

**DEPARTMENT REVIEW OF
COUNTY PLANS FOR THE PROVISION OF
INDIGENT DEFENSE SERVICES**

**For October 6, 2021 Board on Indigent
Defense Services Meeting**

**Key: ✓: means “Meets Standards” with the
Section**

	Churchill	Douglas	Elko	Esmeralda	Eureka	Humboldt	Lander	Lincoln	Lyon	Mineral	Nye	Pershing	Storey	White Pine
1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Sec. 23)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Appointed Counsel Coordinator (A) OR DIDS (D)	A	A	A	D	D	D	A	D	D	A	A	A	A	D
2. Plan for hiring contractor attorneys (Sec. 24):	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. Appointment of Counsel (Sec. 25)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
4. Confidential Communications (Sec. 26):	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
6. Vertical Representation Requirement (Sec 28):	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
7. Standards of Representation (Sec. 29(1)):	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
8. Prompt Compensation (Section 43)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
9. Caseload Reporting (Section 46)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Department Recommendation:	A	A	A	A	A	A	A	A	A	A	A	A	CA	A
Key: A: Conditional Approval CA: Corrective Action														

Department or its designee

AB480, which was passed by the most recent legislature made the following changes that affect plans:

1. **Selection of Counsel:** AB480 created a distinction between the “Appointment” of counsel and the “Selection” of Counsel.
 - a. Appointment is a judicial function where the judiciary makes the determination of whether the Defendant qualifies for the appointment of indigent defense counsel.
 - b. Selection means the choosing of an attorney to provide representational services for a person.
 - c. **NRS 171.188(4)** was modified that if a public defender is unable to represent the defendant, the judge, justice or master shall order the appointment of another attorney and refer the selection of the attorney: in a county whose population is less than 100,000 to the Department of Indigent Defense Services or its designee in compliance with the plan of the county for the provision of indigent defense services.
 - d. **NRS 7.115** provides that a magistrate, master or district court shall not order the appointment of an attorney other than a public defender unless the public defender is disqualified. If the public defender is disqualified, the court, shall after making a finding of the disqualification on the record and the reasons therefor, refer the selection of the attorney: in a county whose population is less than 100,000 to the Department or its designee in compliance with the plan of the county for the provision of indigent defense services.
2. **Expert and Investigative Fee Requests and Payment of Appointed Counsel Billing:**
 - a. **NRS 7.135** provides indigent defense providers are entitled to be reimbursed for expenses reasonably incurred for investigative, expert or other services for a necessary defense. In a county whose population is less than 100,000 subject to the prior approval of the Department or its designee and in accordance with the plan of the county for the provision of indigent defense services.
 - b. **NRS 7.145** provides in a county whose population is less than 100,000, attorneys submit billing to the Department or its designee for review and approval.

The following counties have elected for the Department to perform the duties contained in AB480 (which are also covered by Sec. 23, 25, 27 43): Esmeralda; Eureka; Humboldt; Lincoln; Lyon and White Pine.

The following counties have created a designee within their Plan to perform these roles: Churchill County, Douglas County, Elko County, Lander County, Mineral County, Nye County, Pershing County, and Storey County.

Request Approval of the Following Plans and Proposed Budgets (Contingent upon BOE and IFC approval):

Summary

Davis Counties

1. Recommend Plan and budget approval, subject to BOE and IFC approval, for: Esmeralda County, Eureka County, Lincoln County, Lyon County, and White Pine County.
2. Recommend Plan and budget approval, subject to BOE and IFC approval and subject to approval of the proposed designee, for: Churchill County, Douglas County, Lander County, Mineral County, and Nye County.
3. Request permission to seek approval from the earmarked IFC Contingency Funds of \$1,124,427.14.
4. Request permission to seek approval from BOE and IFC Contingency Funds of \$1,701,922.94.

Non-Davis Counties

1. Recommend Plan and budget approval, subject to BOE and IFC approval, for: Clark County, Humboldt County, and Washoe County.
2. Recommend Plan and budget approval, subject to BOE and IFC approval and subject to approval of the proposed designee, for: Elko County and Pershing County.
3. Request permission to seek approval from BOE and IFC Contingency Funds of \$3,644,980.66.
4. Storey County:
 - a. Recommend rejection of the Storey County Plan
 - b. Recommend entering into a Corrective Action Plan with the Storey County Board of County Commissioners for the purpose of establishing a compliant plan as the proposed plan is deficient in the provision of indigent-defense services. NRS 180.440(4).
5. Carson City:
 - a. Has requested an extension until October 31, 2021.

Davis Counties

1. **Churchill County** (Exhibit 1)
 - a. Request approval of Churchill County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
 - b. Request permission to seek approval of \$434,708.43 from the earmarked IFC Contingency Funds.
2. **Douglas County** (Exhibit 2)
 - a. Request approval of Douglas County Plan and Proposed Budget.

- i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
 - b. Request permission to seek approval of \$16,578.93 from the earmarked IFC Contingency Funds.
 - c. Request permission to seek approval of \$387,432.94 from BOE and IFC Contingency Funds.
- 3. **Esmeralda County** (Exhibit 3)
 - a. Request Approval of Esmeralda Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek Approval of \$14,147.38 from the earmarked IFC Contingency Funds.
- 4. **Eureka County** (Exhibit 4)
 - a. Request Approval of Eureka County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek Approval of \$95,000 from the earmarked IFC Contingency Funds.
- 5. **Lander County** (Exhibit 5)
 - a. Request Approval of Lander County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek Approval of \$20,918.04 from the earmarked IFC Contingency Funds.
 - c. Request permission to seek approval of \$129,500 from BOE and IFC Contingency Funds.
- 6. **Lincoln County** (Exhibit 6)
 - a. Request approval of Lincoln County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek approval of \$10,580 from the earmarked IFC Contingency Funds.
 - c. Request Permission to seek approval of \$10,000 from BOE and IFC Contingency Funds.
- 7. **Lyon County** (Exhibit 7)
 - a. Request approval of Lyon County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek approval of \$311,566.92 from the earmarked IFC Contingency Funds.
 - c. Request Permission to seek approval of \$506,500 from BOE and IFC Contingency Funds.

8. Mineral County (Exhibit 8)

- a. Request approval of Mineral County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
- b. Request Permission to seek Approval of \$27,124.00 from the earmarked IFC Contingency Funds.

9. Nye County (Exhibit 9)

- a. Request approval of Nye County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
- b. Request Permission to seek Approval of \$96,403.45 from the Earmarked IFC Contingency Funds.

10. White Pine County (Exhibit 10)

- a. Request approval of White Pine County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
- b. Request Permission to seek Approval of \$97,400 from the earmarked IFC Contingency Funds.
- c. Request Permission to seek approval of \$668,490 from BOE and IFC Contingency Funds.

Non-Davis Counties

1. Clark County

- a. Request approval of Clark County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
- b. Request Permission to seek approval of \$2,159,467.17 from BOE and IFC Contingency Funds.
- c. **NOTE:** Sec. 22(3): Plans for the provision of indigent defense services approved pursuant to the Nevada Supreme Court Administrative Docket 411 will satisfy the requirements of this section.

2. Elko County (Exhibit 11)

- a. Request approval of Elko County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
- b. Request Permission to seek approval of \$286,521 from BOE and IFC Contingency Funds.

3. Humboldt County (Exhibit 12)

- a. Request approval of Elko County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
- b. Request Permission to seek approval of \$110,885 from BOE and IFC Contingency Funds.

