



Nevada Department of
Indigent Defense Services

ANNUAL REPORT

FISCAL YEAR 2020



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Letter from the Chair

Senate Bill 377, passed by the 2017 Legislative Session, created the Nevada Right to Counsel Commission. This Commission was charged with conducting a study during the 2017-2019 interim concerning issues related to the provision of legal representation of indigent persons in criminal cases in the State of Nevada. As part of its duties the Nevada Right to Counsel Commission published the Sixth Amendment Center's report which detailed systemic deficiencies in Nevada's indigent defense services. Prompted by that report and nearly 30 years of meetings, analysis, agency recommendations, and legislative attempts, the Nevada Legislature passed landmark legislation in the form of AB 81. The legislation created a board and department designed to provide oversight, administration, and funding for local indigent defense services. For the first time in Nevada's history it was recognized that the State of Nevada has a constitutional obligation to fund indigent defense services thereby relieving Nevada's rural counties from shouldering the financial burden of increased costs brought about by requirements the Board of Indigent Defense in compliance with the Sixth Amendment of United States Constitution. This recognition is embodied in AB 81's preamble which, in part, reads:

“WHEREAS, Although various counties in the State have accepted a large part of the responsibility for the provision of indigent defense, the State remains ultimately responsible for ensuring such indigent defense services are properly funded and carried out.”



Robert Crowell, Chairman

The Board is made up of 13 members from across Nevada that have an interest in improving indigent defense. Since the appointment of the Board in October 2019, the Board has chosen the Executive Director of the Department who in turn, has taken all the primary steps of setting up a state agency. Staff was filled, office space located, and the process of establishing a regulatory agency began.

The Board and Department have diligently worked toward the effective and efficient implementation of AB 81. This has been no easy task as in addition to performing the duties set forth in AB 81 a new agency of the State of Nevada had to be stood up in record fashion. The initial members of the Board proposed minimum standards and regulations that follow our statutory mandate. Those are in the process of becoming permanent regulations. Current laws have been reviewed and legislative proposals to improve representation of indigent defendants in a constitutional and effective manner have been prepared. Requests for the experts necessary to establish the Department's toolkit are pending proposals. And most importantly, the Legislature, through its Interim Finance Committee, has funded the Department's initial request for the tools needed to implement AB 81 in a data-driven fashion.

Like the rest of the world, COVID-19 has slowed some of our plans. Despite initial efforts to meet county stakeholders in person, the Department, like the rest of the State, has adapted and is gathering critical feedback via technology services. They have continued to meet their charge from home and provided recommendations for the upcoming legislative session. Legislative proposals seek to implement the recommendations of the last 30 years of indigent defense analysis and include independence from the judiciary in terms of selection, appointment, and compensation; elimination of economic disincentives in Nevada's statutory scheme; and shifting the administration of indigent defense services to the Department.

The Board is committed to overseeing indigent defense services in our State in a manner that is both constitutionally sound and recognizes the difficulties and financial cost of providing effective counsel for indigent defendants in the more remote areas of our State.

Robert Crowell
Chairman
Board of Indigent Defense Services

Introduction

WHEREAS, Under the Sixth and Fourteenth Amendments to the Constitution of the United States, the obligation to provide effective representation to accused indigent persons at each critical stage of criminal and delinquency proceedings rests with the states; and

[. . .];

WHEREAS, . . . , the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and

WHEREAS, The Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent counsel in a manner that is fair and consistent throughout the State and at all critical stages of a criminal proceeding; and

WHEREAS, The Legislature must further ensure proper oversight of the provision of defense to indigent persons in this State and respond quickly, effectively and adequately to guarantee that the constitutional mandate of effective assistance of counsel is met

An Act Relating to Criminal Defense, Preamble to Assembly Bill 81, 80th Session (Nev. 2019).

In 2019, the Legislature passed, and the Governor signed, Assembly Bill (“AB”) 81 creating the Board and Department of Indigent Defense Services. The passage of the bill marked the culmination of almost three decades of judicial and legislative analysis of Nevada indigent defense. The history of that process is extensive and warrants summary in the Department’s initial annual report to provide a map marking where we began and the direction headed.

The Nevada Supreme Court created the Nevada Task Force to Inquire into Racial and Economic Injustice in the Administration of the Criminal and Civil Justice System (“Task Force”) in 1992 following Las Vegas rioting after the initial acquittal of police officers involved in the Rodney King beating. The Task Force examined quality and access to justice, juvenile issues, jury issues, pre-arraignment issues, law enforcement matters, sentencing decisions, relationship to counsel, and death penalty cases. In 1997, the Task Force issued its report finding the following issues contributed to racial and economic biases in both the quality and the delivery of justice: inadequate financial support of public defender offices to ensure proper attorney, investigatory, and support staff; lack of early contact with indigent defendants; insufficient training of indigent defense attorneys; poor interpreter services; and a need to guarantee effective assistance of counsel at all stages of the criminal justice process.

Relevant here, the Task Force recommended that Nevada:

- 1) increase financial support for public defender offices to add attorneys, investigators, and staff;
- 2) require implementation of an on-call “duty attorney” to see arrested individuals within 24 hours;
- 3) require the public defender’s office in each county to institute formal training of incoming lawyers;
- 4) require that public defenders see their clients within 48 hours of arrest and implement a policy that ensures client access to attorneys by phone;
- 5) ensure that indigent persons are entitled to effective assistance of counsel at all stages of the criminal justice process by (a) implementing video conferencing in detention centers and public defender offices, (b) requiring public defender offices to document frequency and time spent with clients, (c) requiring public defenders to have adequate contact with their clients prior to the first appearance, and (d) ensuring that investigation and preparation of a case begin reasonably and promptly after arrest.

Following the Task Force Report, the Nevada Supreme Court created the Implementation Committee for the Elimination of Racial, Economic and Gender Bias in the Justice System (“Implementation Committee”) in 1998. The Implementation Committee utilized The Spangenberg Group (“TSG”) to identify issues and provide recommendations on the topic of access to counsel. In 2000, TSG found that indigent defendants in Nevada were not afforded equal access to justice, in part, because 1) the independence of the defense function was jeopardized; 2) the State lacked oversight and binding indigent defense standards; 3) indigent defenders labored under excessive caseloads; and 4) the State lacked comprehensive, reliable indigent defense data. TSG recommended that the State take a leadership role in the provision of indigent defense services by relieving more of the counties’ financial burden, establishing a State oversight commission, promulgating minimum standards, and formalizing regular performance evaluations of indigent defense providers.

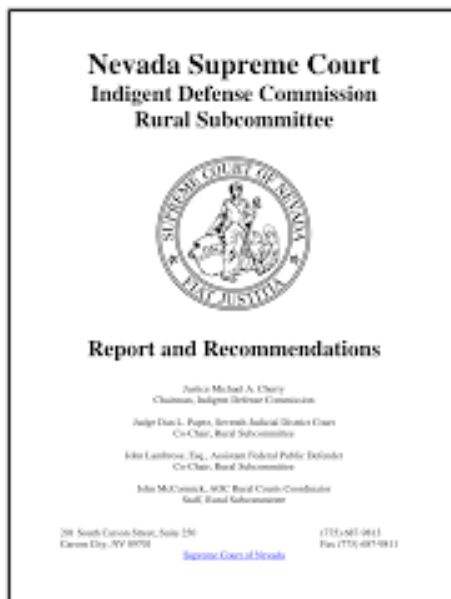
Seven years later, the Nevada Supreme Court issued an order forming the Indigent Defense Commission (“IDC”). The IDC was tasked with studying issues arising from the various methods used in Nevada to appoint, select, and compensate counsel; to establish qualifications and experience of attorneys appointed; and other related issues. The IDC was further charged with making recommendations to the Court as to the appropriate changes to current process. The IDC filed its report in November 2007 recommending:

- 1) the adoption of workload standards;
- 2) the adoption of attorney performance standards;
- 3) ensuring the independence of the defense function;
- 4) requiring that indigent defendants outside of Clark, Elko and Washoe counties be represented by the State Public Defender’s Office and that the office be totally funded by the state general fund; and
- 5) instituting uniform data collection and reporting processes.

The Nevada Supreme Court issued several administrative orders under ADKT 411 aimed at providing consistency and improvement of indigent defense services throughout the State. The January 2008 Order (a) established a uniform standard for determining indigency; (b) required that the judiciary be excluded from the selection of counsel, approval of compensation and case expenses, and the determination of indigency; (c) adopted attorney performance standards; (d) required weighted caseload studies of Clark and Washoe counties and by the State Public Defender; (e) required the Administrative Office of Courts to determine uniform data practices; and (f) established a statewide commission for the oversight of indigent defense.

After numerous concerns from criminal justice stakeholders across the State, the Court revised certain provisions of the January Order in March 2008. The March 2008 Order temporarily stayed implementation of the performance standards, extended deadlines for the completion of caseload studies, and reconvened the IDC Rural Subcommittee for analysis of the January Order's impact on rural counties.

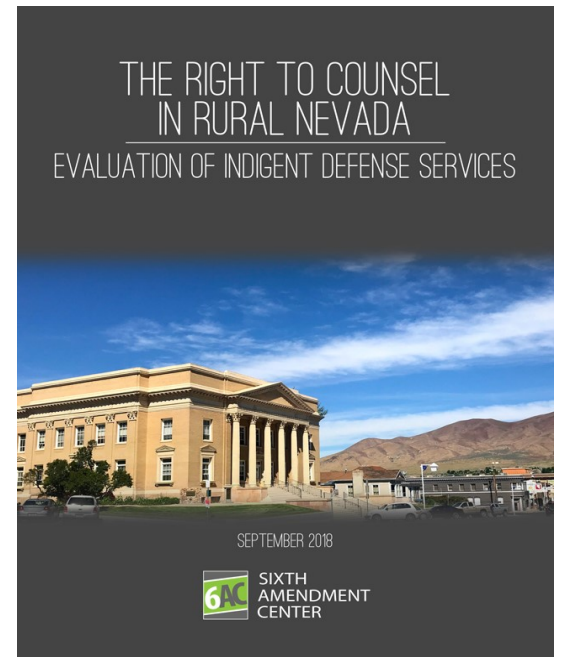
The Rural Subcommittee issued its report in December 2008. The report renewed the call for a permanent state indigent defense commission. It renewed the recommendation that the State Public Defender's Office be fully and adequately funded by the State and removed from the supervision of the Department of Health and Human Services. With respect to the IDC recommendation that the State Public Defender provide representation in all rural counties, the Subcommittee's report differed by suggesting that counties be able to choose the delivery system so long as it comports with standards and regulation of the oversight commission. Finally, the Rural Subcommittee recommended that in rural counties, judges other than the judge presiding over the case should make decisions about requests for investigators, experts, and other case-related expenses. However, the Nevada Supreme Court did not enter any order with respect to the December 2008 Rural Subcommittee report.



