

State of Nevada
Department of Indigent Defense Services
Board Meeting Minutes

Friday November 20, 2020

1:00 PM

Meeting Locations:

OFFICE	LOCATION	ROOM
VIRTUAL ONLY		

Public was able to access the following link: [Join Microsoft Teams Meeting](#) +1 775-321-6111
United States, Reno (Toll) Conference ID: 978 755 98#

1. Call to Order/Roll Call

Acting Chair Professor Anne Traum called the meeting of the Board of Indigent Defense Services to order a shortly after 1:00 p.m. on Friday, November 20, 2020.

A roll call was conducted, and a **quorum was established.**

Board Members Present: Acting Vice Chair Professor Anne Traum, Laura Fitzsimmons, Julie Cavanaugh-Bill, Joni Eastley, Drew Christensen, Chris Giunchigliani, Dave Mendiola, Lorinda Wichman, Rob Telles, Kate Thomas and Justice William Maupin joined the meeting after it had begun.

Board Members Not Present: Jeff Wells.

Others Present: Executive Director Marcie Ryba, Deputy Director Jarrod Hickman, Deputy Director Patrick McGinnis, Deputy Solicitor General Craig Newby, Jason Kolenut, Cindy Atanzio, Alexis McCurley, Deputy Attorney General Sophia Long, Aaron Krause, Michael Hofritcher, Steve Rapp, John McCormick, Hans Jessup, and James Popovich.

2. Public Comment

There were no public comments from the North or South.

3. Approval of September 24, 2020 Minutes (For Possible Action).

Motion: Approval of Minutes from September 24, 2020 with Amendment to Reflect that Rob Telles was Present.

By: Chris Giunchigliani

Second: Joni Eastley

Vote: Passed unanimously

4. Welcome New Board Member Bevan Lister from Lincoln County (For Discussion).

Acting Chair Professor Traum noted that Mr. Lister had been appointed to the Board last week, but that Mr. Lister was unable to attend today's meeting.

5. Vote for New Chair and Vice Chair (For Discussion and possible action).

Acting Chair Professor Traum suggested that the Board wait to vote for new chair and vice chair until Bevan Lister was able to attend and participate.

6. Update on the Department: (For Discussion).

a. Weighted Caseload Study

Director Ryba gave a short update to the Board regarding the weighted caseload study stating that the advisory group had its first meeting and that marketing materials had been sent out to the counties. In addition, focus groups had been established and meetings have been scheduled for early December and everyone is excited to be onboard.

7. Presentation by Aaron Krause, Steven Rapp, and Michael Hofritcher of LegalServer

Aaron Krause said that he would start by telling the Board a bit about LegalServer's mission as an organization which is simplifying work for those who cannot afford legal representation or vulnerable populations across the United States. Mr. Krause explained how LegalServer works with the client to modify and configure the system so a lot of base capabilities that a public defender would need to use and customize that as to how you want to be operating. LegalServer provides an environment that can be adapted to the needs of the department as they arise. DIDS will have a lot of control over those site changes without having to write complicated software codes or without having to call LegalServer to do that sort of thing.

Steven Rapp introduced himself as the team leader for the Public Defender unit and stated he is really excited about the LegalServer software and helping other groups with onboarding and would be happy to answer any questions.

Michael Hofritcher introduced himself as the on-boarding specialist at LegalServer and said that his background is as a legal aid attorney for almost a decade. Michael Hofritcher opened the site that was created for DIDS and provided the Board members with a brief overview of the fields and how fields can be removed or added depending on the needs of the department. Each rural office in LegalServer will only be able to view the files that are in their particular office and not have access to the full database.

Director Ryba requested that Michael cover one more issue regarding creating a survey to send out to clients as required by the *Davis* lawsuit.

7. Presentation by Aaron Krause, Steven Rapp, and Michael Hofritcher of LegalServer (continued).

Michael Hofritcher stated that they had actually built that out in external forms in LegalServer. This can be done by either text message or email and the information could be captured in a report.

