



**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

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Memorandum

DATE: October 23, 2023
TO: Bridgette Mackey-Garrison, Executive Branch Budget Officer – Team Lead
Don Carlson, Budget Advisor, ASD
FROM: Marcie Ryba, Executive Director, Department of Indigent Defense Services
SUBJECT: Request for AB518, Section 7 Allocation to Provide Pay Parity for Attorneys
who Provide Indigent Defense Services

AB518(2023), Section 7 appropriates funding to the IFC for allocation to the Department of Indigent Defense Services to fund:

- (a) The reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services, including, without limitation, the costs of compliance with workload standards;
- (b) The costs of the Department related to compliance with the Davis v. State (Nev. First Jud. Dist. Ct. Case No. 170C002271B (Aug. 11, 2020)) consent judgment;
- (c) The costs of the Office of State Public Defender for contracting for legal services for complex cases; and
- (d) The costs for training and pay parity for attorneys who provide indigent defense services.

The Department requests an allocation of \$130,066 from Assembly Bill 518(2023), Section 7, for Fiscal Year 2024 for purposes of creating a stipend to provide pay parity for attorneys in the Nevada State Public Defender’s Office (“NSPD”) who provide indigent defense services.

Oversight Requirements

Pursuant to NRS 180.450, any county may transfer responsibility for the provision of indigent defense services to the NSPD. Rural counties have transferred responsibility for indigent defense services to the NSPD, but the NSPD continues to have difficulty staffing the office with attorneys to provide indigent defense services. The *Davis*

Monitor highlights lack of pay parity of the NSPD as an area of concern in her Ninth Oversight Report. Specifically, she notes that the NSPD is understaffed and having difficulty attracting qualified attorneys given that the salaries offered are lower than those of the public defender offices in the other counties and lower than the compensation offered to contract attorneys and this is a concern because several *Davis* counties have transferred all or part of the responsibility of indigent defense services to the NSPD. See Ninth Report of the Monitor, p. 7.

This concern of the Monitor is well-founded as the shortage of attorneys willing to work for the NSPD at prevailing state salaries resulted in corrective action plans in Carson City and Storey County wherein the responsibility of providing indigent defense services was transferred from the NSPD to a county public defender office. The county office that was opened in lieu of the state office was able to fully staff the office due to substantially higher salaries than could be offered by the NSPD.

As a solution to assist with staffing the NSPD, the Department requests an allocation of \$130,066 to pay NSPD attorneys who provide indigent defense services pay parity stipends on a quarterly basis. The purpose of the stipend is to provide pay parity with other indigent defense services attorneys and ensure the NSPD will be able to continue to provide indigent defense services. For the remaining part of Fiscal Year 2024, the stipend will be paid to each attorney providing indigent defense services that is employed with the Nevada State Public Defender on March 31, 2024, and June 15, 2024.

Conclusion

In conclusion, the Department respectfully requests a total allocation of \$130,066 from the AB518(2023), Section 7 appropriation to be used during Fiscal Year 2024 to provide pay parity stipends to provide pay parity for NSPD attorneys who provide indigent defense services.

Annual NSPD Salary Increases for Midline Average Stipend by Position

Assumption: Higher salary figures are used when the NSPD lacks the position represented in other jurisdictions; i.e., Deputy PD II value will be used for the Deputy PD Position

	Current Salary	Stipend Amount	Number of Positions	Total Annual Increase (excludes PERS & Assessments)
Deputy Public Defender	\$ 104,328.00	\$ 23,002.66	1	\$ 23,002.66
Supervising Public Defender	\$ 116,602.00	\$ 57,661.26	3	\$ 172,983.78
Public Defender	\$ 128,876.00	\$ 64,145.06	1	\$ 64,145.06
Grand Total				\$ 260,131.50

WP Requested Amount for Two Quarters = \$130,066

NSPD Maximum Position Pay Disparity Analysis

	NSPD			Minimum Pay			Midline Pay			Maximum Pay			Average			Total Average Difference			
	Max	Mid	Min	Carson Min	Clark Min	Washoe Min	Carson Mid	Clark Mid	Washoe Mid	Carson Max	Clark Max	Washoe Max	Min	Mid	Max		Min	Mid	Max
Deputy PD II/Senior DPD	\$ 104,328.00		\$ 15,480.00	(6,111.60)	(21,752.00)	\$ 15,480.00	\$ 12,058.39	\$ 17,508.00	\$ 39,441.60	\$ 30,228.37	\$ 56,768.00	\$ 63,403.20	\$ (4,127.87)	\$ 23,002.66	\$ 50,133.19	\$	\$	\$	\$ 23,002.66
Deputy PD IV/Assistant PD	\$ 116,602.00		\$ 48,300.40	(3,162.18)	\$ 31,473.20	\$ 48,300.40	\$ 19,525.98	\$ 77,178.80	\$ 81,279.00	\$ 42,214.14	\$ 112,884.40	\$ 114,257.60	\$ 25,537.14	\$ 57,661.26	\$ 89,785.38	\$	\$	\$	\$ 57,661.26
Public Defender	\$ 128,876.00		\$ 55,807.20	(4,092.20)	\$ 34,029.60	\$ 55,807.20	\$ 20,864.78	\$ 78,822.40	\$ 92,748.00	\$ 45,821.76	\$ 123,615.20	\$ 129,688.80	\$ 28,581.53	\$ 64,145.06	\$ 99,708.59	\$	\$	\$	\$ 64,145.06