

**State of Nevada**  
**Department of Indigent Defense Services**  
**Board Meeting Minutes**

Wednesday, June 23, 2021

1:00 PM

**Meeting Locations:**

OFFICE	LOCATION	ROOM
Department of Indigent Defense Services	896 W. Nye Lane Carson City, NV 89703	Suite 202
Virtual Access		

Public was able to access the following link: Join Zoom Meeting

<https://us02web.zoom.us/j/86105698757?pwd=ZEtsVS9kZHdQLzdjL09TUmJHV3R1UT09>

Meeting ID: 861 0569 8757

Passcode: 034395

Dial by your location

- +1 346 248 7799 US (Houston)
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- +1 301 715 8592 US (Washington DC)

## 1. Call to Order/Roll Call

Chair Professor Anne Traum called the meeting of the Board on Indigent Defense Services to order a shortly after 1:00 p.m. on Wednesday, June 23, 2021.

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

**Board Members Present:** Chair Professor Anne Traum, Vice Chair Dave Mendiola, Laura Fitzsimmons, Joni Eastley, Drew Christensen, Chris Giunchigliani, Jeff Wells and Bevan Lister. Kate Thomas, Rob Telles and Justice William Maupin were not present.

**Others Present:** Executive Director Marcie Ryba, Deputy Director Jarrod Hickman, Deputy Director Thomas Qualls, Jason Kolenut, Cynthia Atanzio, Deputy Attorney General Mike Detmer, Suzanne Tallarico, JoNell Thomas and Mario Walther.

## 2. Public Comment

**Chair Traum** commented that the first item is a written public comment from Anthony Clark an inmate at NNCC who seems at least enthusiastic about the existence of DIDS. The written communication had been circulated to the Board prior to today's meeting. Chair Traum questioned

whether there were any other public comments either received or if anyone is on the line who wished to make a public comment. There were no other public comments.

**Joni Eastley** questioned if the issues brought up by Mr. Clark would be addressed as an agenda item at a future meeting, would the staff be handling the substance of the complaints and responding. How would that work?

**Director Ryba** stated that we did forward the correspondence to John Arrascada, Washoe County Public Defender to make sure he was aware of the complaint.

**Joni Eastley** wanted to know if Mr. Clark would get a response or what was going to happen.

**Director Ryba** replied that the Department did write him and advise that his complaint had been forwarded to Mr. Arrascada.

**Chair Traum** stated that there is a place on the website to make comments and wondered if the Department had been getting other comments or people that have been responding to the website and whether you are responding to the correspondence sort of ad hoc or trying to get everyone a response.

**Director Ryba** replied that the Department is replying to everyone that mails into us and we have mainly received complaints about representation in Washoe and Clark. When we receive those, we contact the heads of those offices and forward the letter to them. There has not been an extreme amount, but everyone has been responded to.

**Chris Giunchigliani** commented that it makes good sense to forward the letter to where it needs to go but I do think when forwarding the letter to John Arrascada that you request that he respond so you can share that with the Board, and we do not leave anyone out there hanging.

**Joni Eastley** thanked Chris for clarifying that and that it was a great suggestion.

**Director Ryba** stated this has been an issue and should it be put on an agenda? What is the Department's authority when we receive these complaints? We do not have the ability to conduct a hearing, so we wanted further discussion for guidance when there is an issue that affects the rural counties.

**Laura Fitzsimmons** suggested that Director Ryba put it on the next agenda as she would like to see some kind of structure available as this is information, we do need to be aware of.

**Chair Traum** concurred that it should be addressed on the next agenda.

**Joni Eastley** suggested that maybe they should review the legislation that created the Board because did it not actually address the issue of complaints?

**Chris Giunchigliani** agreed that it was in the legislation.

**Chair Traum** stated that it would be a useful discussion to outline some process for responding and I think the question is a legislative reason to have some kind of clearing process. We can structure it so we feel we are being attentive and figure out what the Department should be doing.

**Jeff Wells** wanted to make an editorial comment that a lot of inmates are sitting around with little to do other than write letters. If we start entertaining every single letter and we go through every item, we are going to be inundated. We might have the discussion about what types of issues we should bring forward and what types we do not so as to not spend hours working on this.

**Deputy Director Qualls** stated this was the conversation he had with Director Ryba and it would be good to place on the agenda so the Board can help us narrow what the focus is for the complaint. Perhaps with clear direction we can put that wording in with the complaint form so people will know exactly what the purpose is.

