

**State of Nevada**  
**Department of Indigent Defense Services**  
**Board Meeting Minutes**

**Friday, June 14, 2024**

**1:00 PM**

**Meeting Location:**

OFFICE	LOCATION	ROOM
NV Association of Counties	304 South Minnesota Street and Virtual (Zoom)	

**1. Call to Order/Roll Call**

**Chair Fitzsimmons** called the meeting of the Board on Indigent Defense Services to order at shortly after 1:00 pm, on Friday, June 14, 2024. The Chair presented the attendees with the link for Zoom, meeting ID, passcode, and phone number to connect to the meeting.

Bet-Nimra Torres Perez conducted roll call. A **quorum was established**.

**Board Members Present:** Chair Laura Fitzsimmons, Vice-Chair Kate Thomas, Chris Giunchigliani, Angela Cook, Susan Bush, Allison Joffe, Joni Eastley, Harriett Cummings, Jeff Wells, Lorina Dellinger, and Justice William Maupin.

**Members not present:** Jarrod Hickman and Joe Crim.

**Others Present:** Executive Director Marcie Ryba, Deputy Director Peter Handy, Deputy Director Brenda Robert, Professor Eve Hanan, David Schiek, Derek Lopez, John Kadlic, Deputy Attorney General Todd Weiss, Bet-Nimra Torres Perez, and Stan Morrice.

**2. Public Comment**

**Chair Fitzsimmons** opened the line for public comment. There was no public comment.

**3. Approval of the Minutes: (For possible action)**

- a. February 29, 2024, Board Meeting
- b. May 2, 2024, Workshop

**Motion: Approve the Meeting Minutes of the February 29, 2024, Minutes**

**By: Dave Mendiola**

**Second: Jeff Wells**

**Vote: Passed Unanimously**

**Motion: Approve the Workshop Minutes of the May2, 2024, Minutes**

**By: Jeff Wells**

**Second: Chris Giunchigliani**

**Vote: Passed Unanimously**

**4. Follow up on Workshop: (For discussion and possible action)**  
a. Death Penalty Regulation

**Director Ryba** explained we would request this be moved forward pending the review by the Supreme Court 250 committee. We want our regulation to be in harmony and they have not made a final decision. We request the Board to move this to a future date once the committee has decided.

**Chair Fitzsimmons** commented that makes a lot of sense.

**Deputy AG Todd Weiss** explained a motion was needed or the chair can dictate if something needs to be pushed forward to a future agenda.

**Chair Fitzsimmons** stated we will move this item to a future agenda.

**5. Introduction: (For discussion and possible action)**  
a. Patricia (Patty) Cafferata, Nevada State Public Defender  
b. Brenda Roberts, New Deputy Director, Department of Indigent Defense Services

**Director Ryba** introduced Patty Cafferata; the new State Public Defender appointed by Governor Lombardo.

**Patty Cafferata** advised the Board of her impressive and extensive background, state service, and working for many state leaders.

**Chair Fitzsimmons** expressed we are very impressed and honored to have you.

**Director Ryba** introduced Brenda Roberts, the new Deputy Director who is coming to us from the Court of Appeals as a supervising staffer. She is filling the position created by Thomas Qualls vacancy.

**6. Oversight and Davis Update: (For discussion and possible action)**

**Director Ryba** explained she planned to cover items a, b, c, and d jointly because they have so much to do with one another. The monitor is with us today and a lot of her concerns have to do with our budget. We will update the Board on our pipeline efforts and the annual report shows ways we are exploring to bring more attorneys in the rural communities. We have worked with the Board of Governors, the State Bar of Nevada where they filed for change of ADKT616. The change will delete the two-year limitation an out-of-state attorney can practice in a rural area. We are working with the counties to submit their plans and updated reports to see how they are going to comply with the workload requirement by November. We have our team of oversight attorneys present and each attorney covers a different zone.

**Chair Fitzsimmons** inquired as to issues the oversight staff may be finding.

**John Kadlick** stated this is his 49<sup>th</sup> year practicing law and I have been all over the state and in every county in the state. I am looking forward to the monitor giving us more guidance as to what is really wanted. What I have been doing is breaking it down with each court, case numbers, criminal cases, what each attorney takes, which ones are in custody.

