

Soval Solutions, LLC

Final Draft Deliverables

Prepared for the Nevada
Department of Indigent Defense Services

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Tasks

From September, 2020 to June, 2021, Soval Solutions has served as a data analyst with the Nevada Department of Indigent Defense Services (DIDS) working on several lines of effort. As described below, several of the contracted tasks have been completed and the work products are currently being utilized by DIDS and rural counties. In other cases, the tasks have been partially completed, or no work on the task was completed. This is largely due to the short time period between the contract start date and the end of the 2021 state fiscal year. Needless to say, the coronavirus pandemic also slowed work to some degree.

It is suggested that the data analyst role continue to be supported so that work on ongoing tasks can be completed. The presence of a data analyst will provide DIDS with a resource in the face of unanticipated needs during the 2022 state fiscal year. More generally, the presence of a data analyst into the 2022 fiscal year will help ensure that DIDS meets its obligations under the Davis v Nevada Settlement Consent Judgment. Below is a brief overview of each task engaged in by Soval Solutions, as well as a status update indicating next steps and recommendations.

1. Annual Reporting Form

Overview. Soval Solutions worked with DIDS staff to create Quarterly Financial Status Report, which will be distributed to counties on a quarterly basis. The form will be used to identify quarterly expenditures for defense services. Information will be used to determine state compensation to counties for defense service expenditures and will be used to set future budget requests. See Appendix A for more information.

Next Steps and Recommendations. The form is now available online. The form should be accessed by/distributed to counties for their use.

2. Data Collection with National Center for State Courts (NCSC)

Overview. Served as liaison for data request to Nevada Administrative Office of the Courts (AOC). Data were used to determine whether current data collection mechanisms in rural Nevada courts had utility in the NCSC caseload study. The goal was to explore the potential for AOC data to supplement the attorney caseload data with administrative data. See Appendix B for more information.

Next Steps and Recommendations. Data from the Nevada AOC were not utilized by the NCSC in its study. NCSC is currently in the process of analyzing data from its attorney caseload study.

3. Counties Maximum Contributions

Overview. Soval Solutions worked with DIDS to collect county-level budget data to determine historical expenditures on indigent defense in rural counties. Formula for contributions was established early in contract period.

Next Steps and Recommendations. Formula is now in use. As information from Annual Report Form is submitted, DIDS staff and data analyst may examine whether alterations to maximum contribution formula are warranted.

4. Client Satisfaction Survey

Overview. Soval Solutions developed several versions of a client satisfaction survey. The initial draft was based on 2018 Public Defenders Service survey included as appendix in Davis v Nevada Settlement Consent Judgment. Subsequent iterations were based on several peer-reviewed articles. The final draft created after discussions about specific purposes of the client survey. A Spanish version of this survey was also created. The survey largely consists of questions with responses along a Likert type scale. There were discussions of whether to include a free text box for clients to add more general statements about their public defender. However, after deliberation, it was decided that there are already several avenues through which indigent defendants can lodge complaints about their representation. Further, there are currently limitations on the information that DIDS staff can process, without the presence of a dedicated data analysts. Therefore, it was decided that a free text box would not be included in the survey. See Appendix C for copies of the surveys.

Next Steps and Recommendations. The next step will be to determine appropriate methods for the delivery of the survey to clients. The most likely method of administration is for the public defender to mail the survey to defendants with sentencing documents. Alternative delivery methods may include an online survey through Helpful Algorithms and Logic (HAL), the state's online database. The data analyst can provide guidance on survey administration as this process unfolds.

According to the in Davis v Nevada Settlement Consent Judgment, "Defendants shall establish a system for issuing client surveys to indigent defendants and incorporating client survey feedback into Defendants' responsibility for reviewing the manner in which indigent defense services are provided throughout the state." To meet this requirement, it will be critical that data from the client satisfaction survey be properly analyzed and interpreted. A data analyst can provide technical expertise to ensure that data are effectively incorporated into official decision-making processes with DIDS and across public defenders offices in Nevada.

5. Attorney Monitoring/System Performance

Overview. Soval Solutions helped develop several methods for assessing attorney performance, including an attorney self-rating questionnaire, a supervisor rating form, and a court observation form. Initial drafts of documents were updated based on strategic communications about how to best assess attorney performance and needs, as well as system-level performance and needs. See Appendix D for more information.

