

State of Nevada
Department of Indigent Defense Services
Public Hearing and Board Meeting Minutes

Wednesday, June 7, 2023

8:00 AM

Meeting Location:

| OFFICE | LOCATION | ROOM |
|--------|---------------------|------|
| | Virtual Only (Zoom) | |

1. Call to Order/Roll Call

Chair Mendiola called the meeting of the Board on Indigent Defense Services to order shortly after 8:00 am, on Wednesday June 7, 2023.

Cynthia Atanazio advised the meeting was being recorded and conducted roll call. A **quorum was established.**

Board Members Present: Chair Dave Mendiola, Vice Chair Laura Fitzsimmons, Chris Giunchigliani, Drew Christensen, Kate Thomas, Lorina Dellinger, Commissioner Cassie Hall, Allison Joffe, Jeff Wells, and Jarrod Hickman

Members not present: Joni Eastley, Harriett Cummings, and Justice William Maupin.

Others Present: Executive Director Marcie Ryba, Deputy Director Thomas Qualls, Deputy Director Peter Handy, Chris Arabia, Mayor Lori Bagwell, City Manager Nancy Paulson, Kirsty Pickering, Mercedes Maharis, and Cynthia Atanazio.

2. Public Comment

Mercedes Maharis provided kind words, support, and congratulations for the Board and Department of Indigent Defense Services.

Chair Mendiola expressed his gratitude for Ms. Maharis' kind words and support for the work being done by the Board and Department of Indigent Defense.

3. Corrective Action Plan Submission and Approval – Carson City (For discussion and possible action)

Deputy Director Qualls informed the Board that the issue of pay parity has been reflected in the lack of applicants for vacant jobs that have been open since January. In addition, there has been a bit of an exodus from the Public Defender's Office that has continued. Chris Arabia is doing a very good job with what he has, which is essentially two and a half staff members to fill the shoes of seven or eight attorneys. Recently, he has had the Nevada State Public Defender's Office follow after the Washoe County Public Defender and the Elko County Public Defender, which have been withdrawing from certain cases within the last year. Those cases then rolled down to the three contract attorneys for Carson City and appointed counsel. It has reached the crisis stage, and to their credit, Carson City and the Mayor have stepped up and done an outstanding job of coming to

us with a proposal to create their own Carson City's Public Defender's office. By agreement, DIDS entered into the corrective action process and crafted a plan that has been very smooth, very efficient, with constant negotiations, to hammer down the details due to this Constitutional crisis. Carson City agreed and stepped up to move forward in cooperation with this plan, and what is presented today is this corrective action plan, which was given to the Board. Carson City has already presented this before the Board of Supervisors, and it has been approved. Recruitment has started, office space has been nailed down, and the infrastructure is being determined. Essentially, this corrective action plan is being brought to the Board in accordance with the regulations and statutes for Carson City to build their own Public Defender's office. Deputy Director Qualls asked if there were any questions.

Chair Mendiola thanked Deputy Director Qualls for the information, and asked if there were any questions from the Board.

Vice-Chair Fitzsimmons advised that she did not have a question but wanted to commend Carson City and the DIDS staff for working expeditiously for Carson City to have its own Public Defender's Office. To her knowledge, based on the Board's former chair and other members of the past and present Carson City Board of Supervisors, this has been something that Carson City has thought about for several years. Ms. Fitzsimmons thinks it is a great idea and fully supports it.

Chair Mendiola thanked Ms. Fitzsimmons for her comments and asked if anyone else had any comments or questions.

Allison Joffe stated she also wanted to commend the District Attorney's (DA) Office and their staff. She felt what helped everybody realize the need for parity and better pay for our Public Defender's Office is the DA's office had organized and lifted pay, which was long overdue. Ms. Joffe shared sufficient pay was a reason she left the office. It is a revolving door for both DAs and Public Defenders because they are not paid well. Once trained, people go to Reno and/or Douglas County, which has been a huge problem these past years. A Carson City office could be a great foundation, and perhaps will lead to services, because the community needs to be taken care of for community safety; services are needed. Ms. Joffe stated she was proud of Carson City and the Board for stepping up; it is a great start.

Chair Mendiola thanked Ms. Joffe for her comments and asked if there were any other comments or questions. He then reached out to Mayor Bagwell and Manager Paulson for any comments prior to moving onto a vote.