Director Ryba stated that she believed they had discussed that as part of the closing of the case we are required to distribute a survey to all defendants represented by indigent defense providers. When the survey is sent out automatically, the client could fill it out and it would automatically go back into LegalServer. That is something that can be built into the program when the case is closed.

Acting Chair Professor Traum noted that Hans had asked in the chat whether LegalServer was entering the Nevada coded offenses like from the beginning or is it generic or can you add those as they come up so that they become a coded defense in the system.

Michael Hofritcher stated that they can import them as a list and if we start with a long list of everything, we can import them that way or we can at this point use generic summary codes. Right now, we are working through the idea of just using generic items and then if we start needing more specific, we can do that.

Director Ryba stated that the answer to the question depends on the Board. We have a proposal for how we would keep time and track cases is very generic, such as felony, gross misdemeanor, misdemeanor type of set up. If that tracking is approved by the Board at our Workshop that is how we would set up LegalServer. If the Board would prefer to have them keep track by NRS code or otherwise we would build the system to include everything, so it is really up to the Board.

Michael Hofritcher noticed that there was an inquiry about the ability to create a brief and motions bank for counsel use. LegalServer can have templates in the system restricted based on county or legal problem code that can be auto filled based on the case data in a case. There can be motions, briefs, client letters or letters to opposing counsel.

Acting Chair Professor Traum inquired as to whether this system can talk to other systems like if a court is on a case management system but the defense attorney is going to be on this system is there a way to sort of import a lot of the basic information so it doesn't have to be created or entered by the attorney.

Michael Hofritcher stated the API integration projects tend to be very unique to each organization. One example is if the court knows that this case is now being referred to an attorney, we can do what we call an online intake import which creates a new case in the system.

Director Ryba said that for example with Odyssey by Tyler we did reach out to LegalServer to see if it is possible to integrate this program with Odyssey by Tyler and my understanding is that they are interested in exploring whether or not there can be integration and they are open to discussing that.

7. Presentation by Aaron Krause, Steven Rapp, and Michael Hofritcher of LegalServer (continued).

Aaron Krause it is not a problem to integrate, but LegalServer needs to be advised what needs to be integrated.

Director Ryba stated that she wanted to point out that the reason that we added this to the calendar is because the Board does have a duty under NRS 180.320 to require attorneys to track their time and provide reports and also establish standards to ensure that attorneys are tracking and reporting their information in a uniform manner. It was initially discussed at the June 29th meeting where the department provided proposed language to require the use of LegalServer by all rural counties and the issue was tabled by Chairman Crowell until the September 24th meeting. We asked for alternate proposals to be submitted by interested parties at the September 24th meeting. We did not receive any alternate proposals. We did want to schedule this LegalServer demo so that the Board could see what we can provide to these attorneys. LegalServer can assist us in reaching that duty of creating standards allowing attorneys to track their time in a uniform manner and that is why we asked individuals from LegalServer to be here today.

Acting Chair Professor Traum thanked Aaron, Michael, and Steve for being here today and wanted to take the next item on the agenda.

8. Presentation by John McCormick, Hans Jessup, and James Popovich: (For Discussion).

John McCormick stated that Hans Jessup would be speaking first as our Las Vegas Building lost power and Hans is running off his battery backup.

Hans Jessup said that he oversees the research and statistics for the Nevada Supreme Court. The court has a uniform system of judicial records which allows us to work with all trial courts in the State. One of the key things that allows us to get standardize data across the State or uniform statistics is the creation of a data dictionary. It defines all the terms, the types of filings, how cases are counted, and how charges are counted. Hans Jessup strongly encouraged a data dictionary, creating a list of terms and the mechanism for how you want data captured.

Julie Cavanaugh-Bill inquired whether DIDS could use or have access to the data dictionary.

Hans Jessup stated that the data dictionary is available on the Supreme Court's website and is publicly available and he would be happy to share it with Director Ryba.

Julie Cavanaugh-Bill confirmed that Mr. Jessup was working with the trial courts across the State which includes the rurals.

8. Presentation by John McCormick, Hans Jessup, and James Popovich: (For Discussion) (continued).

Hans Jessup confirmed that currently the requirements for the uniform system of judicial records are required by Statute and by Court rule. Every court is subject to the uniform or the USGR statistical reporting requirement.