**Joni Eastley** stated that she did not disagree with any of that, but the bigger issue is what authority Director Ryba, and staff have to address any of this so I will welcome the discussion.

**Chris Giunchigliani** questioned whether Mr. Clark's letter would be an attachment to the minutes because as it was circulated does that become part of the document.

**Cynthia Atanzio** confirmed that Mr. Clark's letter would be included as an attachment to the minutes.

**Chair Traum** stated that the next item on the agenda is approval of the minutes from the April 28, 2021 Board meeting and are there any comments on the minutes?

### **3. Approval of April 28, 2021, Minutes (For possible action).**

**Motion: Approval of Minutes from April 28, 2020.**  
**By: Chris Giunchigliani**  
**Second: Jeff Wells**  
**Vote: Passed unanimously**

### **4. Selection of Chair: (For discussion and possible Action).**

**Chair Traum** advised that her understanding that the Board is required by statute to select a Chair by July 1<sup>st</sup> and that is why it is on the agenda.

**Jeff Wells** stated that he nominated Anne Traum for Chair.

**Joni Eastley** stated that she seconded the motion and moved that nominations be closed.

**Motion: Chair Traum be Nominated to Continue as Chair.**  
**By: Jeff Wells**  
**Second: Joni Eastley**  
**Vote: Passed unanimously**

**Chair Traum** commented that we can move along with our vice-chair without having because it is not required by statute.

**Joni Eastley** reminded the Board that item is not on the agenda.

**Mike Detmer** Deputy Attorney General reiterated that as stated it has not been agenized, therefore no motion.

## 5. Resignation of Board Members: (For discussion and possible Action).

**Chair Traum** referred to item five on the agenda, the resignation of Board members. Julie Cavanaugh-Bill resigned because of additional duties with the State Bar and needs to prioritize her time. Lorinda Wichman stepped into a new role in Nye County and her time was squeezed so she decided to step down, so we have two vacancies, and our goal is to fill those as soon as possible.

**Director Ryba** advised the Board that one appointment is with NACO and the other with the Board of Governors and she has reached out to both entities and was told they are working on appointing individuals to the Board.

**Chair Traum** commented that with no meeting scheduled in July we hope to have the new members by our August meeting.

**Joni Eastley** questioned whether the Board needs a motion to accept the registrations?

**Mike Detmer** Deputy Attorney General requested to address the issue. No votes need to be taken; the appointments are made by the Governor so the resignations would be made through those mechanisms.

## 6. Caseload Study: (For discussion and possible Action).

**Director Ryba** introduced Suzanne Tallarico from the National Center for State Courts (NCSC) and advised the Board that an interim report had been provided from the NCSC as an attachment to the agenda.

**Suzanne Tallarico** stated that she previously addressed the Board and went over what the process of the study would be. NSCS did go through all the steps including conducting focus groups, doing a survey, completing a six-week time study, and following up with Delphi groups to review some of the findings. In the end we did not have usable data because we conducted the time study in the midst of the pandemic. During the time we had contract and public defender employees from the rural counties participate as well as their staff and two investigators. Shortly after we started doing our Delphi groups in April what we heard in the focus groups was that during that 2020 period they had much fewer cases just because police were not arresting people at the rate they had been in previous years. We came up short and we did offer to generate some case weights based on past studies we conducted with the public defenders in other states. After discussing with Director Ryba we decided not to use those because the last time a study was conducted was around 2009 in Nevada for indigent defense providers. We put together this interim report saying that the data was not adequate for us to develop a usable case weight and come up with a Plan B. With the implementation of the data entry system LegalServer attorneys can start entering data that will

include the types of cases that we are collecting data during the time study and how many hours then spend working on those cases. We have offered to use this data instead to generate case weights next year as it relates to case work and it should be very consistent with what we would collect from a time study. We will not be able to get how much time attorneys are spending on non-case related work such as meetings and other work that they do in their capacity as an indigent defense provider that is not directly related to cases. We do have that information from our current study and when we come back, we will include that information in our Delphi groups when we review the data with the expert attorneys to assess whether they feel like that time is adequate. We are hoping to come back from time to time to see how the data base is building and hope that within six to eight months we can come back and mine that data. We already have in place a one-year no-cost extension on the contract and are set to do that at no additional cost to the State.

**Joni Eastley** commented that COVID really put a wrench in the works.

**Suzanne Tallarico** concurred that it certainly did. We did conduct our focus groups and we did know there were some work arounds but people thought that by the time we did the study at the that we would be okay and get adequate and accurate data and we just did not.

