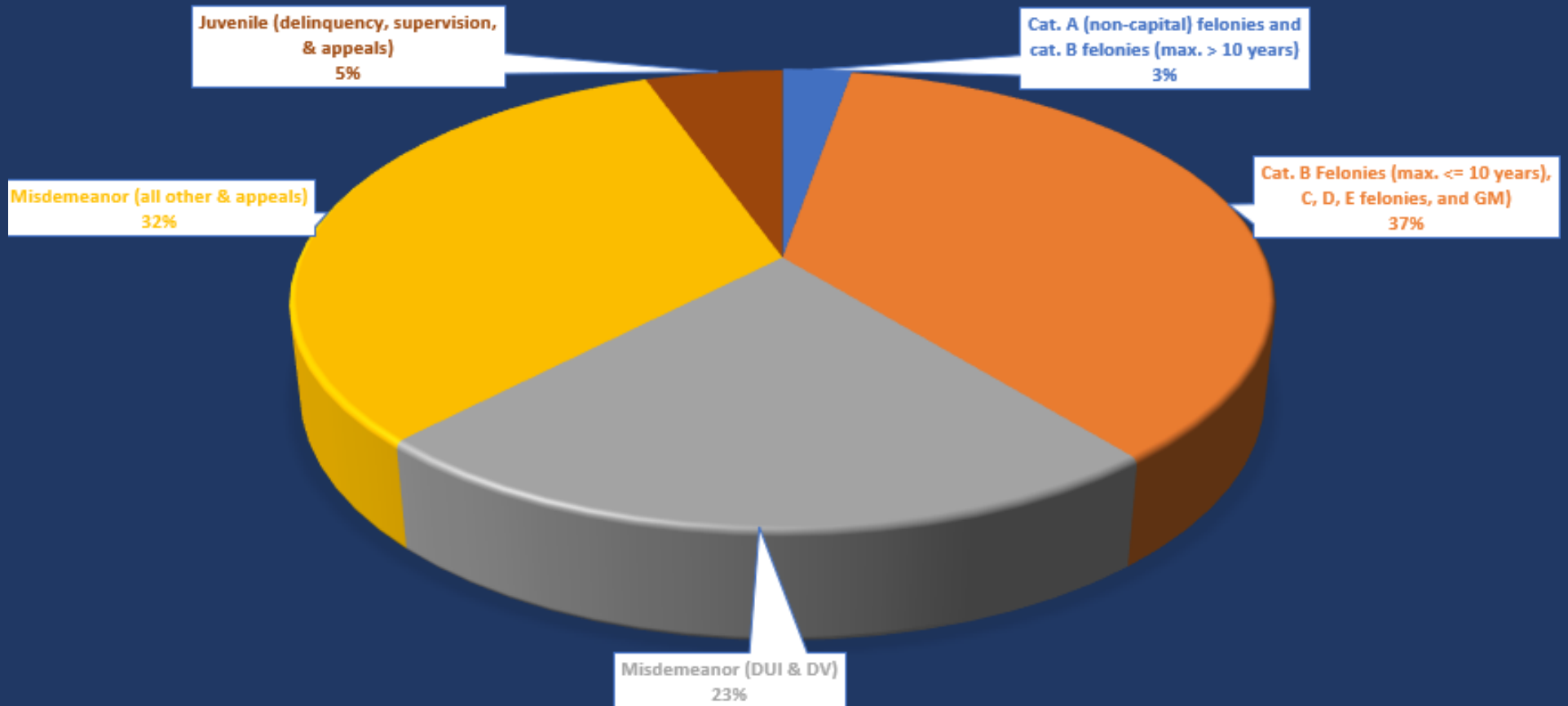


Plead Guilty/No Contest			1		1						
Other			4	3					1		
Dismissed											
Retained Private Counsel											
Parole/Probation Revocation											
Parole/Probation Reinstatement											
Specialty Court Discharge											
Deceased											
Jury Verdict - Guilty											
Jury Verdict - Not Guilty											
Bench Trial - Guilty											

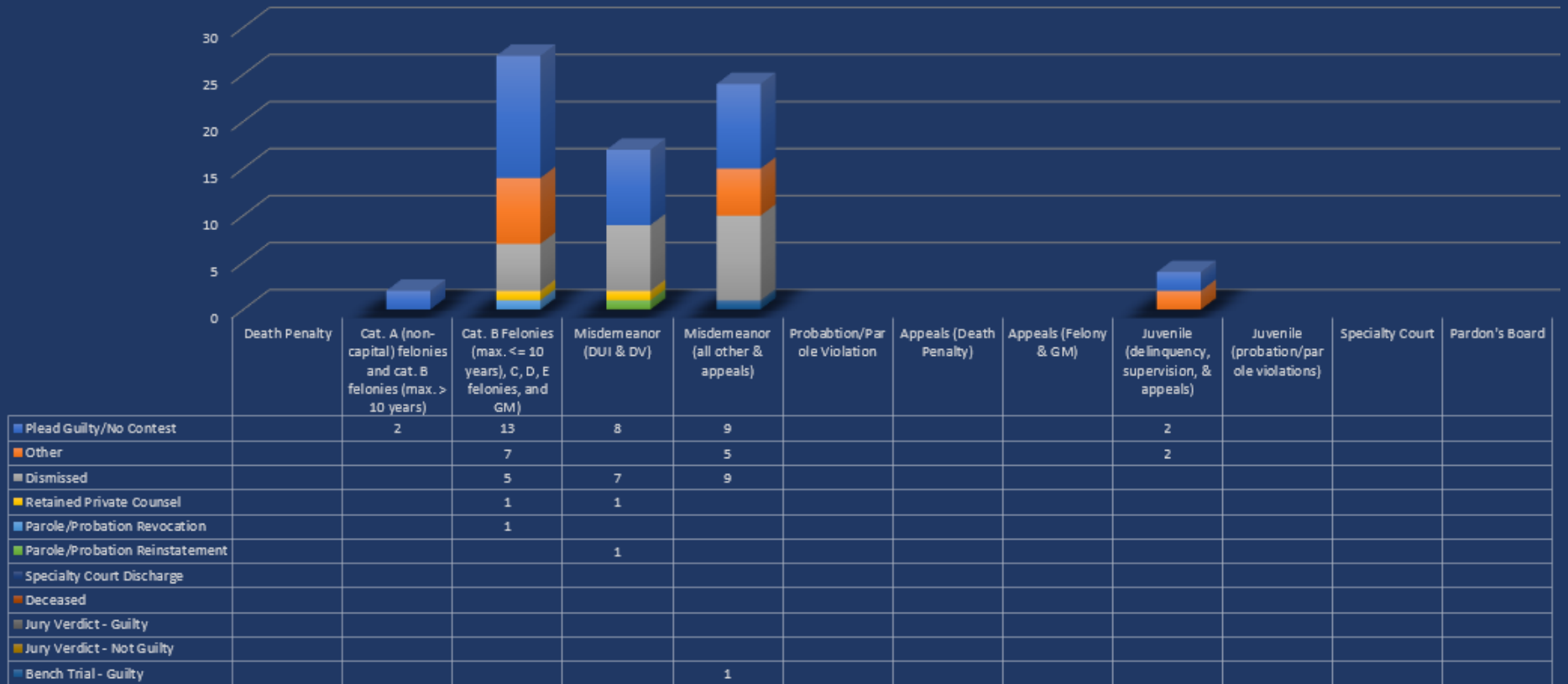
LYON
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



