



Churchill County Agenda Report

ALSO COPIED

TO: Jim
Jacob

Date Submitted: May 31, 2022

Agenda Item #: Appointments - C

Meeting Date Requested: June 15,
2022

To: Board of Churchill County Commissioners

From: Jacob Sommer, Public Defender

Subject Title: Consideration and possible action re: Approval of the updated Churchill County Indigent Defense Plan.

Type of Action Requested: Accept

Does this action require a Business Impact Statement? No

Recommend Board Action: motion to approve the updated Churchill County Indigent Defense Plan for 2022-2023.

Discussion: NRS 260.010(7)(b) & NRS 260.070(2) requires that the Board of County Commissioners provide an annual report to the Department of Indigent Defense Services. The report must include any information requested by the department concerning the provision of indigent defense services in the county and must include the plan for the provision of indigent defense services for the next fiscal year. The plan, as proposed here, was developed in cooperation with the Department of Indigent Defense Services and the Churchill County Public Defender. It reflects the requirements as outlined in the Indigent Defense Regulations recently enacted by the Nevada Board of Indigent Defense Services. The plan, as proposed, will meet the annual reporting obligations of Churchill County. The plan may be changed from time to time as desired and approved by the Board of County Commissioners. The Churchill County Plan is due for submission to the Indigent Defense Commission upon approval (but no later than July 1st).

Alternatives: N/A

Fiscal Impact: Unknown.

Explanation of Impact: If an individual is hired or contracted to fill the responsibilities of the Appointed Counsel Program Coordinator (as detailed in the plan), it would require payment of contract or salary expenses.

Funding Source: General Fund.

Prepared By: Pamela D. Moore, Deputy Clerk to the Board

The submission of this agenda report by county officials is not intended, necessarily, to reflect agreement as to a particular course of action to be taken by the board; rather, the submission hereof is intended, merely, to signify completion of all appropriate review processes in readiness of the matter for consideration and action by the board.



Churchill County Agenda Report

Reviewed By:

Jim R. Barbee, County Manager

Date: June 08, 2022

Joseph Sanford, Deputy District Attorney

Date: June 09, 2022

Sherry Wideman, Comptroller

Date: June 09, 2022

Board Action Taken:

Motion: Approve

1) Justin Heath

Aye: 3

2) H. Peter Olsen, Jr.

Nay: 0

(Vote Recorded By)

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CHURCHILL COUNTY INDIGENT DEFENSE PLAN

2022-2023

155 NORTH TAYLOR STREET, FALLON, NEVADA, 89406

Churchill County Indigent Defense Plan

TABLE OF CONTENTS

Purpose & Overview	3
Definitions	5
A. Appointed Attorney	5
B. Appointed Counsel Program Coordinator	5
Providing Representation Consistent with the 6th Amendment	5
A. Mandatory Representation	5
B. Discretionary Representation	6
Initiation of Cases & Prompt Magistration	6
A. Timing of the Appointment of Counsel for Indigent Defendants	6
I. Counsel shall be provided to eligible individuals	6
II. Automatic Appointment & Eligibility	6
B. Number and Qualifications of Appointed Counsel	6
C. Eligibility for Appointed Representation	7
I. Financial Eligibility	7
System of Appointment of Counsel & Appointed Counsel Program	9
A. Office of Public Defender	9
B. Office of Alternate Public Defender	9
C. Contract Attorneys & Qualifications	9
D. Appointed Counsel Program & Coordinator	10
Standards of Representation & Duties of Appointed Counsel	13
A. Initial Contact with Clients	14
B. Workload Standard	15
C. Case Management Software & Case Load Reporting	15
D. Continuing Legal Education	16
E. Juvenile Delinquency Cases	17
F. Communication & Council Among All Stakeholders	17

Churchill County Indigent Defense Plan

Provision of Resources and Confidential Communications	17
A. Confidential Meeting Space	18
B. Non-English-Speaking Resources	18
C. Court Services	18
D. Forensic Assessment Services Triage Team (FASTT)	19
E. Fiscal Resources	20
Conclusion	20
Attachments	
County Commissioner Approval Signatures	Page

Churchill County Indigent Defense Plan

Purpose & Overview

[T]he true measure of our commitment to justice, the character of our society, our commitment to the rule of law, fairness, and equality cannot be measured by how we treat the rich, the powerful, the privileged, and the respected among us. The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.

