

State of Nevada
Department of Indigent Defense Services
Board Meeting Minutes

Thursday, December 8, 2022

1:00 PM

Meeting Location:

OFFICE	LOCATION	ROOM
Virtual (Zoom), Capitol Building Old Assembly Room, DIDS Director's Office Conference Room		

1. Call to Order/Roll Call

Chair Mendiola called the meeting of the Board on Indigent Defense Services to order shortly after 1:00 pm, on Thursday, December 8, 2022.

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

Board Members Present: Chair Dave Mendiola, Joni Eastley, Chris Giunchigliani, Jeff Wells, Drew Christensen, Kate Thomas, Lorina Dellinger, Commissioner Cassie Hall, Allison Joffee, Harriett Cummings, Jarrod Hickman, and Justice William Maupin.

Members not present: Vice Chair Laura Fitzsimmons

Others Present: Executive Director Marcie Ryba, Deputy Director Thomas Qualls, Christopher Blandford, Chris Arabia, Charles Odgers, Scott Walker, Sally DeSoto, Guy Bovard, Melissa Carlisle, Henna Rasul, Professor Eve Hanan, and Cynthia Atanzio.

2. Public Comment

There was complaint submitted via mailed letter; a copy was provided to the Board Members. **Director Ryba** advised that complaints are forwarded, but there is limited authority to do anything regarding a complaint.

Deputy Director Qualls added that generally a response is sent to the complainant, and the complaint is forwarded to any party or parties of interest.

Ms. Eastley inquired if the complaint was sent to Judge Shirley.

Deputy Director Qualls said he would check and get back to the Board.

Chair Mendiola asked if there was any additional Public Comments.

Christopher Blandford inquired if this was the time to discuss the Public Defender.

Chair Mendiola advised this was not the time and clarified what Public Comment was at this time of the meeting, per a request from Deputy Director Qualls and an inquiry from Director Ryba.

3. Introduction of New Board Member, Lorina Dellinger (For discussion)

Chair Mendiola introduced and welcomed Lorina Dellinger, the Assistant County Manager in Nye County, as the newest Board Member.

4. Approval of Minutes. (For possible action)

a. BDR Subcommittee Business: Approval of the August 8, 2022, Minutes.
(For possible action)

b. BIDS Board: Approval of the August 18, 2022, Minutes. (For possible action)

Motion: Combine A and B for Approval of Minutes from August 8 and August 18, 2022.

By: Joni Eastley

Second: Chris Giunchigliani

Vote: Passed Unanimously

5. Board Recommendations of Candidates for Consideration by the Governor for appointment of the Nevada State Public Defender. (For discussion and possible action)

a. Information, discussion and possible action regarding ranked selection of candidates to recommend to Governor Sisolak for appointment to the position of the Nevada State Public Defender pursuant to NRS 180.010.

- Erica Roth
- Chris Arabia
- Charles Odgers

Chair Mendiola advised the Board that Administration had brought forward two candidates since Erica Roth had withdrawn. The candidates were directed they had five minutes to address the Board, after which Public Comment would then be opened. The candidates spoke in alphabetical order, starting with Mr. Arabia.

Chris Arabia spoke for about 4 minutes.

Chair Mendiola thanked Mr. Arabia, acknowledged he was under his 5 minutes, and asked if Mr. Odgers was on.

Charles Odgers spoke for a little over 3 minutes.

Chair Mendiola thanked Mr. Odgers and advised the Board a review of the interview process that brought forth the three names, which became two today, would be done after any comments. The Chair instructed those making comments to announce their name prior to speaking.

Christopher Blandford introduced himself and spoke on Mr. Odgers' behalf for about 2 ½ minutes.

Chair Mendiola thanked Mr. Blandford and requested the comments not be over 3 minutes, stating Mr. Blandford did very well, and reminded the next person to announce their name.

Scott Walker greeted the Board, introduced himself, and spoke for a little over 2 minutes on Mr. Odgers' behalf.

Sally DeSoto introduced herself and spoke on Mr. Odgers' behalf for about a minute.

Guy Bovard introduced himself and spoke for about a minute and a half on Mr. Odgers' behalf.

Justice Maupin commented on how enthusiastic the coworkers were to have someone become their boss and inquired on the selection process and how the three candidates were narrowed down.

Director Ryba reminded Justice Maupin of the Board's direction at the last meeting to prepare a list of qualifications, applications, and interviews, to make the recommendation of three candidates for the position of Nevada State Public Defender to the Board. She advised the Department received seven applications, strengths and weaknesses were considered, one candidate withdrew their application prior to interviews, and one of the final three candidates withdrew that morning. Director Ryba added that a requirement of the position was to be in Carson City; several candidates had been removed from consideration due to their unwillingness to relocate, resulting in Mr. Arabia and Mr. Odgers as the final two candidates.

Justice Maupin thanked Director Ryba and asked if the main office needed to be in Carson City.

Director Ryba reiterated, pursuant to Statute, the Office of the State Public Defender is required to be located in Carson City and advised that only Carson City and Storey Counties have opted in for representation by the State Public Defender.

Melissa Carlisle introduced herself and spoke on behalf of Mr. Odgers for about a minute and a half.

Chair Mendiola thanked Ms. Carlisle and asked if there was anyone else for comment. When there was none, he then thanked the candidates, stating he felt they were both strong candidates and was impressed, by review of their resumes, by all the great experience, specifically in Nevada. Chair Mendiola then asked Director Ryba how she wanted to proceed.

Director Ryba thanked the Chair and advised that the Governor's Office had asked for a list of candidates for appointment to the Nevada State Public Defender. She questioned whether the Board wanted to rank the candidates or put both candidates forward to the Governor without a ranking.

Jeff Wells clarified that the Board was not supposed to pick the candidate, but simply suggest names to the Governor, and then the Governor and his staff would choose the candidate. He felt the Board should submit both names without ranking them.

Joni Eastly agreed and asked for an official motion.

Chris Giunchigliani asked for clarification on whether the three names had been ranked when they had been brought to the Board.

Director Ryba answered no, and advised that the three names, now two, had simply been put forward to the Board.

