

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:** Thursday, June 2, 2016 @ 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	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 February 23, 2016 Meeting Summary\*
- IV. IDC Dictionary Review - *Mr. Hans Jessup*
  - a. Update on Caseload Standards
  - b. Discussion on Methods for Determining Caseloads
- V. Status Update on Indigent Defense Clark County - *Mr. Phil Kohn, Mr. David Schieck, Mr. Drew Christensen*
- VI. Status Update on Indigent Defense in Washoe County - *Mr. Jeremy Bosler, Ms. Jennifer Lunt, Mr. Bob Bell*

VII. Update on Fast Track - *Justice Michael Cherry*

VIII. Legislative Session 2017 Discussion

IX. Other Business

X. 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 Rodriguez

February 23, 2016

1:30p.m. – 3:00 p.m.

Video and Teleconference

**Members Present**

Chairman Justice Michael A. Cherry

Judge Tom Armstrong

Judge Gary Fairman

Judge Alvin Kacin

Judge Mike Montero

Bob Bell

Jeremy Bosler

Drew Christensen

Joni Eastley

Franny Forsman

Chris Hicks

Kriston Hill

Philip J. Kohn

Karin Kriezenbeck

Christopher Lalli

John Lambrose

Jennifer J. Lunt

Diane Roth

David Schieck

Dagny Stapleton

Jeff Wells

Holly Welborn

**Guests**

Chief Judge Patrick Flanagan

Ben Graham

Mark Picker

Scott Sosebee

Matt Stermitz

**AOC Staff**

Jamie Gradick

Hans Jessup

Raquel Rodriguez

Michael Sommermeyer

- I. Call to Order
- II. Call of Roll and Determination of a Quorum
  - Ms. Jamie Gradick called roll; a quorum was present.
- III. Public Comment
  - Chairman Justice Michael Cherry determined there was no public comment.
- IV. Review and Approval of Summary of November 23, 2015, Meeting\*
  - The meeting summary from the November 23, 2015 meeting was approved. Mr. Christopher Lalli motioned and Mr. Jeff Wells seconded the motion to approve the summary.
- V. Report on Presentation at Limited Jurisdiction Judges' Meeting
  - Ms. Franny Forsman discussed the presentation she presented before the Limited Jurisdiction Judges. The presentation consisted of topics including the Indigent Defense Commission and the origination of the local plans process.

- Ms. Forsman used information from the Sixth Amendment Center for Court on the Supreme Court website which provides useful history and information.
- Ms. Forsman noted there was frustration expressed from one attendee regarding case load numbers.
- Overall, the meeting was well attended and the presentation was well received.
- Judge Tom Armstrong added that he was in attendance during the presentation and he believed the frustration was solitary; most judges received the presentation well and most judges seemed to be on board with the presentation from Ms. Forsman.

#### VI. Status Update on Local Plan Review Subcommittee

- Ms. Forsman provided an update on the Local plan Review Subcommittee.
- Ms. Forsman referenced a memo she had written for the previous meeting which was included in the materials for the members with regard to the meeting of the Local Plans Subcommittee.
- Ms. Forsman asked the Commission to act on two things; have the Supreme Court review and approve the local plans and apply local plans to urban and rural courts alike. Rural counties are currently exempt from applying the local plans.
- Adjustments were made to ADKT 411. The changes were made in order to adjust to the July 23, 2015 order from the Supreme Court regarding flat fees.
- Ms. Forsman motioned for the Commission to act on the aforementioned actions. Mr. Phil Kohn seconded the motion.
- Mr. Lambrose expressed concern regarding judge's input for their conflict panel of lawyers.
- Mr. Lambrose suggested the rural counties could come up with a plan to accommodate issues pertaining to judge's input yet guard against too much judicial interference for that process.
- Mr. Kohn added that until a statewide commission is established, people would be frustrated; the only way to avoid it would be to have a commission.
- Mr. Lambrose stated the Commission has the obligation, as requested by the Supreme Court, to try to fix the problem of having too much judicial oversight and input in the selection of conflict counsel.
- Judge Mike Montero added there are different levels of experience attorneys have and it would not be fair for an indigent defendant to be represented by an attorney that does not have sufficient experience for their particular case.
- The Commission agreed it would be beneficial to have rural judge's input in regards to selection.
- Chairman Cherry asked Mr. Lambrose to continue working on this project. Mr. Lambrose suggested Judge Fairman and Judge Montero could be integral in the project. Chairman Cherry asked Judge Kacin to participate in the plans for the rural counties as well.
- Mr. Jeff Wells suggested the Commission amend the model plan to eliminate the flat fee.
- Ms. Forsman motioned for the Commission to pass the amendment to the model plan and defer the procedures for requesting plans until after the summit in April. Mr. Bill Kohn seconded the motion.