~ Bryan Stevenson

The plan which follows is intended to provide an overview of the processes, procedures, policies, and goals in place that relate to the provision of indigent defense services within Churchill County, Nevada. In short, it is a confirmation of the principles which are now implemented to foster kindness and compassion to the disadvantaged and accused.

Indigent defense in Churchill County was historically and professionally accomplished by contract attorneys who lived in the community. In 2020, after a careful evaluation of the current and future needs of the community, the Churchill County Board of Commissioners created a new county department - Office of the Public Defender. In 2022 after further evaluation about the volume of conflicts that naturally occur due to the rules of Professional Responsibility in representing individuals, the Board of Commissioners created an Alternate Public Defender's office. These important steps are a clear declaration that Churchill County is dedicated to continuing a long tradition of indigent defense which meets, and exceeds, the laws of Nevada and the United States Constitution.

The Office of the Public Defender and the Office of Alternate Public Defender are and will be professional law firms, staffed with qualified and experienced attorneys focused on the diligent, honest, and responsible representation of indigent defendants. Contract attorneys and other attorneys approved to handle representation of indigent defense are no less professional. Indigent

Churchill County Indigent Defense Plan

Defendants are treated with respect and kindness. Attorneys and the staff who support them take a genuine interest in those they represent.

This summary is not intended to be comprehensive but to provide the general details of how Churchill County is now providing indigent defendants with the effective representation to which they are entitled, and how the County will continue to provide such service. We anticipate that as indigent defense stakeholders regularly counsel together there will be constant adjustments to upgrade the plans outlined below. Hence, this document should be viewed as a snapshot within a continually improving process and it may be changed by the Board of County Commissioners on a frequency that prudence dictates. In addition to the purposes outlined above, the objective of this plan is to comply with the statutory requirement outlined in the Nevada Revised Statutes (NRS 260.070) respecting annual reports.

Nothing in this plan shall be intended or construed to limit the professional judgment of the licensed attorneys representing clients within Churchill County, nor to impinge upon (or limit) such representation or duties owed to indigent defendants as contemplated by the applicable rules of professional responsibility. To the extent this plan does not specifically state processes, procedures, intentions, or plans for the numerous aspects of indigent defense that are otherwise required by the regulations imposed by the Nevada Indigent Defense Commission, such compliance is nevertheless intended and any processes which are not already in place shall be, after identification, implemented or established.

Churchill County Indigent Defense Plan

Definitions

- A. **“Appointed Attorney”** or **“Attorney”** includes all attorneys employed with the Churchill County Office of the Public Defender, as well as those contracted to provide indigent defense and appointed counsel otherwise paid as “hourly” pursuant to NRS 7.125.
- B. **“Appointed Counsel Program Coordinator”** performs such duties and responsibilities as assigned (directly or by contract) by the Board of Commissioners; subject to the desire of the County Commissioners, it is expected that the coordinator will report to and be supervised by the County Manager; the coordinator’s duties include but are not limited to assigning conflict cases on a rotating basis among hourly attorneys (and contract attorneys where needed); monitoring case reporting requirements for those attorneys, and; all other duties reasonably necessary to oversee the program.

