

ANNUAL REPORT OF THE DEPARTMENT OF INDIGENT DEFENSE SERVICES



GROWING ROOTS

JULY 1, 2023



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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Growing Roots

The success of anything worth growing depends upon the strength of its roots. There is an old saying that the best time to plant a tree was twenty years ago. The next best time is today. Over the last three years, and with the help of stakeholders in every county, DIDS has been planting. And those plantings are growing deep roots.

DIDS has faced many challenges in its short existence. Nevertheless, its dedicated staff has worked tirelessly to bring together stakeholders from across the state, create indigent defense plans in 15 diverse counties, and help counties reimagine and recraft how they provide public defense services. All that work has paid off. Every county that exceeded its maximum contribution cap received the full amount of their requested reimbursements for FY 2022.

The strength of any community is determined by many things. One thing strong communities all have in common, though, is a strong indigent defense system. A sustainable indigent defense system promotes public safety, ensures the fairness of our justice system, and also saves the community money.

Training & Resources

The Third Annual Conference was held on May 4-5, 2023, at the Silver Legacy in Reno, Nevada. Every county in Nevada was represented and more than 70 participants enrolled. These DIDS conferences provide public defenders with an opportunity that prosecutors have long enjoyed, the chance to come together from across the state and not only received valuable training, but make valuable professional and personal connections that will benefit them for the rest of their careers.

Fiscal Reporting & Reimbursements to Counties

Through its approved maximum contribution formula, in FY 2022, the Department successfully obtained and distributed state reimbursements of over \$1.9 million in indigent defense expenses to rural Nevada counties. The importance of these reimbursements cannot be overstated. This is a ground-breaking achievement, as counties have historically had to fund these programs entirely on their own.

DIDS was created in 2019 to oversee, support, and provide supplemental state resources to indigent defense providers (public defenders) throughout the state, primarily in the rural counties. As part of its mission, DIDS and the Board on Indigent Defense Services created a formula which capped the maximum amount each county would have to pay for its system of indigent defense. But it wasn't until fiscal year 2022 that the system could actually be tested. We are elated to report that we passed the test.

Implementation of AB 480

Through AB 480, the Department created unprecedented independence from the judiciary for public defenders. As part of the changes in the law, beginning in September of 2021, the Department now selects conflict counsel and reviews requests for attorney fees, investigators, and experts. In this way, AB 480 puts indigent defense providers in parity with prosecutors where judicial oversight is concerned.

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. In 2021, the Department rolled out the cloud-based case management system LegalServer to all public defender offices and indigent defense practitioners on its qualified list, hosted trainings on the system, and began to collect data on caseloads and time.

The Department continues to work with individual offices to answer questions, provide individualized instruction, and continue to customize the system as needed. The Department has now collected and published more than a full year's worth of data on time and caseloads, and has provided the same to the National Center for State Courts, who is working on a weighted caseload study. The study by NCSC, along with a new nationwide study by the RAND Corporation and others, will allow the Board to set new statewide workloads for Nevada.

Accolades

The Department was honored by the Public Interest Law Association at the UNLV Boyd School of Law as the recipient of the Silver Embrace Award. The Award honors an unsung hero engaged in legal public interest work in Nevada. Fellow members of the legal community nominated DIDS due to the organization's commitment to serving indigent communities throughout Nevada.

Legislative Efforts

The Department presented several bills to the Nevada Legislature in this legislative cycle (the 82nd session). They include: (1) SB 39, which provides that certain records received, obtained and compiled by the Department or the Board are confidential; (2) AB 454, which allows the Board to set the hourly rate of compensation for appointed indigent defense attorneys. It also authorizes the Department to seek additional funding from the statutory contingency account, if the funding allocated to the Department is insufficient for reimbursing rural counties; (3) SB 479, which provides a supplemental appropriation to the Department for an unanticipated shortfall to fund county reimbursements pursuant to the maximum contribution formula; and (4) AB 518, which places in statute the formula for state reimbursements to counties, instead of in the Board's regulations. It also sets aside \$12 million for the biennium for anticipated expenses including workload standards, oversight, training, and complex litigation. And finally, it provides compensation for those who must attend weekend 48-hour hearings..

Conclusion

The Department has spent over three years planting and growing the roots of a stronger and more sustainable system of indigent defense across the state. We are seeing the results of these labors, and we are committed to continuing to provide the leadership necessary to see the work continue to grow.

Letter from the Chair

The Department of Indigent Defense Services has now completed its third full year of operation. Despite the considerable challenges, it continues to focus on improving indigent defense services and providing more resources to Nevada's rural counties. The crown jewel of its efforts is that in FY 2022, the Department successfully obtained and distributed state reimbursements of over \$1.9 million in indigent defense expenses to rural Nevada counties.

The Department's tenacity and resourcefulness has resulted in a legislative set-aside of approximately \$3.5 million dollars for each year of the biennium for purposes of continuing the state reimbursement of county indigent defense expenses. The Department has also been hard at work this legislative session, with bills that protect all privileged records in its possession, allow the Board to set the hourly rate for appointed counsel, secure a record amount of funding for county reimbursement, and compensate those who have to appear on weekends for 48-hour hearings.

This year, DIDS was honored by the Public Interest Law Association at the UNLV Boyd School of Law as the recipient of the Silver Embrace Award. The Award honors an unsung hero engaged in legal public interest work in Nevada. This award exemplifies the hard and important work of the Department.

DIDS will continue overseeing the summer internships created in partnership with UNLV Boyd School of Law, for law students to work in one of Nevada's rural public defender offices, as well as its work of building a statewide indigent defense community. The Department hosted its third annual conference this spring, which brings together indigent defense providers from across the state. In the coming year, the Department will focus on building a new State Public Defender's Office in White Pine County.

The Department and its staff, with the support of its Board members, remain fiercely committed to its mission. We will continue the work of steadfastly building a stronger and more resilient indigent defense network throughout Nevada.

Once again, I want to thank the institutional and private Public Defenders 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 third 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.

The 2022-23 fiscal year held many accomplishments for the Department that relate directly to the three areas of action laid out in the consent judgment: (1) the removal of economic disincentives to effective representation, (2) the setting and maintaining of standards for indigent defense, and (3) ensuring uniform time and caseload reporting.

The Department is committed to reducing economic disincentives by promptly compensating appointed counsel and reimbursing counties for their public defense expenses over their maximum contribution. In the coming biennium, the Department will be able to reimburse the counties directly out of the Department's budget, a change that should make reimbursement even more certain and rapid for the counties.

The Department continues to oversee the selection of attorneys appointed in conflict cases, and to work with counties to offer compensation rates that attract qualified attorneys. Moreover, the Department took an important step toward ensuring pay parity with the prosecution by conducting, with the help of a consulting data analyst, a survey of the average overhead for solo practitioners engaged in indigent defense. Comparable pay with the prosecution—a requirement of the consent judgment—can now be measured in a way that takes into account the realities of private practice.

Regarding setting and ensuring standards, the Department continues to engage in oversight activities as well as training and support for individual attorneys. In May, the Department held its second state-wide, in-person training conference, which was open to all indigent defense providers, with reimbursement for travel expenses to the conference site in Reno for some rural attorneys in the *Davis* counties. The Department also partnered with public defender offices to offer a four-part, remote training on defending homicide cases.

With regard to reporting compliance, Department now has collected and reported six quarters of time and caseload data from indigent defense providers in the *Davis* counties and has made progress encouraging all attorneys to report their hours and caseloads, a practice that will be essential to complying with caseload limits when the workload study is complete.

There are many important tasks ahead. First among them will be to implement the caseload standards when the workload study being conducted by the National Center for State Courts is complete. After the caseload standards are adopted, the Department will assist the counties in ensuring that their county plans, provider contracts, and practices comply.

There are also challenges ahead, such as the Department's obligation to conduct oversight visits to all *Davis* counties on a yearly basis—a difficult task with the Department's lean budget and staff. In addition, some counties still struggle to attract an adequate number of qualified attorneys.

I appreciate the Department's consistent responsiveness to my many requests for compliance information. I look forward to continuing to work 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



Professor 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.

Lorina Dellinger
Nye

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

Jarrold Hickman
Washoe

A licensed attorney and member in good
standing, appointed by the Majority Leader of
the Nevada State Senate.

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 (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.

* **There is one open seat that is** selected by the
associations of the State Bar of Nevada , for a
person who represents members of racial or
ethnic minorities , appointed by the Governor

Board on Indigent Defense Services Meetings

All meetings of the Board on Indigent Defense Services are open to the public, unless otherwise noted. The Board adopted their first set of Permanent Regulations. 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.

FY24 Appropriation	\$4,762,485.00
Personnel Services	\$ 950,628.00
Out of State Travel	\$ -
In State Travel	\$ 9,367.00
Operating	\$ 76,447.00
Equipment	\$ 2,472.00
Commission Travel	\$ 10,655.00
Information Services	\$ 6,997.00
Training	\$ 3,115.00
Training and Resources	\$ 22,519.00
Court Monitor	\$ 75,000.00
Cost Allocation	\$ 12,468.00
Purchasing Assessment	\$ 1,202.00
AG Cost Allocation	\$ 18,123.00
Maximum Contribution Reimbursement Fund	\$3,500,000.00

Website

The Department maintains a regularly updated website, located at: <http://dids.nv.gov/>. Visit the website to find information on the Board on Indigent Defense Services, County and Attorney Resources, Forms, News, and Updates from the Department of Indigent Defense Services.

Department Operational Budget

The Department of Indigent Defense Services was appropriated \$4,762,485.00* for FY24.

The Department was provided \$25,634.00 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 \$3.5 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.

*As of the date of publication, these numbers are not final and may differ from the actual amounts appropriated to the Department.

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.

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.

DIDS Staff:

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



Silver Embrace Award from PILA

The Public Interest Law Association at the William S. Boyd School of Law honored the Department of Indigent Defense Services with this year's **Silver Embrace Award**. The Silver Embrace Award honors an unsung hero engaged in legal public interest work in Nevada. Fellow members of the legal community nominated DIDS due to the organization's commitment to serving indigent communities throughout Nevada.

Specifically, PILA recognized that DIDS assists 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. The Award also noted the Department's efforts in creating a pipeline program through Boyd to bring more qualified indigent defense attorneys into rural areas.

The Public Interest Law Association (PILA) at UNLV William S. Boyd School of Law is a non-profit student organization. PILA is an organization that is committed to helping law students work and advocate for the communities that need it most. Their efforts continue to allow law students to help provide justice throughout Nevada.

PILA works closely with students, faculty, and the community to raise awareness about public interest work and opportunities available to law students. PILA's annual Silver State Auction

raises money to fund summer grants for students working in the public sector. Previous grant winners have worked for various non-profit organizations and government agencies throughout Nevada and the country, including Nevada Legal Services, the Legal Aid Center of Southern Nevada, and the Nevada Department of Indigent Defense Services.



PILA Awards, Las Vegas, Nevada.

Promises Kept to Rural Nevada

In fiscal year 2022, the Department successfully reimbursed eight rural counties a total of \$1,821,144.55 in indigent defense costs. This is a ground-breaking achievement, because the counties have historically had to fund these programs entirely on their own.

DIDS was created in 2019 to oversee, support, and provide state resources to indigent defense providers (public defenders) throughout the state, primarily in the rural counties. As part of its mission, DIDS and the Board on Indigent Defense Services created a formula which capped the maximum amount each county would have to pay for its system of indigent defense. But it wasn't until this year that the system could actually be tested.

DIDS has faced many challenges in its short existence. It was created during the COVID pandemic, and its budget was slashed before the Department was even up and running. Despite the challenges, its dedicated staff has worked tirelessly to bring together stakeholders from across the state, create indigent defense plans in 15 diverse counties, and help counties reimagine and recraft how they provide public defense services.

Until this year, the maximum contribution system — and its attendant reimbursements to counties for spendings over their designated caps — was unproven. Nevertheless, counties worked in good faith to enhance and make adjustments to their indigent defense systems. Now, all that work and good faith participation has paid off. Every county that exceeded its maximum contribution cap received the full amount of their requested reimbursements.

The strength of any community is determined by many things. One thing strong communities all have in common, though, is a strong indigent defense system. A sustainable indigent defense system promotes public safety, ensures the fairness of our justice system, and also saves the community money. The state reimbursement system makes these systems possible.

Now that this milestone has been reached, DIDS is committed to continuing to work with these rural Nevada communities to build on the foundations that these new state-county relationships have created together.





(...Promises Kept, cont.)

Before fiscal year 2022, there was no proof that this new system would work, that the state would come through with reimbursements for the counties for their indigent defense expenses that were in excess of their spending caps (as set forth in the *Davis* Stipulated Consent Judgment and in the new Regulations). In truth, the prevailing word on the street was that this would be an unfunded mandate from the state and the counties ultimately would have to bear the costs.

Nevertheless, in spite of the existing doubt, the rural counties stepped up, worked with the Department, and in good faith amended their indigent defense systems to comply with the new regulations. It paid off for everyone. The indigent defense counsel had more resources to help them do their jobs, the defendants received better representation, and the counties were rewarded for their cooperation with the promised fiscal reimbursements from the state.

And the future looks even brighter. The passage of SB 479 means that a supplemental appropriation in excess of \$2.5 million will be made to the Department to cover reimbursement funding for Fiscal Year 2023.

Through the Department's hard work in seeing AB 518 through the legislative process, it secured a set-aside of \$12 million for the biennium to cover anticipated expenses outside its approved budget. This money will cover reimbursements for county compliance with *Davis*-mandated workload standards, oversight, and training, as well as the costs of complex litigation, including capital cases. Also, the bill created a stipend to be used to compensate those who must attend weekend 48-hour hearings, including public defenders, prosecutors, and judges.

Finally, as all private counsel who take conflict appointments know too well, the hourly rate for those cases has not increased since 2003. AB 454 allows the Board to recalibrate the hourly rate of compensation moving forward. It also authorizes the Department to seek additional funding from the statutory contingency account, if the funding allocated is insufficient for reimbursing rural counties.

Highlights from the Field:

Jacob Sommer

Churchill County Public Defender



His Back Story.

A 2006 graduate of the William S. Boyd School of Law, Jacob clerked for the Federal Public Defender's Office and for the Honorable David A. Huff, before opening his own firm and engaging in the practice of criminal defense. After working for 7 years as a contract public defender, Jacob was hired by the County Commissioners in November 2020 as the first full time Churchill County Public Defender. He has extensive trial experience, from serious felony offenses to misdemeanor cases.

Hurdles on the Path to Justice.

Jacob's frustrations with the criminal justice system include the historic levels of per capita incarceration (in Nevada and beyond), but also the misperception of criminal defense work in general and the lack of appropriate levels of funding for indigent defense. He sees the lack of parity between prosecutors and public defenders as a real and present danger to justice system. He believes that a nation founded upon the principles of equality, justice, and fairness should have a better understanding of this situation.

Steps in the Right Direction.

In November 2020, the County Commissioners made the decision to establish the Department/Office of Public Defender. In 2022 the County then established the separate office of Alternate Public Defender. We hold regular meetings and discussions with the County Commissioners, County Manager, and others to help educate and inform. Additional resources have been added to help through Social Services and other departments. These changes have benefited defendants in receiving support not just with their immediate legal needs, but also in many of the underlying issues that could lead to recidivism.

Wish List for the Future.

Aside from additional staff, and regulatory systemic change that is too broad for discussion here, Jacob's wish list includes a new and modern building in which to house all Indigent Defense Services for Churchill County. This facility would not include adequate space for offices providing representation of defendants, but it would also include space for social services and counselors, as well as a quiet area where defendants could access the internet for job applications, document completion, and other related purposes.

Highlights from the Field:

Chris Arabia

Nevada State Public Defender



His Back Story.

Christopher Arabia was appointed as the new head of the Nevada State Public Defender's Office (NSPD) on December 30, 2022. His appointment follows the retirement of Karin Kreizenbeck.

Arabia has a diverse background, having worked as both a public defender and a prosecutor. He received his Juris Doctorate from the UCLA School of Law in 1995 and has been licensed in Nevada since 2006. Over the past decade and a half, Arabia has served as the Esmeralda County Public Defender, Northern Nye County Public Defender, and most recently as District Attorney in Nye County.