Julie Cavanaugh-Bill said so right now the rural courts regardless of which actual legal database system they are using are all reporting using the same kind of data dictionary so you can have it in one place and not have to re-enter it.

Hans Jessup said they are entering it into their case management system. There are 12 different case management systems across the State, and they enter that information and report it to us based upon that dictionary. The way that gets reported all the work that they do is reported to us in a standardized way based on those dictionary terms and directions.

Director Ryba asked Hans Jessup how many staff members were employed to collect data.

Hans Jessup said that we do a number of different things. We have specialty court statistics that we capture from 72 different specialty courts, so we do a little bit more than just USGR statistics, but I have a total of three staff including myself.

Deputy Director Hickman stated the initial phase one from the data dictionary was kind of the starting point that we will use to build our definitions. The generic case category collection efforts in the proposed regulations came out of the Indigent Defense Commission somewhere in 2008, 2010 and that was kind of our starting point for proposed regulations.

John McCormick as Administrator of the Courts described his experience of collecting data from the courts and counties. Under the administrative docket we attempted to collect data particularly from the rural contract counsel and ran into some snags with that but as part of that effort we did do a data dictionary for indigent defense. We did struggle with and took several runs at collecting data from a particular rural counties. We encountered resistance; we also came to find out that the data was not necessarily being reported to county commissions as required on previous statutory structure before DIDS existed. We took a few runs at collecting data and we ended up having to send out letters under either Justice Cherry or Chief Justice letterhead requesting the data. We are required to report this to the legislature by Statue and the Supreme Court has ordered all courts to provide this data. DIDS and the Board have an advantage here because you have that statutory hammer so to speak so people will not have as much wiggle room on that. As far as reporting, James will talk about this and the possibility of using one system if it is set up well in the beginning.

Chris Giunchigliani wanted to know if the data dictionary is uniform and we will use that application from the court as LegalServer moves to uniformly across all the counties.

John McCormick stated that I think you will have to have your own defender specific data dictionary and hopefully in sharing and working with Marcie and Jarrod and their team we have given them our data dictionary so they are not starting from scratch. DIDS should develop a data dictionary that is specific to indigent defense data that you need to collect.

8. Presentation by John McCormick, Hans Jessup, and James Popovich: (For Discussion) (continued).

Chris Giunchigliani stated that helps a little bit, but it does matter what terminology people use so that we are all on the same page. Chris Giunchigliani thanked John McCormick for the assistance he gave Director Ryba and the team as they develop their defense dictionary.

John McCormick said on a personal note I have been staffed to the indigent defense commission from when it was created in 2007 until I got promoted. Then I became the AOC representative on there, so I have a vested interest in a lot of this.

Acting Chair Professor Traum inquired as to whether Director Ryba or Deputy Director Jarrod Hickman wanted to respond to Chris Giunchigliani's question like it seems that part of what she is asking about is how to get it all integrated.

Deputy Director Jarrod Hickman said that he spoke briefly in the prior comment that we use the data dictionary that came out of the indigent defense commission in 2008, 2010. That has been kind of our starting point so if we look at the proposed regulations, the definition of a case is consistent with what came out of that data dictionary.

Acting Chair Professor Traum stated that she had a question about what you called the statutory hammer as it does require NRS 180.320(2)(d). It requires that Indigent Defense Services track and report information in a uniform manner. It seems like what you are telling us is that the courts actually do some of this tracking at the back end based on the information they receive from the courts as opposed to using something like LegalServer which would allow a lot of this information to be tracked as it is coming in and more efficiently.

John McCormick stated we get reporting from the courts monthly and they are using our same data dictionary. A lot of case management systems in use allow them to hit a key and we get a crystal report that is basically our format and gives us our data and they send it to us monthly. If you were to have LegalServer you can have that almost in real-time as soon as it is entered. I am happy to say that everybody is now using spreadsheets and computerized tracking for data. It can be a real advantage to get uniform data and that is what James can speak to with our drug court case management system.