Providing Representation Consistent with the 6th Amendment

- A. **Mandatory Representation.** Churchill County shall provide representation to indigent defendants consistent with the requirements of the Sixth Amendment of the United States Constitution and the Nevada State Constitution. Typically, that includes individuals who are deemed to be indigent, and:
 - 1. Is charged with a felony or gross-misdemeanor;
 - 2. Is charged with a misdemeanor where jail time is mandatory, or the prosecutor is actually seeking jail time;
 - 3. Is alleged to have violated probation or other court supervision and jail time or a sentence of confinement may be imposed;
 - 4. Is a juvenile alleged to have committed an act of delinquency or is alleged to be a child in need of supervision;
 - 5. Is in custody as a material witness;
 - 6. Is entitled to appointment of counsel under the Sixth Amendment to the United States Constitution or any provision of the Nevada Constitution, or when due process requires the appointment, or the judge is likely to impose jail time;

Churchill County Indigent Defense Plan

7. Faces a loss of liberty in a case and Nevada Law requires the appointment of counsel
8. Faces a loss of liberty for criminal contempt;
9. Has received notice that a grand jury is considering charges against him or her and requests the appointment of counsel.

B. Discretionary Representation. Courts of Churchill County *may* provide counsel to indigent individuals on a discretionary basis in other circumstances whenever that court determines that the interests of justice so require or where the facts of the instant case would make such appointment prudent and where the law, due process and fundamental fairness would dictate.

Initiation of Cases & Prompt Magistration

A. Timing of the Appointment of Counsel for Indigent Defendants

1. Counsel shall be provided to eligible individuals:
 1. Within the time required by law
 2. At their first appearance before a judge
 3. When they are formally charged or notified of charges, or
 4. When a Justice of the Peace or a District Judge otherwise considers appointment of counsel appropriate
2. Automatic Appointment & Eligibility. A minor alleged to have committed a crime, an act of juvenile delinquency, or alleged to be a child in need of supervision is automatically eligible for appointed counsel because of the presumption of indigency which always accompanies allegations filed against a minor. In such cases, counsel will be appointed upon notice of a filed petition.

B. Number and Qualifications of Appointed Counsel

1. In the ordinary course, the Office of Public Defender will be appointed to represent all indigent defendants. Workloads will then be equalized at the discretion of the Churchill County Public Defender between the Office of Public Defender and the Office of Alternate Public Defender. If a conflict exists which makes both offices

Churchill County Indigent Defense Plan

unable to represent an individual the case will be referred to the County's contract attorney or the Program Coordinator for appointment of counsel. In any case, an attorney shall be appointed consistent with the related provisions of this plan, except in Capital cases.

2. In Capital cases or in cases where open murder is charged as an offense (which may result in a Capital case), two attorneys shall be appointed consistent with the requirements of Nevada Law, and the related provisions of this plan as soon as is reasonably possible. In such situations one of the two attorneys appointed to represent indigent defendants under this section must meet the minimum standard for lead counsel pursuant to Nevada Supreme Court Rule 250 and both attorneys appointed must conform to the performance guidelines and standards as adopted by the Nevada Supreme Court for such cases.
3. Within the Office of Public Defender and the Office of Alternate Public Defender, or each individual attorney appointed to represent indigent defendants, attorneys will be duly qualified to practice law pursuant to the requirements of the State of Nevada and shall have such experience and/or supervision as is required to discharge his or her duty for effective representation.

C. Eligibility for Appointed Representation

1. Financial Eligibility

- i. Indigency Screening. Court Services personnel (or other designated individual as hereafter designated) shall conduct indigency screening no later than 48 hours after arrest to make an initial determination of financial eligibility and provide a recommendation to the Court with respect to the eligibility of that defendant for services of appointed counsel. After this screening process and upon a Judge or Justice of the Peace finding that a defendant is eligible for appointed counsel in accordance with NRS 171.188, counsel will be appointed promptly. The form which shall be used for screening purposes by Court Services form satisfies the provisions of NRS 171.188. In some cases where individuals are incapable of reviewing/completing the indigency forms at the time of Court Services

Churchill County Indigent Defense Plan

screening (such as in cases of alcohol/drug intoxication) will be seen as soon as it is responsible do so.