Next Steps and Recommendations. The next step will be to determine appropriate methods for the delivery of the tools. The most likely method of administration of the attorney self-rating

questionnaire is through an online survey through HAL. Supervisor rating forms and court rating forms can also be developed and used to collect data that will be housed in HAL.

Soval Solutions recommends that the self-rating form and the supervisor rating form be completed at roughly the same time. For example, it may be beneficial that both forms be completed within a two-week window annually. This would ensure that the attorney and supervisor are both working from contemporaneous information when they complete the forms. It is also recognized that some sort of incentive or requirement may be necessary in order for attorneys to complete the forms. Incentives can include drawings for gift cards, or perhaps a reduction in bar dues (pending agreement from the State Bar of Nevada).

For court observations, it may not be possible for DIDS staff to be present at each county within the two-week window in which self-rating forms and supervisor forms are completed. Therefore, court observations may need to take place outside the two weeks. If in-person court observations are utilized, it may be beneficial to increase DIDS staff to accommodate the increased workload on current staff. Further, travel budgets will likely need to be increased to facilitate the process.

Once again, the presence of a data analyst may enhance the administration of the attorney self-rating questionnaire, the supervisor rating form, and the court observation form. The data analyst can provide guidance on the administration of these tools, as well as guide data analysis to ensure proper interpretation and use of the data.

6. Wage Salary Survey

Overview. Soval Solutions collected data from publicly-available sources about pay for public defenders and prosecutors. Data is to be used to make comparison of salaries for both sets of individuals. The data analyst looked into federal sources of data such as the Bureau of Labor Statistics but was unable to find anything of use. See Appendix E for more information.

Next Steps and Recommendations. To fully assess attorney pay in rural Nevada, additional effort is needed. To date, Soval Solutions and DIDS staff have examined various variables that might inform the need to adjust hourly rates for conflict and contract attorneys as well as perhaps adjust annual salaries for public defenders. Nevada last set its hourly contract rate at \$100/hour in 2003. According to the Bureau of Labor Statistics Consumer Price Index calculator, \$100 in 2003 dollars would be equal to about \$148 in 2021 dollars. A contract rate of \$150 in Nevada would cover the cost of inflation from 2003 to 2021. Further, if a \$150/hour is adopted in Nevada, the state should also consider setting regular increases, similar to annual cost of living adjustments. The federal defender system currently adopts this approach.

In addition to setting competitive pay for rural defenders, it is critical to attract young lawyers to work as public defenders in rural Nevada. The data analyst and DIDS staff have examined various programs that might be implemented to attract legal talent to rural areas of the state. It is possible that a survey of law students regarding their thoughts on rural practice will yield information about what types of incentives would encourage young lawyers to serve as public defenders in rural areas. In the end, if legislation on this point is introduced, a fiscal note

analysis may be required. In sum, the continuation of the data analyst position will allow this work to continue unimpeded.

Appendix A. Annual Reporting Form

A screenshot from the Annual Reporting Form is presented below. For a full version of the form, please visit:

https://dids.nv.gov/uploadedFiles/didsnvgov/content/Annual_Report/Annual%20Financial%20Status%20Report.xlsx

#	A	B	C	D	E	F	G	H	I	J	K	L
1	Nevada Dept of Indigent Defense Services											
2	Financial Status Report											
3												
4	Name and Address of Individual Completing Report:											
5	Name:											
6	Address:											
7												
8	Report Period: Quarter 1, 2021											
9	Start Date: 1-Jan-21											
10	End Date: 30-Mar-21											
11												
12	Expenditure Categories:											
13	Attorneys (Include Salary and Benefits)											
14	Salaried Position Costs \$ 0											
15	Contract Position Costs \$ 0											
16	Total Attorney Costs (Sum of Salaried and Contract) \$ 0											
17												
18	Paralegal Staff \$ 0											
19												
20	Administrative Staff \$ 0											
21												
22	Investigators \$ 0											
23												
24	Experts \$ 0											
25												
26	Social Workers \$ 0											
27												
28	Travel \$ 0											
29												
30	Training \$ 0											
31												
32	Supplies \$ 0											
33												
34	Construction/Lease Costs \$ 0											
35												
36	Other (please describe below) \$ 0											
37												
38	Total \$ 0											
39												
40												
41	Remarks/Notes:											
42												
43												
44												
45												
46												
47												
48	Certification: I certify that to the best of my knowledge and belief this report is correct and complete and that all expenditures are for the purposes of indigent defense services as defined in NRS 180.004.											
49												
50												
51												
52	Authorizing Signature											
53	Date											
54	Email											
55												
56	Position											
57	Phone											
58												
59												