**Chair Traum** wanted to know if they were going to do more focus group follow up and if she could explain what categories of non-case related things you are talking about travel or something like that?

**Suzanne Tallarico** responded that she believed they would be doing more focus groups because one of the key questions and not only with attorneys, but also with judges and court staff across the system is what changes or work arounds that occurred during COVID are continuing to exist once were back to “normal” if we ever get there. That is one of the questions we will pursue because we have already gone through the process once. I do not think we will be able to conduct these focus groups in person but doing them via Zoom was very useful and we had good participation. We will also do that Delphi piece again looking at the findings and working through with attorneys whether that is adequate time to process those cases. In terms of non-case related work travel is one, going to meetings, doing supervision, administrative paperwork and in this case entering the data into LegalServer system doing in their capacity as an indigent defense provider not directly related to a case.

**Drew Christensen** wondered about the participants in the Delphi portion of the analysis. How are those individuals doing?

**Suzanne Tallarico** stated NCSC had advised Director Ryba of the groups that they wanted to look at and requested recommendations. I believe she tried to get people from all over the counties and specifically we did one on death penalty cases, so she selected those people deemed to be the most expert in death penalty cases.

**Director Ryba** further replied that they wanted a panel from established public defender’s offices, so we reached out to each public defender’s office and asked them to nominate someone from their office to participate. We reached out to either county leadership or directly to contract attorneys in each county and ask one of them to volunteer. Finally, for the death penalty group we took

individuals that are practicing or who have had death penalty cases in the past to be on the panel, so it was volunteer, but we did reach out to each county for volunteers for the appropriate group.

**Chair Traum** questioned if the case study would be done eight months from now and if there were any further questions or comments about the case load study.

**Suzanne Tallarico** stated that they have extended it to June 2022, just to be safe but it just depends on whether people are actually and consistently using that LegalServer system and once it is deemed that we have good data. It is unclear at this point, but we are quite certain that we can be done by June 2022.

**Laura Fitzsimmons** commented that she is sure Director Ryba has thought about this but are we okay with the *Davis* settlement on this?

**Director Ryba** confirmed that according to the *Davis* settlement we are required to enter into a contract within 12 months of the effective date and we have entered into a contract. The standards must be included in a contract within six months after the completion of the study and the study is not completed and that is why they are providing an interim report. We believe the study will be completed by the end of next year and then we will be back on the timeline. There is no requirement for when the Delphi study needs to be completed.

**Chair Traum** stated that we can move on to the next item on the agenda which is the review and approval of the annual report. She wanted to thank Director Ryba, Deputy Director Hickman, Deputy Director Qualls, Professor Hanan who is the *Davis* consent judgment monitor, and everyone. There was a lot of different components and it is very useful and there is a lot of information in there.

## **7. Review and Approval of Annual Report: (For discussion and possible Action).**

**Director Ryba** reminded the Board that pursuant to statute we are required to submit the annual report to the Board for input, and we must provide it to the Supreme Court, Office of the Governor and Legislature prior to July 1<sup>st</sup>. The Report was submitted to the Board for input. We wanted allow Chair Traum the opportunity to do the introduction to the report. We have highlighted the Board, the Department, the method of delivery of indigent defense and talked about the litigation for *Davis* and how we currently implementing the *Davis* obligations. We close with the data collection that we have been able to provide which is still very inconsistent, but we tried to put it together in a similar manner to be helpful. We are now requesting any sort of input and the allowance to provide this to those three offices.

**Joni Eastley** stated that she assumed everyone received an update this morning from Cynthia delivered with changes made to pages 4 and 28 and I wondered what those changes were. I did not have time to compare the documents.

**Director Ryba** responded that on page 4 Chair Traum wanted to add a portion to her letter thanking Julie Cavanaugh-Bill and Lorinda Wichman for their service on the Board and noted the two vacancies and that is in the second paragraph in the last sentence. Then on page 28 we received additional information from Jason Earnest in Esmeralda County as to how much support staff and

how many motions to suppress he had completed so we updated the report to include that information.

**Joni Eastley** commented that she noticed that Esmeralda was misspelled a couple of times so you may want to check that.

**Chris Giunchigliani** questioned whether Director Ryba thought we needed to reflect anything that positively happened in the session for us like the budget but that there are still shortfalls or anything along those lines, so it is keeping the case forward for next session.