- ii. A person shall be deemed “indigent” if such person is unable without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own; “Substantial Hardship” is presumed where a defendant is a recipient of public assistance (such as Food Stamps, TANF, Medicaid, Disability Insurance, resides in public housing), or has income which does not exceed 200% of the Federal Poverty Guidelines. Defendants who are minors, or who are currently serving a sentence in a correctional institution or who are housed in a mental health facility are also presumed to meet the standards for “substantial hardship.”
- iii. Defendants who do not meet the presumption standard for “substantial hardship” will be subjected to a more rigorous screening process to determine if his or her particular circumstance would result in a “substantial hardship.” After the Court receives the screening information gathered by Court Services, regardless of the initial recommendation, the presiding judicial officer may gather additional information for the purpose of determining indigence through the additional declaration of a defendant, as well as through oral examination. Factors for consideration by the Justice of the Peace may include:
 - a. Net household income.
 - b. Household size.
 - c. Cost of obtaining competent legal representation.
 - d. Whether the Defendant or dependent receives food stamps, Medicaid,
 - e. TANF, or public housing.
 - f. Property/Assets
 - g. Etc.

Churchill County Indigent Defense Plan

System of Appointment of Counsel & Appointed Counsel Program

All indigent clients will be assigned initially to be represented by the Office of Public Defender. After the Office of Alternate Public Defender is opened on July 1st, 2022, it is the expressed intent that the workloads between the two offices be equalized. This determination of equalization and case assignment will be done at the sole discretion of the Churchill County Public Defender. If a conflict exists which mandates that the Office of Public Defender and/or the Office of Alternate Public Defender cannot represent an individual due to conflicts, that case will be transferred to the contract attorney or to the Churchill County designated program coordinator for assignment consistent with the applicable rules and this plan.

A. Office of Public Defender

Churchill County has established the Office of Public Defender as a primary provider of indigent defense. That office is staffed with experienced and qualified attorneys who meet and exceed the applicable standards. Attorneys employed with the Office of Public Defender maintain a professional office space with a client conference area and meeting space. The office is currently located in the historic Senator Dodge House, at 85 North Taylor Street, Fallon, Nevada 89406.

B. Office of Alternate Public Defender

In July 2022 Churchill County will open the Office of Alternate Public Defender. That office will be staffed with a qualified attorney who meets and exceeds the applicable standards. Attorneys employed with the Office of Alternate Public Defender will maintain a professional office space with a client conference area and meeting space. The location of this office is yet to be determined.

C. Contract Attorneys & Qualifications

Because it has been necessary for the efficient administration of cases where multiple attorneys are required (such as for multi-defendant criminal matters), Churchill County has contracted with at least one other Attorney for this purpose. The Attorney functioning currently within Churchill County as contract counsel for representation of

Churchill County Indigent Defense Plan

indigent individuals that cannot be handled by the Office of Public Defender, and soon by the Office of Alternate Public Defender include:

Charles B. Woodman, Esq.
Law Offices of Charles B. Woodman
548 West Plumb Lane, Suite B
Reno, NV 89509

While selection of contract attorney(s) was done before the finalization of the instant plan, future selection of Contract Attorneys and Conflict Counsel will be accomplished in accordance with the Appointed Counsel Program provisions as outlined herein and consistent with the regulations of the Department of Indigent Defense, Section 24 (January 28, 2021). The process for selection has included and will continue to include consideration of (1) whether the proposed attorney is on the approved list of eligible providers, (2) the experience and qualifications of the applicant, (3) the applicant's past performance in representing indigent individuals, (4) the applicant's ability to comply with the applicable regulations and terms of the contract, and (5) the relative cost of the contractor in relation to services contemplated.

D. Appointed Counsel Program & Coordinator.

Within a reasonable time of approval of this Plan, Churchill County will contract, engage with, or hire an individual who shall be designated as the Appointed Counsel Program Coordinator. The Coordinator shall have all the duties and responsibilities outlined in this plan or as adjusted from time to time. To ensure no conflict of interests are created, if the Coordinator is an Attorney in no event will the Coordinator be directly involved in actual representation of clients in appointed counsel cases.

