

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET  
Director and  
State Court Administrator



JOHN MCCORMICK  
Assistant Court Administrator  
Judicial Programs and Services

RICHARD A. STEFANI  
Deputy Director  
Information Technology

## MEETING NOTICE AND AGENDA

### Indigent Defense Commission (IDC) VIDEOCONFERENCE

**Date and Time of Meeting:** Tuesday, September 25, 2018 @ 1:30 p.m.

**Place of Meeting:**

Carson City	Las Vegas	Washoe	Ely
Supreme Court Library Room 107 201 S. Carson Street Carson City, Nevada	Nevada Supreme Court Building Conference Room A/B 408 E. Clark Avenue Las Vegas, NV	Second Judicial District Court Room 214 75 Court Street Reno, NV	Seventh Judicial District Court 801 Clark Street Ely, NV
Teleconference Access: Dial-In # 1-408-740-7256 Meeting ID 1110011234			

***All participants attending via teleconference should mute their lines when not speaking; it is highly recommended that teleconference attendees use a landline and handset in order to reduce background noise.***

### AGENDA

- I. Call to Order
  - a. Call of Roll
  - b. Determination of a Quorum
  
- II. Public Comment  
*Because of time considerations, the period for public comment by each speaker may be limited. Speakers are urged to avoid repetition of comments already made by previous speakers.*
  
- III. Review and Approval of the August 30, 2018 Meeting Summary\*
  
- IV. Las Vegas Municipal Court Mental Health Video Session Concerns - *Ms. Franny Forsman, Mr. Dana Hlavac, Ms. Amy Rose*
  
- V. Clark County Arraignment Process - *Mr. Drew Christensen, Ms. Franny Forsman, Mr. Chris Lalli, Ms. Amy Rose*

- VI. Henderson Municipal Court's Indigent Defense Administrative Plan Discussion – *Mr. John Lambrose*
- VII. Payment for Public Defense Services Follow-up – *Mr. John McCormick*
- VIII. Caseload Standards Discussion/Update – *Mr. Hans Jessup*
- IX. Status Update on ACLU of Nevada - *Ms. Amy Rose*
- X. Status Update on Indigent Defense Clark County - *Mr. Drew Christensen, Mr. Phil Kohn, Ms. JoNell Thomas*
- XI. Status Update on Indigent Defense in Washoe County – *Mr. John Arrascada, Mr. Bob Bell, Mr. Marc Picker*
- XII. Status Update on the State Public Defender's Office - *Ms. Karin Kreizenbeck*
- XIII. Status Update on the Federal Public Defender's office - *Ms. Megan Hoffman*
- XIV. Update on Eighth Judicial District Court Homicide Case Pilot Project - *Mr. Chris Lalli*
- XV. Other Business
- XVI. Adjournment

- Action items are noted by \* and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited to five minutes per person at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: [jgradick@nvcourts.nv.gov](mailto:jgradick@nvcourts.nv.gov)
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030 (4)(a))
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: [www.nevadajudiciary.us](http://www.nevadajudiciary.us); Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: 408 East Clark Avenue.

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## Indigent Defense Commission

*Summary Prepared by Jamie Gradick*

August 30, 2018

1:30 p.m.

<p><b><u>Attendees Present</u></b> Justice Michael A. Cherry, Chair Judge Tom Armstrong Bob Bell Judge Stephen Bishop Russell Carr David Carroll Drew Christensen Joni Eastley Judge Cheri Emm-Smith Judge Gary Fairman Franny Forsman Vinson Guthreau Judge Kevin Higgins Dana Hlavac Karin Kreizenbeck Chris Lalli</p>	<p>Judge Lori Matheus Judge Victor Miller Judge Michael Montero Mark Picker Rachelle Resnick Amy Rose Judge John Schlegelmilch Judge Mason Simons Dagny Stapleton JoNell Thomas Jeff Wells Judge Nathan Tod Young</p> <p><b><u>AOC Staff</u></b> Jamie Gradick Hans Jessup John McCormick</p>
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- I. Call to order
  - Call of Roll and Determination of a Quorum
    - Ms. Jamie Gradick called roll; a quorum was present.
  
- II. Public Comment
  - Mr. Lawrence Semenza provided public comment from the Las Vegas location:
    - “I’ve had the opportunity to, I guess by chance, to have a client who was arraigned in the Las Vegas Municipal Court, in the mental health court portion of it, who was arrested on a late Monday evening, early Tuesday, and was in court two days later and was appointed an attorney to represent him. *(Inaudible)*... allowed the attorney that was sitting in the courtroom to speak to the client through video system. The client was informed that *(inaudible)*... he had two alternatives. One was that he could please not guilty, and that if he pled not guilty, in three weeks he would have a trial and be brought up to court. The second was that he could plead guilty and receive 45

days in jail. The attorney then asked whether or not this was just a simple battery because I do not believe that the attorney had been provided any discovery information. And then the attorney said to the client that he had just met, ‘That’s the deal, what do you want to do?’ (*Inaudible*) said, ‘Well, I guess I’ll plead guilty but I was supposed to be able to get into some program to help me.’ And the court then said, ‘I’ll accept the plea, I don’t know what you’re talking about; our program runs from 18-24 months in mental health court in the City of Las Vegas and that won’t be appropriate for you. Does anyone know what he’s talking about?’ And he said, ‘Well, (*inaudible*) supposed to help me get my meds set up.’ And they said, ‘Well, talk to a social worker and everything will be taken care of. If you’re not (*inaudible*) spend 24 days in jail and you’ll be given credit for the three days you’ve already spent and then, after that, it’ll be 29 days.’ And that was it. Thank you.”

