

Agenda Item 8.

Legislative Discussion -- Overview

1. **Comprehensive Indigent Defense Services:** Please note there are two alternatives to this proposal. Both proposals are similar in that they call for:
 - a. An update of the definition of indigent defense services to include post-conviction proceedings and the creation of a **Postconviction Solicitor Office** to handle all post-conviction proceedings across the state. Currently, hourly appointed counsel serves this role.
 - i. **Reasoning:** an in-house office of the postconviction solicitor will allow a greater ability to provide oversight of the state, allow for specialization in the area of post-conviction, and reduce expenditures.
 - b. Creates a **Rural Defense Program** to put the pipeline of indigent defense services into statute.
 - i. **Reasoning:** to put our internships/LASSO into statute.
 - c. The BDRs differ in the following way:
 - i. **Version One** calls for an office of “**Alternative Defense Counsel**” to enter contracts to provide conflict services when the NSPD has a conflict.
 - ii. **Version Two** provides that the **Department will enter into such contracts** to provide conflict services when the NSPD has a conflict.
 - iii. **Reasoning:** With the passage of AB454(2023), and the creation of NRS 180.008, in cases where the responsibility for indigent defense services has been transferred to the state, there is a need for the state to enter into contracts for those attorneys providing conflict work so that payment can be made directly

NRS 180.008 was created to state:

1. Except as otherwise provided in paragraph (b) of subsection 6 of [NRS 180.450](#) and subsection 1 of [NRS 212.070](#), the compensation and expenses of an attorney appointed to represent a defendant are an obligation of the county unless that county has:

(a) Transferred its responsibility for the provision of indigent defense services pursuant to [NRS 180.450](#); or

(b) Met the maximum amount as determined pursuant to [NRS 180.006](#).

2. Amounts that are not an obligation of the county pursuant to subsection 1 must be paid from money appropriated to the Department. After the appropriation for such compensation and expenses is exhausted, money must be allocated from the Reserve for Statutory Contingency Account for the payment of such compensation and expenses.

2. Equal Justice and Pay Parity

- a. Inspired by H.R. 3758 – Equal Defense Act of 2023 introduced in the House of Representatives on 5/31/2023.
- b. Provides Pay Parity, as required by the *Davis* consent judgment and NAC 180, Sections 39 and 40.

NAC 180, Sec. 39. An attorney who receives a salary for providing indigent defense services is entitled to receive a reasonable salary, benefits and resources that are in parity, subject to negotiated collective bargaining agreements if applicable, with the corresponding prosecutor's office that appears adverse to the office of public defender in criminal proceedings

NAC 180, Section 40(10): A provision requiring compensation to be provided at a reasonable hourly rate that is comparable to the hourly rate provided to local prosecutors with similar experience and that is determined after taking into consideration comparable workload, overhead costs, expenses and costs relating to significant attorney travel.

***Davis* Consent Judgment:** “Compensation for public defense services provided by rural counties shall be comparable on an hourly basis to that of prosecutors in the same county with comparable experience, and should take into account that prosecutors do not pay for overhead or expenses out of their own compensation.” P. 11, l. 23-26.

3. Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

- a. Mirrors AB45 which provides student loan repayment for indigent defense providers making a commitment in our rural communities.
- b. Attached to the proposal are a fiscal note and the results of a survey of indigent defense providers.

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NRS 180.004 “Indigent defense services” defined. “Indigent defense services” means the provision of legal representation to:

1. An indigent person who is charged with a public offense; ~~or~~
2. An indigent child who is:
 - (a) Alleged to be delinquent; or
 - (b) In need of supervision pursuant to title 5 of NRS. *[or*
3. *indigent petitioners in cases of postconviction proceedings and postconviction appeals, where a court has appointed counsel to represent a petitioner under NRS 34.750.]*

~~**NRS 180.050—Contracts for legal services.**~~

~~—1.—The State Public Defender may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter if it is impracticable for the State Public Defender or the State Public Defender’s deputies to provide such services for any reason.~~

~~—2.—All such contract services shall be performed under the supervision and control of the State Public Defender.~~

~~—(Added to NRS by 1971, 1411; A 1973, 706)~~

NRS 180.060 Duties: Representation of indigent persons; contracts to render services.

1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030 or 171.188, represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including, without limitation, during the initial appearance and proceedings relating to admission to bail or the revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. ~~In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.~~

~~—5.—The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the~~

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court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

[NRS 180.XXX

The Department shall not provide direct representation of clients.]

NRS 180.430 Duties of designated Deputy Director. One deputy director selected pursuant to NRS 180.420 must be responsible for:

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender *[and the Alternate Defense Counsel]*; and
(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to NRS 180.320. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.

NRS 180.440 Duties of other designated Deputy Director. One deputy director selected pursuant to [NRS 180.420](#) must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

[(e) Overseeing the State Office of Postconviction Solicitor.]

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision

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of indigent defense services or is in any other manner deficient in the provision of such services.

[RURAL DEFENSE PROGRAM

NRS 180.XXX

Sec. 1. The Legislature finds that the lack of availability of public defense attorneys is an increasing problem in Nevada and neighboring states and that it threatens the ability of court systems to process criminal filings, particularly within rural areas. The Legislature intends to encourage law students to enter public defense practice and to remove barriers to practice in rural areas of the state.

Sec. 2.

(1) Subject to appropriations, the Department shall administer a law student rural public defense program. The program shall coordinate with one or more law schools to place first- and second-year law students and/or recent law school graduates as legal interns with experienced public defense attorneys located in rural areas of the state. The program must allow the intern to gain real-world public defense experience under the mentorship of the experienced public defense attorney, including active representation and litigation opportunities, with the purpose of encouraging the intern to consider, or not be deterred from pursuing, employment opportunities in public defense in rural areas of the state. The internship may be structured to correspond with time periods relevant to the academic calendar. Eligible internship placements shall include government public defense agencies as well as private firms that contract to provide public defense services.

(2) Contracts established by the Department under this section shall include monthly compensation and housing stipends for program participants. Contracts may include partial reimbursement for the supervising attorney.]

[ALTERNATE DEFENSE COUNSEL

NRS 180.XXX Office created; term; qualifications; private practice of law prohibited; supervision; assignment of additional duties.

- 1. The Office of Alternate Defense Counsel is hereby created within the Department.*
- 2. The Executive Director shall appoint, and may discharge for cause, a person to serve as Alternate Defense Counsel.*
- 3. The Alternate Defense Counsel is responsible to the Executive Director.*
- 4. The Alternate Defense Counsel:*
 - (a) Must be an attorney licensed to practice law in the State of Nevada.*
 - (b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.*
 - (c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.*

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5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may supervise the Alternate Defense Counsel. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.430 may assign the Alternate Defense Counsel duties in addition to those prescribed by this chapter.