The Rural Subcommittee filed one last report in October 2014. Its task was to study the current methods used by counties to ensure effective assistance of counsel under the Sixth Amendment of the United States Constitution. The 2014 Report found that counties should continue to choose the delivery method of indigent defense services based upon the premise that the Nevada Legislature was unlikely to fully fund the State Public Defender's Office. If a county opted to use the contract-for-service method, it should not use a flat fee contract. Contracts should include provisions for case-related expenses and modification of fees in extraordinary cases separate from and in addition to attorney compensation. Additionally, the report recommended that all death penalty cases and appeals be serviced by the State Public Defender's Office to alleviate financial burden from rural counties. Finally, it recommended the creation of a permanent oversight commission to provide legislative support to counties and seek to rebalance costs back toward the State. In July 2015, the Nevada Supreme Court issued an order in ADKT 411 adopting the ban on flat fee contracts, providing death penalty and appellate representation through the State Public Defender's Office in rural counties, and endorsing the formation of an oversight commission.

In 2017, the Legislature passed, and the Governor signed, Senate Bill (“SB”) 377 creating the Nevada Right to Counsel Commission (“NRCC”). NRCC was charged with conducting a study during the 2017-2019 legislative interim concerning the provision of indigent defense services. The NRCC was further mandated to make recommendations to the Legislature for improvement of indigent defense services and ensuring those services comported with the Sixth Amendment to the United States Constitution and Section 8 of Article 1 of the Nevada Constitution. In turn, the NRCC and Sixth Amendment Center (“6AC”) submitted “The Right to Counsel in Rural Nevada: An Evaluation of Indigent Defense Services” (“6AC Report”) in September 2018. The 6AC Report found, in part, that rural indigent defense systems suffer from: 1) a pervasive lack of judicial and political independence, 2) a pervasive lack of institutionalized attorney supervision and training, 3) a pervasive lack of independent defense investigation in all but the most serious felony cases, 4) a pervasive lack of support services, 5) flat fee contracts, and 6) excessive caseloads. In response, the recommendations made by the 6AC provided the framework of AB 81’s Board and Department of Indigent Defense Services (“Board” and “Department,” respectively).

Utilizing the historical backdrop of indigent defense reform in Nevada, the guidance of the 6AC Report, along with the American Bar Association’s (“ABA”) *Ten Principles of a Public Defense Delivery System and Standards for Providing Criminal Justice – Providing Defense Services*, the National Association for Public Defense’s (“NAPD”) *Foundational Principles*, the National Legal Aid and Defender Association’s (“NLADA”) *Performance Guidelines for Criminal Defense Representation and Model Contract for Public Defense Services*, the Board and Department have proposed minimum standards and regulations for the provision of indigent defense services. These proposals are currently pending Legislative Counsel Bureau review and public comment.



Courtesy of the Sixth Amendment Center.

Board of Indigent Defense Services

The Board of Indigent Defense Services ("Board") consists of thirteen voting members and one non-voting member. Statutory qualifications for appointment to the Board consists 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.

The current Board members are:

Robert Crowell (Carson City)

Robert Crowell is the Chairperson of the Board and was selected by the Nevada Association of Counties and appointed by the Governor pursuant to NRS 180.300(1)(a)(6). His term ends August 31, 2022.

Anne Traum (Clark)

Professor Anne Traum is the Vice-Chairperson and was selected by the Chief Justice of the Nevada Supreme Court pursuant to NRS 180.300(1)(a)(3). Her term ends June 30, 2022.

Julie Cavanaugh-Bill (Elko)

Julie Cavanaugh-Bill was selected by the Board of Governors of the State of Nevada and appointed by the Governor pursuant to NRS 180.300(1)(a)(5). Her term ends October 31, 2022.

Drew Christensen (Clark)

Drew Christensen was selected by the Board of County Commissioners of Clark County and appointed by the Governor pursuant to NRS 180.300(1)(a)(7). His term ends on August 31, 2022.

Joni Eastley (Nye)

Joni Eastley was selected by the Nevada Association of Counties and appointed by the Governor pursuant to NRS 180.300(1)(a)(6). Her term ends August 31, 2022.

Laura Fitzsimmons (Carson City)

Laura Fitzsimmons was appointed by the Governor pursuant to NRS 180.300(1)(a)(4). Her term ends June 30, 2022.

Chris Giunchigliani (Clark)

Chris Giunchigliani was appointed by the Speaker of the Assembly pursuant to NRS 180.300(1)(a)(2). Her term ends June 30, 2022.

Dave Mendiola (Humboldt)

Dave Mendiola was selected by the Nevada Association of Counties and appointed by the Governor pursuant to NRS 180.300(1)(a)(6). His term ends August 31, 2022.

Robert Telles (Clark)

Robert Telles was selected by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities and appointed by the Governor pursuant to NRS 180.300(1)(a)(9). His term expires October 31, 2022.

Kate Thomas (Washoe)

Kate Thomas was selected by the Board of County Commissioners of Washoe County and appointed by the Governor pursuant to NRS 180.300(1)(a)(8). Her term ends August 31, 2022.

Board Members, cont.

Jeff Wells (Clark)

Jeff Wells was selected by the Board of County Commissioners of Clark County and appointed by the Governor pursuant to NRS 180.300(1)(a)(7). His term ends on August 31, 2022.

Lorinda Wichman (Nye)

Lorinda Wichman was selected by the Nevada Association of Counties and appointed by the Governor pursuant to NRS 180.300(1)(a)(6). Her term ends August 31, 2022.

Justice A. William Maupin, retired (Clark)

Justice A. William Maupin, retired, was designated by the Chief Justice of the Nevada Supreme Court to serve as a non-voting member to represent the interests of the Court pursuant to NRS 180.300(1)(b).

Board Meetings

The Board has met six times during the 2020 reporting year. At this initial juncture, the Board's primary focus is the establishment of minimum standards and regulations for the delivery of indigent defense services consistent with the direction of NRS 180.320.

All meetings are open to the public, unless otherwise noted. Agendas, attachments, and minutes for the board meetings are available on the Department's website at <http://dids.nv.gov/>. Individuals interested in receiving notifications of upcoming board meetings may contact Cindy Atanzio, Executive Assistant, at catanzio@dids.nv.gov to request to be added to the interested parties list.

Department of Indigent Defense Services

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.

Deputy Directors

Jarrold Hickman began working with Ms. Ryba in December of 2019. Beginning in 2009, he served as a deputy public defender in the rural Colorado communities of Las Animas and Huerfano Counties before moving to Nevada. Since then, Mr. Hickman has worked as an appellate and trial deputy public defender with the Nevada State Public Defender and Washoe County Public Defender offices, respectively.

Patrick McGinnis joined the office in February of 2020. Mr. McGinnis began his legal career as a law clerk with the Honorable Peter Breen in Washoe County, Nevada in 2002. He worked as a prosecutor in Humboldt County. From there, Mr. McGinnis began his career in indigent defense services with the Washoe County Public Defender's Office in 2006, moving to the Alternate Public Defender's Office in 2007. In 2014, he became the Chief Criminal Deputy Alternate Public Defender in the Washoe County Alternate Public Defender's Office. In 2015, Mr. McGinnis transitioned into private practice servicing Mineral County and conflict cases in other rural communities.

Staff

Management Analyst Jason Kolenut joined the office in March of 2020 with an extensive background in administration of agency budgets and fiscal policy. Due to the current hiring freeze, the Department is unable to fill the remaining management analyst position.

Cindy Atanzio serves as the Executive Assistant and supervises Alexis McCurley, the Administrative Assistant for the Department.

Department Operational Budget

The Department of Indigent Defense Services was created during the 2019 Legislative Session. In Fiscal Year 2020 General Fund appropriation was \$730,732 and includes seven positions, of which one remains vacant.

The Department also requested \$525,036 through a Contingency fund work program which was approved at the April 30, 2020 Interim Finance Committee meeting. The funds were approved for a workload study (\$295,000), a data analyst (\$100,000), a time and caseload tracking software program (\$110,200), and indigent defense training (\$19,836). The funds are available for the Department to expend through June 30, 2021.

Website

The Department maintains a website which will serve as the main resource to learn about our proposed regulations, upcoming board meetings, scheduled workshops, and any available training or resources as we carry out the mission of improving indigent defense in Nevada. The website is found at <http://dids.nv.gov/>.

The website provides information such as: county by county contact information for the attorneys providing indigent defense representation, an up-to-date list of Board Members, and information on the meetings of the Board of Indigent Defense Services.

In compliance with NRS 180.320(2)(b), the Department has established a form for submitting recommendations or complaints to the Board of Indigent Defense Services. The form may be accessed and submitted through the website, under the “Contact Us” tab at http://dids.nv.gov/Complaints/Complaints_or_Recommendations/.

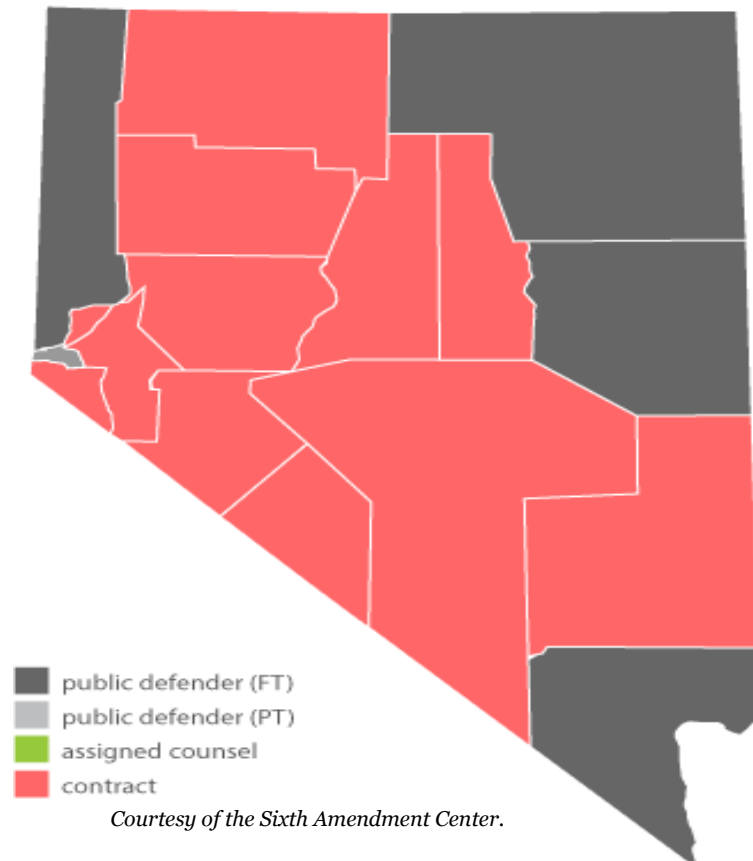
Implementing AB 81

A Glance at Nevada's Indigent Defense Services

Counties with a population of 100,000 or more must have a county-funded office of the public defender. Nevada allows counties whose population is under 100,000 to choose the method of providing indigent defense services. In these counties, indigent defense services may be provided through contracting with the Nevada State Public Defender, the creation of a county public defender's office, or contracts-for-service with attorneys to provide the services.