- Ms. Franny Forsman clarified that this discussion was taking place in front of all parties, including the judge and the district attorney; this in no way comports with the performance standard. This is going on in multiple courtrooms.
- Mr. Semenza commented that there is usually no admonishment of constitutional rights, right to trial, right to bail, medical needs, competency, etc. The defendant just gets “shoved through the system”; Mr. Semenza commented that something needs to be done about this. He has asked for discovery materials but has not yet been able to locate them.
- Justice Cherry asked whether this took place before a regular sitting judge; discussion was held regarding the process to getting into the mental health court, there is a review process.
- Ms. Forsman expressed concern regarding this becoming the norm.
- Justice Cherry commented that jail is not meant to be an issue in the specialty court setting, that is part of the point of the specialty court program.
- Justice Cherry asked Mr. David Carroll for his input on this issue; Mr. Carroll suggested that a work group gather the facts on this.
- Mr. Dana Hlavac commented that it was a mental health video session, not the mental health specialty court. Defendants who have been identified as having mental health issues are all placed on one video calendar to accommodate the physician.
- Justice Cherry asked Franny Forsman, Dana Hlavac, and Amy Rose to work together to look into this issue and report back at the next meeting.

### III. Review and Approval of the July 26, 2018 Meeting Summary

- The summary was approved.

### IV. Update on the Nevada Right to Counsel Commission (NRTCC)

- Mr. David Carroll provided an overview of The Sixth Amendment Center’s work and the final recommendations and report. (*Please see meeting materials for report and additional information.*)
  - The final report has been delivered to the NRTCC.
  - Chapter 2 is extremely important and explains that state government caused the right to counsel issues in Nevada.

- The 14<sup>th</sup> Amendment indigent defense obligation lies with the State.
- Caseloads are not a problem in the smallest counties but are the mid-size counties. The problem is compounded by the fact that there are no uniform reporting requirements among or even within the counties.
- There is a need for institutional safeguards to ensure the appropriate attorneys are awarded the contracts.
- There is also a need for ongoing attorney training and development.
- There are a number of places where the right to counsel is being “chilled” because judges are announcing that indigent defense is not free.
- Attendees discussed the nine findings/recommendations presented in the report.
  - Mr. Carroll commented that number 9 is particularly important for the IDC.
  - The rural municipal courts are problematic in areas where they are not incorporated with the justice court.
  - Attendees discussed the design of the indigent defense oversight board/central office as discussed by the NRTCC and the roles/duties of that office.
  - Local governments should be authorized to select the method for delivery of indigent defense services and should be given ample time to plan for and meet any new standards (recommendation # 3).
  - Recommendation number 5 is important because it asks that the Nevada Supreme Court adopt a rule that all courts conduct on the record, individualized indigence determinations.
  - The legislative commission should conduct an interim study to address a series a structural concerns regarding the indigent defense systems.
- Mr. John McCormick provided an overview of the NRTCC’s legislative plans.
  - The NRTCC has decided to submit a BDR to create the oversight board and to address the recommendations in the report.
  - The make-up the board will reflect the current NRTCC membership and the board will be an advisory body, as opposed to a regulatory body; necessary changes in membership will be made accordingly.
  - Developing a funding structure that parties can agree on while still maintaining the intent and goals of the oversight board will be a challenge.
    - Attendees discussed the need for flexibility among and within the various counties; there cannot be a “one-size-fits-all” approach to this and the counties need ability to retain local control.
    - Mr. Jeff Wells expressed concern regarding language “requesting” additional costs from the State versus requiring that the State cover the expenses. Depending upon how the legislation is drafted, this could give regulatory power to an unelected body that would have the ability to spend rural county money. Until the State is “on the hook for paying” this body should not be regulatory.
    - Mr. McCormick commented that this issue has been discussed with LCB but one legislature cannot tell a future one “what to do” and is unwilling to obligate the State to future funding.
  - Justice Cherry commented on the need for NACO’s support on this, as well as the support of Mr. Slaughter and Mr. Wells on behalf of the urban counties.

- Judge Schlegelmilch commented that a regulatory body cannot have plenary power to enforce funding mandates - this won't get county buy-in.
  - Justice Cherry commented that the authority stems from the Constitution.
- Judge Schlegelmilch expressed concern with the accuracy of case reporting and suggested that the legislative efforts should address standardizing case reporting.
- Judge Fairman clarified that the scope of oversight would include all the counties, not just rural counties.

#### V. Discussion on Payment for Public Defense Services

- Attendees discussed the 6AC finding that some courts are requiring payment for public defender services and the “chilling” effect of this on indigent defendants.
  - Judge Miller commented that he is not familiar with the form included in the report but explained that defendants are informed that they have the right to counsel whether they can pay or not. If they cannot pay, the fees are waived.
  - Judge Emm-Smith explained that she advises defendants of their rights and informs them that they may be required to reimburse at the end of the representation. She offers payment schedules and makes it clear that they do not have to pay the attorneys upfront in order to be represented.
    - There is limited private counsel in the rural counties so many defendants go to larger areas to secure counsel; this is more expensive.
    - Defendants are not jailed or sent to collections for inability to pay. Those who cannot pay are brought in on review and are held accountable; the court makes every effort to work with each defendant based upon the defendant's circumstances and to ensure the defendant understands what is happening.
    - Mr. Picker commented that telling clients at the beginning of the process that they will be charged has a chilling effect.
  - Judge Bishop explained that he advises every defendant of their rights and that if an attorney is appointed, the defendant may be required to reimburse. 5.7% of cases where there was a possibility of jail time pled without an attorney; reimbursement rate this year was two cases. He waives far more attorney fees than he collects; when he doesn't waive, he sets up payment plans.
  - Mr. Carroll commented that the practice needs to be standardized in Nevada; there needs to be a set colloquy and courts don't appear to be using the indigence standards.
    - Justice Cherry asked Ms. Gradick and Mr. McCormick to report back on this at the next meeting.

#### VI. Clark County Arraignment Process

- Ms. Forsman informed attendees that the work group has observed the practice and asked for guidance from the Commission.
- There are logistical concerns: if a defendant is in custody, the plea is discussed without privacy and this is the first time many attorneys are seeing the defendant.
  - The way this is set up violates performance standards.
  - The canvass is appropriate but the scheduling and physical setting are problematic.
- Mr. Lalli commented that this process was created by the district court to free up more time for trial.