NRS 180.XXX Employment of deputies and other employees; qualifications of deputies.

1. The Alternate Defense Counsel may employ:
 - (a) Deputy state public defenders in the unclassified service of the State.
 - (b) Clerical, investigative and other necessary staff in the classified service of the State.
2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

NRS 180.XXX Office; branch offices.

1. The Office of Alternate Defense Counsel shall be in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.
2. The Office of Alternate Defense Counsel may establish branch offices necessary to perform the Office of Alternate Defense Counsel's duties. The Office of Alternate Defense Counsel shall designate a deputy state public defender to supervise each such office.

(Added to NRS by 1971, 1411)

NRS 180.XXX Contracts for legal services.

1. The Office of Alternate Defense Counsel may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter if it is impracticable for the Alternate Defense Counsel or the Alternate Defense Counsel's deputies to provide such services for any reason.
2. All such contract services shall be performed under the supervision and control of the Office of Alternate Defense Counsel.
3. Contracts made pursuant to this section shall provide for reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed and paid from state funds appropriated therefor. The Office of Alternate Defense Counsel shall review the bills submitted for reimbursement by any contract attorney or investigator and may approve or deny the payment of such bills in whole or in part based on the terms set forth in the contract negotiated between the Alternate Defense Counsel and the contract attorney or investigator.

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NRS 180.XXX Duties: Representation of indigent persons; contracts to render services.

1. When the State Public Defender is designated pursuant to NRS 62D.030 or 171.188 to represent an indigent person but is unable to represent the indigent person or other good cause appears, the Office of Alternate Defense Counsel shall represent without charge the indigent person.

2. When representing an indigent person, the Office of Alternate Defense Counsel shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including, without limitation, during the initial appearance and proceedings relating to admission to bail or the revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the Office of Alternate Defense Counsel considers to be in the interests of justice.

3. The Office of Alternate Defense Counsel may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

NRS 180.XXX Duties: Reports to Executive Director and participating counties.

1. The Office of Alternate Defense Counsel shall submit:

(a) A report on or before December 1 of each year to the Executive Director and to each participating county containing a statement of:

(1) The number of cases that are pending in each participating county;

(2) The number of cases in each participating county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the Office of Alternate Defense Counsel and the Office of Alternate Defense Counsel's staff on work for each participating county;

(5) The amount and categories of the expenditures made by the Office of Alternate Defense Counsel's office; and

(6) Such other information as requested by the Executive Director or the Board.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the Office of Alternate Defense Counsel for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

2. As used in this section, "participating county" means each county in which the Office of Alternate Defense Counsel acts as the conflict public defender for the county.

NRS 180.XXX Application. Except as provided in subsections 4 and 5 of NRS 180.060, the provisions of NRS 180.010 to 180.100, inclusive, apply only to counties in which the office of public defender is NOT mandatory pursuant to the provisions of chapter 260 of NRS.

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NRS 180.XXX Other protections and sanctions not excluded. The provisions of this chapter do not exclude any protection or sanction that the law otherwise provides.

NRS 180.XXX Collection of charges to counties or cities for services.

1. Each fiscal year the Office of Alternate Defense Counsel may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the Office of Alternate Defense Counsel's services during that year. If a county provides for both the State Public Defender and the Alternate Defense Counsel, the combined amount that a county may be required to pay for both services must not exceed the maximum amount determined using the formula established by the Board pursuant to NRS 180.320.

2. The Office of Alternate Defense Counsel shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

Ê The counties shall pay their respective amounts to the Office of Alternate Defense Counsel who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the Office of Alternate Defense Counsel's approved budget.

3. The Office of Alternate Defense Counsel must be reimbursed by the city for costs incurred in appearing in municipal court at the hourly rate set forth in the regulations adopted by the Board.]

[STATE OFFICE OF THE POSTCONVICTION SOLICITOR

NRS 180.XXX Office created; term; qualifications; private practice of law prohibited; supervision; assignment of additional duties.

1. The Office of the Postconviction Solicitor is hereby created within the Department of Indigent Defense Services.

2. The Executive Director shall appoint, and may discharge for cause, a person to serve as the Postconviction Solicitor.

3. The Postconviction Solicitor is responsible to the Executive Director.

4. The Postconviction Solicitor:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.440 may supervise the

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Postconviction Solicitor. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.440 may assign the Postconviction Solicitor duties in addition to those prescribed by this chapter.

NRS 180.XXX Employment of deputies and other employees; qualifications of deputies.

- 1. The Postconviction Solicitor may employ:
 - (a) Deputy postconviction solicitors in the unclassified service of the State.*
 - (b) Clerical, investigative and other necessary staff in the classified service of the State.**
- 2. Each deputy postconviction solicitor must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.*

NRS 180.XXX Office; branch offices.

- 1. The Office of the Postconviction Solicitor shall be in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.*
- 2. The Office of the Postconviction Solicitor may establish branch offices necessary to perform the Office of the Postconviction Solicitor's duties. The Office of the Postconviction Solicitor shall designate a deputy postconviction solicitor to supervise each such office.*

NRS 180.XXX Duties: Representation of indigent persons; contracts to render services.

- 1. In cases of postconviction proceedings and postconviction appeals, where a court has determined that postconviction counsel should be appointed under NRS 34.750, the appointment shall be referred to the Office of the Postconviction Solicitor. The Office of the Postconviction Solicitor shall prepare and present the case, and any attorney who represented the petitioner in the underlying criminal proceedings and/or appeals therefrom shall assist and cooperate with the Office of the Postconviction Solicitor.*

NRS 180.XXX Duties: Reports to Executive Director and participating counties.

- 1. The Office of the Postconviction Solicitor shall submit:
 - (a) A report on or before December 1 of each year to the Executive Director and to each participating county containing a statement of:
 - (1) The number of postconviction cases that are pending in each participating county;*
 - (2) The number of postconviction cases in each participating county that were closed in the previous fiscal year;*
 - (3) The total number of working hours spent by the Office of the Postconviction Solicitor and the Office of the Postconviction Solicitor's staff on work for each participating county;*
 - (5) The amount and categories of the expenditures made by the Office of the Postconviction Solicitor; and*
 - (6) Such other information as requested by the Executive Director or the Board.***

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NRS 180.XXX Other protections and sanctions not excluded. The provisions of this chapter do not exclude any protection or sanction that the law otherwise provides.

*NRS 180.XXX Office of the Postconviction Solicitor Budget Expenses
The compensation and expenses of the Office of the Postconviction Solicitor appointed to represent a defendant in a postconviction petition for habeas corpus must be paid from money appropriated to the Office of the Postconviction Solicitor, but after the appropriation for such expenses is exhausted, money must be allocated to the Office of the Postconviction Solicitor from the reserve for statutory contingency account for the payment of such compensation and expenses.]*

NRS 34.750 Appointment of counsel for indigents; pleadings supplemental to petition; response to motion to dismiss.