Justice Maupin commented that past Judicial selections were not ranked, so it would work now for the Governor.

Drew Christensen agreed with Justice Maupin, adding when District Judges or Supreme Court Justices are appointed, the candidates are not ranked, but three candidates are moved forward.

Chair Mendiola asked for additional comments or questions. There were none.

Justice Maupin asked for the motion.

Motion: Send Both Candidates Forward to the Governor's Office without Rank

By: Jeff Wells

Second: Joni Eastley

Vote: Passed Unanimously

Chair Mendiola thanked the Board and congratulated Mr. Arabia and Mr. Odgers, thanking them for their time and efforts. Both candidates thanked the Chair.

6. Budget and Legislative Update. (For discussion and possible action)

a. FY 22: Reported County Indigent Defense Expenses and Maximum Contribution Reimbursement Updates

Director Ryba provided the Board with an update, directing them to see the provided report for Fiscal Year 2022. She advised participating counties report their Indigent Defense spending to DIDS each quarter. The Department reviews whether each county is over or under the Maximum Contribution, noting the total amount reimbursed as of November 2022 was in bold, on the second to last line. This reimbursement was based on July 15th reporting, which is the final quarter of the fiscal year. In total, over \$1.8 million dollars was able to be reimbursed to all the Rural Counties, which is extremely successful. Director Ryba pointed out that over to the right were the outstanding requests, based on updated reporting, which have been submitted for reimbursement. There were no additional questions or comments from the Board regarding the FY22 update.

b. FY 23: Quarter 1 County Indigent Defense Expense Reporting

Director Ryba reiterated the first quarter reporting for Fiscal Year 2023 was due October 15th. She directed the Board to the report reflecting all participating reporting was received. Clark, Washoe, and Lander Counties are not intending to seek reimbursement, so no reporting was submitted. First quarter spending was shown on the report; no county has exceeded their Maximum Contribution at this time.

c. Upcoming Legislative Session Plans: 1. Bill Draft Submission: SB39

Director Ryba advised the Board had been provided with a copy of Senate Bill 39, as it has been filed with the Legislature. This bill draft is seeking to have confidentiality of the records that

attorneys are required to provide to the Department. Some budget bills have also been submitted, which can go to Ways and Means, as needed, but she had not heard about these moving forward at this point. During the upcoming Legislative Session, DIDS members are planning to go and meet with Legislators to discuss Indigent Defense and the changes that need to be made. Director Ryba expressed the Department's openness to any direction or advice from the Board.

Chris Giunchigliani asked if the Department is invited to the orientations for the new Legislators.

Director Ryba responded that training is done for Legislators, and that she had reached out to LCB to inquire if Department members could attend the trainings; they advised they would let her know.

Chris Giunchigliani expressed how important this would be since we are still a new Department, and with how many people were changing and new people coming in.

Allison Joffe added that it was agreed that the main focus with the Legislature this year, other than the confidentiality, is funding; better funding, higher pay, and better benefits are needed for staff. DIDS is far behind, for example, the local District Attorneys, who just unionized. She expressed how most Public Defenders are concerned for their clients and are working for justice. This is a huge deal, and they need to be fully supported with better pay. Ms. Joffe asked if Department members could explore professional assistance, such as hiring a Lobbyist (paid or unpaid)? Could monies, or donations, be found somewhere? She felt that a Lobbyist could be a huge boost for the sorely underpaid staff.

Chair Mendiola thanked Ms. Joffe, agreed, and stated the discussion about pay, not only for staff but in general, has been a long-discussed topic during past Board meetings. He then asked Director Ryba for her response.

Director Ryba advised that Attorney General Henna Rasul was on the call and may be able to provide guidance on whether a Lobbyist could be hired. AG Henna Rasul has had experience with other boards.

AG Henna Rasul advised that boards that hire lobbyists are self-funded licensing boards. She has seen several boards that do hire lobbyists but is uncertain whether a general funded board could or would be able to hire lobbyists.

Director Ryba stated DIDS would explore the possibility of hiring Lobbyists, and possibly put this on the next meeting's agenda. She stated there was a training budget that was mainly unused due to most meetings currently being virtual, so all the funds were not needed. Director Ryba would reach out to determine if the funds could be repurposed.

Joni Eastley commented that whether DIDS engages in paid or unpaid lobbying services or not, it should not stop individual Board members from contacting as many Legislators as possible, or at least encourage familiar Legislators to increase funding for the Department.

Chair Mendiola agreed and shared how this was a critical day to day activity; a lot of time was spent on this out in the Rurals. He encouraged all Board members to reach out to anybody they know in the Legislature.

Chris Giunchigliani stated she echoed the previous comments. Most of the rest of her comments could not be heard; her connection was breaking up and unintelligible. She shared there was \$11 million/billion unexpected gaming funds that should go toward specific uses.

Joni Eastley shared she had been discussing this recently with Director Ryba. The State is predicting a \$2 billion dollar surplus over projected revenues.

Chris Giunchigliani asked if there was a salary schedule. She remembers talks regarding salary review and underpaid folks in the field and inquired if still relevant.

Chair Mendiola confirmed something had been done.

Director Ryba advised a salary study was done, comparing DIDS salaries with the Attorney General's Office. It was found the Public Defender was not keeping pace with the AG, and certainly not up to the level of the Counties. The Data Analyst recommended to request salary increases to match the Attorney General's.

Justice Maupin expressed Ms. Joffe had brought up a very important point, but it is a point that has long existed. He shared about his first involvement with public service law, and the boards he had been a member of. People have always been underpaid, and attempts were made to increase pay. It worked, but it was not enough! There are certain tensions between some courts and agencies, and other agencies or branches of government, and what they pay their lawyers. Justice Maupin would be happy to speak to this in any upcoming hearings. He feels it is essential people are able to have resources, in forming this organization, similar to that of the government prosecuting them.

Chair Mendiola agreed with Judge Maupin. Chair Mendiola said the *Davis* Settlement was the foundation to help support the argument. He stated it has been used in Humboldt County to make sure the Public Defenders are equivalent to the District Attorneys.

Drew Christensen asked for the status of the bill draft, contemplated months ago, dealing with NRS 7.125 and hourly rates. He wondered if it was one of the bill drafts set for Ways and Means.