- Attendees discussed built-in provisions to allow for “meaningful discussions” with clients.
- Ms. Thomas commented that her office supports eliminating this process and expressed concern with the ability of the public defenders to review documents or appropriately discuss with defendants.
- Ms. Forsman suggested that Mr. Lalli join the work group; a suggestion was made that the work group meet with Chief Judge Bell to discuss concerns.
  - Justice Cherry approved this suggestion and commented that the district court judges should be taking the pleas.

#### VII. Henderson Municipal Court’s Indigent Defense Administrative Plan Discussion

- Ms. Forsman requested that this be held over for discussion at the next meeting.

#### VIII. Caseload Standards Discussion

- Mr. Hans Jessup provided a brief summary of the information included in the meeting materials.
  - There are significant percentage swings (for those jurisdictions with complete data).
  - Attendees discussed possible reasons for the swings and the need for tracking standards.
    - There is a standard for how this data is supposed to be tracked in the case management system.
    - This data comes directly from the rural courts’ case management systems.

#### IX. Status Update on ACLU of Nevada

- Ms. Amy Rose informed attendees that the ACLU of Nevada is wrapping up the discovery process; no significant changes at the moment.

#### X. Status Update on Indigent Defense in Clark County

- Nothing to report.

#### XI. Status Update on Indigent Defense in Washoe County

- Nothing to report.

#### XII. Status Update from the State Public Defender’s Office

- Ms. Karin Kreizenbeck commented that she really appreciated Mr. Carroll’s report; it’s a very objective explanation of why things have progressed the way they have. Her office has been historically underfunded.
  - The State PD has no desire interject a state presence into the counties and would be happy to be a resource.

#### XIII. Status Update on the Federal Public Defender’s Office

- Nothing to report.

#### XIV. Update on the Eighth Judicial District Court Homicide Case Pilot Project

- Mr. Lalli informed attendees that there have been significant increases in the homicide rate in Clark County.
  - In 2015, there were 132 filings
  - So far in 2018, there have been 131 filings.

XV. Other Business

- Justice Cherry informed attendees that the IDC will meeting monthly through the end of the year.

XVI. Adjournment

- Justice Cherry adjourned the meeting at 3:15 p.m..



# ***Henderson Municipal Court***

*Revised & Re-Submitted to the Supreme Court on July 23, 2018*

In response to the Supreme Court Order dated January 4, 2008 titled, "IN THE MATTER OF THE REVIEW OF ISSUES CONCERNING REPRESENTATION OF INDIGENT DEFENDANTS IN CRIMINAL AND JUVENILE DELINQUENCY CASES"

The Henderson Municipal Court (Court) hereby submits the following Revised Administrative Plan for the selection of attorneys to represent Indigent Misdemeanor Defendants and the process for the determination of a Defendant's Indigence:

## **Indigent Defense Administrative Plan**

1. The Henderson Purchasing Division of the Finance Department in collaboration with the Henderson City Attorney's Office, Civil Division and the Court will issue a Request for Proposal (RFP) for the representation of indigent defendants for all matters before the Court.
  - a) Public Attorney Contracts will be offered separately for each Court department. An applicant may submit proposals for each Department; however, successful proposers will not be awarded a contract for more than one Department.
    - (1) Contract will be awarded at a Base annual amount as determined by the Henderson City Council.
    - (2) The City of Henderson (City) reserves the right to negotiate an extension of the contract with successful proposer(s) for one (1) additional two-year option term.
    - (3) The Contract Administrators reserve the option to extend the term of the contract for any renewal term for an additional ninety (90) calendar days from its expiration for any reason.
  
2. The City will establish an Evaluation Committee which will hold the responsibility of reviewing all responses, conducting any interviews, and ranking the proposers. Based on the Evaluation Committee's review of the initial proposals, the City may recommend award to City Council; establish a "short list," or competitive range; or reject all proposals.
  - a) Proposals will be evaluated based on the thoroughness of responses, including the quality of past work. This includes, but is not limited to:
    - (1) Demonstrated applicable knowledge and prior experience of law firm and attorneys
    - (2) Administrative Plan
    - (3) Demonstrated ability of the firm to fulfill the services requested
    - (4) Firm's reputation, bar complaints, and references
    - (5) Background check results
  - b) Court/judicial input relative to potential conflicts of interest, may be provided prior to the selection committee's review, however, no judicial pre-empt and/or veto of any selection is permitted.
  - c) The City reserves the right to award to the proposer best suited to the City's needs based on the evaluation of the initial proposals as submitted, with or without interviews/presentations/site

visits or any other reviews. The recommendation of award will be presented to the Henderson City Council for approval of the selection.

- d) Any termination of counsel under this Administrative Plan shall be the sole responsibility of the Henderson Municipal Court Administrator who shall be the Public Defender Contract Administrator.
3. Purchasing Division of the City's Finance Department will have responsibility for some Administrative functions including:
    - a) Establishing the Scope of Work and Issuing the Request for Proposals.
    - b) Conducting initial review/interview of all applicant firms to ensure they meet all basic criteria (as established by the Supreme Court Order and Court) before submitting all qualified applicants to the independent "Evaluation Committee".
    - c) Writing and Issuing Public Attorney contract(s) and ensuring that all mandated licenses, proof of insurance, etc., are obtained.
  4. Public Defender Services Contract Administrator will be the Municipal Court Administrator and will have responsibility of the following Administrative functions:
    - a) Ensuring that all individual indigent defense attorneys employed by the firm(s) awarded a Public Attorney contract meet all Court and Supreme Court Order eligibility criteria both at contract issuance and throughout term of contract.
    - b) Conducting periodic "audits" to ensure contract compliance.
    - c) Ensuring invoices are processed and forwarded to the Finance Department for payment.
  5. Minimum Qualifications for Attorneys/Firms awarded a contract:
    - a) Insurance:
      - (1) General Liability: \$1M per occurrence for bodily injury and \$2M in the aggregate and \$1M per occurrence for property damage and \$2M in the aggregate.
      - (2) Automotive Liability: \$1M combined single limit for bodily injury and property damage for each occurrence.
      - (3) Professional Liability Insurance (Errors and Omissions): \$1M per occurrence and \$2M aggregate.
      - (4) Workers' Compensation: In a form acceptable to the State of Nevada Insurance Commissioner, Full Nevada statutory limits, and, Employer's Liability of \$1M per occurrence, per accident for bodily injury or disease.
    - b) Experience- At least three (3) years of criminal law trial experience.
    - c) Each Public Defender and Alternate Public Defender shall possess a valid Nevada Driver's License. Alternate Public Defenders cannot be designated as the alternate for more than one department.
    - d) Each firm utilized in performing the services set forth herein must possess a current City of Henderson business license.
    - e) Must have an established place of business and telephone services in Clark County independent of the City, and adequate to perform the services. The City will provide an office space only while performing Public Defender services onsite.