1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

- (a) The issues presented are difficult;
- (b) The petitioner is unable to comprehend the proceedings; or
- (c) Counsel is necessary to proceed with discovery.

2. *[If the court appoints counsel for a petition challenging a judgment of conviction or sentence, the court must designate the Office of the Postconviction Solicitor as counsel. If Office of the Postconviction Solicitor is unable to represent the petitioner, or other good cause appears, the court shall refer the selection of the attorney:*

(a) In a county whose population is less than 100,000, to the Department of Indigent Defense Services or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services

3.] If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the ~~office of the State Public Defender~~ *[Department of Indigent Defense Services]* for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the ~~office of the State Public Defender~~ *[Department of Indigent Defense Services]* from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

~~[4]~~3. After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

- (a) The date the court orders the filing a response or answer; or
- (b) The date of counsel's appointment,

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whichever is later. If it has not previously been filed, the response or answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

4. The petitioner shall respond within 15 days after service to a motion by the State to dismiss the action.

5. No further pleadings may be filed except as ordered by the court.

NRS 260.010 Creation of office by ordinance; restrictions on creation; appointment; term of office; cooperation of county commissioners with Board on Indigent Defense Services and Department of Indigent Defense Services.

1. In counties whose population is 100,000 or more, the boards of county commissioners shall provide by ordinance for the office of public defender.

2. Except as otherwise provided by subsection 4 and except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to NRS 180.450, in counties whose population is less than 100,000, boards of county commissioners may in their respective counties provide by ordinance, at the beginning of a fiscal year, for the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to provide by ordinance for the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may provide for the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners, *[except that the public defender may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause].*

7. Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by NRS 180.300 and the Department of Indigent Defense Services created by NRS 180.400. The board of county commissioners shall:

(a) Ensure that data and information requested by the Board or Department is collected and maintained; and

(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Department.

8. As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.

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NRS 180.004 “Indigent defense services” defined. “Indigent defense services” means the provision of legal representation to:

1. An indigent person who is charged with a public offense; ~~or~~
2. An indigent child who is:
 - (a) Alleged to be delinquent; or
 - (b) In need of supervision pursuant to title 5 of NRS ~~or~~

[3. indigent petitioners in cases of postconviction proceedings and postconviction appeals, where a court has appointed counsel to represent a petitioner under NRS 34.750.]

~~**NRS 180.050—Contracts for legal services.**~~

~~—1.—The State Public Defender may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter if it is impracticable for the State Public Defender or the State Public Defender’s deputies to provide such services for any reason.~~

~~—2.—All such contract services shall be performed under the supervision and control of the State Public Defender.~~

~~—(Added to NRS by 1971, 1411; A 1973, 706)~~

NRS 180.060 Duties: Representation of indigent persons; contracts to render services.

1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030 or 171.188, represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including, without limitation, during the initial appearance and proceedings relating to admission to bail or the revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

~~4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.~~

~~—5.—The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the~~

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court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

[NRS 180.XXX

The Department shall not provide direct representation of clients.]

NRS 180.300 Creation; members and appointing authorities; members serve without compensation; members holding public office or employed by governmental entity.

1. There is hereby created a Board on Indigent Defense Services within the Department of Indigent Defense Services, consisting of:

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.

(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity; or

(II) Has expertise in juvenile justice and criminal law.

(4) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor.

(5) One member selected by the Board of Governors of the State Bar of Nevada, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada; and

(II) Resides in a county whose population is less than 100,000.

(6) Four members selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.

(7) Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.

(8) One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.

(9) One member selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.

(b) The Chief Justice of the Nevada Supreme Court may designate one person to serve as a nonvoting member to represent the interests of the Court.

2. In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.

3. Each person appointed to the Board must have:

(a) Significant experience providing legal representation to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;

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(b) A demonstrated commitment to providing effective legal representation to such indigent persons; or

(c) Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.

4. A person must not be appointed to the Board if he or she is currently serving or employed as:

(a) A judge, justice or judicial officer;

(b) A Legislator or other state officer or employee;

(c) A prosecuting attorney or an employee thereof;

(d) A law enforcement officer or employee of a law enforcement agency; or

(e) An attorney who in his or her position may obtain any financial benefit from the policies adopted by the Board.

5. A person must not be appointed to the Board if he or she is currently employed:

(a) Within the Department of Indigent Defense Services;

(b) By a public defender; or

(c) By any other attorney who provides indigent defense services pursuant to a contract with a county *[or the Department.]*

6. Each member of the Board:

(a) Serves without compensation; and

(b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

NRS 180.430 Duties of designated Deputy Director. One deputy director selected pursuant to NRS 180.420 must be responsible for:

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender *[and counsel contracted to provide indigent defense services]*; and

(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant

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to NRS 180.320. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.

NRS 180.440 Duties of other designated Deputy Director. One deputy director selected pursuant to NRS 180.420 must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

[(e) Overseeing the State Office of Postconviction Solicitor.]

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.

[NRS 180.XXX Contracts for legal services; collection of charges to counties or cities for services.

1. The Department may contract with attorneys licensed to practice law in the State of Nevada and with county public defenders to provide services required by this chapter if

(a) the State Public Defender is designated pursuant to NRS 62D.030 or 171.188 to represent an indigent person but is unable to represent the indigent person or other good cause appears, or

(b) in any county in which the office of public defender has been created but is not mandated pursuant to the provision of chapter 260 of NRS, to provide representation for indigent persons and the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

2. In any county in which the office of public defender is mandated pursuant to the provision of chapter 260 of NRS, the Department may only contract for the provision of indigent defense services pursuant to NRS 180.004(3).

3. Each fiscal year the Department may collect from the counties amounts which do not exceed those authorized by the Legislature for services described in subsection 1 during that year. The amount collected, in conjunction with any other indigent defense services provided by the State Public Defender or office of the public defender, must not

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exceed the maximum amount determined using the formula established by the Board pursuant to NRS 180.320.

4. The Department shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

Ê The counties shall pay their respective amounts to the Department who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the Department's approved budget.

3. The Department must be reimbursed by the city for costs incurred for appearances in municipal court at the hourly rate set forth in the regulations adopted by the Board.]

[RURAL DEFENSE PROGRAM

NRS 180.XXX

Sec. 1. The Legislature finds that the lack of availability of public defense attorneys is an increasing problem in Nevada and neighboring states and that it threatens the ability of court systems to process criminal filings, particularly within rural areas. The Legislature intends to encourage law students to enter public defense practice and to remove barriers to practice in rural areas of the state.