Arabia will be the first appointment to the position of State Public Defender since the creation of DIDS. His insight from having worked in leadership roles on both sides of the aisle allows him to bring a unique perspective to the position.

Looking Towards the Future.

Arabia is committed to improving indigent defense and working with DIDS in its continued efforts to support rural communities across Nevada. Arabia's extensive work in Nevada's rural counties will be a valuable asset in building on the Department's success in bolstering the sustainability and effectiveness of indigent defense in the rural counties.

Third Annual Conference

The Third Annual DIDS Conference was held on May 4-5 2023 in Reno at the Silver Legacy and was an overwhelming success. The conference was themed “Your Client’s Story Told Right: From File to Trial and Beyond” and featured noted speaker, teacher, and legal storytelling guru David Mann.

David engaged, educated, and entertained the conference participants for three hours each morning with practical, informed, and often counterintuitive instruction, mixed with ample interactive role-playing, to allow practitioners to develop an experiential understanding of his teachings.



David Mann discusses how to use narrative effectively in telling your client’s story to the jury.

The afternoon sessions featured a range of talent, including Nevada Supreme Court Justices Linda Bell, Elaine Cadish, and Lidia Stiglich, as well as State Bar President Paola Armeni, and law professor John Lambrose. The final afternoon was wrapped up with a session on persuasive storytelling by Chris Adams and Tzitel Voss, and prominent criminal defense attorney Ozzie Fumo closed with a rousing session on storytelling in closing arguments.

A generous subgrant from the Department of Public Safety’s Office of Criminal Justice Assistance (OJCA), 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) was awarded to the Department. The grant made it possible for over a dozen rural indigent defense attorneys to attend the Conference at low or no cost by DIDS providing reimbursement for their travel expenses and lodging.

Beyond the practical education provided, the primary purpose of the Annual Conference is to encourage and promote the building of a statewide indigent defense community by creating the opportunity for indigent defense attorneys from urban and rural areas to get to know each other and feel comfortable reaching out to one another for resources, ideas, and guidance.

PD leaders from across the state sat down together for a Leadership Lunch to share ideas and discuss the state of indigent defense. Then over 30 attendees from across the state gathered Thursday evening to break bread with one another in three different restaurants on property: LA Strada, The Roxy, and Ruth's Chris Steakhouse. An after-dinner event at Top Golf provided an additional opportunity for these attorneys to build friendships that will continue to benefit them personally and professionally long after the conference.

Generous Sponsorships were provided by Nevada Attorneys for Criminal Justice (NACJ), Sapience Practice LLC / Dr. Herbert Coard, Churchill County, Humboldt County, Lander County, and Washoe County. The support of these sponsors was integral to the success of the conference. There were 74 people who enrolled for the Conference, with at least 45 people confirmed for each day. Of the attendees, 53 people received up to 13 hours of CLE credit over the two-day conference (including one hour of ethics and one hour of substance abuse credits). Others attended the conference but did not request CLE credit for the programming. The attendees represented indigent defense from all 17 counties in Nevada — this is a first in the State's history. Thanks to everyone who helped to put the conference together and to those who attended and participated at every level.

Clockwise from top left: Nevada Supreme Court Justices Linda Bell, Lidia Stiglich, and Elissa Cadish, with moderator John Lambrose; State Bar President Paola Armeni; Storyteller David Mann; Leadership Lunch Participants from counties across the state; and after-dinner Top Golf participants.





The First Annual Defender's Homicide Conference

The Department, together with the Clark County Public Defender, the Clark County Special Public Defender, the Washoe County Public Defender, and the Washoe County Alternate Public Defender, hosted the First Annual Defender's Homicide Conference in the fall of 2022. The Conference was held in four different installments in September through December of 2022. Presentations included Black Letter Law, the First 100 Days, and How to Read an Autopsy Report. Each session was well-attended, with over 100 participants in each.

Here's a look at the offerings and the presenters:

September 28, 2022

[The Homicide Appointment Process](#)

Presented by: Drew Christensen & Marcie Ryba

[Black Letter Homicide Law](#)

Presented by: Scott Coffee & Jordan Savage

October 26, 2022

[Organizing the Homicide File](#)

Presented by: Kate Hickman

November 16, 2022

[The First 100 days of Homicide Representation](#)

Presented by: Marc Picker and Trish Tabet

December 14, 2022

[How to Read an Autopsy Report](#)

[What Defenders Need to Know](#)

Presented by: Dr. Larry Simms



Legislative Efforts

The Department presented several bills to the Nevada Legislature in this legislative cycle (the 82nd session) that will have substantial impact on indigent defense in Nevada. They include:

- (1) SB 39 provides that certain records received, obtained and compiled by the Department or the Board are confidential. Among other things, this bill provides failsafe protections related to data collection;
- (2) AB 454 allows the Board to set the hourly rate of compensation for appointed indigent defense attorneys. It also authorizes the Department to seek additional funding from the statutory contingency account if the funding allocated to the Department is insufficient for reimbursing rural counties. These are both watershed changes;
- (3) SB 479 provides a supplemental appropriation to the Department for an unanticipated shortfall to fund county reimbursements in Fiscal Year 2023, pursuant to the maximum contribution formula; and
- (4) AB 518, which places in the statutes the formula for state reimbursements to counties, instead of in the Board's regulations. It also sets aside \$12 million for the biennium for anticipated expenses including workload standards, oversight, training, and complex litigation. And finally, it provides compensation for those who must attend weekend 48-hour hearings. This was a collaborative effort with some unexpected partners and is another groundbreaking achievement.

Summer Internship Program

Unique summer internships created in partnership between the Department of Indigent Defense Services (DIDS) and the William S. Boyd School of Law offer law students the ability to be student practitioners in rural Nevada courtrooms. DIDS was created by the Nevada Legislature in 2019 to assist counties in creating more effective and sustainable indigent defense systems. As part of its mission, the Department has been working with the Boyd School of Law to create pipeline programs that introduce law students to the judicial systems in rural Nevada counties, where access was previously limited.

The inaugural interns for the summer of 2022 were Mia Perez and Jesse Larsen, both third year law students at Boyd.

The first program to launch features a choice of externships (in which students earn academic credits) or internships (in which students do not earn credits) that are designed to engage law students in the practice of indigent defense, including the opportunity for some rare hands-on courtroom experience that will serve them for years to come. The students will also reap the benefits of working in the beautiful rural areas of the state. The program officially began in the summer of 2022 and will continue in the summer of 2023. Students who are chosen will receive a stipend to help cover living expenses.



Boyd Law Intern Mia Perez

A generous grant from the State Bar of Nevada has allowed the Department of Indigent Defense Services to offer these opportunities for law students. The program currently picks two Boyd law students per summer to receive a stipend of \$6,500 to work in an organized public defender's office in one of Nevada's rural communities.

(Interns, Page 2)

The program gives big-city law students a taste of life in a different environment. Mia and Jesse both loved getting out of the Las Vegas heat and spending time in nature in Northern Nevada. One of the goals of the Department is to bring new and energetic practitioners into the Nevada's rural communities. We hope that the experience, and the communities in which the students live and work, will sell themselves.

What our first round of law students thought of their experiences:

Mia: I enjoyed working in the Elko Public Defender's Office. I would definitely recommend this program to other law students! My internship was in Elko, which is a lot cooler in temperature than Las Vegas, plus it has amazing views. All of the experienced attorneys were incredibly kind, and they provided mentorship and lifelong professional connections. My supervising attorney was a rockstar and was really hands-on when it came to teaching me about criminal defense work, including how to complete client intakes, prepare trial plans, formulate concise arguments, negotiate with the prosecution, draft motions, and more. All of these experiences will translate well into any legal position, whether students are considering criminal defense work or not.

Jesse: I would absolutely recommend the program to another law student! Especially if they even had a vague idea of working in public defense. I really enjoyed my time with the State Public Defender's office. All the attorneys and office staff are super nice and helpful. Carson City is a beautiful place, and it is *very* close to Lake Tahoe (not to mention much cooler than Las Vegas in the summer). This internship offered me invaluable experience in not just criminal defense, but also general legal skills, from client counseling and negotiations to jury venire and trial prep. All of these skills and experiences would be useful to any law student, regardless of what career path they intend to take.



Boyd Law Intern Jesse Larsen

Pipeline Ideas & Overhead Study

The Department has again partnered with Dr. Mitchel Herian of Soval Solutions, LLC for assistance with data analysis of indigent defense in Nevada. Specifically, Dr. Herian continued with his assistance to DIDS in crafting viable pipeline programs that will address the shortage of indigent defense providers in Nevada. Dr. Herian also conducted a statewide overhead survey, to more accurately inform our efforts at achieving parity between prosecutors and public defenders in the rural counties.

Pipeline Ideas. Dr. Herian presented recommendations to help build a more effective pipeline to rural practice:

1. Travel Budget for On-Campus Recruitment

Funding to travel to law schools in surrounding states to recruit students to participate in Nevada's pipeline program.

2. Budget to Attend Equal Justice Works Conference and Career Fair

Equal Justice Works is a non-profit organization that holds an annual conference and career fair to facilitate recruitment of students interested in public interest careers.

3. Host Fund Authority

The inability of DIDS to provide basics like food and drink at informational events inhibits its recruitment efforts.

4. Reciprocity for Indigent Defense Attorneys

It may be beneficial for Nevada to carve out a reciprocity exception for indigent defense attorneys.

5. Stipends for new or experienced lawyers, which include a 2-year plan and a five-year plan. These incentives were modeled after similar programs in South Dakota, North Dakota, Illinois, Kansas, Montana, and Colorado.

Overhead Study. DIDS and Soval Solutions collaborated on the development of a survey to determine approximate overhead costs for contract indigent defense service providers. Attorneys were asked to indicate the total amount of overhead costs for their firm/organization. The average overhead cost per attorney was \$86,427. Assuming that there are 220 working days in a typical year, and that there are seven working hours in a day, we arrive at a total of 1,540 work hours per year. An attorney who works the full 1,540 hours at an hourly rate of \$100/hour would gross a total of \$154,000 in a typical year. Assuming that an attorney incurs average overhead costs, this would net that an attorney \$67,573 per year. Since this study was conducted, market forces in several counties have resulted in increases in the hourly rate in a range from \$125 an hour to as much as \$250 an hour.

Dr. Mitchel Herian

**SOVAL
SOLUTIONS**



Data Collection and LegalServer

In the pages that follow, uniform caseload data for the period of January to December 2022 is presented. Since all counties are now tracking data in a similar manner, the data finally can be compared county to county.

The graphs included tell us the workload by county, included the number of cases that were open during the time period, as well as the number of cases that were closed. Another graph shows the disposition for closed cases. And a third lays out the total amount of time spent on each type of case over the time period.

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. This 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.

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 and by county. This page reflects spending for *Davis* Counties.

FISCAL YEAR 2022										
INDIGENT DEFENSE SERVICES										
Expenditure Category	Davis Counties									
	Churchill	Douglas	Esmeralda	Eureka	Lander	Lincoln	Lyon	Mineral	Nye	White Pine
NSPD Charges	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
County PD Costs	\$ 411,699.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Contract PD Costs	\$ 55,625.82	\$ 883,080.43	\$ 54,161.01	\$ 64,124.30	\$ 130,000.00	\$ 139,718.75	\$ 982,549.41	\$129,440.00	\$748,518.00	\$690,145.80
Indigent Defense Appointed Attorney costs	\$ 58,895.16	\$ 302,769.49	\$ 9,031.90	\$ 10,935.88	\$ 2,535.00	\$ 3,050.00	\$ 290,222.50	\$ -	\$ -	\$ -
Appointed Indigent Defense Counsel Administrator	\$ -	\$ 136,450.00			\$ 5,000.00	\$ -	\$ -	\$ -		\$ -
Mitigation Specialists (non-salary)	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interpreter	\$ 200.00	\$ -			\$ 200.00	\$ -	\$ -	\$ -	\$ -	\$ -
Investigators (non-salary)	\$ 11,179.44	\$ 17,731.30	\$ -	\$ -	\$ -	\$ 1,090.00	\$ 58,352.44	\$ -	\$ 45,908.75	\$ 81,830.92
Experts (non-salary)	\$ 2,500.00	\$ 46,052.75	\$ -	\$ -	\$ -	\$ 6,138.00	\$ 48,041.03	\$ -	\$ 5,500.00	\$ 42,871.15
Evaluations	\$ 4,500.00	\$ -			\$ 9,400.00	\$ -	\$ -	\$ -	\$ -	\$ -
Social Workers (non-salary)	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transcripts	\$ -	\$ -			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Travel	\$ 2,340.24	\$ 1,750.00			\$ -	\$ -	\$ -	\$ -	\$243,348.91	\$ -
Other	\$ -	\$ 3,615.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 998.40	\$ 2,052.00
Total	\$ 530,176.91	\$ 1,391,449.45	\$ 63,192.91	\$ 75,060.18	\$ 147,135.00	\$ 149,996.75	\$ 1,379,165.38	\$129,440.00	\$821,093.00	\$631,240.00

County Indigent Defense Expenditures, Cont.

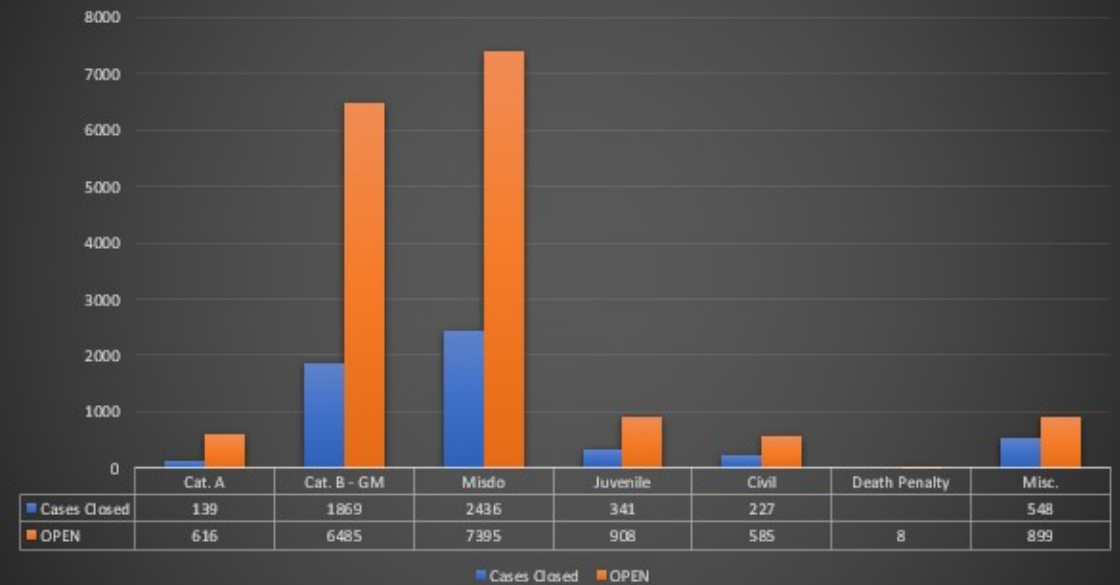
This page reflects spending for non-*Davis* Counties for Fiscal Year 2022.