**Chair Fitzsimmons** asked if a form might be helpful and consistent for everybody.

**David Schieck** stated that I agree with John and some uniform reporting would be useful.

**Director Ryba** stated we are happy to work with the monitor and asked if Deputy Director Handy wanted to add anything.

**Deputy Director Handy** explained he is still catching up on all the work that has already been done by our oversight personnel, which has been fantastic, very in-depth, and very thorough reporting. In a short time, it is a lot to go through and as soon as I get caught up and meet with each attorney and Professor Hanan to see where we really want to go and unify the reporting.

**Chair Fitzsimmons** asked if this is something you feel you may be doing in the upcoming weeks to meet with them and get this hashed out.

**Deputy Director Handy** stated he met with Derek Lopez yesterday and talks to David Schieck regularly. We are going to get together in the next couple of weeks to see how we are going to move forward to ensure we are meeting the *Davis* requirements and the monitors' concerns.

**Chair Fitzsimmons** asked if anyone had any questions or concerns.

**John Kadlic** stated he wanted to comment on page 12 of the monitor's report. She has a list of basically five questions. It kind of makes me smile when it says did the attorney show up with their file. Files do not exist; everybody now has a laptop computer. If you do not have a laptop, you do not have your files.

**Director Ryba** said the most exciting thing is that every county has been visited. The oversight staff have been able to make those in-depth visits the monitor has wanted to see. It has been very useful to have those individuals and the response has been positive.

**Professor Hanan** stated I think this is great. As the monitor I go off the judgment and what it says about the standards that are incorporated. The question about the file is an attorney told a judge he was not prepared for sentencing because he could not find a file, not that there was not a paper file there was no file whatsoever.

**Director Ryba** stated moving to the monitor's 12<sup>th</sup> report and in her conclusions, the big concern is securing the AB 518 funding of six million dollars the legislature set aside for next year for us to comply with *Davis*. We have done funding requests for oversight, data collection, training, and Westlaw.

**Chair Fitzsimmons** wanted to pause and inquire as to what is the process on how you get the money set aside in the general fund for our purposes.

**Director Ryba** explained to the Board the process for submitting a work program and how it must be submitted to the governor's finance office for approval before being placed on the agenda for the Interim Finance Committee (IFC). Once it is placed on the agenda it will go to IFC and they decide whether to approve.

**Chair Fitzsimmons** stated so in terms of your budget analyst the work has been done.

**Director Ryba** confirmed it had been done and we have several work programs that are in the hopper. We are waiting for a decision from the GFO.

**Chair Fitzsimmons** wanted to know if there had been delays at the GFO.

**Director Ryba** replied yes. There is a meeting scheduled Tuesday with the GFO to explain our requests. Another issue of concern is the recruitment and retention of attorneys at the Nevada State Public Defender's office. Pay continues to be an issue in Ely and we are going to sit down with Patty Cafferata to talk about different alternatives. A highlight of our LASSO program is last year we had one intern in the rural

community and this year we have eight. In talking with some attorneys, they said some of their interns want to come back next year. This is all positive, forming a pipeline where hopefully they take employment. If a person takes employment, they will be paid \$15,000 as a stipend to continue their internship and \$6500 to take the bar.

**Chair Fitzsimmons** wanted to know how the word gets out about LASSO, the law school?

**Director Ryba** replied yes. At a LASSO event, Jerry Buting came to the law school and spoke to the students about what it was like serving on a murder case and trial that was filmed and documented on NETFLIX. It was an exciting topic, because it occurred in a small town and brought him worldwide attention. It created interest in the LASSO program and students were able to speak with rural public defenders who were also invited. Professor Hanan and the department are working on another event to bring Stephen Bright to Boyd to talk about indigent defense and how he built certain defense systems in the south.

**Chair Fitzsimmons** asked how you are getting the word out. There would be a lot of people in neighboring western states if they knew about this great opportunity. Is there a national Listserv or something where you can get the word out?