Sec. 2.

(1) Subject to appropriations, the Department shall administer a law student rural public defense program. The program shall coordinate with one or more law schools to place first- and second-year law students and/or recent law school graduates as legal interns with experienced public defense attorneys located in rural areas of the state. The program must allow the intern to gain real-world public defense experience under the mentorship of the experienced public defense attorney, including active representation and litigation opportunities, with the purpose of encouraging the intern to consider, or not be deterred from pursuing, employment opportunities in public defense in rural areas of the state. The internship may be structured to correspond with time periods relevant to the academic calendar. Eligible internship placements shall include government public defense agencies as well as private firms that contract to provide public defense services.

(2) Contracts established by the Department under this section shall include monthly compensation and housing stipends for program participants. Contracts may include partial reimbursement for the supervising attorney.]

[STATE OFFICE OF THE POSTCONVICTION SOLICITOR

NRS 180.XXX Office created; term; qualifications; private practice of law prohibited; supervision; assignment of additional duties.

1. The Office of the Postconviction Solicitor is hereby created within the Department of Indigent Defense Services.

2. The Executive Director shall appoint, and may discharge for cause, a person to serve as the Postconviction Solicitor.

3. The Postconviction Solicitor is responsible to the Executive Director.

4. The Postconviction Solicitor:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State and serves at the pleasure of the Executive Director.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

5. No officer or agency of the State, other than the Executive Director and the deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.440 may supervise the Postconviction Solicitor. No officer or agency of the State, other than the Executive Director or deputy director selected by the Executive Director pursuant to NRS 180.420 who is responsible for carrying out the duties provided in NRS 180.440 may assign the Postconviction Solicitor duties in addition to those prescribed by this chapter.

NRS 180.XXX Employment of deputies and other employees; qualifications of deputies.

1. The Postconviction Solicitor may employ:

(a) Deputy postconviction solicitors in the unclassified service of the State.

(b) Clerical, investigative and other necessary staff in the classified service of the State.

2. Each deputy postconviction solicitor must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

NRS 180.XXX Office; branch offices.

1. The Office of the Postconviction Solicitor shall be in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.

2. The Office of the Postconviction Solicitor may establish branch offices necessary to perform the Office of the Postconviction Solicitor's duties. The Office of the Postconviction Solicitor shall designate a deputy postconviction solicitor to supervise each such office.

NRS 180.XXX Duties: Representation of indigent persons; contracts to render services.

1. In cases of postconviction proceedings and postconviction appeals, where a court has determined that postconviction counsel should be appointed under NRS 34.750, the appointment shall be referred to the Office of the Postconviction Solicitor. The Office of

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the Postconviction Solicitor shall prepare and present the case, and any attorney who represented the petitioner in the underlying criminal proceedings and/or appeals therefrom shall assist and cooperate with the Office of the Postconviction Solicitor.

NRS 180.XXX Duties: Reports to Executive Director and participating counties.

1. The Office of the Postconviction Solicitor shall submit:

(a) A report on or before December 1 of each year to the Executive Director and to each participating county containing a statement of:

(1) The number of postconviction cases that are pending in each participating county;

(2) The number of postconviction cases in each participating county that were closed in the previous fiscal year;

(3) The total number of working hours spent by the Office of the Postconviction Solicitor and the Office of the Postconviction Solicitor's staff on work for each participating county;

(5) The amount and categories of the expenditures made by the Office of the Postconviction Solicitor; and

(6) Such other information as requested by the Executive Director or the Board.

NRS 180.XXX Other protections and sanctions not excluded. The provisions of this chapter do not exclude any protection or sanction that the law otherwise provides.

NRS 180.XXX Office of the Postconviction Solicitor Budget Expenses

The compensation and expenses of the Office of the Postconviction Solicitor appointed to represent a defendant in a postconviction petition for habeas corpus must be paid from money appropriated to the Office of the Postconviction Solicitor, but after the appropriation for such expenses is exhausted, money must be allocated to the Office of the Postconviction Solicitor from the reserve for statutory contingency account for the payment of such compensation and expenses.]

NRS 34.750 Appointment of counsel for indigents; pleadings supplemental to petition; response to motion to dismiss.

1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

(a) The issues presented are difficult;

(b) The petitioner is unable to comprehend the proceedings; or

(c) Counsel is necessary to proceed with discovery.

2. [If the court appoints counsel for a petition challenging a judgment of conviction or sentence, the court must designate the Office of the Postconviction Solicitor as counsel. If Office of the Postconviction Solicitor is unable to represent the petitioner, or other good cause appears, the court shall refer the selection of the attorney:

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(a) In a county whose population is less than 100,000, to the Department of Indigent Defense Services or its designee in compliance with the plan of the county for the provision of indigent defense services; or

(b) In a county whose population is 100,000 or more, in compliance with the plan of the county for the provision of indigent defense services

3.] If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the ~~office of the State Public Defender~~—*[Department of Indigent Defense Services]* for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the ~~office of the State Public Defender~~—*[Department of Indigent Defense Services]* from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

~~[4]~~3. After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

(a) The date the court orders the filing a response or answer; or

(b) The date of counsel's appointment,

Ê whichever is later. If it has not previously been filed, the response or answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

4. The petitioner shall respond within 15 days after service to a motion by the State to dismiss the action.

5. No further pleadings may be filed except as ordered by the court.

NRS 260.010 Creation of office by ordinance; restrictions on creation; appointment; term of office; cooperation of county commissioners with Board on Indigent Defense Services and Department of Indigent Defense Services.

1. In counties whose population is 100,000 or more, the boards of county commissioners shall provide by ordinance for the office of public defender.

2. Except as otherwise provided by subsection 4 and except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to NRS 180.450, in counties whose population is less than 100,000, boards of county commissioners may in their respective counties provide by ordinance, at the beginning of a fiscal year, for the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to provide by ordinance for the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may provide for the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

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5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners[, *except that the public defender may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause*].

7. Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by NRS 180.300 and the Department of Indigent Defense Services created by NRS 180.400. The board of county commissioners shall:

(a) Ensure that data and information requested by the Board or Department is collected and maintained; and

(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Department.