- ♦ Carson City and Storey County utilize the services of the Nevada State Public Defender.
- ♦ Clark, Elko, Humboldt, Pershing, and Washoe County have established county public defender offices within their respective counties.
- ♦ Churchill, Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, and White Pine County have established systems where the county contracts with private attorneys to provide indigent defense services.

NEVADA TRIAL-LEVEL SERVICES



Workload Data Collection

Prior to the adoption of AB 81, there was no uniform mandate with respect to the method and content for indigent defense data reporting. NRS 180.080 contained the most detailed statutory reporting requirement mandating a report to the Governor containing the total number of cases pending, closed, hours spent, and amount of expenditures in each participating county. NRS 180.080 (2018). While NRS Chapter 260 imposed some requirements prior to the passage of AB 81, the contents of those reports were generally left to the discretion of the county. See NRS 260.070 (2018) (“The public defender shall make an annual report to the board of county commissioners covering all cases handled by his office during the preceding year.”).

Reporting requirements were also subject to the way indigent defense services were delivered. For instance, counties using a contract-for-service delivery system varied in reporting requirements. Compare, Mineral County, *Contract for Services of Independent Contractor County Public Defender* (executed May 15, 2019) (containing no reporting requirement) with Churchill County, *Contract for Professional Services Between Churchill County, Nevada and Charles B. Woodman, Esq. for Indigent Legal Services* (executed December 26, 2017) (requiring monthly reporting of the total number of cases in which the attorney was appointed by offense category on a form approved by the county).

Finally, the Indigent Defense Commission and Nevada Association of Counties (“NACO”) have attempted to provide uniformity through the publication of reporting tools. See Indigent Defense Commission, *Indigent Defense Data Dictionary and Worksheet* (October 14, 2010); NACO, *Rural County Public Defender Reporting Tool* (October 2018). Although neither were mandated, elements of each tool are used in most of the data submitted by reporting counties.

Under current law, the Board must adopt uniform time, data, and reporting requirements by regulation. NRS 180.320(2)(d)(2). As discussed below, proposed regulations are pending approval but are not yet permanent, enforceable regulations. As such, the following information is presented in the manner it was reported for 2019. Because of the lack of uniformity in reporting and an accompanying workload standard with which to compare it, any conclusion drawn on the data presented may be specious. The data is organized according to delivery system: public defender offices and contracts-for-service.

| County PD Reporting Tool | | | |
|--|--------|--------|--------|
| Created 10/2018 by the Nevada Association of Counties | | | |
| 1 County: | | | |
| 2 Law Firm: | | | |
| 3 Attorney Name: | | | |
| 4 Reporting Quarter: | | to | |
| 5 Final Day of Last Reporting Period: | | | |
| PENDING CASES - on final day of last reporting period | | | |
| Death Penalty | | | |
| Murder (Non-Death) | | | |
| Class A | | | |
| Other Felonies - Non-Specialty Courts | | | |
| Other Felonies - Specialty Courts | | | |
| Gross Misdemeanor | | | |
| Misdemeanor (Non-Traffic) | | | |
| Misdemeanor (Traffic) | | | |
| Delinquency | | | |
| Juvenile Status Offense | | | |
| Abuse and Neglect (NRS 432B) | | | |
| Termination Parental Rights (NRS 128 and NRS 432B) | | | |
| Parole/Probation Revocation | | | |
| Mental Health Commitment | | | |
| Appeal | | | |
| Other | | | |
| SUB-TOTAL | | | |
| NEW APPOINTMENTS | | | |
| | Month: | Month: | Month: |
| Death Penalty | | | |
| Murder (Non-Death) | | | |
| Class A | | | |
| Other Felonies - Non-Specialty Courts | | | |
| Other Felonies - Specialty Courts | | | |
| Gross Misdemeanor | | | |
| Misdemeanor (Non-Traffic) | | | |
| Misdemeanor (Traffic) | | | |
| Delinquency | | | |
| Juvenile Status Offense | | | |
| Abuse and Neglect (NRS 432B) | | | |
| Termination Parental Rights (NRS 128) | | | |
| Parole/Probation Revocation | | | |
| Mental Health Commitment | | | |
| Appeal | | | |
| Other | | | |
| SUB-TOTAL | | | |
| DISPOSED CASES | | | |
| | Month: | Month: | Month: |
| Death Penalty | | | |
| Murder (Non-Death) | | | |
| Class A | | | |
| Other Felonies - Non-Specialty Courts | | | |
| Other Felonies - Special Courts | | | |
| Gross Misdemeanor | | | |
| Misdemeanor (Non-Traffic) | | | |
| Misdemeanor (Traffic) | | | |
| Delinquency | | | |
| Juvenile Status Offense | | | |
| Abuse and Neglect (NRS 432B) | | | |
| Termination Parental Rights (NRS 128) | | | |
| Parole/Probation Revocation | | | |
| Mental Health Commitment | | | |
| Appeal | | | |
| Other | | | |
| SUB-TOTAL | | | |

Public Defender Offices

Nevada State Public Defender

Carson City and Storey County utilize the Nevada State Public Defender’s office for the delivery of indigent defense services. The Nevada State Public Defender’s Office is located in Carson City. The State Public Defender consists of the State Public Defender, Karin Kreizenbeck, as well as seven deputy state public defenders, two investigators and four administrative staff. The Nevada State Public Defender’s Office reports provides separate reporting for Carson City, Storey County, and State of Nevada cases.

Carson City

| NSPD – Carson City Adult Caseload FY19 | | | | | | | NSPD – Carson City Juvenile Caseload FY19 | | | | | |
|--|-------------------------------------|------------------|---------------|-------------------------------|-----------------------|---------------------------|---|------------|---------------|-------------------------------|-----------------------|---------------------------|
| <u>Category</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Attorney Hours</u> | <u>Investigator Hours</u> | <u>Beginning of Year -- Pending</u> | <u>New</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Attorney Hours</u> | <u>Investigator Hours</u> |
| Felonies | 338 | 413 | 393 | 358 | 3921.5 | 1,578 | 2 | 29 | 26 | 5 | 89.5 | 88 |
| Gross Misdemeanor | 20 | 73 | 68 | 25 | 239.5 | 38 | 2 | 7 | 8 | 1 | 27 | 3 |
| Misdemeanor | 286 | 947 | 988 | 245 | 2697 | 784.5 | 14 | 27 | 22 | 19 | 214 | 18 |
| Appeals – District Court | 19 | 8 | 15 | 12 | 142.5 | 0 | 5 | 1 | 6 | 0 | 6.5 | 0 |
| Probation Violation | 65 | 47 | 44 | 68 | 368 | 7 | 27 | 58 | 56 | 29 | 30.0 | 0 |
| Other: (432B/ Involuntary Commitment) | 0 | 67 | 64 | 3 | 0 | 0 | 68 | 23 | 33 | 58 | 374 | 60 |
| Specialty Court | 261 | 171 | 122 | 310 | 680 | 0 | 7 | 13 | 0 | 20 | 83 | 0 |
| Administrative | -- | -- | -- | -- | 574.5 | 0 | -- | -- | -- | -- | 6 | 0 |
| Total: | 989 | 1,726 | 1,694 | 1,021 | 8,630 | 2400.5 | 125 | 158 | 151 | 132 | 830 | 169 |

Storey County

| NSPD Storey County – Adult Caseload FY 2019 | | | | | | | | | | | | |
|---|-------------------------------------|------------------|---------------|--------------------------------|-----------------------|---------------------------|-------------------------------------|------------------|---------------|-------------------------------|-----------------------|---------------------------|
| <u>Category</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year - - Pending</u> | <u>Attorney Hours</u> | <u>Investigator Hours</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Attorney Hours</u> | <u>Investigator Hours</u> |
| Felony | 11 | 25 | 17 | 19 | 197 | 288.5 | 1 | 0 | 0 | 1 | 0 | 0 |
| Gross Misdemeanor | 10 | 4 | 5 | 9 | 6 | 34 | 0 | 0 | 0 | 0 | 0 | 0 |
| Misdemeanor | 64 | 97 | 80 | 81 | 179 | 181 | 1 | 0 | 0 | 1 | 0 | 0 |
| Appeals – District Court | 0 | 0 | 0 | 0 | 40.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probation Violation | 5 | 2 | 1 | 6 | 0 | 0 | 0 | 2 | 1 | 1 | 0 | 0 |
| Other: Travel | 0 | 0 | 0 | 0 | 39 | 0 | 2 | 2 | 0 | 4 | 10 | 0 |
| Total: | 90 | 128 | 103 | 115 | 461.5 | 503.5 | 4 | 4 | 1 | 7 | 10 | 0 |

State of Nevada

| NSPD State of Nevada Caseload – FY 2019 | | | | | | |
|---|-------------------------------------|------------------|---------------|-------------------------------|-----------------------------|---------------------------------|
| <u>Category</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Attorney Hours Spent</u> | <u>Investigator Hours Spent</u> |
| Criminal Cases | 5 | 6 | 6 | 5 | 259 | 300.5 |
| Pardons Board | 0 | 3 | 3 | 0 | 43.5 | 0 |
| Parole Board | 5 | 64 | 68 | 1 | 143.5 | 0 |
| Appeals – Supreme Court | 30 | 16 | 26 | 20 | 582.0 | 0 |
| Habeas Corpus/ Post Conviction | 8 | 2 | 9 | 1 | 473 | 0 |
| Administrative Work | -- | -- | -- | -- | 2985.5 | 259 |
| Total: | 48 | 91 | 112 | 27 | 4486.5 | 559.5 |

Public Defender Offices

Clark County

Public defense services in Clark County are handled by three offices: the Clark County Public Defender’s Office, the Clark County Special Public Defender’s Office, and the Clark County Office of Appointed Counsel.

The Clark County Public Defender’s Office is the primary provider of indigent defense services in Clark County. The office is led by Darin Imlay and has a staff of over 200, including attorneys, investigators, social workers, and staff, which makes the Public Defender's Office one of the largest law firms in the state of Nevada.

The Clark County Special Public Defender’s Office is the secondary provider of indigent defense services for murder and Category A offense cases for which the Public Defender has a conflict of interest. The office is led by JoNell Thomas and consists of 20 attorneys, six investigators, two mitigation specialists, one social worker, and nine support staff. Other conflicts are handled by counsel appointed through Drew Christensen and the Office of Appointed Counsel.