The Program Coordinator shall establish and maintain a list of all attorneys approved by the Committee (discussed below) for new contracted attorneys, for hourly conflict attorneys, and capital case attorneys. The Coordinator shall maintain appropriate records to reflect the cases and dates to which each attorney assigned through the Coordinator has been appointed.

Churchill County Indigent Defense Plan

If the Churchill County Office of Public Defender has a conflict and transfers a case to the Alternate Public Defender who then also identifies a conflict, the case will be assigned to the Contract Attorney with notice to the Program Coordinator and the Court. In the event contracted counsel has a conflict which prevents representation, the contract attorney shall notify the Program Coordinator as soon as is reasonably possible. The Coordinator shall then make assignment of alternative counsel which will be selected by the Appointed Counsel Program Coordinator as follows:

- (1) The Appointed Counsel Program Coordinator shall select the alternative appointed counsel, in consecutive order, from the hourly list.
- (2) If the case is Capital in nature, the Coordinator may select from those qualified on a Capital Case list. The Coordinator shall also select a second chair counsel for a capital case. The second chair attorney may be selected next in order from the hourly list if appropriate.

The Coordinator shall provide prompt notice and a proposed order or arrange other appropriate notice to the court confirming selection of counsel to the Appointing Authority (Judge, Justice of the Peace) presiding over the court in which the subject charges are pending.

The Coordinator shall establish an Appointed Counsel Selection Committee to review, from time to time or as need dictates, the qualifications of applicants for contract or hourly appointments, to review the list of attorneys from which appointments are made in hourly cases, and to determine which attorneys shall be recommended for appointments.

The Appointed Counsel Program Committee shall be made up of five (5) members who:

- 1) Have no pecuniary interest in the outcome of the attorney selection or performance evaluation process;
- 2) Have no legal, financial or familial relationship to any attorney whose qualification or performance will be evaluated;

Churchill County Indigent Defense Plan

- 3) Are not directly related to a member of the local judiciary or any local prosecution function; and
- 4) Have an interest in the variety of types of cases that are represented by the appointed counsel lists to be selected by the Committee.

As the Program Coordinator directs, or as need dictates, the Committee shall: (1) meet once each year and solicit input from judges and others familiar with the practice of criminal defenses, juvenile and family law where appointed counsel are utilized; (2) review any complaints from indigent clients; (3) review the history of participation in training of each applicant and each contract/hourly attorney receiving appointments; and (4) determine eligibility and recommendation of appointed counsel for new and continued participation in accordance with applicable regulations and standards.

The Coordinator shall be responsible for reviewing for approval the claim for payment of each hourly attorney and any expert or other service fees at the conclusion of appointed counsel's representation (including expert, investigation, or incidental fees of contract counsel) or, if appropriate, periodically during appointed counsel's representation. Such claims and invoices shall be submitted in a standard form as hereafter established by the Coordinator. The Coordinator shall approve for payment all reasonable attorney's fees for hourly counsel reflected on the designated form. The Coordinator may request additional information or explanation where necessary in evaluation of such requests. In the event the Coordinator denies or modifies a Request for Fees, the Coordinator shall provide a detailed explanation to the submitting attorney with a copy of the same to the Churchill County Manager as to why the denied portion was not reasonable. Such denials are subject to judicial review pursuant to NRS 7.135.

Case-related expenses expected to exceed two thousand five hundred dollars (\$2,500) shall be submitted to the Coordinator for pre-authorization before they are incurred. The attorney shall submit the request for pre-authorization to the coordinator via email at _____. Without disclosing confidential information, the request shall include an explanation of why the expense is reasonably necessary to provide

Churchill County Indigent Defense Plan

representation. Such request and the reasons therefor shall be kept strictly confidential by the Coordinator. All case-related expenses, whether or not they are subject to pre-authorization, are subject to the Coordinator's review for reasonableness. Invoices for case-related expenses shall be submitted to the Coordinator within a reasonable time of termination of representation. Any requests for expenses not submitted within 120 days following termination of representation shall be deemed waived.