8. As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.

EQUAL Defense

[NRS 180.XXX

1. *An employee of the Department of Indigent Defense Services, or a Division thereof, is entitled to receive a reasonable salary, benefits and resources that are in parity, subject to negotiated collective bargaining agreements if applicable, with a similarly situated employee of the Nevada State Attorney General's Office.*
 - a. *The rate and basis of compensation of the Executive Director of the Department of Indigent Defense Services shall be equivalent to the rate and basis of compensation of the Assistant Attorney General of the Attorney General's Office.*
 - b. *The rate and basis of compensation of the Deputy Director of the Department of Indigent Defense Services shall be equivalent to the rate and basis of compensation of the Chief of Staff of the Attorney General's Office.*
 - c. *The rate and basis of compensation of the State Public Defender, Alternative Defense Counsel, Postconviction Solicitor, or an equivalent officer, shall be equivalent to the rate and basis of compensation of the General Counsel of the Attorney General's Office.*
 - d. *The rate and basis of compensation of an entry-level, full-time deputy public defender shall be equivalent to the rate and basis of compensation of an entry-level full-time deputy attorney general.*
 - e. *The rate and basis of compensation of a non-entry-level full-time deputy public defender shall be equivalent to the rate and basis of compensation of a non-entry-level full-time senior deputy attorney general.*
 - f. *The rate and basis of compensation of a Supervising Office Public Defender or Supervising Office Postconviction Solicitor shall be equivalent to the rate and basis of compensation for a Bureau Chief.*
 - g. *The rate and basis of compensation of a Supervising Public Defender or Supervising Postconviction Solicitor, other than an Office Supervising Public Defender or Office Supervising Postconviction Solicitor, shall be equivalent to the rate and basis of compensation for a Chief Deputy Attorney General.*
 - h. *The rate and basis of compensation of a full-time investigator shall be equivalent to the rate and basis of compensation of a full-time investigator employed by attorney general's office who has the same number of years of experience working as an investigator.*
 - i. *The rate and basis of compensation of a full-time legal secretary, supervising legal secretary, Legal Secretary Trainee, or Legal Office Manager shall be equivalent to the rate and basis of compensation of a full-time legal secretary, supervising legal secretary, Legal Secretary Trainee, or Legal Office Manager employed by the attorney general's office who has the same number of years of experience working in the position.*

1. *An attorney employed by a County Public Defender's Office is entitled to receive a reasonable salary, benefits and resources that are in parity, subject to negotiated collective bargaining agreements if applicable, with the corresponding District Attorney's Office that appears adverse to the public defender in criminal proceedings.*
 - a. *The rate and basis of compensation of the chief public defender shall be equivalent to the rate and basis of compensation of the corresponding chief prosecutor.*
 - b. *The rate and basis of compensation of an entry-level full-time staff attorney shall be equivalent to the rate and basis of compensation of an entry-level full-time staff attorney employed by the corresponding prosecutor's office.*
 - c. *The rate and basis of compensation of a non-entry-level full-time staff attorney shall be equivalent to the greater of—*
 - i. *the rate and basis of compensation of a full-time staff attorney employed by the corresponding prosecutor's office who has the same number of years of experience working as a criminal attorney; or*
 - ii. *the rate and basis of compensation of a full-time staff attorney employed by the corresponding prosecutor's office who has an equivalent supervisory or managerial role.*
 - d. *The rate and basis of compensation for a contracted indigent defense attorney must be a reasonable hourly rate that is comparable to the hourly rate provided to local prosecutors with similar experience and determined with consideration given to workload, overhead costs, expenses and costs relating to significant attorney travel.*
 - e. *The rate and basis of compensation of a full-time investigator shall be equivalent to the rate and basis of compensation of a full-time investigator employed by the corresponding prosecutor's office who has the same number of years of experience working as an investigator.*
 - f. *The rate and basis of compensation of a full-time paralegal or legal secretary shall be equivalent to the rate and basis of compensation of a full-time paralegal or legal secretary employed by the corresponding prosecutor's office who has the same number of years of experience working as a paralegal or legal secretary.]*

Equal Defense
Pay Parity Salary Comparison
Employer Paid Retirement Compensation Schedule

Rural Location	Deputy District Attorney Salary (as of 5/1/24)	Deputy Public Defender NSPD (with 11% increase effective 7/1/24)*	Difference	Percentage Difference	Proposed Comparable DAG Salary (with 11% increase effective 7/1/24)*	Difference DA vs. AG	Percentage Difference of DA vs. AG	Chief Deputy District Attorney Salary (as of 5/1/24)	Chief Deputy NSPD Salary (with 11% increase effective 7/1/24)*	Difference	Percentage Difference	Proposed Comparable DAG Salary (with 11% increase effective 7/1/24)*	Difference DA vs. AG	Percentage Difference of DA vs. AG
Carson City	\$ 158,816.14	\$ 115,804.08	\$ (43,012.06)	-37%	\$ 129,428.22	\$ (29,387.92)	-23%	\$ 192,167.53	\$ 129,428.22	\$ (62,739.31)	-48%	\$ 154,632.99	\$ (37,534.54)	-24%
Churchill	\$ 144,476.80	\$ 115,804.08	\$ (28,672.72)	-25%	\$ 129,428.22	\$ (15,048.58)	-12%	\$ 159,473.60	\$ 129,428.22	\$ (30,045.38)	-23%	\$ 154,632.99	\$ (4,840.61)	-3%
Douglas	\$ 178,588.80	\$ 115,804.08	\$ (62,784.72)	-54%	\$ 129,428.22	\$ (49,160.58)	-38%	\$ 200,553.60	\$ 129,428.22	\$ (71,125.38)	-55%	\$ 154,632.99	\$ (45,920.61)	-30%
Eiko	\$ 146,008.86	\$ 115,804.08	\$ (30,204.78)	-26%	\$ 129,428.22	\$ (16,580.64)	-13%	\$ 156,944.66	\$ 129,428.22	\$ (27,516.44)	-21%	\$ 154,632.99	\$ (2,311.67)	-1%
Eureka	\$ 120,000.00	\$ 115,804.08	\$ (4,195.92)	-4%	\$ 129,428.22	\$ 9,428.22	7%		\$ -					
Humboldt	\$ 122,937.88	\$ 115,804.08	\$ (7,133.80)	-6%	\$ 129,428.22	\$ 6,490.34	5%	\$ 149,498.91	\$ 129,428.22	\$ (20,070.69)	-16%	\$ 154,632.99	\$ 5,134.08	3%
Lyon	\$ 152,625.00	\$ 115,804.08	\$ (36,820.92)	-32%	\$ 129,428.22	\$ (23,196.78)	-18%	\$ 167,887.50	\$ 129,428.22	\$ (38,459.28)	-30%	\$ 154,632.99	\$ (13,254.51)	-9%
Storey	\$ 125,209.33	\$ 115,804.08	\$ (9,405.25)	-8%	\$ 129,428.22	\$ 4,218.89	3%		N/A					
White Pine	\$ 117,668.00	\$ 115,804.08	\$ (1,863.92)	-2%	\$ 129,428.22	\$ 11,760.22	9%	\$ 133,292.00	\$ 129,428.22	\$ (3,863.78)	-3%	\$ 154,632.99	\$ 21,340.99	14%
Average Salary	\$ 140,703.42	\$ 115,804.08	\$ (24,899.34)	-22%	\$ 129,428.22	\$ (11,275.20)	-9%	\$ 165,688.26	\$ 129,428.22	\$ (36,260.04)	-28%	\$ 154,632.99	\$ (11,055.27)	-7%

