

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

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Indigent Defense Commission

Summary Prepared by Jamie Gradick

December 11, 2020

2:30 p.m.

Remote Meeting

<p><u>Attendees</u> Sr. Justice Michael A. Cherry, Chair Judge Thomas Armstrong John Arrascada Eric Brown Drew Christensen Joni Eastley Franny Forsman Judge Douglas Herndon Darin Imlay</p>	<p>Jonathan Kirschbaum Karin Kreizenbeck Chris Lalli Marcie Ryba JoNell Thomas Judge Nathan T. Young</p> <p><u>AOC Staff</u> Jamie Gradick Hans Jessup</p>
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- I. Call to order
 - Call of Roll and Determination of a Quorum
 - Ms. Gradick called roll.
 - A quorum was not present.
- II. Public Comment
 - There was no public comment.
- III. Review and Approval of the September 9, 2020 Meeting Summary
 - Approval of the September 9, 2020 meeting summary was tabled.
- IV. Update the Department of Indigent Defense Services/Board on Indigent Defense Services
 - Ms. Marcie Ryba informed attendees that travels have been limited due to the pandemic; however, the office has been able to observe some court proceedings through remote means.
 - The Department just held a workshop on the proposed regulations.
 - The Department received input from several indigent defense providers/stakeholders.
 - A public hearing is scheduled for January 28, 2021, notice will go out soon.
 - If the temporary regulations are adopted, the Department can begin collecting attorney/provider qualifications and creating standards.

- The Department secured funding from the Legislative Interim Finance Committee to develop a training for attorneys. Several stakeholders are involved in the development of this training.
 - The Department is working with the NCSC to complete a weighted caseload study; the study will begin on January 25, 2021 and run through March 5, 2021.
 - The Department is building the Legal Server case management system it will provide to rural, private indigent defense providers at no cost.
- V. Status Update on ACLU of Nevada Lawsuit (*Portions of this discussion were inaudible*)
- Ms. Forsman informed attendees that the stipulated consent judgement is in place; Professor Eve Hammnd with, UNLV's Boyd Law School, has been appointed to serve as the judgement compliance monitor.
- VI. Status Update on Indigent Defense in Clark County
- Sr. Justice Cherry commented on the success of the settlement conference program.
 - Attendees discussed pandemic safety measures and concerns, particularly in the justice courts.
 - Mr. Christensen provided a brief update.
 - The detention center is working on improved client communication and has developed a website for private attorney/client communication.
 - There are concerns regarding pandemic safety; some in person appearances are necessary.
 - With the addition of new family court judges, his office will need to add attorneys.
 - Mr. Imlay provided a brief update.
 - His office has entered into an agreement with CCDC, the DA's Office and the courts to limit the number of people brought into the justice court at a time.
 - His office has been impacted by the pandemic; several employees have had Covid but have all recovered.
 - Attendees discussed concerns regarding the backlog caused by the pandemic. The pre-charge diversion program has been active for about a month and seems to be helping.
 - Ms. Thomas provided a brief update/
 - No active Covid cases in her office; safety precautions have been implemented.
 - The office was recently restructured and "teams" were eliminated with the goal of increasing the SCR 250 qualified attorneys.
 - Murder case negotiations are down; it is difficult to develop relationships with clients with limited, private contact.
 - Settlement conferences are going well but caseloads are at capacity and the office cannot take on additional cases.
 - Capital cases are particularly challenging during the pandemic.

- Mr. Lalli provided an update.
 - Case backlog in cases assessment has significantly decreased.
 - Backlog in the courts is still a concern; offering “Covid-style” offers, being aggressive in trying to resolve cases at the justice court level.
 - In-custody cases are a challenge; these cases are not moving. In the Covid-courtrooms, once a trial date is set, the cases tend to negotiate. When the courts fully open, many cases may negotiate.
 - Attendees briefly discussed the Nevada best Practices Prosecution Committee. Mr. Lalli has asked the committee to look at the backlog caused by the pandemic and to work with the courts to develop a plan to address the backlog.
 - Judge Tiara Jones is the new lead of the Homicide Case Program.

VII. Status Update on Indigent Defense in Washoe County

- Mr. Arrascada provided an update.
 - The office is primarily working remotely; Washoe County currently has the highest Covid case count in the state.
 - The office is reading and willing to so settlement conference but no participation so far.
 - Issues with jury trial flights and concern about backlogs; category A cases are especially challenging without meaningful communication with the client.

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

- Ms. Kreizenbeck provided a brief update.
 - Her office has had two jury trials during the pandemic; positive juror feedback.
 - Recently completed a settlement conference with a positive outcome.
 - Attorneys are appearing in court and coming into the office if they are comfortable with doing so, although the office is closed to the public.
 - Client access in the prison has been a challenge; some clients are not even allowed phone access. Pending backlog is a concern.
- Judge Armstrong provided a brief update; many attorneys choose to appear in person although they are encouraged to appear remotely.
 - Safety measures in place.
 - Working on remote dispute resolution/mediation.

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

- Mr. Kirshbaum informed attendees that his office has had several challenges gaining access to clients in the prison. Limited communication is occurring through telephone calls but scheduled calls are being canceled with increasing frequency.
 - Attendees discussed ACLU involvement and possible remedies.
- The office is primarily working remotely; holding virtual hearings.

X. Other Business

- The next meeting will be set for March 2021 and will be held remotely.

XI. Adjournment

- Senior Justice Cherry adjourned the meeting at 3:35 pm.