- f) All attorneys must be licensed in the State of Nevada, a member in Good Standing with the Nevada State Bar, authorized to practice law in the City of Henderson Municipal Court, the Eighth Judicial District Court, and the Nevada Supreme Court, and have sufficient experience and ability to competently represent indigent defendants.
  - g) Administrative plan to be submitted as part of application process to satisfy the requirements set forth in the Request for Proposal. The Administrative Plan must provide details describing how the Proposer intends to ensure coverage of services, if awarded a Contract.
  - h) List of all attorneys who will practice in the courtroom submitted and approved by the selection committee as part of application process.
  - i) Changes to approved attorney list supporting the contract must be approved by the Contract Administrator via submission of the *Additions / Deletions Alternate Public Defender Form*.
    - (1) The form must be submitted no later than five (5) business days after the first date the attorney provides Public Defender Services.
    - (2) Newly identified Public Defenders shall submit their fingerprints to the City's Human Resources Department within four (4) business day for a background check.
6. Scope of Work to be included in the Request for Proposal will:
- a) Include full professional defense for all defendants entitled to indigent representation.
  - b) Assure compliance with all Supreme Court Orders and Performance Standards relative to the representation of indigent defendants.
  - c) Include a communication plan, to be approved by the Court, detailing how the Public Defender will remain responsive to the public, defendants, the City and courts during normal business hours.
  - d) Include a Monthly Report Form for submittal by the Public Defender to the Court.
  - e) Include the Public Defender may attend Specialty Court hearings (for an additional fee; additional training may be required), conferences and activities in the Department assigned to full support and defend indigent defendants sentenced to such Municipal Court programs.
  - f) Establish that upon termination of a Public Attorney contract for any reason, the contracted attorney is to release all records, attorney notes, photos, electronic materials and discovery essential to a defendant's defense to the custody of the Henderson Municipal Court Administration in a timely manner, subject to audit, control and dissemination by the Contract Administrator.
7. Force Majeure
- a) In the event that the Public Defender cannot timely perform Services or that the City cannot timely fulfill its obligations under the Agreement, due to fire, flood, storm, earthquake or in the event that any casualty of unforeseen circumstances including but limited to strikes, labor disputes, war, acts of vandalism, destruction, public disobedience, terrorism, or the action of civil or military authorities, this Agreement may be delayed by the City or the Public Defender. The time for delay shall be reasonable and agreed upon by both parties.

## **Henderson Municipal Court Plan for the Determination of Indigence\***

- The *Application for Public Defender* form is provided to each offender facing a possible jail sentence either by NRS requirement or City Attorney's request along with the criminal complaint and admonishment of rights form. (Exhibit A)
- Prior to the offender's arraignment, the Public Defender reviews the arrest report and offer from the City Attorney. The PD will then speak with offender individually, reviewing and advising the offender of their rights under the law, and conveying the City's offer.
- If the offender wishes to accept the offer and enter a plea, the judge will canvass the offender about their rights; and, the Public Defender will represent them through sentencing.
- If the offender wishes to enter a Not Guilty plea and have the matter set for trial; the judge reviews the completed application and appoints the Public Defender as counsel for the individual (with no fee) if the indigence guidelines are met.
- HHS Poverty Guidelines are updated annually and used to determine indigency.
- Public Defenders are present at all criminal arraignment and criminal trial calendars.

\*Exhibit A below:

# HENDERSON MUNICIPAL COURT APPLICATION FOR PUBLIC DEFENDER

**\*\*ENTIRE FORM MUST BE COMPLETED\*\***

TODAY'S DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

FULL NAME (First, Middle, Last): \_\_\_\_\_

ADDRESS: \_\_\_\_\_ APT #: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

DOB: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ SOCIAL SECURITY #: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

PHONE #: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ TYPE: HOME / CELL / WORK

PHONE #: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ TYPE: HOME / CELL / WORK

ARE YOU A VETERAN OR ACTIVE DUTY MEMBER OF THE U.S. MILITARY?  YES /  NO

HOW LONG HAVE YOU LIVED IN CLARK COUNTY? \_\_\_\_\_ YEARS \_\_\_\_\_ MONTHS

HOW MANY PEOPLE LIVE IN YOUR HOUSEHOLD? \_\_\_\_\_ ADULTS \_\_\_\_\_ CHILDREN

ARE YOU PRESENTLY EMPLOYED?  YES /  NO NAME OF EMPLOYER: \_\_\_\_\_

TOTAL HOUSEHOLD INCOME PER MONTH (FROM ALL SOURCES): \$ \_\_\_\_\_

DO YOU OWN OR RENT YOUR HOME?  RENT  OWN

**MONTHLY EXPENSES:**

RENT/MORTGAGE: \$ \_\_\_\_\_

UTILITIES: \$ \_\_\_\_\_

CAR PAYMENT: \$ \_\_\_\_\_

CHILD CARE/SUPPORT: \$ \_\_\_\_\_

INSURANCE: \$ \_\_\_\_\_

FOOD: \$ \_\_\_\_\_

MEDICAL: \$ \_\_\_\_\_

OTHER EXPENSES: \$ \_\_\_\_\_

TOTAL ESTIMATED MONTHLY EXPENSES: \$ \_\_\_\_\_

**UNDER THE PENALTY OF PERJURY, I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT:**

\_\_\_\_\_  
SIGNATURE

*Information collected pursuant to NRS 179A.075*

FOR OFFICIAL USE ONLY

COURT CASE #(s): \_\_\_\_\_ HPD DR#: \_\_\_\_\_

CHARGES: \_\_\_\_\_

\_\_\_\_\_ QUALIFIES FOR PUBLIC DEFENDER

\_\_\_\_\_ DOES NOT QUALIFY FOR PUBLIC DEFENDER

TRIAL DATE: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ AT 10:00 A.M. IN DEPARTMENT 1 2 3 4 5