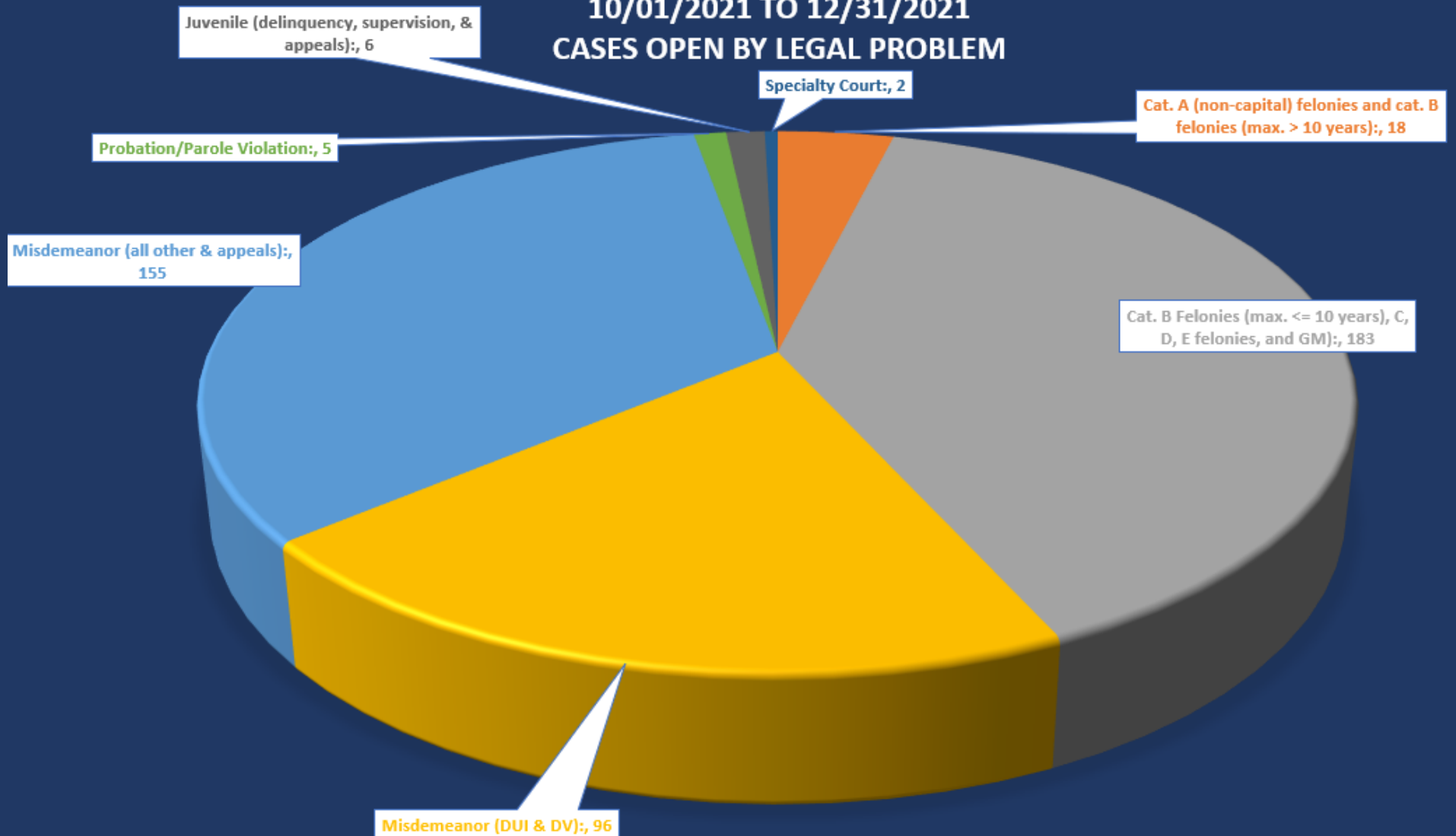
LYON LEGAL PROBLEM # CASES CLOSED



Lyon Closed Case Disposition by Legal Problem



NYE
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM

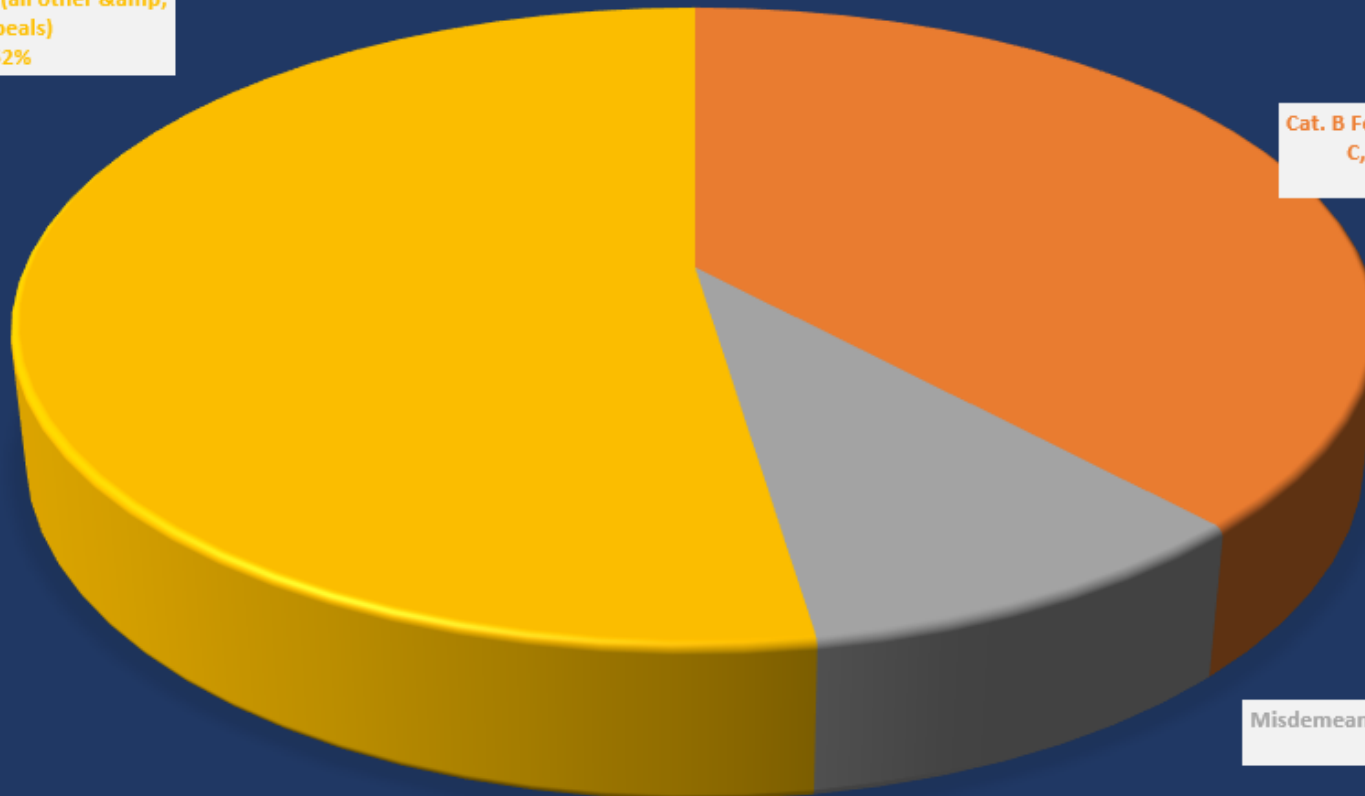


NYE
LEGAL PROBLEM # CASES CLOSED

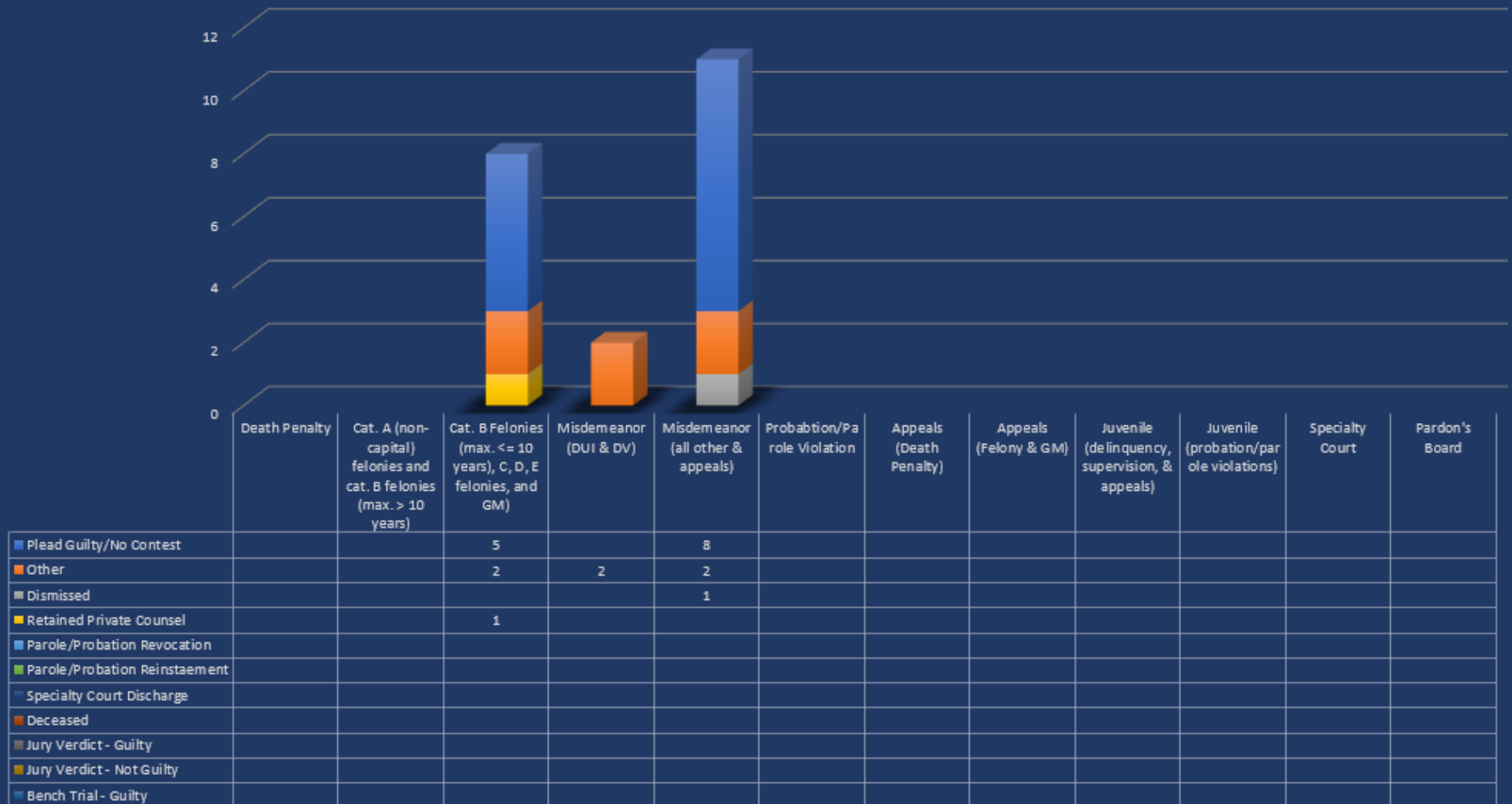
Misdemeanor (all other & appeals)
52%

Cat. B Felonies (max. <= 10 years),