**Director Ryba** replied we are working with different parties and spreading the word locally and we are having things happen at the law school. We have reached out to different law schools and asked them to post it. We have asked our oversight team to post it at their law schools. I have sent it out to all the attorneys and asked them to send it to their law schools. There is funding for our department to travel to different mountain west law schools so we can spread the word there too. Workload limits are another concern of the monitor, and I will let her cover that and then talk about oversight.

**Professor Hanan** stated this is my 12<sup>th</sup> quarterly report which means three years of reporting. The judgment contemplated about three years, but the workload study was very delayed due to Covid. The workload limits are the big main events with many of the rurals needing multiple attorneys. The department is doing a great job figuring out how to get people. We are really talking about a major recruitment effort which is underway but a piece of that is the Nevada State Public Defender's office. Director Ryba and the department have put all these wonderful things in place, but they must ask for a piece meal to get money from the IFC out of AB 518. When does the department have the budget it needs to meet the *Davis* requirements and does not have to go to the IFC every month, every two months, every three months to ask for the money that has been earmarked for compliance. I hope it will happen in the next legislative session.

**Chair Fitzsimmons** asked if anyone had any questions for Professor Hanan about her report.

**Jeff Wells** stated at the February meeting there was a discussion about allowing attorneys to be housed in Las Vegas and drive to White Pine. I expressed concerns that might just be a training ground for the Clark County Public Defender's Office because of salary.

**Director Ryba** replied that we originally talked about trying to get office space in Clark County so we could recruit attorneys from Clark County. We currently have one attorney that is based in Clark County and driving back and forth on his own dime because we do not have sufficient travel budget. The other issue is we actually have space in a building in Clark County, we just did not have the funds for the rent.

**Susan Bush** commented this would designate a home office as Las Vegas, not White Pine.

**Director Ryba** confirmed that would be what we are planning to do.

**Jeff Wells** questioned if we are planning to do the salary structure at the level of deputy public defender,

**Director Ryba** stated we do have to comply with the pay parity in *Davis* and we had made a request for stipends to bring them up with the district attorneys and it was pulled from the IFC meeting. We are still waiting for guidance on how we can get pay parity, but it seems it needs to be a legislative action.

**Chair Fitzsimmons** stated we all just need to recognize as our monitor does there is a significant problem and Director Ryba is looking at every possible solution. Does the State PD handle prison cases in White Pine?

**Director Ryba** responded yes. They have a lot of local cases there and a few prison cases that are generally murders which are very complex cases.

**Chair Fitzsimmons** expressed we are grateful for the State Public Defender and if anyone has any solutions because this is a real liability for the state in terms of *Davis*.

**Director Ryba** stated things have been a bit complicated for Patty Cafferata. She filed a couple of motions to withdraw based upon insufficient staff and they were denied by the court. Derrick Penney recently requested a Zoom appearance, and it was denied by the court.

**David Schieck** stated that in White Pine the jail is located adjacent to the courthouse and they are not transporting in custody defendants to the court for sentencing or plea agreements which are violations.

**Director Ryba** said if you look in your notebook one of our bill proposals is equal defense which calls for pay parity. The Attorney General's budget seems to be expanded and our budget seems to be very compressed so if we could expand our budget to match theirs this would provide a bit of relief for us.

**Chair Fitzsimmons** stated we are going to keep track of this and put it on the next agenda. Is there anything else that you feel we need to discuss?

## 7. Budget Discussion: (For discussion and possible action)

**Director Ryba** wanted to go over item seven and our concerns about the status of our work programs. We are meeting with the governor's office next week and we should be able to give an update on that in August. We are in the process of building our budget and I wanted to reach out to the Board to see if there is any priority areas you would like us to add as enhancements. There is a request to include the maximum contribution formula into the budget and finally our oversight individuals. Is there anything we have not thought of that the Board would like included?

**Chair Fitzsimmons** wanted to know when the budget needs to be submitted to the governor.

**Deputy Director Handy** confirmed the budget must be submitted in August.

**Director Ryba** advised we are working with the Administrative Services Department in building the budget. Included is a request for more fiscal staff because we do not have anyone that is able to build budgets and it falls on Deputy Director Handy and myself. This person could assist with reviewing quarterly reports for accuracy as we are relying on the county's word on spending. We have reimbursed about \$1.5 million for our rural counties and by the third quarter only two counties had not met their maximum contribution. If you look at the blue form, we reviewed the maximum contribution for what the counties paid last year and increased it by inflation.

