



NEVADA STATE PUBLIC DEFENDER

State Public Defender

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August 22, 2022

Department of Indigent Defense Services
896 W. Nye, Suite 202
Carson City, NV 89703

Re: NEVADA STATE PUBLIC DEFENDER LETTER OF INTEREST

Dear Selection Committee:

Please accept my letter of interest for the Nevada State Public Defender position. Attached please find my resume (Attachment A), letters of recommendations/references (Attachment B), and narrative responses to questions (Attachment C) as required by the job posting.

I am the current Chief Deputy Public Defender for the State of Nevada and have held this position since December 2019. I am the former Supervising Attorney for the State of Nevada Public Defender's Office in White Pine County, NV having held that position from June 2011 to January 2015. I also held a contract with the Las Vegas Municipal Court to provide indigent legal services in 2008-2009. My resume reflects my work history.

It is my goal to move the State Public Defender's Office forward by continuing to provide high quality legal services to indigent clients in those counties opting in for the services of the Public Defender. I have worked with the Department of Indigent Defense to submit bids to counties for services and participated in discussions with the stakeholders regarding the same.

This position requires a person familiar with rural Nevada, the needs of their indigent criminal defendants, the fiscal needs of the counties and the ability to provide quality legal services. I have that proven experience and look forward to continuing to provide those services as the Public Defender.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles H. Odgers".

Charles H. Odgers, Esq.
Chief Deputy Public Defender

ATTACHMENT A

RESUME OF
Charles H. Odgers, Esq.

Objective: To be appointed as the Nevada State Public Defender where my proven skills as a leader and manager will facilitate the provision of indigent services in Carson City and Storey County, Nevada and provide a service that other rural counties would choose to use for their indigent defense service needs.

Legal Experience:

December 2, 2019 to present: Nevada State Public Defender's Office, Chief Deputy Public Defender; 511 E. Robinson Street, Suite #1, Carson City, NV 89701

Supervise and train six staff attorneys, two investigators and four support staff. Recruit and hire staff. Provide zealous representation for indigent clients charged with all crimes, provide insight and guidance to other attorneys on case management, trial preparation, case resolution, specialty courts, 432B and juvenile matters, motion practice, discovery disputes, and resolving issues arising in cases. Assist when necessary other attorneys in preparing for and defending their criminal trials, including when necessary, at trial, negotiations and client management. Prepare for and defend criminal bench and jury trials, prepare, file and argue motions as necessary, meet with clients, explain their case, facts, applicable laws and options. Assign all felony and gross misdemeanor cases. As the Chief, it is my responsibility to ensure the clients are receiving the same quality of service they would receive if they retained counsel.

Prepared the first Strategic Plan for the State Public Defender's Office with an eye to providing quality services to the Counties currently being served, and to provide an opportunity for other rural counties to work with the State Public Defender and assist them in meeting their needs and to expand the services provided to the State of Nevada, including designing a program to represent all inmates charged with crimes while serving a prison sentence at NDOC in the rural counties, thereby reducing the workload of contracted defenders.

Work with the Department of Indigent Defense Services to implement programs locally that affect the entire rural indigent services community. Implemented new case management software, maintain data integrity, assist in training local attorneys on the use of the case management software.

Work with the Courts to implement different programs designed to facilitate case management and implement AB 424, SB 7 in the Public Defender's Office.

Assist in budget preparation and management of funds. Gatekeeper for request for experts and fees within the State Public Defender's Office. Work with the appointed county personnel regarding experts and fees.

August 5, 2019 to November 29, 2019: State of Nevada, Attorney General's Office; Deputy Attorney General; 100 N. Carson Street, Carson City, NV.

Represent the Nevada Department of Corrections in Federal Court in 42 U.S.C. 1983 actions, represent the Nevada Department of Corrections in State Court actions for alleged violations of inmate's civil rights, and represent the Department in various justice courts in small claims actions. Responsible for all aspects of civil litigation under both the Federal Rules of Civil Procedure and the Nevada Rules of Civil Procedure. Prepare and propound written discovery on Plaintiff's, respond to various motions, and discovery requests, prepare various motions, including, but not limited to motions for summary judgment. Attend Federal Court on behalf of the client for mediation purposes and to argue motions. In my short time at the Attorney General's Office, there have been no trials. I have been appointed to the most complex cases, including a pending class action case involving hepatitis C as the Deputy Attorney General supporting the Chief and all of the Senior Deputy Attorney Generals assigned to the case.