Clark County Public Defender

| Clark County Public Defender Caseload Jan.— Dec. 2019 | | | | | | |
|---|---|--|--|----------------------------|--|--|
| | Felony | Gross Misdemeanor | Misdemeanor (non-traffic) | Juvenile | | |
| Beginning Pending | 8,710 | 828 | 2,703 | 996 | | |
| New Appointments | 18,921 | 2,091 | 4,754 | 2,979 | | |
| Adjudicated/Disposed/ Closed | 19,192 | 2,304 | 4,041 | 3,335 | | |
| Warrant (Placed on Inactive Status) | 5,205 | * | 1,128 | 318 | | |
| End Pending | 9,371 | 936 | 2,571 | 1,079 | | |
| Set for Review | 3,460 | * | 29,835 | 2,682 | | |
| *Note: Gross misdemeanors tracked with felonies for this category. | | | | | | |
| Death Penalty (S.C.R. 250) CASES | Probation Revocations HEARINGS | Informal Juvenile HEARINGS (Involving a Judicial Officer) | Juvenile Detention HEARINGS | Conflicts CASES | Specialty Court CAS- ES | Justice Court Felony/Gros Misdemeanor Reduction Cases |
| 2 | 2,725 | 42 | 3,708 | 1,727 | **Unable to Track Data | 11,341 |

Clark County, Cont.

Clark County Special Public Defender

| Clark County Special Public Defender Caseload Jan.— Dec. 2019 | | | | | | |
|--|---|--|--|----------------------------|----------------------------------|---|
| | <u>Felony</u> | <u>Gross Misdemeanor</u> | <u>Misdemeanor (non- traffic)</u> | <u>Report Error</u> | | |
| Beginning Pending | 193 | 1 | 1 | 0 | | |
| New Appointments | 217 | 0 | 1 | 0 | | |
| Returned from Warrant (Re-activated) | 7 | 0 | 0 | 0 | | |
| Adjudicated/Disposed/ Closed | 222 | 1 | 1 | 0 | | |
| Warrant (Placed on Inactive Status) | 10 | 0 | 0 | 0 | | |
| End Pending | 185 | 0 | 1 | 0 | | |
| Set for Review | 0 | 0 | 0 | 0 | | |
| Death Penalty (S.C.R. 250) CASES | Probation Revocations HEARINGS | Informal Ju- venile HEAR- INGS (Involving a Judicial Officer) | Juvenile Detention HEARINGS | Conflicts CASES | Specialty Court CASES | Justice Court Felony/Gross Misdemeanor Reduction Cases |
| 11 | 0 | 0 | 0 | 0 | 7 | 0 |

Public Defender Offices

Elko County

Elko County established a county public defender office in 1979, making it the oldest continually operating public defender office in rural Nevada. It is also the largest, comprised of eight full-time attorneys and five full-time staff members. The office is led by the Elko County Public Defender, Kriston Hill. Currently, the office does not have a staff investigator. For conflict cases, the court appoints counsel from a list of private attorneys to represent indigent clients and compensates them at the statutory hourly rate.

| EPD – Adult Caseload FY19 | | | | | EPD – Juvenile Caseload FY19 | | | | EPD – Attorney Hours and Mileage FY19 | |
|---|-------------------------------------|------------------|---------------|-------------------------------|-------------------------------------|------------------|---------------|-------------------------------|---------------------------------------|----------------|
| <u>Category</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Beginning of Year -- Pending</u> | <u>New Cases</u> | <u>Closed</u> | <u>End of Year -- Pending</u> | <u>Hours</u> | <u>Mileage</u> |
| Felony | 265 | 416 | 405 | 276 | 24 | 21 | 19 | 26 | 4078.99 | 436 |
| Gross Misdemeanor | 14 | 42 | 46 | 10 | 6 | 3 | 4 | 5 | 433.44 | 0 |
| Misdemeanor | 260 | 638 | 616 | 282 | 76 | 64 | 103 | 37 | 2549.82 | 19,414.77 |
| Appeals – Supreme Court | | | 9 | 10 | 0 | 0 | 0 | 0 | 143.88 | 0 |
| Appeals – District Court | | | 3 | 9 | 0 | 0 | 0 | 1 | | |
| Habeas Corpus / Post Conviction | | | 2 | 1 | 0 | 0 | 0 | 0 | 8.33 | 0 |
| Probation Violation | 23 | 109 | 118 | 14 | 0 | 40 | 40 | 0 | 557.64 | 436 |
| Other: Criminal matter with no formal charge | 0 | 0 | 172 | 0 | 0 | 0 | 0 | 0 | 183.71 | 3447 |
| Civil – 432B | 14 | 10 | 11 | 13 | 0 | 0 | 0 | 0 | 513.41 | 0 |
| Total: | | | 1,382 | 617 | | | | 69 | 8,469.22 | 23,733.77 |

Elko County, Cont.

| EPD Dispositions FY 19 | | | | | | |
|-------------------------------------|----------------------------|---------------------------------------|---------------------------------|-------------------------------|--|------------------------------------|
| <u>Dispositions</u> | <u>Adult Felony</u> | <u>Adult Gross Misdemeanor</u> | <u>Adult Misdemeanor</u> | <u>Juvenile Felony</u> | <u>Juvenile Gross Misdemeanor</u> | <u>Juvenile Misdemeanor</u> |
| Plead Guilty as Charged | 15 | 1 | 160 | 1 | 1 | 3 |
| Plead Guilty to Lesser | 244 | 24 | 169 | 6 | 0 | 5 |
| Dismissed Before Trial | 52 | 13 | 103 | 5 | 1 | 31 |
| Convicted of Offense Charged | 0 | 0 | 2 | 0 | 0 | 0 |
| Convicted of Lesser | 3 | 0 | 5 | 0 | 0 | 0 |
| Acquitted | 1 | 0 | 0 | 0 | 0 | 0 |
| Other | 100 | 8 | 172 | 14 | 1 | 48 |
| Total: | 415 | 46 | 611 | 26 | 3 | 87 |



Public Defender Offices

Humboldt County

Humboldt County created a county public defender office in 2007. The Humboldt County Public Defender is Matt Stermitz. The office employs one legal secretary. In 2017, Humboldt County created the Alternate Public Defender's Office. The Alternate Public Defender, Maureen McQuillan, accepts conflict criminal cases, juvenile delinquency, abuse and neglect, parole revocations, and specialty court cases. The alternate public defender office does not employ support staff. Both offices contract with independent investigators as needed. Both offices are located in Winnemucca, Nevada. Attorney hours are not currently reported by Humboldt County.

| Public Defender Caseload 2019 | | | Alternate Public Defender Caseload April 2018 - April 2019 | |
|-------------------------------|--------------|-----------------|--|-----------------|
| <u>Category</u> | <u>Adult</u> | <u>Juvenile</u> | <u>Adult</u> | <u>Juvenile</u> |
| Felonies | 73 | 1 | 47 | 10 |
| Gross Misdemeanor | 7 | 0 | 7 | 0 |
| Misdemeanor | 87 | 3 | 68 | 15 |
| Supreme Court Appeals | 5 | 0 | 3 | 0 |
| District Court Appeals | 2 | 0 | 1 | 0 |
| Probation Violations | 8 | 0 | 19 | 18 |
| Other | 2 | 1 | 14 | 48 |
| Total: | 184 | 5 | 159 | 91 |

| Motions to Suppress, Trials, Expert, and Investigator Data 2019 | | |
|---|---------------------------------|---|
| | Humboldt County Public Defender | Humboldt County Alternate Public Defender |
| Motion to Suppress | 4 | 4 |
| Jury Trials | 2 | 1 |
| Expert Fees | \$34,591 for 160.3 hours | \$2,000 |
| Investigator Fees | \$21,158 for 366.95 hours | \$2,500 |

Public Defender Offices

Pershing County

Pershing County created a public defender office in 2008. The office is in Lovelock, Nevada. The office consists of the Pershing County Public Defender, Steve Cochran, and one support staff. Pershing County does not employ an investigator, but contracts for those services when needed. For conflict cases, Pershing County contracts with a private attorney to represent indigent clients. Attorney hours are currently not reported by the Pershing County Public Defender.



| Pershing County Public Defender Caseload FY 2019 | | |
|---|--------------|-----------------|
| Category | Adult | Juvenile |
| Cat A Felonies | 3 | 0 |
| Other Felonies | 38 | 18 |
| Gross Misdemeanors | 4 | 0 |
| Misdemeanors | 56 | 0 |
| Appeals | 0 | 0 |
| Probation Violations | 3 | 0 |
| Other | 1 | 0 |
| Total: | 105 | 18 |

Public Defender Offices

Washoe County

The Washoe County Public Defender's Office provides representation in adult criminal cases (including direct appeals and parole/probation revocations), juvenile proceedings, dependency and neglect cases, termination of parental right cases, and involuntary commitments. The Washoe County Public Defender's Office is led by John Arrascada and employs a staff of 62, including 37 full-time attorneys, eight investigators, a mitigation specialist, and 16 support staff.

The Washoe County Alternate Public Defender's Office accepts adult criminal cases, juvenile proceedings, dependency and neglect, and termination of parental rights cases in which the Public Defender's Office has a conflict of interest. The office also provides counsel to advocate for clients participating in all of the Washoe County Specialty Courts at both the Justice Court and District Court levels. The Alternate Public Defender's office is led by Marc Picker and comprised of 11 attorneys, two investigators, and five support staff. Tertiary conflicts are handled by the Appointed Counsel Administrator ("ACA"), Krista Meier.

| Washoe County Public Defender Caseload 2019 | |
|---|-------|
| Category A Felonies | 111 |
| Other Felonies | 2,809 |
| Gross Misdemeanors | 317 |
| Misdemeanors | 2,432 |
| Parole Violation Hearings | 169 |
| Juvenile Delinquency Petitions | 851 |
| Family Court | 236 |
| Supreme Court Appeals | 70 |
| District Court Appeals | 0 |
| Post-Conviction Proceedings | 5 |
| Hospitalization Petitions (involuntary commitment) | 2,559 |
| Total New Cases 2019: | 9,450 |
| Total Cases Closed 2019: | 9,532 |

| Washoe County Alternate Public Defender Caseload FY 19 | |
|--|---|
| Cases from the Public Defender, Court Appointments | 1139 |
| Tertiary Conflicts: Cases sent to ACA: | 382 (includes 48 family court overflow) |
| Cases requiring hourly appointments (Class A felonies) sent to the ACA: | 48 |
| Cases retained by the APD | <p>CASES OPENED BY THE APD (does not include Specialty Courts): 780</p> <p>Criminal cases kept since July 1: 731 Class A included in that: 26 Appeals Pending: 3 Open criminal cases: 278</p> <p>TRIALS SINCE JULY 1 Criminal: 2 Juvenile: 0 Family: 4</p> <p>CASES CLOSED SINCE JULY 1 Dismissed: 133 Graduated Specialty Court: 337 Lesser Charge: 218 Granted Probation: 61 Sentenced as Charged: 75</p> <p>SPECIALTY COURT CASES (not included in other stats) Justice Courts: Open cases: 321 District Court: Open cases: 804</p> |



Contracts-for-Service

Churchill County

In Churchill County, public defense services are provided through two independent contract attorneys, Jacob Sommer and Charles Woodman. Their contracts expire June 30, 2021. Each attorney provides representation in adult criminal matters (including direct appeals, parole or probation revocations, and diversion programs), juvenile delinquency proceedings, abuse and neglect cases, and terminations of parental rights. The contract requires the attorneys to maintain an office and staff in Churchill County.