Director Ryba replied it was her understanding that since it was a budget bill, it did not need to be filed by the upcoming deadline but could be brought at a later date; it had not been submitted yet.

Chris Giunchigliani asked Director Ryba is any direction was required from the Board to work, or to do or submit something.

Director Ryba stated that she would look into a Lobbyist, if DIDS is allowed to have a Lobbyist, and if the funding could be used. She stated a possible contract would be brought to the next Board

meeting for approval by the Board. Director Ryba requested Board authority to get these answers. She stated she was not sure if it could get done in the allowed time, but would try.

Chair Mendiola felt this would be a good thing.

Chris Giunchigliani asked if in lieu of hiring a lobbyist, was there a committee chair that Board members could contact to “get this on your radar.” She asked if Danielle Monroe Marino, the new Chair of Ways and Means, should be contacted. She also said that the former Chair, Maggie Carlton, may also be able to put in a good word. Explore the different avenues that can be utilized.

Joni Eastley suggested including NACO on the list.

Chris Giunchigliani agreed that was a good idea.

Allison Joffe wondered if the Board could vote now, or have a special meeting, maybe by phone, in January, to get this done, prior to the next meeting in February.

Chair Mendiola stated they could not vote now, but a special meeting could be considered so it would be on the record as a Board. He encouraged Director Ryba to investigate the salary raising efforts and Lobbyist issue.

Director Ryba stated it would be added to the next agenda, and an update would be provided.

Chair Mendiola gave thanks and directed the meeting to item 7: Oversight Update.

7. Oversight Update. (For discussion and possible action)

a. Weighted Caseload Study Status Update

Deputy Director Qualls reminded the Board of the *Davis* requirements to perform, or hire to perform, the weighted case load study to assess the adequacy of staffing of Indigent Defense Attorneys in the individual counties. He explained one of the reasons for the Legal Server Case Management System was to collect uniform data. DIDS been working with the National Center for State Courts (NCSC), for the better part of two years. The first year was plagued with COVID, resulting in anomalies in the reporting, delaying everything. Delays were also required to collect a full year of data from Legal Server, which now has been completed. DIDS is still waiting on the publishing of the nationwide study by the Rand Corporation, completed in May. It is currently undergoing rigorous peer review, postponing its availability. It was thought it would be available in June, then September; the last heard, it would be January. It would be irresponsible to produce any kind of weighted caseload study that does not incorporate the Rand study, so DIDS is holding for the official release to finish. Mr. Qualls added there is an obvious, insufficient number of Indigent Defense attorneys in Rural counties, comparing them to a squeezed balloon, pulling the attorneys here and taking them there. Some of the courts are really remote, making virtual appearances necessary, because the people willing to take the cases are in Las Vegas. Another struggle is the trouble with judges in some rural counties not allowing virtual appearances on minor hearings. Hopefully this can be remedied once the weighted caseload study is completed, and the numbers are increased.

Chair Mendiola asked if waiting on the Rand information to add to the data set would cause any problems with internal workings; issues such as waiting too long.

Deputy Director Qualls replied, in a perfect world, the results would have been ready last June, and the counties would have had a year to comply. That would mean in June 2023, compliance with the new standard would have been met. From a practical standpoint, earlier is better, but as far as Davis compliance, compliance has still met because NCSC was hired on time and the issue is still being actively worked on due to a practical, responsible reason. It is out of the control of DIDS that it is not yet complete.

Justice Maupin inquired about District Judges and Justices of the Peace around the State who would not allow Zoom.

Deputy Director Qualls confirmed this was correct, and that DIDS has been addressing this with the judges directly in several different counties, explaining the issues to them, encouraging them to go ahead and allow virtual representation for now, until there can be a more surplus of available Indigent Defense lawyers. There is currently only one county that remains difficult, and DIDS is still working on that.

Justice Maupin commented going directly to the Judges is fine, but recommended approaching the Chief Justice of the State, who runs the Judicial System; a one judge order might fix the problem.

Deputy Director Qualls thanked Justice Maupin, stating his suggestion would be very helpful if that was an option: a blanket State policy under the circumstances.

Allison Joffe added it might be helpful to ask the Court staff how they are treating the civil cases. Most Counties, in the practice of divorce, short of a settlement conference or a trial, are via Zoom and go well. This way, attorneys do not have to charge clients as much, which is an access to justice issue for criminal cases. Ms. Joffe agreed with Justice Maupin, reminding everyone that there was a one judge order, during COVID, for virtual representation, so the judges should be used to it; Judge Maupin's suggestion might be a really good idea.

b. Sixth Report of the Monitor

Deputy Director Qualls directed any questions regarding the Sixth Report of the Davis Monitor to Professor Hanan, who was on the call. He briefly commented the highlights of the report. It generally echoes the last several reports, which detail the achievements of the Department. The report also includes a few concerns, previously spoken on since the issues overlap. The primary concerns are about lack of adequate budget for the Department, and lack of adequate staffing to fully comply with some of the Davis Requirements, including more robust onsite oversight. The Monitor notes several achievements that include data collection on the attorney workload, spilling into a later issue. There is now a full year of quarterly reports from data collected from the Legal Server Case Management system. This is an enormous accomplishment given the reluctance of many independent attorneys to do this, especially for those public defenders who have never been asked previously to collect this kind of data. The wage salary survey, discussed here in previous meetings. The reimbursements, already discussed in some depth, of almost \$1.6 million dollars to Davis Counties, and over \$225,000 dollars to Non-Davis Counties. The Monitor notes oversight:

the opinions and recommendations of several solutions, our Data Analyst, what is needed to fully and completely comply regarding oversight, other assistance to counties and training, and the completion of additional Delphi panels and Bill Draft requests. These are all accomplishments noted by the Monitor. Reiterating the areas of concern as the insufficient number of qualified attorneys, especially in the Rurals, the inadequate budget and staffing, and the delay in the workload standards. The full report was provided to the Board. Mr. Qualls felt it was incredibly thorough, and again assured that Professor Hanan could answer any questions.

