

Lander County Plan for the Provision of Indigent Defense Services

I. STATEMENT OF POLICY

A. OBJECTIVES

The objective of this Plan is to continue to provide a system of appointment and selection of counsel that provides constitutionally effective representation of individuals charged with a crime or a delinquent act.

II. SCOPE OF RULES

A. PAYMENT OF NEW OR ADDITIONAL COSTS CAUSED BY PLAN:

Portions of this plan are contingent upon the State of Nevada paying for the increases in the budgetary amounts caused by the adoption of this plan. In the event that the State of Nevada by and through the Board of Indigent Defense Services does not authorize the increase in expenditures, the portion of the plan identified as requiring additional funds will be eliminated and the provision of services shall continue as currently existing.

B. PRIOR TO FUNDING

The County is electing to have its own Counsel Administrator to select counsel for appointment and to authorize expenditures by non-Public Defender positions.

III. DEFINITIONS

A. “APPOINTED ATTORNEY” means and includes private Attorneys, the public defender, and the conflict public defender.

B. “CONFLICT PUBLIC DEFENDER” means the attorney contracted with Lander County to provide conflict defense of indigent defendants. The conflict public defender should be appointed any time the public defender is required to withdraw from the case or has a conflict of interest that prevents the appointment of the public defender. The attorney may be a first or second tier appointment. The selection of Conflict Public Defender to the position of Conflict Public Defender shall require that the attorney meet the standards set forth by DIDS.

C. “COUNSEL ADMINISTRATOR” means the individual who provides services to make recommendations to the court who should be appointed if a panel attorney is needed. The position is contingent upon BIDS providing funding to hire the individual who would provide the service to individuals charged with criminal or juvenile acts within Lander County.

D. “COURT” means the court that is presiding over the case (i.e. the justices court presides over misdemeanors and over felonies and gross misdemeanors prior to the completion of the preliminary hearing; the District Court presides over all felonies and gross misdemeanors after the “bind over” and all juvenile cases).

E. “JUDGE” means the judge of the court as defined above.

F. “PRIVATE ATTORNEY” means an attorney appointed from a panel of attorneys that has contracts with Lander County to provide services. The selection of a private attorney to the panel of Private Attorneys shall require that the attorney meet the standards set forth by DIDS.

G. “PUBLIC DEFENDER” means an attorney employed to serve as the public defender in a county office as a public defender. The public defender should be the first appointed counsel on a criminal case unless there is a conflict or other impediment to the appointment. The selection of the public defender shall require that the attorney meet the standards set forth by DIDS.

IV. PROVISIONS OF REPRESENTATION

A. Mandatory: Representation shall be provided for:

1. An indigent person who is charged with a public offense where incarceration is a possibility;
2. An indigent child who is alleged to have committed a delinquent act or in need of supervision pursuant to title 5 of NRS;
3. Is entitled to appointment of counsel under the Sixth Amendment of the United States Constitution or any provision of the Nevada Constitution; and
4. Nevada law requires appointment of counsel.

B. When counsel shall be provided: Counsel shall be appointed at the first appearance after the Defendant has made an application for the services of counsel and has been properly screened for financial eligibility.

C. Financial Eligibility Requirements

1. *Financial Eligibility:* A person shall be deemed "indigent" who is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own. "Substantial hardship" is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline. A defendant is presumed to have a substantial hardship if he or she is currently serving a sentence in a correctional institution or housed in a mental health facility or is a minor. Defendants not falling below the presumptive threshold will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses, and local private counsel rates, would result in a substantial hardship were they to seek to retain private counsel.
2. *Screening for Eligibility:* The Court shall conduct the screening for financial eligibility at the initial arraignment or first appearance and not later than 48 hours after the arrest of the defendant with regard to eligibility of the defendant for the services of appointed counsel based upon the provisions set forth in subsection (1) above. The Court shall ensure that the defendant is provided with a financial affidavit for appointment of counsel that shall be signed.

