



Department of Indigent Defense Services

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**SMALL BUSINESS IMPACT STATEMENT REGARDING PROPOSED
REPEAL OF NAC 180 REGULATIONS (Executive Order 2023-003)**

- 1. A description of the manner in which comment was solicited from affected small business, a summary of their responses, and explanation of the manner in which other interested persons may obtain a copy of the summary:**

The Department of Indigent Defense Services requested input from private attorneys, law firms, and related businesses via an e-mailed survey link.

The survey asked for input on economic effects on small businesses with space to elaborate on responses.

The Department received 4 completed surveys.

- 2. The manner in which the analysis was conducted:**

The Department has reviewed the 4 responses, which are provided in substantive part as follows:

1. The repeal of regulations contained in NAC 180 would not affect their small business.
2. Nearly 60 percent of the firm's cases opened during 2022 were indigent-defense matters. Changes to NAC 180 that would limit access to counsel for indigent defendants or which would decrease the incentives to provide zealous representation would affect our small business by making BIDS representation less viable. Due to economic uncertainty, it is not clear that the firm would be able to make up for the loss of business by emphasizing other practice areas. Additionally, the firm recently entered a contract--in which both parties contemplated the current BIDS regime--with Lyon County to be the tertiary public defender; changes to the regulatory scheme could impact performance of that contract.
3. I believe this will have a tremendous negative impact on small Nevada law firms. Currently there is a shortage of public defenders in the state of Nevada in particular the rural counties. Part of the shortage is due to the compensation. These lawyers are paid and living in the rural part of Nevada is not for everyone. Based on my limited understanding the goal is to change the law and bring lawyers from other states that make less money Than the

current public defenders in Nevada. This would defeat the whole concept of the Davis lawsuit and would take jobs from licensed Nevada lawyers, who have small businesses in the state and who employ citizens of the state. I am against bringing in unlicensed, Nevada lawyers to take the jobs from qualified Nevada licensed attorneys. Thank you for your consideration.

4. [The repeal of regulations c]ould slow down needs and payments for investigative use.

The Department has not received enough data to determine in a statistically significant way whether a direct or significant economic burden would be imposed upon small businesses.

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate, including, without limitation both adverse and beneficial effects; and both direct and indirect effects.**

There are no reasonably foreseen potential economic impacts to small business.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulations on small businesses and a statement regarding whether the agency actually used any of those methods.**

The agency has not utilized any impact-reduction methods due to the very short timeframe imposed on the agency by Executive Order 2023-003 and the limited data available.

- 5. The estimated cost to the agency for the enforcement of the proposed regulation.**

The estimated cost to the agency is unknown at this time.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect, and the manner in which the money will be used.**

The proposed repeal of regulations necessarily does not involve an increase to existing fees or create any new fees.

- 7. If the Proposed Regulation Included Provisions Which Duplicate or Are More Stringent Than Federal, State or Local Standards Regulating the Same Activity, an Explanation of Why Such Duplicative or More Stringent Provisions Are Necessary.**

N/A.

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8. The Reasons For the Conclusions of the Agency Regarding the Impact of a Regulation on Small Businesses.

As indicated above, there was not enough data collected from small businesses to come to a conclusion that the proposed repeal of regulations would impose a direct and significant economic burden upon small businesses.


a. Does the Proposed Regulation Impose a Direct and Significant Economic Burden Upon Small Businesses?

The proposed repeal of regulations does not impose a direct or significant economic burden upon small businesses.

b. Will the Proposed Regulation Directly Restrict the Formation, Operation or Expansion of a Small Business?

The proposed repeal of regulations will not directly restrict the formation, operation or expansion of a small business.

Signed and effective this 13 day of January, 2023.



Marcie Ryba, Executive Director
Nevada State Department of Indigent Defense Services