**Director Ryba** advised that we did discuss the budget on page 9 of the report, and we talked about the funding that we had received, and we did note that in the future we are hoping that we can have that within our department for allocation and we did note certain areas where we receive no funding such as out-of-state travel. We did discuss AB480 within the report.

**Jonell Thomas** commented that she was looking at page 22 for the Special Public Defender's office and the staffing information looks correct, but the case load information looks very wrong, and I would be happy to work with you on getting up to date information. For example, it has us handling 422 misdemeanors we do not actually handle any misdemeanors and I would be happy to work with you today or tomorrow so you can update before you send it out.

**Director Ryba** confirmed that she would reach out to Ms. Thomas so that she could update the numbers.

**Bevan Lister** stated he had a question on the Lincoln County page of the report. It notes that we only have one attorney and yes, our contact is primarily with one attorney, but we also have conflict counsel. Is that not counted?

**Director Ryba** answered that we included data from the primary contracted public defender unless it was an Office of Public Defense.

**Chair Traum** wanted to know if it was noted some place that we are not counting conflict counsel and just the contracted attorneys.

**Director Ryba** replied that we could note that, but we did not receive any sort of reporting from the conflict counsel and that is why they were not included. If you would like that noted, we can.

**Chair Traum** expressed it might be useful someplace just to indicate that is what is being counted and questioned whether anyone else had any questions or comments regarding the annual report.

**Dave Mendiola** indicated that he wanted to thank the staff as he thought the report was great. A lot of information captured during a difficult time, and a lot of movement within the staff and it captured what the Board and Department are trying to achieve. Congratulations.

**Chair Traum** acknowledged that the Board needs to approve the annual report and requested that a motion be made to approve.

**Chris Giunchigliani** stated that she would make the motion with the modifications that had been suggested.

**Joni Eastley** seconded the motion.

**Drew Christensen** commented that before we take a vote that when looking at Clark County page it fails to consider the conflict counsel in Clark County and that in Washoe County there is a mention of conflicts, but no numbers associated with that. Drew Christensen believed that the conflict counsel numbers should be mentioned in Clark County as well.

**Director Ryba** will add that information.

**Chris Giunchigliani** stated she would add those modifications to her motion.

**Joni Eastley** agreed to modify her second to the motion.

**Chair Traum** stated that it just goes to the general comment and just to be clear as to what is being counted. If there is room that is great and if we are leaving something out, we should at least acknowledge it so that we are being accurate.

**Motion: To Approve the Annual Report with Modifications as Discussed**

**By: Chris Giunchigliani**

**Second: Joni Eastley**

**Vote: Passed unanimously**

**Chair Traum** stated that we can move on to the next item on the agenda which is an update from the Department and handed it off to Director Ryba.

## **8. Update on the Department (For discussion and possible Action).**

### **a. Legislative Update:**

**Director Ryba** commented that she would starting off with AB480 which a copy has been provided as an attachment to this meeting. AB480 is the assembly bill that we submitted as a bill draft request and is effective October 1, 2021. There are some main areas which AB480 sets forth. The first part it creates a distinction between Appointment of Counsel and Selection of Counsel. The next area that is addressed is the Removal of Economic Disincentives. Pursuant to the *Davis* Stipulated Consent Judgment the Department was required to cure any defects by recommending legislation if the Nevada Revised Statutes are inconsistent with: if AB81's requirement that the Board establish minimum standards for delivery of indigent defense that do not cause any economic disincentive to provide effective representation; they must provide adequate hourly rates to counsel; they cannot create economic disincentives to counsel by capping total payments; they cannot create economic disincentive for counsel to employ investigative, expert or other services by capping payment; and to fix anything that is inconsistent with the State's constitutional and statutory obligation to ensure indigent defendants receive meaningful assistance of counsel. We have also modified the mandatory appointments of public defenders which provides consistency with the definition of indigent



defense services. As we all know it was a mandatory appointment for public defenders to be appointed to represent a parent or guardian of a juvenile or in 432B cases of abuse or neglect or involuntary commitments. Those are no longer mandatory appointments and the main concern of this is if that the weighted case load study comes back that we need to increase attorneys, counties will have the option to either reduce the workload of the public defenders to comply with that order or to add additional public defenders, however the county sees fit.

**Joni Eastley** wanted to know how does a county reduce the workload of the public defenders if they cannot afford more public defenders?

**Director Ryba** answered that we removed mandatory appointments. Certain jobs that public defenders are required to complete do not necessarily fall within the definition of indigent defense services. This just would require counties to think of different options than the public defenders if the workload study does not allow public defenders to handle.