1/19/2015 to August 2, 2019: City Attorney, City of Ely, 501 Mill Street, Ely, NV 89301.

Provide legal advice on all legal issues to elected officials and the staff of the City of Ely. Function as the Risk Manager, point of contact for insurance claims and trying to prevent claims. Conduct legal research on topics from Open Meeting law requirements, ethics requirements and other City issues, including finance, strategic planning, drafting City Ordinances, representing the City in civil litigation and conducting all misdemeanor criminal processes for the City. Utilize Lexis to conduct legal research for civil and criminal matters, conduct all phases of civil and criminal litigation on behalf of the City, including arraignments through appeals. Represent the City's interests on matters at the County and State levels. Conduct all phases of civil practice, including preparing complaints, when necessary, conducting discovery, motion practice and jury trials.

Represent the City and provide guidance and legal advice to the City Council, Planning Commission and Municipal Utility Board on matters in the litigation process including representing the City at mediation and arbitration. Prepare various contracts, review contracts and bids, including bids for public works projects. Represent the City during judicial review processes involving decisions on land use matters.

Chief negotiator for the City of Ely with their main collective bargaining unit and fire unit. Assist the City Administrator in the Step 1 and Step 2 grievance processes and represent the City at labor arbitrations. File liens for non-payment of utility bills, negotiate settlement of utility bills that are past due, file release of liens as necessary. Review agendas for the City Council, Municipal Utility Board and Planning Commission to ensure compliance with Open Meeting law requirements. Prepare legal memoranda for City Council and Board members to utilize on various topics from land use to animal control issues. Participate in inter-agency negotiations for Animal Control, Police Protection, Building Official Services, and Fire and EMS services.

Appointed Special Deputy District Attorney, White Pine County District Attorney's office. I provide conflict coverage for the District Attorney's Office, prosecution on most animal related cases involving the Department of Agriculture and conducted numerous preliminary hearings on

drug trafficking cases. Negotiate with Defense Counsel to resolve cases, plea agreements, and sentencing recommendations.

Assist the Attorney General's office in conducting training to the POST Academy at Ely State Prison, specifically in report writing and trial testimony.

Prepare budget for the legal department. Prepare budget for Animal Control (I supervise the Animal Control Officer). Prepare legal notices for the abatement of properties which fail to comply with the City's Ordinances. Supervised the Compliance Officer.

I appeared in front of the State Senate in opposition of SB 238 which had it passed would potentially have resulted in the disincorporation of the City of Ely. I have communicated with the Attorney General's office to obtain opinions on various legal matters affecting the city of Ely, and have represented the Mayor and City Council when complaints regarding the Open Meeting Law and Ethics have been filed against them.

Supervise the legal secretary, provide legal advice to the various departments on issues in all facets of their work including but not limited to strategy on addressing issues with the water and sewer system and State reporting requirements through issues arising during the election cycle.

6/2011 to 1/2015: Senior Deputy Public Defender, Nevada State Public Defender's Office, Ely, NV

Supervise a staff of three, one attorney, a criminal investigator and the legal secretary for the office. Managed all of the functions of the office and maintained the budget for the office. As this office was a State Public Defender office, I was responsible for working with staff from Carson City on various cases, assisting the appeals staff regarding cases on appeal from White Pine and Eureka Counties. I reported directly to the State Public Defender on all administrative, budgetary or other issues which arose either at the State level or at my office. I was SCR 250 qualified, which has lapsed since taking on the City Attorney role.

Represented individuals from various socio-economic backgrounds charged with crimes from misdemeanors to murder and other felonies, conducted plea negotiations, jury and non-jury trials, and in certain cases appeals. I was solely responsible for all criminal defense work in Eureka County, including misdemeanor, juvenile cases, 432B and felony cases. I was solely responsible for defending all criminal cases arising out of Ely State Prison.