#### VII. Caseload Standards

- Hans Jessup provided an update on caseload standards
- A lot of progress was made regarding statistics; many courts, who had not been reporting previously, were now on board with providing data.
- The table would be updated for the next meeting with new information received from other courts.
- Mr. Jessup estimated having the project completed, including statistics and analysis, within the year to have it ready for recommendations.

#### VIII. Status Update on Rural Subcommittee

- Chairman Cherry asked Mr. Lambrose if he had further updates regarding the Rural Subcommittee. Mr. Lambrose added he would like Judge Gary Fairman and Judge Alvin Kacin to act as co-chairs for the Rural Subcommittee, the judges would participate in the Subcommittee.

IX. Status Update on Indigent Defense in Clark County and Washoe County

- David Sheik provided the update on Indigent Defense in Clark County. There were 136 homicides recorded for 2015 and Clark County was on track to surpass that number for 2016.
- The high volume of homicides puts a strain on the public defenders, the murder teams, and the Special Public Defender's Office.
- The high volumes of cases have made it difficult to find attorneys that are qualified to take the incoming cases.
- Mr. Kohn provided an update for the Public Defender's Office.
- Cases in the Public Defender's Office are increasing.
- Mr. Drew Christensen stated their office currently has 37 contract attorneys and 19 open death penalty cases awaiting trial.
- Mr. Jeremy Bosler provided the update on Indigent Defense in Washoe County.
- There are currently 24 open murder cases. The public defender's office is retaining more cases based on new policies.
- Mr. Bosler had met with Chief Judge Flannigan to discuss the model plan.
- Washoe County would be working on transferring all specialty court cases to the Alternate Public Defender's Office because they have capacity.
- Mr. Mark Picker from the Alternate Public Defender's Office stated the caseload numbers for their criminal attorneys was between 45-55 cases, family court attorneys had 100 cases, and 2 homicide cases.
- Mr. Bob Bell stated the Conflict Office have maintained about 30 attorneys. Their caseloads were down on numbers based on new conflict policies and procedures. Mr. Bell stated the conflict attorneys had 2 homicide cases.
- Chief Judge Flanagan stated all judges have been working well in Washoe County.

X. Status Update from State Public Defender's Office

- Ms. Karin Kreizenbeck reported the State Public Defender's Office has a good team of lawyers and has developed a good relationship with the District Attorney's Office. Resources are being utilized in a better manner.
- Ms. Kreizenbeck asked Mr. Jessup if it would be best to provide statistic numbers to him in the most recent classifications. The cases were being classified differently before which made it time consuming to provide the numbers. Mr. Jessup stated the data should be collected in compliance with the Indigent Defense Dictionary.
- The Commission discussed reopening the dictionary to add additional information. Mr. Jessup would reach out to Ms. Gradick to work on the Indigent Defense Dictionary.

XI. Report on Fast Track

- Chairman Cherry informed the Commission there had not been a vote on FastTrack, but there may be discussion on FastTrack at the conference in April.