**Joni Eastley** commented that she had not even thought of those. Thank you very much.

**Director Ryba** stated she believed we are at the creation of special account for the support of indigent defense services. Section 12 of that bill creates that special account, so we able to accept grants, donations, or gifts. We have revised the deadline for transferring the responsibility to the Nevada State Public Defender and the reason for this revision is for building our budget with the prior deadline our budget already had to be submitted to the Governor's Finance Office for approval and if a county pulled out or opted in, we would have to redo the budget completely. Finally, Section 15 discusses pay for public defenders, we did add language to section 15 that the pay for public defenders must comply with the regulations adopted by the Board and this is only for counties with a population less than 100,000.

**Chris Giunchigliani** wanted to know if there was anything, she wanted that wasn't in it.

**Director Ryba** answered that pretty much everything that we submitted as part of our bill draft request was approved.

**Chair Traum** questioned whether Director Ryba had mentioned the effective date that was moved to October 1, 2021, to make sure the plans are coming in and in compliance.

#### **b. Final Budget Update:**

**Director Ryba** stated that we did discuss our budget on page 9. We were provided an additional \$25,000 for training and resources by the legislature so we will be use that to provide continued high-quality training for indigent defense providers. Our hope this year is to do an in-person training in Clark County where all the public defenders can start meeting each other in person so that is our goal with that funding. As for out of state travel, we were not allotted any funds. Our in-state budget is \$10,698 and our state car takes up about half of that, limiting our ability to go around to each of the counties. In the future we are hoping to build that up so that we will have more funding to do in-person visits. I think the in-person visits are really important. I was just out in Lincoln

County with Bevan Lister, and it is so important to see people in-person face to face so we hoping to do that with all the counties as we go along. We were provided \$75,000 to pay the monitor for the *Davis* settlement and 1.2 million dollars to the rural counties. This is money that was provided or ear-marked by the Interim Finance Committee (IFC) in the contingency account so we can request reimbursement on behalf of those counties. That money is specifically ear-marked for the *Davis* counties and there was no funding for the remainder of the counties. When it is time to ask for reimbursement pursuant to the maximum contribution formula we will be required to go to the Board of Examiners as well as the IFC unless it is reimbursement for those *Davis* counties we do not have to go to the Board of Examiners, it is one less step.

**Laura Fitzsimmons** wondered if you and your staff feel adequately appreciated for what you did because that was really unusual stuff going on and you guys just hung in there and did an incredible job.

**Director Ryba** thanked Ms. Fitzsimmons and stated that we have a pretty great Board.

**Chair Traum** wanted to express kudos to Director Ryba, Deputy Director Hickman, Deputy Director Qualls and staff because this is not only challenging but being done by people that have never done this before. So many emails from Director Ryba said “I have never done this before” and asking about the next step so just to dive right in and sort of duke it out and get it together to get on top of what is sort of a very complicated process with a big uphill challenge was really great. That was well done.

**Director Ryba** stated as for the legislative process we did have a lot of help, Kendra Bertschy, John Piro, Alex Ortiz, and there was a lot of help from Clark County. Any time that we call anyone at the public defender's office, special public defender's office everyone is able to help us we have a really great community of public defenders, and it is nice to finally start seeing it come together and we are just hoping for that face-to-face meeting.

**Jeff Wells** commented that Director Ryba did a great job and in all her testimony, but I loaned her a couple of our lobbyists to help answer some of those questions.

**Chair Traum** stated that just having those people on the ground, some of those people that Director Ryba just mentioned is just so important because just knowing exactly how to put things in and make sure they actually get it done was just invaluable.

### **c. Permanent Regulations Update:**

**Director Ryba** agreed that is correct. Moving on to the permanent regulation process and with Chair Traum’s permission we did submit our temporary regulations to the Legislative Council Bureau (LCB) with the changes that were attached. The changes are in red, and it was an attachment to the agenda. Our concern is that we will have another special session and especially considering our temporary regulations expired November 1<sup>st</sup>. We need to submit them for review by the Legislative Council Bureau either before or after a workshop. Our plan is once we receive those back

from LCB we will schedule a workshop. If there are no modifications, then we can set this for a public hearing and do the notice of intent to adopt and we can act appropriately. If there are changes at the workshop, we will have to resubmit them to LCB, and they are pursuant to statute supposed to get them back to us within 30 days but if there's a special session like we had last time that could slow down the process. We did submit them to LCB on June 15th and they are reviewing them at this point in time, but they do not have a timeline of when we will receive them back.