4. **Pershing County** (Exhibit 13)
 - a. Request approval of Pershing County Plan and Proposed Budget.
 - i. Contingent upon Department approval of proposed designee.
 - ii. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek Approval of \$172,001.49 from the BOE and IFC Contingency Funds.

5. **Washoe County**
 - a. Request approval of Washoe County Plan and Proposed Budget.
 - i. Contingent upon BOE and IFC approval.
 - b. Request Permission to seek approval of \$916,106.00 from BOE and IFC Contingency Funds.
 - c. **NOTE:** Sec. 22(3): Plans for the provision of indigent defense services approved pursuant to the Nevada Supreme Court Administrative Docket 411 will satisfy the requirements of this section.

Request Rejection of the Following Plan:

1. **Storey County** (Exhibit 14)
 - a. Recommend Rejection of the Plan
 - b. Recommend entering into a Corrective Action Plan with the Storey County Board of County Commissioners for the purpose of establishing a compliant plan as the proposed plan is deficient in the provision of indigent-defense services. NRS 180.440(4).

Plans Not Yet Submitted

1. **Carson City**
 - a. requested extension until October 31.

Exhibit 1: Churchill County Review

DIDS Review

Churchill County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:	\$956,107
Churchill County Maximum Contribution (Sec 19):	\$521,398.57
Estimated State Expense:	\$434,708.43
Original Estimate: \$956,107 (of the \$1.2 million earmarked with IFC, we requested \$434,708.43 on behalf of Churchill)	

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

The Churchill County Appointed Counsel Program Coordinator will select future contract attorneys in a process consistent with Section 24 of the Temporary Regulations. See, p. 12. Once the Appointed Counsel Program Coordinator is selected, the Coordinator shall establish a committee to, on a yearly basis, review appointed counsel and determine eligibility and whether to recommend appointed counsel for new and continued participation in accordance with applicable regulations and standards. See, p. 14. The Coordinator will seek input from judges and others familiar with the practice of criminal defense, juvenile and family law.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): Court Services personnel (or other designated individual) shall conduct indigency screening no later than 48 hours after arrest to make an initial determination of financial eligibility and provide the recommendation to the Court. See p. 7.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Counsel shall be provided to eligible individuals within 72 hours, at their first appearance before a judge, when they are formally charged or notified of the charges, or when the Justice of the Peace or a District Court Judge otherwise considers appointment of counsel appropriate. See. P. 6. The Churchill County Public Defender will be the primary and initial provider of indigent defense. See p. 8. Where a conflict exists, a contract attorney will be assigned by the appointed counsel coordinator. See p. 9 and 12-15.

Distribution of Cases (Sec. 25(3)): Churchill County Public Defender will be the primary assignment for cases. If there is a conflict, the case will be transfer to the conflict contract attorney. If the conflict contract attorney has a conflict, the Coordinator will select appointed counsel, in consecutive order from the hourly list and provide prompt notice and a proposed order to the Appointing Authority. P. 8 and 13.

Initial Appearance (Sec. 25(4)): The Justice Court shall provide reasonable advance notice of all arraignment proceedings to the public defender or Attorneys who may be appointed to ensure appearance. The Public Defender or Appointed Attorney must be present at such hearings. P. 15. Such attorney must be prepared to address pre-trial release.

The Public Defender is the primary and initial provider, but the Plan is unclear as to whether they are required to attend such hearings. P. 8.

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

Accommodations are provided in the Justice Court, District Court, jails, and the Office of the Public Defender. P. 20. Interpreters are provided by the Court, if necessary. P. 20.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

The budget for independent experts and investigation will be built into the budget of the Office of the Public Defender and administered by the Public Defender. P. 22.

Churchill County will employ an Appointed Counsel Coordinator to review attorney billing claims as well as claims for case related expenses. Claims expected to exceed \$2,500 shall be submitted to the Coordinator for pre-authorization before they are incurred. The requests will remain confidential. All claims, whether pre-authorization is required, will be reviewed for reasonableness. Upon approval of the fees/expenses, the Coordinator will notify the Comptroller's Office of the approved requests and the Comptroller's Office shall issue prompt payment for the same. P. 14.

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

The Plan expects attorneys to ensure that, to the greatest extent possible, the same attorney represents a defendant through every substantive portion of the case without delegation of others. The Plan recognizes that there are times and circumstances where there are prudent and acceptable exceptions to this practice, but the expectation in place provides each client with a consistent attorney representation throughout the case. P. 15.

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Attorneys are responsible for performance of all obligations and duties as dictated by the Nevada Rules of Professional Conduct and must demonstrate compliance with the standards and regulations of the Board on Indigent Defense Services. P. 15. Attorneys will be familiar with and guided by the Rules of Professional Conduct, Indigent Defense Standards of Performance adopted by the Nevada Supreme Court (October 16, 2008), and changes to such standards as they are made or adopted from time to time. P. 17.

Davis Required Language (Sec. 29(2)): contains required language. P. 16.

Client surveys (Sec 29(3)): contains required language. P. 16.

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

Churchill County will employ an Appointed Counsel Coordinator to review attorney billing claims as well as claims for case related expenses. Upon approval of the fees/expenses, the Coordinator will notify the Comptroller's Office of the approved requests and the Comptroller's Office shall issue prompt payment for the same. P. 14.

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

The Plan provides that “[i]f there are sufficient guarantees that use of such software ensures client file integrity, and case information confidentiality, Attorneys will comply with the applicable regulations as promulgated by the Nevada Department of Indigent Defense Services.” P. 17.

Exhibit 2: Douglas County Review

DIDS Review-- Douglas County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Contract Attorneys	\$ 979,166.65
Litigation Expenses	\$ 100,000
Appointed counsel administrator	\$200,000
Total:	\$1,279,166.65
Douglas County Maximum Contribution (Sec 19):	\$875,154.78
Estimated State Expense:	\$ 404,011.87
Original Estimate: \$899,733.71 (in our Budget request to the legislature, we requested \$16,578.93 for Douglas)	

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Douglas County will annually recruit attorneys to provide indigent defense services on a contract basis. The Appointed Counsel Program Coordinator will establish an Appointed Counsel Selection Committee to review qualifications. The selection committee will determine if an attorney is qualified to enter into a contract. P. 5-6.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): Court Administration, through Pretrial Services, or Appointed Counsel Coordinator shall conduct screening no later than 48 hours. P. 5, Section III(E)(ii).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The Appointed Program Counsel Program Coordinator shall ensure counsel is present for initial appearances. P. 10, VI(D); p. 11, VII(B). If there is a conflict, appointed counsel shall notify the relevant court. P. 8, IV(E).

Distribution of Cases (Sec. 25(3)): Cases shall be assigned on a rotational basis from the list of qualified attorneys. P. 7, Section IV(C)(1).

Initial Appearance (Sec. 25(4)): The Appointed Counsel Program Coordinator shall ensure the provision of Representational Services for all eligible clients who are in custody and require a bail hearing. If the Coordinator is unable to assign an attorney to be present for the initial appearances and arraignments, the Coordinator may be present. The attorney shall be prepared to address appropriate released conditions. P. 10, Section VI(D).

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

The Plan provides information on the facilities available for privileged communications. P. 9, Section IV(G).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

Douglas County agrees to budget for case-related expenses in the amount of \$100,000. Case-related expenses which are expected to exceed \$2,500 shall be submitted to the Coordinator for pre-authorization. P. 8, Section IV(F).