C, D, E felonies, and GM)
38%

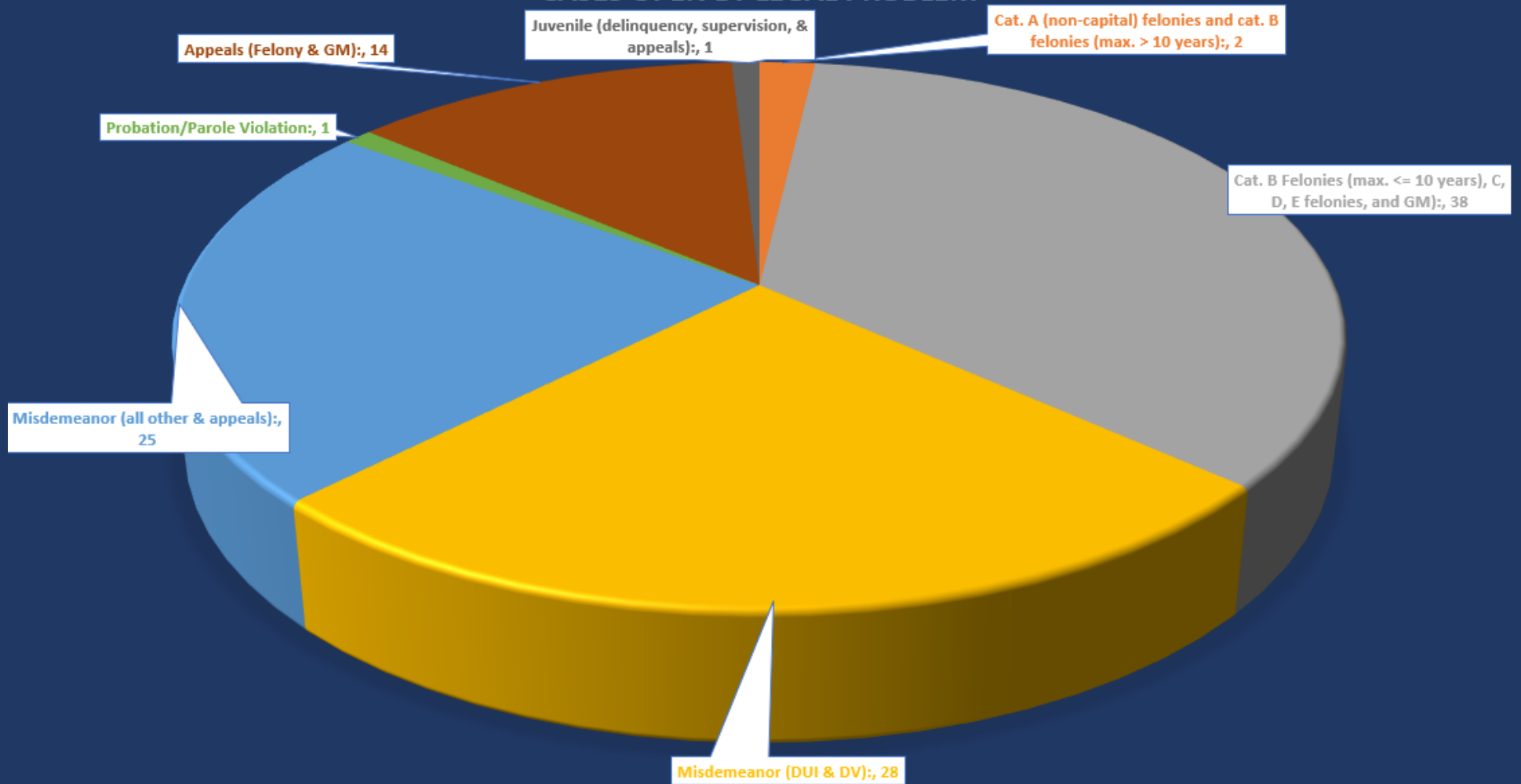
Misdemeanor (DUI & DV)
2



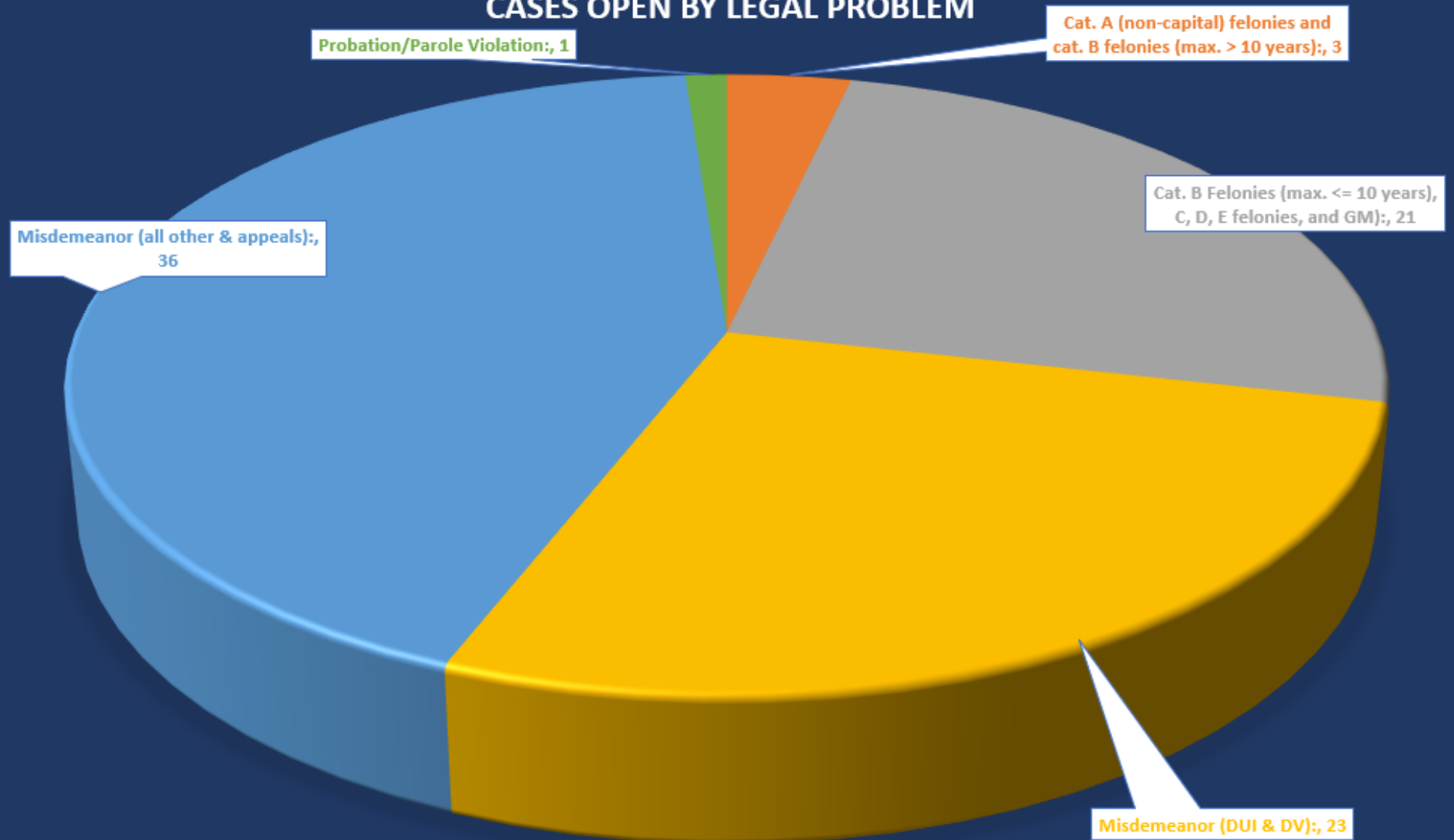
Nye Closed Case Disposition by Legal Problem