3. *Recommendation Regarding Appointment of Counsel:* If the Court determines that a defendant is eligible for appointment of legal counsel, the Court shall submit a written recommendation to appoint or not appoint counsel. In submitting the recommendation, the Court shall include the executed financial affidavit submitted by the defendant. The Court shall indicate the basis for the appointment within the Recommendation (i.e., 200% of federal poverty guideline, some other presumptive guideline, or the finding after a vigorous screening). In making the recommendation to appoint counsel, the recommendation to appoint counsel shall make appropriate findings as to why certain counsel is appointed, and shall be governed, as follows:

- a. Unless a conflict exists, the Lander County Public Defender shall be appointed;
- b. If the Lander County Public Defender determines there is a conflict or the Court determines there are two or more defendants charged with a crime due to a mutual course of conduct, the Lander County First Tier Conflict Public Defender shall be appointed;
- c. If the Lander County Public Defender and the Lander County First Tier Conflict Public Defender determines there is a conflict or the Court determines there are three or more defendants charged with a crime due to a mutual course of conduct, The Lander County Second Tier Conflict Public Defender shall be appointed; and
- d. If the Lander County Public Defender, the Lander County First Tier Conflict Public Defender, and Lander County Second Tier Conflict Public Defender determines there is a conflict or the Court determines that there are four defendants charged with a crime due to a mutual course of conduct, the appointment shall be governed by section VII below by the Court Administrator.

4. *Time for Eligibility Recommendations*

- a. In-Custody Defendants: If an individual remains in a custodial status, the eligibility screening shall occur within 48 hours from the individual's arrest. If a defendant bails out within 48 hours of jail or is otherwise released within 48 hours before filling out the paperwork to request counsel, there is no requirement to make an eligibility determination.

- b. Out-Of-Custody Defendants: If an individual is discharged from custody prior to the 48 hours and/or the Defendant has not applied for counsel, the individual may apply to the Court for counsel at the time of the first hearing.
5. *Disclosure of Change in Eligibility*: If, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as privileged communication, counsel shall advise the court.
6. *Appointment of Counsel in Juvenile Matters*: In Juvenile Delinquency matters filed with the court, the juvenile should be presumed to be indigent. The court may order the parents of the juvenile to reimburse the county for the reasonable attorney fees, whether Public Defender, contract, or appointed counsel (NRS 62E.300) based on the parent's ability to pay.

E. Appointment of Counsel: The Court shall determine if the defendant is eligible and make an appointment accordingly in accordance with NRS 171.188. If the Court determines that the defendant is not eligible, the Court shall deny appointment or may set the matter for a hearing to clarify any concerns that the Court has as to eligibility. If the Court determines that the private attorney recommended to be appointed is not suitable for the particular case, the Court may contact the Counsel Administrator and determine which attorney would be next in the rotation of the attorneys on the panel. The Court may then appoint that next-in-rotation private attorney to the case. The Counsel Administrator will ensure that the individual that was not appointed is moved in order to be appointed next.

F. NUMBER AND QUALIFICATIONS OF COUNSEL:
The Counsel Administrator shall recommend appointment as follows:

1. One attorney shall be recommended for appointment except in Capital Cases;
2. Two attorneys shall be appointed in Open Murder cases which are reasonably believed to result in a Capital Case; and

3. At least two attorneys should be appointed to represent a defendant charged in a Capital Case in accordance with Nevada Supreme Court Rule 250.

G. First Appearance: The public defender shall provide representation to an unrepresented indigent defendant at the first appearance. To avoid a potential conflict of interest, the attorney should provide, to the extent possible, representation that does not pertain to matters beyond the First Appearance. The counsel appearing with the Defendant at the First Appearance must be prepared to address appropriate conditions of release in accordance with relevant legal precedence. Courts should be circumspect about any delays caused by the determination of indigence of the defendant.

H. Vertical Representation: Other than having the public defender at the First Appearance, representation should be vertical.