In White Pine County, I worked with staff to prepare defenses, find experts based on the needs of the case, draft motions, conduct legal research, argue motions, defend clients at jury and non-jury trials, plea negotiations and other duties as a criminal defense attorney. Worked with law enforcement, the District Attorney and their staff, and the Judges and their staff in processing cases.

Defended clients involved in 432B hearings involving the Department of Family Services who had taken children from their parents for various reasons, prepared reunification plans, participated in monthly evaluation of progress of the family towards reunification, worked with the Indian Child

Welfare Act to ensure tribal members who were involved in the 432B process met federal and state requirements.

Worked with the Department of Parole and Probation to obtain client's Presentence Investigation Reports and try to understand their valuation system. Represented clients during the sentencing phase of their case to obtain either the negotiated sentence or the best sentence possible based upon the facts and the law of the case. Represented clients who were assigned to Drug Court. Represented clients involved in the Juvenile Court system (including sex related cases).

In the supervision of the staff, I conducted performance evaluations, disciplinary processes, directed work flow, and directed and reviewed work of the members of the office. I was solely responsible for the welfare of the employees at work, morale and trying to keep a balance between work life and home life.

In 2015, White Pine County chose to go to contracted public defenders. I chose not to apply for the contract, wishing rather to continue the practice of law, rather than be in the business of law.

As the Senior Deputy Public Defender, I took twenty four cases to jury trial in a little less than four years. I supervised the other associate public defender in numerous other jury and non-jury trials. I defended two murder trials to jury, one murder that was settled by plea agreement, two attempted murder trials, two attempt murder cases that were resolved by plea agreement before trial, eight or nine felony domestic violence trials, numerous domestic violence misdemeanor trials and pleas, one felony DUI to trial and numerous felony DUI cases that were resolved by diversion, many DUI misdemeanor trials, two felony drug trafficking trials, many unlawful use cases resulting in applications to and acceptance into Drug Court and two burglary trials, and several miscellaneous other felony and gross misdemeanor jury trials.

6/2006 to 6/2011: Private Practice, Odgers and Associates, Las Vegas, NV

While in private practice I represented criminal defendants, family law cases, employment law cases, and business litigation cases. I was responsible for all functions of the law firm. I obtained the client, interviewed them, prepared their cases for trial, conducted pre-trial discovery on all cases, including depositions, prepared appropriate motions for both civil and criminal cases, conducted trials and other settlement and mediation conferences, participated in arbitrations in eligible cases. I closed my private practice to work as the Public Defender in Ely, NV when I was hired to defend a murder trial which had been pending for more than two years.

As the principal it was my job to ensure my annual budget was in place. I had three lawyers working for me and two support staff members, both bi-lingual, as the majority of my private criminal practice dealt with undocumented persons. I held a public defender contract with the Las Vegas Municipal Court for twelve (12) months, representing all indigent clients in the assigned department, assisted in placing veterans in the Veteran's court, mental health evaluations and mental health placements as appropriate. Worked with the staff of the Court and the Chief Judge on all phases of litigation, including appeals when appropriate. Worked with the Deputy City Attorney to negotiate plea deals, dismissals, deferred prosecutions or going to trial.

Assisted clients in obtaining diversion, when appropriate either 453 or 458, represented clients at preliminary hearings on all manner of criminal cases (excluding murder), drug cases, white collar crime cases, driving under the influence cases (both misdemeanor and felony) and one sexual assault case.

10/2003 to 6/2006: Jimmerson Hansen, P.C., Las Vegas, NV

I worked as an associate attorney in the areas of employment law, business litigation, construction defect litigation (Plaintiff) and family law. Prepared motions, conducted all phases of discovery, including taking and defending depositions, preparing complaints, preparing motions including motions to dismiss, motions in limine and discovery motions. Trial preparation with senior attorneys. Prepared one appeal to the Nevada Supreme Court on issue pertaining to construction defect class action litigation. Made Court appearances on behalf of clients.

