

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET  
Director and  
State Court Administrator



RICHARD A. STEFANI  
Deputy Director  
Information Technology

JOHN MCCORMICK  
Assistant Court Administrator  
Judicial Programs and Services

VERISE V. CAMPBELL  
Deputy Director  
Foreclosure Mediation

**MEETING NOTICE AND AGENDA**

**Indigent Defense Commission (IDC)  
VIDEOCONFERENCE**

**Date and Time of Meeting:** Monday, August 15, 2016 @ 1:00 p.m.

**Place of Meeting:**

Carson City	Las Vegas	Washoe	Ely	Elko
Supreme Court Library Room 107 201 S. Carson Street Carson City, Nevada	Regional Justice Center Conference Room B 200 Lewis Avenue Las Vegas, Nevada	Second Judicial District Court Room 220B 75 Court Street Reno, NV	White Pine County District Court 801 Clark Street Ely, NV	Elko County District Court 571 Idaho Street, Elko, NV
Teleconference Access: Dial-In # 1-877-336-1829 Access Code 2469586				

**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 June 2, 2016 Meeting Summary\*
- IV. Rural Subcommittee Report - *Mr. John Lambrose, Judge Al Kacin, Judge Michael Montero*
- V. Status Update on Appointment of Counsel for Full Briefing - *Mr. Drew Christensen, Mr. Jeff Wells*
- VI. Status Update on Indigent Defense Clark County - *Mr. Phil Kohn, Mr. David Schieck, Mr. Drew Christensen*

- VII. Status Update on Indigent Defense in Washoe County - *Mr. Jeremy Bosler, Ms. Jennifer Lunt, Mr. Bob Bell*
- VIII. Status Update from State Public Defender's Office - *Ms. Karin Kreizenbeck*
- IX. Legislative Session 2017 Discussion
- X. Other Business
- XI. 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: Regional Justice Center, 200 Lewis Avenue, 17<sup>th</sup> Floor.

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**Indigent Defense Commission**

Summary Prepared by Raquel Espinoza

June 2, 2016

1:30p.m. – 3:00 p.m.

Video and Teleconference

**Members Present**

Chairman Justice Michael A. Cherry  
Judge Tom Armstrong  
Jeff Fontaine  
Judge Alvin Kacin  
Bob Bell  
Jeremy Bosler  
Drew Christensen  
Joni Eastley  
Jeff Fontaine  
Franny Forsman  
Chris Hicks  
Dana Hlavac  
Philip J. Kohn  
Christopher Lalli  
John Lambrose

Jennifer J. Lunt  
David Schieck  
Jeff Wells  
Judge Nathan T. Young

**Guests**

Lee Gorlin  
Ben Graham  
Ashley Kim  
Benjamin Nemeč  
John Petty

**AOC Staff**

John McCormick  
Hans Jessup  
Raquel Espinoza  
Michael Sommermeyer

- I. Call to Order
- II. Call of Roll and Determination of a Quorum
  - A quorum was present.
- III. Public Comment
  - Chairman Justice Michael Cherry determined there was no public comment.
- IV. Review and Approval of Summary of February 23, 2016, Meeting\*
  - The meeting summary from the February 23, 2016 meeting was unanimously approved.
- V. IDC Dictionary Review
  - Justice Cherry asked Mr. Hans Jessup to update the Commission on the Indigent Defense Commission's (IDC) Dictionary review.
  - Mr. Jessup stated the current version had been updated with the most recent statistics.

- Mr. Jessup stated that as of May 2016 the number of attorneys was listed on the new IDC Dictionary.
- Mr. Jessup asked the Commission to provide feedback as to what they would like the model to capture so that the definitions can be refined.
- Justice Cherry asked if there could be a way to determine caseloads in the future. Mr. Jessup stated it would be very difficult to gather that information because the state does not have a uniform system or a uniform office to gather information from.
- Justice Cherry asked Mr. Jessup to continue his work on the caseloads to see where the information stands at the next meeting.
- Mr. Jessup stated the majority of courts report the new appointments, the cases that have been adjudicated and disposed for all case types. Where the courts struggle is on the cases that have been reactivated, placed on inactive status, special review and pending. Mr. Jessup stated he would gather more information as he reached out to the special public defenders and alternative public defenders.
- Mr. John Lambrose stated one thing that would be helpful for Judge Alvin Kacin, Judge Michael Montero, and himself would be if a letter went out under Justice Cherry's signature to all of the contracting lawyers in the rural counties asking them for a statistical update on their contracts; how many cases they received under their contract in the particular contract year and of those cases how many cases went to jury trial and whether they would give the Commission a good empirical view of who is going to trial and who is not going to trial, who has huge caseloads and at what fee.
- Justice Cherry asked his Law Clerk, Mr. Lee Gorlin, to meet with Mr. Lambrose to draft the letter.