**Susan Bush** wanted to know about auditing the attorney's bills.

**Director Ryba** explained this is something that we are looking at with Stan who oversees LegalServer. We are working with the attorneys to bring that down, but it is a lot of work to bring three years' case reporting and making sure it is accurate.

**Susan Bush** explained that we do a sampling and then figure out how accurate it is, or we do a couple of attorneys to see how it is going. I just want to make sure the numbers are correct.

**Chair Fitzsimmons** stated it was a good point and could you do that kind of auditing.

**Director Ryba** replied yes. Some feedback we have from the counties is they do not have to comply with our requirements. There is some belief in the rural communities that there is no requirement to comply and still be reimbursed. This is part of the reason we are having some issues with reporting.

**Chair Fitzsimmons** wanted to know if there is anything else.

**Jeff Wells** asked if counties get fully reimbursed if they still do not comply.

**Director Ryba** replied we have reimbursed every county 100% over their maximum contribution. In Nye County the attorneys are overwhelmed and do not have the time to provide accurate reporting. We expect as we add contracts the cases will lessen; they will do better reporting. Elko County purchased their own case management system and they do not want to use both, and we are working with them.

**David Schieck** stated he would explain a little of what he has observed. The case is opened in LegalServer and remains open until the attorney says it is concluded and clicks the closed button. If cases continue to be opened and not closed your cases continue to grow. My initial effort was just a few cases and I found about 40% of the cases are closed so we have 40% open.

**Susan Bush** stated that is a concern at 40%.

**David Schieck** stated not knowing whether the case is opened or closed for your numbers is an issue. If a defendant goes to bench warrant and never resurfaces does that case, get closed. If the defendant gets picked up the attorney should not count that as another active case and that is another issue.

**Director Ryba** stated that LegalServer does have that ability and would Stan want to explain.

**Stan Morrice** explained on LegalServer we have case status with either open or closed but we can add a status for revocation or bench warrant so it would still be open. I pull the ones that have bench warrant or revocation out of the reporting now. We have notified the attorneys how to mark it that way.

**Director Ryba** said Stan does LegalServer training every month where he invites people to join with questions or concerns. We are hoping once the workloads are fully in compliance, they will have staff for better reporting. We are working with the administrative office of the courts who are rolling out the e-filing system and a case management system with the Supreme Court that many of the rural counties can use. We are tying that to LegalServer so if the rural community gets the e-filing system that e-file is going to open the file in LegalServer for the attorney it will be an action done by the court.

**Dave Mendiola** wanted to know how many counties do not believe they need to comply to be reimbursed. Is it just one or two counties?

**Director Ryba** stated she believed most of the counties are really trying to comply. The counties that have purchased their own system are exploring creative solutions to comply, but we need the data.

**Chair Fitzsimmons** asked if we could put this on the agenda. White Pine is not in the report, and I am very concerned and at some point we have obligations.

## **8. Legislative Discussion. (For discussion and possible action)**

**Director Ryba** informed the Board we have a couple of bill draft proposal ideas we would like some feedback on. In section eight of your booklets, the first is for comprehensive indigent defense services. We are proposing two alternatives one is to create an office of alternative defense where they can enter into contracts. The second alternative is authority could be placed in our department to enter into these contracts and it would give us more fluidity when there is an issue. When you read the PD's statute the PD is supposed to cover post-convictions and that is handled at the hourly rate. We are proposing the creation of a separate department called the Post-Conviction Solicitor Office and this would handle the post-conviction proceedings across the state.

**Chair Fitzsimmons** stated there is a lot, and asked if we could put this on the August first agenda, we just really focus on this because you have to get the bill draft requests in. What is the deadline to get this to the governor's office?

**Director Ryba** stated we wanted to know if you support these bill draft requests, and we could pull them and start having discussions. These are just discussions, and the goal is by the end of June to decide whether they are going to the legislature.

**Chair Fitzsimmons** asked about the post-convictions.

**Director Ryba** replied that what we would like to do is create a department either through contracts or setting up a department similar to our state public defender where they could take on post-convictions in one central location.