FISCAL YEAR 2022									
INDIGENT DEFENSE SERVICES									
Expenditure Category	Non-Davis Counties								
	Carson	Clark	Elko	Humboldt	Pershing	Storey	Washoe		
NSPD Charges	\$1,231,640.85	\$ -	\$ -	\$ -	\$ -	\$ 108,699.00	\$ -		
County PD Costs	\$ -	\$38,782,882.09	\$1,540,993.61	\$496,125.95	\$ 215,068.00	\$ -	\$12,368,050.72		
Contract PD Costs	\$ 425,059.42	\$14,250,793.24	\$ -	\$ -	\$ 31,185.70		\$ 261,213.58		
Indigent Defense Appointed Attorney costs	\$ 25,308.50	\$ -	\$ 455,483.46	\$ 4,180.00	\$ 400.00		\$ 442,823.34		
Appointed Indigent Defense Counsel Administrator	\$ -	\$ -	\$ -	\$ -	\$ 500.00		\$ 72,000.00		
Mitigation Specialists (non-salary)	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -		
Interpreter	\$ -	\$ -	\$ 3,104.54	\$ -	\$ -		\$ 154,705.36		
Investigators (non-salary)	\$ 175.00	\$ -	\$ 38,214.56	\$ 31,111.56	\$ 720.00	\$ 13,000.00	\$ 71,273.64		
Experts (non-salary)	\$ 25,083.00	\$ -	\$ 41,364.02	\$ -	\$ -	\$ -	\$ 116,097.61		
Evaluations	\$ 85,690.00	\$ -	\$ 51,717.67	\$ -	\$ -		\$ 510,362.00		
Social Workers (non-salary)	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -		
Transcripts	\$ -	\$ -	\$ 600.77	\$ -	\$ -		\$ 134,741.38		
Travel	\$ -	\$ -	\$ -	\$ -	\$ 1,211.92		\$ -		
Other	\$ 86.72	\$ -	\$ -	\$ 783.88	\$ 39,391.92	\$ -	\$ 286,673.77		
Total	\$1,793,042.01	\$53,033,675.33	\$2,131,478.63	\$532,201.39	\$ 288,477.54	\$ 121,699.00	\$14,417,941.40		

State of Nevada Annual Data 1/1/2022 to 12/31/2022



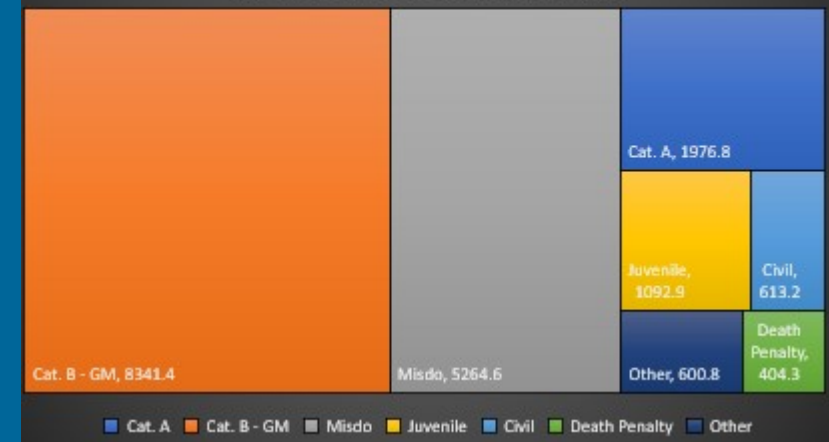
Nevada Workload 1/01/2022 to 12/31/2022



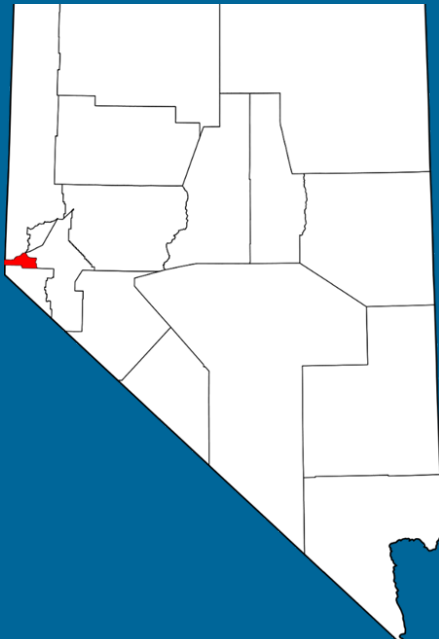
NEVADA TOTAL
Closed Cases by Reason
1/01/2022 to 12/31/2022



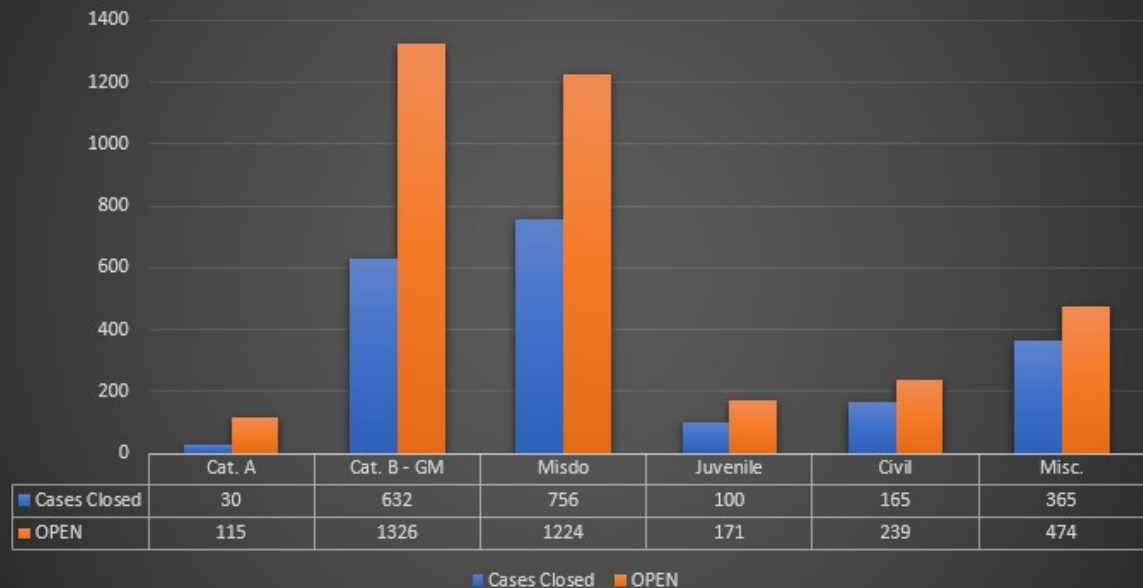
Nevada
Hours per Legal Problem Code
1/01/2022 to 12/31/2022



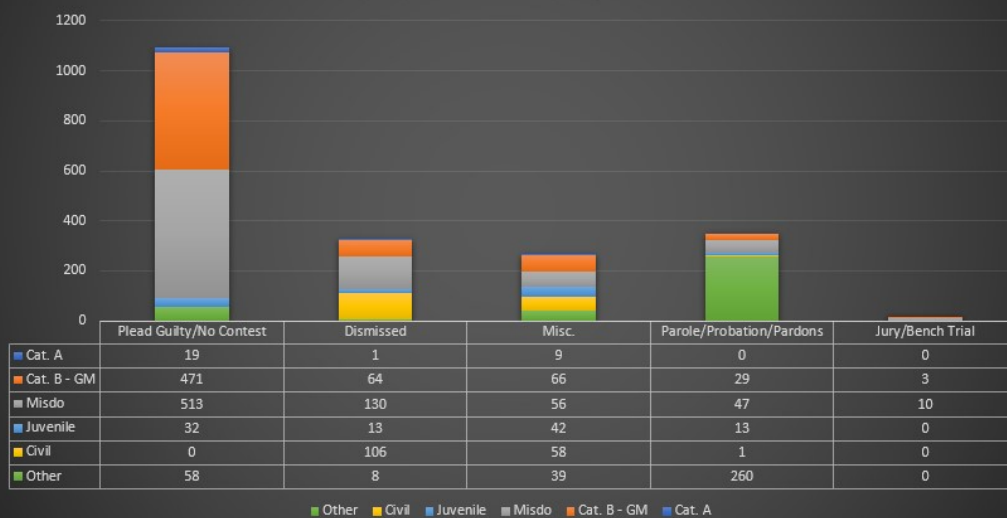
Carson Annual Data 1/1/2022 to 12/31/2022



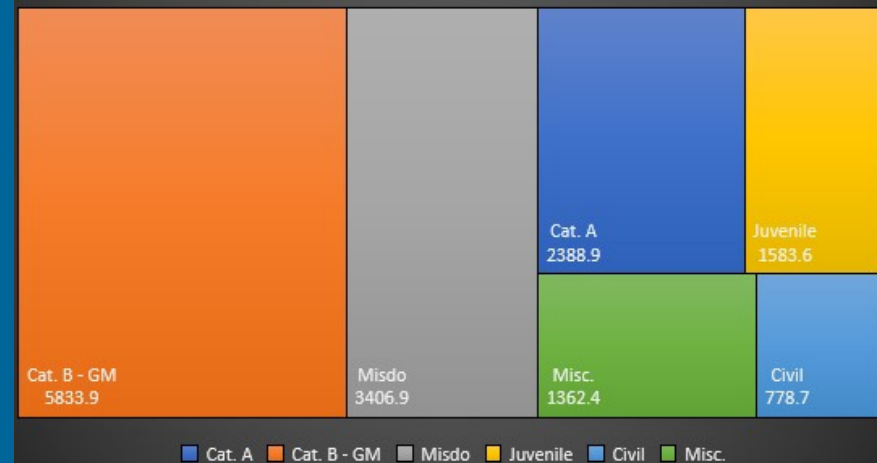
Carson City Workload 1/01/2022 to 12/31/2022



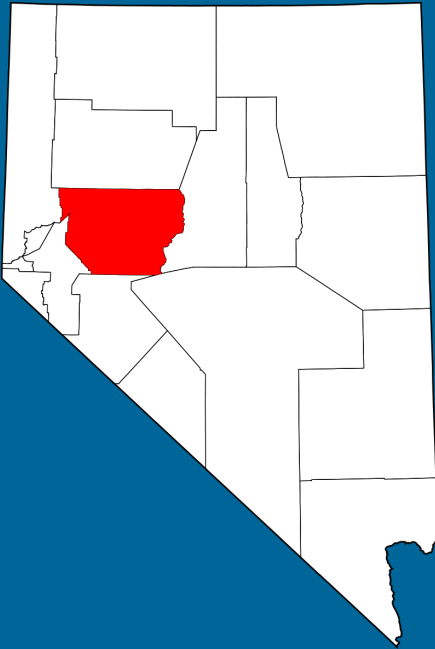
Carson City Closed Cases by Reason 1/01/2022 to 12/31/2022



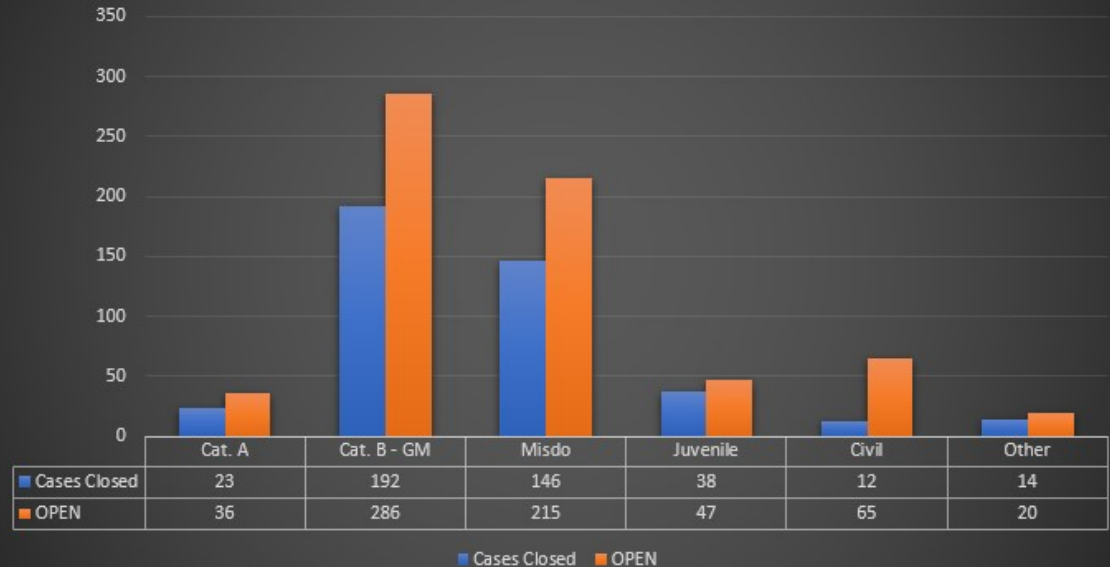
Carson City Hours per Legal Problem Code 1/01/2022 to 12/31/2022



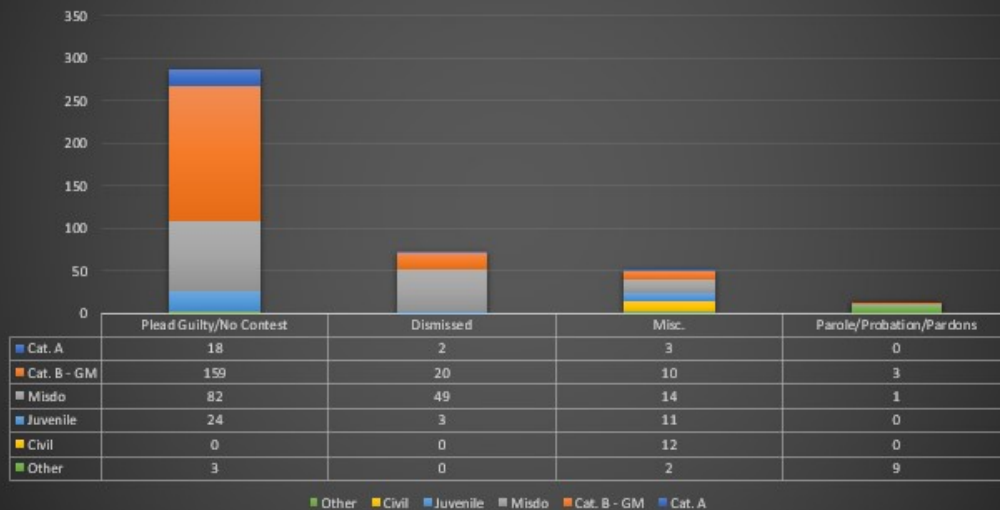
Churchill Annual Data 1/01/2022 to 12/31/2022



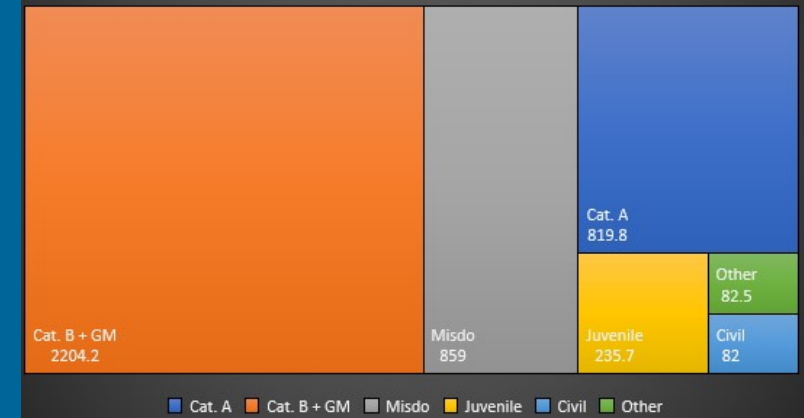
Churchill Workload 1/01/2022 to 12/31/2022



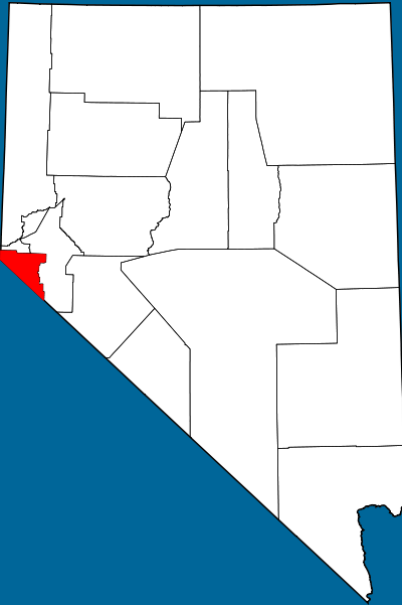
Churchill
Closed Cases by Reason
1/01/2022 to 12/31/2022