Urban Location	Deputy District Attorney Salary (as of 5/1/24)	Deputy Public Defender NSPD (with 11% increase effective 7/1/24)*	Difference	Percentage Difference	Proposed Comparable DAG Salary (with 11% increase effective 7/1/24)*	Difference DA vs. AG	Percentage Difference of DA vs. AG	Chief Deputy District Attorney Salary (as of 5/1/24)	Chief Deputy NSPD Salary (with 11% increase effective 7/1/24)*	Difference	Percentage Difference	Proposed Comparable DAG Salary (with 11% increase effective 7/1/24)*	Difference DA vs. AG	Percentage Difference of DA vs. AG
Clark County	\$ 162,676.80	\$ 115,804.08	\$ (46,872.72)	-40%	\$ 129,428.22	\$ (33,248.58)	-26%	\$ 189,800.00	\$ 129,428.22	\$ (60,371.78)	-47%	\$ 154,632.99	\$ (35,167.01)	-23%
Washoe County**	\$ 196,289.60	\$ 115,804.08	\$ (80,485.52)	-70%	\$ 129,428.22	\$ (66,861.38)	-52%	\$ 258,564.80	\$ 129,428.22	\$ (129,136.58)	-100%	\$ 154,632.99	\$ (103,931.81)	-67%
Average Salary	\$ 179,483.20	\$ 115,804.08	\$ (63,679.12)	-55%	\$ 129,428.22	\$ (60,054.98)	-39%	\$ 224,182.40	\$ 129,428.22	\$ (94,754.18)	-73%	\$ 154,632.99	\$ (69,549.41)	-45%

Employer Paid Retirement

Position	Expected Salary 7/1/24*	Requested Match Salary to AG positions	Requested New Match Salary for DIDS with title of AG position	percentage increase to bring DIDS in line with AG	Proposed increase for pay parity between DA, AG and DIDS	Proposed Salary for Parity	Number of Positions in current budget	Fiscal Note
Executive Director DIDS (U4536)	\$ 151,225.29	\$ 170,299.53	Assistant AG (U0927)	13%	38%	\$ 235,013.35	1	\$ 83,788.06
Deputy Director DIDS (2) (U4533)	\$ 149,864.43	\$ 170,299.53	Chief of Staff (U0910)	14%	38%	\$ 235,013.35	2	\$ 170,297.84
State Public Defender (1) (U4502)	\$ 143,052.36	\$ 160,540.41	Solicitor General (U0926)	12%	38%	\$ 221,545.77	1	\$ 78,493.41
Office -- Supervising Public Defender (4) (U4004)	\$ 129,428.22	\$ 154,632.99	Bureau Chief (U0968)	19%	38%	\$ 213,393.53	2	\$ 167,930.61
Supervising Deputy Public Defender (other than office)	\$ 129,428.22	\$ 143,052.36	Chief Deputy PD (U0934)	11%	38%	\$ 197,412.26	2	\$ 135,968.07
Deputy Public Defender	\$ 115,804.08	\$ 129,428.22	Senior Deputy PD (U0934)	12%	38%	\$ 178,610.94	6	\$ 376,841.18
Total Cost:						\$ 1,013,319.18		

Classified Staff	Number of Positions in current budget	Fiscal Note
Office Manager	1	\$ 7,246.00 3 grade increase
Legal Secretary	4	\$ 5,889.00 3 grade increase
Investigator	3	\$ 7,246.00 3 grade increase
Total:		\$ 52,540.00
Total Cost for each year:	Fiscal Year 26	Fiscal Year 27
	\$ 1,065,859.18	\$ 1,065,859.18

*The salaries are determined by adding 11% to the current Unclassified Employees on Employer Paid Retirement Compensation Schedule. This does not take into consideration the unknown PERS increase.
**Washoe Deputy DA is compared to Deputy DAIII. Washoe County Chief Deputy District Attorney compared to Deputy D.A. V.

Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

BDR 3

Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

[Section 1. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them those sections.

Sec. 3. "Program" means the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program created by section 8 of this act.

Sec. 4. "Provider of indigent defense services" means an attorney who accepts appointments to represent adult or juvenile indigent criminal defendants;

Sec. 5. "Student education loan" means any loan primarily for personal use to finance education or other school-related expenses.

Sec. 6. "Rural County" means a county with a population of 100,000 or less.

Sec. 7. "Employed" means:

(A) full-time salaried work or working for a qualified employer for a weekly average of at least 30 hours during the period being certified. Attorneys who are not compensated on an hourly basis may still qualify if the Department of Indigent Defense Services determines that their caseload during the period was equivalent to at least 30 hours a week.

(B) for part-time employees, an annualized average of 15 hours per week of salaried work; or

(C) an annualized average of 15 hours per week of work as an appointed attorney or attorneys who are not compensated on an hourly basis may still qualify if the Department of Indigent Defense Services determines that their caseload during the period was equivalent to at least 15 hours a week.

Sec. 8. 1. The Student Loan Repayment for Providers of Indigent Defense Services in Underserved Communities Program is hereby created to repay the student education loans of providers of indigent defense services who are eligible for the Program of this act and any regulations adopted pursuant thereto.

2. The Department of Indigent Defense Services shall administer the Program.

3. In administering the Program, the Department of Indigent Defense Services shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing indigent defense services in a rural county in this State; and

Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

(b) Work collaboratively to raise awareness about the Program with organizations that work with providers of indigent defense services and students studying to become indigent defense services providers, including, without limitation:

- (1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;*
- (2) Organizations that represent law students and other students studying to become indigent defense services providers;*
- (3) Organizations that represent indigent defense services providers; and*
- (4) Organizations who advocate for access to public interest law attorneys in minority communities.*

Sec. 9. A provider of indigent defense services is eligible for repayment of a student education loan under the Program if the provider of indigent defense services:

- 1. Is a current resident of this State;*
- 2. Is actively licensed, certified or registered in good standing to practice law in this State;*
- 3. holds a law degree from an accredited institution of higher education;*
- 4. has outstanding student loan debt and is not in default status on the loan at the time of the application;*
- 5. is employed to provide indigent defense services in a rural county; and*
- 6. Commits to at least 2 years of service as a provider of indigent defense services in a rural county;*

Sec. 10.

1. A provider of indigent defense services who meets the qualifications set forth in section 9 of this act and wishes to receive repayment of student education loans from the Program must submit an application to the Department of Indigent Defense Services in the form prescribed by the Department of Indigent Defense Services and comply with any regulations adopted pursuant to subsection 2.