V. APPOINTMENT OF PUBLIC DEFENDER

A. Appointment

The Public Defender shall be appointed to criminal cases.

B. Determination of Conflict Of Interest

The Public Defender shall, as soon as practicable, upon appointment, conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the defendant. If such a conflict is determined by the Public Defender to exist, such a fact shall be brought to the attention of the court as soon as possible by a written motion. If the Court determines the Motion has merit, the Court shall then appoint the First Tier Conflict Public Defender. In no instance, shall the Public Defender be appointed to represent co-defendants in a case unless such appointment comports with the Rules of Professional Conduct (RPC 1.7).

C. Complaints by Clients

The public defender will track complaints by clients and document the resolution of the complaints.

D. Description of Resources and Accommodations for Confidential Client Communications

The courthouse has two meeting rooms by the District Court and two by the Justice's Court that are available to any attorney who has an ongoing case. The Jail has a meeting room. The Courthouse has a meeting room for people in jail. In no event shall these rooms be monitored by audio or video equipment which would serve to reduce or eliminate the confidential nature of those rooms.

E. DIDS Complaint and Recommendation Process Made Available

An application for court appointed counsel will be given to the Defendant at the first appearance before the Justice Court to determine eligibility. This is the form used by our Justice of the Peace and is attached to this plan.

F. Payment of Public Defender

The Public Defender is compensated through the County's payment process.

G. Payment of Expert and Investigative Fees

The Public Defender has a line item within his Budget for the fees that follows the normal vouchering process for departments within county government.

H. Assignment of Cases within Office of Public Defender

Currently the Office of Public Defender has one attorney. Assignment would be to that attorney. If the Office has an increase in cases that merit the hiring of another attorney for the office, the Office shall develop procedures for assigning cases.

I. Selection of Public Defender

The person who will fill the position of Public Defender shall be selected by the County Commissioners in consultation with the County Manager and the Counsel Administrator.

VI. APPOINTMENT OF FIRST TIER CONFLICT PUBLIC DEFENDER

A. Appointment of First Tier Conflict Public Defender

Upon determination by the Public Defender of a conflict or where two individuals are alleged to have acted in concert in a criminal action, the Conflict Public Defender shall be appointed.

B. Determination of Conflict Of Interest

The First Tier Conflict Public Defender shall, as soon as practicable, upon appointment, conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the defendant. If such a conflict is determined by the First Tier Conflict Public Defender to exist, such a fact shall be brought to the attention of the court as soon as possible through a written motion. If the Court determines the Motion has merit and the Court will appoint the Second Tier Conflict Public Defender.

In no instance, shall the First Tier Conflict Public Defender be appointed to represent co-defendants in a case unless such appointment comports with the Rules of Professional Conduct (RPC 1.7).

C. Complaints by Clients

The First Tier Conflict Public Defender will track complaints by clients and document the resolution of the complaints.

D. Description of Resources and Accommodations for Confidential Client Communications

The courthouse has two meeting rooms by the District Court and two by the Justice's Court that are available to any attorney who has an ongoing case. The Jail has a meeting room. The Courthouse has a meeting room for people in jail. In no event shall these rooms be monitored by audio or video equipment which would serve to reduce or eliminate the confidential nature of those rooms.

E. DIDS Complaint and Recommendation Process Made Available

An application for court appointed counsel will be given to the Defendant at the first appearance before the Justice Court to determine eligibility. This is the form used by our Justice of the Peace and is attached to this plan.

F. Payment of Conflict Public Defender

The First Tier Conflict Public Defender is compensated through a rate set by the County Commissioners.

G. Payment of Expert and Investigative Fees

The first tier conflict Public Defender will submit a request for payment to the Counsel Administrator who will then recommend approval, modification or denial of the request. Upon approval of a claim, the Counsel Administrator will process a voucher. The Counsel

Administrator will then submit the voucher for payment. If the Counsel Administrator modifies or denies the request, the Attorney may appeal any modification to the Court for resolution. The Court may determine to pay the voucher and will order the County to pay the voucher.