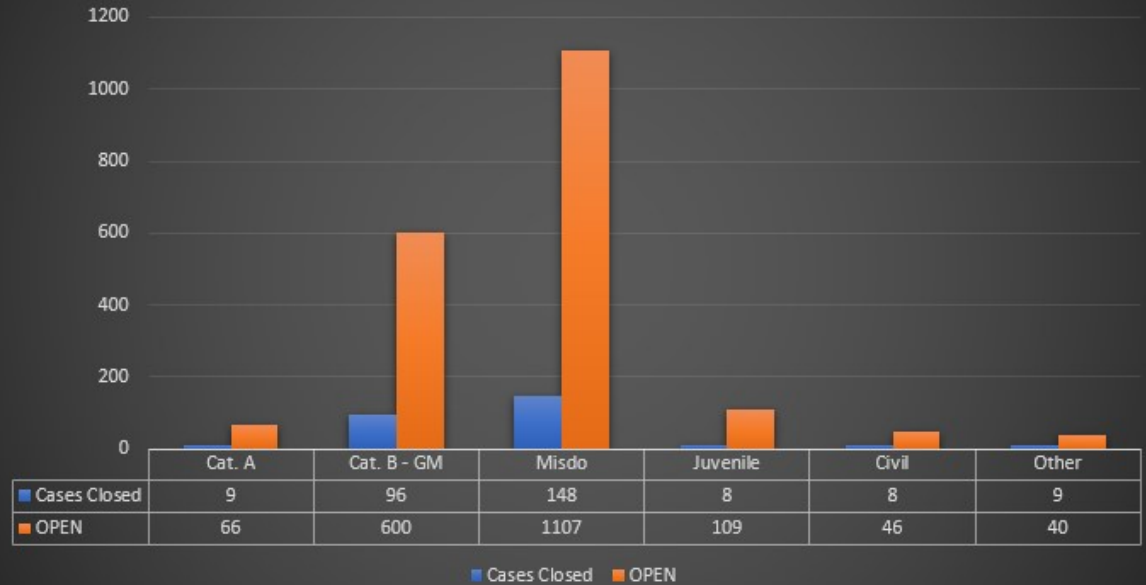
Churchill
Hours per Legal Problem Code
1/01/2022 to 12/31/2022



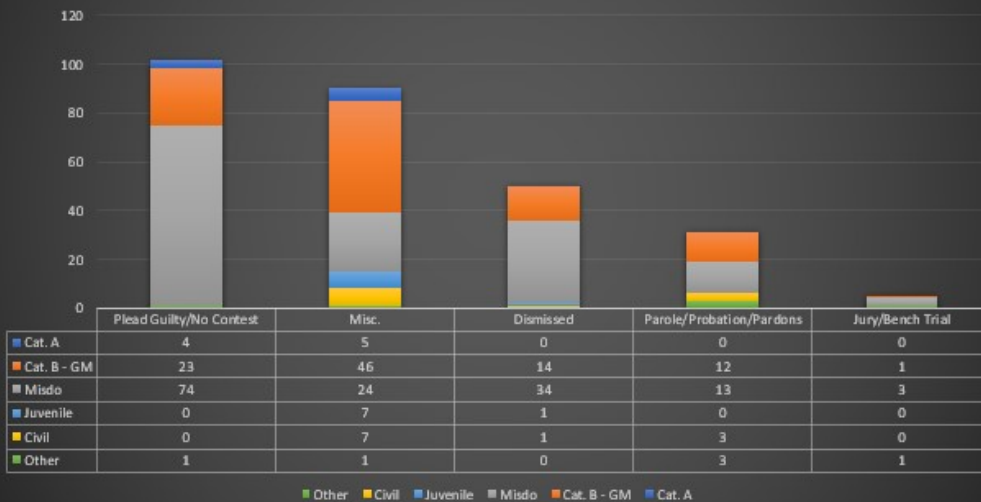
Douglas Annual Data 1/01/2022 to 12/31/2022



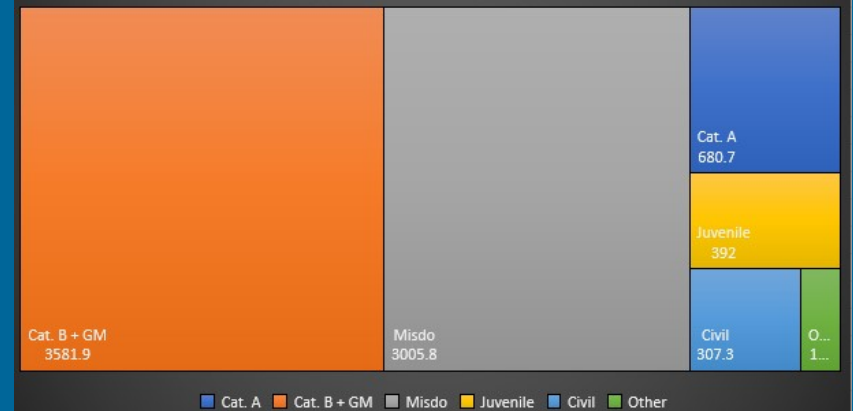
Douglas Workload 1/01/2022 to 12/31/2022



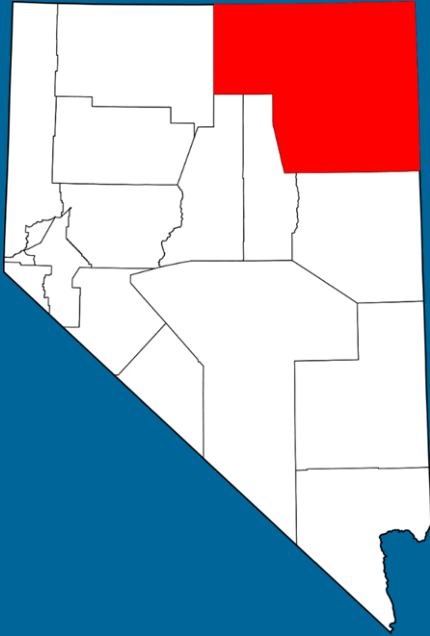
Douglas Closed Cases by Reason 1/01/2022 to 12/31/2022



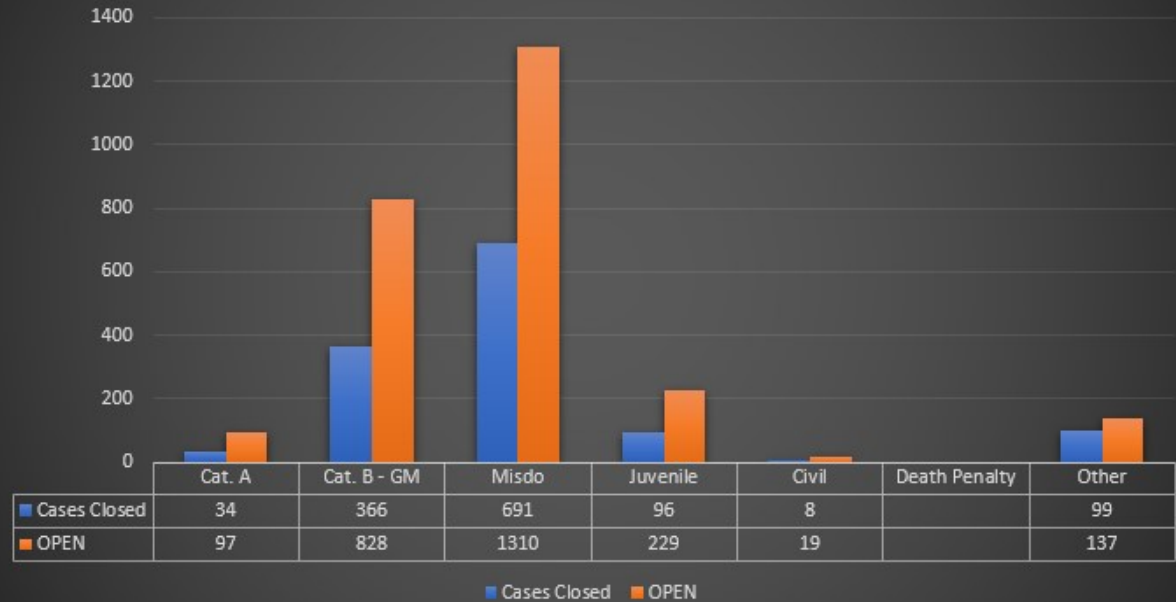
Douglas Hours per Legal Problem Code 1/01/2022 to 12/31/2022



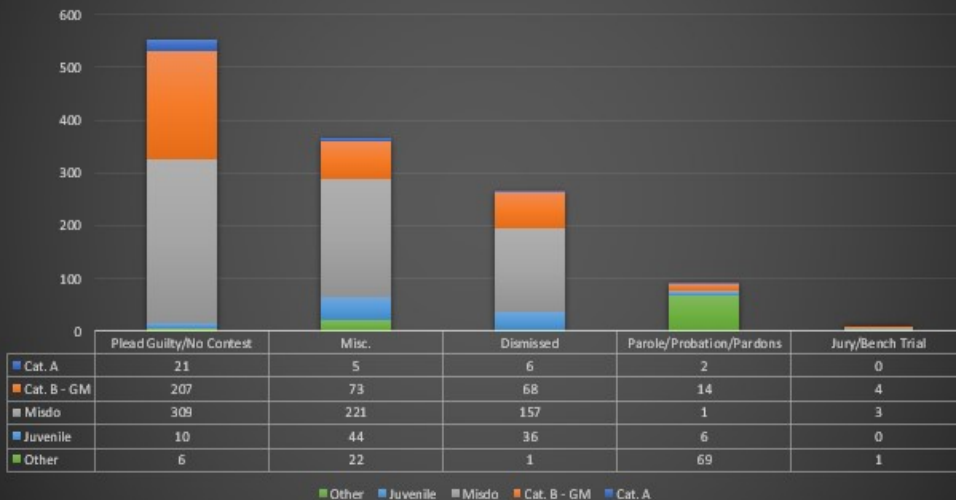
Elko Annual Data 1/01/2022 to 12/31/2022



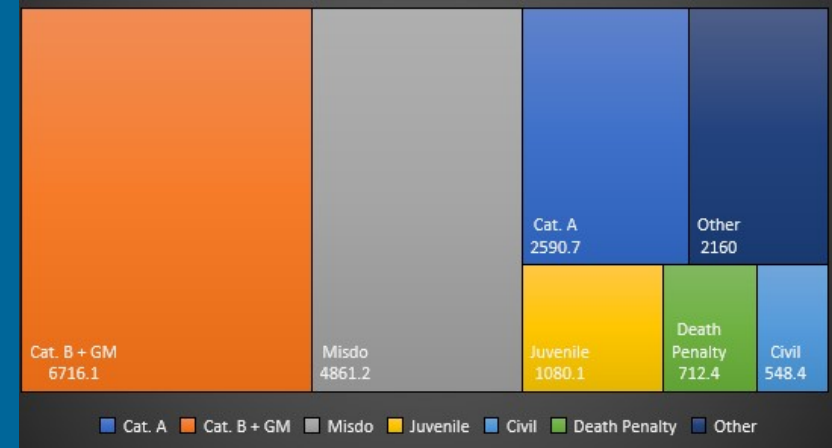
Elko Workload 1/01/2022 to 12/31/2022



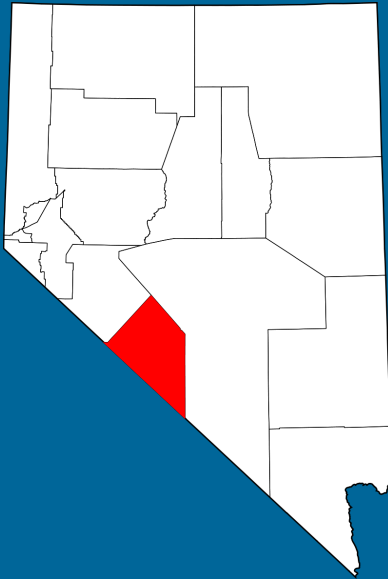
Elko Closed Cases by Reason 1/01/2022 to 12/31/2022



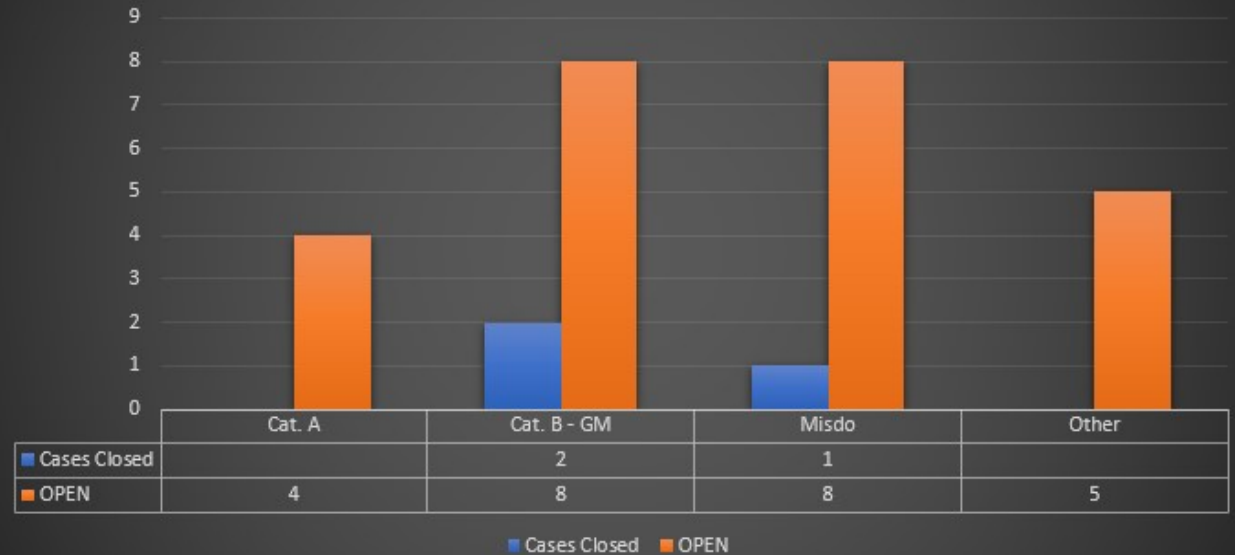
Elko Hours per Legal Problem Code 1/01/2022 to 12/31/2022



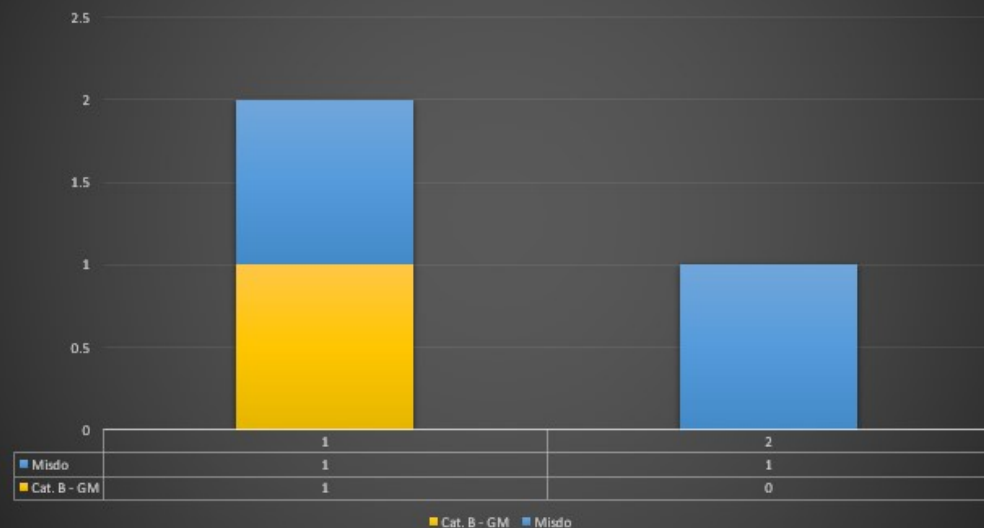
Esmeralda Annual Data 1/01/2022 to 12/31/2022