Chair Mendiola asked if there were any questions for Professor Hanan, and when there was none, thanked Deputy Director Qualls and the Monitor, stating he appreciated her time. He then asked if the Professor would like to say anything.

Professor/Monitor Eve Hanan thanked Director Ryba, Deputy Director Qualls, and everyone involved at the Department, for being so helpful and cooperative in the process. She expressed her appreciation for the great work.

Chair Mendiola again thanked the Professor, and asked Deputy Director Qualls to continue with item C.

c. FY23, Q1 Quarterly Data Report

Deputy Director Qualls briefly touched on the Fiscal Year 23, Quarter 1, quarterly report, which was provided to the Board. He advised they were based on gathered data from Legal Server, the uniform data collection tool used by DIDS. With this quarterly report, there is now a full year of Indigent Defense data from across the State, which has never happened, been available, or been compiled in the individual counties before. The first quarter was not very robust, but it grows in completeness and accuracy every quarter. DIDS is very proud and feels it will continue to improve. Mr. Qualls asked if there were any questions or comments.

Chair Mendiola thanked the Team, and expressed how much of an accomplishment this was, especially knowing how things began. He praised the ability in getting everyone to report the data sets, which is allowing growth. The Chair expressed his appreciation for all the efforts made.

d. Oversight Update

Deputy Director Qualls thanked the Chair and continued onto Item D: Oversight Update. He advised that due to short staffing, and several other blocks, there has been limited “boots on the ground” oversight. Department members did visit Humboldt County, unfortunately Chair Mendiola was in Reno at that time, and could not meet. Members did meet and spend the day with the public defender and the alternate public defender. Anytime this is done, valuable insight is gained on how things are working, what the issues are, what the shortages are, and where focus is needed, which is good. Most oversight is currently remote, dealing with several common issues. Continuing to build at least two-tier systems in all the counties including Elko and Lyon, working with Nye and their discussions on building a County Public Defender’s Office, which DIDS is excited about. It was shared that White Pine had opted-in to the State Public Defender for primary public defense services. The preliminary steps have begun to forward.

Director Ryba added that she and Deputy Director Qualls are reviewing each County's plan to see if additional information is required. Previously discussed was a Municipal Court piece. DIDS is facing the issue of statute saying a Municipal Court Judge cannot select the next counsel; it needs to be in compliance with the county plans, but county plans are silent on how this should take place.

Justice Maupin shared he has been utilizing Zoom over the last couple years and expressed its disadvantages, such as the lack of personal connectivity and the genuine personality interactions. He requested consideration, and offered to help, to get three or four senior status or retired judges that could physically go out and hold meetings with the staff of these lawyers, providing an opportunity to have some of the same contact and training with judges that they would not otherwise, such as cross-examination and the fundamentals of trying a case, etc. The Justice felt this might upgrade the fact that a younger demographic of lawyers is representing indigents in criminal cases. He stated all it would cost is the gas, and possibly a motel room.

Deputy Director Qualls thanked Justice Maupin, stating the suggestion was great.

Chair Mendiola thanked Justice Maupin, and asked Deputy Director Qualls to move to item E.

- e. Request permission for DIDS to opt-in to the opportunity to collaborate with Justice Counts and share indigent defense data.

Deputy Director Qualls stated an action from the Board was required to request permission for DIDS to opt-in, to collaborate with the organization, Justice Counts, and to share the collected Indigent Defense data previously spoken about. He advised the Executive Director of the Nevada Department of Sentencing Policy, Victoria Gonzalez, was on the call and she could answer more detailed questions. Mr. Qualls advised one of the mandates of the Department of Sentencing Policy (DSP), is to facilitate the collection of criminal justice data from across the State. DSP has contracted with an organization called Justice Counts, and are trying to collect data from law enforcement, the defense, the prosecution, courts and pre-trial operations, jails, prisons, and community supervision departments (parole and probation). If the Board approves the opt-in, DIDS would be providing the defense, or some of the data on the defense portion.

Chair Mendiola entertained a motion.

Motion: To Opt-In to Collaborate with Justice Counts and Share Indigent Defense Data

By: Allison Joffe

Second: Chris Giunchigliani

Vote: Passed Unanimously

8. Training Update. (For discussion and possible action)

- a. **First Annual Defenders Homicide Conference**, partnership between DIDS, Clark County Public Defender, Clark County Special Public Defender, Washoe County Public Defender, and Washoe County Alt. Public Defender.

Deputy Director Qualls advised he was covering these updates for Deputy Director Handy, who was working on Budget Requests. He advised DIDS has been collaborating with Clark County PD's Office, Clark County Special PD's Office, Washoe County Public Defender, Washoe County

Alternate Public Defender, and Board Member Drew Christianson, on a series of homicide trainings. The First Annual Defenders Homicide Conference was broken up into four parts; three of those have been successfully completed. There have been more than 100 participants, virtually, in each one of the sessions, making them incredibly successful. The feedback received been uniformly positive.

Drew Christensen advised he participated as a presenter in the first training. He was excited on how many unfamiliar names were, meaning the groups were from outside the Las Vegas Area. Mr. Christensen shared there were many students from Boyd Law School who also attended, He felt it is fantastic anytime there is statewide excitement to have collaboration efforts between both the Urban and the Rurals. Mr. Christensen was not able to see the second two presentations, but is familiar with the presenters, and what they presented. From what he saw, they were highly effective and highly statewide oriented, and congratulated those who put it on.

Chair Mendiola praised the report and loved hearing about the participation. He asked Deputy Director Qualls if there was anything else, and if not to move on.

b. Third Annual Defenders Conference. May 2023

Deputy Director Qualls stated the DIDS office has been preparing the lineup for the Third Annual Defenders' Conference. It's scheduled for May of 2023. The original plan was to hold it up at Lake Tahoe, but for funding reasons, that is not going to happen. The venue will be the Silver Legacy in Reno, which was recently toured by he and Director Ryba while meeting with staff. The Conference theme will be storytelling. The presenters are currently being organized; there are already bids from some of them. Last year the Conference was in the South, so DIDS is excited to be holding it in the North this year.