Instructions
Q1 2021
Q2 2021
Q3 2021
Q4 2021
Death Penalty Cases

Appendix B. Data Collection with National Center for State Courts (NCSC)

Below is a copy of the data request that was submitted to the Nevada Administrative Office of the Courts to assist in the weighted caseload study that was conducted by the National Center for State Courts.

Soval Solutions, LLC is currently working as a contractor for the Nevada Department of Indigent Defense Services (DIDS). Soval Solutions is working with the National Center for State Courts (NCSC) to conduct several analyses to help DIDS develop regulations for rural Indigent Defense Attorneys in the state. As part of this effort, NCSC is conducting a weighted caseload study to determine attorney demand in rural areas.

To obtain a sense of caseloads in rural areas, we seek a breakdown in the number of cases, by county, according to the table below. We would like up-to-date data for the current fiscal year, as well as the three prior fiscal years.

We understand that annual reports may contain some of this information, but our understanding is that annual reports will probably not contain case counts that line up with our preferred categories. We request the data in one of two formats: 1) aggregate number of cases, by county, for each of the categories listed in the table below; or 2) individual-level data sets that would allow a data analyst to classify cases according to the categories below, and then compute aggregate statistics. We are happy to have a phone call or email exchange about which approach is most appropriate in this case.

A. Death penalty case (NRS 193.130)		
B. Non-capital A&B felonies 10+ years (NRS 193.130)		
C. B felonies <10years; C, D & E felonies (NRS 193.130)		
D. Gross misdemeanors (NRS 193.140)		
E. Misdemeanor DUIs		
F. Misdemeanors - domestic violence (NRS 33.018 with penalty set forth in NRS 200.485)		
G. Other misdemeanors, including misdemeanor appeals (NRS 193.150)		
H. Probation violations		
I. Parole violations		
J. Direct appeals of capital convictions (adult)		
K. Direct appeals of non-capital felony convictions and gross misdemeanors (adult) appeals in juvenile cases		
Juvenile appeals		
L. Specialty court cases		
M. Juvenile delinquency cases (NRS 62B.330)		
Juvenile gross misdemeanor (NRS 62B.330)		
Juvenile misdemeanors (NRS 62B.330)		

N. Juvenile child in need of supervision (NRS 62B.320)		
O. Juvenile certification proceedings (NRS 62B.390)		
P. Juvenile probation violations (NRS 62B.340)		
Q. Juvenile parole violations (NRS 62B.340)		
R. NRS Chapter 128 cases (TPR)		
S. NRS Chapter 432B cases (Abuse & Neglect)		
T. NRS Chapter 433A cases (Mental Health Commitment)		
U. NRS Chapter 159 cases (Guardianship)		

Appendix C. Client Satisfaction Survey

Nevada Department of Indigent Defense Services Client Satisfaction Survey

The Nevada Department of Indigent Defense Services wants to learn more about your experiences with your appointed public defender. The responses you give to the survey will be confidential and will not be shared with your attorney or anyone else. The results will help us improve representation for indigent defendants in Nevada. For the first group of questions, please fill in the blank or circle your response.

1. Your name and case number (optional – will be kept confidential)

Name _____ Case No. _____

2. Which county was your case in?

Name: _____

3. What was the name of your appointed attorney?

Name: _____

4. After your arrest, how many days was it until you saw your attorney?

_____ Days

5. Did you speak with your attorney prior to the first time you saw a judge?

Yes No

6. Did you always have a private place to talk to your attorney?

Yes No

7. Did you have the same attorney throughout your case?

Yes No

We would now like to ask you some questions about your satisfaction with your attorney. Please circle the most appropriate answer for the following statements.