**Chair Fitzsimmons** stated it seems like we are at a meeting, and we have a deadline. We have not taken action so what do you recommend?

**Director Ryba** commented that we would like to hear a discussion on what the Board's thoughts are and what you would like to see. Ultimately it is up to the governor's office which bill drafts get submitted but I would like to know the things that this Board is supportive of or not.

**Susan Bush** voiced she had some concerns and felt the office would be better suited to Las Vegas. She explained there are a number of resources in Las Vegas and advised the district attorney's office's Appellate team relies on law clerks and interns and so they are able to get a funnel of attorneys starting as law clerks into their office work. The Solicitor General's office will have better recruitment if it is in the Las Vegas office, you can draw from the law school for the PCR positions. My other concern was to support both post-conviction office whether it is alternative defense counsel that they add in that hire law clerks and experts potentially.

**Chair Fitzsimmons** stated that she agreed but I clearly believe that the burden is on us, it is on the petitioner and if they are going to use first- or second-year law students they need to be mentored. The DA put up the procedural bar and the burden of proof is on us. The consensus is for the office to be in Las Vegas, and I am seeing all the good reasons. Can we get a motion to go with version two?

**Director Ryba** explained that the distinction is would you like to have alternate defense counsel or have the department handle.

**Jeff Wells** stated I would have the department.

**Chair Fitzsimmons** asked if anybody would like to make a motion.

**Jeff Wells** made a motion that a post-conviction office be housed in Las Vegas.

**Chair Fitzsimmons** asked if there was anything else?

**Susan Bush** stated that she had a question about something that was added in NRS 260.010 which is on page nine, version one. My concern is that the public defender serves the commissioners and then there is restrictions on when they get dismissed and I was concerned about the language.

**Director Ryba** commented we added language that says a public defender may only be removed upon a finding of incompetence, neglected duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance, or nonfeasance in office or for any other. What we are seeing is that public defenders are being relieved of their posts because they take a stance in their client's best interest. It might be opposed by the Board of Commissioners who would have wanted them to take. We wanted to add language to give public defenders protection in their employment.

**Chair Fitzsimmons** asked if this would apply to Washoe and Clark counties.

**Director Ryba** confirmed it would.

**Susan Bush** expressed the concern is it is still up to the counties and there may be numerous reasons why they are being dismissed. It is just too limiting and what we are saying is the County Commissioners are now tied to specific reasons.

**Director Ryba** stated we have no objection to removing language if that is the route the Board would like us to take.

**Allison Joffe** stated the public defender is usually taking the unpopular side and I think there needs to be some protection for public defenders.

**Chair Fitzsimmons** asked if we could leave it for now understanding it is such an important point.

**Chair Fitzsimmons** welcomed Justice Maupin who had joined the meeting.

**Justice Maupin** explained he got lost in Carson City.

**Chair Fitzsimmons** stated I think there needs to be more discussion and I would like input from Washoe and Clark counties.

**Susan Bush** said it is my understanding that most of the public defenders have their own contracts with the counties or agreements specific in their plan.

**Jeff Wells** stated it would impact Washoe and Clark counties and I support what Susan is saying.

**Chair Fitzsimmons** stated all of us are very concerned about the integrity and independence of the public defender. If it could happen in the rural counties it could happen in Clark and Washoe.

**Allison Joffe** stated it is just different in the rural counties and you are at their pleasure. We are not getting people coming in enough now and it is really a dangerous professional thing to do.

**Director Ryba** explained these are subject to be modified. If the Board likes the post-conviction unit, then this is something we need to build it into our budget. The language pointed out is likely to be discussed several times as we get closer to the legislative session.



**Susan Bush** asked if you could build the unit out, so it starts gradually until it is fully staffed.

**Director Ryba** said that was the thought. We want to modify the definition of indigent defense services to include post-conviction cases because there is confusion, and it is hard to get attorneys to take these cases especially in our rural communities. Courts have reached out to us to assign but it is not in our definition.

**Susan Bush** stated I am thinking the budget would be based on the contract money we already have so it is just a phasing out department versus the contract.

