



**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

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

Updated Memorandum of Understanding

DATE: July 26, 2022
TO: Judge Chamlee; Judge Jaspersen; Judge Klapper; Judge Sullivan
Court Clerks
FROM: Marcie Ryba, Executive Director, Department of Indigent Defense Services
SUBJECT: Nye County Selection Procedures

This document summarizes the process of selection of counsel with the assistance of the Department of Indigent Defense Services, until the Nye County Appointed Counsel Program Coordinator is retained.

The processes described in this memorandum are in conformance with the Nye County Plan for the Provision of Indigent Defense Services and only apply for indigent defense cases as defined by NRS 180.004.

Selection of Counsel in Pahrump Township

If Court appoints Counsel to the Case¹:

If the Court determines appointment of counsel for indigent individual is appropriate,

- If the client HAS NOT been previously represented by a conflict counsel:

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

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

- Please forward the case information to the department via email at didscontact@dids.nv.gov
- Please advise the individual that they may contact the Department of Indigent Defense Services for the name of their attorney: 775-687-8490 or didscontact@dids.nv.gov, if they have not heard from their attorney within 7 days.
- The department will select counsel by rotation².
- If client has been previously/currently represented by conflict counsel, the court may appoint the same contract attorney and send the case information directly to the attorney. The Court will update the department with the appointments by case type so that the assignments may be noted in the rotation list.

For Pahrump Township Justice Court, upon selection by the Department, the Department will submit to the Court a Notice of Selection of Counsel, Attachment B.

- The Notice will be provided via email to the Pahrump Justice Court – Alisa Shoults Justice Court Administrator, arshoults@co.nye.nv.us , 775-751-7053 and to the appointed counsel.
- If appropriate, the Court will review the Notice and Sign the Order for filing. The Clerk will sign the Certificate of Service and provide copies to the parties listed.

If Contract Counsel has a Conflict:

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

- Conflict counsel shall transfer the case to the department using the process set forth in the Attachment D.
- Upon receipt of the conflict, the department will assign the case to the next contract counsel in rotation.
- The department will prepare a Notice of Substitution of Counsel. Attachment C.
 - The Notice will be provided via email to the Pahrump Justice Court – Alisa Shoults Justice Court Administrator, arshoults@co.nye.nv.us , 775-751-7053.
- If appropriate, the Court will review the Notice and Sign the Order for filing. The Clerk will sign the Certificate of Service and provide copies to the parties listed.

Note: →If the case is in Pahrump Township Justice Court with Judge Jasperson or Judge Chamlee, counsel DOES NOT need to file a Motion or Notice to Withdraw. A transfer of the case to the department is sufficient.

²The case category is determined by viewing the highest-level charge in each charging document. DIDS will create a rotational list in each of these four case categories:

1. Non-capital category A felonies and B felonies for which the max penalty is more than 10 years
2. Category B felonies for which the max penalty is 10 years or less, category C,D,E felonies and GM
3. Misdemeanor (DUI or Domestic Battery)
4. All other Misdemeanor

Selection of Counsel in Tonopah and Beatty Justice Court

If Court appoints Counsel to the Case:

If the Court determines appointment of counsel for indigent individual is appropriate,

