

OPTION 1 - REQUIREMENT

In section entitled “Uniform Reporting of Data,” include new regulation that provides:

In counties whose population is less than 100,000, providers of indigent defense services shall use the data collection and case management system provided by the Department at State expense.

In proposed regulations entitled “Reporting of workload data” and “Time keeping,” amend subsections setting reporting deadlines to:

The **data shall be inputted into the data collection and case management system** within seven (7) calendar days from the end of the reporting month. Failure to provide **data** may result in a corrective action plan as provided in NRS 180.450.

Reasoning: If required, proposed data collection and case management system provides real-time reports to the Department eliminating the need for setting a date by which a physical report must be provided. Requirement language is consistent with the duty in NRS 180.320(2)(d)(2) and (3) (“[T]he Board shall adopt regulations establishing standards for the provision of indigent defense services including . . . requiring attorneys who provide indigent defense services to track their time and provide reports . . . [and] establishing standards to ensure that attorneys who provide indigent defense services to track and report information in a uniform manner. . .”).

OPTION 2 – OPTION WITH FINANCIAL INCENTIVE

In either the section entitled “Uniform Reporting of Data” or “Indigent Defense Services Funding,” include a new regulation that provides:

The Department will provide, at State expense, a data collection and case management system to providers of indigent defense services in counties whose population is less than 100,000. Those counties may elect to require providers of indigent defense services to use the data collection and case management system provided by the Department. If a county elects not to require providers of indigent defense services to use the data collection and cases management system provided by the Department, the cost of data collection and case management system used by providers of indigent defense services will be a county expense and not included in determining a county’s maximum contribution for indigent defense services.

Reasoning: Option language incentivizes use of State provided data collection and case management system. Department and Board would need to create a reporting tool consistent with any adopted regulation on caseload, dispositional, and time data to ensure some level of uniformity. *See* NRS 180.320(2)(d)(2) and (3), *supra*. The reporting tool would then be manually entered into the data collection and case management system by the Department and reports would be delayed pending collection and entry of data. Given the Department’s current staffing, manual entry of time on a case by case basis would likely be overwhelming. While the overall data would be consistent across the counties, the manner in which it is tracked and reported to the Department would not be “uniform.” *Id.*