XII. Other Business

- Determined there was no other business.

XIII. Public Comment

- Determined there was no public comment.

XIV. Adjournment

- The meeting was adjourned at 2:40 p.m. The next meeting would be held in May.

## Indigent Defense Data Dictionary

The Indigent Defense Commission approved and directed the collection of indigent defense data on October 2010. The objective for gathering indigent defense data is to identify and define basic data elements for counting of cases assigned to appointed or indigent defense counsel. Phase I is expected to define those basic cases assigned and disposed categories necessary to begin understanding the caseload of appointed counsel. Future phases will expand data elements to be captured by counsel.

### Indigent Defense Case Type Definitions

**Felony Case:** A subcategory of criminal cases in which a defendant is charged with the violation of a state law(s) that involves an offense punishable by death, or imprisonment in the state prison for more than 1 year.

**Gross Misdemeanor Case:** A subcategory of criminal cases in which a defendant is charged with the violation of state laws that involve offenses punishable by imprisonment for up to 1 year and (or) a fine of \$2,000.

**Misdemeanor Non-Traffic Case:** A criminal subcategory in which a defendant is charged with the violation of state laws and/or local ordinances that involve offenses punishable by fine or incarceration or both, the upper limits of which are prescribed by statute (NRS 193.120, generally set as no more than 6 months incarceration and/or \$1,000 fine).

**Misdemeanor Traffic Case:** A criminal subcategory for Justice and Municipal Courts in which a defendant is charged with the violation of traffic laws, local ordinances pertaining to traffic, or federal regulations pertaining to traffic.

**Juvenile Case:** A subcategory of juvenile cases that includes cases involving an act committed by a juvenile, which, if committed by an adult, would result in prosecution in criminal court and over which the juvenile court has been statutorily granted original or concurrent jurisdiction.

### Additional Indigent Defense Caseload Statistics

**Death Penalty:** The number of defendants for which the District Attorney's Office has filed the notice of intent to seek the death penalty, in accordance with Supreme Court Rule 250.

**Probation Revocations:** The number of defendants for which post-adjudication criminal activity involving a motion to revoke probation due to an alleged violation of one or more conditions of probation (usually from the Department of Parole and Probation) or suspended sentence. The unit of count for revocation hearings is a single defendant, regardless of the number of charges involved. Revocation hearings are counted when the initiating document (e.g., violation report) is received by the court.

**Informal Juvenile Hearing (involving a judicial officer):** The number of hearings/events involving a juvenile in which no formal charge has been filed with the court. Only record an informal hearing if it is held on a matter that is not a part of an existing case. The court may impose a disposition as a result of the informal hearing.

**Juvenile Detention Hearing:** The number of hearings requesting a juvenile to be held in detention, or continued to be held in detention, pending further court action(s) within the same jurisdiction or another jurisdiction. Record a detention hearing that is held.

**Conflicts:** The number of defendants during the reporting period that a lawyer's appointment to case ended because of a conflict that necessitated the transfer of the case to another lawyer.

**Specialty Court Cases:** A count of cases in which a lawyer represents a defendant in a specialty court program, i.e., drug court or mental health court. This type of case should be counted in this additional category when the defendant appears during a specialty court session within the reporting period or if the indigent defense counsel is assigned to the defendant for specialty court.

**Justice Court Felony/Gross Misdemeanor Reductions:** A number of defendants for which any felony or gross misdemeanor charge was totally (and only) adjudicated in justice court.

## Caseload Inventory

### Unit of Count

For felony, gross misdemeanor, and misdemeanor criminal cases, the unit of count is a single defendant on a single charging document (i.e., one defendant on one complaint or information from one or more related incidents on one charging document is one case, regardless of the number of counts)<sup>1</sup>. For juvenile cases, the unit of count is a single juvenile defendant on a single petition regardless of the number of counts. For traffic cases, the unit of count is a single case (by defendant) based on an original charging document from a single incident.

