

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: Wednesday, June 6, 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 # 1-877-336-1829 Access Code 2469586			

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 April 16, 2018 Meeting Summary*

- IV. Update on the Nevada Right to Counsel Commission

- V. Update on Caseload Standards - *Mr. Hans Jessup*

- VI. Status Update on ACLU of Nevada - *Ms. Amy Rose*

- VII. Status Update on Indigent Defense Clark County - *Mr. Drew Christensen, Mr. Phil Kohn, Ms. JoNell Thomas*
- VIII. Status Update on Indigent Defense in Washoe County - *Mr. Bob Bell, Mr. Jeremy Bosler, Mr. Marc Picker*
- IX. Status Update on the State Public Defender's Office - *Ms. Karin Kreizenbeck*
- X. Status Update on the Federal Public Defender's office - *Ms. Megan Hoffman*
- XI. Update on Eighth Judicial District Court Homicide Case Pilot Project - *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
- 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; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: 408 East Clark Avenue.

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

Indigent Defense Commission
Summary Prepared by Sarah Stenger
April 16, 2018
1:30 p.m.

<p><u>Attendees Present</u> Justice Michael A. Cherry, Chair Judge Tom Armstrong Judge Gary Fairman Chief Judge Scott Freeman Judge Kevin Higgins Judge Mike Montero Judge John Schlegelmilch Judge Mason Simons Judge Nathan Tod Young Jeremy Bosler David Carroll Drew Christensen Joni Eastley Randy Fiedler Franny Forsman Kriston Hill</p>	<p>Dana Hlavac Karin Kreizenbeck Chris Lalli Mark Picker Amy Rose John Slaughter Dagny Stapleton Lori Teicher JoNell Thomas Bill Zilhmann</p> <p><u>AOC Staff</u> Jamie Gradick Hans Jessup John McCormick Michael Sommermeyer Sarah Stenger</p>
--	---

- I. Call to order
 - Call of Roll and Determination of a Quorum
 - Ms. Jamie Gradick called roll; a quorum was present.
- II. Public Comment
 - Justice Michael Cherry determined there was no public comment.
- III. Review and Approval of the January 17, 2018 Meeting Summary
 - Judge Tom Armstrong moved to approve the meeting summary for January 17, 2018; Ms. Karen Kreizenbeck seconded the approval.
- IV. Update on the Nevada Right to Counsel Commission (NRTCC)
 - Mr. David Carroll gave a status update on the NRTCC:

- The 6th Amendment Center has been hard at work on the assessments of the indigent defense system and the rural parts of Nevada.
- Mr. Carroll wanted to publicly thank the judges, county representatives, sheriffs, and prosecutors as he has received a tremendous amount of cooperation from them as well as Jamie Gradick and John McCormick.
- He and the 6th Amendment Center are approximately 97% certain that they know all indigent defense providers in the State of Nevada; some tertiary conflicts have arose in the rural parts of the state.
- Lander, Elko, Nye, Lyon, and Humboldt County were chosen, by the 6th Amendment Center, to do an in depth study by performing court observations and interviews.
 - Very little representation is provided in the smallest counties; Esmeralda and Lincoln have now been added in to these studies.
- The 6th Amendment Center requested that they be allowed to “imbed” one of their lawyers to Nevada. He/she would drive to each justice court, as well as checking on municipal courts, in all of the rural counties.
 - At the end of this study they will hopefully determine what areas have cell phone reception in addition to seeing how the drive is. This would allow them to understand what a lawyer is capable of doing during their day as they undertake these trips.
 - Starting April 23rd, 2018, Mike Taglia, with the 6th Amendment Center, will be doing this project. He will be spending two days in each county performing court observations and one-on-one interviews with judges and lawyers in the areas where they are practicing.
- Mr. Carroll commented that his team will also be observing the State Public Defender’s Office.
- The ADKT411 has made more of an impact than expected.
- Ms. Joni Eastley inquired information about written evaluations for site visits. Mr. Carroll informed Ms. Eastley that the final written evaluations will be sent back to the jurisdictions for comment.
- Justice Cherry asked Mr. Carroll if there was anything that the representatives from the municipal and justice courts can do to help him with the evaluations for the NRTCC. Mr. Carroll commented that the majority of the representatives have been exceedingly cooperative thus far.
- Indigent Defense in the Municipal Courts:
 - Onsite visits will be done to get a sense of how the representation is in the urban areas.
 - The 6th Amendment Center will also be in touch with the public defender in the area in order to get an idea of the representation available and state oversight.
 - Mr. Carroll was pleasantly surprised by what he has seen in the rural counties; the representation was better than expected.
- The Future of IDC:
 - Justice Cherry advised the committee that the State of Nevada is in need of an increase in indigent defense, this will result in the state needing additional funds. “It is going to be an uphill fight in 2019...” said Justice Cherry.
 - Mr. Carroll agreed with Justice Cherry to continue IDC.