The contract provides that payment for office space, furniture, equipment, secretarial staff, and routine investigations are included in the agreement’s compensation. Extraordinary investigation and expert witness fees are reimbursed with prior authorization of the court pursuant to NRS Chapter 7. Time spent preparing for and attending mediations are paid at \$100.00 per hour. Capital cases are outside the scope of the agreement and paid at the statutory rate.

Although there is no provision requiring “continuity of representation,” the agreement does provide that it may not be assigned or delegated in whole or in part without approval of the county. When leave is necessary, substitutions less than 20 judicial days per year or five consecutive days do not require prior authorization. Additionally, the contracts require monthly reporting of case total arranged by type to the County Manager.

| Churchill County Contract Defender Caseload 2019 | | |
|---|----------------|---------------|
| Category | <u>Woodman</u> | <u>Sommer</u> |
| Adult Criminal - New | 181 | 198 |
| Juvenile Criminal -New | 15 | 33 |
| Appeals – Supreme Court | 0 | 1 |
| Other: (432B) | 8 | 8 |
| Total: | 205 | 249 |
| Jury Trials: | Not Reported | 1 |



Contracts-for-Service

Douglas County

Douglas County provides public defense services through five independent contractor attorneys. Current contractors are Kris Brown, Matthew Ence, Brian Filter, John Malone, and Maria Pence. Their contracts expire June 30, 2020. The attorneys provide representation in adult criminal proceedings (including direct appeals and parole or probation revocations), juvenile delinquency proceedings, dependency and neglect cases, and termination of parental rights proceedings. The agreements require that the attorneys staff and maintain an office in Douglas County and are responsible for furniture, equipment, and routine investigation costs. Reimbursement for expert and investigative costs, and extraordinary fees are subject to prior judicial approval pursuant to NRS Chapter 7. Although there is no provision requiring “continuity of representation,” the agreement does provide that it may not be assigned or delegated in whole or in part without approval of the county. When leave is necessary, substitutions less than 20 judicial days per year or five consecutive days do not require prior authorization. Additionally, the contracts require monthly reporting of case totals arranged by type to the County Manager.

| Douglas County Caseload for July 1 – Sept. 30, 2019 | | | | | | | | | | | | | | | | |
|--|---------------------|-----------------|-----------------|-----------------|--------------------|-----------------|-----------------|-----------------|----------------------|-----------------|-----------------|-----------------|---------------------|-----------------|-----------------|-----------------|
| By Attorney | | | | | | | | | | | | | | | | |
| | <u>Brown</u> | | | | <u>Ence</u> | | | | <u>Filter</u> | | | | <u>Pence</u> | | | |
| <u>Category</u> | <u>B</u> | <u>N</u> | <u>C</u> | <u>E</u> | <u>B</u> | <u>N</u> | <u>C</u> | <u>E</u> | <u>B</u> | <u>N</u> | <u>C</u> | <u>E</u> | <u>B</u> | <u>N</u> | <u>C</u> | <u>E</u> |
| Felonies | 28 | 39 | 38 | 29 | 39 | 45 | 42 | 42 | 0 | 20 | 3 | 17 | 37 | 42 | 36 | 43 |
| Gross Misdemeanors | 3 | 4 | 6 | 1 | 2 | 2 | 3 | 1 | 0 | 3 | 0 | 3 | 5 | 4 | 6 | 3 |
| Misdemeanors | 37 | 46 | 49 | 34 | 27 | 43 | 56 | 14 | 0 | 18 | 5 | 13 | 41 | 44 | 52 | 33 |
| Juvenile | 10 | 4 | 1 | 13 | 10 | 3 | 0 | 13 | 0 | 0 | NR | NR | 8 | 2 | 3 | 7 |
| 432B | 6 | 0 | 0 | 6 | 6 | 0 | 1 | 5 | 0 | 3 | NR | NR | 6 | 2 | 2 | 6 |
| Total: | 84 | 93 | 94 | 83 | 84 | 93 | 102 | 75 | 0 | 44 | 8 | 33 | 97 | 94 | 99 | 92 |

| Key | |
|------------|--|
| B | Pending Cases at the Beginning of the Reporting Period |
| N | New cases opened during the Reporting Period |
| C | Closed cases during the Reporting Period |
| E | Pending cases at the End of the Reporting Period |
| NR | Not reported |

**Information is from a single quarter of 2019 from attorneys that provided requested data.*

Douglas County, Cont.

| Douglas County Dispositions July 1 - Sept 30, 2019 | | | | | | | | | |
|---|-----------|-------------------|-------------|-----------|-------------------|-------------|----------|-------------------|-------------|
| Dispositions | Ence | | | Brown | | | Filter | | |
| | Felony | Gross Misdemeanor | Misdemeanor | Felony | Gross Misdemeanor | Misdemeanor | Felony | Gross Misdemeanor | Misdemeanor |
| Acquitted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dismissal | 9 | 1 | 11 | 17 | 3 | 12 | 0 | 0 | 0 |
| Pleas (to lesser charge) | 8 | 1 | 15 | 8 | 0 | 13 | 1 | 0 | 2 |
| Plead (as charged) | 3 | 1 | 12 | 1 | 1 | 12 | 0 | 0 | 3 |
| Convicted/Bound Over | 0 | 0 | 0 | 3 | 0 | 3 | 0 | 0 | 0 |
| Waived Preliminary Hearing | 9 | 0 | 0 | 7 | 1 | 0 | 2 | 0 | 0 |
| Deferred | 3 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 |
| Diversion | 0 | 0 | 0 | 7 | 1 | 0 | 0 | 0 | 0 |
| Graduated | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bench Warrant Issued | 1 | 0 | 4 | 3 | 0 | 8 | 0 | 0 | 0 |
| Reinstated | 1 | 0 | 2 | 2 | 0 | 5 | 0 | 0 | 0 |
| Revoked | 1 | 0 | 5 | 2 | 0 | 3 | 0 | 0 | 0 |
| Other | 7 | 0 | 7 | 10 | 0 | 9 | 0 | 0 | 0 |
| Total: | 42 | 3 | 56 | 61 | 7 | 66 | 3 | 0 | 5 |

| Hours, Percentage of Practice, and Support Staff | | | |
|--|---|---------------------|------------------------------|
| | Hours in court-appointed cases July 1 - Sept. 30 | % of total practice | Support staff classification |
| Ence | 650 hrs. | 98% | Part-time (.75) |
| Pence | 780 hrs. | 99% | Part-time (.50) |
| Brown | 620 hrs. | 99% | Part-time (.25) |
| Filter | 380 hrs. | 95% | None |

*Other attorney dispositions not reported or unavailable.

Contracts-for-Service

Esmeralda County

Esmeralda County provides its public defense service through one independent contractor attorney, Jason Earnest. The contract expires June 30, 2020. According to its terms, the contract is to provide representation to indigent defendants charged with criminal activity in Esmeralda County, excluding capital cases. There is no provision for the payment of expert, investigative, or extraordinary fees. Likewise, there is no provision for data reporting. Although there is no provision pertaining to attorney staff, the agreement indicates that the contractor is duly equipped and staffed. With respect to continuity of representation, the contract allows the contractor to assign other attorneys to “take his place on an as-needed basis,” but the contractor remains responsible for performance under the agreement.

| Esmeralda New Cases 2019 | |
|--------------------------------|----|
| Felonies | 10 |
| Gross Misdemeanors | 1 |
| Misdemeanors | 11 |
| Total | 22 |



Contracts-for-Service

Eureka County

Eureka County provides public defense services through one independent contractor attorney, Kelly Brown. The contract expires June 30, 2022. The contract provides representational services for felony, gross misdemeanor, misdemeanor, juvenile delinquency, dependency, civil commitment, contempt of court, drug court, and guardianship cases. Minimum experience qualifications for handling cases by offense classification and annual continuing legal education pertaining to the practice of criminal law are required. The contractor is not required to accept cases over the agreement’s average annual caseload limits, plus consideration of the contract’s periodic variance percentages.

The agreement provides separate funding mechanisms for additional costs and complex litigation. Additional costs are funded pursuant to the procedure and prior judicial approval of NRS Chapter 7. The contract provides that payment for complex litigation shall be negotiated at the request of either party. Complex litigation (capital and sexual predator cases) is outside the normal caseload. If the contractor has a pending complex litigation case, no other complex litigation case will be assigned unless the contractor has qualified staff and necessary resources available. If no complex litigation is assigned, the agreement allows for an increase of 12.5 cases. In a capital case, the agreement provides for a reduction of caseload and extra compensation for the additional attorney and staff. If a complex litigation case has proceeded for two months, the contractor may request review of the case that may result in modification of the payment structure under the complex litigation provisions.

Although there is no provision for the reporting of indigent defense data, the contractor does agree to generally keep books and records available for inspection by the county. Finally, the contract requires continuity of representation and that the attorney contact client within three days of assignment.

| Eureka Caseload 2019 | | | | | |
|----------------------|------------------------------|-----------|--------|------------------------|-------------|
| Category | Beginning of Year -- Pending | New Cases | Closed | End of Year -- Pending | Total Hours |
| Felonies | 8 | 10 | 16 | 2 | 313.3 |
| Gross Misdemeanors | 0 | 1 | 1 | 0 | 13.5 |
| Misdemeanors | 1 | 10 | 9 | 2 | 116.7 |
| 432B | 1 | 1 | 1 | 1 | 42.3 |
| Guardianship | 2 | 3 | 2 | 3 | 28.3 |
| Juvenile | 1 | 1 | 1 | 1 | 10.8 |
| Total: | 13 | 26 | 30 | 9 | 524.9 |

| Trials, Direct Appeals, and Investigator Hours 2019 | |
|---|---|
| Number of trials: | 2 |
| Number of direct appeals: | 1 |
| Investigation Hours: | 7 |

Contracts-for-Service

Lander County

Lander County provides public defense services through an independent contractor attorney, Kyle Swanson through the firm of Swanson, Belanger and Plimpton, LP. The contract expires December 31, 2020. The contract provides representation services for adult criminal proceedings (includes direct appeals and probation revocation proceedings), juvenile delinquency, abuse and neglect proceedings.

Expert witness fees, investigator fees, and other case-related expenses are sought by application to the Court, pursuant to NRS Chapter 7. Office space, staff, equipment, furniture, and a toll free telephone line are to be supplied by the contractor. There is no express provision for additional funding in capital, life imprisonment, or complex cases.

The agreement contains a quarterly reporting requirement showing new appointments, conflict cases, and resolved cases for the reporting quarter. There are no provisions with respect to vertical representation, case- or workload limitations, minimum qualifications for offense categories, or annual CLE requirements.

| Lander Caseload 2019 | | |
|----------------------------------|--------------|-----------------|
| <u>Category</u> | <u>Adult</u> | <u>Juvenile</u> |
| Criminal Cases | 100 | 16 |
| Other (Drug Court / 432B) | 8 | 1 |
| Total: | 108 | 17 |



Contracts-for-Service

Lincoln County

Lincoln County provides its public defense service through one independent contractor attorney, Franklin Katsche. The contract expires June 30, 2021. The contract provides representational services for adult criminal, juvenile delinquency, and abuse or neglect proceedings. The agreement provides experience-based minimum qualifications for capital cases, otherwise satisfaction of minimum requirements to practice law in Nevada provides the qualification to handle all other cases. Completion of eight hours of CLE pertaining to criminal law is required annually. Average annual caseloads are capped per category of case, subject to periodic variance percentages. The contract requires that the attorney contact clients within five days of notification of assignment and further requires continuity of representation. The attorney must provide quarterly reports of the number of cases completed and hours spent in performance of the contract.