For defendants in cases whereby multiple charges are involved, courts will utilize a hierarchy (described below) when classifying the case for statistical purposes. For example, if a defendant is charged on a single charging document with a felony and a gross misdemeanor, for statistical purposes, the case is counted as a felony.

Felony and gross misdemeanor cases in Justice Court are counted when counsel is appointed to the case by the Court.

Misdemeanor and traffic cases in Justice and Municipal Courts are counted when counsel is appointed to the case by the Court.

Additional charges such as failure to appear or habitual criminal are not counted at this time because those are added after the initial charging document.

**Appointment:** Any time a lawyer is asked or assigned to act on behalf of a person in a criminal or juvenile matter by a judicial officer. An appointment ends when a lawyer is no longer involved in a case

<sup>1</sup> This definition varies from the national standard as promulgated by the National Center for State Courts in that it counts a single defendant on a single charging document, while the national standard counts a single defendant with a single incident/transaction. This means that the Nevada measure herein, will under report caseload at times when one defendant is charged with separate crimes from separate incidents that may necessitate indigent defense counsel to treat the appointment as multiple cases. In the event that the capacity to accurately count cases in line with the national model becomes available in Nevada, the intent of the Subcommittee is that this definition be revisited.

for whatever reason. There can be multiple appointments for a single defendant/case during the duration of the case.

### When to Count Filings

**Beginning Pending:** A count of cases by defendant that, at the start of the reporting period, are awaiting disposition.

**New Appointments:** A count of cases by defendant that have been assigned counsel for the first time of each new appointment.

Cases filed in district courts where indigent defense counsel continues to represent the defendant on the case after their appointment in justice court, should be counted as new appointments in district court reports.

**Warrant (Placed on Inactive Status):** A count of cases in which a warrant for failure to appear has been issued, a diversion program has been ordered, or other similar incident that makes the case inactive.

**Returned from Warrant (Re-activated):** A count of cases in which a defendant has been arrested on a failure to appear warrant and has appeared before the court, returned from diversion program, or other similar occurrence that makes the case active.

**Adjudicated/Disposed/Closed Cases:** A count of cases by defendant for which an original entry of adjudication has been entered or for which an appointment has ended.

**Ending Pending:** A count of cases by defendant that, at the end of the reporting period, are awaiting disposition.

**Set for Review:** A count of cases that, following an initial Entry of Judgment during the reporting period, are awaiting regularly scheduled reviews involving a hearing before a judicial officer. For example, if a status check hearing is ordered to review post adjudication compliance.

### Manner of Disposition

#### Unit of Count



For felony, gross misdemeanor, and misdemeanor criminal cases, the unit of count is a single defendant on a single charging document (i.e., one defendant on one complaint from one or more related incidents is one case, regardless of the number of counts)<sup>2</sup>. A criminal case is considered disposed when final adjudication for that defendant or case occurs. For statistical purposes, final adjudication is defined as the date of sentencing, date of adjudication, or date charges are otherwise disposed, whichever occurs last. A case may be considered closed for an appointed attorney when the appointment ends regardless of adjudicatory status. Counsel should count the case adjudicated or disposed in the same category as it was counted in (felony in, felony out).

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<sup>2</sup> This definition varies from the national standard as promulgated by the National Center for State Courts in that it counts a single defendant on a single charging document, while the national standard counts a single defendant with a single incident/transaction. This means that the Nevada measure herein, will under report caseload at times when one defendant is charged with separate crimes from separate incidents that may necessitate indigent defense counsel to treat the appointment as multiple cases. In the event that the capacity to accurately count cases in line with the national model becomes available in Nevada, the intent of the Subcommittee is that this definition be revisited.