**Chris Giunchigliani** stated that she knew there would be a special session for redistricting. Is there a plan to have indigent defense regulations on a special session call in case they do not get everything back in time? The Governor's office writes what is allowed to be discussed in that special session if it all did not a line, is there a mechanism or conversation that could occur with at least the Governor's office that it be included in the call or the special session if it is needed.

**Chair Traum** stated that they do not need to do anything in the special session, it would just be a delay and diversion for LCB that would make them unavailable to turnaround our regulations. We do not have a legislative action to take.

**Chris Giunchigliani** commented that the November 1<sup>st</sup> date works as long as there is no delay.

**Chair Traum** commented that we have three meetings before November 1<sup>st</sup>, August meeting, September meeting and October meeting. The goal right now is to put the workshop on the agenda for August which means it would be like we did before when we had our workshop in December and then the public hearing in January. We could have a workshop in August and public hearing as soon as September and if there is a hiccup, we could still use the October meeting as sort of a fall back and get it done on time. If there was a hiccup that would just require the availability of LCB to actually do a turnaround which is a possible complication if there is a special session. Our goal is to take what is at LCB now includes the changes that we anticipate so as long as we stick to those, we put that on for an August workshop and then get comments and if there are no other changes just take action in September and be done.

**Director Ryba** concurred that was correct because last time there was a special session, and our regulations were supposed to be back to us in 30 days and it took over six months to receive them back and that is what we are trying to not have happen this time.

**Chair Traum** commented that I believe we are done with this and let us move on to the LegalServer update.

#### **d. Update LegalServer Training**

**Deputy Director Qualls** stated that as you heard Suzanne Tallarico discuss earlier we are rolling out LegalServer which is a case management and data collection software providing it to all the counties and all the providers free of cost. It is kind of a steep learning curve for some people, so we broke it up into four parts and we have done it every week of June. We offered two different trainings trying to accommodate different people's schedules. Subject one, week one we offered it twice and recorded both of them and we are basically doing that for the different subjects every week. We are in the third week right now and Cindy has set up a playlist on our YouTube page so if

you go to our website under training there is a whole section on LegalServer training. So, if anyone missed any of the trainings, they could go to our YouTube page or if you just want a refresher, it is all there, and you can go over it as many times as you want. It is also helpful because there are potentially new contracts out there, new people coming into the system and as that happens, they will be able to do that. Stan Morrice and I have been answering questions all month long by email and also just making little tweaks to the system. Again, it is super important to our weighted case load study and to the mandatory data collection that will be used to comply with *Davis* and the regulations but also support future funding requests and again with the travel limits that we have on oversight we are going to be leaning on LegalServer pretty heavily right now. I am happy to answer any questions about that it has all kinds of functions, including client surveys built in.

**Chair Traum** asked if there were any questions or comments about LegalServer. She questioned if they had heard from people using it and if so, what are you hearing?

**Deputy Director Qualls** replied that some offices are deep into it starting already but as it has been mentioned it is not mandatory until October when the plans go into effect, but we are encouraging everyone who can to start using it in July so next year at this time we could have a full fiscal year of reporting for other purposes but as far as the mandatory data collection and the mandatory use that does not start until technically October.

**Mario Walther** wanted to know if there with interactions with LegalServer or discussions on the development of applications? He confirmed that he can access LegalServer online through his phone, but I am wondering if there are plans for one at some point. The current system he uses does, super convenient being able to use it anywhere that you are at. Are they looking at that at some point in the future?

**Deputy Director Qualls** stated he did not have the answer to that but that the question had come up and to my knowledge that is not included in our plan, but I do not think they have one right now. What I will do is talk to Michael this week and get back to you as soon as I can with an answer.

**Mario Walther** stated that switching back and forth between your research tab on your phone and then going back to the server you know it is a lot easier than it is now. If it is not, it is not. I was just wondering if it was coming down the pike.

**Chair Traum** questioned Mario Walther as to where he practices.

**Mario Walther** advised that he practices in Lyon County.

**Chair Traum** commented that she really appreciated Mario Walther for being here and it is a very useful comment. Hopefully that can be something that happens in the future.

**Deputy Director Qualls** commented that Mario Walther holds this very incredibly important position in Lyon County right now and I would love to accommodate whatever his resource needs he needs.

**Chair Traum** questioned if there were any other comments or can we move on to update on training, resources, and acknowledgements.