**Justice Maupin** asked if you are suggesting lawyers be appointed in post-conviction matters on an individual basis and so you can end up having six or seven people doing this work around the counties?

**Chair Fitzsimmons** replied that is my understanding and asked the Director if that is what is happening now. Are we trying to consolidate it and work it into an actual non-contract and staff positions.

**Justice Maupin** stated it would be better if you have two or three people that are familiar and sophisticated with doing this and all the deadlines. It would be cheaper and go faster and get less blowback from the local governments because you have an institutional feature in place that would not cause all this disruption.

**Chair Fitzsimmons** thanked Justice Maupin for the information. We recognize those who have been involved with post-conviction there are landmines everywhere, it is really specialized.

**Director Ryba** stated there is one other area we did add a part of the statute saying that the department of indigent defense services will not provide direct representation to clients. We want to make it clear in statute because there is an issue when we have a shortage of attorneys. There has been a question of whether the department should go to Elko or White Pine and provide representation and we do not have the bandwidth to be able to do that and our other duties. We want to clearly state in the statute that we cannot provide direct representation for our specific department.

**Chair Fitzsimmons** stated that the way it is drafted on page two version two looks like it is being added.

**Director Ryba** explained it should have been printed in color showing it should be added. Another issue Brenda pointed out which affects the Board is we added language and if you go with version two where we are contracting, we likely need to start the change on page three where it says to be on our Board you cannot be an attorney that has a contract with the county.

**Chair Fitzsimmons** asked for a motion to approve version two what is now highlighted with the caveat the office for post-conviction will be in Las Vegas.

**Motion: To Approve Bill Draft Request to Create a Post-Conviction Solicitor Office in Las Vegas Version Two**

**By: Chris Giunchigliani**

**Second: Allison Joffe**

**Vote: Passed Unanimously**

**Director Ryba** said moving on to equal justice and pay parity idea. This may not be a necessity because there is a study being done on compensation. Historically the public defender's office is not building new positions like other agencies, and I am not sure it is appropriate to compare us to the Attorney General's office. That is the only agency that we appear directly opposite of. This was inspired by the Equal Defense Act where they called out the prosecution side equals what is on the alternate side. We have attached what the salaries are at the state public defender's office and even after the 11% raise on July 1, they are still making 13% less than a White Pine Deputy District Attorney and it gets worse from there. For example, a

deputy public defender will make 54% less than a deputy district attorney in Douglas County. There is a huge difference in salaries, and this may be part of the issue why we cannot fill these positions.

**Chair Fitzsimmons** stated she would like to hear from the monitor on this because it seems like a big problem.

**Professor Hanan** commented that the issue is not so much with the State Public Defender, but it is a contract attorney who has an overhead of around \$60,000. Not every attorney has that, but you have to go with a number so if you have an office with support staff part-time that would be average, so this is required by the judgment requires pay parity with the prosecutorial counterpart. I think the State Public Defender is generally lower even if you take 60 off the top of the contract amount right than most of the contracts that we see especially as the contract amount is more flexible.

**Director Ryba** stated that included in your packet is an attachment I prepared after I contacted the rural locations and asked what the top end is for a deputy district attorneys. She pointed out to the Board the discrepancies by percentage in the pay ranges between public defenders to the attorney general's salary.

**Chair Fitzsimmons** asked if that was prosecutors.

**Director Ryba** confirmed it was because the *Davis* judgment specifically calls out to match what the prosecutors are making.

**Susan Bush** stated my concerns are we are looking at the top end numbers for the top DA. It looks like you are quoting for Clark County \$162,000 and that is someone that has been there and gone up in pay. That is like my 20-year attorneys who top out at the top of the scale compared to an entry level attorney.

**Director Ryba** explained we chose the top end because in our rural areas there are attorneys that have 20 years' experience or a significant amount of experience and not making what they would earn in an urban area.

**Susan Bush** expressed that you are comparing the entry range and what the top end for the range so even at the AG's office there is an entry range and a top so we cannot compare the top end to the bottom.

**Director Ryba** stated the state does not have a low range we have the top end. Offers are made on what you feel is appropriate and that is why comparing the top end of what they were making at the different levels. An assistant district attorney that makes even significantly higher which I did not put in the calculation. There is a difference because we do not have that level, but it shows the difference in salaries and why individuals could be pulled when they have experience.