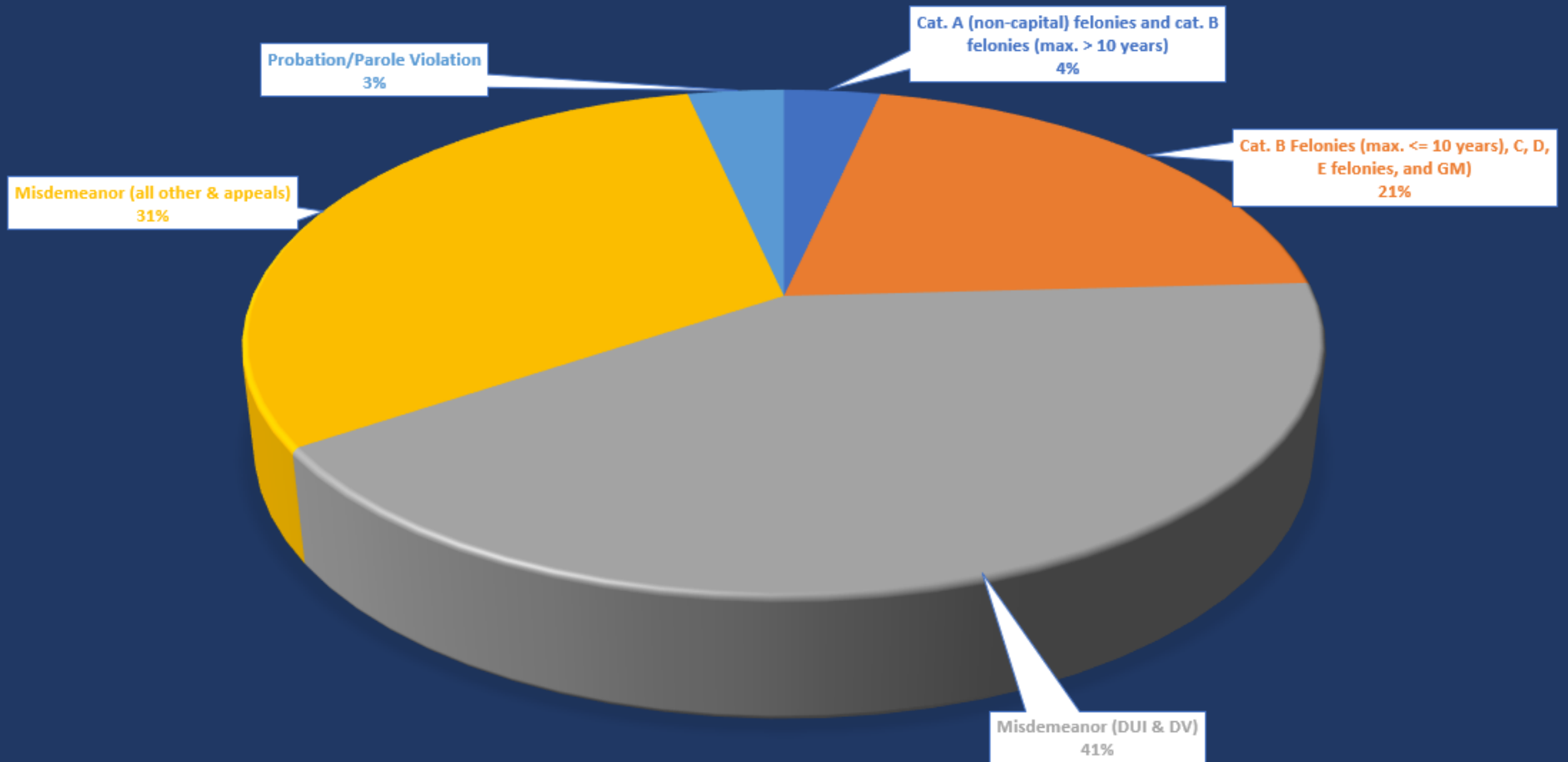
PERSHING
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



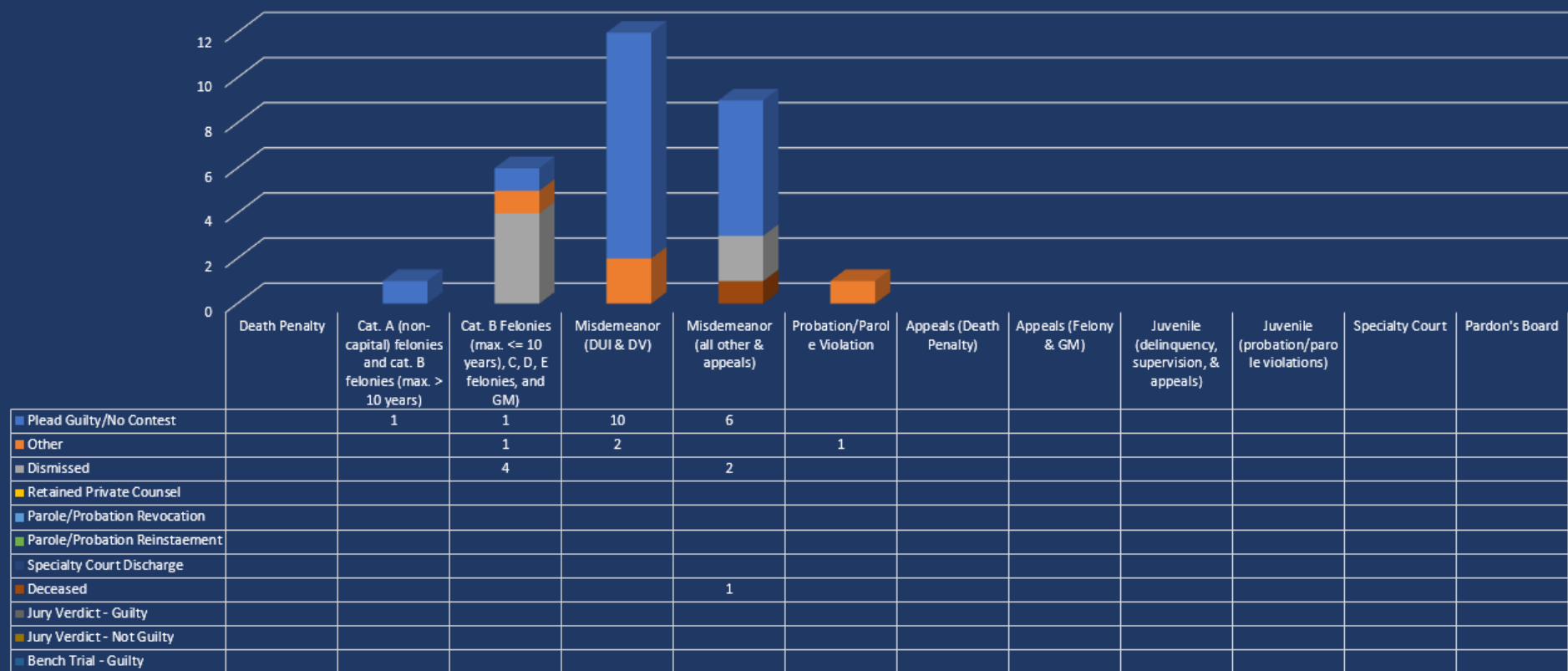
STOREY
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



