



Churchill County Agenda Report

Date Submitted: April 23, 2024

Agenda Item #: Appointments - I
Meeting Date Requested: May 2,
2024

To: Board of Churchill County Commissioners
From: Jacob Sommer, Esq., Churchill County Public Defender
Subject Title: Consideration and possible action re: Approval of the Churchill County Indigent Defense Plan for FY24-25.

Type of Action Requested: Accept

Does this action require a Business Impact Statement? No

Recommend Board Action: motion to approve the Churchill County Indigent Defense Plan for FY24-25.

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 that were previously enacted by the Nevada Board of Indigent Defense Services and includes changes to address recent updates to the requirements. The plan, as proposed, will meet the annual reporting obligations of Churchill County. The plan may be changed from time to time as requested by the Department of Indigent Defense or 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 each May.

Alternatives: N/A

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: General Fund.

Prepared By: Pam 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.

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Reviewed By:



Jim R. Barbee, County Manager

Date: April 24, 2024



Joseph Sanford, Deputy District Attorney

Date: April 24, 2024



Sherry Wideman, Comptroller

Date: April 25, 2024

Board Action Taken:

Motion:

1) None

Aye: 0

2) None

Nay: 0



(Vote Recorded By)

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CHURCHILL COUNTY INDIGENT DEFENSE PLAN

MAY 2024

Churchill County Indigent Defense Plan

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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. After a careful evaluation of the current and future needs of the community, in November of 2020 the Churchill County Board of Commissioners created a new county department - Office of the Public Defender. One year later the Board created the Office of Alternate Public Defender to help limit the conflict caseloads anticipated for current needs and future growth. These important steps were 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 professional law firms, staffed with qualified and experienced attorneys and staff 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 Defendants are treated with respect and kindness. Attorneys and the staff who support them take a genuine interest in those they represent.

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This summary is not intended to be comprehensive but to provide the guidance and 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 Office of Public Defender and 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 by the Churchill County Public Defender, and the Board of County Commissioners.

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, Office of Alternate 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, and; all other duties reasonably necessary to oversee the program.
- C. “**Indigent Defense Provider**” means any office or attorney appointed or designated to represent indigent clients in Churchill County.

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 request counsel, 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;

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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;
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 48 hours
 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.

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B. Number and Qualifications of Appointed Counsel

1. The Office of Public Defender – or if a conflict exists – an attorney, shall be appointed consistent with the related provisions of this plan, except in Capital cases. After the Office of Public Defender is appointed by the Court upon appropriate indigency determination, the distribution of cases among indigent defense offices or attorneys in Churchill County is done at the discretion of the Chief Public Defender. In the event a case is assigned to the Office of Alternate Public Defender, the Alternate Public Defender has discretion to assign those cases among the qualified attorneys in his or her office. All case assignments are made after consideration (but are not limited to) the following factors:
 - a. avoiding existing conflicts of interest
 - b. avoiding future or reasonably foreseeable conflicts of interest
 - c. information about a defendant’s prior representation
 - d. the experience of each attorney or office assigned (to ensure that an attorney is not assigned to any case that exceeds his or her level of qualification unless an attorney who is qualified to handle the case is acting as first chair on the matter)
 - e. current caseloads of each attorney or office
 - f. individual talents and skills of each attorney
 - g. needs of the defendant
2. In Capital cases or in cases where open murder is charged as an offense (which may result in a Capital case) and the State has not declared the intent not to seek the death penalty, two attorneys shall be appointed consistent with the requirements of Nevada Law and 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. The court will appoint the Office of Public Defender as the secondary counsel for purposes of representation, consistent with the other provisions of this plan. All attorneys appointed must conform to the performance guidelines and standards as adopted by the Nevada Supreme Court for such cases. If representation in Capital Cases has been delegated to the Office of

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the State Public Defender as the primary counsel, such office will be notified of appointment in advance or as soon as possible given the circumstances.

3. The Office of Public Defender, Office of Alternate Public Defender or each individual Attorney appointed to represent indigent defendants shall 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) may 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 screening (such as in cases of alcohol/drug intoxication) will be seen as soon as it is reasonable 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

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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.

D. Courts of Churchill County

Within Churchill County exists the Tenth Judicial District Court, the New River Township Justice’s Court, and the Fallon Municipal Court. Consistent with the principles and procedures articulated within this plan and pursuant to NRS 171.188 *inter alia*, the Office of Public Defender will be appointed to represent all eligible defendants, including at the Municipal Court. Eligibility screening will be conducted in accordance with this plan.