Mayor Lori Bagwell said she was happy to be in attendance, and following the comments of Ms. Joffe and Ms. Fitzsimmons, felt strongly about Carson City being its own public defender's office. She stated local government can respond quickly if something starts going astray. The State has done a great job, not saying anything poorly, but the State's ability to respond is in two-year increments. Carson City can be responsive to the clientele, which is the real objective. Mayor Bagwell hoped the Board would agree this is better for clients that need to be served; the objective and hope for the corrective action plan is to be the start on the path to that mission. She expressed that most likely it would not be perfect right up front, without any bumps, but things are certainly moving in the correct direction. Mayor Bagwell said she looks forward to getting a public defender

hired and getting them to help craft any small bumps that may arise. She was convinced Carson City would hit the ground running.

Chair Mendiola thanked Mayor Bagwell and stated he appreciated the comments. He asked Ms. Paulson if she would like to make any comments.

Nancy Paulson stated that she had nothing to add except that she was excited to get it going.

Chair Mendiola expressed gratitude for Carson City’s behemoth effort to do this in a very short time, and stated from his perspective it was not only the right thing to do, but thinks the outcome will be really appreciated. The same has occurred in Humboldt County for many years and has been a great situation for the clients and citizens.

The Chair moved to item “b. Request for Board approval under NRS 180.450(1),” asking if there were any questions before the motion. With none, he requested a motion.

Motion: Approve Corrective Action Plan for Carson City

By: Jeff Wells

Second: Chris Giunchigliani

Vote: Passed Unanimously

Chair Mendiola again thanked Mayor Bagwell and Manager Paulson for all the effort in getting this done.

Mayor Bagwell commented “you are welcome,” and stated for the record that since the Board passed the corrective action plan, the next Board of Supervisors agenda would call the second reading of the ordinance that is required by law. She thanked the Board for having a special meeting and indicated that the action would be completed on June 15th when it would be voted to confirm the second reading of the ordinance that creates the Carson City office. Today’s meeting let the mayor act in good faith, and sign a lease for the new office. She again expressed her thanks to all.

Chair Mendiola commented that he wanted to reach out to Chris Arabia, thanking him for his efforts, knowing it has been a difficult road, but Mr. Arabia had stuck in there like a champion and been a big part of helping us get this going with Carson City.

4. Upcoming Meeting (For discussion and possible action)

Chair Mendiola advised that the next meeting would be next Friday, June 16th in Winnemucca, NV at 9 a.m. in the county commissioner’s boardroom, and asked for any questions.

Chris Giunchigliani asked if the meeting would be on Zoom. She stated she had been planning on flying up and attending in person, but her dog was scheduled for surgery so would need to call in.

Chair Mendiola responded that she would be able to call in.

Allison Joffe inquired about and stated she was looking forward to the Turquoise Mine Tour as

part of seeing Winnemucca.

Chair Mendiola said there should be confirmation of the tour in the next few days. He shared the tour was nice, having done it a couple times. He asked if there were any other questions about the next meeting.

5. Public Comment

Kirsty Pickering commented that she is one of the contract attorneys in White Pine County and was wondering where the Carson City Public Defender's Office now leaves White Pine County. With only two State Public Defender offices, is White Pine looking to do something similar with regards to setting up their own Public Defender or returning to the private contractors?

Director Ryba stated this is just Public Comment, so it was not on the agenda for discussion, but at the next meeting, plans will be discussed. She shared the Deputy AG was present, but Director Ryba could call Ms. Pickering offline if preferred.

Kirsty Pickering replied that a call would be great, since obviously there are concerns in White Pine regarding this. She said she never knows where to put in comments. Ms. Pickering stated she would love a call and would join the next meeting if it is on Zoom.

Mercedes Maharis questioned the lack of pay parity amongst prosecutors and defenders in Nevada and stated Lady Justice and the scales should be even. She was concerned it may be a violation of equal opportunity under the law.

Deputy Director Qualls wanted to offer a quick comment and response to that, thanking Ms. Maharis. The primary reason for the corrective action is to achieve parity with the prosecutor's office. As the Carson City Mayor indicated, Carson City is much more nimble at their ability to do that than the state. There was no failure on the part of the State Public Defender's Office, but just not achieving parity under the current system. Carson City is creating a system in which there will be parity with the DA's office and the Carson City Public Defender's Office.

Mercedes Maharis gave thanks, stating it makes her day seeing things going in the right direction.

Jeff Wells added a comment that it is not true that there is not parity statewide. For example, in Clark County, which has probably more public defenders than the rest of the state added together, there is parity between public defenders and the District Attorneys.

Chair Mendiola thanked Mr. Wells and added that in some rural areas have just gotten parity; but there is still a lot of effort. The Chair told Ms. Maharis that the Board, through the DIDS staff, have worked very hard with the Legislature and the Governor's Office to get the process complete, despite running into a few hurdles, and will continue until there is parity across the board. He then asked if there were any other comments.

6. Adjournment.

With no additional Public Comment, **Chair Mendiola** adjourned the meeting at 8:23 am.