The agreement provides that the contractor will spend at least 1250 hours for all cases assigned. If the contractor exceeds the expected annual hours, the contractor may request additional compensation at \$100.00 per hour. If the contractor provides less than 1250 hours, the contractor will reimburse the county at \$100.00 per hour. Complex litigation is considered outside the normal caseload and is funded at \$125.00 per hour. The agreement prevents the assignment of more than one complex litigation case unless qualified staff is available. If an additional attorney is needed, the county and contractor will negotiate extra compensation for that attorney. Investigator, expert, and other case-related expenses are reimbursed through NRS Chapter 7.

| Lincoln Caseload 2019 | | | | | | | | | | |
|---|--------------------------|------------|---------------|--------------------|--------------------------|------------|---------------|--------------------|--------------------------|----------------|
| | Adult | | | | Juvenile | | | | Other Reported Data | |
| <u>Category</u> | <u>Pending Beginning</u> | <u>New</u> | <u>Closed</u> | <u>Pending End</u> | <u>Pending Beginning</u> | <u>New</u> | <u>Closed</u> | <u>Pending End</u> | <u>Total Hours Spent</u> | <u>Mileage</u> |
| Felonies | 51 | 43 | 38 | 56 | 0 | 4 | 2 | 2 | 956 | 3000 |
| Gross Misdemeanors | 15 | 2 | 13 | 4 | 0 | 0 | 0 | 0 | 37.75 | 500 |
| Misdemeanors | 58 | 67 | 53 | 72 | 0 | 1 | 1 | 0 | 360.70 | 8000 |
| Appeals – District Court | 0 | 0 | 0 | 0 | 2 | 0 | 1 | 1 | 1 | 50 |
| Appeals – Supreme Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Probation Violations | 0 | 8 | 8 | 0 | 1 | 1 | 2 | 0 | 24.5 | 400 |
| Other (meetings / civil actions) | 2 | 6 | 5 | 3 | 0 | 0 | 0 | 0 | 70 | 800 |
| Total: | 126 | 126 | 117 | 135 | 3 | 6 | 6 | 3 | 1,449.95 | 12,750 |

Lincoln County, Cont.

| Lincoln Dispositions 2019 | | | | | | |
|-------------------------------------|-------------------------|------------------------------------|------------------------------|----------------------------|---------------------------------------|---------------------------------|
| <u>Disposition</u> | <u>Adult Felony</u> | <u>Adult Gross Misdemeanor</u> | <u>Adult Misdemeanor</u> | <u>Juvenile Felony</u> | <u>Juvenile Gross Misdemeanor</u> | <u>Juvenile Misdemeanor</u> |
| Plead Guilty as Charged | 17 | 8 | 34 | 1 | 0 | 1 |
| Plead Guilty to Lesser | 5 | 0 | 6 | 0 | 0 | 0 |
| Dismissed Before Trial | 12 | 5 | 11 | 0 | 0 | 0 |
| Convicted of Offense Charged | 0 | 0 | 0 | 0 | 0 | 0 |
| Convicted of Lesser | 0 | 0 | 0 | 0 | 0 | 0 |
| Acquitted | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 4 | 0 | 2 | 1 | 0 | 0 |
| Total: | 38 | 13 | 53 | 2 | 0 | 1 |



Contracts-for-Service

Lyon County

Lyon County provides public defense services through three independent contractor firms: Wayne Pedersen, Aaron Mouritsen, and Mario Walther. The contracts expire June 30, 2022. The contracts provide representational services for adult criminal cases (including direct appeals and parole and probation revocations), juvenile proceedings, and dependency and neglect proceedings. The contractors agree to provide office space in Lyon County and bear the cost of equipment, furniture, and staff. The contractor and the county will cooperate to provide attorney contact with incarcerated individuals at no charge. Each contractor additionally agrees to provide at least two attorneys to provide coverage in district, juvenile, and justice courts. Pertaining to capital cases, the agreements provide that the contractor will assist a Supreme Court Rule 250 qualified attorney in one capital case per contract year. For any additional capital case, the contract provides additional compensation at \$125.00 per hour. Expert, investigator, other case-related expenses, and fees in extraordinary cases are provided through NRS Chapter 7. Although the contract is for a term of three years a provision allows for an increase in compensation after the first year by agreement of the parties. Finally, the contract requires quarterly case reporting to the county manager and board of county commissioners.

| Lyon County Caseload for Merrill Law and Walther Law Office | | | | | Lyon County Caseload 2019 for Aaron Mouritsen | | |
|---|--|--|---|--|---|------------|---------------|
| <u>Category</u> | <u>Merrill Law</u> Adult Cases Jan. 19 -Mar. 19 | <u>Merrill Law</u> Juvenile Cases Jan. 19 -Mar. 19 | <u>Walther Law</u> Adult Cases Apr. 19 – Dec. 19 | <u>Walther Law</u> Juvenile Cases Apr. 19 -Dec. 19 | <u>Category</u> | <u>New</u> | <u>Closed</u> |
| Felonies | 38 | 5 | 97 | 7 | Felony | 132 | 9 |
| Gross Misdemeanors | 6 | 1 | 16 | 1 | Gross Misdemeanor | 15 | 0 |
| Misdemeanors (Including Traffic) | 97 | 11 | 224 | 21 | Misdemeanor | 92 | 4 |
| Parole Violations | 6 | 0 | 9 | 0 | Other | 34 | 3 |
| Probation Violations | 0 | 0 | 0 | 1 | | | |
| Appeals: Supreme Court | 1 | 0 | 1 | 0 | | | |
| Other: 432B | 3 | 0 | 14 | 0 | | | |
| Other: Involuntary Commitment | 1 | 0 | 1 | 0 | | | |
| Other: Child Custody | 0 | 1 | 2 | 1 | | | |

**Mario Walther agreed to provide public defender services on April 4, 2019 in place of Merrill Law.*

Lyon County, Cont.

| Lyon County Caseload for Wayne Pedersen Reporting Period July 1 - Dec. 31, 2019 | | | | |
|--|------------------------------|------------|---------------|------------------------|
| <u>Category</u> | <u>Pending Beginning</u> | <u>New</u> | <u>Closed</u> | <u>Pending End</u> |
| Death Penalty | 0 | 0 | 0 | 0 |
| Murder (non-Death) | 0 | 0 | 0 | 0 |
| Class A | 0 | 1 | 0 | 1 |
| Other Felonies | 11 | 31 | 12 | 30 |
| Gross Misdemeanors | 1 | 4 | 2 | 3 |
| Misdemeanors (non-traffic) | 12 | 50 | 32 | 30 |
| Misdemeanors (Traffic) | 9 | 35 | 20 | 24 |
| Delinquency | 5 | 7 | 0 | 12 |
| Juvenile Status Offense | 0 | 0 | 0 | 0 |
| Abuse and Neglect (NRS 432B) | 5 | 6 | 0 | 11 |
| Termination of Parental Rights (NRS 128) | 0 | 0 | 0 | 0 |
| Parole/Probation Revocation | 0 | 12 | 8 | 4 |
| Mental Health Commitment | 0 | 0 | 0 | 0 |
| Appeals | 1 | 1 | 0 | 2 |
| Total: | 44 | 147 | 74 | 117 |

| Lyon County Dispositions for Wayne Pedersen Reporting Period July 1 - Dec. 31, 2019 | | | | |
|--|-------------------------|------------------------------------|------------------------------|-------------------------------|
| <u>Disposition</u> | <u>Adult Felony</u> | <u>Adult Gross Misdemeanor</u> | <u>Adult Misdemeanor</u> | <u>Revocation Hearing</u> |
| Dismissal | 5 | 0 | 6 | 0 |
| Pleas | 7 | 2 | 42 | 3 |
| Bench Warrant | 0 | 0 | 1 | 0 |
| # of Bench Trials | 0 | 0 | 0 | 0 |
| # of Jury Trials | 0 | 0 | 0 | 0 |
| # of Civil Hearings | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 |
| Total: | 12 | 2 | 49 | 3 |

Contracts-for-Service

Mineral County

Mineral County provides its public defense service through one independent contractor attorney, John Oakes. The contract expires June 30, 2020. The contract provides representational services for adult criminal proceedings (including post-conviction relief, parole and probation revocations, petitions for writs of habeas corpus, and record sealing from completion of drug court), juvenile proceedings, and dependency and neglect proceedings. The contract pays an hourly rate of \$100.00 per hour for non-capital jury trials lasting longer than two days. Likewise, the agreement provides for extraordinary fees in capital cases pursuant to NRS Chapter 7. Investigative, expert, and case-related expenses are reimbursed through the procedures provided in NRS Chapter 7. The contractor is responsible for office space, equipment, and staff. Continuity of representation is required unless prior authorization of Mineral County is obtained. The contract does not contain any specific reporting requirements.

| Mineral County Caseload 2019 for John Oakes | |
|--|------------------------|
| <u>Category</u> | <u>Number of Cases</u> |
| Felonies | 105 |
| Gross Misdemeanors | 12 |
| Misdemeanors | 80 |
| Probation Violations | 7 |
| Juvenile Felonies | 9 |
| Juvenile Misdemeanors | 8 |
| 432B | 7 |
| Total: | 228 total cases |

| Additional Reported Data 2019 | |
|---------------------------------------|----------------------|
| Attorney Travel Hours Per week | 5 hours per week |
| Total Mileage 2019 | 15,640 total Mileage |
| Attorney Hours per week | 30 hours per week |
| Legal Secretary Hours per week | 20 hours per week |



Contracts-for-Service

Nye County

Nye County provides public defense services through five independent contractor attorneys: Ronni Boskovich, Jason Earnest, Nathan Gent, Daniel Martinez, and Brent Percival. Jason Earnest provides primary representation in Tonopah, Nevada and conflict services in Pahrump, Nevada. The remaining attorneys provide primary services in Pahrump, Nevada and conflict services in Tonopah, Nevada. The contracts are awarded annually and expire June 30, 2020. However, Nye County has awarded the same five attorneys the positions for the next year. The contracts provide representational services for adult criminal proceedings (including direct appeals, parole and/or probation revocations, and specialty courts), juvenile proceedings, dependency and neglect proceedings, and terminations of parental rights. In criminal cases, the agreement requires that attorneys attend initial appearances/arraignments in justice court. Each attorney provides their own office space, furniture, equipment, staff, and routine investigation costs. Extraordinary fees, expert, investigation, and other case-related expenses are subject to prior authorization from the court pursuant to NRS Chapter 7. Finally, the contract requires monthly reporting of cases opened and closed, by offense category, and annual reporting of all cases assigned during the preceding fiscal year arranged by defendant.