8. My attorney talked to the witnesses I asked to be interviewed.

Strongly Agree Agree Neutral Disagree Strongly Disagree Don't Know

9. My attorney listened carefully to what I said.

All of the time Most of the time About half the time Some of the time None of the time

10. My attorney thoroughly investigated my case.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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11. My attorney discussed the evidence with me.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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12. I feel like my attorney spent enough time with me.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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13. My attorney was always prepared in court and appeared to understand my case.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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14. My attorney answered all my questions.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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15. My attorney explained the different decisions I could make in my case and the possible advantages and disadvantages of each one.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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16. Overall, I am satisfied with the way my attorney handled my case.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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17. How fair or unfair was the outcome of your case?

Very Fair	Fair	Neutral	Unfair	Very Unfair	Don't Know
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**Encuesta del nivel de satisfacción
con el Departamento de Servicios de Defensoría Pública para los Indigentes de
Nevada**

[Nevada Department of Indigent Defense Services]

El Departamento de Servicios de Defensoría Pública para los Indigentes de Nevada *[Nevada Department of Indigent Defense Services]* desea saber más sobre su experiencia con el (la) defensor(a) público(a) que le nombraron de oficio. Las respuestas que usted dé en esta encuesta son confidenciales y no se compartirán ni con su abogado(a) ni con nadie más. Los resultados nos servirán para mejorar los servicios de representación letrada a los indigentes en Nevada. Para el primer grupo de preguntas, favor llenar el espacio en blanco o encerrar su respuesta en un círculo.

1. Su nombre y número de caso (optativo – se mantendrá confidencial)

Nombre _____ Caso No. _____

2. ¿En qué condado fue su caso?

Nombre: _____

3. ¿Cómo se llamaba su abogado(a) de oficio?

Nombre: _____

4. ¿Cuántos días transcurrieron desde su arresto hasta que vio a su abogado(a)?
_____ días

5. ¿Habló usted con su abogado(a) antes de la primera vez en que vio al juez?

Sí No

6. ¿Siempre pudo hablar con su abogado(a) en un lugar privado?

Sí No

7. ¿Durante todo el caso siempre tuvo el (la) mismo(a) abogado(a)?

Sí No

Quisiéramos hacerle unas preguntas acerca de cuán satisfecho(a) está usted con su abogado(a). Favor de encerrar en un círculo la respuesta más apropiada.

8. Mi abogado(a) habló con los testigos que yo pedí que entrevistaran.

Totalmente de acuerdo De acuerdo Neutral En desacuerdo Totalmente en desacuerdo No sé

9. Mi abogado(a) escuchaba con atención lo que yo le decía.

Todo el tiempo La mayor parte del tiempo Como la mitad del tiempo Algunas veces Nunca

10. Mi abogado investigó mi caso a profundidad.

Totalmente de acuerdo De acuerdo Neutral En desacuerdo Totalmente en desacuerdo No sé

11. Mi abogado(a) habló conmigo acerca de las pruebas.

Totalmente de acuerdo	De acuerdo	Neutral	En desacuerdo	Totalmente en desacuerdo	No sé
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12. Siento que mi abogado(a) me dedicó suficiente tiempo.

Totalmente de acuerdo	De acuerdo	Neutral	En desacuerdo	Totalmente en desacuerdo	No sé
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13. Mi abogado(a) estaba siempre preparado(a) en las audiencias y parecía entender mi caso.

Todo el tiempo	La mayor parte del tiempo	Como la mitad del tiempo	Algunas veces	Nunca	No sé
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14. Mi abogado me respondió todas mis preguntas.

Totalmente de acuerdo	De acuerdo	Neutral	En desacuerdo	Totalmente en desacuerdo	No sé
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15. Mi abogado(a) me explicó las distintas decisiones que yo podía tomar en mi caso y las posibles ventajas y desventajas de cada una.

Totalmente de acuerdo	De acuerdo	Neutral	En desacuerdo	Totalmente en desacuerdo	No sé
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16. En general estoy satisfecho(a) con la forma en que mi abogado(a) llevó mi caso.

Totalmente de acuerdo	De acuerdo	Neutral	En desacuerdo	Totalmente en desacuerdo	No sé
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17. ¿Qué tan justo fue el resultado en su caso?