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Consistency in representation required by the Plan. P. 6, Section IV(8); p. 10, Section VI(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. See p. 9, Section VI(A).

Davis Required Language (Sec. 29(2)): Required language set forth. See p. 9, Section VI(A).

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. See p. 10, Section VI(G).

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Payment of fees of Hourly and Capital Case appointed attorneys shall be approved by the Appointed Counsel Program Coordinator. P. 7. Section IV(C)(2).

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

Appointed Counsel shall report caseload data and time as promulgated by the Regulations of the Board. P. 11, Section VI(H).

Exhibit 3: Esmeralda County Review

DIDS Review -- Esmeralda County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Contract Attorneys	\$50,000
Conflict Counsel / Litigation Expenses	\$55,200
Total:	\$105,200

Esmeralda County Maximum Contribution (Sec 19): **\$91,052.63**

State Expense: **\$14,147.38**

Original Estimate: \$105,200 (in our Budget request to the legislature, we requested \$14,147.38 for Esmeralda)

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards

Does Not Meet Standards

Esmeralda County Plan appears to comply with this requirement.

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Page 5, Section IV(A): Sets forth the Plan for hiring by the Board of County Commissioners.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): Esmeralda County Sheriff’s Office or any other law enforcement officer responsible for booking a criminal defendant shall provide an initial screening within 48 hours Section III(E)(2), page 4.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Esmeralda County Public Defender will initially handle all cases. IV(A). If there is a conflict, the public defender will contact the Court and DIDS for selection of new counsel. IV(B)(1).

Distribution of Cases (Sec. 25(3)): Cases shall be assigned on a rotational basis from the list of qualified attorneys. IV(B)(2).

Initial Appearance (Sec. 25(4)): The Public Defender shall provide Representational Services for all Eligible Clients who are in custody and shall be prepared to address appropriate released conditions. P. IV(C)(1).

- 4. Confidential Communications (Sec. 26):**

Meet Standards

Does Not Meet Standards

Gives contact information for how to conduct meetings at the jail. Also states there is a private meeting at the Courthouse. P. 10, Section V(C)(4).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards

Does Not Meet Standards

Esmeralda will have a budget for case related expenses within the PD. IV(E), page 7. For conflict appointed counsel, expenses in excess of \$2,500 must be submitted to the department for pre-authorization before incurred. V(2)(a), page 9. There will be a budget independent of the judiciary for these expenses. V(3)

6. Vertical Representation Requirement (Sec 28):

Meet Standards

Does Not Meet Standards

Consistency in representation required by the Plan. VII(B), page 12.

7. Standards of Representation (Sec. 29(1)):

Meet Standards

Does Not Meet Standards

Standard (Sec. 29(1)): Required language set forth. VII(A), page 11.

Davis Required Language (Sec. 29(2)): Required language set forth. VII(A), page 11.

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. VII(F), page 12.

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

Compensation for hourly appointed counsel will be paid pursuant to NRS 7.125. V(C)(1). The attorney shall submit the voucher to the Department for review. Once approved, the Department will provide to the Auditor for vote by the Board of Commissioners. P. 8-9, Section V(C)(1).

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

The Contract Esmeralda County Public Defender shall use the data collection and case management system provided by the Department of Indigent Defense Services at State expense for caseload and time reporting. Caseload reporting will be done by the Contract Esmeralda Public Defender. The Contract Esmeralda Public Defender shall report on an annual basis as required by Regulations on the Board on Indigent Defense Services. P. 13, Section VII(G).

Exhibit 4: Eureka County Review

DIDS Review -- Eureka County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender's Office	\$60,000
Conflict Counsel /	\$45,000 (\$25,000)
Litigation Expenses	\$50,000
Total:	\$155,000
Eureka County Maximum Contribution (Sec 19):	\$40,000
State Expense:	\$115,000
Original Estimate: \$155,000 (in our Budget request to the legislature, we requested \$150,000 for Eureka)	

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Process set forth p. 4, Section IV(A). Proposals submitted to the Board of Commissioners and its designee, but shall not include the prosecution or law enforcement. Judicial input may be considered, but not the sole basis for selection.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): within 48 hours when a person is taken into custody, the pre and post trial supervision officer or the Eureka County Sheriff's Office will provide them, prior to their first appearance, a financial declaration form. P. 4, Section III, (E)(3).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Counsel shall be appointed prior to 72 hours. P. 4, III(E)(3). If there is a conflict, the relevant court will notify DIDS immediately following the initial detention hearing for selection of counsel. P. 4-5, Section IV(B).

Distribution of Cases (Sec. 25(3)): All cases will be initially assigned to the contracted public defender. P. 4-5, Section IV(B).

Initial Appearance (Sec. 25(4)): The Eureka County Public Defender will be assigned for all initial appearances and be prepared to address release conditions. P. 4-5, Section IV(B).

- 4. Confidential Communications (Sec. 26):**

Meet Standards

Does Not Meet Standards

Eureka County will provide areas for privileged communications as set forth in the Plan. P. 6, Section IV(E). The areas appear to be the jury room, but the Plan states that if these rooms are not available, the county will provide another location for private communications.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

Case-Related Expenses expected to exceed \$2,500 shall be submitted to the Department for pre-authorization. All expenses, whether subject to pre-authorization are subject to the Department's review for reasonableness. The Department shall approve all reasonable and necessary Requests for Case-Related Expenses and shall notify the Eureka County Comptroller's Office for payment. Eureka County will set aside \$50,000 for this purpose. See Plan, Section IV(D).

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Qualified Attorneys providing services to eligible clients shall ensure, the extent practicable, consistency in representation such that the same attorney represents a defendant through every stage of the case. P. 7, Section VI(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. See Plan, Section VI(A), p. 7.

Davis Required Language (Sec. 29(2)): Required language. See Plan, Section VI(A), p. 7.

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. See Plan, Section VI(F), p. 7.

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Eureka County will budget \$25,000 for conflict counsel payment. Conflict Counsel shall submit monthly invoices to the Department. Once reviewed for reasonableness and approved, the invoices will be sent to the Eureka County Comptroller's Office for payment. The Comptroller's Office will pay within 30 days. P. 5-6, Section IV(C).

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

The Eureka County Public Defender shall submit caseload and time reporting as required by the regulations. P. 8, Section VII(A).

Exhibit 5: Lander County Review

DIDS Review -- Lander County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender’s Office	\$130,000
Conflict Public Defender Office	\$50,000
Second Tier Conflict Public Defenders Office	\$25,000
Panel Attorneys	\$5,000
Counsel Administrator / Records	\$ 5,000 / 20,000
Expenses	\$20,000
Total:	\$235,000/250,000

Lander County Maximum Contribution (Sec 19): **\$99,581.96**

State Expense: **\$135,418.04/\$150,418.04**

Original Estimate: \$120,5000 (in our Budget request to the legislature, we requested \$20,918.04 for Lander)

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

The selection of the Public Defender shall be selected by the County Commissioners in consultation with the County Manager and the Counsel Administrator. P. 9 (Section V(I)). The First Tier Conflict Public Defender (p. 11, Section VI(I)); the Second Tier Conflict Public Defender (p. 13, Section VII(I)); and the Panel Attorneys (p. 14, Section VIII(N)) shall be selected by the County Commissioners.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): The Court Administrator shall conduct a screening and provide the recommendation to the Court. (P. 5, Section IV(D)(2)). The screening will occur within 48 hours, but this requirement is contingent upon BIDS approving funding for the Counsel Administrator position. (P. 6, Section IV(D)(4)). However, if funding is not provided, the Court will screen in a manner to comply with the remainder of the rule. See footnote 2 on page 6.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The judge shall appoint counsel, if eligible. If the judge determines that the private attorney recommended to be appointed is not suitable for the particular case, they will contact the Counsel Administrator to ask for the next in rotation. (p. 7, Section IV(E)).