Director Ryba added while meeting in Humboldt County, the theory of the training topics was discussed with Matt Stermitz, a Humboldt County Public Defender. During the meeting Mr. Stermitz referenced a book sold by the NACDL called Powerful Word Storytelling and Persuasion. DIDS has purchased about 40 copies of that book, with the intention of sending it to every office, including the Clark Public Defender, the Alternate or the Special, as well as the Washoe PD and the Alternate Public Defender. So as a marketing technique to entice attendance, the book will be included with the invitation to come to the training. Director Ryba expressed her hope for a good turnout, stating the best thing about last year's Conference was seeing the Urban Attorneys and the Rural Attorneys start to get acquainted. She thanked Matt Stermitz in Humboldt for the idea.

Chair Mendiola thanked Director Ryba for the update, and shared how Mr. Stermitz had initially been an opposition party with respect to DIDS, but has turned around to appreciate the work being done, and expressed how much of a storyteller Mr. Stermitz was. The Chair then thanked Deputy Director Qualls and asked him to continue with Grants.

c. Grant Awards: JAG Subgrant and JRJ Grant.

Deputy Director Qualls advised there were two grants. He shared that \$33,000 was received through the JAG Subgrant to pay for the travel and lodging accommodations at the Annual

Conference for Rural attorneys to attend. This was done last year, and the hope is more Rural attorneys can attend this year; this is a high priority for DIDS and putting on the Annual Conference. Statewide conferences are enjoyed by prosecutors, but not to this scale. The first for DIDS was put on by Jarrod Hickman, virtually, and last year's was the first "live" conference. DIDS is excited about the opportunity and ability to make the conference, as much possible, free of costs to Rural Attorneys - to travel, to stay, and to participate in the conference training. He again praised the final location and facility, and all the available eateries and places to hold meetings and collaborative sessions. The second grant is the JRJ, where over \$78,000 was recently received to assist with student loan repayment for Indigent Defense providers. The award has been received, but payments are on hold due to the pause on student loan payments until June 2023. DIDS will continue to advise of the opportunity for Public Defenders and will start to distribute funds when loan repayment continues.

Director Ryba added the JRJ Grant is also open to Prosecutors, but the Presidential pause to student loan payments has resulted in not distributing any of these funds. This year's award increased to \$78,000. The prior two years have about \$36,000 for each year. There is a total of about \$150,000 that DIDS can provide to prosecutors and public defenders once the Presidential pause has lifted. These funds are another tool that can be used to encourage individuals to go into Indigent Defense work.

Chair Mendiola praised the report and asked for questions from the Board regarding grants. He then advised to move on to Item 9: Scheduling for Future Meetings

9. Scheduling of Future Meetings. (For discussion and possible action)

a. Confirmation of Next Meetings:

1. February 2, 2023, at 1 pm. Board Meeting.

Director Ryba said February 2nd would allow time to put out the next DIDS quarterly report, receive the report from the Monitor, and get the Quarterly Reporting from the Counties and report back.

Chair Mendiola asked if any Board members had a conflict with February 2nd, 2023.

Chris Giunchigliani asked for the date to be repeated, and then stated she was open on that date.

2. June 15, 2023, at 1 pm. Workshop and Meeting.

Director Ryba pointed out that the June 15th meeting was out a bit more than usual due to the need to re-address regulations, add the weighted case load study recommendations, and allow sufficient time to work with NCSC, get those recommendations, and hold that Workshop before the contract with NCSC expires at the end of June. The next time DIDS can start working on permanent regulations is after July 1st. If the workshop is held in June, the Legislature can review submitted changes, and return them so steps can be completed to make them permanent regulations. Director Ryba suggested this date be a possible in-person board meeting. There was one in-person board meeting last year, so she felt this meeting might be the appropriate choice for this year, leaving the selection to the Board.

Chair Mendiola requested to respond if there was a problem for any Board members, and asked about June 15th for a meeting and workshop.

Chair Mendiola voiced it does make for a long day. He then asked about it being in-person. The Chair expressed the great time at the last in-person meeting in Tonopah; it was excellent and he would like to see everyone again, if possible.

Chair Mendiola asked the Board for location ideas, suggesting Winnemucca if that was not too far for those in the South to travel; he offered to host in his town. He asked if a location closer to urban activities was preferred. With no responses, the Chair said something could be worked out, other options found. He asked Director Ryba to research and come up with some ideas, and then send them out for consideration.

3. August 3, 2023, at 1 pm. Board Meeting.

Director Ryba proposed August 3rd as a meeting date.

Chair Mendiola inquired about August 3rd, realizing this date was far away, asking the Board if there were any conflicts. When there were no responses, he praised Director Ryba on her choices of dates.

4. November 2, 2023, at 1 pm. Board Meeting.

Director Ryba proposed November 2nd as a meeting date.

Chair Mendiola asked about November 2nd. There were no responses. The Chair advised the dates, especially the later two, could be revisited; the Board always adapts. He asked Director Ryba if there was anything else; there was not.

Justice Maupin volunteered that there should be at least one meeting in Winnemucca.

Joni Eastley agreed, if it was during the summer months.

Chair Mendiola thought it would be good to meet during the Basque Festival.

Joni Eastley stated that no hotel rooms would be available.

Chair Mendiola laughed and agreed with Ms. Eastley.

10. Public Comment.

Chair Mendiola asked if there were any public comments, confirming with Cynthia Atanzio; there were none.

11. Adjournment.

Chair Mendiola thanked everyone, adjourning the meeting at approximately 2:33 pm.

The Board Members offered everyone well wishes for the weekend and holiday season.

Dennis Kieren Jr.
NWCC PO Box 7000
Carson City NV 89702

Sept 19 2022

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

Re: Complaint and Recommendations
Public Comment

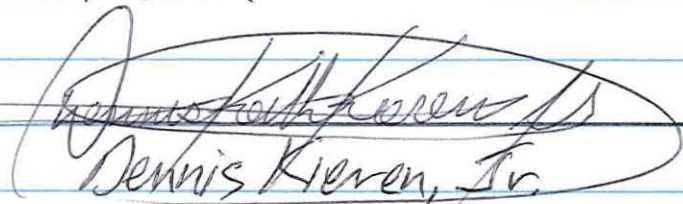
Greetings:

I know other men who have had trouble with 11th IDC judge Jim Shirley. I hope this complaint make clear what Shirley did to me and caused wasted resources in connivance with the Nevada Department of Corrections.