<sup>1</sup> A defendant is considered indigent if all gross income is less than the Presumptive Threshold as established by Nevada Supreme Court ADKT #411 at 200% of the Federal Poverty Guidelines.

establish performance and caseload standards for public defenders,<sup>1</sup> and ensure the consistency of indigent defense in the rural counties; and

WHEREAS, this court conducted public hearings on December 14, 2007, and December 20, 2007, to consider the Commission's report and hear public comment on the issues concerning the defense of indigents; accordingly,

IT IS HEREBY ORDERED that the following recommendations from the Commission's report are adopted.

Determination of Indigency

WHEREAS, any defendant charged with a public offense who is indigent may request the appointment of counsel by showing that he is without means to employ an attorney and suffers a financial disability;<sup>2</sup> and

WHEREAS, the methods utilized in Nevada's courts and public defender offices to determine who is eligible for defense services at public expense vary widely;

IT IS HEREBY ORDERED that effective immediately, the standard for determining indigency shall be:

A person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own. 'Substantial hardship' is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid,

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<sup>1</sup>The Commission's report included two separate minority reports specifically relating to uniform caseload standards and opposing the imposition of such standards.

<sup>2</sup>NRS 171.188

Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline. A defendant is presumed to have a substantial hardship if he or she is currently serving a sentence in a correctional institution or housed in a mental health facility.

Defendants not falling below the presumptive threshold will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses, and local private counsel rates, would result in a substantial hardship were they to seek to retain private counsel.

Independence of the Court-Appointed  
Public Defense System from the Judiciary

WHEREAS, participation by the trial judge in the appointment of counsel, other than public defenders and special public defenders, and in the approval of expert witness fees and attorney fees creates an appearance of impropriety; and

WHEREAS, the appointment of counsel, approval of fees, and determination of indigency should be performed by an independent board, agency, or committee, or by judges not directly involved in the case;

WHEREAS, the selection of lawyers, other than public defenders and special public defenders, to represent indigent defendants should be made by the administrators of an indigent defense program; and

WHEREAS, the unique circumstances and case management systems existent in the various judicial districts require particularized administrative plans to carry out the recommendations of the Commission contained on page 11 of the Report;

IT IS HEREBY ORDERED that each judicial district shall formulate and submit to the Nevada Supreme Court for approval by May 1,

2018 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
For families/households with more than 8 persons, add \$4,320 for each additional person.	
1	\$12,140
2	\$16,460
3	\$20,780
4	\$25,100
5	\$29,420
6	\$33,740
7	\$38,060
8	\$42,380



## 1.01 Initial appearance

Fed. R. Crim. P. 5

[*Note:* Under the Crime Victims’ Rights Act, 18 U.S.C. § 3771(a)(2) and (3), any victim of the offense has the right to notice of “any public court proceeding . . . involving the crime . . . of the accused,” and to attend that proceeding. It may be advisable to ask the prosecutor if there are any victims and, if so, whether the government has fulfilled its duty to notify them.]

The first appearance of the defendant after arrest is usually before a magistrate judge. If the defendant consents, the initial appearance may be conducted by video teleconferencing (Fed. R. Crim. P. 5(f)).

- A. If the arrest was made without a warrant, require that a complaint be prepared and filed pursuant to Fed. R. Crim. P. 3 and 4.

[*Note:* If you have any doubts about the defendant’s ability to speak and understand English, consider appointing a certified interpreter in accordance with 28 U.S.C. § 1827. If the defendant is a foreign national, regardless of immigration status, consider advising the defendant of the right to consular notification.<sup>1</sup>]

### NOTE

If the alleged offense was committed in another district, see *infra* section 1.05: Commitment to another district (removal proceedings)

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1. Although judges are not currently required to notify defendants of the right to consular notification, doing so may avoid unnecessary litigation, cost, and delay. Note that a proposed amendment to Fed. R. Crim. P. 5(d)(1) would require the court “to inform non-citizen defendants at their initial appearance that (1) they may request that a consular officer from their country of nationality be notified of their arrest, and (2) in some cases international treaties and agreements require consular notification without a defendant’s request. The proposed rule does not, however, address the question whether treaty provisions requiring consular notification may be invoked by individual defendants in a judicial proceeding and what, if any, remedy may exist for a violation of Article 36 of the Vienna Convention.” See the May 17, 2012 “Report of the Advisory Committee on Criminal Rules” in the Preliminary Draft of Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, and Criminal Procedure, and the Federal Rules of Evidence at 205 (Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Aug. 15, 2012) (<http://www.uscourts.gov/uscourts/rules/rules-published-comment.pdf>). The proposed “Committee Note” to the amendment states that having a judge provide this advice is not designed to relieve law enforcement officers of their responsibility to do so, but rather “to provide additional assurance that U.S. treaty obligations are fulfilled, and to create a judicial record of that action.” *Id.* at 208.