**Jeff Wells** wanted to confirm that the Director was not talking about Clark County.

**Director Ryba** replied that I think Washoe has four levels.

**Jeff Wells** stated Clark only has deputy, chief deputy and then it has two people who are head of units.

**Director Ryba** stated that is why we separated urban and rural on the two different charts. I just wanted to give an idea because we are seeing a lot of individuals from our rural areas moving to the urban areas because of the difference in salaries.

**Jeff Wells** said that is why I asked if there was a schedule that goes up because the union contracts for the PD's office and the DA's office are in parity in Clark. They have stages all the way through based on years

of service and when they shift to chief deputy. Are you saying that does not exist at the AG's office. Maybe what we need is a scale so you have an entry salary and after a year, two years, you know where their steps are going to be.

**Vice Chair Thomas** stated in Washoe they just completed a salary study across the whole organization of 3,000 people which included attorneys so that might be useful information for you as far as comparisons statewide and then similar jurisdictions.

**Susan Bush** stated the problem here is they do not have status levels to go by. It changes at five years.

**Vice Chair Thomas** advised that levels change each year in Washoe.

**Chair Fitzsimmons** asked if that is how it was done at the AG's office.

**Deputy Director Handy** stated the AG's salary structure is internally a seven-step series in the deputy attorney general classification and then above that they have senior deputy attorney generals. Generally, they have more than seven years of experience to be put in that position. I will caveat that the seven steps if there is someone that is very specialized, and they want to fill the spot with somebody to a higher step they can and often do. It is listed the same way as any other state position where the salary caps listed on the schedule, and they can pay anywhere up to the salary cap.

**Chair Fitzsimmons** stated pay parity is in *Davis*, is in our regulations. You want pay parity in statute?

**Director Ryba** explained it may not be necessary because they are doing a compensation study and I do not know how it will come out or if this is the appropriate time but wanted to update the Board as we are getting information. Pay parity is especially an issue in White Pine County and we are trying to determine creative ways to create pay parity like a stipend or something else so this is us trying to determine how can we comply with the pay parity or do we wait for the legislature to fix.

**Chris Giunchgliani** stated unfortunately this has been a 35-year problem with state salaries. I would suggest that you not wait on a compensation study, and you should, or this Board look at how to rectify in the future what should be your entry level and maybe it is a two-pronged approach.

**Dave Mendiola** stated if you let the legislature set the tone of the discussion that is where you are going to end. It is very important like for example Humboldt County for the last year and a half has been doing a compensation classification study. It came back in January, and it included public defender and alternate public defender so that would be a good place for information for rurals. If you do not do this, you are going to be behind the eight ball and you have two more years.

**Justice Maupin** stated you are going to lose the ability to affect the outcome if you do not do something, somebody is going to make the decision for you. Then you still have the problem we have had for 35 years or more where salary parity around the state is difficult to achieve because a lot of people live in the rural areas for lifestyle or other economic reasons. Sometimes the pay parity has to deal with the economic subculture of the various communities around the state because they do not equate to each other.

**Professor Hanan** commented in *Davis* listed the rural counties that did not have public defender offices and we were relying on counties. The pay parity issue is not really elaborated because they were most concerned with saying the pay for the contract attorneys has to be in parity with the DAs. That means you have to take into account overhead what it is like to be a practitioner. It is not the same as having a salary so that number is going to be a lot higher than the DA in order for it to be that.

**Director Ryba** wanted the Board to know in the last legislative session they created a new position for the AGs legal secretary because they were more like a legal secretary, and they got a three grade increase. Our legal secretaries do the same work and did not qualify for that increase. We may start to see our legal secretaries moving over to the AG's office because of the significantly higher salary for doing the same work and it is creating a hardship for us.

**Chair Fitzsimmons** said we only have one version of our equal defense bill draft request, correct?

**Director Ryba** replied yes and it affects 180 and I do not know if we need to add anything for 260 that might be what we are seeing in counties is they are matching salaries in most of the counties. The DAs and PDs generally have about the same but where we are not seeing that is at the state.