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

- Justice Cherry asked Mr. Philip Kohn for a status update regarding the Public Defender's Office, Mr. Kohn stated things were fine with the Public Defender's Office.
- Justice Cherry asked Mr. David Schieck for an update regarding the Special Public Defender's Office.
- Mr. Schieck stated there was work in progress to expand the Special Public Defender's Office to take a Tier A and some Tier B felonies by adding additional staff which will alleviate appointing hourly counsel for those cases. They were looking at making it a more alternate special public defender than a strict special public defender's office.
- Mr. Schieck noted the current staff consisted of 17 attorneys, including Mr. Schieck; 6 are in family defense and 10 are criminal defense attorneys. There had been discussion about adding 8 additional criminal defense attorneys.

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

- Mr. Jeremy Bosler stated business was good in Washoe County. They were completing a transfer of specialty court cases. The Alternate Public Defender's Office had graciously volunteered to take on those cases. The county also added staff to the District Attorney's Office, the Alternate Public Defender's Office and the Public Defender's Office over the last budget cycle. The Public Defender with the additional staff would be creating a Category A team to handle murder, sexual assaults, and anything beyond trafficking, to increase the level of practice for Category A cases.
- Ms. Jennifer Lunt stated the Alternate Public Defender's Office was taking over the specialty court cases in District Court as of July 1, 2016 and they had received additional staff to help with those cases.
- Mr. Bob Bell stated the contract attorneys were working on the filing of requests under seal. The attorneys were working on getting a committee together to look at what type of things should be sealed from the defense bar on certain cases. The department had maintained the

same attorneys and some of the numbers were down based on some of the lesser cases being conflicted to them.

- Mr. Phil Kohn stated Justices Douglas and Cherry had put together a Rules Committee, Mr. Kohn would be working on Discovery, and there would be a committee working on the Jury Instructions.
- Justice Cherry noted Mr. Chris Hicks, Mr. Steve Wolfson, and Mr. Mark Jackson were on the Rules Committee and there would be input from the District Attorneys from the State of Nevada. The intent is for this to help Indigent Defense by having jury instructions, information on motion practice, and discovery.

#### VIII. Update Fast Track

- Justice Cherry stated he was able to get the draft out and it was signed.
- Currently there was no Fast Track for A felonies, B felonies, and any non-probation C felonies.
- Justice Cherry stated his colleagues took out the issue of good cause to have full briefing.
- Justice Cherry stated there would be an update in August from Mr. Kohn, Mr. Bosler, and Mr. Drew Christensen regarding Fast Track.
- The Commission discussed conflicts.
- Mr. Lambrose stated he and Mr. Christensen had discussed developing and appellate panel of lawyers.
- Mr. Bosler expressed concern regarding attorneys giving their defendants up to have the appeal perfected by someone else. The Supreme Court would need to make sure the District Court knows that there has to be a process for the people to be appointed to the Public Defender to have them perfect the appeal. The request to the Supreme Court would be for them to create procedures with district courts to make sure there is a record that the public defender is being appointed for the appeal.
- Justice Cherry asked Mr. Bell to contact Ms. Debbie Leonard to see if there are attorneys that would be interested in the appellate panel in Washoe for any of the appeals.
- Further discussion regarding the appellate panel and the suggested procedures for district courts would be deferred to the meeting in August.

#### IX. Legislative Session 2017 Discussion

- Mr. Ben Graham to provide information to the Commission regarding the 2017 Legislative Session.
- Mr. Ben Graham suggested the Commission try to determine what they would like to do as early as possible and then take a look at who the advocates or leaders might be in that legislative body.
- Mr. Ben Graham noted the County Association had been receptive to the discussion of an independent Indigent Defense Commission that would conduct a study dealing with Indigent Defense in Clark, Washoe, Elko, and rural counties to take some of the financial burden from the counties and get a responsible defense for indigents.
- Justice Cherry asked the Commission to forward their thoughts regarding issues pertaining to indigent defense to Mr. John McCormick for Washoe County and rural county issues or Mr. Ben Graham for Clark County issues.

#### X. Other Business

- Determined there was no other business.

#### XI. Public Comment

- Determined there was no public comment.

XII. Adjournment

- The meeting was adjourned at 2:52 p.m. The next meeting would be held in August.