H. Assignment of Cases within First Tier Office of Conflict Public Defender

Currently the Office of First Tier Conflict Public Defender has one attorney. Assignment would be to that attorney. If the Office has an increase in cases that merit the hiring of another attorney for the office or a new Conflict Public Defender is employed, the Office shall develop written procedures for assigning cases.

I. Selection of First Tier Conflict Public Defender

The selection of a conflict public defender shall be by the Board of County Commissioners. The appointment may be for a term of years and may be renewed from time to time.

VII. APPOINTMENT OF SECOND TIER CONFLICT PUBLIC DEFENDER

A. Appointment of Second Tier Conflict Public Defender

Upon determination by the Public Defender and First Tier Public Defender of a conflict or where three individuals are alleged to have acted in concert in a criminal action, the Second Tier Conflict Public Defender shall be appointed.

B. Determination of Conflict Of Interest

The Second Tier Conflict Public Defender shall, as soon as practicable, upon appointment, conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the defendant. If such a conflict is

determined by the Second Tier Conflict Public Defender to exist, such a fact shall be brought to the attention of the court as soon as possible by filing a written Motion. If the Court determines the Motion has merit, the Court shall have authority to contact the Counsel Administrator for a recommendation and shall have authority to appoint conflict counsel. In no instance, shall the Second Tier Conflict Public Defender be appointed to represent co-defendants in a case unless such appointment comports with the Rules of Professional Conduct (RPC 1.7).

C. Complaints by Clients

The Second Tier Conflict Public Defender will track complaints by clients and document the resolution of the complaints.

D. Description of Resources and Accommodations for Confidential Client Communications

The courthouse has two meeting rooms by the District Court and two by the Justice's Court that are available to any attorney who has an ongoing case. The Jail has a meeting room. The Courthouse has a meeting room for people in jail. In no event shall these rooms be monitored by audio or video equipment which would serve to reduce or eliminate the confidential nature of those rooms.

E. DIDS Complaint and Recommendation Process Made Available

An application for court appointed counsel will be given to the Defendant at the first appearance before the Justice Court to determine eligibility. This is the form used by our Justice of the Peace and is attached to this plan.

F. Payment of Second Tier Conflict Public Defender

The Second Tier Conflict Public Defender is compensated through a rate set by the County Commissioners.

G. Payment of Expert and Investigative Fees

The second-tier conflict Public Defender will submit a request for payment to the Counsel Administrator who will then recommend approval, modification or denial of the request. Upon approval of a claim, the Counsel Administrator will process a voucher. The Counsel Administrator will then submit the voucher for payment. If the Counsel Administrator modifies or denies the request, the Attorney may appeal any modification to the Court for resolution.

The Court may determine to pay the voucher and will order the County to pay the voucher.

H. Assignment of Cases within Office of Second Tier Conflict Public Defender

Currently the Office of Conflict Public Defender has one attorney. Assignment would be to that attorney. If the Office has an increase in cases that merit the hiring of another attorney for the office or a new Second Tier Conflict Public Defender is employed, the Office shall develop written procedures for assigning cases.

I. Selection of Second Tier Conflict Public Defender

The selection of a conflict public defender shall be by the Board of County Commissioners. The appointment may be for a term of years and may be renewed from time to time.

VIII. APPOINTMENT OF PANEL ATTORNEYS

A. Appointment of Counsel

A panel attorney shall be appointed when the Public Defender, the First Tier Conflict Public Defender, and the Second Tier Conflict Public Defender are conflicted off a case or there are multiple defendants requiring the appointment of a panel attorney.