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System of Appointment of Counsel & Appointed Counsel Program

A. Office of Public Defender

Churchill County has established the Office of Public Defender as the initial and primary provider of indigent defense. That office is staffed with experienced and qualified attorneys who meet and exceed the applicable standards. Division of, and equalizing caseloads in the county among the indigent defense organizations and providers shall be handled at the discretion of the Chief Public Defender within the Office of Public Defender. Regular meetings with all indigent defense providers will permit regular reports and review of caseloads to assist the Chief Public Defender in making a division and assignment of cases for representation. Where a conflict exists and alternate representation is required, the Alternate Public Defender will be assigned, or after consultation where a known conflict exists or for other reasons consistent with the applicable Rules of Professional Conduct, one of the County contracted attorneys will be assigned to represent such individuals. Where the contracted attorney or attorneys have a conflict in representation, or for other reasons consistent with the applicable Rules of Professional Conduct, after notice of the same, the Appointed Counsel Program Coordinator (as detailed further below) shall make assignment of counsel as provided for in this plan.

The Office of Public Defender (OPD) in Churchill County is currently staffed with one attorney and two professional legal secretaries. Four additional staff attorneys, one receptionist, and one contracted investigator have been approved for hire and employment at the OPD beginning July 1, 2024. Other staff may be hired as necessary. Attorneys employed with the Office of Public Defender maintain a professional office space with a client conference area and meeting space. A newly remodeled office suite consisting of a waiting room, two conference rooms, attorney and staff offices will house the Office of Public Defender beginning July 1st, 2024. The Office of Public Defender is currently occupying office space in the County Administration building at 155 North Taylor Street, Suite 161, Fallon, Nevada 89406. The new office suite will

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be located at 101 North Maine Street (suite number to be determined), Fallon, Nevada 89406.

The Chief Public Defender in Churchill County is **Jacob N. Sommer, Esq.**



- Admitted to practice law in Utah (2006) (not active)
- Admitted to practice law in Nevada (2007) (active)
- Graduate of the William S. Boyd School of Law (Juris Doctorate, UNLV)
- Graduate & Valedictorian of Utah Valley University (A.S. & B.A.)

After clerking for the Honorable David A. Huff (Nevada District Court), Jacob has engaged full time in the practice of criminal defense in Nevada since 2007. He has represented a broad range of clients and cases. He has extensive jury trial experience from serious felony offenses to misdemeanor matters. After working as an officially contracted public defender for Churchill County for 7 years, he was hired in November 2020 as the Churchill County Public Defender. He is the department head and manages all staff within that organization.

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B. Office of Alternate Public Defender

Churchill County has established the Office of Alternate Public Defender as a second-tier provider of indigent defense. That office is staffed with an experienced and qualified attorney who meets and exceeds the applicable standards. The case load of the Alternate Public Defender is assigned by the Churchill County Chief Public Defender to equalize caseloads as much as is possible, or in cases of first level conflicts. If a conflict is identified by the Alternate Public Defender, the Office of Public Defender is notified and one of the County contracted attorneys will be assigned to represent such individuals. Where the contracted attorney or attorneys have a conflict in representation, the Appointed Counsel Program Coordinator (as detailed further below) shall make assignment of counsel as provided for in this plan.

The Office of Alternate Public Defender (OAPD) in Churchill County is currently staffed with one attorney and one professional legal secretary. One additional staff attorney has been approved for hire and employment at the OAPD beginning July 1, 2024. Other staff may be hired as necessary. Attorneys employed with the Office of Alternate Public Defender maintain a professional office space with a client conference area and meeting space. A newly remodeled office suite consisting of a waiting room, access to a conference room, secretarial and attorney office space will house the Office of Alternate Public Defender beginning July 1st, 2024. The Office of Alternate Public Defender is currently occupying office space in the Historic Old Post Office at 90 North Maine Street, Suite 202, Fallon, Nevada 89406. The new office suite will be adjacent to the Office of Public Defender, and is located at 101 North Maine Street (suite number to be determined), Fallon, Nevada 89406.

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The Alternate Public Defender is **Wright Noel, Esq.**



- Admitted to practice law in Washington (2019)
- Admitted to practice law in Nevada (2020)

Wright has represented indigent clients since his admission to the Nevada Bar in October 2020. He attended BYU Law School on a full tuition scholarship where he graduated in 2019. Wright then clerked for the Honorable Judge Thomas L. Stockard here in the Tenth Judicial District Court. During his clerkship Wright studied for and passed the Nevada bar exam. In November 2020, Wright began working as the deputy public defender. He has vigorously defended indigent clients here in Churchill County. Wright has appeared in the District Court hundreds of times in his years as a deputy public defender and now Alternate Public Defender. His vigorous defense has resulted in the dismissal of multiple cases against indigent defendants who otherwise would have suffered unjust criminal convictions and he has already impressed the local bar with his understanding of and ability to navigate the law.

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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, or for NRS 432B cases), Churchill County has contracted with other Attorneys for this purpose. Attorneys functioning currently within Churchill County as contract counsel for representation of indigent individuals that cannot be handled by the Office of Public Defender or Alternate Public Defender include:

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

Kaitlyn Miller, Esq.
Kaitlyn Miller Law
226 Hill Street
Reno, NV 89501

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). All new contracts for indigent defense services will designate how many hours the attorney(s) agree to provide to the county under the contract and/or how many Full Time Equivalent attorney positions the contract covers. 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.