Non-Legal Experience

8/1996 to 10/2003: Director, Labor and Employee Relations, University Medical Center, Las Vegas, NV

As the Director, Labor and Employee Relations, my job was to address all phases of collective bargaining for four different labor unions, conducted grievance hearings at each step except arbitrations. Prepare management proposals during collective bargaining, working with a team of negotiators including the CFO, the Assistant Administrator for Human Resources, and Assistant Administrator Ambulatory Services. Worked with the Board of Trustees (the Clark County Commission sitting as the Board) on all issues related to labor negotiations, layoffs and budgets. I conducted and supervised a layoff of over 600 people. Conducted investigations into employee misconduct and assisted managers addressing employee disciplinary and performance related issues.

Supervised a staff of three in the Labor Unit, and one in benefits. Conducted employee evaluations, corrective action and merit increases. Prepared budget for the department, including wages and benefits, services and supplies and legal budget. Worked with private counsel on employment related litigation cases, FMLA, ADA, unfair labor practice charges, discrimination charges and wrongful termination cases. Monitored legal budget for the department. Conducted training on all aspects of labor and employee relations, including incentive pay options, merit increases, flex time (in non-patient areas), annual employee appreciation program (including BBQ for employees) and implemented program to assist employees deal with and address issues of addiction, and issues related to disabilities in the work place. Trained managers on proper conducting of disciplinary investigations and administering disciplinary or corrective action. Drafted Personnel Policies and Directives applicable to all employees. Conducted new employee orientation with staff to address labor and employee relations issues. Responded to allegations of discrimination in the work place with NERC and EEOC.

Was solely responsible for the worker's compensation program and the unemployment applications. Reduced unemployment compensation payments from over \$100,000.00 per month to less than \$30,000.00 per month. Implemented a complete Classification and Compensation

system in 1997, including the collective bargaining aspects of the implementation. Participated in early retirement programs to reduce high cost staff, for less expensive staff, saving the Hospital over a million dollars a year in employee costs.

8/1995 to 8/1996: Human Resources Analyst, Clark County, Las Vegas, NV

Primarily responsible as a Labor and Classification/Compensation Analyst. Provide advice, guidance and training to managers on labor issues, including representing management at various stages of grievances. Conducted specialized recruitments, especially in the areas of engineering, engineering services, and building inspectors. Conducted job reviews for the District Attorney's office as part of a classification study to bring wages into parity with other attorney firms so the County could recruit and retain qualified attorneys and support staff.

7/1990 to 8/1995: Personnel Technician, Las Vegas Valley Water District, Las Vegas, NV

Worked in the areas of recruitment, classification/compensation and labor. Provided technical assistance to Human Resources Director. Implemented a classification/compensation program. Prepared labor reports for use in collective bargaining. Assisted the Safety and Training Division in preparing and presenting safety programs. Implemented the Summer Hire Program, hiring disadvantaged youth to work in various areas of the Water District to provide them with work training and resume building opportunities.

1990 to 1998: Reserve component of the United States Marine Corps, Las Vegas, NV

During my time in the Marine Corps Reserve, I was responsible for all administrative functions of the Reserve Battalion, including activating and deactivating 2nd Battalion, 23rd Marines in Support of Operation Desert Shield/Desert Storm, for which I received a Navy Achievement Medal. Supervised the Marines at Weapons Platoon, Company F in Las Vegas. In my eight years I promoted from an E-5 to an E-7.

1981 to 1990: Active Duty U.S. Marine Corps, various locations

During this time, I worked in all aspects of Human Resources for the Marine Corps. I was stationed in Barstow, CA, Pensacola, FL, Okinawa Japan, and Camp Pendleton, CA. I received a Navy Achievement Medal while deployed in Okinawa Japan and numerous other commendations.

Law School:

Boyd School of Law
University of Nevada, Las Vegas
1999 to 2003
Graduated Magna cum Laude (graduated 3rd in Class with 3.51 GPA)

In 1999 won the Best Orator, UNLV Moot Court Competition
2000 to 2003 Member of the National Moot Court Competition Team and the National Health
Care Moot Court Competition Team
2000 to 2003 Member of the Law Journal, Staff Researcher and Article Reviewer
Received Merit Scholarship for 2002 and 2003 based on GPA

Attend various continuing legal educational course necessary to meet my job requirements.
SCR 250 certified 2011-2015.

