

**Board on Indigent Defense Services
October 9, 2019**

MINUTES OF THE MEETING OF THE
BOARD ON INDIGENT DEFENSE SERVICES
October 9, 2019

The meeting of the Board on Indigent Defense Services was called to order by Department of Administration Director Deonne Contine at 9:04 a.m. on Wednesday, October 9, 2019 at Grant Sawyer Building, 555 E. Washington Ave, Room 4412, Las Vegas, NV and Legislative Counsel Bureau, 401 S. Carson Street, Room 2134, Carson City, NV. **Exhibit A** is the sign-in sheet, **Exhibit B** is the meeting agenda, Exhibit C is the letter presented by Franny Forsman during public comment, Exhibit D is the letter presented by Harriet Cummings. All exhibits are available and on file in the Department of Administration, Director's Office.

BOARD MEMBERS PRESENT:

Drew Christensen
Joni Eastley
Laura Fitzsimmons
Chris Giunchigliani
Justice William Maupin
Dave Mendiola - Phone
Kate Thomas
Anne Traum
Jeff Wells
Lorinda Wichman

BOARD MEMBERS ABSENT:

Mayor Bob Crowell

D of A STAFF MEMBERS PRESENT:

Deonne Contine
Genevieve Hudson
Molly Walt

OTHERS PRESENT:

Sarah Bradley, Deputy Attorney General, Attorney General's Office
Franny Forsman, American Civil Liberties Union and O'Melveny & Meyers
Jamie Gradick, Nevada Administrative Office of the Courts
John McCormick, Nevada Administrative Office of the Courts
Dagny Stapleton, Nevada Association of Counties

Agenda Item #1 – Open Meeting: Roll Call, Welcome, Announcements

Director Contine took role and established a quorum was present. She informed the board of a few board positions yet to be filled, which are selected by the State Bar. Board members introduced themselves and what positions on the board they fill: Chris Giunchigliani selected by the Speaker of the Assembly, Anne Traum selected by the Chief Justice of the Nevada Supreme Court, Laura Fitzsimmons selected by Governor Steve Sisolak, Dave Mendiola selected by Nevada Association of Counties, Joni Eastley selected by Nevada Association of Counties, Lorinda Wichman selected by Nevada Association of Counties, Drew Christensen selected by Board of County Commissioners of Clark County, Jeff Wells selected by Board of County Commissioners of Clark

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County, Kate Thomas selected by Board of County Commissioners of Washoe County, and Justice William Maupin selected by selected by Nevada Supreme Court

(non-voting member), and Senior Deputy Attorney General Sarah Bradley, Board Council. Absent Mayor Bob Crowell selected by Nevada Association of Counties.

Agenda Item #2 – Public Comment

Director Contine called for public comment in Southern Nevada. Public member Franny Forsman speaking in the capacity as Co-Council of ACLU and O'Melveny & Meyers in the lawsuit, which has been pending against the State of Nevada with regard to indigent defense in the rural counties. She provided the board with a letter written on September 24, 2019, addressed to the County of Manager of Nye County providing a real good description of problems the Board on Indigent Defense Services is going to have to tackle. (Exhibit C)

Director Contine called for public comment in Carson City. Hearing none, Director Contine moved to agenda item #3.

Agenda Item #3 – FOR DISCUSSION ONLY - Introduction by Board Counsel and discussion regarding Nevada Open Meeting Law

Director Contine asked Senior Deputy Attorney General Sarah Bradley to give an overview of Nevada's Open Meeting Law. Ms. Bradley informed the Board that she or a colleague would be at all the Board meetings to answer questions. Ms. Bradley continued by stating any decision, discussion, deliberation regarding Board business needs to happen in an open board meeting. She informed the Board that Board business should not be conducted via email, text messaging, phone calls, and/or personal meetings. She also mentioned the caution brought by the Nevada Supreme Court of two Board members talking, then those two Board members talking to a different Board member about the same issue, which is called a serial quorum. Ms. Bradley asked the Board to avoid a serial quorum situation. Ms. Bradley asked all Board members to speak to her about ethics and disclosures, so she can advise Board members on how to handle the disclosure. She informed them to disclose often and abstain rarely and advises to the Board that when in doubt, talk about it in an open meeting.

Agenda Item #4 – FOR POSSIBLE ACTION – Election of Chair and Vice Chair

Board Member Joni Eastley made the motion to nominate Mayor Bob Crowell as Chair of the Board on Indigent Defense Services. Motion was seconded by Board Member Jeff Wells. Motion passed unanimously.

Board Member Laura Fitzsimmons made the motion to nominate Anne Traum as Vice Chair of the Board on Indigent Defense Services. Motion was seconded by Board Member Joni Eastley. Motion passed unanimously.