For more detailed guidance relating to the arrest and detention of foreign nationals, see Consular Notification and Access: Instructions for Federal, State, and Local Law Enforcement and Other Officials Regarding Foreign Nationals in the United States and the Rights of Consular Officials to Assist Them, *available at* [http://travel.state.gov/pdf/cna/CNA\\_Manual\\_3d\\_Edition.pdf](http://travel.state.gov/pdf/cna/CNA_Manual_3d_Edition.pdf). See particularly the sections “Steps to Follow When a Foreign National Is Arrested or Detained” and “Suggested Statements to Detained Foreign Nationals.” See also 28 C.F.R. § 50.5(a) (“Some of the treaties obligate the United States to notify the consular officer only upon the demand or request of the arrested foreign national. On the

*Section 1.01: Initial appearance*

- B. For a felony charge, inform the defendant
1. of the nature of the complaint against him or her and of any affidavit filed therewith;
  2. of the defendant's right to employ counsel or to request the assignment of counsel if he or she is unable to employ counsel (see *infra* section 1.02: Assignment of counsel or pro se representation);
  3. of the defendant's right to have a preliminary hearing (Fed. R. Crim. P. 5(d)(1)(D) and 5.1; 18 U.S.C. § 3060);
  4. under what circumstances the defendant may secure pretrial release;
  5. that the defendant is not required to make any statement;
  6. that if the defendant has made a statement, he or she need say no more;
  7. that if the defendant starts to make a statement, he or she may stop at any time (*Miranda v. Arizona*, 384 U.S. 436 (1966)); and
  8. that any statement made by the defendant may be used against him or her.
- Fed. R. Crim. P. 5(d)(1).
- C. For a misdemeanor charge, the procedure is similar. See Fed. R. Crim. P. 58(b)(2). The defendant must also be informed of the right to trial, judgment, and sentencing before a district judge unless he or she consents to trial, judgment, and sentencing before a magistrate judge.
- D. Determine whether the defendant has had a reasonable opportunity to consult with counsel. Allow further consultation if needed. Fed. R. Crim. P. 5(d)(2).
- E. Determine whether to detain or release the defendant (see *infra* section 1.03: Release or detention pending trial).
- F. Schedule a preliminary hearing and/or detention hearing, if applicable.
- G. For release or detention of a material witness, see 18 U.S.C. § 3144.
- H. If the person is before the court for violating probation or supervised release, see Fed. R. Crim. P. 32.1. *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778 (1973); Fed. R. Crim. P. 5(a)(2)(B).
- I. If the offense was committed in another district, see Fed. R. Crim. P. 5(c)(3) and *infra* section 1.04: Offense committed in another district. If the defendant was arrested for failing to appear in another district, see Fed. R. Crim. P. 40 and *infra* section 1.05: Commitment to another district (removal proceedings).

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other hand, some of the treaties require notifying the consul of the arrest of a foreign national whether or not the arrested person requests such notification.”).

*Section 1.01: Initial appearance*

**Other FJC sources**

David N. Adair, Jr., *The Bail Reform Act of 1984*, at 11–15 (3d ed. 2006)

## **1.02 Assignment of counsel or pro se representation**

18 U.S.C. § 3006A; Fed. R. Crim. P. 44; CJA Forms 20, 23

[*Note:* Under the Crime Victims’ Rights Act, 18 U.S.C. § 3771(a)(2) and (3), any victim of the offense has the right to notice of “any public court proceeding . . . involving the crime . . . of the accused,” and to attend that proceeding. It may be advisable to ask the prosecutor if there are any victims and, if so, whether the government has fulfilled its duty to notify them.]

If counsel has not been assigned by the magistrate judge before the defendant’s first court appearance, assignment of counsel should be the first item of business before the judge.

[*Note:* If you have any doubts about the defendant’s ability to speak and understand English, consider appointing a certified interpreter in accordance with 28 U.S.C. § 1827.]

- A. If the defendant has no attorney:
  1. Inform the defendant
    - (a) of his or her constitutional right to be represented by an attorney at every stage of the proceedings;
    - (b) that if he or she is unable to afford an attorney, the court will appoint one without cost to him or her (18 U.S.C. § 3006A, Fed. R. Crim. P. 44); and
    - (c) of the offense with which he or she is charged.
  2. Ask the defendant
    - (a) if he or she understands his or her right to an attorney;
    - (b) if he or she wishes and is able to obtain counsel; and
    - (c) if he or she wants the court to appoint counsel.
- B. If the defendant requests appointed counsel:
  1. Require the completion of a Financial Affidavit by the defendant on the appropriate Criminal Justice Act form.
  2. Inform the defendant that he or she is swearing to the answers to the questions on the affidavit and that he or she may be penalized for perjury if he or she gives false information.
  3. Determine whether the defendant is unable to afford privately retained counsel. If the defendant qualifies financially for court-appointed counsel, make that finding and sign the order appointing counsel.

*Section 1.02: Assignment of counsel or pro se representation*

C. If the defendant does not want counsel:

The accused has a constitutional right to self-representation. Waiver of counsel must, however, be knowing and voluntary. This means that you must make clear on the record that the defendant is fully aware of the hazards and disadvantages of self-representation.

If the defendant states that he or she wishes to represent himself or herself, you should ask questions similar to the following:

1. Have you ever studied law?
2. Have you ever represented yourself in a criminal action?
3. Do you understand that you are charged with these crimes: [state the crimes with which the defendant is charged]?
4. Do you understand that if you are found guilty of the crime charged in Count 1, the court must impose a special assessment of \$100 and could sentence you to as many as \_\_\_ years in prison, impose a term of supervised release that follows imprisonment, fine you as much as \$\_\_\_\_, and direct you to pay restitution?  
[Ask the defendant a similar question for each crime charged in the indictment or information.]
5. Do you understand that if you are found guilty of more than one of these crimes, this court can order that the sentences be served consecutively, that is, one after another?
6. Do you understand that there are advisory Sentencing Guidelines that may have an effect on your sentence if you are found guilty?
7. Do you understand that if you represent yourself, you are on your own? I cannot tell you or even advise you how you should try your case.
8. Are you familiar with the Federal Rules of Evidence?
9. Do you understand that the rules of evidence govern what evidence may or may not be introduced at trial, that in representing yourself, you must abide by those very technical rules, and that they will not be relaxed for your benefit?
10. Are you familiar with the Federal Rules of Criminal Procedure?
11. Do you understand that those rules govern the way a criminal action is tried in federal court, that you are bound by those rules, and that they will not be relaxed for your benefit?

**NOTE:**

The assessment is \$25 for a Class A misdemeanor, \$10 for a Class B, \$5 for a Class C or infraction.