If the Public Defender determines there is a conflict, a motion must be written to the Court. If the Court believe the motion has merit, the Court shall appoint the First Tier Conflict Public Defender. (p. 8, Section V(B)). There is a similar process for conflicts of the First Tier Conflict Public Defender (p. 10, Section VI(B)), wherein the Court will automatically appoint the Second Tier Public Defender. If the Second Tier Public Defender (p. 11, Section VII(B)) or the Panel Attorneys (p. 13, Section VIII(B)) have a conflict, the process is modified where the Court asks the Appointed Counsel Administrator for a recommendation and the Court will have authority to appoint.

Distribution of Cases (Sec. 25(3)): rotational basis. (p. 7, Section IV(E)).

Initial Appearance (Sec. 25(4)): Public Defender shall provide representation at the first appearance. (p. 7, Section IV(G)). Counsel at first appearance must be prepared to address conditions of release. (p. 7, Section IV(G)).

4. Confidential Communications (Sec. 26):

Meet Standards

Does Not Meet Standards

The Plan provides that the courthouse has two meetings rooms by the District Court and two by the Justice Court that are available to any attorney who has an ongoing case. The Jail has a meeting room. The Courthouse has a meeting room for people in the jail. (p. 8, Section V(D)).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards

Does Not Meet Standards

The Public Defender has a line item within his budget for this purpose. (p. 9, Section V(G)).

The First Tier Conflict Public Defender (p. 10, Section VI(G)) and the Second Tier Public Defender (p. 12, Section VII(G)) have the same process. Each must submit a request for payment to the counsel administrator who will then recommend approval or denial of the request. Upon approval of a claim, the Counsel Administrator will submit the voucher for payment. If the Counsel Administrator modifies or denies the request, the Attorney may appeal any modification to the Court for resolution. The Court may determine to pay the voucher and the County will be ordered to pay the voucher.

The Panel Attorneys must submit a request for payment to the Counsel Administrator who will then recommend approval or denial of the request. The Counsel Administrator will pay the voucher for payment. If the Counsel Administrator modifies or denies the request, the Attorney may appeal any modification to the Court for resolution. The Court may determine to pay the voucher and the County will be ordered to pay the voucher. (p. 14, Section VIII(L)).

This process is also mapped out within the specific duties of the Counsel Administrator. See p. 17-18, Section XI(C).

6. Vertical Representation Requirement (Sec 28):

Meet Standards

Does Not Meet Standards

Plan requires representation to be vertical. (p. 8, Section IV(H) and (p. 15, Section X(B)).

7. Standards of Representation (Sec. 29(1)):

Meet Standards

Does Not Meet Standards

Standard (Sec. 29(1)): Required language set forth. (p. 15, Section X(A)).

Davis Required Language (Sec. 29(2)): Required language set forth. (p. 15, Section X(A)).

Client surveys (Sec 29(3)): Surveys must be provided as authorized by BIDS. (p. 16, Section X(F)).

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

The Public Defender is compensated through the County's payment process. (p. 9, Section V(G). First Tier Conflict Public Defender (p. 10, Section VI(F)) and Second Tier Public Defender (p. 12, Section VII(F)) are compensated through a rate set by the County Commissioners.

There is inconsistency for payment of panel attorneys. In one section, the Plan sets out that panel attorneys will be compensated at the statutory rate through the County's vouchering process. The attorney will submit a request for reimbursement on a monthly basis to the Court Administrator. The Court Administrator will recommend approval or denial of the request to the County Commissioners. (p. 14, Section VIII(J)). If there is a dispute the Court will determine if the voucher shall be paid.

The Plan provides that the Appointed Counsel Administrator will receive the requests for a panel attorney for payment, determine if the fees are reasonable and if the fees exceed statutory amounts for case type; recommend approval of a sum certain for attorney's fees; and submit the recommendation to the County for payment. (p. 18, Section XI(C)) Approval of Attorney's Fees).

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

Providers of Indigent Defense Services as required to maintain data through the data collection and case management services provided by the Department at State expense for caseload and time reporting. (p. 18, Section XIII)

Exhibit 6: Lincoln County Review

DIDS Review -- Lincoln County Plan

Meet Standards **Does Not Meet Standards**

Estimated Cost of the Plan: **\$205,000**
Lincoln County Maximum Contribution (Sec 19): **\$179,420**
State Expense: **\$25,580**
Original Estimate: \$190,000 (in our Budget request to the legislature, we requested \$10,580 for Lincoln)

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards **Does Not Meet Standards**

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards **Does Not Meet Standards**

Lincoln County will contract with an attorney in compliance with the requirements of the Department of Indigent Defense Services. P. 4, Section 3(A).

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards **Does Not Meet Standards**

Indigency Screening (Sec. 25(1)): defendants shall have immediate access to applications for indigent defense. No later than 48 hours after arrest, a public defender or his agent will screen the individuals for financial eligibility. P. 3, Section 2(E)(ii)

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): upon a review of the financial affidavit, the Court will promptly appoint the Contract Attorney to represent the defendant. P. 3, Section 2(E)(ii). If there is a conflict, the contract attorney will notify the Court to have the case transferred to the Contract Conflict Public Defender. If the Contract Conflict Public Defender has a conflict, the Court shall be notified. The Court will request the Nevada Department of Indigent Defense Services to appoint conflict counsel. P. 4, Section 3(B).

Distribution of Cases (Sec. 25(3)): All cases will be initially assigned to the contracted public defender. P. 3, Section 2(E)(ii).

Initial Appearance (Sec. 25(4)): The Contract Attorney will be assigned for all initial appearances and be prepared to address release conditions. P. 4, Section 2(E)(v).

- 4. Confidential Communications (Sec. 26):**

Meet Standards **Does Not Meet Standards**

County facilities housing or holding indigent defendants will provide accommodations for confidential or otherwise privileged communications between counsel and client. P. 4, Section 3(D).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

Lincoln County will create line-item in its annual budget for the costs of investigators and experts. The Public Defender shall have sole discretion. A separate budget will be created for appointed counsel. Of which, appointed counsel may request disbursement by application for funds. P. 6, Section 7.

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Qualified Attorneys providing services to eligible clients shall ensure, the extent practicable, consistency in representation such that the same attorney represents a defendant through every stage of the case. P. 5, Section 5(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. P. 5, Section 5(A).

Davis Required Language (Sec. 29(2)): Required language set forth. P. 5, Section 5(A).

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. P. 5, Section 5(E).

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Lincoln County will create a line-item in its budget for payment of appointed conflict public defenders. Conflict public defenders will submit requests to the Department for review of billing. P. 6, Section 7.

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

Lincoln County providers of indigent defense services shall submit caseload and time reporting as required by the regulations. P. 8, Section VII(A).