Please place this in the record in your next scheduled hearing and send me a copy of the draft minutes of the hearing to which you place this in record as public comment.

This is a whistleblower complaint, my name can be used and I want to inform the public of the broken system at 11th IDC.

I suggest you recommend to the Supreme Court and Governor and legislature to make a stronger centralized set of District Court Rules in order to reign rein in loosey-goosey judges playing fast and loose in the rural areas.


Dennis Kieren, Jr.



Nevada Department of
Indigent Defense Services

Complaint or Recommendation Form

The Nevada Department of Indigent Defense Services (DIDS) is authorized by the Board of Indigent Defense to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public. Forms may be submitted anonymously.

Please complete this form to submit a recommendation or complaint to DIDS.

Name: Dennis Kieren

Please Check Appropriate box that describes yourself:

judge court administration defense attorney client ^{incarcerated} member of general public

Mailing/ Business address:

Northern Nevada Correctional Center
PO Box 7000 Carson City, NV 89702

Email: N/A

Telephone number: N/A

Please state your recommendation or complaint (and additional pages as needed).

The Judge of the Eleventh IDC needs to be investigated administratively for being in the control of the executive branch, completely incompetent and corrupt. I attach

- ① Copy of my Complaint to Commission on Judicial Discipline
- ② Copy of my case against him Kieren v. State, SCT 0668341
- ③ Evidence showing the consequences still ongoing from his acts of omission that constitute contempt of the Sup. Court of Nevada; these are incorporated into my complaint.

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

PLEASE NOTE: DIDS also strives for government transparency by adhering to the requirements of Nevada Public Records Law and the information received on this form may be subject to disclosure pursuant to the Nevada Public Records Act. For more information, please see NRS Chapter 239.

Verification
This DIDS Complaint is stated under penalty of perjury to be true and correct per NRS 208.065
Dennis Kieren Jr.



(For Commission Use Only)
COMMISSION CASE NO _____

NEVADA COMMISSION ON JUDICIAL DISCIPLINE

VERIFIED STATEMENT OF COMPLAINT

(Please Clearly Type or Print All Required Information)

Part I: General Information

Date: Sept 16 2022
Name of Person Completing This Form: Dennis Kieren Jr.
Mailing Address of Person Completing This Form: No. Nevada Correctional Center, PO Box 7000 Carson City NV 89702
Daytime Telephone: _____ Email: _____

Part II: Specific Information Regarding Complaint

Name of Nevada Judicial Officer (Only One Name Per Complaint Form): Jim Shirley
Name of Court or Judicial District Involved: 11th Judicial District Court
Case Number (Please Include All Letters and Numbers): Kieren v. Feil 2016 NVJMS 1018

When and where did the alleged misconduct or disability occur?

Date: ONGOING Time: _____ Location _____
Date: _____ Time: _____ Location _____

This Case Is (Select One): Pending in Trial Court On Appeal Not Pending or Closed

Nature of Complaint (Select One): I have attached my own explanation page(s)
 I have used the standard Complaint Form

Revised Nevada Code of Judicial Conduct Section(s) Violated, If Known [(Example: Canon 3B(4))]:

Part III: Obligations Of Complainant

I hereby acknowledge the following agreements and/or waivers:

Consent to Investigate. I expressly authorize the Commission on Judicial Discipline ("Commission"), staff and contractors, to investigate my complaint and take any and all actions, including interviewing any relevant witness(es) or request by subpoena or otherwise any documentary evidence and to verify the statements I have made herein to be true and correct (or if stated to be on information and belief, that the statements are believed in good faith to be true and correct). I agree to promptly supplement and amend this complaint if I learn that the facts I have alleged are materially incorrect. I understand that deliberately misstating the truth of any material fact could subject me to various sanctions including, but not limited to, dismissal of my complaint, contempt or a separate action for perjury.

Part III Obligations of Complainant (Continued)

Full Cooperation. I agree to fully cooperate with the Commission, staff and its designated contractors with regard to my complaint. I understand that even if I wish to withdraw my complaint that the Commission retains independent grounds to pursue it and that the information contained within and attached to the complaint becomes the property of the Commission and the Commission may pursue the complaint even if I seek to withdraw it. I understand that all documents submitted become the property of the Commission and will not be returned.

Appeal Warning. I understand that the Commission, its staff and contractors are not an appellate court and that my filing of a complaint does not stay or stop any time I am provided to appeal a decision I disagree with or any decision that adversely affects me. I understand that I must timely file an appeal to preserve those rights. I acknowledge that filing a complaint with the Commission does not and cannot preserve those rights.

Legal Advice. I understand that the Commission, its Commissioners, Commission staff, investigators and contractors are precluded from giving me legal advice regarding my case or actions I should be taking in my case and I understand that should I require advice I will seek appropriate assistance apart from the Commission, Commissioners, Commission staff, investigators and contractors.

Part IV: Attachments

Relevant documents: Please attach any relevant documents which you believe directly support your claim that the judge has engaged in judicial misconduct or has a disability. **Highlight or otherwise identify those sections that you rely on to support your claim.** Do not include documents which do not directly support your complaint, for example, a copy of your complete court case. **Keep a copy of all documents submitted for your records as they become the property of the Commission and will not be returned.**

Part V: Signature and Verification of Complaint

After being duly sworn, I state under penalty of perjury that I am the above-referenced complainant whose name appears in Part I and who submitted this complaint. I know the contents thereof; and the matters set forth in this complaint are true and correct based upon my own knowledge, except as to matters stated to be on information and belief, and those matters are believed to be true and correct. I request that the exhibits provided with the complaint be

Signature of Complainant

Date

ORIGINAL SIGNATURE MUST BE PROVIDED TO COMMISSION.