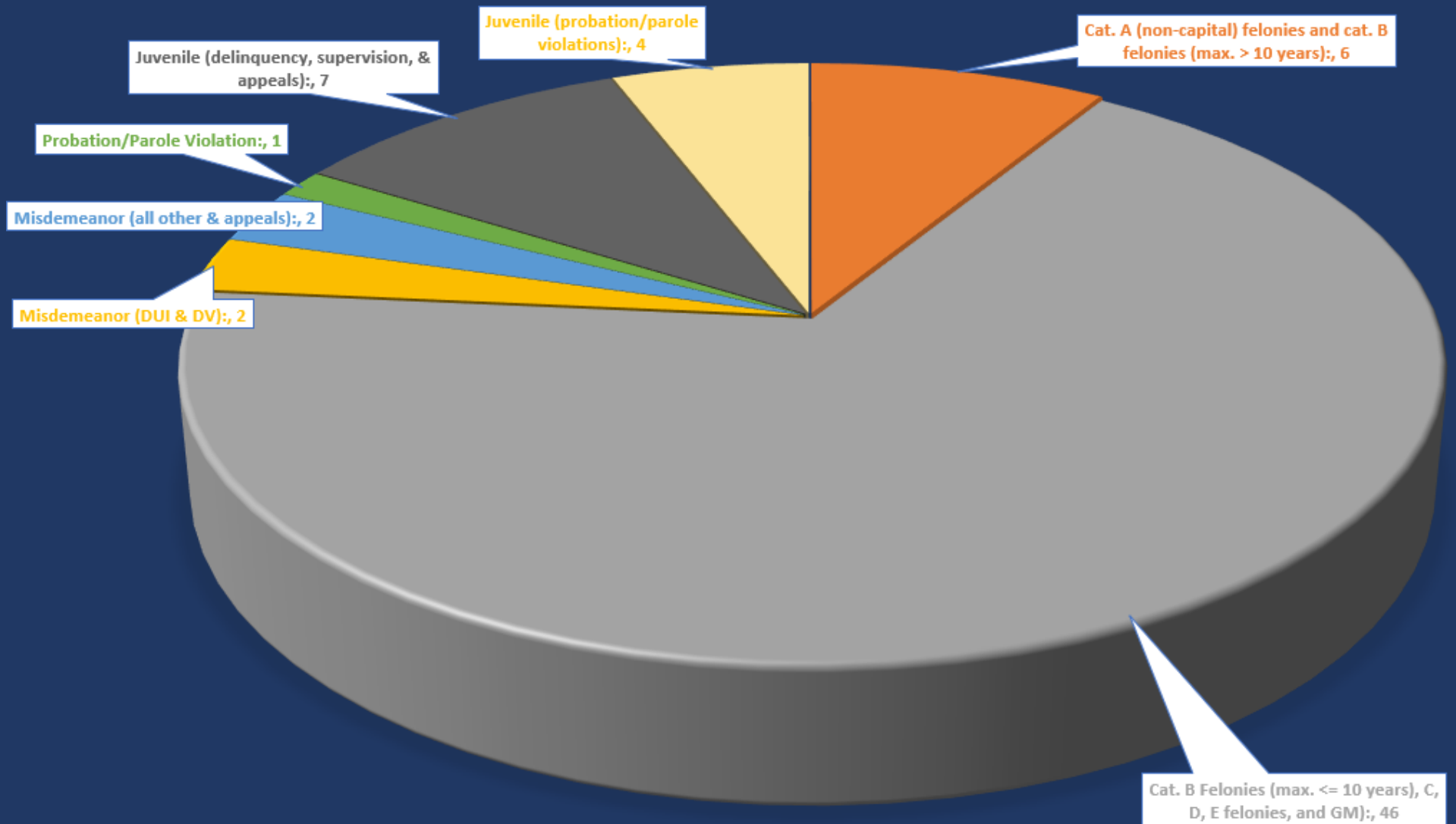
STOREY
LEGAL PROBLEM # CASES CLOSED



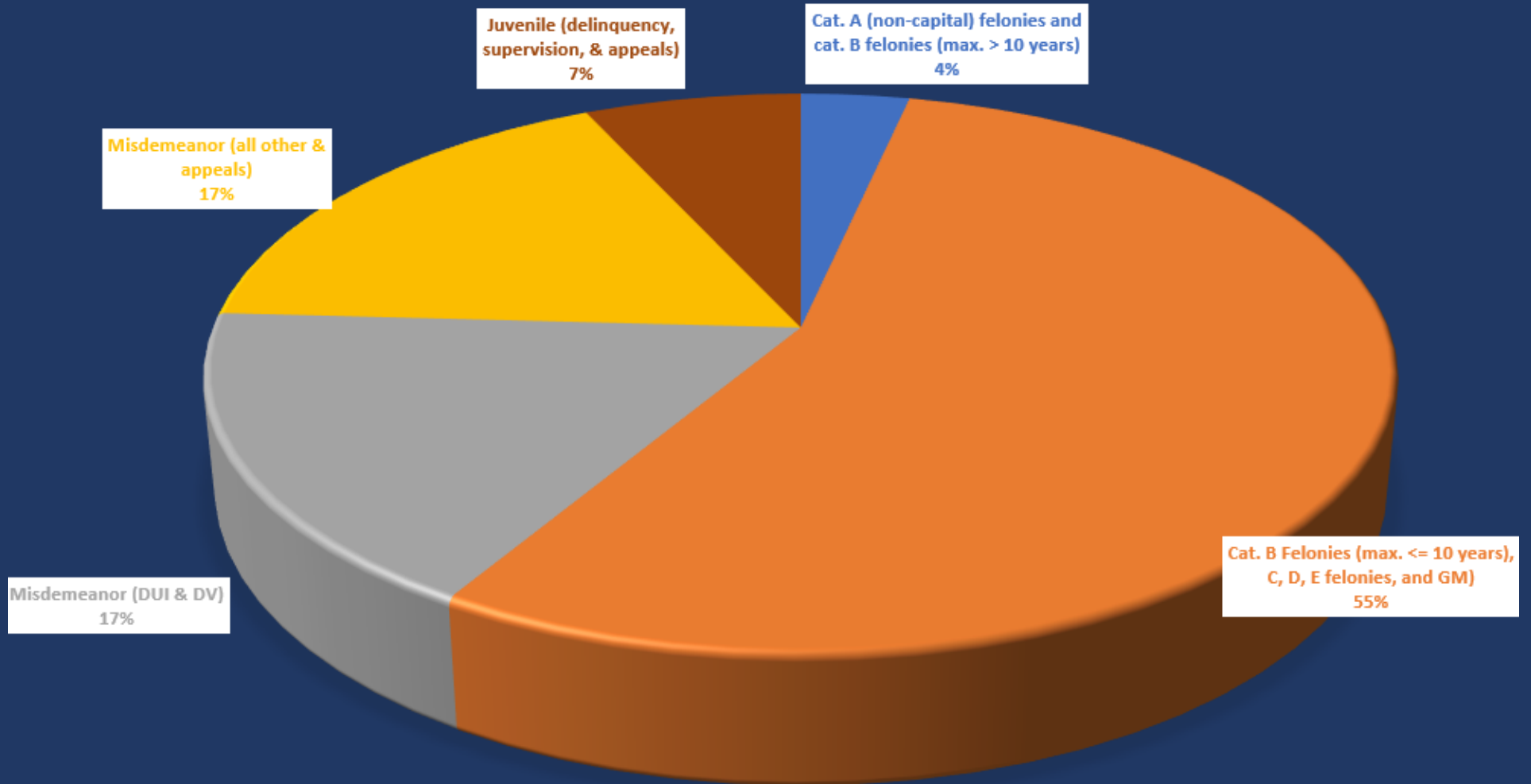
Storey Closed Case Disposition by Legal Problem



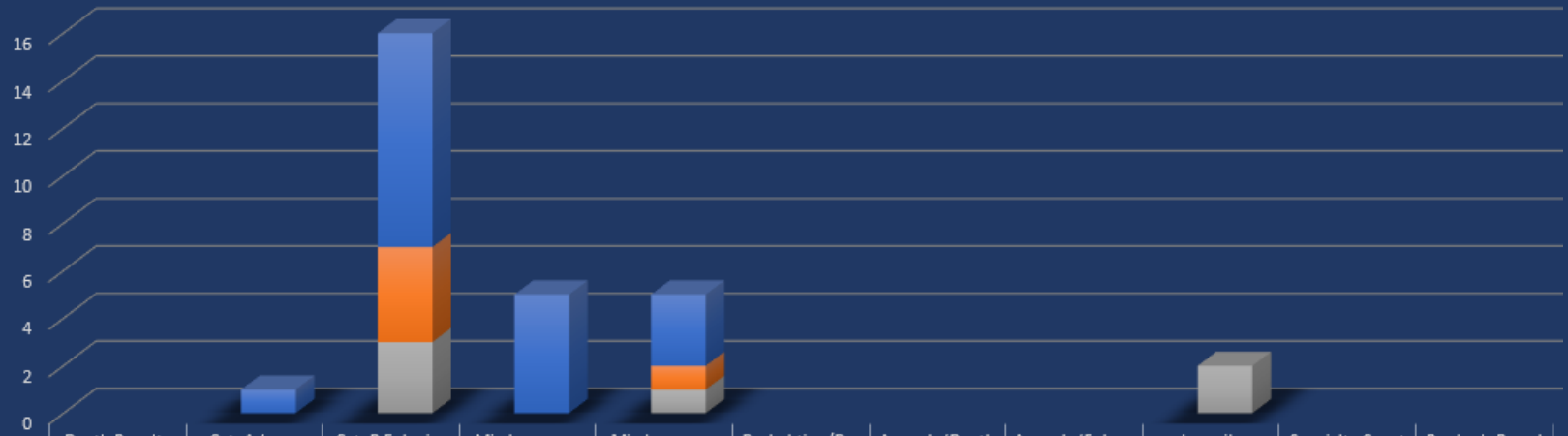
WHITE PINE
10/01/2021 TO 12/31/2021
CASES OPEN BY LEGAL PROBLEM



WHITE PINE LEGAL PROBLEM # CASES CLOSED



White Pine Closed Case Disposition by Legal Problem



Plead Guilty/No Contest		1	9	5	3					
Other			4		1					
Dismissed			3		1			2		
Retained Private Counsel										
Parole/Probation Revocation										
Parole/Probation Reinstatement										
Specialty Court Discharge										
Deceased										
Jury Verdict - Guilty										
Jury Verdict - Not Guilty										
Bench Trial - Guilty										

Review of FY22 Goals

In its 2021 Annual Report, the Department set forth certain goals for the next fiscal year. Below is a list of those goals, along with an indication of whether they were completed.

- ✔ ◇ **Plans for the Provision of Indigent Defense Services:** For the first time in the State's history, and with the Department's guidance and assistance, all 17 counties created Plans for the Provision of Indigent Defense Services, which were approved by the Board on Indigent Defense and are now operational.
- ✔ ◇ **Hold in Person Board Meeting:** The Department successfully gathered the Board members together in Tonopah, Nevada – in homage to founding Chair Bob Crowell -- on June 16, 2022.
- ✔ ◇ **Fiscal Reporting and Reimbursement Requests:** The Department received an Annual Fiscal Report from all 17 counties and successfully obtained reimbursement funding for several counties from the Interim Finance Committee.
- ✔ ◇ **Continued Training and Resources:** The Department held its first in-person training in Las Vegas, Nevada, on May 26-27, 2022. Over fifty indigent defense providers attended.
- ✔ ◇ **LegalServer and Uniform Data Collection:** The Department rolled out the case management software and provided thorough training and technical support to indigent defense providers in all 15 rural counties. Pulling from the data practitioners entered into the system, the Department has generated and published two quarterly data reports to date.
- ◇ **Finalize NCSC Study:** The Department continued to work with NCSC to finalize the study. Pandemic complications and data limitations have pushed back the expected completion of this study to early FY23.
- ✔ ◇ **Permanent Regulations of the Board on Indigent Defense Services:** The Board created Permanent Regulations on Indigent Defense Services which were adopted by the Legislative Commission on October 25, 2021.
- ✔ ◇ **Observation and Review of Indigent Defense:** With the relaxing of pandemic restrictions, the Department was able to begin its on-site visits. These visits have been focused on attorney client communication; use of experts and investigators; first appearances; and preparedness.