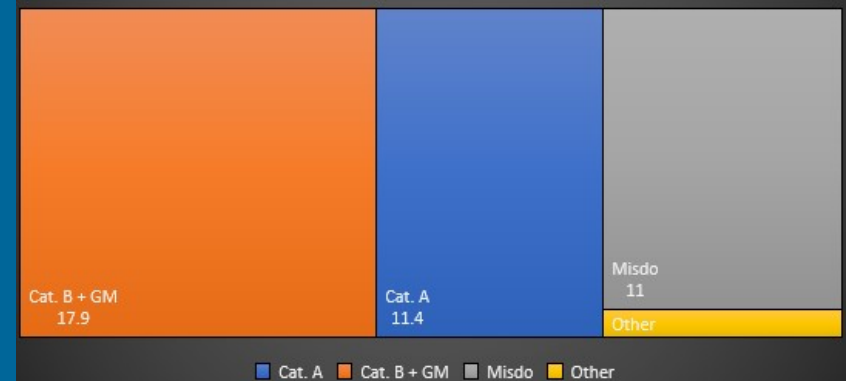
Esmeralda Workload 1/01/2022 to 12/31/2022



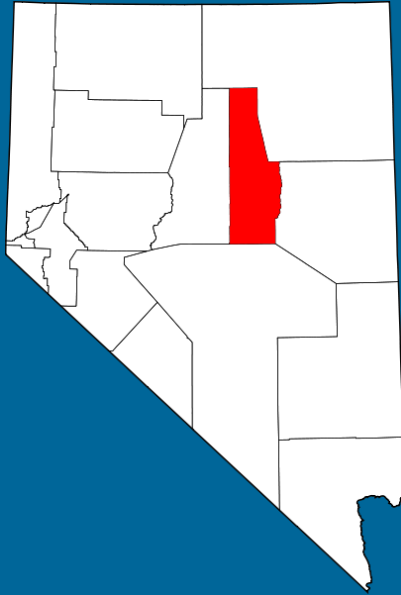
Esmeralda Closed Cases by Reason 1/01/2022 to 12/31/2022



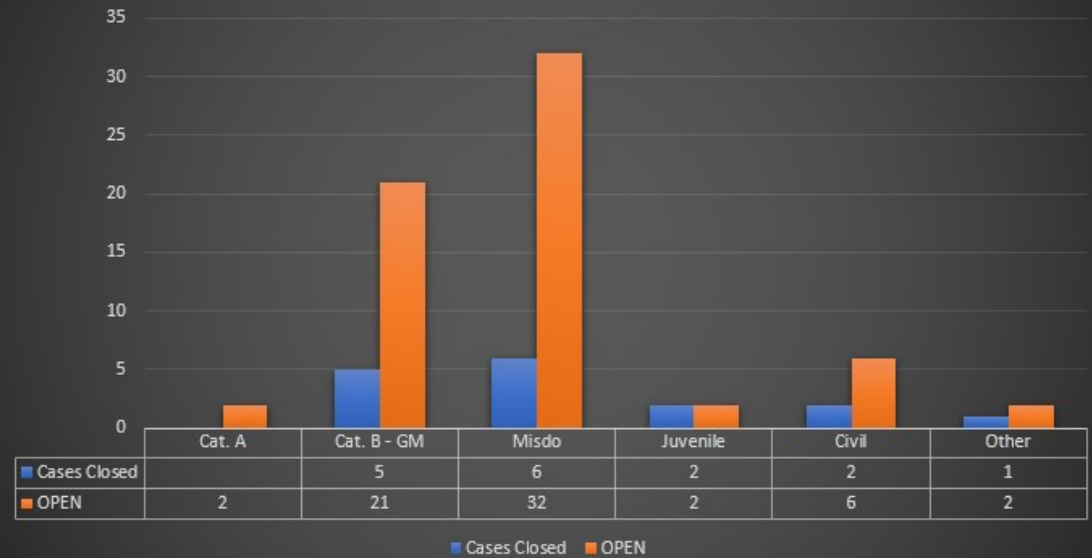
Esmeralda Hours per Legal Problem Code 1/01/2022 to 12/31/2022



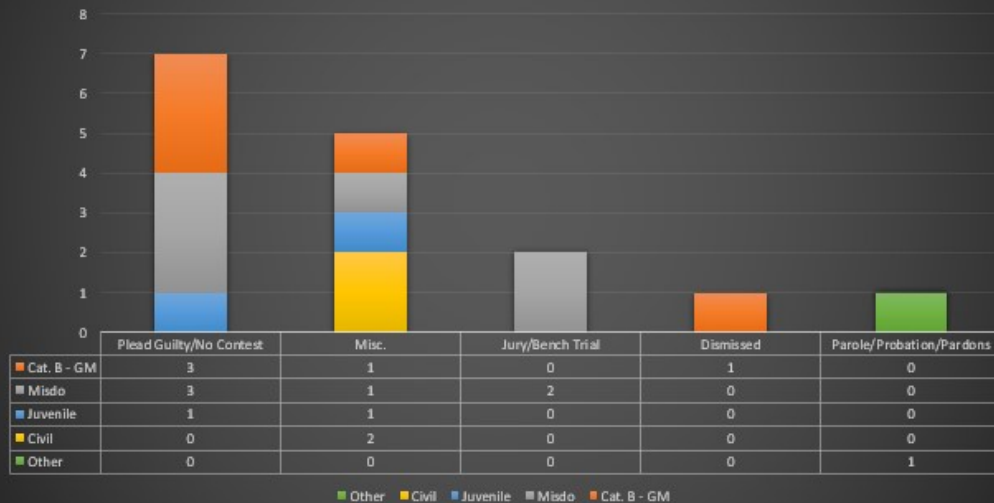
Eureka Annual Data 1/01/2022 to 12/31/2022



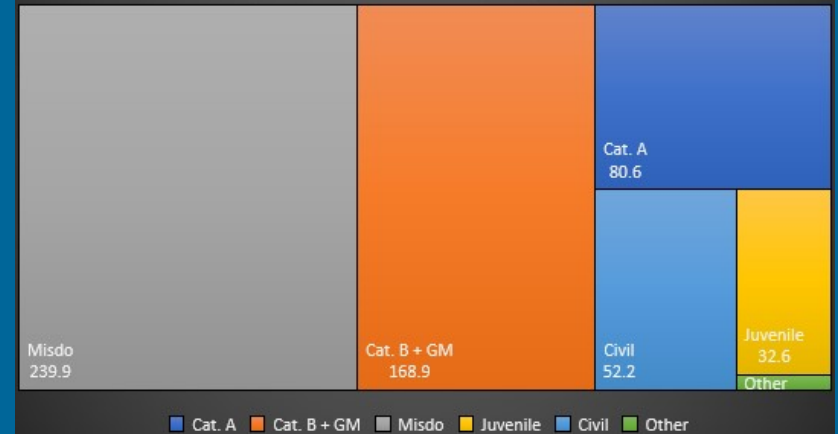
Eureka Workload 1/01/2022 to 12/31/2022



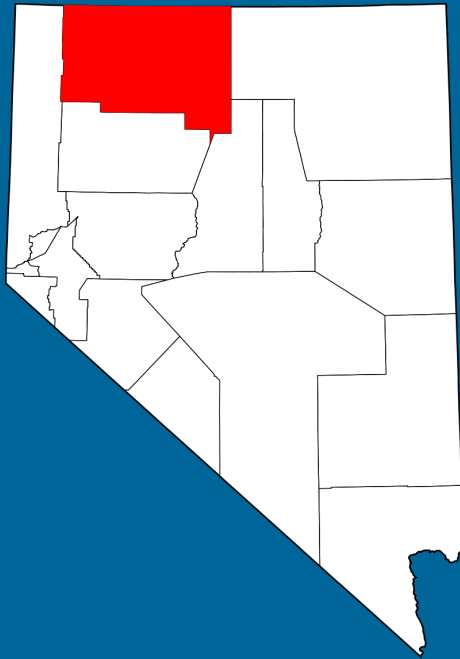
Eureka
Closed Cases by Reason
1/01/2022 to 12/31/2022



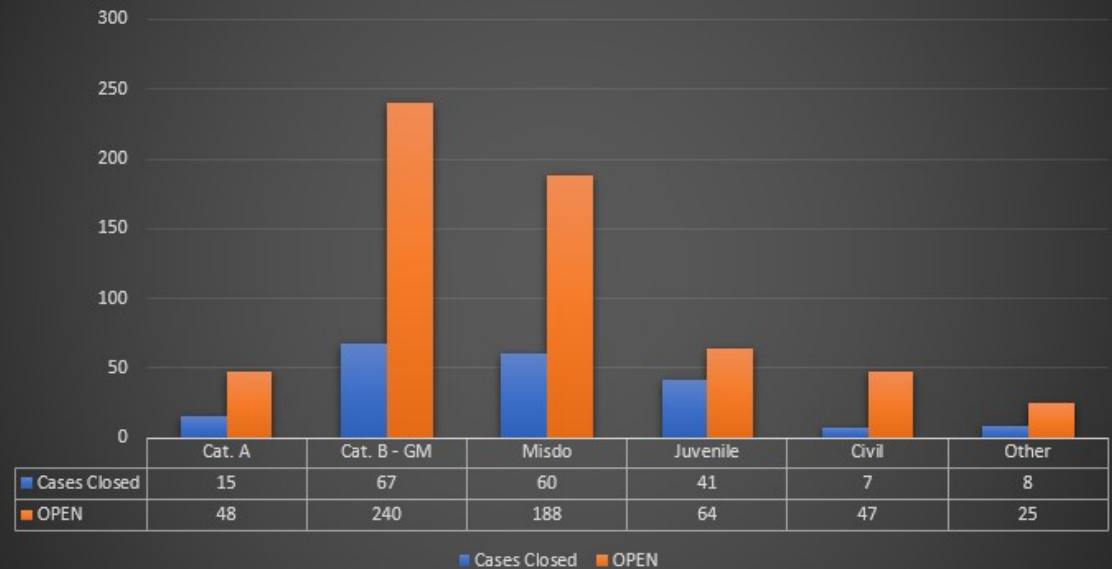
Eureka
Hours per Legal Problem Code
1/01/2022 to 12/31/2022



Humboldt Annual Data 1/01/2022 to 12/31/2022



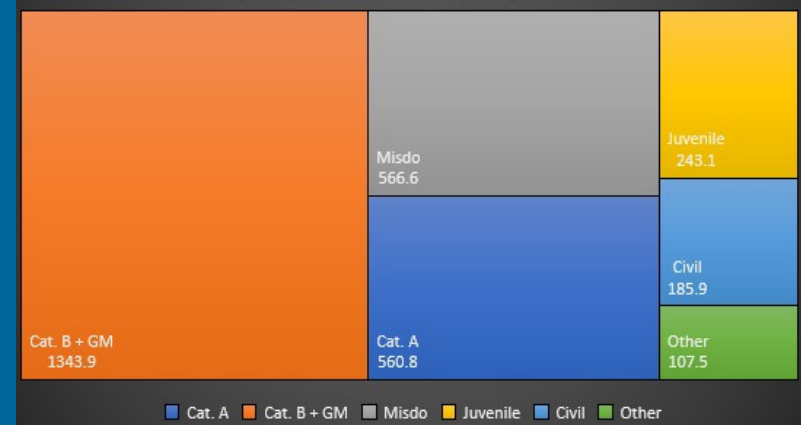
Humboldt Workload 1/01/2022 to 12/31/2022



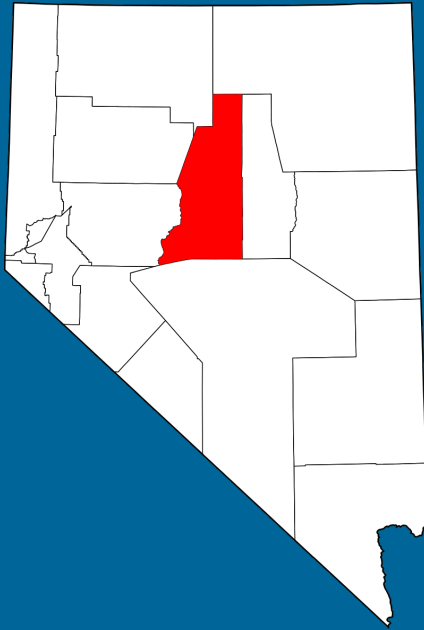
Humboldt Closed Cases by Reason 1/01/2022 to 12/31/2022



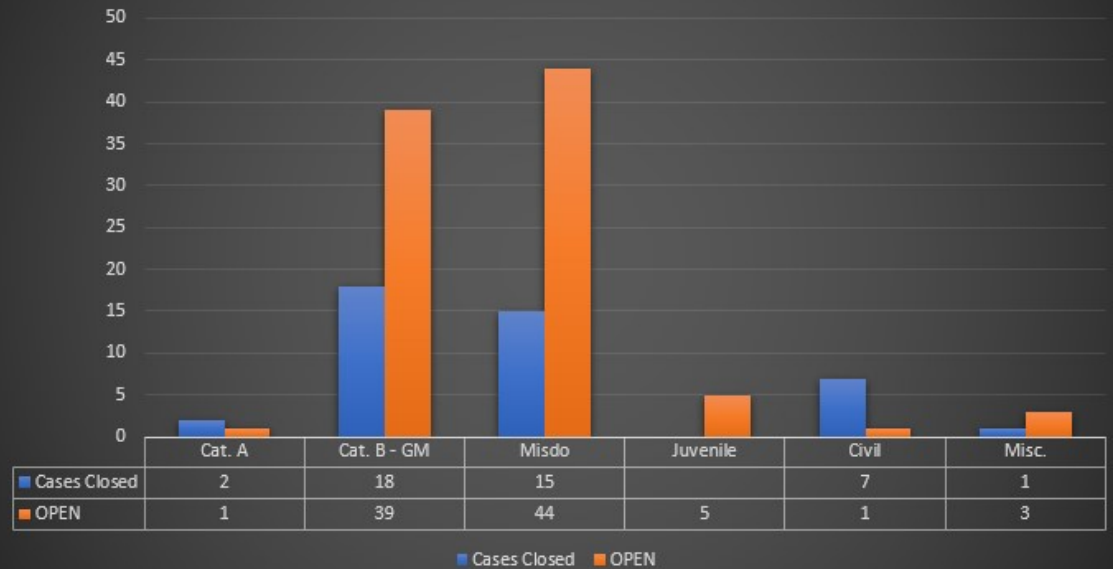
Humboldt Hours per Legal Problem Code 1/01/2022 to 12/31/2022



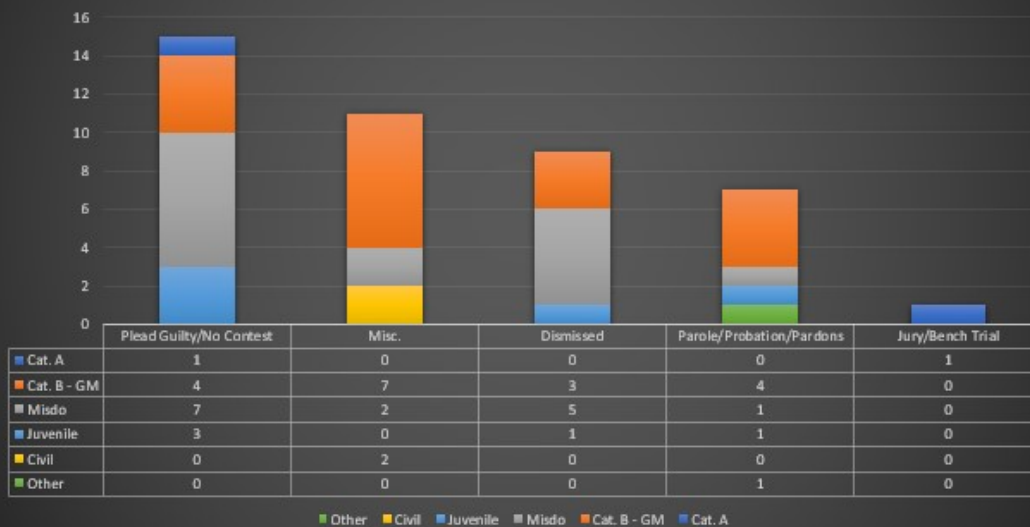
Lander Annual Data 1/01/2022 to 12/31/2022