Agenda Item #5 – FOR POSSIBLE ACTION – Selection of candidates for Executive Director of the Department of Indigent Defense Services pursuant to Subsection 2 of Section 9 of Assembly Bill 81 (2019). The Board will conduct interviews with and deliberate on the qualifications of the individuals listed below in order to select three candidates for consideration by Governor Sisolak for appointment to the position.

- Christy Craig
- Harriet Cummings
- Riana Durrett
- Dennis Hough

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- David Neidert
- Marcie Ryba

Director Contine addressed the interview questions and the concerns Board members might have with the questions. Board Member Joni Eastley asked if question #4 could be substituted with a general question asking the applicants what experience they have in the rural counties, Board member Anne Traum suggested leaving the question open ended, Board member Joni Eastley stated the question is biased towards rural counties, Board member Dave Mendiola agreed, as well as Board member Jeff Wells because statute requires contracts be approved by County Commissions. Board member Kate Thomas suggested question #5 addresses the rural county. Board member Joni Eastley suggested removing question #4. The consensus from the board was to remove question #4: "In most (if not all) rural counties, the contracts for indigent defense are negotiated by the County Manger and selected by the County Commission. What problems do you see wit this process?"

Director Contine informed the board of the withdrawal of Riana Durrett's application.

First interviewee was Christy Craig. Board member Chris Giunchigliani disclosed knowing Christy Craig and is one of Ms. Craig's references, but has not other relation with Ms. Craig and will be voting. Board member Anne Traum disclosed working with Ms. Craig at UNLV and will be voting. Board member Drew Christensen disclosed working with Ms. Craig and the public defender's office for a number of years and will be voting. Board member Jeff Wells disclosed knowing Ms. Craig and her work with the Clark County public defender's office and will be voting. Second interviewee was Harriet Cummings. Board member Laura Fitzsimmons disclosed knowing Ms. Cummings informally and will be voting. Board member Justice William Maupin disclosed knowing Ms. Cummings for several years because she appeared at the Supreme Court a number of times and will be participating in the deliberation.

Third interviewee was Dennis Hough. There were no Board member disclosures.

Forth interviewee was David Neidert. Board member Drew Christensen disclosed David had a previous contract with Clark County and will be voting. Board member Anne Traum disclosed litigating against Mr. Neidert when he worked at the Attorney Generals office and will be voting. Board member Kate Thomas disclosed not meeting Mr. Neidert but has signed several of his bills on behalf of Washoe County and will be voting.

Fifth interviewee was Marcie Ryba. There were no Board member disclosures.

After the interviews concluded, Board member Laura Fitzsimmons informed Board members of the withdrawal of Harriet Cummings application. Ms. Fitzsimmons read the letter submitted by Ms. Cummings into the record. (Exhibit D). Director Contine informed Board members that she received an additional application for the position but did not forward the application to Board members because the applicant was not a licensed attorney and being a licensed attorney was a statutory requirement.

Motion to recommend Christy Craig as one of the three persons recommended to the Governor for the position of Executive Director of the Department of Indigent Defense Services was made by Board member Lorinda Wichman, seconded by Board member Laura Fitzsimmons. Motion passed unanimously.

Motion to recommend David Neidert as one of the three persons recommended to the Governor for the position of Executive Director of the Department of Indigent Defense Services was made by Board member Anne Traum, seconded by Board member Jeff Wells. Motion passed with 6 votes for and 3 votes against.

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Motion to recommend Marcie Ryba as one of the three persons recommended to the Governor for the position of Executive Director of the Department of Indigent Defense Services was made by Board member Laura Fitzsimmons, seconded by Board member Joni Eastley. Motion passed unanimously.

Agenda Item #6 – Public Comment

Board member Chris Giunchigliani requested Director Contine provide Board members with information on the budget that was created, budget amount that can be requested to Internal Finance Committee (IFC) and the process of requesting the funds, and funding formulas if they exist to be presented at the next Board meeting. Ms. Giunchigliani also requested a copy of the sixth amendment to Assembly Bill 81; however, Board member Drew Christensen volunteered to give Ms. Giunchigliani the information. Board member Laura Fitzsimmons asked Director Contine if the Board will be able to utilize the services of the Department of Administration to help schedule the next Board meeting. Director Contine agreed to help facilitate scheduling the Board's future meeting.

No public comment

Agenda Item #7 – Adjournment

Director Contine adjourned the meeting at 1:17PM.

Respectfully submitted,

Molly Walt

Molly Walt, Staff, Department of Administration

Exhibit A	Sign in Sheets
Exhibit B	Meeting Agenda
Exhibit C	Letter presented by Franny Forsman
Exhibit D	Letter presented by Harriet Cummings