V. Update on Caseload Standards

- Mr. Hans Jessup provided an overview of the Research and Statistics Unit:
 - Mr. Jessup referenced the materials he provided for the meeting.
 - The Washoe Alternative Public Defender's Office supplied a report.
 - 500 new appointments and 333 cases have been adjudicated with the Washoe Alternative Public Defender's Office.
 - Ms. Franny Forsman inquired information regarding the statistics on the contract lawyers in Clark or Washoe County. Mr. Jessup advised her that he has not received any reports from those counties.
 - Mr. Jessup further informed Ms. Forsman that no reports or statistics have been received from any contract attorneys.
 - The results that Mr. Jessup provided are strictly from the Public Defender's Office, these statistics only include district courts.
 - Further discussion was held regarding the public defender statistics and the report Mr. Jessup provided for this meeting.
 - Justice Cherry inquired information from Mr. Carroll about working with the contract attorneys in regards to caseload standards.
 - Ms. Forsman raised a concern, she thinks it will be difficult to compare the different mixes of cases with the statistics.
 - Discussion was held regarding the district court statistics and how they were acquired.
 - Justice Cherry assigned Mr. Jessup the task to collect further statistics for the next IDC meeting.

VI. Status Update on ACLU of Nevada

- Ms. Amy Rose gave a status update on ACLU of Nevada:
 - Ms. Rose stated that the ACLU is currently being challenged by the failure to provide indigent defense in the State of Nevada.
 - They are in the class certification stage and doing some discovery work as well as gathering all types of information from a lot of the counties (dockets, jail records, subpoenas, etc.).
 - Ms. Rose expressed that if there were any questions or concerns to please contact her.
 - She will be making an appearance at the NRTCC meeting on April 25, 2018.

VII. Status Update on Indigent Defense in Clark County

- Mr. Drew Christensen gave an update on indigent defense in Clark County:
 - Mr. Christensen said as far as the office goes everything is up to status quo.
 - He has been in contact with the criminal justice partners in Clark County to see how the county and courts procedurally react on changes in the justice court level.
 - Mr. Christensen elaborated on recruitments for conflict counsel attorneys.
 - Ms. JoNell Thomas gave an update on potential life sentence and capital murder cases.
 - Eighteen attorneys are present as the cases keep populating.
 - Death penalty cases have been declined as they are at their limit.

- Justice Cherry inquired Ms. Thomas's opinion on the Eighth Judicial District Pilot Project. She replied with a positive outlook; however, some areas can be adjusted.

VIII. Status Update on Indigent Defense in Washoe County

- Mr. Jeremy Bosler gave an update on indigent defense in Washoe County:
 - Mr. Bosler expressed that everything is going well in Washoe County, the Public Defender's Office is at or over full capacity in almost every practice areas, they are severely over capacity in the area of volunteer commitments, and discussions have been held with county management regarding budgets.
 - Other alternatives are being discussed because they believe that the budgets will be relatively flat this year.
 - Washoe County has reached out to Clark County to look into the appointed counsel administration position and whether there are efficiencies to be gained in other ways to perform that service.
 - Mr. Bosler expressed a concern for Washoe County. Washoe County has had a long term concern regarding the Public Defender's Office and the District Attorney's Office being able to maintain vertical representation in cases.
 - Mr. Bosler also discussed pretrial release and how Washoe County has been invited to a district court judges meeting to discuss their impressions on how the pretrial release process works. Washoe County does believe the pretrial release process is working.
 - Mr. Mark Picker expressed that they have approximately a third more cases than they had last year. Resources are scarce, but they are working on improving it.

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

- Ms. Karin Kreizenbeck gave an update on the Public Defender's Office
 - Ms. Kreizenbeck said it is almost status quo, but also having a problem with being flooded by involuntary commitments.
 - The Public Defender's Office will be sitting down with the hospital, court staff, and the District Attorney's Office on Friday, April 20, 2018; this meeting will be based on following procedures.
 - The Public Defender's Office has met with the County Manager and they are pleased with the office.
 - The office is at full capacity with staffing and Ms. Kreizenbeck believes that there will not be enough in the budget to hire additional staff.

X. Status Update on the Federal Public Defender's Office

- Ms. Lori Teicher, standing in for Ms. Megan Hoffman, gave an update on the Federal Public Defender's Office:
 - Ms. Lori Teicher from the Federal Public Defender's Office advised the committee that her office is very busy as well and is in support of this committee. She also offered help from her office.