2. The Board on Indigent Defense Services:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by section 9 of this act, for determining the eligibility of a provider of indigent defense services to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of indigent defense services is eligible to receive from the Program.

(c) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of indigent defense services who has been found eligible to receive such repayment from the Program.

(f) May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of indigent defense services more than \$120,000 for the repayment of student education loans.

Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

4. The application of a provider of indigent defense services for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 11. The Department of Indigent Defense Services:

- 1. May employ such staff as the Department of Indigent Defense Services deems necessary to administer the Program.*
- 2. Shall post information about the Program, including, without limitation, the requirements to be eligible to receive repayment of student education loans from the Program and the procedure to apply for such repayment, on an Internet website maintained by the Department of Indigent Defense Services.*

Sec. 12. 1. The Account for Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program is hereby created in the State General Fund. The Providers of Indigent Defense Services in Rural Counties Program shall administer the Account.

2. Money for the Account may be provided:

- (a) By direct legislative appropriation;*
- (b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or*
- (c) As provided in subsection 5.*

3. Money in the Account must be used solely:

- (a) To administer the Account and the Program; and*
- (b) To repay the student education loans of providers of indigent defense services who have qualified for such repayment pursuant to sections 9 and 10 of this act.*

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of

a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Department of Indigent Defense Services may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of Providers of Indigent Defense Services in Rural Counties who have qualified for repayment of student education loans pursuant to sections 9 and 10 of this act.

The Department of Indigent Defense Services shall deposit any money so received into the Account.

Sec. 13. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

- (a) Any costs in connection with the sale of abandoned property.
- (b) Any costs of mailing and publication in connection with any abandoned property.
- (c) Reasonable service charges.
- (d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.
- (e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The next \$1,000,000 each year must be transferred to the Grant Matching Account created by NRS 223.492.

(c) The next \$2,500,000 each year must be transferred to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities created by section 10 of this act.

(d) If the Nevada Health Service Corps is established pursuant to NRS 396.900, the next \$250,000 each year must be transferred to the University of Nevada School of Medicine for the purpose of obtaining matching money for the Corps from the Federal Government pursuant to subsection 1 of NRS 396.902.

(e) The next \$2,100,000 must be transferred to the Account for Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program.

(f) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund, the Grant Matching Account, ~~or~~ the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities[,] or the Account for Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program.

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Fiscal Note for the Account for Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program.
Award is \$60,000 for a 2 year agreement, paid at \$30,000 after each year of service.

	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029
Award Amount	\$30,000	\$30,000	\$30,000	\$30,000
Number of Awards	30	40	20	20
Total:	\$900,000	\$1,200,000		
Biennium Total:		\$2,100,000		\$1,200,000

Survey Results Exploring the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

Pipeline Survey Results

DIDS surveyed indigent defense services providers from the list of rural attorneys. The results of the survey are below:

Loan Repayment Programs: A loan repayment program provides loan repayment assistance to indigent defense services professionals who have already completed their education, in exchange for a 2 year commitment to provide full-time or part-time indigent defense services in a rural community.

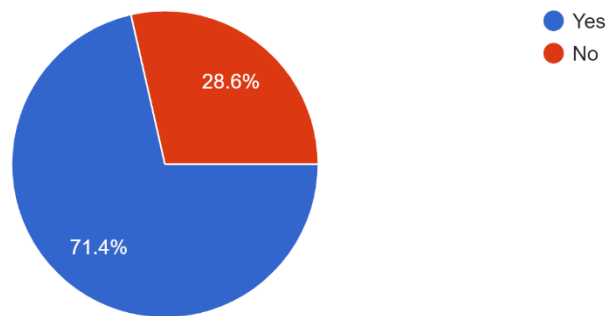
Full-time is defined as at least 1,392.6 attorney hours a year.

Part-time is defined as between 700-1392 hours a year.

Indigent Defense Services provider is defined by NRS 180.004.

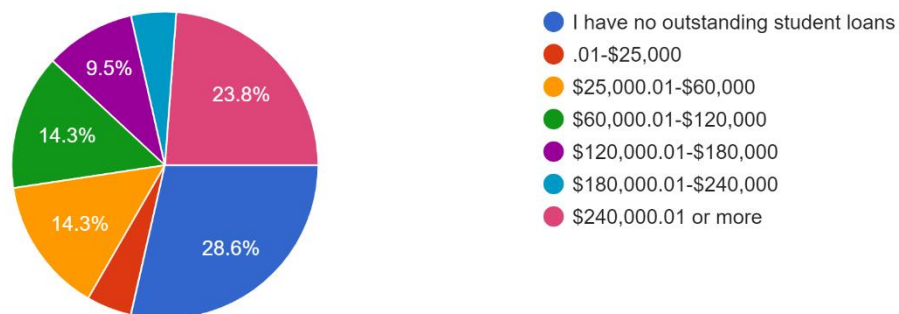
Do you currently have outstanding student loans?

21 responses



What is the cumulative amount of your student loans?

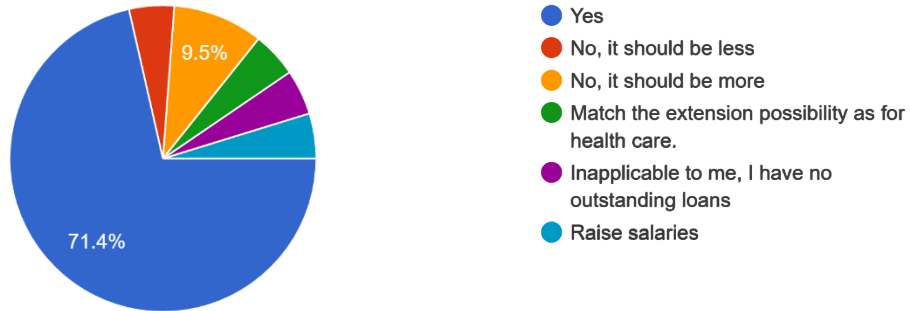
21 responses



Survey Results Exploring the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

Current loan repayment programs for health care providers in rural communities require a two-year commitment to a rural county. This two-year comm...ther two years) is an appropriate amount of time?

21 responses



The Loan Repayment program for health care providers provides \$75,000 towards student loan repayment for the two-year full-time commitment. T... concept to mirror for indigent defense providers?