How Do I Submit My Complaint? Where Can I Obtain Additional Assistance? This complaint, along with any supporting materials, should be sent by mail to the: **Nevada Commission on Judicial Discipline, P.O. Box 48, Carson City, Nevada 89702.** If you have questions regarding the completion of this form, please contact the Commission on Judicial Discipline at (775) 687-4017. In addition, if you have access to the internet, or can obtain access at a local library or other facility, the Commission's web site located at <http://judicial.state.nv.us> and provides additional information to help you prepare your complaint. The web site also includes the full and current text of the Revised Nevada Code of Judicial Conduct and other laws, statutes and rules governing the Commission.

Dennis Kieren Jr.
NRCC PO Box 7000
Carson City NV 89702

Sept 19 2022

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

Re: Complaint and Recommendations
Public Comment

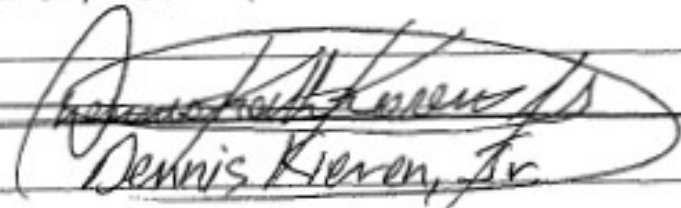
Greetings:

I know other men who have had trouble with 11th IDC judge Jim Shurley. I hope this complaint make clear what Shurley did to me and caused wasted resources in connivance with the Nevada Department of Corrections.

Please place this in the record in your next scheduled hearing and send me a copy of the draft minutes of the hearing to which you place this in record as public comment.

This is a whistleblower complaint, my name can be used and I want to inform the public of the broken system at 11th IDC.

I suggest you recommend to the Supreme Court and Governor and legislature to make a stronger centralized set of District Court Rules in order to reign rein in loosey-goosey judges playing fast and loose in the rural areas.


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Name: Dennis Kieren

Please Check Appropriate box that describes yourself:

judge court administration defense attorney client ^{incarcerated} member of general public

Mailing/Business address:

Northern Nevada Correctional Center
PO Box 7000 Carson City NV 89702

Email: N/A

Telephone number: N/A

Please state your recommendation or complaint (add additional pages as needed):

The Judge of the Eleventh IDC needs to be investigated administratively for being in the control of the executive branch, completely incompetent and corrupt. I attach

- ① Copy of my Complaint to Commission on Judicial Discipline
 - ② Copy of my case against him Kieren v. State, SC11068341
 - ③ Evidence showing the consequences striking going from his acts of omission that constitute contempt of the Sup. Court of Nevada; these are incorporated
- Please complete this form and mail to: into my complaint.

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

PLEASE NOTE: DIDS also strives for government transparency by adhering to the requirements of Nevada Public Records Law and the information received on this form may be subject to disclosure pursuant to the Nevada Public Records Act. For more information, please see NRS Chapter 239.

Verification
This DIDS complaint is stated under penalty of perjury to be true and correct per NRS 203.065

[Signature]
Dennis Kieren Jr.

STANDARD COMPLAINT FORM (STATEMENT OF FACTS)

The following is my explanation as to why the judicial officer named in this complaint has violated the Revised Nevada Code of Judicial Conduct or suffers from a disability.

Please identify yourself as [select one]: a litigant; a witness or interested party; or a member of the general public who witnessed or viewed this conduct (but not otherwise involved).

The following are the specific facts and circumstances which you believe constitute misconduct or disability (please be as specific as possible about the event(s) or action(s) and attach additional pages, if necessary):

Jim Shirley, at the demand of Attorney General, disobeyed an order of the Supreme Court, attached, which ordered a hearing to consider whether any of the alternative means of receiving satisfactory evidence of identity were available to the Nevada Department of Corrections; Jim Shirley was cowed by the top law enforcement agency and rather than hold a hearing to achieve the ends of the Reversal and Remand he duped and misdirected the pro per INDIGENT inmate litigant who was fraudulently denied a notary; the accused Jim Shirley intentionally misinformed the complainant that a document issued from the court would suffice as a notary, and ordered the clerk to provide a bogus document in lieu of making findings of fact as ordered by the Supreme Court, this false and deceptive document was called "Oath of Dennis Kremen" at Exhibit 1-A

I have [select one]:

- | | |
|---|--|
| <input type="checkbox"/> appealed the judge's decision | <input type="checkbox"/> not appealed the decision |
| <input type="checkbox"/> not decided to appeal the decision yet | <input type="checkbox"/> not applicable |
| <input type="checkbox"/> Issue now in First Judicial District Court | |

Attach Additional Pages as Necessary

Complaint NCJD (continued)

dated Nov. 2 2017; issuing an appealing compromise does not fulfill the judicial function of stating what the law is as ordered by the Nevada Supreme Court is an act beyond the scope of the district courts jurisdiction and an abuse of discretion by Jim Shirley

But for Shirley's deceptive conduct the harm would have ceased and the NDOC would not have been able to continue its malicious, capricious application of law; the NDOC did not change its policy of using the alternative methods of receiving satisfactory evidence; and after he immediately sent the phony "Oath of Kieren" to a trusted family member to use for a notary in California, it became obvious the "solution" was ineffective and the whole issue had to be re-raised in a different District Court when the NDOC moved Kieren from Lovelock to NVCC in Carson City; the whole matter would have been settled had the district court judge not made the misrepresentations to the proper litigant and made the misleading and untrue representations that an "Oath" would suffice as a notary; this act of fraud has been to my detriment as my out-of-state trustee needs to have a "notarized" power of attorney;

Complaint NCJD (continued)

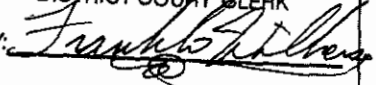
this misconduct has caused a financial drain on my personal resources and on the resources provided by tax payers; attached at Exhibit 1-B is the Supreme Court Reverse and Remand of 2016; at Exhibit 1-C is the current grievance against NDC, after which I intend to file a civil rights complaint for damages; at Exhibit 1-D is evidence that harm is widespread in the prison system, and sure to squander scarce resources in the future, all because of JIM SHIRLEY'S fraudulent disobedience to the Supreme Court's Reverse and Remand, in violation of the covenant of good faith and fair dealing triggered by the public election and trust place in a judge by the people;