Muy justo	Justo	Neutral	Injusto	Muy injusto	No sé
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Appendix D. Attorney Monitoring/System Performance

**Nevada Department of Indigent Defense
Indigent Defense Provider Survey**

The Nevada Department of Indigent Defense Services wants to support you and the important work you are doing in your indigent defense practice. Please take a moment to answer these brief questions (as they relate to your indigent defense work only) as clearly and candidly as you can by circling your response. There is also a space at the end for you to tell us about your primary area of concern or need. Thank you for your service in this important area of practice.

1. **I have sufficient resources to provide effective legal services to my clients.**
Strongly Agree Agree Neutral Disagree Strongly Disagree

2. **I am able to spend sufficient time with each client to understand their case and communicate their options effectively.**
Strongly Agree Agree Neutral Disagree Strongly Disagree

3. **I am (or an attorney from my office is) at all first appearances for my clients.**
All of the time Most of the time About half the time Some of the time None of the time

4. **I am able to interview my clients within 48 hours of appointment.**
All of the time Most of the time About half the time Some of the time None of the time

5. **I have a private place to talk to my clients.**
All of the time Most of the time About half the time Some of the time None of the time

6. **Once appointed to a case, I appear for all hearings in the case, except in the case of emergencies.**
All of the time Most of the time About half the time Some of the time None of the time

7. **I have sufficient time and resources to interview all necessary witnesses in my cases.**
All of the time Most of the time About half the time Some of the time None of the time

8. **I hire an investigator for cases where necessary or helpful.**
All of the time Most of the time About half the time Some of the time None of the time

9. **I have access to the State's evidence in a timely manner and am able to thoroughly review the evidence with my clients.**
Strongly Agree Agree Neutral Disagree Strongly Disagree

10. **I hire experts for cases where necessary or helpful.**
All of the time Most of the time About half the time Some of the time None of the time

11. **I have sufficient time to be prepared in court and to understand my cases.**
Strongly Agree Agree Neutral Disagree Strongly Disagree

12. I thoroughly discuss the benefits and drawbacks of all plea offers with my clients.

All of the time Most of the time About half the time Some of the time None of the time

13. I have adequate training and experience to handle the kinds of cases and the level of charges I am assigned.

Strongly Agree Agree Neutral Disagree Strongly Disagree

14. Regarding the number of cases I handle, I am _____.

Very satisfied Satisfied Neutral Dissatisfied Very dissatisfied

15. I do not feel overwhelmed by the complexity or number of cases I handle.

Strongly Agree Agree Neutral Disagree Strongly Disagree

Please elaborate on any area(s) of your indigent defense practice that are of concern to you regarding insufficient resources, time, or fairness factors you have experienced:

Finally, please tell us about your primary area(s) of concern with your county that you would like to see addressed in the County Plan for the Provision of Indigent Defense Services:

**Nevada Department of Indigent Defense
Supervisor Assessment Survey**

The Nevada Department of Indigent Defense Services wants to public defenders and the important work that is being done in indigent defense practice. The current assessment asks you to rate your employees or contractors along several different categories. Please take a moment to answer these brief questions as clearly and candidly as you can by circling your response. If you do not know the answer to a question, please circle "Don't Know". There is also a space at the end for you to tell us about your primary area of concern or need in regard to the employee or contractor being assessed. Thank you for your service in this important area of practice.

1. Name of Employee/Contractor

Name _____

2. The attorney talks to witnesses that client asks to be interviewed.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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3. The attorney listens closely to his or her clients.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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4. The attorney thoroughly investigates his or her cases.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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5. The attorney discusses evidence with his or her clients.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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6. The attorney is) at all first appearances for his or her clients.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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7. The attorney is able to interview my clients within 48 hours of appointment.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
--------------------	---------------------	---------------------------	---------------------	---------------------	---------------

8. The attorney has a private place to talk to his or her clients.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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9. The attorney appears for all hearings in the case, except in the case of emergencies.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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10. The attorney has sufficient time and resources to interview all necessary witnesses in his or her cases.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
-----------------	------------------	---------------------	------------------	------------------	------------

11. The attorney hires an investigator for cases where necessary or helpful.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
-----------------	------------------	---------------------	------------------	------------------	------------

12. The attorney has access to the State's evidence in a timely manner and is able to thoroughly review the evidence with clients.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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13. The attorney hires experts for cases where necessary or helpful.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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14. The attorney has sufficient time to be prepared in court and to understand his or her cases.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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15. The attorney thoroughly discusses the benefits and drawbacks of all plea offers with his or her clients.