Reporting Unit: \_\_\_\_\_

Reporting Period: \_\_\_\_\_  
 MMM / YYYY

**Indigent Defense Caseload Inventory Worksheet**

Felony	Gross Misdemeanor	Misdemeanor	Non-Traffic	Misdemeanor Traffic	Juvenile
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1. Beginning Pending

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2. New Appointments

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3. Returned From Warrant (Re-activated)

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6. Adjudicated/Disposed/Closed

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7. Warrant (Placed on Inactive Status)

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8. End Pending

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9. Set for Review

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**Indigent Defense Additional Statistics**

Death Penalty (S.C.R. 250) <b>CASES</b>	Probation Revocations <b>HEARINGS</b>	Informal Juvenile <b>HEARINGS</b> (Involving a Judicial Officer)	Juvenile Detention <b>HEARINGS</b>	Conflicts <b>CASES</b>	Specialty Court <b>CASES</b>	Justice Court Felony/Gross Misdemeanor Reduction Cases

Prepared by: \_\_\_\_\_

Approved by: \_\_\_\_\_

Indigent Defense Caseload Statistics by District Court, FY 2014-2016 <sup>a</sup>		2014				2015				2016 <sup>c</sup>				# Attorneys
		Criminal Case Group				Criminal Case Group				Criminal Case Group				
		Felony	Gross Misdemeanor	Misdemeanor	Juvenile	Felony	Gross Misdemeanor	Misdemeanor	Juvenile	Felony	Gross Misdemeanor	Misdemeanor	Juvenile	
<b>First Judicial District <sup>b,c</sup></b>	New Appointments	-	-	-	-	629	103	959	139	-	-	-	-	<b>8 Public Defenders</b>
	Re-Activated	-	-	-	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	-	-	-	-	662	127	1,156	170	-	-	-	-	
	Placed on Inactive	-	-	-	-	-	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	-	-	-	-	-	-	-	-	
	End Pending	-	-	-	-	402	32	408	102	-	-	-	-	
<b>Washoe County Public Defender <sup>b,d</sup></b>	New Appointments	1,276	-	831	254	2,708	400	2,234	841	1,544	183	1,327	381	<b>35 Public Defenders</b>
	Re-Activated	370	-	174	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	3,393	-	-	400	1,699	311	1,683	665	1,304	160	1,171	340	
	Placed on Inactive	-	-	-	-	-	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	-	-	-	116	-	-	-	-	
	End Pending	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Lyon County District Court</b>	New Appointments	21	13	-	5	89	25	-	7	57	14	-	6	<b>3 Contract Attorneys</b>
	Re-Activated	8	3	-	-	22	3	-	-	13	2	-	1	
	Adjudicated/Disposed/CI	30	18	-	7	88	26	-	7	36	15	-	7	
	Placed on Inactive	10	1	-	-	25	5	-	1	29	2	-	-	
	Set For Review	2	2	-	-	-	-	-	1	-	-	-	1	
	End Pending	6	-	-	-	22	5	-	5	28	4	-	5	
<b>Elko County Public Defender <sup>b,c</sup></b>	New Appointments	482	47	759	190	464	44	784	217	-	-	-	-	<b>7 Public Defenders</b>
	Re-Activated	26	2	22	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	296	37	429	325	315	29	459	142	-	-	-	-	
	Placed on Inactive	-	-	-	-	-	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	-	-	-	-	-	-	-	-	
	End Pending	-	-	-	-	-	-	-	-	-	-	-	-	
<b>Esmeralda County District Court</b>	New Appointments	7	3	-	-	1	-	-	-	-	-	-	-	<b>1 Contract Attorney</b>
	Re-Activated	-	-	-	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	3	2	-	-	5	2	-	-	1	-	-	-	
	Placed on Inactive	-	-	-	-	-	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	-	-	-	-	-	-	-	-	
	End Pending	6	1	-	-	2	-	-	-	4	-	-	-	
<b>Nye County District Court</b>	New Appointments	290	48	-	32	232	40	-	26	206	33	-	25	<b>5 Contract Attorneys (4 Pahrump, 1 Tonopah)</b>
	Re-Activated	72	10	-	48	90	10	-	12	34	7	-	5	
	Adjudicated/Disposed/CI	249	44	-	28	286	47	-	36	182	39	-	26	
	Placed on Inactive	96	13	-	65	85	11	-	12	72	9	-	8	
	Set For Review	8	-	-	2	10	3	-	-	10	3	-	3	
	End Pending	236	30	-	45	194	25	-	46	199	17	-	56	
<b>Humboldt County District Court</b>	New Appointments	50	29	-	30	61	12	-	FALSE	36	13	-	74	<b>1 Public Defender and 1 Contract with Pershing County for Conflict</b>
	Re-Activated	2	-	-	1	10	-	-	3	10	-	-	-	
	Adjudicated/Disposed/CI	41	36	-	25	50	15	-	35	38	14	-	29	
	Placed on Inactive	17	-	-	4	19	-	-	4	8	-	-	-	
	Set For Review	-	1	-	-	2	1	-	1	1	-	-	-	
	End Pending	28	13	-	12	39	9	-	82	38	10	-	127	
<b>Eureka County District Court</b>	New Appointments	4	-	-	-	9	-	-	1	-	-	-	-	<b>1 Contract Attorney</b>
	Re-Activated	-	-	-	-	1	-	-	-	1	-	-	-	
	Adjudicated/Disposed/CI	2	1	-	-	8	-	-	1	3	-	-	-	
	Placed on Inactive	-	-	-	-	1	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	-	-	-	-	1	-	-	-	
	End Pending	3	-	-	-	2	-	-	-	-	-	-	-	