Exhibit 7: Lyon County Review

DIDS Review-- Lyon County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender’s Office	\$937,000
Conflict Counsel	\$550,000
Litigation Expenses	\$150,000
Total:	\$1,637,000.00

Lyon County Maximum Contribution (Sec 19): **\$818,933.08**

State Expense: **\$818,066.92**

Original Estimate: \$1,130,500.00 (in our Budget request to the legislature, we requested \$311,566.92 for Lyon)

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Lyon County shall use a selection committee composed of the County Manager, the Comptroller, and the Human Resources Director. The selection committee may, through a formal request for proposals or through other means, request information from Qualified Attorneys regarding their experience, workload capacity, fee structure, and other material information. The committee shall weigh these and other relevant factors (in Temp Reg 24(1)(c)) in identifying the Qualified Attorneys with whom it would be in Lyon County’s best interest to contract, and the terms of such contracts. The selection committee may utilize outside counsel for assistance during any portion of the selection process, and during the drafting and negotiation of contracts with Qualified Attorneys. In addition, the selection committee may seek input from the Department. The selection committee shall present all proposed contracts to the Board of County Commissioners for approval. No contract shall be effective unless and until it is approved by the Board of County Commissioners. See Plan, Section III (A), p. 1-2

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): A Pretrial Services Officer may be utilized to assist with screening for indigence. The Pretrial Screening Officer shall use the screening form attached to the Plan. The screening shall occur within 48 hours of arrest. Indigence determinations are ultimately the responsibility of the Appointing Authority.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The Appointing Authority will make the indigency determination. Walther Law Offices will serve as the primary public defender and shall be assigned to represent all Eligible Clients, except if there is a conflict of interest. See Plan, Section V, p. 3. If there is a conflict, Walther Law Office will immediately notify the Department for selection of a Qualified Attorney. See Plan, Section V, p. 3-4. Lyon

County has created a panel of attorneys for conflict appointment and is continuing to increase the number of attorneys on the list.

Distribution of Cases (Sec. 25(3)): DIDS shall use a rotation system insofar as practicable, but shall ultimately have discretion to make assignments on any legitimate basis, including without limitation, qualifications, interest, track record of responsiveness and dependability in accepting assignments, feedback from Eligible Clients, feedback from Lyon County officials, and capacity to take on work. See Plan, Section V(2), p. 4.

Initial Appearance (Sec. 25(4)): Walther Law Offices shall provide Representational Services for all Eligible Clients who are in custody and require a bail hearing. If there is a conflict, Walther Law Offices shall limit the scope of its representation and shall only advocate for the Eligible Client's best interests at the bail hearing and shall advise the Eligible Client of the limited scope of such representation. See Plan, Section VI(G), p. 6.

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

The Plan provides information on how to set up a confidential meeting in the jail. See Plan, Section VII, p. 7.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

Case-Related Expenses expected to exceed \$2,500 shall be submitted to the Department for pre-authorization. All expenses, whether subject to pre-authorization are subject to the Department's review for reasonableness. The Department shall approve all reasonable and necessary Requests for Case-Related Expenses and shall notify the Lyon County Comptroller's Office for payment. Lyon County will set aside \$150,000 for this purpose. See Plan, Section VII(B), p. 8.

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Qualified Attorneys providing services to eligible clients shall ensure, the extent practicable, consistency in representation such that the same attorney represents a defendant through every stage of the case; provided that attorneys may delegate appropriate administrative tasks to support staff, or may assign more than one (1) attorney to represent an Eligible Client as necessary provided it would not prejudice the rights or defense of the Eligible Client. See Plan, Section VI(B), p. 5.

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. See Plan, Section VI(A), p. 5.

Davis Required Language (Sec. 29(2)): Required language set forth. See Plan, Section VI(F), p. 6.

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. See Plan, Section VI(F), p. 6.

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Lyon County shall use the Department to serve as an Appointed Counsel Administrator. The process for payment is contained in Section VII(A), p. 7 of the Plan. Once the Department has approved an attorney billing, the Lyon County Comptroller shall issue payment within 10 days of receipt.

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

To the extent required by the Department’s Board, Qualified Attorneys providing indigent defense services under this plan shall maintain caseload and track time spent providing indigent defense services in accordance with Sections 46 and 47 of the Regulations. Plan, Section VI(C), p. 5.

Exhibit 8: Mineral County Review

DIDS Review -- Mineral County Plan

Meet Standards **Does Not Meet Standards**

Estimated Cost of the Plan:

Public Defender’s Office	\$117,000
Conflict Public Defender Office (pursuant to 7.125)	\$10,000
Second Tier Conflict Public Defenders Office (paid hourly rate pursuant to 7.125)	\$5,000
Services and Supplies	\$2,000
Counsel Administrator (10 hrs/wk at \$25 @ 31 weeks plus taxes)	\$9,000
Experts/Investigators	\$30,000
Total: \$173,000	

Mineral County Maximum Contribution (Sec 19): **\$91,813.00**

State Expense: **\$81,187**

Original Estimate: \$118,937.00 (in our Budget request to the legislature, we requested \$27,124.00 for Mineral)

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards **Does Not Meet Standards**

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards **Does Not Meet Standards**

The selection of the Public Defender shall be selected by the County Commissioners. P. 10 (Section V(G)). The First Tier Conflict Public Defender (p. 12, Section VI(I)); the Second Tier Conflict Public Defender (p. 14, Section VII(I)); and the Panel Attorneys (p. 16, Section VIII(M)) shall be selected by the County Commissioners in consultation with the Counsel Administrator.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards **Does Not Meet Standards**

Indigency Screening (Sec. 25(1)): The Court Administrator shall conduct a screening and provide the recommendation to the Court. (P. 5, Section IV(D)(2). The screening will occur within 48 hours, but this requirement is contingent upon BIDS approving funding for the Counsel Administrator position. (P. 7, Section IV(D)(4)).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The judge shall appoint counsel, if eligible. (p. 8, Section IV(E)).

If the Public Defender determines there is a conflict, a motion must be written to the Court. If the Court believe the motion has merit, the Court shall appoint the First Tier Conflict Public Defender. (p. 9, Section V(B)). There is a similar process for conflicts of the First Tier Conflict Public Defender (p. 11, Section VI(B)), wherein the Court will automatically appoint the Second Tier Public Defender. If the Second Tier Public Defender (p. 12, Section VII(B)) or the Panel

Attorneys (p. 14, Section VIII(B)) have a conflict, the process is modified where the Court asks the Appointed Counsel Administrator for a recommendation.

Distribution of Cases (Sec. 25(3)): rotational basis. (p. 8, Section IV(E)).

Initial Appearance (Sec. 25(4)): Public Defender shall provide representation at the first appearance. (p. 8, Section IV(G)). Counsel at first appearance must be prepared to address conditions of release. (p. 9, Section IV(G)).

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

The Plan provides that the courthouse has the jury room and commissioner rooms that are available to any attorney who has an ongoing case and needs to meet with the client. The jail will allow visits between counsel and their clients in the meeting room in the jail and/or jury room depending upon availability. (p. 9, Section V(D)).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

The Public Defender has a line item within his budget for this purpose. (p. 10, Section V(G)).

The First Tier Conflict Public Defender (p. 12, Section VI(G)) and the Second Tier Public Defender (p. 13, Section VII(G)) have the same process. Each must submit a request for payment to the counsel administrator who will then recommend approval or denial. Counsel Administrator will submit the Recommendation to the County for Payment. If the Counsel Administrator Modifies or Denies a request, the request can be submitted to the Court for review.

The Panel Attorneys must submit a request for payment to the Counsel Administrator who will then recommend approval or denial. If approved, Counsel Administrator will submit the request to the County for payment. (p. 17, Section VIII(U)). If there is a dispute, the Court will determine if the voucher will be paid.