| Hours, Percentage of Practice, and Staff for Oct. 1—Dec. 31, 2019, Reported by Attorney | | | | | | Table Key (for following tables) | |
|---|------------------|----------------|-------------|-----------------|-----------------|----------------------------------|--|
| | <u>Boskovich</u> | <u>Earnest</u> | <u>Gent</u> | <u>Martinez</u> | <u>Percival</u> | B | Pending Cases at the Beginning of the Reporting Period |
| Total Hours in Contract Cases | 240 hrs. | 45 hrs. | 600 hrs. | 180 hrs. | 160 hrs. | N | New cases opened during the Reporting Period |
| Percentage of Practice | 95% | | 95% | 90% | 95% | C | Closed cases during the Reporting Period |
| Support Staff | 1 | 1 | 1 | 1 | 2 | E | Pending cases at the End of the Reporting Period |
| | | | | | | F | Felony |
| | | | | | | GM | Gross misdemeanor |
| | | | | | | M | Misdemeanor |
| | | | | | | MT | Misdemeanor, traffic related |
| | | | | | | 432B | Dependency and neglect |
| | | | | | | PV | Parole or probation violation proceeding |
| | | | | | | JV | Juvenile proceeding |

Nye County, Pahrump

| Nye County, Pahrump Caseload by Attorney For Oct. 1 – Dec. 31, 2019 | | | | | | | | | | | | | | | | |
|--|------------------|----------|----------|----------|-------------|----------|----------|----------|-----------------|----------|----------|----------|-----------------|----------|----------|----------|
| | <u>Boskovich</u> | | | | <u>Gent</u> | | | | <u>Martinez</u> | | | | <u>Percival</u> | | | |
| <u>Offense Category</u> | B | N | C | E | B | N | C | E | B | N | C | E | B | N | C | E |
| Death Penalty | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Murder | | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 2 |
| Class A | | 1 | 0 | | 2 | 3 | 1 | 4 | 4 | 0 | 1 | 3 | 3 | 1 | 0 | 4 |
| Other Felonies | | 20 | 7 | | 86 | 23 | 16 | 93 | 102 | 29 | 20 | 111 | 59 | 11 | 1 | 69 |
| Specialty Courts | | 0 | 0 | | 15 | 0 | 0 | 15 | 16 | 0 | 3 | 13 | 59 | 11 | 1 | 69 |
| Gross Misdemeanors | | 5 | 0 | | 22 | 2 | 2 | 22 | 13 | 0 | 3 | 10 | 6 | 0 | 0 | 6 |
| Misdemeanors (non-traffic) | | 16 | 21 | | 158 | 14 | 10 | 162 | 87 | 23 | 10 | 100 | 114 | 10 | 3 | 121 |
| Misdemeanors (Traffic) | | 18 | 13 | | 62 | 4 | 5 | 61 | 37 | 5 | 10 | 32 | 65 | 3 | 3 | 65 |
| Delinquency | | 0 | 0 | | 5 | 2 | 0 | 7 | 32 | 15 | 7 | 40 | 0 | 0 | 0 | 0 |
| Juvenile Status Offense | | 1 | 0 | | 6 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 3 |
| Abuse and Neglect (NRS 432B) | | 6 | 1 | | 5 | 5 | 0 | 10 | 20 | 5 | 2 | 23 | 0 | 0 | 0 | 0 |
| Termination of Parental Rights (NRS 128) | | 0 | 0 | | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 2 | 8 | 3 | 0 | 11 |
| Parole/ Probation Revocations | | 0 | 0 | | 25 | 0 | 0 | 25 | 0 | 4 | 0 | 11 | 3 | 0 | 0 | 3 |
| Mental Health Commitment | | 1 | 0 | | 11 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 |
| Appeals | | 0 | 0 | | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| Other (meetings / civil actions) | | 0 | 0 | | 0 | 17 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total: | | 68 | 39 | | 399 | 70 | 34 | 435 | 320 | 82 | 57 | 345 | 284 | 28 | 7 | 305 |

Nye County, Pahrump

| Nye County, Pahrump Dispositions by Attorney For Oct. 1–Dec. 31, 2019 | | | | | | | | | | | | | | | | | |
|--|------------------|---|----|------|-------------|----|----|----|-----------------|----|----|----|----|-----------------|----|---|----|
| | <u>Boskovich</u> | | | | <u>Gent</u> | | | | <u>Martinez</u> | | | | | <u>Percival</u> | | | |
| <u>Disposition</u> | F | M | MT | 432B | F | GM | M | MT | F | GM | M | MT | PV | F | GM | M | MT |
| Dismissal | 0 | 1 | 1 | 0 | 5 | 0 | 2 | 0 | 6 | 0 | 3 | 2 | 0 | 0 | 0 | 3 | 0 |
| Pleas | 6 | 6 | 9 | 1 | 12 | 2 | 12 | 0 | 17 | 2 | 7 | 8 | 8 | 4 | 3 | 0 | 3 |
| Bench Warrant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 3 | 2 | 0 | 0 | 0 | 1 | 0 |
| # Bench Trials | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| # Jury Trials | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| # Civil Hearings | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 6 | 7 | 10 | 1 | 17 | 2 | 14 | 7 | 29 | 2 | 13 | 12 | 8 | 7 | 3 | 4 | 3 |

Nye County, Tonopah

| Nye County, Tonopah Caseload by Jason Earnest Jan. – Dec., 2019 | | | | |
|--|----------|----------|----------|----------|
| <u>Category</u> | B | N | C | E |
| Death Penalty | | 0 | 0 | |
| Murder | | 1 | 0 | |
| Class A | | 0 | 0 | |
| Other Felonies | | 68 | 54 | |
| Specialty Courts | | 15 | 3 | |
| Gross Misdemeanors | | 7 | 7 | |
| Misdemeanors (non-traffic) | | 49 | 54 | |
| Misdemeanors (traffic) | | 21 | 27 | |
| Delinquency | | 0 | 0 | |
| Juvenile Status Offense | | 8 | 3 | |
| Abuse and Neglect (NRS 432B) | | 3 | 1 | |
| Termination of Parental Rights (NRS 128) | | 2 | 0 | |
| Parole/Probation Revocations | | 0 | 0 | |
| Mental Health Commitment | | 2 | 0 | |
| Appeals | | 0 | 0 | |
| Other (meetings / civil actions) | | 0 | 0 | |
| Total: | | 176 | 149 | |

| Nye County, Tonopah Dispositions by Jason Earnest Jan. – Dec., 2019 | | | | | |
|--|----------|-----------|----------|-----------|-----------|
| <u>Disposition</u> | F | GM | M | MT | JV |
| Dismissal | 20 | 2 | 20 | 10 | 0 |
| Plea | 26 | 4 | 34 | 14 | 0 |
| Bench Warrant | 0 | 0 | 2 | 0 | 0 |
| # Bench Trials | 0 | 0 | 6 | 1 | 1 |
| # Jury Trials | 0 | 0 | 0 | 0 | 0 |
| # Civil Hearings | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 |
| Total | 46 | 6 | 62 | 25 | 1 |

Contracts-for-Service

White Pine County

White Pine County provides its public defense service through three independent contractor attorneys: Jane Eberhardy, Kirsty Pickering, and Richard Sears. Each contract expires June 30, 2021. Each agreement is to provide representational services for adult criminal proceedings (including direct appeals, probation violations, and specialty courts), juvenile proceedings, and dependency and neglect proceedings. All employees and equipment necessary to meet contractual obligations are the responsibility of the contractor. The agreement requires eight hours of CLE credits in criminal law and contains experience-based qualification requirements for each category of offense. The contract also contains average annual maximum caseloads by case type.

In the variance provision the contractors are compensated by a predetermined number of hours in performance of the contract. If the actual amount of hours worked exceeds the contractual figure, additional compensation will be paid. If the amount of hours worked is less than the contractual figure, the contractor agrees to reimburse the county at \$100.00 per hour. Capital cases, sexual assault cases, and cases directly billed to the State are excluded and paid separately. Complex litigation is defined as capital cases only. The contractor agrees to provide one full-time attorney to provide representation in complex litigation cases at \$125.00 per hour. The agreement provides that more than one complex litigation case shall not be assigned unless the contractor has qualified staff and necessary resources available. If another attorney is required for complex litigation, the compensation for that attorney is in addition to compensation provided under the agreement. The county may request review of any complex litigation case that proceeds longer than two months. The agreement additionally provides for extraordinary expenses subject to court approval under NRS Chapter 7.

Continuity of representation is required. Contractors agree to contact their clients within five working days from notification of case assignment. Finally, the agreement requires the attorney to provide quarterly caseload reports to the county along with annual reports for subcontract attorneys. Bar complaints that result in disciplinary action must be immediately reported.

| White Pine County Hours by Category 2019 | | | |
|---|----------------------------|----------------------------|------------------------|
| <u>Category</u> | <u>K. Pickering</u> | <u>J. Eberhardy</u> | <u>R. Sears</u> |
| Felonies | 1,003.4 | 1,165.3 | 1,315.1 |
| Gross Misdemeanors | 93.8 | 58.8 | 30.7 |
| Misdemeanors | 131.3 | 130.6 | 147.4 |
| Juvenile/432B | 198.3 | 228.5 | 93.65 |
| Contract Administration/ Drug Court | 155 | 69.2 | 66.5 |
| Probation Violations/ Appeals | 157.9 | .9 | 0 |
| Total: | 1,739.7 | 1,653.3 | 1,653.35 |

Proposed Regulations

In February of 2020, the Department presented the initial set of proposed minimum standards and regulations pertaining to the delivery of indigent defense services. The minimum standards involve education and training, indigent defense provider qualifications and review, counsel at first appearances and critical stages, investigations and experts, independence from the judiciary, workloads, and attorney compensation. These standards were derived from United States Supreme Court precedent, Nevada law, Nevada Supreme Court administrative orders and supporting reports, as well as the ABA's *Ten Principles of a Public Defense Delivery System* and *Standards for Providing Criminal Justice – Providing Defense Services*, the NAPD's *Foundational Principles*, the NLADA's *Performance Guidelines for Criminal Defense Representation* and *Model Contract for Public Defense Services*. Currently, the proposed minimum standards and regulations are pending review at the Legislative Counsel Bureau ("LCB") and public comment. During the interim, the Department has met with stakeholders from local governments seeking comment to create a collaborative approach to the rulemaking process. Upon return from LCB, the most current version will be posted on the Department's website at <http://dids.nv.gov/Regs/Standards/>.

Concurrently, the Department has also begun drafts of "model" plans and contracts for the delivery of indigent defense services to guide local government installation of indigent defense delivery systems. Because both documents draw from any minimum standards and regulations approved by the Board, final versions of those documents will not be submitted to the Board until passage of minimum standards and regulations. Current drafts of both the contract and plans may be found in the supporting materials to the May 8, 2020 Board Meeting Agenda at <http://dids.nv.gov/Meetings/2020/Meetings/>.

