

In 2019, the Nevada Legislature passed, and the Governor signed, Assembly Bill ("AB") 81 creating the Department of Indigent Defense Services ("DIDS"). The passage of the bill marked the culmination of almost three decades of judicial and legislative analysis of Nevada indigent defense. AB 81 is codified in NRS 180.02 *et seq.*

DIDS is tasked with providing funding and framework to ensure and enhance the delivery of constitutional indigent defense services throughout Nevada.

Prior to AB81, the obligation to fund indigent defense fell completely on the counties. Nevada recognized that "the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and ... [t]he Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent counsel in a manner that is fair and consistent through the State and at all critical stages of a criminal proceeding." *An Act Relating to Criminal Defense*, Preamble to AB81, 80<sup>th</sup> Session (Nev. 2019). NRS 180.320(3) authorizes DIDS to establish a formula for determining the maximum amount that a county may be required to pay for indigent defense services, with the remaining amount being a charge against the State.

To improve indigent defense, DIDS must adopt regulations to collect uniform time tracking and reporting from all indigent defense providers. DIDS will provide LegalServer, a case management/time keeping software system, to all primary indigent defense providers in the rural counties at no expense to the rural counties or attorneys. DIDS has partnered with National Center for State Courts to perform a weighted workload study in the rural counties to assist in creating a data-driven

## A Voice for Indigent Defense and a Path for Change

By Marcie Ryba, Executive Director, Nevada Department of Indigent Defense Services

maximum workload standard. CLE programs are being provided for attorneys who provide indigent defense services in the rural counties by DIDS, with hopes to soon expand the CLE to all indigent defense providers throughout Nevada.

To assist with the oversight of indigent defense in Nevada, DIDS will require that each county provide a "plan for the provision of indigent defense services" which sets forth, among other things, how the county will (1) select and appoint counsel; (2) screen for indigency; (3) approve and pay trial-related expenses; (4) provide investigator and expert resources to indigent defense providers; (5) ensure adequate resources for attorney client communication; (6) require certain qualifications for counsel; and (7) require counsel to comply with the regulations. Counties are encouraged to meet with their indigent defense providers in the creation of this plan. The plans will provide structure to the county indigent defense system and identify necessary costs for the provision of indigent defense services. These cost estimates will assist DIDS in determining a State budget request for the county, based upon the maximum contribution formula.

The DIDS Team is made up of Marcie Ryba, Jarrod Hickman, and Patrick McGinnis, who combined have over 40 years of experience in public defense. Please check out our website: [dids.nv.gov](http://dids.nv.gov) for more information and to view our Annual Report.

# UNREASONABLE DOUBT

November 2020

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### IN THIS ISSUE

- Creation of Statewide Rules of Criminal Procedure 2
- A Voice for Indigent Defense and a Path for Change 3
- Teach-In for the Times 4
- A Look Back: Important Nevada Supreme Court Criminal Decisions from 2020 5
- Don't Defend. Attack Marijuana DUI Charges 6
- Defense Attorneys Win Big This Year 7

## President's Column – Sarah Hawkins The Hope We Share

This year has been incredibly difficult. The pandemic has taken a particularly grievous toll on the criminal justice system. We have clients incarcerated indefinitely as they wait for trial. The lack of empathy for incarcerated persons serving time amidst unacceptably dangerous conditions is pernicious and widespread. Racial injustice both within and without the criminal justice system persists. Mental illness and poverty are needlessly criminalized. Our work can feel like an endless, exhausting, and hopeless fight for change that never comes.

Nonetheless, this community relentlessly impresses and inspires me. You file motions for release, knowing they will likely get denied. You make passionate appeals for your clients' humanity, despite the near impossibility of convincing those in positions of power to care. You risk your own health and safety to appear in courtrooms that do not, in many circumstances, enforce social distancing or mask requirements. You attend meeting, after meeting, after meeting trying desperately to ameliorate injustice. You consistently demonstrate how much you care, and it is extraordinary. Your astounding dedication and intractable perseverance give me hope.

In addition to these heroic individual efforts, NACJ attorneys are working tirelessly for police reform. We are collaborating to ensure that statewide criminal rules will accomplish equitable results. We protest unacceptable justice court conditions that endan-

ger the health and safety of attorneys, our clients, and the community. We are working with community groups and impacted families. We are developing best practices for litigating new issues presented by this pandemic. We are being considered for a position on a national steering committee that will compile standards for the collection, preservation, and analysis of evi-

dence. NACJ's persistent commitment to equal justice has

not waned in the face of relentlessly infuriating circumstances. I take this opportunity to celebrate the defense courageous and steadfast. You



You have every reason to lose hope but refuse to do so. Hope, after all, is crucial to change. It is what we cling to when we are discounted, disrespected, ignored, overrun. Sharing our hope with one another is how we continue the fight for equal justice. It is how we pick ourselves up, dust ourselves off, and garner the strength to move forward. We cannot surrender. There is too much at stake. We must persist—in the face of overwhelming odds—to protect those who cannot protect themselves. Equal justice may seem like an unrealizable dream, but the hope we share will drive us ever closer to that dream.

In the wise words of Milo Burshaine, a former student from my days teaching adult basic education in Seattle's King County Correctional Facility: "Sometimes you just gotta go through it to get to it." So, let's get to it.