This process is also mapped out within the specific duties of the Counsel Administrator. See p. 18-19, Section XI(C).

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Plan requires representation to be vertical. (p. 9, Section IV(H) and (p. 17, Section X(B)).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. (p. 16, Section X(A)).

Davis Required Language (Sec. 29(2)): Required language set forth. (p. 16, Section X(A)).

Client surveys (Sec 29(3)): Surveys must be provided as authorized by BIDS. (p. 17, Section X(F)).

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

The Public Defender is compensated through the County's accounts receivable process. (p. 10, Section V(G). First Tier Conflict Public Defender (p. 11, Section VI(F)) and Second Tier Public Defender (p. 13, Section VII(F)) are compensated at the statutory rate.

Panel attorneys will be compensated at the statutory rate through the County's vouchering process. The attorney will submit a request for reimbursement on a monthly basis to the Court Administrator. The Court Administrator will recommend approval or denial of the request to the County Commissioners. (p. 15, Section VIII(J)). If there is a dispute the Court will determine if the voucher shall be paid. See also (p. 19, Section XI(C)) Approval of Attorney's Fees).

9. Caseload Reporting (Section 46)

Meet Standards

Recommendations

Providers of Indigent Defense Services as required to maintain data through the data collection and case management services provided by the Department at State expense for caseload and time reporting. (p. 20, Section XIII)

Exhibit 9: Nye County Review

DIDS Review-- Nye County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Contract Attorneys	\$750,000
Litigation Expenses	\$100,000
Appointed Counsel Program Coordinator	\$75,000
Total:	\$925,000
Nye County Maximum Contribution (Sec 19):	\$828,596.55
State Expense:	\$96,403.45
Original Estimate: \$950,000 (in our Budget request to the legislature, we requested \$121,403.46 for Nye)	

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Nye County will annually recruit attorneys to provide indigent defense services on a contract basis. The Appointed Counsel Program Coordinator will establish an Appointed Counsel Selection Committee to review qualifications. The selection committee will determine if an attorney is qualified to enter into a contract. P. 5-6.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): The Appointed Counsel Program Coordinator or Court Administration may conduct screening no later than 48 hours after arrest. P. 3, Section 3(E)(ii).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Counsel shall be appointed promptly after a judge or master finds a defendant is eligible. P. 4, Section 3(E)(ii). The Appointed Counsel Program Coordinator will select the attorney for appointment once notified by the Court. P. 12, Section 7(B).

Distribution of Cases (Sec. 25(3)): Cases shall be assigned on a rotational basis from the list of qualified attorneys. P. 12, Section 7(b)(iii).

Initial Appearance (Sec. 25(4)): The Appointed Counsel Program Coordinator shall provide Representational Services for all Eligible Clients who are in custody and shall be prepared to address appropriate released conditions. P. 11, Section 6(D).

- 4. Confidential Communications (Sec. 26):**

Meet Standards

Does Not Meet Standards

The Plan provides information on the facilities available for privileged communications. P. 9, Section 4(F).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

Nye County will budget for case-related expenses. Expenses in excess of \$2,500 must be submitted to the Coordinator for pre-authorization before incurred. P. 9, Section 4(E).

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Consistency in representation required by the Plan. P. 10, Section 6(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. See p. 10, Section 6(A).

Davis Required Language (Sec. 29(2)): Required language set forth. See p. 10, Section 6(A).

Client surveys (Sec 29(3)): Qualified Attorneys must ensure clients are notified of and encouraged to participate in client surveys authorized by the Department. See p. 11, Section 6(G).

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Contracted Counsel are paid quarterly. P. 8, Section 4(C). Appointed Counsel shall submit billing to the Appointed Counsel Program Coordinator for payment. P. 8, Section 4(B)(iv).

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

Appointed Counsel shall report caseload data and time as promulgated by the Regulations of the Board. P. 11, Section 6(H).

Exhibit 10: White Pine County Review

DIDS Review

White Pine County Plan*

*The White Pine County Plan is a Proposal and has not yet been approved by the White Pine Board of County Commissioners. It is tentatively scheduled for the Board meeting on October 13, 2021.

Meet Standards

Does Not Meet Standards

Contract Attorneys	3 PD contracts @ \$164,430	\$493,290.00
Investigators for PD Office		\$300,000
Experts for PD Offices		\$200,000
Investigators for Conflict Counsel		\$100,000
Experts for Conflict Counsel		\$50,000
Conflict Counsel		\$75,000
Total:		\$1,218,290.00
White Pine County Max Contribution (Sec 19):		\$452,400
State Expense:		\$765,890
Original Estimate:	\$549,800 (in our Budget request to the legislature, we requested \$97,400 for White Pine)	

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Section 3 describes the hiring Plan. The Board of Commissioners request proposals with specifications that meet or exceed NAC 180 § 2-50. P. 1.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): County, or its designee, will screen detainees not later than 48 hours after arrest. Section 4. P. 2.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): once a judicial officer determines that the criminal detainee is qualified to receive indigent defense services, a member of the Firm will be there for the first appearance or bail hearing. Section 4, p. 2. If there is a conflict with the Firm, the firm will provide immediate notice to DIDS for selection of new counsel. Section 4, p. 2.

Distribution of Cases (Sec. 25(3)): Conflict cases shall be assigned on a rotational basis from the list of qualified attorneys. P. 3, Section 4.

Initial Appearance (Sec. 25(4)): providers of indigent defense services will be present in court and prepared to address matters. P. 3, Section 5.

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

Plan provides information on the location of facilities for confidential communications. P. 4, Section 6.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

County will set aside funding for experts and investigators which will be administered by the Department. Section 7, p. 4.

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Consistency in representation required by the Plan. Section 8, p. 4.

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. P. 5, Section 9

Davis Required Language (Sec. 29(2)): Required language set forth. P. 5, Section 9

Client surveys (Sec 29(3)): Surveys will be provided to clients. P. 5, Section 9

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

Payment of fees of Hourly and Capital Case appointed attorneys shall be approved by the Department. P. 5, Section 10.

9. Caseload Reporting (Section 46)

Meet Standards **Does Not Meet Standards**

Section 12 requires attorneys to use LegalServer. Request clarifying language in the footnote of page 5 that LegalServer does not need to be used for billing, but attorneys must still use it pursuant to Section 12.

Exhibit 11: Elko County Review

DIDS Review-- Elko County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender's Office	\$1,776,795
Appointed Indigent Defense	\$300,000
Total:	\$2,076,794

Elko County Maximum Contribution (Sec 19): \$1,790,273 (Elko is requesting to modify their maximum contribution – as they reported municipal expenses as well as 432B)
State Expense: \$286,521

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Elko County does not hire contract attorneys. Elko County employs a Public Defender.

In the future, Elko County may contract with private attorneys for conflict purposes. The process is set forth on page 8, Section V(G).

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): Elko County Sheriff's Office or other law enforcement will be responsible for the initial screening within 48 hours. P. 3 Section III(E)(2).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Elko Public Defender will be first line of appointment. If there is a conflict, the Public Defender will contact the Appointed Counsel Program Coordinator to select counsel from the panel list. P. 4, Section IV.

Distribution of Cases (Sec. 25(3)): Public Defender Office is used in Elko. Not applicable.

Initial Appearance (Sec. 25(4)): Elko PD will be present for all initial appearances/arraignments and prepared to address appropriate released conditions. p. 5, Section IV(D). If there is a conflict, the appointed counsel coordinator will assign an attorney from the list to be present.