Goals for FY23

- ◇ **Provide Compensation Parity:** Determine a reasonable hourly rate for appointed indigent defense counsel, a reasonable salary for indigent defense counsel, and propose a bill draft to implement these rates.
- ◇ **Finalize Weighted Caseload Study:** The Department will continue to work with NCSC to finalize the study and implement the findings to help alleviate shortages of counsel.
- ◇ **Successfully Reimburse Rural Counties:** The Department has received the Annual Fiscal Report from all seventeen counties and has submitted requests to the Governor's Finance Office for reimbursement of eligible rural counties for indigent defense expenses over their maximum contribution amounts.
- ◇ **Continued Training and Resources:** The Department is already at work planning next year's Annual Conference, hopefully at beautiful Lake Tahoe.
- ◇ **Observation and Review of Indigent Defense:** The Department will continue its work in stakeholder relationship building, team building, and on-site observation of the judicial process in the rural counties.
- ◇ **Build a Holistic Resource Center:** Either through general or grant funding, the Department will continue its work to build a holistic resource center for our rural public defenders, to provide them better access to resources such as social workers, investigators, mitigation specialists, and evaluators.

Vision for the Future: Creating Sustainable Infrastructure

DIDS is re-imagining the indigent defense delivery infrastructure across Nevada's rural counties. We are working with stakeholders in each county to craft more sustainable systems that will result in stronger and more resilient communities. We are also working on Bill Draft Requests and building a more robust budget to bring fiscal sustainability to indigent defense.

Legislative Efforts.

NRS 180.320(1)(g) requires that the Board on Indigent Defense Services to, "Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner." In the past year, DIDS worked to successfully pass AB480 and shepherd our Permanent Regulations to approval. Since then, we have turned our focus towards increasing the statutory rate of compensation for appointed counsel, ensuring the Confidentiality of DIDS data collection records, and reimagining the scope and infrastructure of the Nevada State Public Defender.

There is a critical shortage of indigent defense attorneys in the Silver State. This is not a new situation, but one that has been eroding for many years. One of the primary reasons for this shortage is the unsustainable wages paid to indigent defense practitioners and their staff, compared to other available areas of law. DIDS is focused on creating more sustainability across the state for public defenders and for indigent defense systems as a whole. To that end, we are working with a data analyst on a salary survey for indigent defense providers, as well as collecting data to support an hourly rate increase for appointed counsel. The current appointed counsel rate was enacted in 2003. Since then, the cost of living in Nevada has increased more than 50%. This creates a situation in which qualified attorneys cannot afford to take appointed cases and still cover their overhead expenses. Accordingly, DIDS is submitting a Bill Draft Request to address this issue, with a proposed increase in the hourly rate for appointed counsel. The BDR also seeks to tie the appointed hourly rate to cost-of-living, with an automatic increase every year.

New Resources.

DIDS is interested in bringing more holistic defense resources to rural Nevadans. Based on the expressed needs of practitioners, judges, and others across Nevada's rural counties, DIDS is planning a Holistic Resource Center that will connect indigent defense providers to mental health, addiction, housing, food, domestic violence, immigration, and investigation resources. One area of consistent disparity in the rural counties, compared to the urban centers is access to these kinds of resources.

A recent Rand Corporation study shows that, compared with traditional criminal defense (which focuses primarily on the criminal charges), holistic defense reduces the likelihood of a custodial sentence by 16% and sentence length by 24%, without increasing future crime. In the study at issue, the holistic defense model averted 1.1 million days of custodial punishment and saved taxpayers \$160 million. Our vision is to build a system that is capable of bringing this same level of success and community resilience to Nevada. And to continue to do work of building upon that vision. Stay tuned.

DIDS Would Like to Thank the Following for Their Contributions

- * **Thank you to the members of the Board on Indigent Defense.**

- * Outgoing Chairwoman Anne Traum, Professor at UNLV Boyd School of Law, for her outstanding leadership. Congratulations on her well-deserved seat at the United States District Court!
- * Incoming Chairman Dave Mendiola, Humboldt County Manager, for his willingness to take up the mantle of Chair of the Board on Indigent Defense and his generous spirit.

- * **Thank you to all those who helped with our Second Annual Conference.**

- * The Plaza Hotel and Casino, the Mob Museum, The Nevada Court of Appeals, Dr. Coard, the NACJ, LegalServer, and Westlaw for their generous sponsorships and accommodations that helped to make the Second Annual DIDS Conference a success.
- * Justice James Hardesty, Judge Linda Bell, Justice Gibbons, Dr. Coard, Dr. Laskey, Dustin Grate, Kristine Kusemka, J'osee Perrine, Professor John Lambrose, Reporter Parker Yesko, Michelle Gaudet, Charles Odgers, Guy Bovard, Richard Sears, Nadia Wood, and Mark Disselkoen, for helping make the 2022 DIDS Annual Conference a success with their contributions as speakers and panel members.
- * John McCormick of the Administrative Office of the Courts for being quick and responsive and always willing to assist our Department and helping to coordinate our NACJ mixer.

- * **Thank you to all those who helped with implementing AB480**

- * All of our Appointed Counsel Administrators for assisting the Department and the counties with essential work in this new age of indigent defense

- * **Thank you to all those who help our Department to comply with *Davis***

- * Professor Eve Hanan, monitor in the *Davis v. Nevada* Case, for providing a letter for this report, and for her oversight.
- * NSCS for their ongoing work and flexibility in preparing our weighted caseload study.
- * Dr. Mitch Herian for his assistance as a data analyst over the past year.
- * John G. Williams from EITS and all the staff at LegalServer for their continued assistance with all our IT needs.

Additionally, the Department would like to thank Dean Christine Smith, Professor Dawn Nielsen, Boyd School of Law, and its wonderful students.

Finally, a special thank you to the indigent defense attorneys, county managers, assistant county managers, and county commissioners throughout the State in providing information vital to completion of this report and for their tireless commitment to improve indigent defense through the creation of the plans for their county.



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