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

- Mr. Chris Lalli gave an update on the Eighth Judicial District Court Homicide Case Pilot Project:
 - Mr. Lalli touched on the findings he had from the previous IDC meeting regarding the seventy-five murder cases that were solved by either a guilty plea or jury trial. Further findings have shown that in the preceding six months, the district court and all parties involved, fifty cases have been resolved the same way.
 - It appears as though the Pilot Project is resolving cases at about a 50% increase.
 - Looking at the year 2017, the six months with the Pilot Project as well as the preceding six months shows that the program has solved one hundred and twenty five cases. Unfortunately, the District Attorney's office has filed one hundred and fifty two murder cases.
 - Justice Cherry asked how things are going with Mr. Christensen's appointed counsel on capital murder cases. Mr. Lalli expressed how fortunate they are to work with them and have that luxury.
 - Further discussion was held.

XII. Other Business

- No further questions or business was discussed.

XIII. Adjournment

Summary Indigent Defense Caseload Statistics, Fiscal Year 2016-18.		Fiscal Year		
		2016	2017	Current 2018
Washoe Public Defender	New Appointments	6,733	6,867	NR
	Re-Activated	NR	NR	NR
	Adjudicated/Disposed/Closed	6,649	5,969	NR
	Placed on Inactive Status	NR	NR	NR
Washoe Alternate Public Defender	New Appointments	NR	509	NR
	Re-Activated	NR	NR	NR
	Adjudicated/Disposed/Closed	NR	333	NR
	Placed on Inactive Status	NR	NR	NR
Lyon County District Court ^a	New Appointments	154	228	142
	Re-Activated	40	50	49
	Adjudicated/Disposed/Closed	122	186	141
	Placed on Inactive Status	69	69	53
Elko County District Court	New Appointments	NR	653	NR
	Re-Activated	NR	41	NR
	Adjudicated/Disposed/Closed	NR	666	NR
	Placed on Inactive Status	NR	89	NR
Esmeralda County District Court ^b	New Appointments	-	-	-
	Re-Activated	-	-	-
	Adjudicated/Disposed/Closed	1	2	-
	Placed on Inactive Status	-	-	-
Nye County District Court ^b	New Appointments	366	319	243
	Re-Activated	79	101	80
	Adjudicated/Disposed/Closed	346	324	291
	Placed on Inactive Status	125	150	56
Humboldt County District Court ^c	New Appointments	194	175	71
	Re-Activated	16	19	15
	Adjudicated/Disposed/Closed	106	226	140
	Placed on Inactive Status	14	30	13
Eureka County District Court ^b	New Appointments	-	-	2
	Re-Activated	1	-	-
	Adjudicated/Disposed/Closed	3	-	1
	Placed on Inactive Status	-	-	-

Lincoln County District Court ^c	New Appointments	26	2	14
	Re-Activated	14	7	3
	Adjudicated/Disposed/Closed	32	19	11
	Placed on Inactive Status	8	3	5
White Pine County District Court ^b	New Appointments	26	20	24
	Re-Activated	11	9	3
	Adjudicated/Disposed/Closed	47	32	43
	Placed on Inactive Status	10	3	1
Clark County Public Defender ^c	New Appointments	24,015	24,069	15,976
	Re-Activated	NR	NR	NR
	Adjudicated/Disposed/Closed	19,142	24,687	16,756
	Placed on Inactive Status	4,947	6,785	4,047
Clark County Special Public Defender ^b	New Appointments	32	290	115
	Re-Activated	-	6	10
	Adjudicated/Disposed/Closed	28	137	106
	Placed on Inactive Status	-	22	6
Churchill County District Court ^b	New Appointments	252	215	146
	Re-Activated	88	76	58
	Adjudicated/Disposed/Closed	432	364	276
	Placed on Inactive Status	97	89	52
Lander County District Court ^d	New Appointments	34	35	5
	Re-Activated	-	1	-
	Adjudicated/Disposed/Closed	13	30	7
	Placed on Inactive Status	-	2	1
Mineral County District Court ^b	New Appointments	9	14	8
	Re-Activated	-	-	4
	Adjudicated/Disposed/Closed	7	14	20
	Placed on Inactive Status	3	-	4
Pershing County District Court ^b	New Appointments	115	118	80
	Re-Activated	9	7	9
	Adjudicated/Disposed/Closed	124	108	86
	Placed on Inactive Status	9	6	10

NR- Not Reported

^a Statistics through January 2018.

^b Statistics through April 2018.

^c Statistics through March 2018

^d Statistics through August 2018.