B. Determination of Conflict Of Interest

The Panel Attorney assigned and appointed to a case shall, as soon as practicable, upon appointment, conduct a conflict check to determine whether any conflict of interest exists which would prevent representation of the defendant. If such a conflict is determined by the Panel Attorney to exist, such a fact shall be brought to the attention of the court as soon as possible through a written motion. If the Court determines the Motion has merit, the Court shall have authority to contact the Counsel Administrator for a recommendation and shall have authority to appoint conflict counsel selected by the Counsel Administrator. In no instance, shall a Panel Attorney be appointed to represent co-defendants in a case unless such appointment comports with the Rules of Professional Conduct (RPC 1.7).

C. Complaints by Clients

The panel attorney will track all complaints by clients regarding the panel attorney's representation and document the resolution of each complaint.

D. Description of Resources and Accommodations for Confidential Client Communications

The courthouse has two meeting rooms by the District Court and two by the Justice's Court that are available to any attorney who has an ongoing case. The Jail has a meeting room. The Courthouse has a meeting room for people in jail. In no event shall these rooms be monitored by audio or video equipment which would serve to reduce or eliminate the confidential nature of those rooms.

E. DIDS Complaint and Recommendation Process Made Available

An application for court appointed counsel will be given to the Defendant at the first appearance before the Justice Court to determine eligibility. This is the form used by our Justice of the Peace and is attached to this plan.

F. Payment of Panel Attorney

The panel attorney is compensated at the statutory rate through the County's standard vouchering process. The Attorney will submit the request for reimbursement monthly to the Counsel Administrator. The Counsel Administrator will then approve or deny the request. If there is a dispute, the Court will determine if the voucher should be paid.

G. Rate of Pay of Panel Attorneys

Panel Attorneys shall be paid at the statutory rate.

H. Payment of Expert and Investigative Fees

The panel attorney will submit a request for payment to the Counsel Administrator who will then approve, modify or deny the request. The Counsel Administrator will then pay the voucher for payment. If the Counsel Administrator modifies or denies the recommendation, the Attorney may appeal the modification to the Court for resolution. The Court may determine to pay the voucher and will order the County to pay the voucher.

I. Assignment of Cases within Office of Panel Attorney

If the panel attorney has more than one attorney, the Office shall develop written procedures for assigning cases.

J. Selection of Panel Attorneys

The selection of a conflict public defender shall be by the Board of County Commissioners. The appointment may be for a term of a year and may be renewed from time to time.

IX. TRAINING AND MENTORING

A. Mentoring Programs: If an attorney wishes to become qualified for one of the categories of cases, the Counsel Administrator shall contact DIDS for suggestions as to possible mentors for the attorney.

B. Annual Training: The attorneys working as indigent defense counsel shall receive the recommended amount of indigent defense training by DIDS.

X. DUTIES OF INDIGENT DEFENSE COUNSEL

A. Standards of Performance Services rendered to an indigent defendant by appointed counsel shall be commensurate with those rendered as if counsel were employed privately. Representation shall be provided in a professional skilled manner in accordance with Strickland. Attorneys are required to comply with the Rules of Professional Conduct. To the extent governed by a statute, Attorneys must conform their conduct to the requirements of the statute. An attorney should follow appropriate regulations and ADKT 411's performance standards and the American Bar Association's Criminal Justice Standards for the Defense Function to the extent that the standards do not conflict with the aforementioned provisions. An attorney should refrain from recommending that a client waive a substantial right unless the attorney believes that the client's interests are served by the waiver. Attorneys should make efforts to meet with a client within seven (7) days after appointment to a case unless no formal criminal complaint has been filed and should make efforts to meet with the client at a minimum every thirty (30) days thereafter unless there are no significant updates in the client's matter. The meeting can be in person or through other telephonic/audio means.

B. Continuity in Representation: The system designed in Lander County is currently premised on continuity of representation by a single attorney at all stages of the representation.

