



STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES

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ONSITE VISIT REPORT

White Pine County

Visit dates: October 3–4, 2023

On Tuesday, October 3, 2023, I, Peter Handy, Deputy Director of the Department, traveled to Ely, Nevada to conduct an oversight visit. I was able to observe a short proceeding in the Drug Court and Deputy Public Defender Christi Kindle. I met with Justice of the Peace Stephen Bishop, Seventh Judicial District Court Judge Gary Fairman, and Municipal Court Judge Mike Coster. This report will not discuss the facilities, as they have not substantially changed since the Department last conducted an oversight report.

All of the judges acknowledged that the transition from the prior contractors to the Nevada State Public Defender's Office (NSPD) was going relatively smoothly. All of the judges shared a concern for being able to recruit new attorneys to the area. Judge Fairman in particular was hoping that any additional hires to the NSPD would be moving to, and living in, the Ely area. We discussed the Department's pipeline program efforts, hurdles that exist to bringing attorneys (and other professionals) into rural areas in Nevada and across the country, and what other ideas the Department was hoping to implement in the near and distant future, including limited practice rule changes, marketing to other states and law schools, and monetary incentives. Judge Coster mentioned that weekend bail hearings were being attended to in a much more efficient manner by the NSPD than the prior contracted public defenders. I explained to the judges that, should they have any complaints or concerns about indigent counsel appearing before them that they could forward their complaints or concerns to the Department for review and possible action.

I was able to observe a brief proceeding of the White Pine County Drug Court with Chief Deputy Public Defender Christi Kindel representing the sole defendant, who had the only matter on calendar for the proceeding. Ms. Kindel acted competently and professionally, meeting the requisite standards of conduct for a criminal defense attorney as informed by ADKT 0411 and the ABA Defense Function Standards. Ms. Kindel had clearly discussed the proceedings in advance with her client, who appeared aware of the nature of the proceedings and acted accordingly.

Ms. Kindel communicated with her client during the proceedings to protect her client's interests and with the court to assist the court in understanding her client's position and to propose remedies that would keep her client in the drug court program.

I was able to have a conversation with Ms. Kindel outside of the proceedings about the goings-on with the White Pine Office and learned that the physical office was not yet up and running, as there was no active internet and no phones; she was primarily working in the courthouse. She did indicate that, due to this and there only being her and Chris Arabia to cover the cases, their efficiency was not being maximized. Ms. Kindel accompanied me to the meeting with Judge Bishop. During the proceedings, meeting with the judge, and during our conversations, Ms. Kindel was always civil, courteous, patient, and candid.

I was able to visit the NSPD office space in Ely, which consisted of several vacant offices, containing only desks and chairs and a storage closet, which lacked any kind of flooring over the visible bare concrete subfloor. Some carpets appeared to have been replaced, as there were different colors and patterns visible in different areas of the office. There were some places where it was apparent that texture had been applied over some paneling on the walls; it was unclear if paint had been applied over the texture. The NSPD staff reported that the suite manager had made several entries into the unit without providing notice or reason to the NSPD; should such conduct continue, it will be a security issue as the office will contain confidential and privileged client and personnel information. There were no visible ethernet outlets in any portion of the unit. Several power outlet faceplates were ajar with some wiring visible behind the wall. NSPD staff seemed to have reasonable plans for utilizing the various spaces in the office, including an alcove for a multifunction copier, orientation of the waiting/reception area, which doors would be locked or unlocked to the public, and how storage would be accomplished. The facility was unadorned and inconspicuous, within a building that consisted of office suites. Once fully furnished and developed, the location appears to be able to accommodate the needs of the Office.

Impressively, despite the slow progress of opening the new physical office, the attorneys with the NSPD have been able to attend to their clients and their cases by utilizing the limited facilities available to them. The judges and District Attorney lauded the performance of the attorneys, indicating that they found them to be more professional than the prior contracted attorneys. This is especially remarkable given that one attorney position, the investigator position, and one staff position for the Ely office remain vacant. Ms. Kindel and Mr. Arabia should be commended for their efforts to ensure that their clients are getting sufficient representation with such extreme limitations placed upon them.

On Wednesday, October 4, 2023, I traveled to Eureka, Nevada, to meet with Justice of the Peace Dorothy Rowley. Judge Rowley and her staff were pleased with the speed at which the Department was able to select counsel for indigent defendants. They were pleased with the attorneys who had been appearing in Eureka County and thought that the system was working well. There was a question about who they should direct any complaints to. I informed them that they could direct any complaints, or compliments, to our office, and we would use the information to support our oversight efforts. There were no proceedings taking place that day that I could observe.