*Section 1.02: Assignment of counsel or pro se representation*

[Then say to the defendant something to this effect:]

12. I must advise you that in my opinion, a trained lawyer would defend you far better than you could defend yourself. I think it is unwise of you to try to represent yourself. You are not familiar with the law. You are not familiar with court procedure. You are not familiar with the rules of evidence. I strongly urge you not to try to represent yourself.

13. Now, in light of the penalty that you might suffer if you are found guilty, and in light of all of the difficulties of representing yourself, do you still desire to represent yourself and to give up your right to be represented by a lawyer?

14. Is your decision entirely voluntary?

[If the answers to the two preceding questions are yes, say something to the following effect:]

15. I find that the defendant has knowingly and voluntarily waived the right to counsel. I will therefore permit the defendant to represent himself [herself].

It is probably advisable to appoint standby counsel, who can assist the defendant or can replace the defendant if the court determines during trial that the defendant can no longer be permitted to proceed pro se.

**Other FJC sources**

Manual on Recurring Problems in Criminal Trials 1–7 (Tucker Carrington & Kris Markarian eds., 6th ed. 2010)

CJA 23 (Rev. 11/11) **FINANCIAL AFFIDAVIT**  
 IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES  DISTRICT COURT  COURT OF APPEALS  OTHER (Specify below)  
 IN THE CASE OF \_\_\_\_\_

FOR \_\_\_\_\_  
 AT \_\_\_\_\_

<b>LOCATION NUMBER</b>

PERSON REPRESENTED (Show your full name)

- |  |                  |
|--|------------------|
| <b>DOCKET NUMBERS</b>                                |                  |
| <input type="checkbox"/> Defendant - Adult           | Magistrate Judge |
| <input type="checkbox"/> Defendant - Juvenile        | District Court   |
| <input type="checkbox"/> Appellant                   | Court of Appeals |
| <input type="checkbox"/> Probation Violator          |                  |
| <input type="checkbox"/> Supervised Release Violator |                  |
| <input type="checkbox"/> Habeas Petitioner           |                  |
| <input type="checkbox"/> 2255 Petitioner             |                  |
| <input type="checkbox"/> Material Witness            |                  |
| <input type="checkbox"/> Other (Specify) _____       |                  |

CHARGE/OFFENSE (describe if applicable & check box →)  Felony  Misdemeanor

**ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**

<b>INCOME &amp; ASSETS</b>	<b>EMPLOYMENT</b>	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed Name and address of employer: _____ <b>IF YES</b> , how much do you earn per month? \$ _____ <b>IF NO</b> , give month and year of last employment? _____ How much did you earn per month? \$ _____											
		If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>IF YES</b> , how much does your spouse earn per month? \$ _____ If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____											
	<b>OTHER INCOME</b>	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>RECEIVED</b></td> <td style="width: 50%;"><b>SOURCES</b></td> </tr> <tr> <td><b>IF YES</b>, give the amount received and identify the sources</td> <td></td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> </table>	<b>RECEIVED</b>	<b>SOURCES</b>	<b>IF YES</b> , give the amount received and identify the sources		\$ _____	_____	\$ _____	_____	\$ _____	_____	
	<b>RECEIVED</b>	<b>SOURCES</b>											
<b>IF YES</b> , give the amount received and identify the sources													
\$ _____	_____												
\$ _____	_____												
\$ _____	_____												
<b>CASH</b>	Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>IF YES</b> , total amount? \$ _____												
<b>PROPERTY</b>	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><b>VALUE</b></td> <td style="width: 50%;"><b>DESCRIPTION</b></td> </tr> <tr> <td><b>IF YES</b>, give value and description for each</td> <td></td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> <tr> <td>\$ _____</td> <td>_____</td> </tr> </table>	<b>VALUE</b>	<b>DESCRIPTION</b>	<b>IF YES</b> , give value and description for each		\$ _____	_____	\$ _____	_____	\$ _____	_____	\$ _____	_____
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<b>IF YES</b> , give value and description for each													
\$ _____	_____												
\$ _____	_____												
\$ _____	_____												
\$ _____	_____												

<b>OBLIGATIONS &amp; DEBTS</b>	<b>DEPENDENTS</b>	MARITAL STATUS _____ Single _____ Married _____ Widowed _____ Separated or Divorced Total No. of Dependents _____	List persons you actually support and your relationship to them _____ _____ _____														
	<b>DEBTS &amp; MONTHLY BILLS</b> (Rent, utilities, loans, charge accounts, etc.)	<b>DESCRIPTION</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"></td> <td style="width: 20%;"><b>TOTAL DEBT</b></td> <td style="width: 30%;"><b>MONTHLY PAYMENT</b></td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>\$ _____</td> <td>\$ _____</td> </tr> </table>		<b>TOTAL DEBT</b>	<b>MONTHLY PAYMENT</b>	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____	_____	\$ _____	\$ _____	_____	\$ _____
	<b>TOTAL DEBT</b>	<b>MONTHLY PAYMENT</b>															
_____	\$ _____	\$ _____															
_____	\$ _____	\$ _____															
_____	\$ _____	\$ _____															
_____	\$ _____	\$ _____															

I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
 SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) Date

## SAMPLE INDIGENCY SCREENING FORM

**CONFIDENTIAL**

[Per RCW 10.101.020(3)]

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

1. Place an "x" next to any of the following types of assistance you receive:

- |   |   |
|---|---|
| <input type="checkbox"/> Welfare                            | <input type="checkbox"/> Poverty Related Veterans' Benefits         |
| <input type="checkbox"/> Food Stamps                        | <input type="checkbox"/> Temporary Assistance for Needy Families    |
| <input type="checkbox"/> SSI                                | <input type="checkbox"/> Refugee Settlement Benefits                |
| <input type="checkbox"/> Medicaid                           | <input type="checkbox"/> Aged, Blind or Disabled Assistance Program |
| <input type="checkbox"/> Pregnant Women Assistance Benefits |   |
| <input type="checkbox"/> Other – Please Describe _____      |   |

Recipients of public assistance are presumed indigent, but may be found able to contribute to the costs of their defense under RCW 10.101.010. *State v. Hecht*, 173 Wash. 2d 92 (2011).