Master's Degree Preparation:

University of Nevada, Las Vegas
Master's in Public Administration
1998 to 1999
Completed 15 credits towards Master's Degree, when I was selected for law school

Undergraduate Degree:

University of Phoenix
Las Vegas, NV
Graduated in 1997
Bachelor's Degree in Business Administration

While attending college, including law school, I also worked full time, volunteered as a leader with the Boy Scouts of America, and I coached soccer, sometimes as many as three teams with the Henderson Parks and Recreation Department. I had a core group of friends who shared my desire to succeed in Law School, including the number 1 and number 2 graduates from our class. We worked as a team for studying purposes, understanding that each of us had strengths that we needed to capitalize. Hard work and discipline were required to balance law school, working full time and raising a family all at the same time. These are the same principles I still utilize today to balance work and family needs.

While in the Marine Corps, I attended various colleges trying to earn a degree in Business Administration, however, I was transferred a number of times in the middle of semesters. When I was discharged from active duty, I was attending the Community College of Southern Nevada and was activated in support of Operation Desert Storm near the end of the semester. When I returned from Operation Desert Storm in October 1991, I decided I needed to find a smarter way for me to obtain my Bachelor's Degree. The best option available for me was the University of Phoenix. Their team based learning program worked well for someone like me, who had multiple obligations, including work and raising a family. While it took me ten years to complete my schooling, I completed a bachelor's degree, began working on a Master's Degree and graduated with my law degree in that time, all while balancing work, school and raising a family.

Charles H. Odgers' Responses to Clarifying Questions

Leading Change

I have been leading change in the Public Defender's Office since I was hired. The State Public Defender's Office has been in a period of change since the establishment of the Department of Indigent Defense. As the Chief Deputy, I am responsible for training and supervising the attorneys and staff in the office, making cultural change within the organization and implementing change based on statutory requirements. To lead the State Public Defender into a new era I developed the first strategic plan with input from the staff. Buy in by the staff is essential to cultural change, which has to start at the top.

As the Chief Deputy, I worked with the Court and the District Attorney to implement AB 424 and SB 7. Working with the Carson City Justice Court, we implemented new processes to expedite client cases, including appearing at initial arraignments for out of custody defendants and implementing pre-preliminary hearings. In addition, I am responsible for implementation of all the program goals of the Department of Indigent Defense Services.

I have participated in multiple conversations and meetings with the Department to implement the changes sought, including working to develop budgets and proposals to submit to counties. I have traveled to White Pine County, met with the stakeholders to discuss the services this office can provide. In meeting with the Department, I have participated in the design of the Social Services hub, a program to bring social workers together to provide services to the rural Nevada defense attorneys who do not have access in their rural communities. In furtherance of instituting social services in the State Public Defender's Office, I have worked with Dr. Coard who has hired a social worker to provide social services to our indigent clients. This pilot program will be the basis for our budget request for a social worker full time in our office.

Changes in government are never quick or easy, it takes someone familiar with the budget process, the staff and strong leadership to change the culture of an agency. Prior to becoming an attorney, I was the Labor and Employee Relations Manager at the University Medical Center in Las Vegas. As part of the management team, we developed and implemented a strategic plan to change the culture of UMC, however, it took several years to implement that change.

When I started at the City of Ely, there was no strategic plan. The strategic plan was developed by the City Clerk and me. It was still being implemented when I left. Changing the culture of the City of Ely was not easy. The goal was to go from a top-down management style to a bottom-up management style. It was important that the people doing the day-to-day work had input into the daily operations of the city. Part of that cultural change started with re-negotiation of the collective bargaining agreement that gave more stability for the employees.

I am under no delusion that changing the culture of the State Public Defender's office, nor its reputation throughout the State, will be an easy task. It will not happen overnight, rather this change requires a long-term commitment and someone to lead that change. I am that person.

Charles H. Odgers' Responses to Clarifying Questions

Leading People

I have been leading and supervising employees since 1984 while still in the Marine Corps. I have worked with people from different socio-economic backgrounds my entire career. I was an instructor for the Marine Corps for four years from 1985 to 1989. That experience in training employees has followed me throughout my career.