Finally, comments regarding proposed regulations may be provided through the Department's website at http://dids.nv.gov/Complaints/Complaints_or_Recommendations/ or any meeting of the Board. Any comments submitted through the website will be distributed to the Board for review at the next meeting.

Proposed Legislation

One duty of the Board is to review laws and recommend legislation to ensure that indigent defendants are represented in the most effective and constitutional manner. NRS 180.320(2)(g). On May 8, 2020, the Board of Indigent Defense Services approved the Department's request to submit proposed bill draft requests regarding NRS 7, 34, 62D, 171, 179A, 180, 212, 260, 433A.

The proposed changes to NRS 7, 62D, and 171 will create independence of the defense function from the judiciary, remove caps to the rate of compensation for attorneys providing indigent defense services, and remove the judiciary from the reimbursement of expenses. Instead, the Department proposes entering into plans for the provision of indigent defense services with each rural county. These plans will be specific to each county and will set out how indigent defense services are provided; establish the process for the selection of the attorneys once appointed by a judge; establish the process for payment of case-related expenses; such as investigator and expert fees, as well as attorney compensation. Additionally, the proposed statutory changes seek to eliminate economic disincentives by removing compensation caps for appointed counsel. Instead, the caps will be replaced with a "reasonably necessary" standard that in turn will be informed by local norms and any workload standard generated by the Board.

Proposed changes to NRS sections 7.155, 34.750 and 212.070 will move the duties related to payment of post-conviction expenses from the Nevada State Public Defender to the Department. Additional duties will also be placed on the Department to pay expenses related to defending prisoners out of the same account. Currently, attorneys defending prisoners must provide bills and expenses to the State for payment. This arrangement could cause a strategic disadvantage if, for example, the State becomes aware of defense strategy through review of defense invoices. Allowing payment of invoices through the State agency providing oversight to the defense function supports an even playing field. In the same vein, the Department requests that “public defender” be added to the definition of “agency of criminal justice” in NRS 179A.030 to allow public defenders to have the same access to criminal histories as the District Attorney.

Proposed changes to the list of mandatory appointments in NRS 180 and 260 creates consistency with the definition of “indigent defense services” in NRS 180.004. At this point in time, public defenders may be appointed to abuse and neglect cases in NRS 432B. These cases are not included within the definition of “indigent defense services.” Similarly, current law under NRS 180.060 provides for the public defender to be appointed to an indigent child alleged to be delinquent or in need of supervision under NRS 62D.030, as well as their parent, if appropriate under NRS 62D.100. Representation of a parent and a child by the same attorney would likely create a conflict of interest, thus NRS 62D.100 should be stricken from the duties of the public defender. Similarly, the Department is requesting language be stricken for the appointment of a public defender during an involuntary admission in NRS 433A.270 as these duties are also outside the definition of “indigent defense.”

The proposal to remove language from NRS 180 which calls for the appointment of the State Public Defender and instead allows the selection by the Department will reduce political interference in the selection of the public defender. The Department is proposing the creation of a special account for the Support of Indigent Defense Services to allow the Department to apply for and accept any available grants and accept any bequests, donations or gifts to carry out the duties of the Department and Board. Finally, additional time for counties to provide their annual reports to the Department is requested in the Bill Draft Request modifying NRS 260.070(2) to allow reports to be submitted after the county has had time to build their budget.



Law Student Recommendations

Law Students Help Build the Future of Rural Indigent Defense In Nevada

Law students envision a future in which every criminal defendant in Nevada has access to quality representation. Last year AB 81 tasked the William S. Boyd School of Law at UNLV with creating “incentives” for “law students and attorneys ... to provide indigent defense services, especially in rural areas of the State.” Rising to the call, Professor Anne Traum recruited a team of law students—Christi Dupont, Aden Kebede, Samantha King, Zachary Meyer, Misha Ray, Amanda Stafford, and Grace Warburton—to develop strategies for strengthening indigent defense in rural areas. On May 8, 2020, three students—Misha Ray, Amanda Stafford, and Zachary Meyer—outlined the group’s ideas in testimony to the Board of Indigent Defense Services, which they have briefly described below. Next fall students will begin to explore how to actualize these strategies.

Expose Students to Rural Indigent Defense

By Misha Ray

As a rural Nevadan, I seek opportunities that help me understand firsthand how legal needs are met in rural communities. Our team developed two proposals to bring the rural experience to the law school and get students out to the rural counties: externships opportunities and a new student organization focused on rural practice.

Creating externships in rural Nevada would allow students to learn from and support lawyers in rural communities and provide unique and in-depth practice experience. Our team considered several possibilities for students interested in indigent defense:

1. a summer externship with a defense lawyer in a rural county;
2. a brief exposure, for example, through an alternative spring break opportunity, visiting criminal defense lawyers and courts in one or two rural counties;
3. adding one-week rural county rotations to existing externships at the offices of the Washoe and Clark Public Defender; and summer or semester externship at the Department of Indigent Defense Services in Carson City.

A new student organization could foster student connections with lawyers in rural communities and provide valuable networking and mentoring opportunities. Student groups exist on a variety of topics—such as public interest, criminal defense, environmental law, and so on—so creating a group focused on rural indigent defense will help to engage students either unfamiliar with rural Nevada or seeking to reconnect with their home communities.

These opportunities will allow students to recognize the varying needs of the counties and how law practice may be different, but no less critical, than in Nevada’s urban centers. Having grown up in a rural town, I know how important it is to open students’ hearts and minds to the real challenges and vast opportunities in all corners of our state.

Law Student Recommendations, cont.

Create a Rural Law Center at Boyd

By Zachary Meyer

Creating a rural law center or clinic could be a valuable step in building a pipeline of new lawyers who are interested in practicing in rural Nevada and have the connections to pursue that goal. A rural law center with an emphasis on indigent criminal defense could assist rural communities, support the lawyers who serve them, facilitate scholarly research, and prepare students for rural practice. Modeled after the University of Wyoming Rural Law Center, which broadly addresses rural legal needs, this model would foster a deeper connection between these communities and the law school. Though this new program would require funding to support faculty supervision of the law students, it would provide a valuable resource to indigent defense lawyers in Nevada's rural counties. Student assistance could include conducting legal research and investigation, drafting motions, and preparing materials for bail, motions, trial or sentencing hearings.

A rural law center could provide law students with unique opportunities to gain practical experience and exposure to criminal law practice in rural counties, get to know the lawyers who serve those communities, and understand the challenges and benefits of rural practice. Rural practitioners, in turn, could benefit from this free resource that boosts their practice and helps connect them to experts at the law school and around the state. Some practitioners might consider hiring a law student as a summer associate, employing a Boyd graduate, or mentoring a student who is exploring rural practice opportunities down the road. Supporting rural indigent defense through direct assistance would connect this work to students' legal education in deep and meaningful ways that benefit the students, criminal defendants, and rural lawyers.

Host a Statewide Indigent Defense Conference

By Amanda Stafford

Hosting an annual indigent defense conference at the law school would help build a strong, connected indigent defense community in Nevada. The program could be modeled on a California-based "Traveling Training" program that brings substantive expertise to larger communities and adjacent rural areas. Here in Nevada a conference would serve three purposes central to improving rural indigent defense: it would foster relations in the criminal defense bar throughout all of Nevada, connect the criminal defense bar to the law school and its students, and feature other experts in the field to share emerging issues and reinforce best practices. The key would be to build a strong sense of solidarity so that rural indigent defense attorneys can tap a network of expertise and support for their work and know resources are available and who to contact.

Hosting the conference at the law school would benefit defense attorneys, law students, and the community at large. Early introductions to criminal defense practitioners may help students discover that they have an interest in working in rural communities and provide opportunities for experiential partnerships with them. Faculty could contribute their expertise while student organizations could plan and help to facilitate the conference.

A conference would be a meeting point for indigent defense lawyers from all over the state to get to know each other, build partnerships, share and navigate obstacles, and enhance their practice. Most importantly, it would reinforce to them that their work is vital to their communities and supported by strong community of practitioners and experts across Nevada.

Goals for FY21

During Fiscal Year 20, the Department was able to break ground in making changes to indigent defense in Nevada. The Department has filled 6 of the 7 positions, set up an office, and built a website, while also proposing legislative changes and regulations. Although COVID-19 has interfered with the Department's ability to hold a regulation workshop and travel to each county, the Department has taken advantage of technology and has used tele- and video-conferencing capabilities to meet with stakeholders and conduct board meetings.

Soon to come will be a workshop for the Proposed Regulations. Once the regulations are created and adopted the Department can work towards finalizing the "model" plans and contracts. The Department will also be creating a survey for feedback on indigent defense services.

Although the Department was not budgeted beyond operational expenses, the Department sought funding for the foundational tools needed for a data-driven agency through the Legislature's Interim Finance Committee ("IFC"). On April 30, 2020, the IFC approved expenditures for data collection and management tools, attorney workload analysis, a data analyst with a background in criminal justice research, and statewide training. The Department is actively recruiting a data analyst, an entity to complete a workload study, and a case management and reporting system in FY21. The Department also plans to establish an annual training conference for indigent defense service providers. Once planned, information regarding the conference, and other CLE opportunities, may be found on the Department's website.

The Department has also requested completion of the Financial Status Reporting Tool from rural counties. This tool, combined with the regulation regarding a county's maximum contribution for the provision of indigent defense services, will be used in the creation of the Department's budget request for state funding to local indigent defense services pursuant to AB 81.

THE DEPARTMENT OF INDIGENT DEFENSE WOULD LIKE TO THANK THE FOLLOWING FOR THEIR CONTRIBUTIONS TO THIS ANNUAL REPORT

Chairmen Robert Crowell, mayor of Carson City, for providing his Letter from the Chair but most importantly, for being a constant advocate for the Department and willing to answer his phone at any time or place.

Professor Anne Traum, a member of the faculty at the William S. Boyd School of Law since 2008 and vice-chair of the Board of Indigent Defense Services. Professor Traum was instrumental in organizing law student involvement in various research projects for the Department and providing recommendations for potential incentive plans. Additionally, the Department would like to thank the following students:

- ◆ Christi DuPont, Aden Kebede, Samantha King, Zachary Meyer, Misha Ray, Amanda Stafford and Amanda Warburton.

John Lambrose, an adjunct professor at the William S. Boyd School of Law, and remarkable advocate for improving indigent defense throughout Nevada. A 35-year practitioner in indigent defense, John is a fantastic resource, sounding board, and champion for the Department.

Dagny Stapleton, Executive Director of the Nevada Association of Counties, for providing essential guidance and relationship-building with stakeholders in Nevada counties.

John McCormick, Hans Jessup, and Michael Sommermeyer of the Administrative Office of the Courts for being quick and responsive guides in the preparation of this report.

Finally, a special thank you to the county managers, assistant county managers, and county commissioners throughout the State in providing information vital to completion of this report.



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