**e. Update on Training and Resources:**

**Deputy Director Hickman** stated that we have several acknowledgements and introductions to make and am dividing this into two categories. If the students that worked in March and April on the practice manual could pop on, I know that there are about three of them there, Ashley, Brianna, and Eduardo. We will start with this group of students, and I want to say a special thank you to Julia Murray at the Clark County Public Defender's Office. This is a group of students that was working with Julia and as part of their intern extern assignments through the Clark County Public Defender's Office and Julia made them available to us to tackle sections of the in-development practice manual. All are 3LS and I believe just recently graduated and they put together some excellent written work which we are in the process of editing and putting together in a final format. So, in addition to this three, there was Greg Cloward, Grace Warburton and Dallas Anselmo who were not able to make it. All six worked on different sections of our manual and provided some excellent work so thank you very much to them. We have provided certificates of appreciation that you should be receiving in short order if you have not already received from the Department so thank you very much for your work and we greatly appreciate it.

**Chair Traum** thanked some of her favorite students and commented that this was sad to officially acknowledge that they are not her students anymore, but I guess we will be colleagues by the end of the summer.

**Jeff Wells** commented that he assumed there is a lot of bar studying going on out of this group right now.

**Deputy Director Hickman** commented that he suspects so.

**Chair Traum** stated that is the only way you can get people to come to a meeting like this is there is something less exciting to do. Thank you so much the students and Julia in particular who sprang into action pulling this idea of a resource and making it a thing so I know that other students are going to build on it hopefully it will be a really very valuable practice resource for everyone in the state. It was a huge effort, and it was great to see people come together, and the students worked really hard. Thank you, guys.

**Deputy Director Hickman** moving to our next group of students we have a group of four interns and one extern this summer and they are picking up the ball where the last group left off and are working on the practice manual. Two are working on different things, but this is three of the five Christal Folashade, Harrison Bohn and Nicholas Wolfram. Christal and Harrison are both working on sections of our practice manual. Nick, we have working on a summary of the legislation that passed in the last session so we can either put together a handout or a CLE based on that in conjunction with Clark and Washoe County Public Defender's offices. Servando Martinez who was unable to make it due to technical difficulties is working on another section of the practice manual and our one extern Emily Driscoll who is also not present today is working on doing research for salary in appointed counsel fees for our next legislative session. She is also working on and doing a

little research on incentive programs offered by either the State Bar or Law schools to encourage student practice in rural communities on graduation. So those are our interns and extern, and they have all been very diligent and hard working so far and I am looking forward to working the summer with them.

**Chair Traum** welcomed the students and commented that she has not had any of them in her classes but is looking forward to having them in one of her classes. One of the miracles of having Zoom is that we really can bring people together to do this work statewide even if we are not all physically together. This is really exciting.

**Deputy Director Hickman** stated to wrap up this session a special thank you to the university itself and particularly Dawn Neilsen who is the director of the externship programs and of course Chair Traum for being able to lead us in the right direction where we need some help with the students intern and extern programs. Everyone has been super accommodating and willing to answer questions and help us get our programs put into place. With that I thank everyone for showing up and hopefully our interns and extern will be able to attend our August meeting to get a flavor of what the Department and Board do and our work with the State and attorneys. Thank you for being here and I appreciate you taking time out of your day to watch.

**Jeff Wells** commented that when Nick gets done with all his legislative studies and since they have been to half a dozen meetings already on what AB424 really means and how it is going to work in the real world which are not necessarily the same I would like to read his report on that.

**Deputy Director Hickman** stated that he would be sure and make it available.

**Chair Traum** thanked Deputy Director Hickman for leading them and supervising them and we look forward to what you produce. She thanked all the students for showing up for our meeting and waiting an hour to be on.

**Deputy Director Hickman** commented that just to wrap up on our training and resource section, in June we previously set out the goal to provide at least one CLE per month in order to make sure we are fulfilling our training and education mandate. In June due to the multiple LegalServer trainings we did not put on a CLE for fear of over whelming calendars. In July we will present at least two and maybe part of a third on the legislative session, but we are looking at appellate procedure and pretrial writs as our CLE topics in July. The resources as we discussed the practice manual is under way to take what the students in March and April put together and review, edit and format to get them into a singular document and the goal is to have a workable resource page up and running by year end.

**Director Ryba** stated that the only thing she would add to what Deputy Director Hickman pointed out is as the Board knows we are committed to providing resources for our Public Defenders and with remainder of any sort of training or resource money we will be updating the NACDL sample motion collection. We came up with an update for 2021 so we are hoping to provide that to all of our public defenders as well as a copy of the Nevada Appellate Practice Manual which was just

published. We reached out to each of the offices, and we hope to be providing that and we are in the process of ordering it.