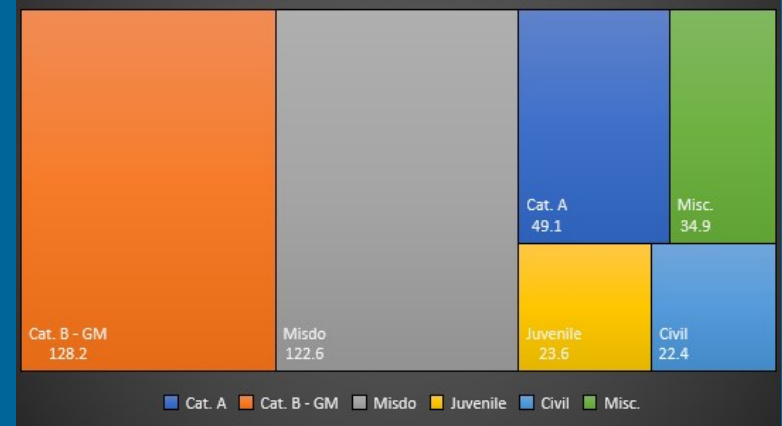
Lander Workload 1/01/2022 to 12/31/2022



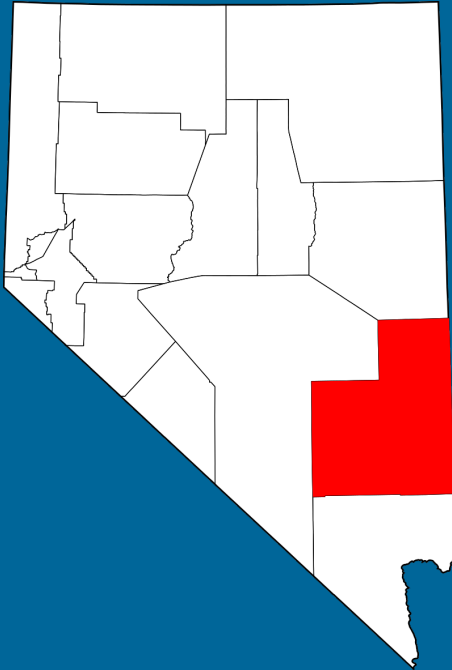
Lander Closed Cases by Reason 1/01/2022 to 12/31/2022



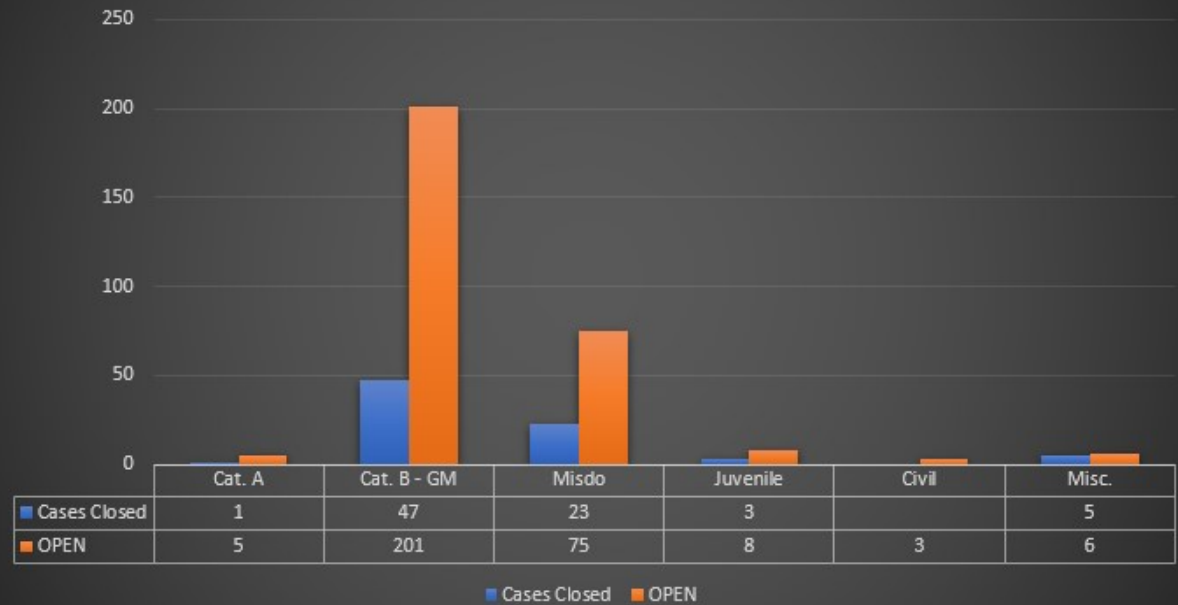
Lander Hours per Legal Problem Code 1/01/2022 to 12/31/2022



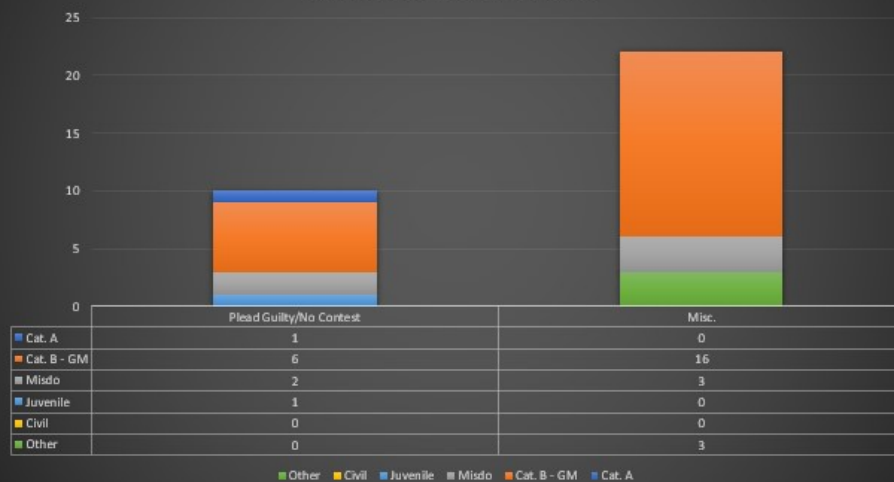
Lincoln Annual Data 1/01/2022 to 12/31/2022



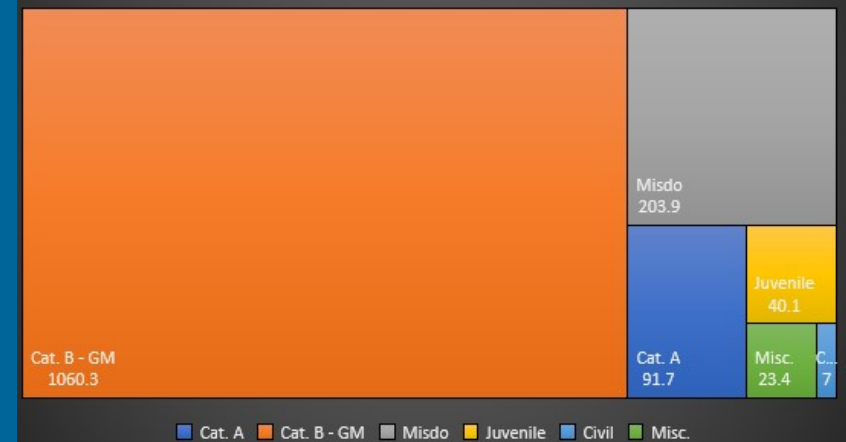
Lincoln Workload 1/01/2022 to 12/31/2022



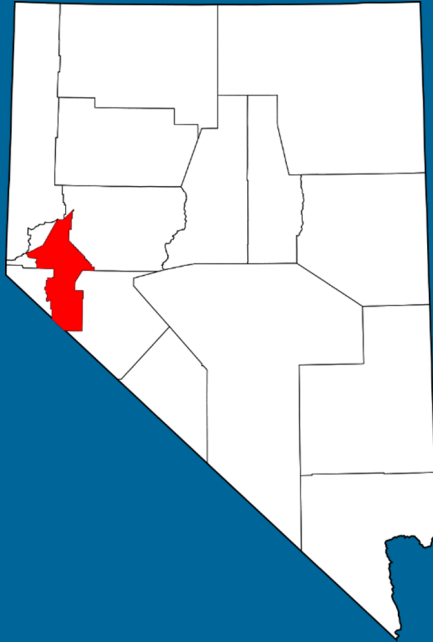
Lincoln Closed Cases by Reason 1/01/2022 to 12/31/2022



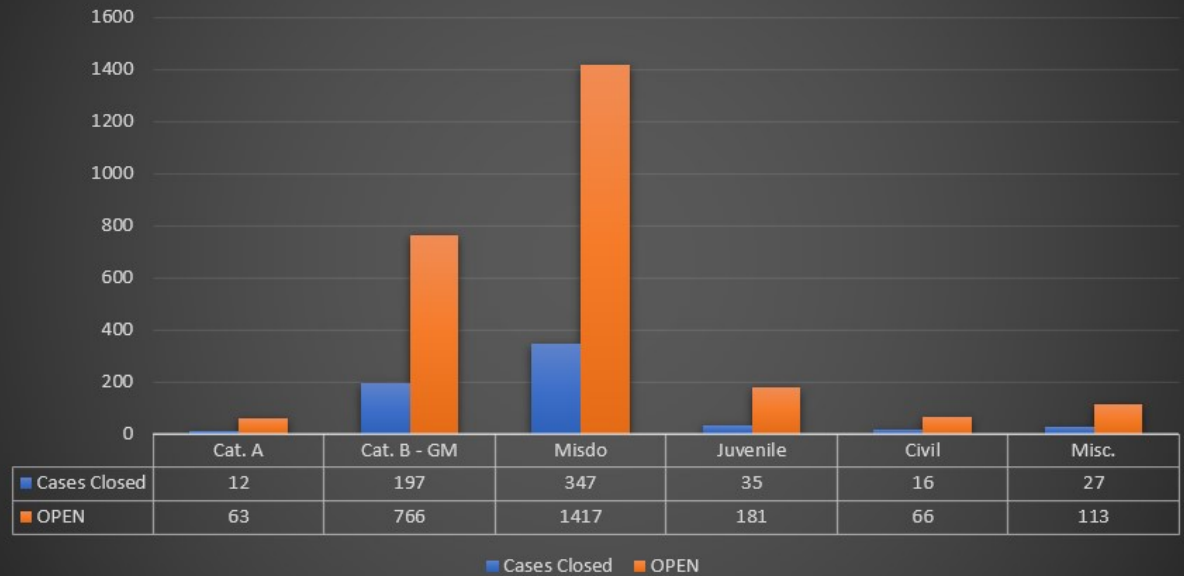
Lincoln Hours per Legal Problem Code 1/01/2022 to 12/31/2022



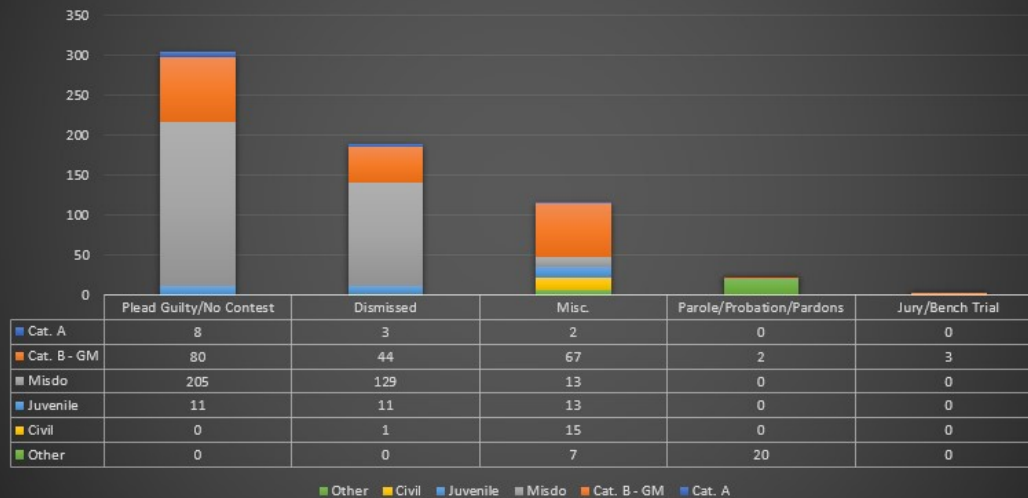
Lyon Annual Data 1/01/2022 to 12/31/2022



Lyon Workload 1/01/2022 to 12/31/2022



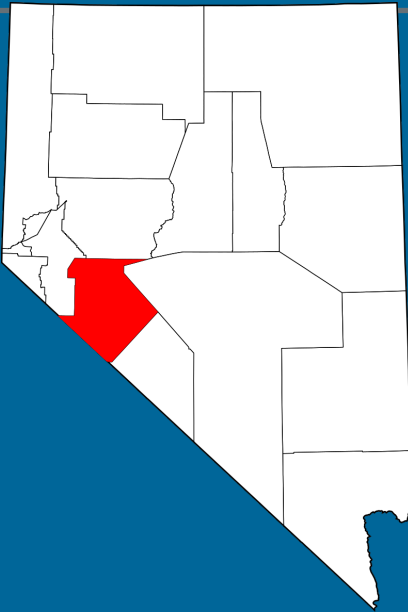
Lyon Closed Cases by Reason 1/01/2022 to 12/31/2022



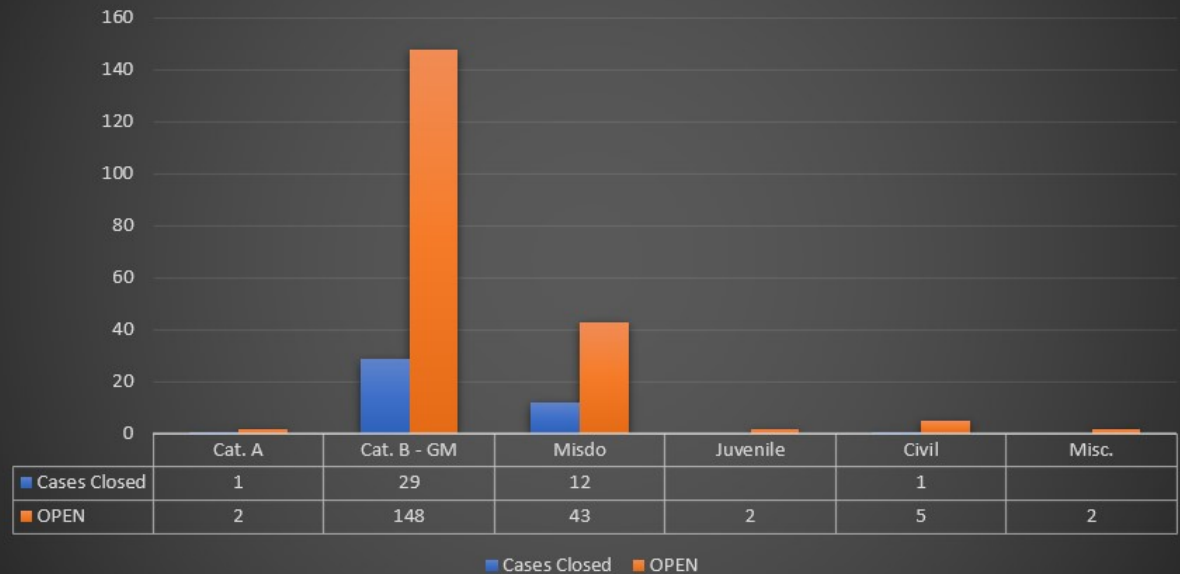
Lyon Hours per Legal Problem Code 1/01/2022 to 12/31/2022



