

Soval Solutions, LLC

Description of Deliverables and Recommended Next Steps

Prepared for the Nevada
Department of Indigent Defense Services

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Completed Tasks

From April, 2022 to June, 2023, Soval Solutions has served as a data analyst with the Nevada Department of Indigent Defense Services (DIDS) working on several lines of effort. These are described below.

Compensation Analysis and Recommendations for Nevada Department of Indigent Defense Services.

The Nevada Department of Indigent Defense Services (DIDS) helps provide critical representation for indigent defendants in the State of Nevada. In order for DIDS to carry out its functions, it is necessary for the organization to have the ability to attract and retain talent. Currently, DIDS is at a disadvantage in hiring qualified defense attorneys, as salaries are typically below those offered in other comparable organizations in the state. Specifically, many DIDS salaries are below those offered to employees in the Nevada Attorney General's office who have similar levels of responsibility. Furthermore, many DIDS employees receive salaries that are well below salaries offered to public defenders in urban counties, and below those offered to prosecutors in various counties. This document provided evidence of pay differentials between DIDS employees and similarly situated employees throughout Nevada. This information was then used to develop recommendations for updated salaries to be offered to DIDS employees.

Hourly Rate Recommendations for Contract Attorneys in Rural Nevada. In rural Nevada counties, conflict and contract attorneys serve the critical role of providing indigent defense services to criminal defendants. Nevada last set its hourly contract rate for non-capital cases at \$100/hour and \$125/hour for capital cases in 2003. This represents a nearly 20-year time span in which the costs of living have increased dramatically in Nevada. During this time, the cost of doing business for solo practitioner and small law firms has also increased considerably. This study recommended that the Nevada Department of Indigent Defense Services (DIDS) mandate a minimum hourly rate of \$163 for non-capital cases and \$204 for capital cases in rural counties in the state. This would represent a 63% increase from current rates for both non-capital and capital cases.

Addressing the Rural Indigent Defense Service Provider Shortage in Nevada. Soval Solutions worked with DIDS to identify potential avenues for addressing the indigent defense service provider shortage in rural Nevada. The research showed very low numbers of attorneys in rural areas in Nevada, as well as a relatively low number of law school graduates in Nevada who choose to enter government and public interest careers. The research examined programs in other predominantly rural states that are designed to attract and retain attorneys to rural areas. Nevada could potentially develop its own program to attract attorneys to rural parts of the state, through various pipeline and incentive efforts.

Analysis of Rural District Attorney Hourly Rates. The Nevada Department of Indigent Defense Services (DIDS) helps provide critical representation for indigent defendants in the State of Nevada. In order for DIDS to carry out its functions, it is necessary for the organization to have the ability to attract and retain talent. Currently, contracting with qualified defense attorneys in rural areas may be difficult, as hourly rates are typically below those offered to prosecuting attorneys in those same areas. This document provided evidence of the rates paid to county prosecutors, and focused on the hourly cost to maintain the District Attorneys Offices, which are akin to a small law practice. This information can be used to inform decisions related to adequate pay rates for contract and conflict defense providers in rural parts of Nevada.

Recommended Next Steps

Rural Attorney Pipeline Study. It is recommended that DIDS continue to explore various pipeline programs to attract and retain qualified attorneys to serve as indigent service providers in rural parts of Nevada. Such programs would likely involve working with law schools in the region to establish relationships with current law students. Additionally, DIDS, and related organizations that are in need of attorneys in rural areas of the state, can work to establish a pipeline of attorneys through working with local secondary institutions and community/junior colleges. The research analyst will help identify realistic strategies and help identify appropriate funding structures for pipeline programs.

Review Potential Changes to Reciprocity Policies. In addition to pipeline programs, it may be beneficial to explore the possibility of interstate reciprocity for indigent defense service providers. Specifically, in the absence of qualified attorneys in rural areas of Nevada, counties may need to rely upon attorneys from neighboring states to serve as indigent defense service providers. Recently, the Oregon Board of Bar Examiners has proposed changing admission rules from a reciprocity structure to a comity structure, in part because of the shortage of attorneys in rural areas. Such rule changes have the potential to address attorney shortages in Nevada and should be explored. The research analyst proposes to assist in this effort.

Explore Overhead Costs of Rural Indigent Service Providers. Previously, Soval Solutions has conducted an overhead cost survey of public defenders and contract and appointed indigent defense service providers in the State of Nevada. The analysis showed that indigent defense service providers are faced with relatively high overhead costs that reduce the net income of attorneys who serve in these roles. It is proposed that Soval Solutions conduct a follow up overhead survey to determine whether overhead costs have increased, and to help inform the development of new hourly rates for indigent defense service providers.