

DIDS Observation Protocol & Schedule 2022

It is anticipated that DIDS will move through 3 phases of onsite review protocols:

1. Relationship Building & Needs Assessment
2. Implementation of New Processes & Longer-term Strategic Planning
3. Ongoing Reviews & Updates

Phase 1 - It is essential that DIDS personnel form and build positive relationships across Nevada with all indigent defense providers on our team. It is important that these individuals know they can trust us, confide in us, and look to us for support. To this end, it is important to not start things off by showing up with a clipboard and a checklist, like a restaurant inspector.

The primary focus in the beginning will be meeting the team members on location. We have worked with most of the practitioners in constructing the county plans. But meeting face-to-face and spending time in person is invaluable.

Observation Priorities for Q1

We have previously identified four main areas we focused on in the client and attorney surveys. They were: (1) Client Communication; (2) Investigation / Experts; (3) Preparedness / Knowledge of Case; and (4) First Appearances. These are subject to change as we begin to receive quarterly reporting from the Oct-Dec 2021 Quarter via LegalServer.

Accordingly, these are areas to observe and to ask informal questions about during our initial on-location visits:

1. Client Communication
 - a. Is there a place in all courthouses / jails where you can have private conversations with your clients?
 - b. How much time are you usually able to spend with each client to familiarize yourself with them and to understand their case?
 - c. How much time do you spend with clients in discussing plea offers?
 - d. Except for those cases that go to trial, how much time do you usually spend with a client prior to resolution of their case?
2. First Appearances
 - a. Do you appear at first appearances?
 - b. If not, how do you receive information from that hearing?
 - c. Are first appearances handled within 48 hours?
 - d. If not, is there a plan for 48-hour hearings by June, 2022?
3. Preparedness / Knowledge of Case
 - a. Do you have time to successfully manage all your cases in the manner you'd like?
 - b. How fair do you think the system is towards indigent defendants?
 - c. How fair do you think the system is towards you?
 - d. Are you given all the information you need to do your job effectively?
 - e. Are you given information in a timely manner to do your job effectively?
 - f. How prepared do you feel like you are at the various stages of the case?

4. Investigation / Experts

- a. Do you feel like you have sufficient resources to do your job effectively?
- b. Do you have easy access to funding for investigators or experts when you need them?
- c. How often would you say you hire an investigator?
- d. How often would you say you hire experts?
- e. What kinds of cases do you generally hire experts or investigators for?
- f. Would easy access to a regular or full-time investigator make your job easier / make you more effective?

Also:

Q: What would you say are your biggest challenges in doing your job?

Q: What resource or resources would most make your job easier and/or allow you to be more effective?

Tentative Q1 schedule for 2022*

1. Mineral County – Tentative date: February 2

The primary contract public defender, John Oakes, died recently. His son Justin is taking over the contract. But we have not yet seen a contract between the county and Justin. An on-location visit is necessary to talk to the stakeholders, including the judiciary, the substitute public defender, and possibly present an update to the County Commission. Discussion topics must include the necessities of: (1) an appointed counsel administrator; and (2) the required data entry into LegalServer, as we currently have no data to report for Mineral County for the quarter.

2. Nye County / Esmeralda – Tentative dates: February 23-24

The plan is to fly into Vegas, and drive up through Pahrump, Beatty, and stay the night in Tonopah. Then meet the next day with people in Tonopah and Goldfield, before returning to Carson City. Along the way, we would meet with contract public defenders, visit courthouse spaces, including in Pahrump, and attend county commissioner meetings, if possible.

3. Douglas County – Tentative Date: March 2

There is a solid Appointed Counsel Administrator in Douglas, so we want to meet with him to discuss how the plan is progressing and what needs remain. Also, there is currently a shortage of contract public defenders. We need to meet with the existing (and possibly exiting) defenders to discuss issues.

4. Lander County – Tentative Date: March 30

We have not yet been able to meet on location with Lander County stakeholders, so we want to finally accomplish this. Further, we want to walk through a day in the life of a public defender there, visit the courthouse and jail spaces and hopefully meet with the public defender.

5. White Pine / Eureka – Tentative Dates: April 4- 5

We would meet with contract public defenders, visit courthouse spaces, including in Pahrump, and attend county commissioner meetings, if possible.

***Churchill** – Marcie and Tom completed an oversight visit to Churchill County on December 06, 2021, including meeting with Churchill Co Public Defenders, County Manager Jim Barbee, to discuss progress on the indigent defense plan and future steps.