Indigent Defense Caseload Statistics by District Court, FY 2014-2016 <sup>a</sup>		2014				2015				2016 <sup>i</sup>				
		Criminal Case Group				Criminal Case Group				Criminal Case Group				
		Felony	Gross Misdemeanor	Misdemeanor	Juvenile	Felony	Gross Misdemeanor	Misdemeanor	Juvenile	Felony	Gross Misdemeanor	Misdemeanor	Juvenile	
<b>Lincoln County District Court</b>	New Appointments	20	2	-	1	16	-	-	1	7	7	-	-	<b>1 Contract (2 Attorneys)</b>
	Re-Activated	4	-	-	-	3	-	-	-	8	-	-	-	
	Adjudicated/Disposed/CI	7	3	-	3	8	2	-	3	12	7	-	-	
	Placed on Inactive	7	-	-	-	8	-	-	-	5	-	-	-	
	Set For Review	1	-	-	-	1	-	-	-	2	-	-	-	
	End Pending	19	1	-	-	18	-	-	-	22	1	-	-	
<b>White Pine County District Court</b>	New Appointments	17	4	-	19	12	4	-	16	8	1	-	11	<b>1 Contract (3 Attorneys)</b>
	Re-Activated	2	-	-	-	6	-	-	2	7	1	-	-	
	Adjudicated/Disposed/CI	16	3	-	20	19	4	-	19	16	3	-	14	
	Placed on Inactive	1	-	-	1	3	1	-	1	6	-	-	-	
	Set For Review	-	-	-	6	1	1	-	2	1	1	-	-	
	End Pending	13	1	-	3	17	1	-	3	9	1	-	2	
<b>Clark County Public Defender <sup>b</sup></b>	New Appointments	6,644	634	2,997	2,029	6,545	605	3,097	2,122	9,540	960	4,091	2,771	<b>115 Public Defenders</b>
	Re-Activated	-	-	-	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	3,952	413	1,348	1,054	5,318	559	2,015	1,019	7,316	863	2,797	1,494	
	Placed on Inactive	1,233	-	495	173	1,075	-	626	54	2,256	-	1,114	133	
	Set For Review	2,014	-	-	-	2,347	-	2,395	306	2,372	-	2,261	297	
	End Pending	-	-	-	-	7,106	604	2,702	1,162	7,491	701	3,089	1,418	
<b>Churchill County District Court</b>	New Appointments	130	30	-	39	163	17	-	57	136	18	-	37	<b>3 Public Defenders</b>
	Re-Activated	15	2	-	1	92	5	-	22	57	2	-	1	
	Adjudicated/Disposed/CI	89	22	-	20	210	34	-	167	165	30	-	116	
	Placed on Inactive	42	4	-	-	96	7	-	21	71	3	-	3	
	Set For Review	1	-	-	-	-	-	-	-	-	-	-	3	
	End Pending	39	11	-	26	62	6	-	14	69	6	-	14	
<b>Lander County District Court</b>	New Appointments	-	2	-	8	10	5	-	2	11	6	-	-	<b>1 Contract Attorney</b>
	Re-Activated	-	-	-	-	-	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	5	1	-	3	7	7	-	2	6	-	-	1	
	Placed on Inactive	-	-	-	-	-	-	-	-	-	-	-	-	
	Set For Review	-	-	-	-	1	-	-	-	1	-	-	-	
	End Pending	-	2	-	12	3	-	-	10	9	6	-	11	
<b>Mineral County District Court</b>	New Appointments	15	5	-	1	25	4	-	-	4	2	-	-	<b>1 Contract (2 Attorneys)</b>
	Re-Activated	-	-	-	-	1	-	-	-	-	-	-	-	
	Adjudicated/Disposed/CI	8	1	-	1	34	9	-	-	5	2	-	-	
	Placed on Inactive	-	-	-	-	-	-	-	-	3	-	-	-	
	Set For Review	-	-	-	-	-	-	-	-	-	-	-	-	
	End Pending	23	7	-	-	23	6	-	-	23	6	-	-	
<b>Pershing County District Court</b>	New Appointments	51	1	-	22	53	15	-	27	45	5	-	42	<b>1 Public Defender and 1 Contract for Conflict Counsel</b>
	Re-Activated	2	-	-	-	6	-	-	-	5	-	-	-	
	Adjudicated/Disposed/CI	31	2	-	16	37	12	-	17	45	2	-	35	
	Placed on Inactive	2	-	-	-	2	-	-	-	6	2	-	-	
	Set For Review	1	-	-	1	1	1	-	-	2	1	-	-	
	End Pending	35	1	-	9	55	4	-	19	54	5	-	26	