C. Workload Standards: The workload study has determined that Lander County's public defender services must include 1.3 full time equivalent public defenders, 1.0 full time equivalent support staff, and 0.3 full time equivalent investigators. Lander County will comply with the maximum workloads for attorneys providing indigent defense services as follows:

a The Lander County Public Defender has contracted to provide up to 1,393 hours annually for public defender work. The Lander County Public Defender will provide one (1.0) full time equivalent support staff. In lieu of a staff member, Lander County will establish a budget of \$20,000 annually for the Lander County Public Defender to retain experts and investigators.

b The Lander County First Tier Public Defender has contracted to provide mandatory conflict representation at a rate of \$200 per hour.

c The Lander County Second Tier Public Defender has contracted to provide mandatory conflict representation at a rate of \$200 per hour.

d Lander County maintains a list of panel attorneys for appointment when the contracted attorneys are unable to provide representation.

e Lander County has also opted in for Nevada State Public Defender representation in Death Penalty cases and for Indigent Appellate Services. The process to transfer appellate cases to the Nevada State Public Defender is set forth in Attachment A.

D. No Receipt of Other Payment: Appointed counsel shall not request, require or accept any payment or promise to pay or any other valuable consideration for representation under the appointment unless such payment is approved by order of the Court. No appointed counsel shall engage in sexual conduct with any client.

E. Private Practice of Law: For the Lander County Public Defender, this topic is governed by contract, the Lander County Code in addition to statutory permissions. For all other counsel, unless otherwise prohibited by law, private practice of law is expected.

F. Use of Client Surveys: At the conclusion of representation, counsel will provide the client with a copy of the client survey authorized by DIDS. The client will be provided the address of DIDS and encouraged to send the survey to DIDS or the attorney may assist with the survey being sent.

XI. APPOINTED COUNSEL ADMINISTRATOR¹

A. System of Counsel Administrator: A system consisting of one counsel administrator shall be created. The counsel administrator will be overseen by the Lander County Manager. The Counsel Administrator shall be employed to appoint particular attorneys in conjunction with hierarchy of appointments (i.e. 1. Public Defender; 2. Conflict Tier 1 & Tier 2 Attorney's; and 3. Panel Attorney (based upon a rotation of attorneys down the list of panel attorneys)) and expenses.

B. Selection of Counsel Administrators: The Counsel Administrator shall be selected by the County Manager.

C. When the state seeks to initiate a charge of open or first-degree murder by the filing of a criminal complaint, unless the state declares at the defendant's first appearance before a magistrate pursuant to NRS 171.178 that it will not seek the death penalty, the appointed counsel administrator shall immediately notify Department of Indigent Defense Services so that an appropriately qualified attorney can be selected. The Department of Indigent Defense Services shall serve as the counsel administrator in capital cases.

D. The Specific Duties: The duties would be the following:

Appointment of Counsel:

- i. Maintain a list of panel attorneys who could serve on certain types of cases;
- ii. Appoint counsel after the Public Defender, 1st tier attorney, and 2nd tier attorney have all conflicted out

¹ These provisions are contingent upon the DIDS approving funding for the service. If DIDS does not approve funding for the service, the County will take interim steps to ameliorate any shortfalls in funding.

- iii. Determining which attorney should be appointed in accordance with the hierarchy of appointment and type of case; and
- iv. Recommend the Appointment of Counsel to the Court.
- v. Notify the Department of Indigent Defense Services if the state initiates a charge of open or first-degree murder and has not declared it will not seek the death penalty.

Approval of Expert Witness Fees

- i. Received the request for costs for an expert witness (including initial costs and additional costs);
- ii. Determination if the attorney has provided sufficient basis for the appointment of the particular expert (This may require an evaluation of the type of expert witness and if the expert witness is appropriate based upon the facts of the case);
- iii. Recommend approval of a sum certain cost for the expert witness; and
- iv. Submit the Recommendation to the County for payment.
- v. If the Counsel Administrator denies the request, the request can be submitted to the trial court for approval.

Approval of Investigative Fees

- i. Received the request for costs for an expert witness (including initial costs and additional costs);
- ii. Determination if the attorney has provided sufficient justification for the investigator;
- iii. Recommend approval of a sum certain cost for the expert witness; and
- iv. Submit the Recommendation to the County for payment.
- v. If the Counsel Administrator denies the request, the request can be submitted to the trial court for approval.