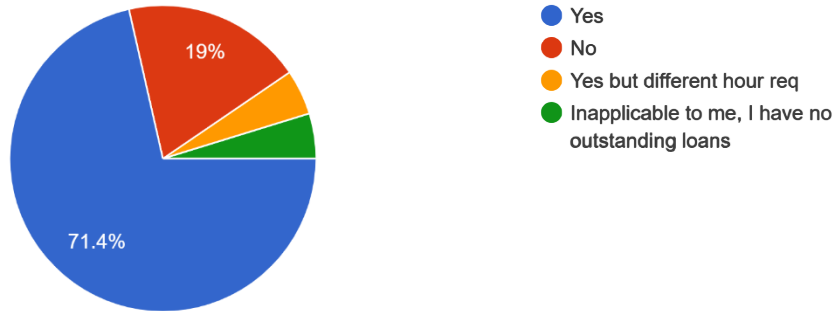
21 responses



Survey Results Exploring the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

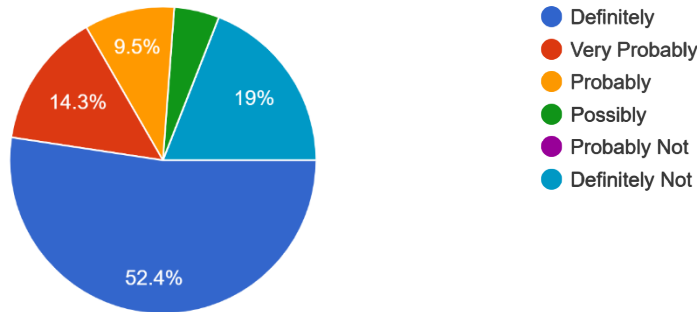
The Loan Repayment program for health care providers provides \$37,500 towards student loan repayment for the two-year part-time commitment o...concept to mirror for indigent defense providers?

21 responses



If this Indigent Defense Services Loan Repayment Program was created, would it make you more likely to accept full- or part-time employment or contract in a rural county?

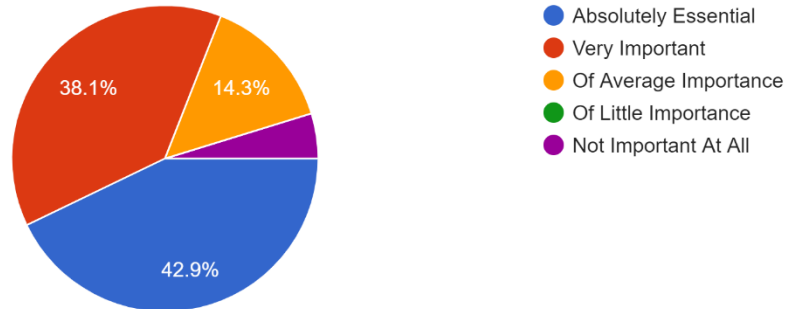
21 responses



Survey Results Exploring the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

How important is a student loan repayment program is to an effective pipeline for indigent defense providers to our rural counties?

21 responses



Please share any thoughts regarding this student loan repayment proposal, including any other pipeline ideas. 11 responses

- Where I said the health-care providers (to provide services in rural areas) was *NOT* a good model for the repayment of law school loan debt ... it's not that I don't think the *CONCEPT* is good. It's a wonderful concept! But since my law school loan debt is > \$250K ... I feel the amount toward student loan repayment should be even larger!
- There has to be some incentive to get new blood into the rurals, and this option should be tried.
- Although I no longer have student debt. It would be a significant factor in my decision to accept employment as a rural indigent defense attorney if I did.
- I think it's a wonderful proposal that will open interest.
- I am an anomaly because I graduated a long time ago without any loans but the WICHE grant influenced me in my law school choice.
- If this gets implemented, it would be nice if it could apply retroactively for current employees in public defender offices. Signing bonuses and retention bonuses should also be considered.
- I happen to have a low debt burden despite being a recent graduate. Were I differently situated, I would have been highly motivated by a program like this. I support this as an important policy tool, and I think that mirroring the healthcare-field model is prudent to gain political support. In a vacuum, I think that 2/4 years for \$75k/\$150k is very generous, and I think a 3/6 & 75k/150k or 2/4 & 50k/100k could work; however, the benefits of modeling this on the healthcare model outweigh the potential cost savings.
- I would renew my contract if student loan forgiveness was an option.
- Why reward people who over extend themselves and took in loans? Raising salaries is better - Rewarding people who were responsible rather than the irresponsible. What you all propose sounds like socialism.

Survey Results Exploring the Student Loan Repayment for Providers of Indigent Defense Services in Rural Counties Program

- The amounts of any loan repayment assistance for attorneys should be higher than those for medical professionals, as medical professionals get a tax benefit for student loan repayment assistance that attorneys do not. So the amounts should be adjusted upward to compensate for the amount lost to taxation. This kind of funding should only be made to employers who are actually complying with a 1392 hour billing year. This shouldn't be used as an incentive to pay employees less or expect more work because they are getting a benefit for taking on lower-than-private pay public service/indigent defense work. This isn't any different than military service, americorps, or peace corps in that public service should result in a lower cost for formal education in exchange.
- This would make the biggest impact to bring attorneys to Rural Nevada. If years could be counted retroactively to people who have already have hears in Rural Nevada (or at least credit a reasonable amount of time) that would also keep attorneys like myself, here in rural Nevada for longer to achieve the threshold of forgiveness. The reason I hadn't even thought about that it because it sounds like a pipe dream. If it's implemented 1-1 like how it's presented in the questionnaire (i.e. 150k forgiveness for 4 years), I don't see people hesitating to come to Rural Nevada for that amount of time. Add that they would get NVPERS if they decided to stay for one more year, I could easily see attorneys staying for 5.

Please use this area to add any ideas that could improve indigent defense in Nevada.

- Improve the pay of persons who are committed to providing such an essential service. Those of us who are involved every day in indigent defense *REALLY* believe in the importance of what we are doing ... but we shouldn't have to wonder how we're going to make ends meet in order to provide such an important societal service! I get paid \$93K per year as a deputy public defender ... I have > \$250K in law school loans ... and I have to *DRIVE FLIPPIN' UBER* at night and on weekends to be able to pay all of my bills! That's ridiculous!
- DIDS should be more involved in the process of getting current student loans forgiven. If DIDS implements this program there needs to be infrastructure in place to ensure that the loan forgiveness paperwork will be complete on correctly in a fashion that will be acceptable to the loan servicer.
- I would renew the nye county contract if student loan forgiveness was added.
- 1. Pay well-qualified practitioners reasonable salaries for their expertise. 2. Create a workplace that doesn't penalize or disincentivize indigent defense practitioners - overworking, judicial disparagement, disingenuous plea bargaining tactics, trial penalties, discouraging speedy trial demands, lack of bar support, lack of equal-quality workspace, etc. 3. Create more uniformity across the state w.r.t. statutory definitions, court rules, forms, pattern instructions, and sentencing. It's ridiculous that things as minimal as captions and as important as what qualifies as "obscene" can vary so widely from county to county. 4. E-filing and virtual appearances. This should probably be No. 1 instead. 5. De-stigmatize defense work in the industry and to the public.