Upon approval of fees and/or case-related expenses, the Coordinator shall notify the Comptroller's Office of all approved requests, attaching a copy of the invoice, and the Comptroller's office shall issue prompt payment for the same.

Standards of Representation & Duties of Appointed Counsel

Attorneys will be responsible for the performance of all the obligations and duties as dictated in the Nevada Rules of Professional Conduct and must demonstrate compliance with the standards and regulations of the Board of Indigent Defense Services.

Appointed counsel are assigned specific cases upon notice of appointment by the Court or by the Appointed Counsel Program Coordinator. Attorneys are expected to ensure that, to the greatest extent possible, the same attorney represents a defendant through every substantive portion of the case without unreasonable delegation to others. There are times and circumstances where there are prudent and acceptable exceptions to this practice, but the expectation in place provides each client with a consistent attorney representation throughout the case.

The Justice Court shall provide reasonable advance notice of all arraignment proceedings to the Attorneys who are or who may be appointed to represent defendants to ensure an attorney can appear for such hearing. The Office of Public Defender shall assign and designate which counsel or office (e.g. Public Defender, Alternate Public Defender, Contract Counsel, or other Appointed Attorneys) will cover appearance at arraignments, which may include court appearances on weekends. At the initial arraignment, the

Churchill County Indigent Defense Plan

Attorney assigned to appear will be prepared to address the issue of pre-trial release and if an own recognizance release is not granted, the adjustment of bail in accordance with applicable case law. See *Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev.*, 163 Nev. Adv. Op. 20 (2020). These hearings and appearances are conducted either in person or via Zoom (or other technological methods acceptable to the Court). If an individual is released or if bail is set, the defendant is informed about conditions that will be imposed, if any. Attorneys handling initial arraignments will advise individuals about their rights and encourage clients not to waive any substantive rights or plead guilty at the initial appearance unless to do otherwise is in the person's best interest.

A. Initial & Ongoing Contact with Clients

Attorneys are expected to implement processes and procedures to ensure represented individuals receive prompt attention to their cases, have contact information for the appointed attorney, and so that information pertinent to the resolution of the case is received and addressed. It is expected that these processes continue to evolve as attorneys and staff at respective offices consistently evaluate best practices, requirements imposed by the Court, and the needs of indigent defendants.

The purpose of the initial client interview is to inform the client of the charges/penalties and to acquire information from the client concerning pretrial release. If the defendant is in custody the assigned attorney will make contact as soon as is practicable, but in no case later than the time designated by law (if any). If a client is not in custody and contact information for the client is available, attempt to contact the client commences as soon as is practicable, and a similar process of providing an overview and information is completed.

Attorneys who conduct an initial client interview are expected to:

1. Be familiar with the elements of each offense charged and the potential punishment.

Churchill County Indigent Defense Plan

2. Review relevant documents then available – including any reports made by agencies concerning pretrial release, and law enforcement reports.
3. Be familiar with the legal criteria for determining pretrial release and the procedures that will be followed in setting those conditions.
4. Be familiar with different types of pretrial release conditions the court may set and be familiar with any procedures available for reviewing the judge's setting of bail.

Attorneys assigned to represent indigent individuals will be familiar with and guided by the Rules of Professional Conduct, the Nevada Indigent Defense Standards of Performance adopted by the Nevada Supreme Court (October 16, 2008), and changes to such standards as they are made or adopted from time to time. These standards include provisions that Attorneys have contact with clients on a regular basis, typically at least every 30 days, unless there are no significant updates in the client's case.

At the conclusion of each case, Attorneys will provide clients with the opportunity to complete any survey requested by the Board of Indigent Defense.