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Mr. Charles B. Woodman is contracted to handle second level conflicts and other “as assigned” criminal cases, as well as in representation of one of the natural parents within the NRS 432B cases. Ms. Kaitlyn Miller is contracted for the specific purpose of representing minor children within NRS 432B cases.

D. Appointed Counsel Program & Coordinator.

Churchill County has contracted with Sue Sevon, an individual designated as the Appointed Counsel Program Coordinator. The Coordinator has all the duties and responsibilities outlined in this plan or as adjusted from time to time. To ensure no conflict of interest is created, in no event will the Coordinator be directly involved in actual representation or case management of clients in appointed counsel cases.

The Program Coordinator maintains 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 maintains appropriate records to reflect the cases and dates to which each attorney assigned by the Coordinator has been appointed.

If the Churchill County Office of Public Defender, Office of Alternate Public Defender and contracted counsel cannot handle a particular case, the notices are sent to the Court and the Program Coordinator as soon as is reasonably possible. The Coordinator then makes 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, or where representation for capital cases has been delegated to the State of Nevada, shall notify such office of that appointment.

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

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The Coordinator may 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 may 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;
- 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 may: (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 attorney and any expert or other service fees at the conclusion of appointed counsel's representation 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 reflected on the designated form. The Coordinator may request additional information or

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explanation where necessary in evaluation of such requests. In the event the Coordinator denies or modifies a Request for Fees, it shall provide an 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 sevonconsulting@gmail.com. Without disclosing confidential information the request shall include an explanation of why the expense is reasonably necessary to provide 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 90 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 is assigned specific cases upon notice of appointment by the Court, as assigned by the Churchill County Public Defender or by the Appointed Counsel Program Coordinator. Attorneys are expected to ensure that, to the greatest extent possible, the same

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attorney represents a defendant through every substantive portion of the case without 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 and Municipal Court shall provide reasonable advance notice of all arraignment proceedings to the Coordinator or Attorneys who are or who may be appointed to represent defendants to ensure an attorney can appear for such hearing. The Coordinator or Appointed Attorneys are required to be present at such hearings. At the initial arraignment, the Coordinator or Appointed Attorney 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. If an individual is released or if bail is set, the defendant is informed about conditions that will be imposed, if any.

A. Initial Contact with Clients

Once appointed and assigned, 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 72 hours. 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, but in no case later than 72 hours, and a similar process of providing an overview and information is completed.

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Attorneys who conduct an initial client interview are expected to:

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

B. Workload Standard

The workload of Appointed Counsel must allow counsel to give each client the time and effort necessary to ensure effective representation. Attorney providing indigent defense in Churchill County will monitor and continually evaluate their workload such that it does not interfere with the Attorney's competence or diligence. Where workloads, in the estimation of the individual attorneys or the Churchill County Public Defender, are sufficiently high that there is concern under the already applicable Rules of Professional Conduct, cases may be shifted to the Program Coordinator for appointment of counsel in the ordinary course. The Board of Indigent Defense released workload guidelines and standards in the past year. These guidelines formed the basis for Churchill County's approval of new attorney and legal staff positions in the Offices of Public Defender and Alternate Public Defender. With the new positions approved, and assuming those positions

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are filled by qualified applicants, Churchill County will have met the requirement of 7.4 attorneys as well as the required secretarial and support staff for the existing caseload. Recruitment efforts by the Office of Public Defender and Office of Alternate Public Defender are now beginning and will to ensure potential applicants have the information about open positions. The County will continue to monitor caseloads and the applicable guidelines to ensure compliance and hiring of additional staff as requirement and need arises.

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 promote efficient client contact and electronic file management. Churchill County also reports case numbers and attorney work hours on cases via the alternate software provided by the office of indigent defense services. No sensitive or confidential client information is conveyed via those reporting obligations. Attorneys always comply with the applicable regulations as promulgated by the Nevada Department of Indigent Defense Services, provided they are not in conflict with rules of ethical obligations to clients represented.

To comply with additional administrative regulations that are imposed, Attorneys will spend their 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

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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 designate sufficient time in recording and tracking the metrics required, including time each 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 OPD 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, 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 unprofessional 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, contract attorneys, court staff, and Judges. These meetings permit open

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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 (OPD), the Office of Alternate Public Defender (OAPD) and all indigent defense attorneys be provided sufficient resources to afford competent representation of all clients and independent investigation of cases handled. During each budgeting cycle the Office of Public Defender, Office of 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), and at the Office of the Public Defender and Office of 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).

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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 Public Defender and Office of Alternate 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 include 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 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

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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

The FASTT team facilitates a warm hand off to community organizations 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 budget of the Office of Public Defender and Office of Alternate Public Defender administered by the respective department heads. 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.

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Conclusion

Regarding indigent defense within Churchill County, it is our aim to make certain that we provide indigent defendants with competent, diligent, kind 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. Nothing in this plan is intended to diminish the ability of all indigent defense providers in their efforts to comply with the rules of professional responsibility and represent clients in a manner consistent with applicable law.