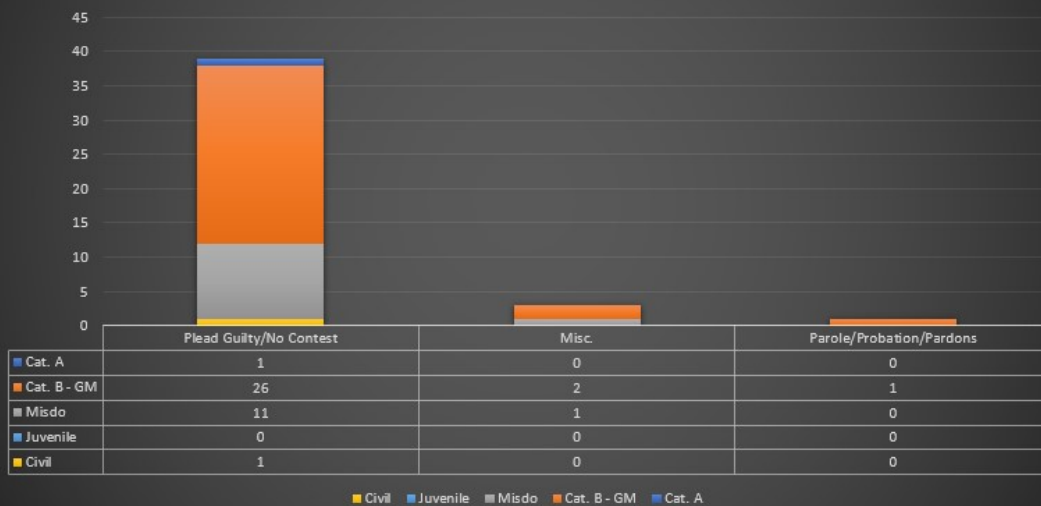
Mineral Annual Data 1/01/2022 to 12/31/2022



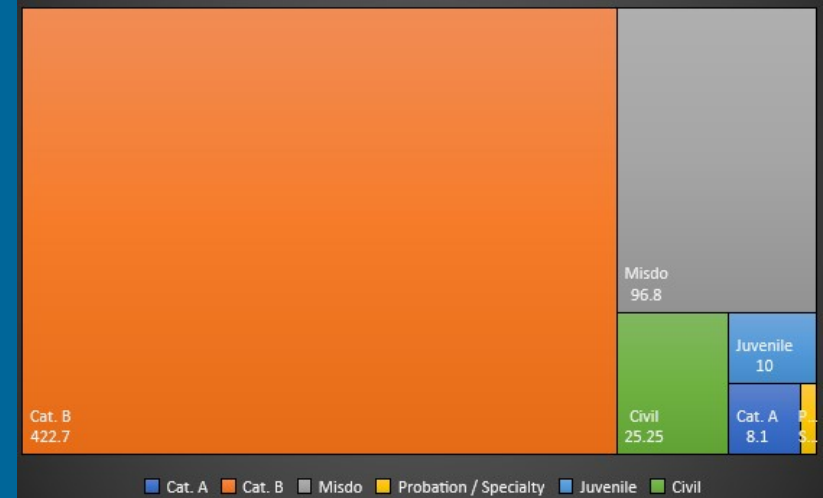
Mineral Workload 1/01/2022 to 12/31/2022



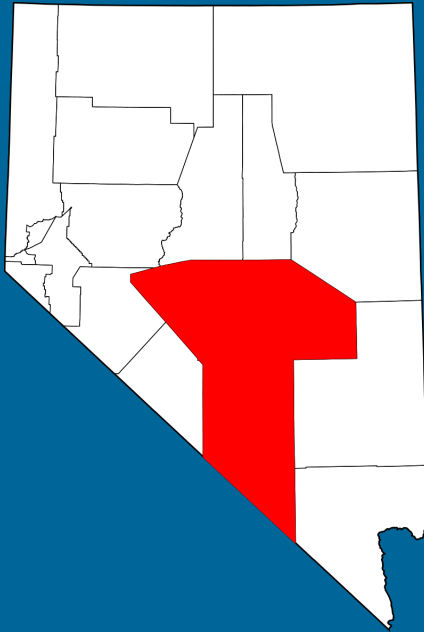
Mineral Closed Cases by Reason 1/01/2022 to 12/31/2022



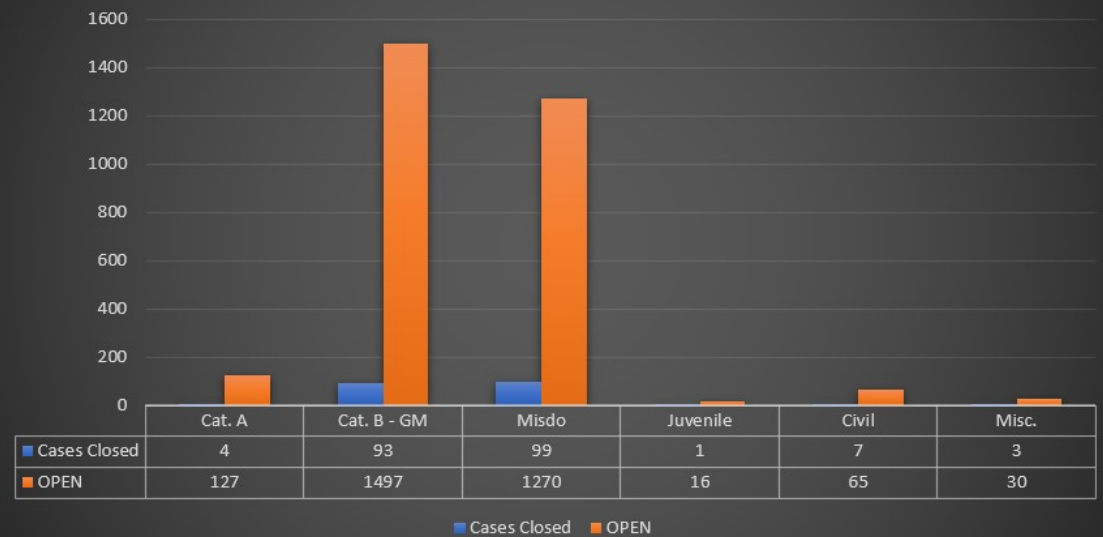
Time Per Legal Problem Code 1/01/22 to 12/31/22



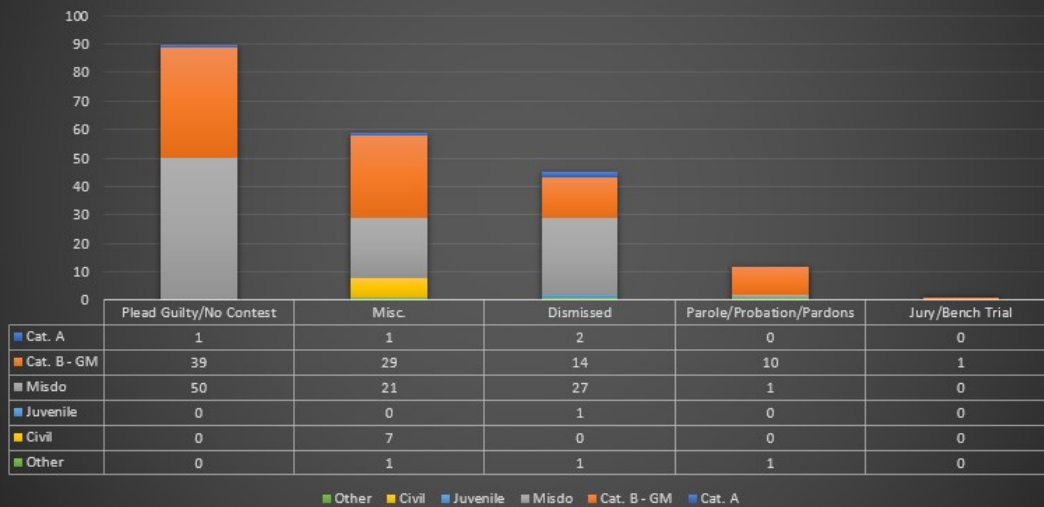
Nye Annual Data 1/01/2022 to 12/31/2022



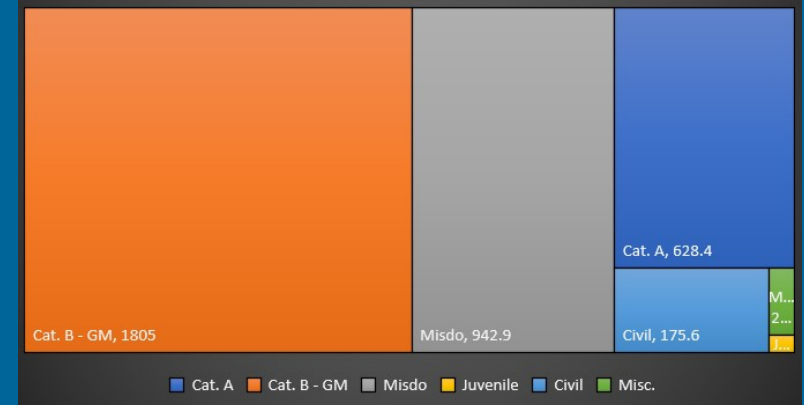
Nye Workload 1/01/2022 to 12/31/2022



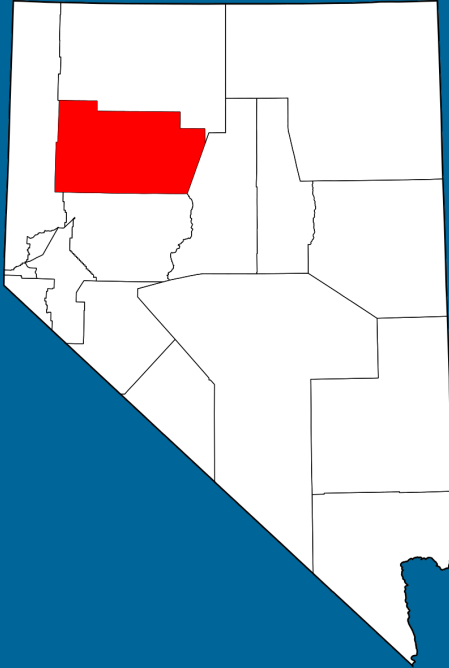
Nye Closed Cases by Reason 1/01/2022 to 12/31/2022



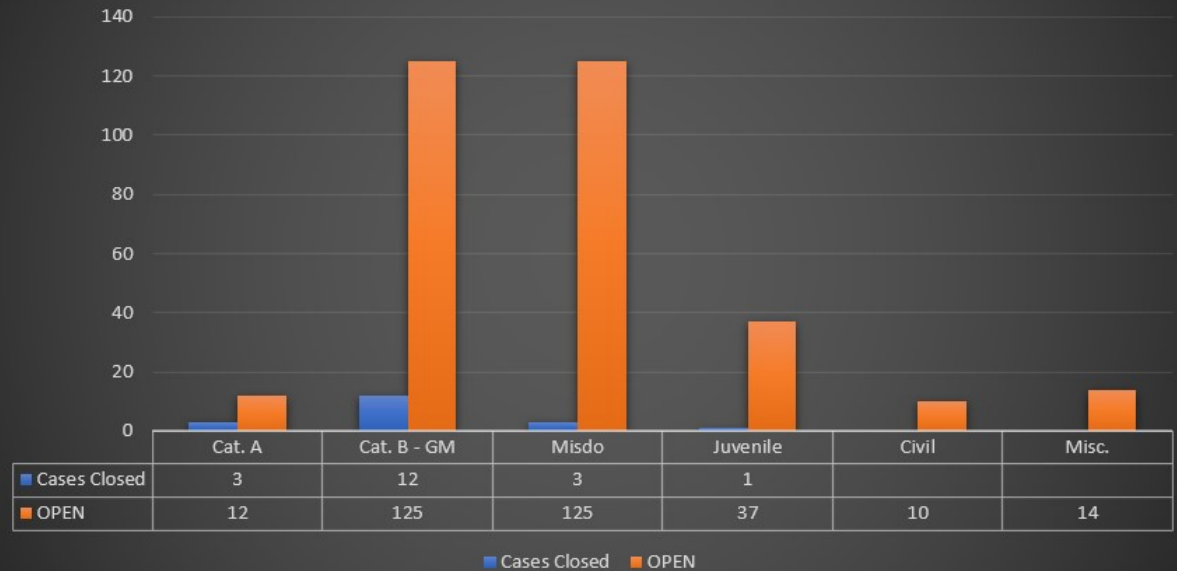
Nye Hours per Legal Problem Code 1/01/2022 to 12/31/2022



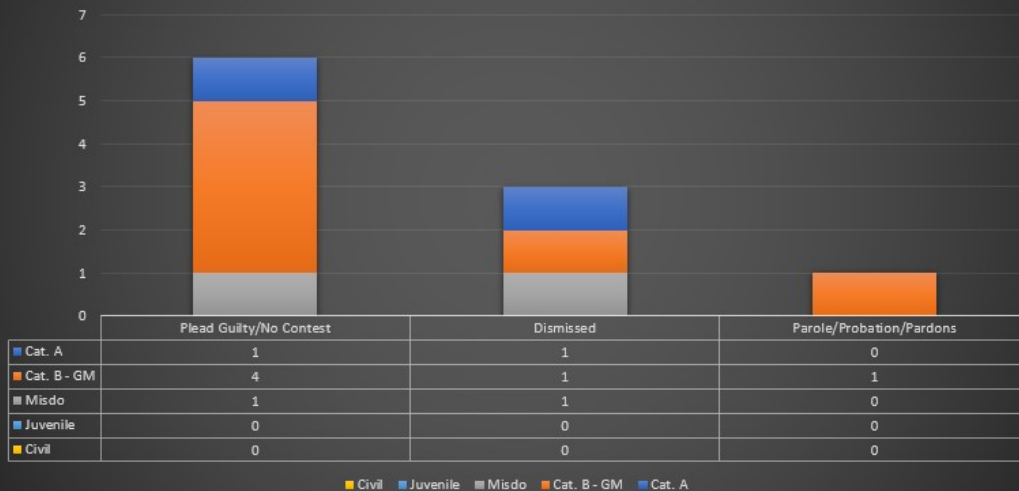
Pershing Annual Data 1/01/2022 to 12/31/2022



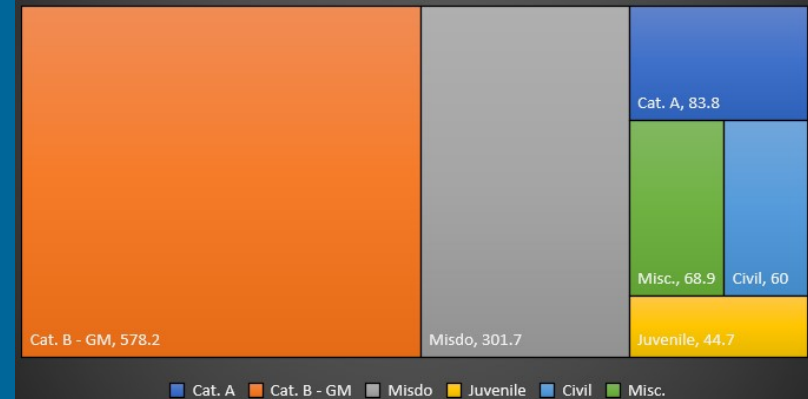
Pershing Workload 1/01/2022 to 12/31/2022



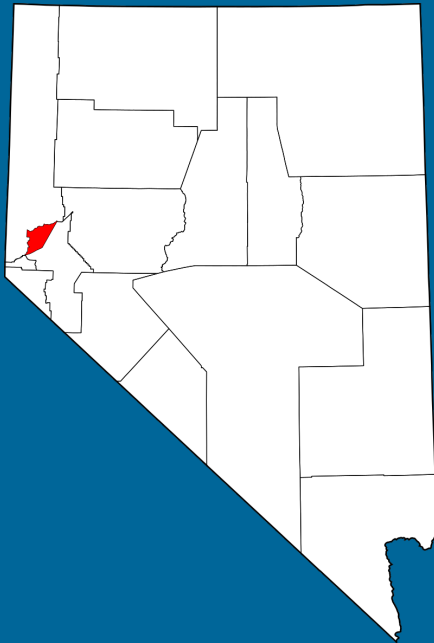
Pershing Closed Cases by Reason 1/01/2022 to 12/31/2022