All of the time	Most of the time	About half the time	Some of the time	None of the time	Don't Know
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16. The attorney has adequate training and experience to handle the kinds of cases and the level of charges he or she is assigned.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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17. The attorney seems to feel overwhelmed by the complexity or number of cases he or she handles.

Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Don't Know
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18. In general, the county has the resources necessary to successfully carry out defense responsibilities.

Strongly Agree Agree Neutral Disagree Strongly Disagree Don't Know

19. Recent changes have improved the defense capabilities of attorneys in my county.

Strongly Agree Agree Neutral Disagree Strongly Disagree Don't Know

20. Please elaborate on any area(s) of your indigent defense practice that are of concern to you regarding insufficient resources, time, or fairness factors you have experienced:

21. Finally, please tell us about your primary area(s) of concern with your county that you would like to see addressed in the County Plan for the Provision of Indigent Defense Services:

Public Defender Court Observation Form
(To be completed and submitted online)

1. Name of Observer
2. County
3. Name of Reviewer
4. Date of Observation
5. Did the attorneys have a place to meet confidentially.
6. Attorneys appear to meeting clients prior.
7. How did judge(s) treat defense and defendant?
8. Attorneys appeared to be prepared and competent.
9. Were all defendants represented by an attorney during your visit?
10. Please enter any other notes about your visit.

Nevada Department of Indigent Defense

Client Satisfaction and Attorney Assessment Data Collection and Analysis Plan

This document outlines the data collection and analytic plan for four separate assessments: the Client Satisfaction Survey, the Attorney Self-Assessment, the Supervisor Assessment, and the Courtroom Observation Assessment.

Data Collection

Client Satisfaction. In accordance with the *Davis v Nevada* Settlement Consent Judgment, the Nevada Department of Indigent Defense (DIDS) is required to administer client satisfaction surveys to defendants who have been served by public defenders in the state. The timing and administration of the client satisfaction survey will be key to collecting valid information from clients who have been served by public defenders. Likely, the client satisfaction survey will need to be available in various modes in order to facilitate the process. Specifically, the survey should be available in paper-and-pencil format, as well as electronically via computers, tablets, or smartphones. The electronic version of the survey will be hosted on Legal Server, the case management system to be used by public defenders' offices in Nevada.

For in-custody clients, survey administered may vary across jurisdictions. In general, however, it will be attorneys' responsibility to deliver a client satisfaction survey—including a postage paid envelope—along with correspondence (e.g., the judgement/sentence or the right to appeal) that attorneys commonly send to incarcerated individuals at the end of their case.

Attorney Self-Assessment. Public defenders will be asked to self-rate their performance on an annual basis. The self-assessment will be programmed into Helpful Algorithms and Logic (HAL), the state's online database. A weblink to complete the survey will be delivered to attorneys via email. Attorneys will complete the assessment at their leisure prior to an annual deadline. It is likely that the survey will be delivered in mid-to-late-February with a deadline of mid-March each year.

Supervisor Assessment. Supervisors at the county level and management from DIDS will rate the performance of individual attorneys on a regular basis (e.g., annually), using an online form similar to the attorney self-assessment. The assessment will be programmed into HAL and made available for supervisors and managers to complete at their leisure prior to an annual deadline.

Courtroom Observation. Personnel from DIDS will conduct in-person courtroom observations. Observers will focus on general courtroom context, but will also record anything noteworthy about individual attorneys. To facilitate collection of data by observers, it will be beneficial that DIDS obtain devices such as iPads that allow observers to collect data in all areas of the state. These electronic devices will ideally have the ability to connect to the internet via both Wi-Fi and cellular data. Furthermore, due to the remote nature of data collection it will be necessary for DIDS to obtain sufficient travel funds, and perhaps additional personnel, to complete this portion of the attorney evaluation process.

Data Analysis of Quantitative Questionnaires

Client Satisfaction. To utilize the results of the Client Satisfaction Survey to inform decision-making at the organizational level, it is important to take the proper steps to score and analyze the survey. Doing

so will allow DIDS to identify specific areas in which clients communicate dissatisfaction with services, and will allow DIDS to take corrective action at the individual or organizational level. Below is some guidance on how to score and analyze the DIDS Satisfaction Survey.

