



STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES

896 W. Nye, Suite 202 | Carson City, NV 89703
(775) 687-8490 | www.dids.nv.gov

Memorandum of Understanding

DATE: February 3, 2022
TO: Judge Johnson
FROM: Marcie Ryba, Executive Director, Department of Indigent Defense Services
SUBJECT: Esmeralda County Selection Procedures

This document summarizes the process of selection of counsel with the assistance of the Department of Indigent Defense Services. The processes described in this memorandum are in conformance with the **Esmeralda County Plan for the Provision of Indigent Defense Services** and only apply for indigent defense cases as defined by NRS 180.004.

Selection of Counsel

If Court appoints Counsel to the Case¹:

If the Court determines appointment of counsel for indigent individual is appropriate, the court will appoint Contract Public Defender and send the case information directly to the attorney.

¹ A "case" is defined by Board on Indigent Defense Regulation 4 as:

1. A single adult defendant on a single charging document, regardless of the number of counts alleged, in a felony, gross misdemeanor, or misdemeanor matter; or
2. A single juvenile defendant on a single petition, regardless of the number of counts alleged, in a matter concerning a child who is alleged to be delinquent or in need of supervision pursuant to title 5 of NRS.
3. For a case in which multiple charges are involved, the case is classified by the highest offense charged at the time counsel is appointed.

If Contract Public Defender has a Conflict:

If the Contract Public Defender determines they have a conflict after appointment to the case:

- Contract Public Defender shall transfer the case to the department using the process set forth in the Attachment B.
 - Appointed Counsel other than the Contract Public Defender must contact the Department for assistance in transferring the case via LegalServer back to the Department.
- Upon receipt of the conflict, the department will assign the case in accordance with the Esmeralda Plan for the Provision of Indigent Defense Services.
- The department will prepare a Notice of Substitution of Counsel. Attachment A.
 - The Notice will be provided via email to the appropriate court at: Justice Court: **JP@esmeraldacountynv.org** (775)485-6359
- If appropriate, the Court will review the Notice and Sign the Order for filing. The Clerk will sign the Certificate of Service and provide copies to the parties listed.

Note: → Judge Johnson does not need Contract Public Defender to file a Motion to Withdraw. Contract Public Defender shall email the Justice Court and DIDS (didscontact@dids.nv.gov) notifying the parties of the conflict (in addition to transferring the case in LegalServer).

Invoice Processing

Requests for Expert/Investigator Fees and/or Attorney Billing:

If the Court receives Requests for Expert/Investigator Fees or Attorney Billing, please forward the documents to didscontact@dids.nv.gov for processing.

Indigent Defense Counsel shall submit requests for expert/investigator fees or attorney billing directly to the department at didscontact@dids.nv.gov using the forms on the department's website: <https://dids.nv.gov/Resources/AttorneyResources/>

Questions?

If there are questions on this process, please contact the Department of Indigent Defense Services at: 775-687-8490 or didscontact@dids.nv.gov.

Attachment A

IN THE JUSTICE COURT FOR ESMERALDA TOWNSHIP
IN AND FOR THE COUNTY OF ESMERALDA, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff

vs

Case No. [CASE NO.]

[CLIENT NAME.],

Defendant(s). /

NOTICE OF SUBSTITUTION OF COUNSEL AND ORDER

The DEFENDANT, [CLIENT NAME], having been found indigent and otherwise eligible for appointed counsel, and having previously been represented by [ATTORNEY NAME], who notified the Department of Indigent Defense Services of Conflict of Interest on [ATTORNEY NAME], and the matter being referred to the Department of Indigent Defense ("Department") for selection of counsel, the Defendant's next court date being: _____ the Department enters this Notice of Appearance for the following attorney as counsel of record for the above-named Defendant.

[ATTORNEY NAME]
[ATTORNEY ADDRESS]
[ATTORNEY PHONE NUMBER]
[ATTORNEY EMAIL (IF AVAILABLE)]

///

ORDER

Pursuant to the ESMERALDA County Plan for Indigent Defense Services, good causing appearing and in the interests of justice, IT IS HEREBY ORDERED that the selection of counsel by the Department is confirmed. As such, attorney [ATTORNEY NAME] is confirmed as attorney of record. Counsel shall be paid by THE COUNTY OF ESMERALDA, STATE OF NEVADA.

DATED this _____ day of _____, 20_____.

Justice of the Peace

CERTIFICATE OF SERVICE

I certify that on the date shown below I served a copy of the foregoing NOTICE OF SELECTION OF COUNSEL AND ORDER by preparing for email a true and correct Copy therefore addressed to:

ESMERALDA COUNTY DISTRICT ATTORNEY

DATED this _____ day of _____, 20_____

SIGNED _____

Attachment B

How to transfer a case in LegalServer that has a known conflict after completed Intake.

1) Transfer a case from current office to Nevada Department of Indigent Defense Services.

Select **Actions** → **Assign Close Refer** → **Assign Case**.

Note: Do not use **Reject**.

2) Transfer case and select **Office: Nevada Appointed Conflict Attorneys**.

3) Program should be **General**.

4) Caseworker will be **DIDS_Office Conflict_Notice**.

5) **Notes Case Assignment** – be sure to include if known, otherwise notate info unknown.

a) **Case Number** i.e. 21-0000XXX.

b) **Client Name and Contact (phone, email, etc)**.

c) **Court Location**

d) **Upcoming Court date and time**.

e) **Type of court appearance**

6) **Communication** Send this note as an email to didscontact@dids.nv.gov.

7) Select **Continue** to complete the transfer.