- 4. Confidential Communications (Sec. 26):**

Meet Standards

Does Not Meet Standards

The County will provide accommodations for confidential communications. P. 10, Section VIII.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards

Does Not Meet Standards

Public Defender shall have a budget to pay for such fees. P. 5, Section IV(F).

For Appointed Counsel, Elko County will establish a case-related expense budget independent of the judiciary for such expenses. Case-related expenses exceeding \$2,500 must be submitted to the Appointed Counsel Coordinator for pre-authorization. Final expenses will be reviewed by the Appointed Counsel Coordinator for reasonableness and submitted to the Elko County Fiscal Affairs Office for Payment. P. 7, Section V(2).

6. Vertical Representation Requirement (Sec 28):

Meet Standards

Does Not Meet Standards

Plan requires consistency in representation, to the greatest extent possible. Administrative and other tasks that do not affect the rights of the defendant may be delegated, if necessary. p. 10, Section VII(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards

Does Not Meet Standards

Standard (Sec. 29(1)): Required language set forth. See p. 9, Section VII(A).

Davis Required Language (Sec. 29(2)): Required language set forth. See p. 9, Section VII(A).

Client surveys (Sec 29(3)): Counsel shall ensure that any client surveys authorized by BIDS are provided to clients at the conclusion of representation. P. 10, Section VII(F).

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

Compensation for appointed counsel are to be filed with the Appointed Counsel Program Administrator. The process is set forth, p. 6, Section V(C).

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

To the extent required by the Board, Attorneys providing indigent defense services under the plan shall maintain caseload data and track time spent providing indigent defense services in accordance with the regulations. P. 10, Section VII(C)(3).

Exhibit 12: Humboldt County Review

DIDS Review -- Humboldt County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender's Office	\$337,590
Alt Public Defender Counsel	\$247,640
Total:	\$585,230
Humboldt County Max Contribution (Sec 19):	\$474,345
Estimated State Expense:	\$110,885

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

Humboldt County does not hire contract attorneys. Humboldt County employs a Public Defender and a Conflict Public Defender.

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): A Pretrial Services Officer will screen for indigency within 48 hours. P. 3, Section III(E)(2).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The Appointing Authority will make the indigency determination. The Alternate Public Defender will handle all first appearances, Valdez-Jiminez hearings, 48 hour hearings, and 72 hour hearings. See 5, Section V(B); p. 6, Section V(D). The Public Defender is appointed to all indigent adults charged with a felony or gross misdemeanor and adult specialty courts. The Alternate Public Defender will handle all other cases. If there is a conflict, the Public Defender and Alt Public Defender will file a motion with the court and the case will automatically be transferred to the Alt PD from the PD or the PD from the Alt PD. If both offices are conflicted out, the office will file a motion with the Court and notify the Department of Indigent Defense Services for appointment of private counsel from the list of qualified counsel. See p. 6, Section VI(A) and VI(B).

Distribution of Cases (Sec. 25(3)): Public Defender Office is used in Humboldt. Not applicable.

Initial Appearance (Sec. 25(4)): Humboldt Alt PD will be present for all initial appearances/arraignments and prepared to address appropriate released conditions. P. 6, Section VI(D).

- 4. Confidential Communications (Sec. 26):**

Meet Standards

Does Not Meet Standards

The Plan provides information on how to set up a confidential meeting in the jail, private rooms in the courthouse. The detention center also has private rooms for telephone conferences. See p. 10, Section IX.

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards

Does Not Meet Standards

PD and Alt PD each have a budget within the office for expert witness fees, witness fees, witness travel costs, and investigation costs. P. 6, Section V(F). Appointed Counsel shall submit requests for case related expenses which exceed \$1,000.00 to DIDS for approval. P. 7, Section VI(D).

6. Vertical Representation Requirement (Sec 28):

Meet Standards

Does Not Meet Standards

Plan requires consistency in representation, to the greatest extent possible. Administrative and other tasks that do not affect the rights of the defendant may be delegated, if necessary. P. 9, Section VIII(B).

7. Standards of Representation (Sec. 29(1)):

Meet Standards

Does Not Meet Standards

Standard (Sec. 29(1)): Required language set forth. See p. 8, Section VIII(A).

Davis Required Language (Sec. 29(2)): Required language set forth. See p. 9, Section VIII(A).

Client surveys (Sec 29(3)): Counsel shall ensure that any client surveys authorized by BIDS are provided to clients at the conclusion of representation. P. 10, Section VIII(F).

8. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

Private counsel shall submit claims to DIDS for review and approval on an interim basis. Once approved and reviewed by DIDS, they will be sent to the Humboldt County Comptroller for payment. P. 7, Section VI(C).

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

Humboldt county will utilize data collection and case management systems provided by DIDS at state expense for caseload and time reporting. P. 10, Section IX.

Exhibit 13: Pershing County Review

DIDS Review -- Pershing County Plan

Meet Standards

Does Not Meet Standards

Estimated Cost of the Plan:

Public Defender's Office	\$270,000
Conflict Public Defender Office	\$54,000
Second Tier Conflict Public Defenders Office	\$15,000
Third Tier Conflict Public Defender	\$5,000
Panel Attorneys	\$5,000
Counsel Administrator	\$50,000
Expenses	\$20,000
Total:	\$419,000.00

Pershing County Maximum Contribution (Sec 19): \$246,998.51

State Expense: \$172,001.49

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter "Sec."]).**

Meet Standards

Does Not Meet Standards

- 2. Plan for hiring contractor attorneys (Sec. 24):**

Meet Standards

Does Not Meet Standards

The selection of the Public Defender shall be selected by the County Commissioner in consultation with the Counsel Administrator. P. 10 (Section V(I)). The same is true for the First Tier Conflict Public Defender (p. 12, Section VI(I)); the Second Tier Conflict Public Defender (p. 12, Section VII(I)); and the Third Tier Conflict Public Defender (p. 15, Section VIII(R)); and the Panel Attorneys (p. 17, Section VIII(W)).

- 3. Appointment of Counsel (Sec. 25)**

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): The Court Administrator shall conduct a screening and provide the recommendation to the Court. (P. 5, Section IV(D)(2). The screening will occur within 48 hours. (P. 7, Section IV(D)(4)).

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): The judge shall appoint counsel, if eligible. If the judge determines that the private attorney recommended to be appointed is not suitable for the particular case, they will contact the Counsel Administrator to ask for the next in rotation. (p. 8, Section IV(E)).

If the Public Defender determines there is a conflict, a motion must be written to the Court. If the Court believe the motion has merit, the Court shall appointed the First Tier Conflict Public Defender. (p. 9, Section V(B)). There is a similar process for conflicts of the First Tier Conflict Public Defender (p. 11, Section VI(B)); Second Tier Public Defender (p. 12, Section VII(B)). If the Third Tier Public Defender (p. 14, Section VIII(K)) or the Panel Attorneys (p. 16, Section

VIII(B)) have a conflict, the process is modified where the Court asks the Appointed Counsel Administrator for an attorney for appointment.

Distribution of Cases (Sec. 25(3)): rotational basis. (p. 8, Section IV(E)).

Initial Appearance (Sec. 25(4)): Public Defender shall provide representation at the first appearance. (p. 8, Section IV(G)). Counsel at first appearance must be prepared to address conditions of release. (p. 9, Section IV(G)).

