



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

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**ONSITE VISIT REPORT**

**Douglas County**

Visit date: August 30, 2023

**I. Brief Narrative.**

Marcie Ryba, Executive Director of the Department traveled to Douglas County for an oversight visit to meet with (1) the Douglas County Manager, Jen Davidson; (2) Brittnie Brown, Douglas Administrative Assistant In Support of Indigent Defense; (3) Gina Reiboldt (who will temporarily be taking over Brittnie Brown's duties until a replacement is hired); (4) Justin Clouser, Douglas Counties Appointed Counsel Administrator.

As an overview, the Douglas County indigent defense plan calls for five contract attorneys to serve on a rotational basis as the primary indigent defense provider of Douglas County; the counsel administrator ensures a fair rotation of cases amongst the attorneys. If there is a conflict, the counsel administrator finds conflict counsel from the DIDS approved list.

**Appointed Counsel Administrator**

Justin Clouser serves as the Counsel Administrator for Douglas County. He advised that one of the five contract positions will be coming open as Nadine Morton is leaving the position. DIDS has requested a copy of the job advertisement once it is published so that it can be shared with all attorneys on the list.

Marcie and Justin discussed data reporting for Douglas County. One attorney has significantly lower hours reported than the rest of the attorneys. Justin advised that his belief was that the other attorneys had better reporting because they had assistants to help. This one attorney did not have an assistant. Also, he believes that until the caseloads are reduced, there will continue to be issues.

The weighted caseload study was also discussed. Justin believed that the caseload in Douglas County is quite high and believed that if more attorneys were added as contractors, the caseload would be more manageable and better reporting would be received.

Justin Clouser rarely goes outside of the contract attorneys for coverage. He advised that all other duties are going well.

Justin Clouser has received complaints regarding the contract attorneys, but usually the complaints are limited to two attorneys. Justin follows up with these attorneys to investigate the complaints. He does not forward them to the Department because he believes he has been able to take care of them in-house.

Judges have complained to Justin Clouser regarding the performance of 2 of the contract counsel.

The Department will follow up with the judges in another visit to inquire about these concerns.

### **Phone Calls with Contract Public Defenders**

Following the conversation, Marcie Ryba had phone conversations with four of the five contract attorneys. In these discussions, attorneys expressed concerns with the caseload. Specifically, there is limited time to sit and review cases where an attorney is not in court. Some attorneys also stated that the district attorney does not provide case discovery until there is a court order assigning the case to the attorney. This causes delays in preparation and attorneys are hoping for faster access to the discovery.

Douglas County has chosen not to renew their contract with Nadine Morton. The other four contractors have had their contracts extended for another term. Douglas County will be posting the advertisement for the contract position shortly.

Marcie was unable to contact Marty Hart at the time of this report, but will continue to follow up with him.

### **Fiscal Reporting**

At the time of the meeting, Brittanie Brown had provided her notice that she was leaving her position as the Administrative Assistant in Support of Indigent Defense. The position is being advertised and Gina Reiboldt plans to complete all duties until a replacement is found. Ms. Reiboldt previously worked for the District Attorney's Office in Douglas County prior to her recent retirement, so she felt comfortable with the reporting requirements. Ms. Reiboldt will be completing the fiscal reporting. DIDS has offered to assist in any manner needed once the reports are due.

### **County Manager**

Marcie took the opportunity to introduce herself to the new County Manager Jen Davidson and explain the background of the Department, recent legislation regarding DIDS, and the history of the Douglas County Plan. Marcie offered to be available to answer any further questions by Douglas County. In the meeting, the County Manager seemed quite pleased with the services of the contract attorneys and the current set up of the appointed counsel administrator.

### **Court House Tour**

Justin and Marcie discussed client communication in Douglas County. Justin advised that there were two attorney client meeting rooms on the top floor of the courthouse that could be utilized by the public defenders. Pictures of these rooms are below and appear to provide confidential meeting space in the Justice/District Court.

## **II. Oversight Criteria.**

1. Client Communication
  - a. There are at least two confidential meeting spaces for Courts. See pictures below.
  - b. Since Minden jail is at capacity, some clients are transferred to the South Lake Tahoe jail. Attorneys expressed this does create extra difficulty if a client is transferred without the attorney's knowledge.
2. First Appearances
  - a. Rotating schedule with the attorneys. Contract Attorneys appear Tuesday-Saturday. The Sunday and Monday appearance are covered by Clouser. Tuesday coverage does provide an extra complication because District Court is running at the same time.
  - b. Attorneys are always present.
  - c. Concern is when Tuesday needs coverage because same time as District
3. Preparedness / Knowledge of Case
  - a. Attorneys express that the high number of cases is problematic. The attorneys expressed they are working their cases, but sometimes things get overlooked due to the sheer number of cases.
  - b. Clouser said that he has received complaints regarding 2 of the contractors' preparedness for cases from the judiciary. The Department will follow up on these complaints.
4. Investigation / Experts
  - a. A new investigator moved into the area. With the increased availability of investigators, attorneys represent they are using investigators at a higher rate than before.

## **III. Next Steps.**

1. Contact Gina for Quarterly Reporting to ensure she understands which forms need to be submitted.
2. Set up appointments with the judges in Douglas County to follow up on their concerns.
3. Have a phone conversation with Marty Hart.

#### IV. Photos

Pictures of the two attorney client visitation rooms in the Douglas County courthouse.