Scoring. To quantitatively analyze the data from the DIDS Satisfaction Survey it is necessary to first convert categorical responses to numeric values. For example, on Question 5 of the survey: “Did you speak with your attorney prior to the first time you saw a judge?”, it is appropriate to score a “Yes” response a “1”, and score a “No” response a “0”. The same approach should be taken for other “Yes/No” questions on the survey.

For Questions 8 through 16, a mix of response options range from “Strongly Disagree” to “Strongly Agree” and from “None of the Time” to “All of the Time”. These responses should be re-scored on a 1-5 scale. That is, a response of “Strongly Disagree” should be scored a “1”, and a response of “Strongly Agree” should be scored a “5”. Similarly, a response of “None of the Time” should be scored a “1” and a response of “All of the Time” should be scored a “5”. Similarly, Question 17 should be scored such that a response of “Very Unfair” should be scored a “1”, and a response of “Very Fair” should be scored a “5”. Questions 8 through 17 are worded in such a way that higher response values on these questions represent higher levels of agreement that attorneys are effectively representing clients.

Descriptive Statistics. Questions 8 to 17 will allow DIDS to evaluate the extent to which clients agree that they are being effectively represented by their public defender, are satisfied with their public defender, and view the outcome of their case as fair. By converting responses to these questions to numeric values as described above, it is possible to conduct a quantitative analysis of these questions. In particular, mean scores (and standard deviations) can be computed on each of these questions. This will allow DIDS to see those questions on which clients score attorneys relatively high or low, and allow for comparisons across questions.

Comparison of Mean Scores. The quantification of responses allows for a wide range of comparisons to be made. For example, after a sufficient number of Satisfaction Surveys have been collected, DIDS can compare responses to Question 9, for example, across age categories, across attorneys, or even across offices/counties. A t-test or analysis of variance (ANOVA) can be utilized to make these comparisons. These statistical tests provide mean scores for various groups (e.g., compare mean scores on Question 9 across those under 30 versus those over 30), as well as a statistical test to determine whether such differences are statistically significant. Such a test can provide DIDS with an understanding of whether different groups of clients view their interactions with public defenders differently. Once again, corrective actions can be taken if differences are found.

Correlation Analysis. The final analytic strategy recommended here is a correlation analysis. Correlation is a statistical technique used to describe the relationship between two variables. The correlation coefficient will range between a score of -1 (a perfect negative relationship) and 1 (a perfect positive relationship). A correlation coefficient of 0 indicates that there is no relationship between two variables.

To provide an example, it is likely that there will be a high level of correlation between one’s agreement that “My attorney asked for my opinion on issues regarding my case”, and “My attorney listened carefully to what I said”. Upon collecting a sufficient number of surveys, and after converting variables to numeric scores, a Pearson Correlation can be computed to assess the positive relationship between

these two variables. Often, public opinion researchers will conduct large correlational analysis of many relevant variables included in a dataset. This approach can yield a large correlation matrix that allows researchers to see patterns in the relationships between many variables at one time. It is important to keep in mind the Pearson Correlation is appropriate with scaled variables such as Questions 8 through 17 on the Satisfaction Survey. If scaled questions are correlated with categorical variables (e.g., Yes/No questions or binary variables related to race/ethnicity/gender), Point Biserial Correlations are more appropriate. In many statistical packages, Person Correlations and Point Biserial Correlations are executed in the same way.

Attorney Self-Assessment. The recommendations provided above for the analysis of the Client Satisfaction Survey are relevant for the Attorney Self-Assessment. Questions that are ordered on a “Strongly Agree to Strongly Disagree” scale and an “All of the Time to None of the Time” scale should be quantified on a scale ranging from 1-5. That is, a response of “Strongly Disagree” should be scored a “1”, and a response of “Strongly Agree” should be scored a “5”. Similarly, a response of “None of the Time” should be scored a “1” and a response of “All of the Time” should be scored a “5”. This approach will allow analysts to compare mean scores and conduct correlational analyses as described above.

Appendix E. Wage Salary Survey

Nevada Department of Indigent Defense Services

Methodology to Inform Public Defense Attorney Pay Rates

Goal 1. Determine whether rural public defenders' pay is roughly equivalent to prosecutor pay.