- The court may appoint Jason Earnest and send the case information directly to the attorney and the department via email at didscontact@dids.nv.gov.
- If the court is aware that Jason Earnest has a conflict and is unable to be appointed:
 - If the Court has knowledge of a conflict wherein Mr. Earnest cannot be appointed, prior to the court hearing:
 - Please forward all case information to the department via email at didscontact@dids.nv.gov.
 - The department will select counsel by rotation and will notify the Court of the next on the list via email at:
 - If Tonopah Justice Court Justice Court: tjc@co.nye.nv.us; jklapper@co.nye.nv.us; and tnorth@co.nye.nv.us
 - If Beatty Justice Court: nkearns@co.nye.nv.us bjc@co.nye.nv.us
 - If the court is aware that Jason Earnest has a conflict and there is insufficient time to contact the department prior to the hearing:
 - Please forward the case information to the department via email at didscontact@dids.nv.gov
 - Please advise the individual that they may contact the Department of Indigent Defense Services for the name of their attorney: 775-687-8490 or didscontact@dids.nv.gov, if they have not heard from their attorney within 7 days.
 - The department will select counsel by rotation and will notify counsel by entering the case in LegalServer and transferring the case to the contract attorney.
 - Upon selection by the Department, the Department will submit to the Court a Notice of Selection of Counsel, Attachment B.
 - If Tonopah Justice Court Justice Court: tjc@co.nye.nv.us; jklapper@co.nye.nv.us; and tnorth@co.nye.nv.us
 - If Beatty Justice Court: nkearns@co.nye.nv.us bjc@co.nye.nv.us
 - If appropriate, the Court will review the Notice and Sign the Order for filing. The Clerk will sign the Certificate of Service and provide copies to the parties listed.

If Contract Counsel has a Conflict:

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

- Counsel must file a Motion or Notice to Withdraw stating the reason for withdraw with the appropriate court.

- The department requests that a copy be provided to:
didscontact@dids.nv.gov.
- Conflict counsel shall transfer the case to the department using the process set forth in the Attachment D.
- Upon receipt of the conflict, the department will assign the case to the next contract counsel in rotation.
- The department will prepare a Notice of Substitution of Counsel. Attachment C.
- The Notice will be provided via email to the appropriate court.
 - If Tonopah Justice Court Justice Court, will be sent via email to: tjc@co.nye.nv.us; jklapper@co.nye.nv.us; and tnorth@co.nye.nv.us
 - If Beatty Justice Court, will be sent via email to: nkearns@co.nye.nv.us
bjc@co.nye.nv.us
- If appropriate, the Court will review the Notice and Sign the Order for filing. The Clerk will sign the Certificate of Service and provide copies to the parties listed.

Invoice Processing

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

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

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

Questions?

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

Attachment B

IN THE JUSTICE COURT OF *****
COUNTY OF NYE, STATE OF NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff

vs

Case No. [CASE NO.]

[CLIENT NAME.],

_____ /
Defendant(s).

NOTICE OF SELECTION OF COUNSEL AND ORDER

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

[ATTORNEY NAME]

[ATTORNEY ADDRESS]

[ATTORNEY PHONE NUMBER]

[ATTORNEY EMAIL (IF AVAILABLE)]

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ORDER

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

DATED this _____ day of _____, 20_____.

Justice of the Peace

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CERTIFICATE OF SERVICE

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

NYE COUNTY DISTRICT ATTORNEY

[ATTORNEY NAME]

DATED this _____ day of _____, 20_____.

SIGNED: _____

Attachment C

IN THE JUSTICE COURT OF *****
COUNTY OF NYE, STATE OF NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff

vs

Case No. [CASE NO.]

[CLIENT NAME.],

Defendant(s). /

NOTICE OF SUBSTITUTION OF COUNSEL AND ORDER

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

[ATTORNEY NAME]

[ATTORNEY ADDRESS]

[ATTORNEY PHONE NUMBER]

[ATTORNEY EMAIL (IF AVAILABLE)]

///

ORDER

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

DATED this _____ day of _____, 20_____.

Justice of the Peace

CERTIFICATE OF SERVICE

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

NYE COUNTY DISTRICT ATTORNEY

Attorney

Client

DATED this _____ day of _____, 20_____

SIGNED _____

Attachment D

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

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

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

Note: Do not use **Reject**.

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

3) **Program** should be **General**.

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

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

- a) **Case Number** i.e. 21-0000XXX.
- b) **Client Name and Contact (phone, email, etc)**.
- c) **Court Location**
- d) **Upcoming Court date and time**.
- e) **Type of court appearance**

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

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