James Popovich said that his experience is with specialty courts. The drug court case management system came on board in Nevada in 2014 and the second Judicial District was one of the first courts to roll out and start transferring all their case information for specialty court participants from their older system. James Popovich explained that having all the information and the ability to communicate to all team members in one central location nearly eliminated all email and phone traffic. Part of the criteria for funding specialty courts through the Administrator of the Court (AOC) was to use a drug court case management system. Fast-forward five years and one of my initiatives is going to be to ensure that the courts are entering all that information. Most of it speaks for itself as far as highlights go but it has been great, and all specialty court information is contained in one system for all team members.

8. Presentation by John McCormick, Hans Jessup, and James Popovich: (For Discussion) (continued).

John McCormick commented using a uniform system increases your confidence in the data.

Acting Chair Professor Traum wanted to know if there were specialty courts in the rural counties.

John McCormick confirmed that they have specialty courts in every rural county. Districts through the 7th Judicial District had their own 4th does the 11th, the 6th do, the 3rd and 1st and 9th and part of the 5th use the western region and there are other specialty courts in Nye County. Any county in the state can be covered by a specialty court.

Chris Giunchigliani stated that this had been a very good presentation and hopefully our staff and folks feel comfortable that they will gather what we need and that the urban and rural areas are comfortable as well. I think the key piece no matter what is the uniformity of everything.

Director Ryba wanted to note that with LegalServer our department would be able to put certain notes at the top of everyone's page so if there is a notice that we need to send to all the attorneys we can simply put it on the page so everyone can see it rather than being required to send out emails or call everyone. As with the specialty courts it would allow us to do real-time where we could pull up and see what certain attorneys are doing and see if there are issues with caseloads rather than having a delay of having the information input. Our department is very small, and we do not have three employees that are able to enter data for the 12 different data bases. The final highlight is having the data that we can rely on will be very valued when we go in front of the legislature to ask for funding. With the specialty courts they have the effective data to back up their requests for additional funding and that is something that we are hoping with indigent defense that we can give the legislature something that has value that we can stand behind. We would be able to say that there is uniformity and everyone is doing the same and we should rely on it and that is why our department is encouraging the use of LegalServer for all the reasons that the AOC has pointed out as well as what LegalServer has touched on.

John McCormick wanted to reiterate we have evolved and gone through phases and because of the unique skill sets of some of our staff we have been able to automate some of that data entry.

Acting Chair Professor Traum stated those are helpful points and if you are ever going to try to get grants or to fund a pilot program or fund an extra fellow position because of an undergrad you are just going to need this. So being able to get your hands on that it is just going to be really empowering in that way. She thanked all for coming.

9. Discussion and Confirmation of next Meeting and Public Regulation Workshop date: (For Possible Action).

Director Ryba confirmed that the Workshop would be December 2nd and will also include our regular December Board meeting. Director Ryba said she would like to point out that we have posted the LCB file number R042-20 which will be the topic of the Workshop. Our department emailed current recommended changes on November 6. We have talking to Judges and County managers and we have made additional changes after those discussions. We are hoping on Monday to have our final proposal of possible changes to the legislative council document. We will be sending that out to all the interested parties. If anyone would like to discuss any of those items, we are available. We will do a short synopsis for the Board members so they can understand the reasoning behind each proposed change.

Acting Chair Professor Traum confirmed that the next meeting would be December 2nd which is a Wednesday, and we will be starting in the morning in order to have the time we need for the Workshop agenda. We will be vacating the meeting scheduled December 18th which was on the calendar so we will not meet twice in December. The next regular meeting is slated for January 28th in the new year and that is a Thursday at 1 p.m.

Acting Chair Professor Traum asked if there were future items to be added to the next agenda and heard none.

10. Public Comment:

There were no public comments from either North or South.

11. Motion for Adjournment

Motion: To adjourn meeting till the next regular scheduled meeting.

By: Joni Eastley

Second: Chris Giunchigliani

Vote: Passed unanimously

Acting Chair Professor Traum adjourned the meeting at approximately 2:30 p.m.