



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

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**ONSITE VISIT REPORT**

**Douglas County: Part 1**

Visit date: March 03, 2022

**I. Brief Narrative.**

Douglas County formed their contract public defender selection committee – in accordance with their Indigent Defense Plan – consisting of the following members: Marcie Ryba, Thomas Qualls, Peter Ryba, Derrick Lopez, and Mike McCormick. The committee spent the day interviewing candidates for the two Douglas County open contract positions. The interviews were technically for the remaining 3 months of this fiscal year. Derrick was encouraged by the Department to attempt to make the new contracts for a 15-month term, rather than a 3-month term. Derrick was also encouraged to collect letters of intent from the remaining 3 attorneys who are currently contracted so that the committee can meet with them and, if appropriate, extend their contracts (with the higher pay rate) through the next fiscal year. Derrick will consider this option.

Marcie, Thomas, and Peter Handy also met with (Douglas County Appointed Counsel Administrator) Derrick Lopez to discuss several issues with the Douglas County Indigent Defense Plan. The meeting was at the DIDS office, where we were also interviewing candidates for the two open public defender contracts. We discussed the following:

1. The new proposed PD contract. the Department reviewed the proposed contract and determined that it was not in compliance with the regulations, the Department will make proposed changes and get it back. It seems that the DA may have played a role in changing the language in the contract. We discussed how they determined malpractice insurance and other types of insurance were required. We inquired as to how the county determined the amounts of insurance that are needed – it seems to vary by county and contract. We will follow up on the question of whether the insurance requirements can be lessened so they are not so expensive for attorneys. Finally, we discussed concerns that have been expressed that the DA has a voice in how much the compensation amount of the contracts are and who will be approved. Derrick will follow up on this, but thinks the Board will approve who we recommend.
2. Screening. Derrick is currently completing the screening within 48 judicial hours (not counting weekends). To perform the screening, Derrick obtains a list of clients

who are to be seen by the court and collect the screening data as well as interview them for the upcoming bail hearing. Derrick expressed frustration that the jail process is inefficient in that they are sometimes very slow at transferring clients to meet with him and letting him in/out of the jail. This unnecessarily increase the amount of time necessary to perform these functions. Derrick was meeting with the jail on Friday, March 4 to discuss these issues.

3. LegalServer Entries. Derrick also has taken on the duties of agreeing to enter case intake data into LegalServer. It appears that since he does not have a secretary, he has fallen behind in entering the cases. It becomes more complicated because he must also prepare a Notice Pleading for the Court to identify the counsel that was selected. Derrick believes that a secretary would greatly assist him in the administrative tasks. For the moment, in order to get him caught up, the Department has offered to assist Derrick in entering the cases. Especially with the upcoming deadline of April 1 wherein reports will be provided to NCSC.
  - a. On March 4, Marcie emailed Derrick to inform him that overtime will be approved for Stanley Morrice to assist Derrick with the entry of cases.
4. Jail release: Derrick brought up a concern that all inmates, no matter where arrested, are transported to the Minden/Gardnerville Jail. If a client from Lake Tahoe is released, many of them have no transportation back to the Lake. We have reached out to FASTT to see if they are a possible solution (this is a problem in Lyon County, too).
5. 72 hour hearings –
  - a. In Gardnerville, these hearings currently take place daily. On Tuesday – Friday, they are more organized and a Criminal Complaint is usually filed. On Mondays, Derrick says, it is chaos, often there’s no criminal complaints and not as much information.
  - b. At the Lake –currently, they appear on Tuesday and on an as-needed basis.
6. Approval of Expert fees – There seems to be a misunderstanding on this. Derrick is unsure, but he believes he has been told that he can only approve up to \$5,000 and anything over that needs to go to the county manager. We discussed that the plan does not contain such a limitation. Also, pursuant to statute, there is no such limitation. We discussed that possibly, as a courtesy, he could let the finance office know if there is a big expense, but that would probably need to be discussed with them. We also discussed confidentiality in billing, and whether he can use a LegalServer number rather than case number. He will look into whether he needs to use attorney name and time descriptions.
  - a. Apparently \$100k was set aside for expert/investigators and the county needs to know when to add more money to this budget.
  - b. Another issue is the possible requirement of “professional service agreements” with all experts. Attorneys are concerned that “professional service agreements” will give the DA notice of which experts are being used (professional service agreements must be approved by the IRC (Internal Review Committee) – which is an internal committee of the Board of Commissioners on which the DA sits). Derrick will look into options here and will let us know.

Potential discovery issue. We also discussed feedback from one conflict counsel that in Douglas County, defense counsel may be receiving plea offers prior to receiving discovery (which implicates some ethical issues) – it may be worth investigating and could potentially be a training issue to address.

## **II. Oversight Criteria.**

1. Client Communication
  - a. As discussed above, Derrick reports there are private spaces in the jail for confidential communications. Even though the process is really slow.
  - b. We will follow up on courthouse communications.
  - c. We will follow-up on surveys when we meet with attorneys.
2. First Appearances
  - a. See discussions with Derrick, above. He is covering all first appearances.
3. Preparedness / Knowledge of Case
  - a. More info on this when we observe court.
4. Investigation / Experts
  - a. See earlier discussion with Derrick. There is some confusion with the county about whether they want him to run expenses over \$5k through them. This is not how it should work.

## **III. Next Steps.**

1. We will travel to Douglas County to observe courts and meet with attorneys and judges. The Oversight Criteria will be more fully addressed then.

## **IV. Photos**

(Sorry, no photos in this report.)