B. Workload Standard

The workload of Appointed Counsel must allow counsel to give each client the time and effort necessary to ensure effective representation. Attorneys should be aware of and continually evaluate their workload such that it does not interfere with the Attorney's competence or diligence. When the data becomes available Churchill County will provide attorneys with workload guidelines as determined by the Board of Indigent Defense.

C. Case Management Software & Case Load Reporting

The Office of Public Defender opened in November 2020 and began use of a top-shelf professional case management software that assists office staff and attorneys to efficiently represent clients. This software has features that promotes efficient client contact and electronic file management. Churchill County is aware that the office of indigent defense services has begun a process to provide a different case management software. Indigent

Churchill County Indigent Defense Plan

Defense attorneys will also use this software but only for data tracking purposes. After examination of such software Churchill County reasonably believes that limiting the data input in this manner permits compliance with the regulations as promulgated by the Nevada Department of Indigent Defense Services while also maintaining client file integrity, and case information confidentiality.

In order to comply with additional administrative regulations that are imposed, Attorneys will spend time tracking the number of cases, and other details of cases so the information can be provided annually (at a time designated) to the Indigent Defense Commission with data related to caseloads which include:

1. Beginning pending cases
2. New appointments
3. Cases returned from warrant or re-activated
4. Cases adjudicated, disposed, or closed (and manner of closure)
5. Warrant or placed on inactive status cases
6. Cases set for review
7. End pending cases
8. Number of Motions to Suppress filed, and number litigated
9. Number of trials

In order to comply with additional administrative regulations that are imposed, Attorneys will spend time tracking the metrics required, including time each paralegal staff member spends on cases, attorney hours per case, investigator hours per case, staff hours per case, expert hours per case and private workload, if any, measured in attorney hours.

D. Continuing Legal Education

Churchill County provides funds for, and requires attorneys employed with the Office of Public Defender and Office of Alternate Public Defender and all other indigent defense providers to comply with the professional obligations for Continuing Legal Education (CLE). Consistent with recently enacted regulations of the Indigent Defense Commission,

Churchill County Indigent Defense Plan

attorneys providing indigent defense will be required to complete at least 5 of those CLE hours in topics related to indigent defense.

E. Juvenile Delinquency Cases

While there exist alternative regulations and standards involving allegations of Juvenile Delinquency, such cases are handled in a similar manner to those discussed above for ordinary criminal proceedings. Juvenile clients in these cases are informed of their rights, appointed counsel if the same is requested and hearings are promptly scheduled.

F. Communication & Council Among All Stakeholders

Churchill County is unique among all other areas of practice in the legal community. Due to the continuing efforts of Judges, attorneys, and court staff, all participants remain professional and friendly even where there may be a typical tendency for strong conflict. The bar and bench within this community does not permit a culture of conflict or gamesmanship. On a regular basis the defense bar and the judiciary meet for a bench-bar meeting— typically during a lunch hour. Meetings are attended by members of the District Attorney’s office, the Office of the Public Defender, Office of Alternate Public Defender, court staff, and Judges. These meetings permit open discussion about concerns that need to be addressed regarding the initial stages of a criminal case (or other indigent client proceeding) and with a view toward meeting and exceeding the standards applicable to such cases. Participants regularly discuss ideas for adjustment to procedures, and items for general coordination. The meetings are productive, well attended and result in a continual effort toward improvement. Where items of importance arise that need to be discussed prior to the next meeting, these are frequently handled by email discussion where all parties have the chance to provide input and present information or solution options.

Provision of Resources and Confidential Communications

It is the specific and declared intent of Churchill County that the Office of the Public Defender, Office of Alternate Public Defender, and all indigent defense attorneys be provided sufficient resources to afford competent representation of all clients and independent investigation of cases

Churchill County Indigent Defense Plan

handled. During periods of adjustment the Office of Public Defender, Alternate Public Defender and Board of County Commissioners will continue to evaluate the overall budget needs and specific line-items for adjustment during subsequent years as prudence dictates. The resources available to indigent service providers are numerous, but some of the most significant are listed here below.