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2. Do you work or have a job?  yes  no. If so, take-home pay: \$ \_\_\_\_\_

Occupation: \_\_\_\_\_ Employer's name &amp; phone #: \_\_\_\_\_

3. Do you have a spouse or state registered domestic partner who lives with you?  yes  noDoes she/he work?  yes  no If so, take-home pay: \$ \_\_\_\_\_

Employer's name: \_\_\_\_\_

4. Do you and/or your spouse or state registered domestic partner receive unemployment, Social Security, a pension, or workers' compensation?  yes  no

If so, which one? \_\_\_\_\_ Amount: \$ \_\_\_\_\_

5. Do you receive money from any other source?  yes  no If so, how much? \$ \_\_\_\_\_6. Do you have children residing with you?  yes  no. If so, how many? \_\_\_\_\_

7. Including yourself, how many people in your household do you support? \_\_\_\_\_

8. Do you own a home?  yes  no. If so, value: \$ \_\_\_\_\_ Amount owed: \$ \_\_\_\_\_



9. Do you own a vehicle(s)? \_\_\_yes \_\_\_no. If so, year(s) and model(s) of your vehicle(s):\_\_\_\_\_ Amount owed: \$\_\_\_\_\_
10. How much money do you have in checking/saving account(s)? \$\_\_\_\_\_
11. How much money do you have in stocks, bonds, or other investments? \$\_\_\_\_\_
12. How much are your routine living expenses (rent, food, utilities, transportation) \$\_\_\_\_\_
13. Other than routine living expenses such as rent, utilities, food, etc., do you have other expenses such as child support payments, court-ordered fines or medical bills, etc.? If so, describe: \_\_\_\_\_
14. Do you have money available to hire a private attorney? \_\_\_yes \_\_\_no
15. ***Please read and sign the following:***

**I understand the court may require verification of the information provided above. I agree to immediately report any change in my financial status to the court.**

**I certify under penalty of perjury under Washington State law that the above is true and correct. (Perjury is a criminal offense-see Chapter 9A.72 RCW)**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
City State

**FOR COURT USE ONLY - DETERMINATION OF INDIGENCY**

- \_\_\_\_\_ Eligible for a public defender at no expense
- \_\_\_\_\_ Eligible for a public defender but must contribute \$\_\_\_\_\_
- \_\_\_\_\_ Re-screen in future regarding change of income (e.g. defendant works seasonally)
- \_\_\_\_\_ Not eligible for a public defender

\_\_\_\_\_  
JUDGE



Internet Email: [opd@opd.wa.gov](mailto:opd@opd.wa.gov)

**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164  
[www.opd.wa.gov](http://www.opd.wa.gov)

## Private Representation Costs - Felonies

For the purposes of determining whether someone has a right to public defense counsel, the Washington statute defines indigent to include: “ ... a person who at any stage of a court proceeding is: ...(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.” RCW 10.101.010(3)(d).

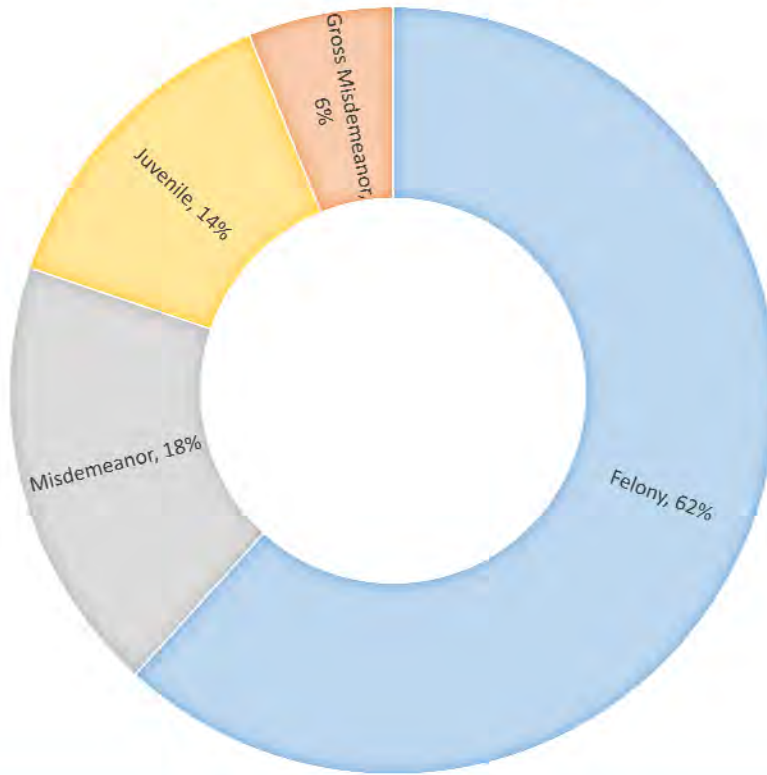
Consistent with its duty to periodically report on the criteria for determining indigency, the Washington State Office of Public Defense (OPD) provides this overview of typical private attorney fees to assist trial courts in determining whether a particular defendant is “unable to pay the anticipated costs of counsel,” as provided in statute.

In Spring 2015 OPD conducted an online survey of private criminal defense attorneys statewide, to determine the average cost of private representation in various case types. The survey specifically asked for attorney costs, and did not include additional expenses for investigators, experts, or other professional services. Below are the survey results for felonies:

Case Type	Average Attorney Cost
Felony Controlled Substance Cases	\$13,750
Felony Sex Offense Cases	\$27,750
Felony Domestic Violence	\$14,500
Other Class A Felonies	\$30,000
Other Class B Felonies	\$15,000
Other Class C Felonies	\$10,500
Felony Probation Hearings	\$1,900

The survey also asked attorneys to identify how much advance payment is required prior to representing criminal defense clients. All responding attorneys answered that at least some pre-payment is required. More than 78% of respondents indicated that at least 50% of attorney fees must be paid in advance.

### NEW APPOINTMENTS BY CASE TYPE, FISCAL YEAR 2018



### DISPOSITIONS BY CASE TYPE, FISCAL YEAR 2018