Approval of Attorney Fees

- i. Received the request for a conflict or panel attorney, which sets for the basis for the attorney fees (with six minute increments) through an affidavit signed by counsel setting forth the hours worked;
- ii. Determination if the fees are necessary and reasonable;

- iii. Recommend approval of a sum certain cost for the attorney fees; and
- iv. Submit the recommendation to the County for payment.
- v. If the Counsel Administrator denies or modifies the request, the request can be submitted to the trial court for approval.

Maintain a record of activities.

The Counsel Administrator shall maintain a record of the activities listed above and provide the Department of Indigents Defense records that are requested.

Use Standardized Forms.

The Counsel Administrator shall use the established forms for the action taken.

XII. BAIL HEARINGS

Counsel will be required to clear calendars to appear before the Justice of the Peace. Weekend Appearances may be required. The bail hearing aspect of the First Appearance may be held telephonically to allow counsel to appear. The Public Defender shall make himself or an associate available for these services.

XIII. RECORDS

Providers of indigent services shall maintain data through the data collection and case management services provided by the Department at State expense for caseload and time reporting, even though the system is antiquated and difficult to manage. Costs for keeping such records shall also be kept by the providers to seek reimbursement from the State. Such reporting shall be kept in accordance with NAC 180.

XIV. POINT OF CONTACT

The point of contact for this plan shall be the Counsel Administrator.

XV. GOALS AND HOPES

Although the County has a current system that meets the goals and hopes of the Plan, the Plan is being adopted. The following will be the goals for the Plan:

1. The County's Plan for the provision of indigent defense services ensures that an indigent defense attorney has the resources to conduct an independent investigation and retain an investigator if one is needed, and, if needed, request the assistance of experts to assist with preparation of a defense;
2. The County has created in its annual budget a line item for the public defender and the Conflict public defenders/panel attorneys;
3. Beginning in 2021, the County has created a budget for investigators and experts for the public defender. Expenditures shall be at the sole discretion of the public defender;
4. In 2021, the County has created an additional budget line item for the other attorneys for the same expenditures that will be for the other attorneys; and
5. Disbursements shall be made by the Counsel Administrator

EXHIBIT A



NEVADA STATE PUBLIC DEFENDER

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POLICY AND PROCEDURE FOR TRANSFERRING DIRECT APPEALS TO THE STATE PUBLIC DEFENDER'S OFFICE

The following is the procedure to be followed to transfer a direct appeal to the Nevada State Public Defender (NSPD) in counties that have transferred responsibility for direct appeals to the Nevada State Public Defender's Office, pursuant to Section 19 of the Regulations of the Board on Indigent Defense Services.

1. Upon the filing of the judgment of conviction by a district court in a county that has opted to have the NSPD provide indigent appellate representation, the attorney or office that represented the defendant in district court must file the notice of appeal, a request for all necessary transcripts, a case appeal statement, and a notice of substitution of counsel. Trial counsel must also file any motion for stay, if appropriate.
2. The notice of substitution of counsel should be filed in the district court on the same date as the notice of appeal and the transcript request, but all must be filed no later than 30 days from the date of conviction, in compliance with the Nevada Rules of Appellate Procedure (NRAP).

3. The notice of appeal, case appeal statement, transcript requests, and substitution must be emailed to the NSPD at publicdefender@nspd.nv.gov, upon filing.
4. The NSPD will then be responsible for obtaining a full copy of the district court's file in a timely manner after receiving notification of the appeal.
5. Trial counsel must transfer the case to the NSPD in LegalServer and provide a courtesy electric copy of the case file to the NSPD.
6. The NSPD shall be responsible for obtaining all applicable transcripts from the court and for seeking any extensions of time for briefing that are necessary.
7. The transfer procedures for all direct appeals in death penalty cases must comply with SCR 250.

This policy becomes effective on October 1, 2023.