After leaving active duty I worked in Human Resources until I graduated from law school. During my time in human resources I conducted training as part of my duties and responsibilities. The training included implementation of the FMLA, updates on the ADA and Labor and Employee Relations matters including grievance and arbitration procedures.

I have mentored and provided guidance to numerous young attorneys. I trained the current District Attorney for White Pine County when he worked for me at the State Public Defender's Office in Ely, NV. As the Chief Deputy, I have had the opportunity to develop a training program with two attorneys new to criminal defense. The focus of the training is to start with the evidence code, then applying the evidence code to issue spotting with misdemeanor cases, preparing for a bench trial, reviewing the evidence and preparing cross-examination questions, then sitting second chair at the trial. After sitting second chair, the attorney then prepares their own case for trial. As the attorney progresses and proves their skills, they are introduced to gross misdemeanors and felonies, the preliminary hearing process, purpose and goals, drafting questions and working on introduction of evidence. Recently, one of the attorneys I worked with went to his first jury trial and won a not guilty verdict.

I also work with each attorney in the office on their jury trials, experts, defenses, pre-trial motions and will, when necessary, sit second chair on a case. Additionally, I push my attorneys to learn more and take on progressively more difficult cases. Right now, I am working with three of the attorneys to expand their skill set. One attorney will be taking his first murder case to trial early next year and the other is working as the second chair on several sexual assault cases which will be going to trial. As the second chair, the attorney is working with me on the prelim review of evidence, preparing examination questions and assisting in the investigation of the case. A third attorney is sitting second chair on a 10-count sexual assault case and while she has been an attorney for approximately 10 years, this will be her first jury trial. That trial is scheduled for January 2023.

By exposing my attorneys to charges they have never taken to trial and working with them from the beginning of the case through trial, I am improving their skill sets and value to our office. In addition, the skills they learn working on these cases translate into other cases as well which improves the outcomes for our clients.

Charles H. Odgers' Responses to Clarifying Questions

Applicant Background

I do not believe there is anything negative in my background which will reflect negatively upon this position, the Department of Indigent Defense Services or the Governor. Attached is a copy of my State Bar search showing no disciplinary actions.

However, when I was in private practice, I was the subject of a public letter of reprimand and a two-year suspension from the practice of law, which was stayed for two years. At the end of the probationary term, the suspension was dismissed. The basis of the suspension was a poor business decision to associate with a traffic ticket company in Las Vegas. Before I began working with the company, I met with an attorney and developed written procedures to ensure the business relationship did not violate ethical rules. We met with Bar Counsel and received approval. However, there was a change in Bar Counsel and the prior approved procedures were rejected by the Southern Nevada Disciplinary Board.

I took responsibility for my business decisions associated with this incident. Prior to the resolution of the investigation, I quit private practice and chose to focus on the practice of law and not the business of law. I applied for and was hired as the Supervising Attorney for the State Public Defender in Ely, NV.

Diane Crow, State Public Defender at the time was made aware of the pending investigation by the Southern Disciplinary Board when she interviewed me and subsequently offered me the position. When the discipline was negotiated, Ms. Crow was made aware of the terms and conditions. When Ms. Crow retired in 2014, I notified Karin Kreizenbeck, the new State Public Defender of the disciplinary action and the terms of my stayed suspension. When I applied for and interviewed for the Ely City Attorney, I advised them of the discipline and answered all of the questions they had regarding my discipline. They hired me. As part of my supervision while on probation, Judge Steven Dobrescu with the Seventh Judicial District Court was my mentor. Judge Dobrescu was selected and agreed to be my mentor because he was able to observe me often in and out of Court and was the best person to provide written reports to the State Bar.

My experience with the State Bar made a lasting impression. I work hard to ensure that neither I nor my staff violate the rules of ethics. Today, when in doubt I contact the State Bar for an opinion and when the ethical issue is still not resolved, I file the appropriate motion and let the Court decide. I also monitor ethics opinions from the State Bar and keep my staff updated on changes and we discuss ethical issues as they arise.

I have never shied away from my mistake. I do what I can to never again intentionally or unintentionally violate our professional rules of conduct. Consequently, I do not believe there is anything in my history that will reflect badly upon this position, the Department or the Governor.