

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:** January 15, 2020 at 1:30 p.m.

**Place of Meeting:**

Carson City	Las Vegas	Washoe	Ely	Elko
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 214 75 Court Street Reno, NV	Seventh Judicial District Court 801 Clark Street Ely, NV	Fourth Judicial District Court 571 Idaho Street Elko, 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 November 20, 2019 Meeting Summary\*
- IV. Caseloads – Update/Discussion - *Mr. Hans Jessup*
- V. Update on Department of Indigent Defense Services - *Ms. Marcie Ryba*
- VI. Update on ACLU of Nevada - *Ms. Franny Forsman*

- VII. Update on Indigent Defense Clark County - *Mr. Drew Christensen, Mr. Darin Imlay, Ms. JoNell Thomas*
- VIII. Update on Indigent Defense in Washoe County - *Mr. John Arrascada, Ms. Krista Meier, Mr. Marc Picker*
- IX. Update on the State Public Defender's Office - *Ms. Karin Kreizenbeck*
- X. Update on the Federal Public Defender's Office - *Mr. Jonathan Kirshbaum*
- XI. Updates on Eighth Judicial District Court's Homicide Program and Settlement Conferences – *Judge Doug Herndon, Mr. Chris Lalli*
- XII. Other Business
- XIII. 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*

November 20, 2019

1:30 p.m.

<p><b><u>Attendees</u></b> Sr. Justice Michael A. Cherry, Chair John Arrascada Drew Christensen Joni Eastley Franny Forsman Judge Douglas Herndon Christopher Hicks Dana Hlavac Darin Imlay Jonathan Kirshbaum Karin Kreizenbeck Krista Meier</p>	<p>Marc Picker Marcie Ryba Judge John Schlegelmichl Dagny Stapleton JoNell Thomas Judge Kimberly Wanker Jeff Wells</p> <p><b><u>AOC Staff</u></b> Jamie Gradick Hans Jessup Kimberly Williams</p>
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- I. Call to order
  - Call of Roll and Determination of a Quorum
    - Ms. Gradick called roll.
    - A quorum was present.
- II. Public Comment
  - There was no public comment.
- III. Review and Approval of the September 11, 2019 Meeting Summary
  - Attendees approved the summary of the September 11, 2019 meeting.
- IV. Discussion on the Department of Indigent Defense Services/Board on Indigent Defense Services
  - Ms. Marcie Ryba introduced herself as the new director of the Department of Indigent Defense Services
    - The Board meets on December 19 and will discuss how the new department will move forward.

- Sr. Justice Cherry welcomed Ms. Ryba to the IDC and encouraged her continued participation in the Commission meetings.

V. Caseload Standards Discussion/Update

- Mr. Jessup provided a brief update and informed attendees that a number of district courts are implementing new case management systems that are not necessarily set up to capture indigent defense data; the AOC statistics team is working with these courts to address the issue.
- Sr. Justice Cherry encouraged Ms. Ryba to reach out to Mr. Jessup to discuss caseload standards, statistics and related issues.

VI. Status Update on ACLU of Nevada

- Ms. Forsman informed attendees that discovery is ongoing. Settlement would be ideal but it is unlikely at this point.

VII. Status Update on Indigent Defense in Clark County

- Mr. Imlay provided a brief update.
  - His office hired seven new attorneys and law clerks.
  - The Bail Project visited Las Vegas and may be providing services in the area.
  - His office is hoping to develop more CLEs this year; discussion was held regarding streaming these to the rural areas. Attorneys can access the CLEs by contacting Mr. Imlay's office.
- Ms. Thomas informed attendees that five capital cases were resolved this year and her office has 40 trials pending in the 4-5 months.
- Mr. Christensen informed attendees that capital cases are increasing; he currently has 62 attorneys under contract.

VIII. Status Update on Indigent Defense in Washoe County

- Mr. Hicks informed attendees that no settlement conferences have been held in Washoe County yet; his office is not adverse to it.
- Mr. Arrascada commented that his caseload is up and informed attendees that a new case assignment program has been implemented through the district court; seeing positive results from this.
- Mr. Picker commented that his office has been working with the new Sherriff and making positive changes.
  - A veterans' unit will open at the jail in January
  - New meeting rooms for attorneys and clients will be available at the jail in March.
- Ms. Meier is learning her new role well and is focusing on mentoring new attorneys.

IX. Status Update from the State Public Defender's Office

- Ms. Kreizenbeck informed attendees that her office just handled its first misdemeanor jury trial and first settlement conference. The settlement conference did not settle but was a valuable learning experience.
- Her office is still transitioning and has been working on supporting Ms. Ryba and the

- DIDS as it gets up and running.
  - Currently, her office is working on filling openings.
  
- X. Status Update on the Federal Public Defender's Office
  - Mr. Kirshbaum informed attendees that there will be a post-conviction training on December 5 and commented that getting info to the rural attorneys is an issue.
  
- XI. Updates on the Eighth Judicial District Court's Homicide Case Program and Settlement Conferences Program (*Portions of this discussion were inaudible*)
  - Judge Herndon provided an update on the settlement conference program.
    - Trainings have been held and the program has been expanded to those judges who have completed the training.
    - Attendees discussed the need to market the program better; Judge Herndon has received several questions about the program.
    - The attorneys are choosing cases well; not all conferences are resulting in resolution but the experiences have still been valuable.
    - Attendees discussed the conference process; the trial judge is bound by the negotiation result. Not all judges are comfortable with the settlement conference process.
    - Attendees discussed the use of senior judges in the process; Sr. Justice Cherry encouraged this provided the judges are provided with proper training.
  - Ms. Thomas commented that the flexibility settlement conferences allow for is beneficial.
  - Attendees discussed application of settlement conferences to homicide cases; this requires a different application.
  - Judge Herndon provided a brief update on the homicide case program.
    - 102 cases closed; caseloads are increasing.
    - Still "chipping away" at the case backlog.
  - Attendees discussed SCR 250; Judge Herndon expressed concerns regarding appointment of a second attorney in these cases and asked whether this issue is something the Ms. Ryba and the Department of Indigent Defense Services might address at some point.
    - If defendant is truly indigent, then a public defender should be appointed; attendees discussed policy and possible constitutional concerns with not appointing a second attorney.
    - Ms. Forsman commented that the local plan may be amended to address concerns.
  
- XII. Other Business
  - Attendees briefly discussed the *Andersen* case and limited jurisdiction court responses to misdemeanor DV jury trials.
    - Clark County will provide jury services for the outlying Clark County justice courts; the municipal courts are still undecided and the city has passed ordinances to circumvent this.

- Judge Schlegelmilch will be providing an overview/training of the Lyon County process to local limited jurisdiction court judges.
- Sr. Justice Cherry informed attendees that the next meeting would likely be set for January, 2020.

XIII. Adjournment

- Senior Justice Cherry adjourned the meeting at 2:40 pm.