4. Confidential Communications (Sec. 26):

Meet Standards **Does Not Meet Standards**

The Plan provides that the courthouse has two meetings rooms that are available to any attorney who has an ongoing case. The jail will allow visits between counsel and their clients in the meeting room in the jail. (p. 10, Section V(D)).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards **Does Not Meet Standards**

The Public Defender has a line item within his budget for this purpose. (p. 10, Section V(G)).

The First Tier Conflict Public Defender (p. 11, Section VI(G)); Second Tier Public Defender (p. 13, Section VII(G)); the Third Tier Public Defender (p. 15, Section VIII(G)), and the Panel Attorneys (p. 17, Section VIII(U)) have the same process. Each must submit a request for payment to the counsel administrator who will then recommend approval or denial. The approval will be paid through the county vouchering process. If there is a dispute, the Court will determine if the voucher will be paid.

The specific duties of the Appointed Counsel Administrator are set forth in Section XI(C). See p. 20-21.

6. Vertical Representation Requirement (Sec 28):

Meet Standards **Does Not Meet Standards**

Plan requires representation to be vertical. (p. 9, Section IV(H) and (p. 18, Section X(B)).

7. Standards of Representation (Sec. 29(1)):

Meet Standards **Does Not Meet Standards**

Standard (Sec. 29(1)): Required language set forth. (p. 18, Section X(A)).

Davis Required Language (Sec. 29(2)): Required language set forth. (p. 18, Section X(A)).

Client surveys (Sec 29(3)): Surveys must be provided as authorized by BIDS. (p. 19, Section X(F)).

8. Prompt Compensation (Section 43)

Meet Standards **Does Not Meet Standards**

The First Tier Conflict Public Defender (p. 11, Section VI(E)); Second Tier Public Defender (p. 13, Section VII(F)); and the Third Tier Public Defender (p. 15, Section VIII(O)) is compensated through a rate set by the County Commissioners.

Panel attorneys will be compensated at the statutory rate through the County’s vouchering process. The attorney will submit a request for reimbursement on a monthly basis to the Court Administrator. The Court Administrator will recommend approval or denial of the request to the County Administrator. (p. 17, Section VIII(S)).

9. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

Providers of Indigent Defense Services as required to maintain data through the data collection and case management services provided by the Department at State expense for caseload and time reporting. (p. 21, Section XIII)

Exhibit 14: Storey County Review

DIDS Review -- Storey County Plan

Meet Standards

Does Not Meet Standards

Expenses

Estimated Cost of the Plan: \$ Not Provided
Storey Maximum Contribution (Sec 19): \$89,545.52
Estimated State Contribution: \$ Not Provided

→ **Recommendation:** Assist Storey County to estimate the cost to carry out the plan.

10. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Temporary Regulation of the Board on Indigent Defense Services Section 23 [hereinafter “Sec.”]).

Meet Standards

Does Not Meet Standards

The Plan, as currently written, allows judicial oversight (senior judges or judge pro tempore) for the approval of requests for compensation of indigent defense experts as well as the billing of appointed counsel. See p. 6, Section 8(e)(3) and p. 8, Section 11(c)(1)(iii).

→ **Recommendation:** Assist Storey County to develop an appropriate designee or encourage use of the Department.

11. Plan for hiring contractor attorneys (Sec. 24):

Meet Standards

Does Not Meet Standards

Storey County uses the Nevada State Public Defender and does not hire contractor attorneys.

12. Appointment of Counsel (Sec. 25)

Meet Standards

Does Not Meet Standards

Indigency Screening (Sec. 25(1)): The screening for indigency must be conducted by the Storey County Sheriff’s Office, or other court or law enforcement personnel within 48 hours, or sooner as required by applicable law or “within the time frame directed by the Court.” P. 4, Section 6(a).

→ **Recommendation:** Ensure the plan provides that a screening will occur within 48 hours.

Prompt Appointment and handling a Conflict of the PD (Sec. 25(2)): Unless there is a clear conflict, the Public Defender will be selected for the case by the indigent defense coordinator. P. 5, Section 8(d). If there is a conflict, the public defender will notify the indigent defense coordinator to reassign the case. P. 5, Section 8.

Distribution of Cases (Sec. 25(3)): The indigent defense coordinator will use best efforts to balance the number of cases assigned to each conflict counsel by fairly rotating through the list. P. 5, Section 8(d). If no conflict counsel is available, the Court may appoint any attorney who, in the Court’s discretion will provide competent representation. P. 6, Section 8(e).

→ **Recommendation**: Remove language from the Plan which allows the indigent defense coordinator to select attorneys that are not on the Department list of attorneys. The law requires the Department maintain a list of attorneys eligible to provide appointed or contract indigent defense services in the rural counties. NRS 180.430. Attorneys that are not included on the list may not provide appointed indigent defense services in the rural counties. Plans must require that indigent defense services representation be compliant with, among other things, the regulations of the Board on Indigent Defense Services. Section 29(1). The regulations require attorneys to apply with the Department prior to practicing indigent defense services in the rural counties. See Section 32. It is recommended that such language allowing appointment of attorneys outside of the list be eliminated as it is not in compliance with the law.

Initial Appearance (Sec. 25(4)): Missing language

→ **Recommendation**: Ensure required language is in the Plan. Request the following language is added: appointed attorneys must be present at initial appearances and arraignments are expected to be prepared to address appropriate release conditions in accordance with relevant statute, rule of criminal procedure, and caselaw. A timely initial appearance or arraignment must not be delayed pending a determination of the indigency of a defendant.

13. Confidential Communications (Sec. 26):

Meet Standards

Does Not Meet Standards

Facilities are available including meeting rooms outside each courtroom and private meeting space at the jail. P. 10, Section 15(c).

14. Ensure Resources to conduct an independent investigation and hire experts (Sec. 27):

Meet Standards

Does Not Meet Standards

Storey County will employ an indigent defense coordinator. Requests up to \$1,000 may be incurred without pre-authorization of the coordinator. Expenses over \$1,000 must be submitted through the coordinator to a Senior judge or judge pro tempore for review and approval. If the request is denied, a motion can be filed with the Court. P. 8, Section 12(d)(iii).

→ **Recommendation**: Assist Storey County to develop an appropriate designee or encourage use of the Department.

15. Vertical Representation Requirement (Sec 28):

Meet Standards

Does Not Meet Standards

The Plan expects attorneys to ensure that the attorney appointed to represent an indigent person is expected to represent that person through every stage of the case. P. 10, Section 16(j).

16. Standards of Representation (Sec. 29(1)):

Meet Standards

Does Not Meet Standards

Standards of Representation 29(1): required language included. P. 10, Section 16(g).

Davis Required Language (Sec. 29(2)): missing language.

Client surveys (Sec 29(3)): Plan requires surveys to be distributed as required by the Board of Indigent Defense Services. P. 10, Section 16(d).

→Recommendation: Ensure required language is in the Plan.

17. Prompt Compensation (Section 43)

Meet Standards

Does Not Meet Standards

Storey County will employ an Indigent Defense Coordinator. Appointed counsel will submit requests for compensation through the indigent defense coordinator. The coordinator will submit the request to a senior judge or a judge pro tempore for review and approval. If the request is denied, counsel may file a motion with the appropriate court. P. 7, Section 11(c).

→Recommendation: Assist Storey County to develop an appropriate designee or encourage use of the Department.

18. Caseload Reporting (Section 46)

Meet Standards

Does Not Meet Standards

The Plan requires attorneys to make arrangements for required caseload and time reporting. P. 10, Section 15(b).