**Chair Traum** requested to know if there were any questions of comments on all of that.

**Laura Fitzsimmons** commented that with a lot of defenders on the line she wondered if it would be of value to do a CLE with the Department of Parole and Probation on how they calculate points so you can fine tune the sentencing. My understanding is that in Clark County there have been some successes of dealing with the pre-sentence report and their errors. It is just an area I know nothing about. In the rurals I am not certain it would be useful, but if so, I think it would be an interesting CLE.

**JoNell Thomas** from the Clark County Special Public Defender's Office stated that is a great idea I know our folks could really use it and I am sure the Public Defenders feel the same way. I would love to see a presentation and not sure who the right person would be to do the presentation. It may be the prison timekeeper or someone else and I really like the idea.

**Laura Fitzsimmons** commented that if you like the idea and no one thinks it is a dumb idea I can start figuring out through the Department of Parole and Probation or whether it might be the Sentencing Commission that might be involved or exactly what they do but she could look at that and make some suggestions to Deputy Director Hickman. This would be in the next six months or something because it sounds like the department has some short-term projects planned. It is a lot more interesting than I thought it would be and might make a real difference to our clients.

**Chair Traum** stated that sounds like a great idea to get everyone together and whoever is in the Public Defenders Offices or the department to find time or what the combination of speakers should be because there might be an informational part from the department but if you are talking about victories there might be some advocacy stories there to share.

**Deputy Director Hickman** stated he would circle back to Ms. Fitzsimmons after the meeting and get some finer detail and what direction she wants to head with that and move forward accordingly.

## 9. Confirmation of Next Meeting

**Chair Traum** thanked Laura Fitzsimmons for the suggestion and wondered whether there were any additional comments. Let's move on to confirm the next meeting, we are not meeting in July, so our plan is to meet August 25th which is a Wednesday at 1 p.m. As we mentioned that very likely will be a workshop on temporary relations so we might have a full agenda. I do not think that the regulation changes are that substantial but still will be worthy of discussion, and we might have people who participate because of that so I do not think we need to do any action on that.

**Director Ryba** the only thing that I would like to discuss is that Joni Eastly has been working very hard on helping set up the September board meeting that were having in Tonopah. She is working on booking a block of rooms and I think we will be reaching out to the board members to let them know the phone number to reserve their room.

**Joni Eastley** confirmed that was correct and my plan is to book them, and I have already talked to the manager there to block and book them at the Belvada that just opened about two months ago and it is probably 50 feet away the convention center where the meeting will be held.

**Laura Fitzsimmons** stated that the Belvada is something we are really going to enjoy.

**Joni Eastley** commented that the Belvada is absolutely stunning and if you have ever been to the Mizpah this is more beautiful than he Mizpah. It is just unbelievable.

**Laura Fitzsimmons** thanked Joni for her assistance.

**Joni Eastley** stated it was her pleasure.

**Chris Giunchigliani** questioned if the meeting in Tonopah was still September 29<sup>th</sup>?

**Drew Christensen** stated he believed it was the 30<sup>th</sup>.

**Director Ryba** stated that she believed it was changed because the NACO meeting is on the 29<sup>th</sup>.

**Chair Traum** asked Joni Eastley if we will be seeing that information circulated in the next couple weeks.

**Joni Eastley** answered that you will probably see in the next couple days.

**Jeff Wells** questioned if Cynthia could send that information out as he still had the meeting on the 29<sup>th</sup> on his calendar?

**Cynthia Atanzio** confirmed that she would send a corrected notice out to all.

**Chair Traum** stating going on to number 10, is public comment. Is there anyone on and have we received in the interim any public comments?

## **10. Public Comment.**

**Bevin Lister** stated he just wanted to express appreciation to Director Ryba for the presentation she made to Lincoln County Commission. The rest of the Board found it very helpful and very informative. I am assuming that as she takes this around to the rest of the counties, she is getting probably an equal response. Just wanted to express appreciation.

**Chair Traum** commented that it was probably very useful to have Bevin Lister there with her and could he replicate himself or be with her in every presentation it would probably go even more smoothly.

There were no other public comments from the North or South.

## **11. Adjournment:**

**Chair Traum** adjourned the meeting at approximately 2:20 p.m.



**Attachment:  
Public comment**