**Chair Fitzsimmons** asked if there is a motion to approve Equal Justice and pay parity bill draft request.

**Motion: Motion to Approve Bill Draft Request the Equal Justice and Pay Parity**

**By: Dave Mendiola**

**Second: Justice Maupin**

**Vote: Passed Unanimously**

**Director Ryba** stated on number three the inspiration for this is to create a pipeline of individual services we discussed in our first version that we create a rural law unit. This mirrors what is being done for doctors to move to the rural communities. Assembly Bill 45 was passed last session and it provides student loan repayment for health care providers that make a two-year commitment. We surveyed public defenders and received 21 responses and 71% have outstanding loans ranging from \$180,000 to over \$240,000. They confirmed they would make a two-year commitment for student loan repayment.

**Jeff Wells** stated that if they work 10 years in the public sector the balance of the debt is forgiven.

**Justice Maupin** asked if they capture the tax liability at the end.

**Jeff Wells** responded no. They still pay tax with the monthly payments for the 10 years.

**Chris Giunchgliani** stated she had a scholarship that qualified. If I taught in a disadvantaged area, they reduced part of my loan.

**Director Ryba** explained there is no requirement that it must be a federal loan. A lot of students have private loans for which funds could be used and federal loans are forgiven after 10 years. 10 years is a long commitment by a two-year commitment is doable.

**Chair Fitzsimmons** stated she agreed that two years is not. It probably saves money in the long term and is a great idea for an inducement and to fill a need but that is a lot of money for two years.

**Susan Bush** wanted to confirm that you give them money to go there to study for the bar, for their commitment so \$15,000 and \$6,500 and then we give them additional funds if they stay two years.

**Director Ryba** replied if the bill draft passes LASSO probably would be expired by that point. We partnered with DETR to obtain the funding and whether we are able to revolve that funding would be up to DETR. They wanted to get involved because of the short timeline to try and get a large number of attorneys.

**Susan Bush** wanted to know if the students could qualify for both funding.

**Director Ryba** confirmed they would be able get both funding.

**Chris Giunchgliani** explained she thought it is just one more tool to attract and hopefully retain some of these individuals.

**Motion: Motion to Approve Bill Draft Requests for Pipeline for Rural Counties and Student Loan Repayment.**

**By: Chris Giunchgliani**

**Second: Allison Joffee**

**Vote: Passed Unanimously**

**9. Training and Pipeline Update. (For discussion and possible action)**

**Deputy Director Handy** advised he would give a brief update on training and we covered a lot of the LASSO stuff. The annual conference went well, and we ended up with 10 ½ units of CLE credit. We had a good turnout and from the surveys submitted we got good reviews. We sent six attorneys to the Mountain Skills Trial Academy from the rural counties, and it got excellent reviews. We sent another seven attorneys to an NACDL conference in Las Vegas, and one attorney to an advanced writing training by the State Bar.

**10. Annual Report. (For discussion and possible action)**

**Director Ryba** explained that the annual report is due by July 1<sup>st</sup> every year. It is sent to the executive judicial and legislative branches and a copy is attached in your packets. We took an opportunity to highlight what our Board and the department have been able to do with legislative changes, especially AB518.

**Motion: Motion to Approve DID's Annual Report**

**By: Jeff Wells**

**Second: Dave Mendiola**

**Vote: Passed Unanimously**

**11. Upcoming Meetings: (For discussion and possible action)**

**Chair Fitzsimmons** stated that we have our upcoming meetings scheduled.

- a. August 1, 2024, at 1pm. Board Meeting Virtual.
- b. November 7, 2024, at 1pm. Board Meeting Virtual.
- c. February 6, 2025, at 1pm. Board Meeting Virtual.
- d. June 19, 2025, at 1pm. Board Meeting in Person. Location TBD.

**12. Public Comment**

**Chair Fitzsimmons** opened the line for public comment. There was no public comment.

**Motion: Motion to Adjourn Board Meeting on Indigent Defense**

**By: Jeff Wells**

**Second: Susan Bush**

**Vote: Passed Unanimously**

**Chair Fitzsimmons** adjourned the meeting at approximately 3:10 p.m.