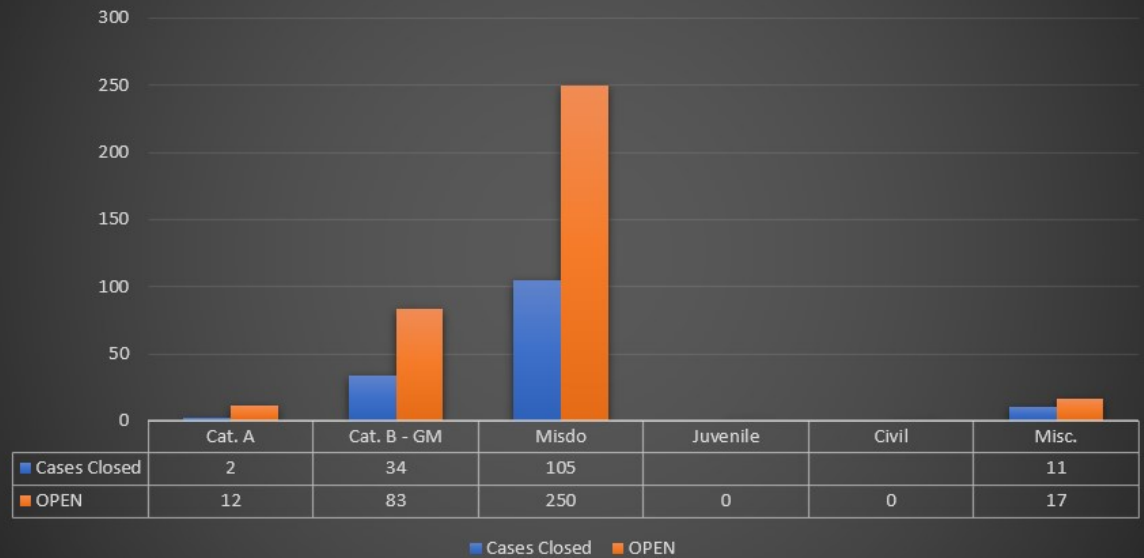
Pershing Hours per Legal Problem Code 1/01/2022 to 12/31/2022



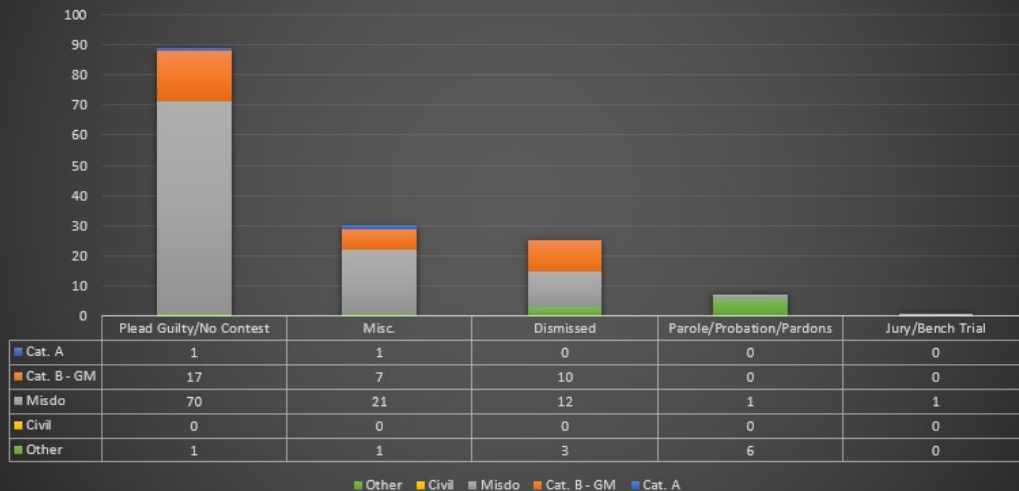
Storey Annual Data 1/01/2022 to 12/31/2022



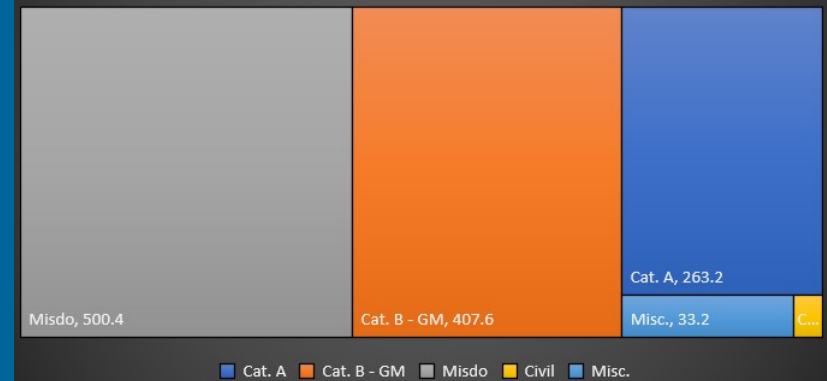
Storey Workload 1/01/2022 to 12/31/2022



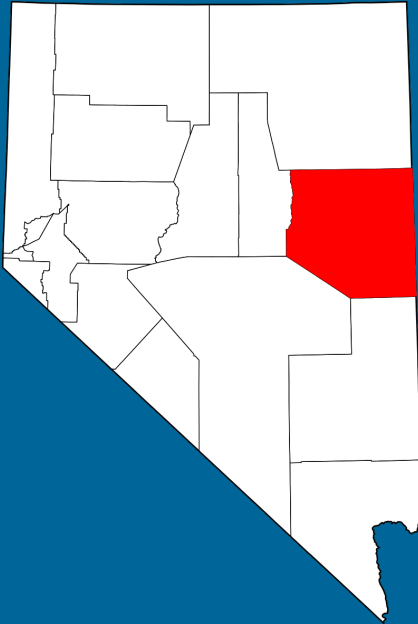
Storey Closed Cases by Reason 1/01/2022 to 12/31/2022



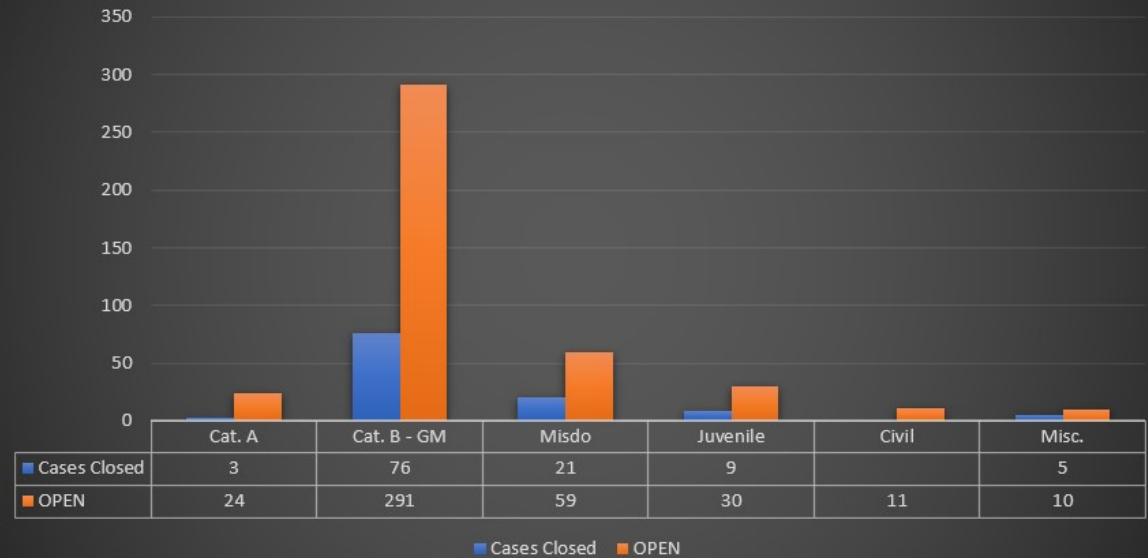
Storey Hours per Legal Problem Code 1/01/2022 to 12/31/2022



White Pine Annual Data 1/01/2022 to 12/31/2022



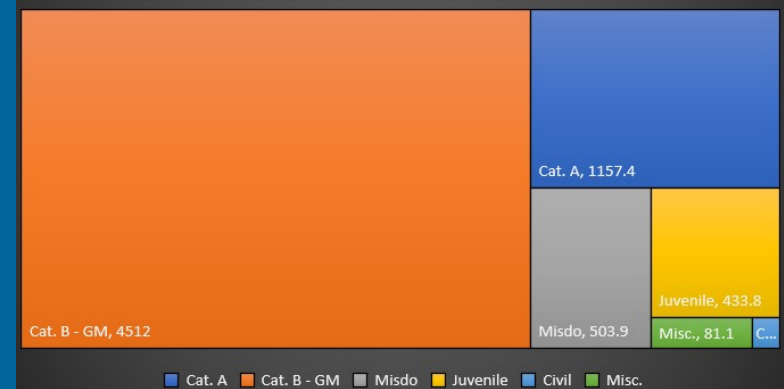
White Pine Workload 1/01/2022 to 12/31/2022



White Pine Closed Cases by Reason 1/01/2022 to 12/31/2022



White Pine Hours per Legal Problem Code 1/01/2022 to 12/31/2022

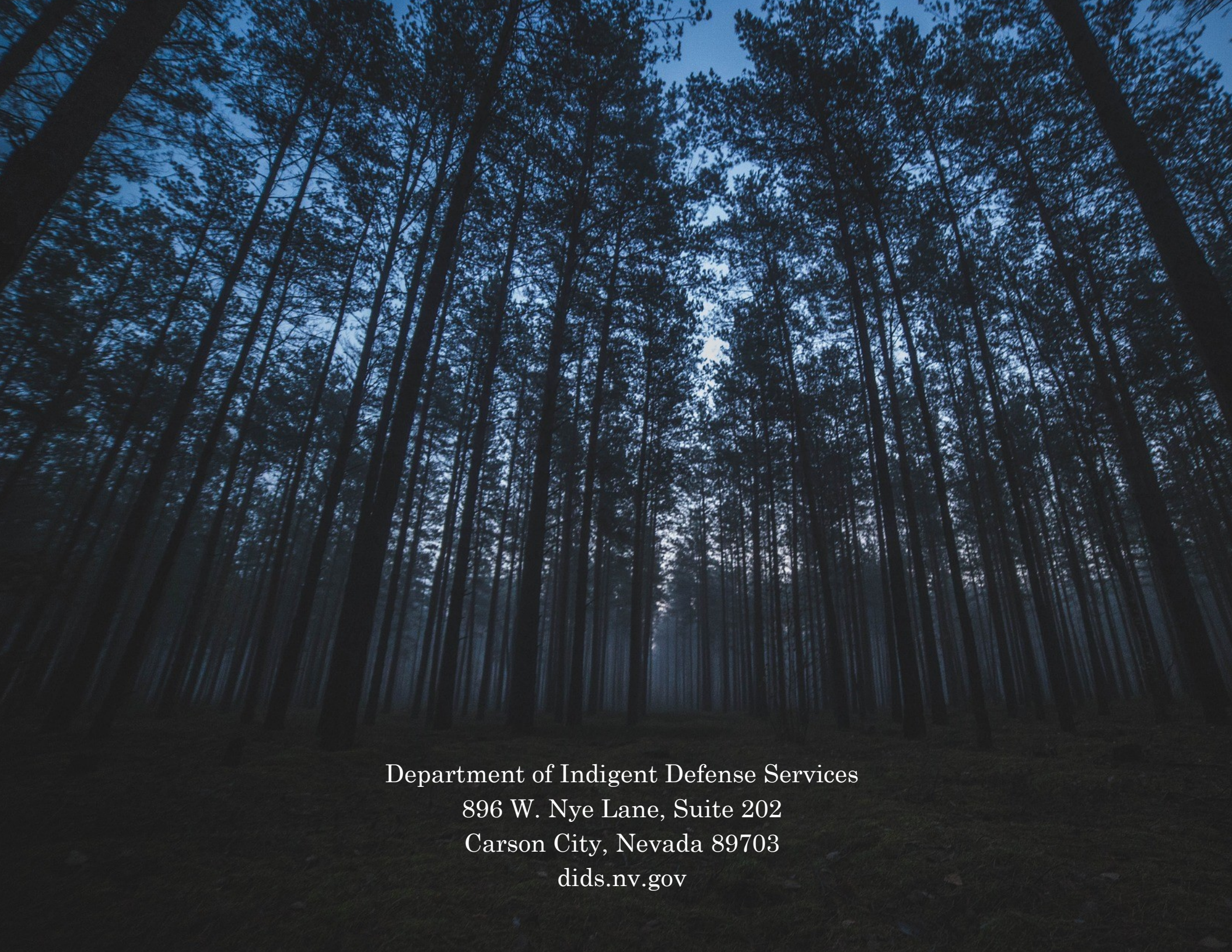


Goals for FY24

- ◇ **Continue to Work Towards Compensation Parity:** The passage of AB 454 means that, after 20 long years of rate stagnation, the Board can now determine and set updated and reasonable hourly rates for appointed indigent defense counsel. The Department will continue to work with counties to establish reasonable salaries and contract rates for indigent defense counsel in parity with prosecutors. And as this report is finalized, the Department is working with Carson City to create its own Public Defender's Office, in parity with the criminal division of the Carson City District Attorney's Office.
- ◇ **Finalize Weighted Caseload Study:** The Department has been waiting for over a year for the results of a nationwide workload study by the RAND Corporation, to use as a supplement to its own study. Because of the current urgent need for more indigent defense counsel in several rural counties, the Department has elected to move forward in its work with NCSC to finalize their Nevada workload study, so that it may begin to implement the findings as soon as possible.
- ◇ **Continuing to Successfully Reimburse Rural Counties:** The Department will continue to build its partnerships with Nevada counties and to work with them to successfully secure all reimbursement funding they have earned by their *Davis* compliance and indigent defense improvement efforts.
- ◇ **Continued Training and Resources:** The Department is already at work planning its Fourth Annual Conference, stay tuned. In the meantime, planning for the second installment of the collaborative Homicide Conference is also underway, and will take place in the Fall of 2023.
- ◇ **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 rural Nevada counties.

DIDS Would Like to Thank the Following for Their Contributions

- * **Thank you to the members of the Board on Indigent Defense.**
 - * Chairman Dave Mendiola, Humboldt County Manager, for his outstanding leadership.
 - * Vice Chairwoman Laura Fitzsimmons, for her ongoing tenacity and support.
- * **Thank you to all those who helped with our Second Annual Conference.**
 - * The Silver Legacy, Sapience Practice LLC & Dr. Coard, Nevada Attorneys for Criminal Justice (NACJ), Churchill County, Humboldt County, Lander County, and Washoe County for their generous sponsorships and accommodations;
 - * Storytelling guru David Mann, Nevada Supreme Court Justices Linda Bell, Elaine Cadish, and Lidia Stiglich, State Bar President Paola Armeni, law professor John Lambrose, Chris Adams and Tzitel Voss, and Ozzie Fumo, for helping make the 2023 DIDS Annual Conference a success with their contributions as speakers and panel members.
- * **Thank you to all Nevada Counties and their management**
 - * As well as all of our Counsel Administrators for assisting the with essential work in this new age of indigent defense.
- * **Thank you to the Judiciary in all rural Nevada Counties**
 - * Your assistance and flexibility in working with the Department during this transition has been not only necessary, but invaluable. We appreciate you and your willingness to sit down with us and develop systems that serve the greater good.
- * **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 two years.
- * **Thank you to everyone you assisted with the 1st Annual Homicide Conference**
 - * Including, the Clark County Public Defender, Clark County Special Public Defender, Washoe County Public Defender, and Washoe County Alternate Public Defender, as well as Dr. Larry Simms, Marc Picker, Trish Tabet, Kate Hickman, Scott Coffee, Jordan Savage, Drew Christensen, and Marcie Ryba.
- * **Special thanks to** Professor Dawn Nielsen, the Public Interest Law Association, the Public Interest Law Association, Boyd School of Law, and the students there, including our interns and externs.
- * **Special thanks also to** the indigent defense attorneys 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.
- * **Finally, thank you to Governor Lombardo for your invaluable assistance in securing funding for these essential systems that serve all Nevada citizens**



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