A. Confidential Meeting Space

County facilities housing or holding indigent defendants or criminal detainees will provide accommodations for confidential or otherwise privileged communications between indigent criminal defense clients and appointed counsel. These resources include the provision of accommodations for private discussions between each attorney and a client in the Justice Court (where there are four specifically designated attorney meeting rooms), the District Court (where there are three attorney meeting rooms), jails (where there are two specifically designated attorney meeting rooms), at the respective offices of The Public Defender and Alternate Public Defender (where there is sufficient and appropriate meeting space in the form of one or more conference rooms which can be used by contract or hourly attorneys).

B. Non-English Speaking Resources

When defendants are non-English speaking, an interpreter is provided by the Court for purposes of hearings. For purposes of client communication such interpreters are regularly engaged by the Office of the Public Defender to assist in translating letters and other written communications to clients, and in scheduling private attorney-client meetings for interpretation assistance.

C. Court Services

Additional resources provided by Churchill County includes Court Services. Among other things this office will conduct initial indigency screening and is charged with supervising pretrial defendants who have been granted a release from custody on their own recognizance. Initial interview reports and thereafter regular update reports are generated

Churchill County Indigent Defense Plan

from this office and provided to defense counsel (among others). All such reports assist defense counsel in assessing whether there are ongoing concerns with substance abuse.

D. FASTT

One of the more valuable assets provided by the County is a group of employees titled Forensic Assessment Services Triage Team (or, “FASTT”). This is an office employing several full-time resource liaisons within the Department of Social Services. Each of whom are certified Community Health Workers and trained in Crisis Intervention. At the request of defense counsel, and often independently at the request of individual defendants by a separate referral process, this office provides extremely valuable assistance with the following:

1. Helping coordinate, schedule & secure substance abuse or mental health evaluations
2. Helping defendants obtain and complete applications for various treatment programs throughout Nevada
3. Providing defendants with information and resources related to housing subsidies and solutions
4. Providing other social services support resources that help defendants to maintain stable living conditions and comply with obligations imposed by the Court
5. Connecting defendants with applications and assisting in the process of obtaining public assistance where appropriate
6. Reviewing with defendants the resources available for mental health counseling and treatment
7. Assisting defendants find employment opportunities
8. Disability services
9. Senior services
10. Family support

Churchill County Indigent Defense Plan

The FASTT team facilitates a warm hand off to community supports such as the New Frontier treatment center, Churchill County Social Services and other such supports. The FASTT Liaisons meet in the jail daily to conduct assessments and identify resources the incarcerated individual may need for re-entry into the community. The mission statement of FASTT is “To increase community safety and awareness by promoting engagement in treatment, improve quality of life, and decrease recidivism for mentally ill and substance dependent individuals involved within the criminal justice system.”

E. Fiscal Resources

Churchill County has provided and will continue to provide sufficient funds to enable attorneys to conduct independent investigation of charges filed and if necessary to retain an investigator, as well as for the retention of experts when such are needed. The budget and expenses for such needs will be built into the budgets of the Office of Public Defender and Alternate Public Defender and administered respectively (and independently) by the Public Defender and Alternate Public Defender. For such expenses requested by contract or hourly conflict attorneys, the Appointed Counsel Program Coordinator will implement the approval process discussed above. This process excludes evaluation by the judiciary and requests for \$2,500 or less will generally be automatically approved.

Conclusion

Regarding indigent defense within Churchill County, it is our aim to make certain that we provide indigent defendants with zealous and professional advocates who are supported appropriately in terms of funding and facilities. These goals are and will continue to be guided by the provisions of the United States Constitution, State Law, and applicable regulations. If this plan has omitted any reference, process or procedure otherwise required by the regulations of the Indigent Defense Commission or the Department of Indigent Defense Services, such references are nevertheless intended and shall be deemed included as if set forth fully herein.