FILED

NOV 2 2017

DISTRICT COURT CLERK

BY:



1 CASE NO. PI 14-0941

2 DEPT. 1

3 This document does not contain any
4 Social security number.

6 **ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR PERSHING COUNTY**

8 DENNIS KEIREN, JR., and
9 INMATES OF THE LOVELOCK
10 CORRECTIONAL CENTER,
11 PETITIONER,

OATH OF DENNIS KIEREN

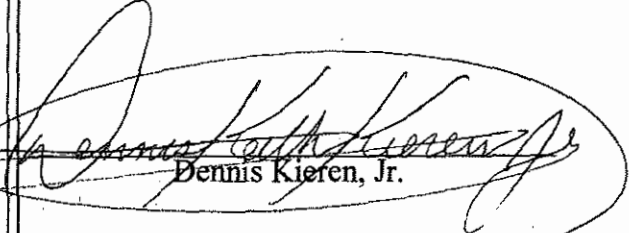
12 v.


13 PAM FIEL, LAW LIBRARY SUPERVISOR,
14 MR. ROBERT LEGRAND, WARDEN,
15 LOVELOCK CORRECTIONAL CENTER,
16 MR. JAMES G. COX, DIRECTOR,
17 NEVADA DEPARTMENT OF CORRECTIONS,
18 RESPONDENTS.

19 **OATH or AFFIRMATION:** I, Dennis Kieren, Jr., do solemnly swear or affirm, that by
20 placing my signature to this document, I am the above named person, born Dennis Kieren, Jr. I
21 am the person mentioned above and sign my name in attestation of my identity, so help me God
22 and/or under the pains and penalties of perjury.

23 As such, the Clerk of the Court of the Eleventh Judicial District Court of Nevada accepts
24 Mr. Kieren's word and any documentation he can provide concerning his identity. This oath is
25 for purposes of giving Mr. Kieren access to out of state banks, as he testified before the Court.

26 Dated this the 2ND day of November, 2017.

27 
Dennis Kieren, Jr.

28 
Clerk of the Court
Franklin B. Wilkerson

[Redacted]

INMATE REQUEST FORM

1.) INMATE NAME <u>Paul S Klein</u>	DOC # <u>30918</u>	2.) HOUSING UNIT <u>110A-2K</u>	3.) DATE <u>8/23/22</u>
--	-----------------------	------------------------------------	----------------------------

- 4.) REQUEST FORM TO: (CHECK BOX) MENTAL HEALTH CANTEEN
 CASEWORKER MEDICAL LAW LIBRARY DENTAL
 EDUCATION VISITING SHIFT COMMAND
 LAUNDRY PROPERTY ROOM OTHER _____

5.) NAME OF INDIVIDUAL TO CONTACT: Law Lib. Supervisor

6.) REQUEST (PRINT BELOW) Notary Public. Please schedule an appointment for me to have my Power of Attorney Notarized. Please schedule it for August 26, 2022 (Friday)

I'm off on Friday's and I work in P.I.
Thank You

7.) INMATE SIGNATURE [Signature] DOC # 30918
8.) RECEIVING STAFF SIGNATURE [Signature] DATE 8/24/22

9.) RESPONSE TO INMATE

No ID in I-File
Notary services are provided to inmates who have a government issued picture identification with a signature in their I-File.
No ID was located in your I-File. Notary services are not available at this time.

10.) RESPONDING STAFF SIGNATURE [Signature] DATE 8/26/22

INMATE REQUEST FORM

1.) INMATE NAME <u>Dennis Keith Kieren Jr</u>	DOC # <u>51697</u>	2.) HOUSING UNIT <u>10 A-3A</u>	3.) DATE <u>29 Aug 22</u>
--	-----------------------	------------------------------------	------------------------------

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input checked="" type="checkbox"/> OTHER <u>AWO</u>	

5.) NAME OF INDIVIDUAL TO CONTACT: Henley

6.) REQUEST: (PRINT BELOW) I thank-you for serving as my credible witness. I recently asked Ms. McComb a couple of questions which she said to ask you.

- 1) So if something happens in the future (unforeseen) and your not here - how will I find a credible witness if I need one?
- 2) Will 4^b and 5 of the NRS ("credible witness section") be available to all NDAC inmates?

7.) INMATE SIGNATURE ~~Dennis Keith Kieren Jr~~ DOC # 51697
 8.) RECEIVING STAFF SIGNATURE [Signature] DATE 8-29-2022

B.) RESPONSE TO INMATE c/o Murphy

1. The warden and or a representative at the institution should be able/willing to perform this function.

2. I do not see why it wouldnt be.

10.) RESPONDING STAFF SIGNATURE [Signature] DATE 9-1-2022

INMATE REQUEST FORM

1.) INMATE NAME <u>Paul Klein</u>	DOC # <u>30918</u>	2.) HOUSING UNIT <u>10A2K</u>	3.) DATE <u>8/26/22</u>
--------------------------------------	-----------------------	----------------------------------	----------------------------

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input checked="" type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> SHIFT COMMAND	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> OTHER _____	

5.) NAME OF INDIVIDUAL TO CONTACT: Law Library Supervisor

6.) REQUEST (PRINT BELOW): Your response is incorrect. As per your being notified by the Secretary of State of Nevada; NDOC's picture ID and verification by NDOC staff is sufficient for obtaining Notary Services. Now, let me know if this is still a problem for you, and if so, I will contact the Secretary of State for Nevada and bring his attention to the continuing problem. Schedule me for Notary.

7.) INMATE SIGNATURE [Signature] DOC # 30918

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

I, personally, cannot notarize a document for you as you do not have an ID issued by the DMV per NRS.240.165(4)(c).

10.) RESPONDING STAFF SIGNATURE [Signature] DATE 8/29/22

INMATE REQUEST FORM

1.) INMATE NAME <u>Paul Klein</u>	DOC # <u>30918</u>	2.) HOUSING UNIT <u>10A2K</u>	3.) DATE <u>8/26/22</u>
--------------------------------------	-----------------------	----------------------------------	----------------------------

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input checked="" type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> CANTEEN
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