Comprehensive information on defender and prosecutor pay is not readily available. The website www.transparentnevada.com does contain information about pay for public employees. However, it is unknown whether the data are accurate and comprehensive. Surely, the data do not include information about hourly rates and fees paid to contract and conflict attorneys in rural areas. A rough analysis of the data suggest that salaries are comparable.

Goal 2. Determine new minimum hourly rate for contract attorneys for entire state.

There are several ways to determine the optimal hourly rate for conflict and contract defenders in Nevada. A straightforward method to use is to identify inflation since the rate was last set statutorily. In 2003, a \$100/hour rate for non-capital cases was set in Nevada. Using the Bureau of Labor Statistics Consumer Price Index Calculator (https://www.bls.gov/data/inflation_calculator.htm), it appears that \$100 in 2003 would be equal to \$148.15 in 2021 dollars. While this calculator does not consider geographical differences in cost of living (for example the cost of living in Nevada is higher than in many midwestern states), it does suggest the need for a 48% increase in attorney wages to keep up with the cost of inflation since the last increase.

An additional data point comes from the federal public defender system. As of January, 2021, the hourly rate for private attorneys in non-capital cases was \$155/hour, and \$197 in capital cases. Again, this is a nationwide figure that does not account for the wide variation in cost of living across geographies. Data show that these rates have increased regularly in recent years, suggesting that Nevada consider regular increases to its hourly rates (https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16).

Other sources of information to inform hourly rates for private defenders can be found in report in other localities and states. For example, a Harris County (TX) 2016 Report provides detailed information on private attorney pay and number of cases processed (<http://www.tidc.texas.gov/media/8d855ef7a4461a7/policy-monitoring-analysis-pretrial-id-harris-2016.pdf>). Other potential sources include Iowa State Public Defender Fees (<https://spd.iowa.gov/contract-attorneys/fee-claim-process>) and Missouri State Public Defender Fees (<https://publicdefender.mo.gov/private-counsel-opportunities/mspd-contracting/panel-rates/>); however, the latter sources may not be applicable to a state such as Nevada with a relatively high cost of living.

Goal 3. Determine whether rates/contracts should differ across geographic areas.

Within Nevada, it may be necessary to identify a baseline rate and include increased hourly rates for more urban areas with higher cost of living. This approach may be akin to federal GSA rates where there is a standard per diem/lodging rate for entire state and increased rates for urban centers (in the case of Nevada, Clark and Washoe Counties). Increased hourly rates can be applied in other areas that may

have high housing costs. Further, it might make sense to increase rates in those locales with historically high caseloads in relation to population.

Goal 4. Identify Potential Programs to Increase the Number of Indigent Defense Attorneys in Rural Nevada

A recent report (<https://www.smu.edu/-/media/Site/Law/Deason-Center/Publications/STAR-Justice/Greening-the-Desert/Report-Greening-the-Desert-FINAL.pdf>), highlights the lack of rural attorneys throughout the U.S. The report discusses strategies to recruit, train, and retain attorneys to practice criminal law in rural areas. In Nevada, it is unclear whether there are truly shortages of attorneys available to practice rural indigent defense. However, much like other states with expansive rural areas, attorneys who are considering practicing in those areas may face many challenges: high student debt loads, relatively low pay, lack of access to interpersonal networks, spotty internet and cell phone coverage, and lack of support from county governments. In situations where indigent defense providers are contract attorneys, it is not clear whether the contracted work will be sufficient to sustain a law practice; in such situations attorneys may be required to take on other legal work to ensure an adequate flow of business. Given these challenges, it is understandable that there may be new and experienced attorneys who are reluctant to take on a rural indigent defense practice.

The “Greening the Desert Report”, as well as a recent Pew report (<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/06/26/wanted-lawyers-for-rural-america>), highlight the many programs that states are implementing in the hopes of enticing lawyers to practice in rural areas. Incentives include: states ensuring higher rates of pay, partial or full student loan forgiveness for indigent defense practice, rural practice incubators within law schools, and specialized training for law students interested in working in rural areas. The Nevada DIDS and other relevant entities in Nevada should look closely at other states’ attempts at incentivizing lawyers to work in rural areas, particularly in the area of indigent defense.