<sup>a</sup> The Ninth Judicial District IDC Statistics were requested but are unable to be reported.

<sup>b</sup> Statistics reported by Public Defender's Office Only

<sup>c</sup> Statistics reported by calendar year

<sup>d</sup> Fiscal Year 2015 Data is incomplete

<sup>e</sup> Fiscal Year 2016 information is incomplete and has not been reviewed for completeness or accuracy. This data only includes submissions up to 05/09/16.

Source: IDC Statistics maintained by the Nevada Supreme Court, Administrative Office of the Courts, Research and Statistics Unit.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT OF  
NEVADA RULE OF APPELLATE  
PROCEDURE 3C.

ADKT 0510

**FILED**

MAY 10 2016

TRABIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

**ORDER AMENDING NEVADA RULE OF  
APPELLATE PROCEDURE 3C**

WHEREAS, on November 6, 2015, the Hon. James Hardesty, Justice, and the Hon. Michael Cherry, Justice, filed a petition in this court seeking the amendment of Nevada Rule of Appellate Procedure (NRAP) 3C; and

WHEREAS, this court solicited comment from the bench, bar, and public on the proposed rule amendments and conducted a public hearing on the matter on December 10, 2015; and

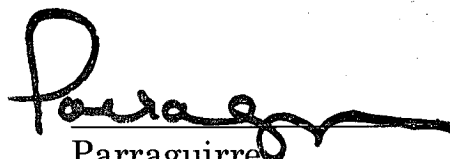
WHEREAS, this court has determined that amendment of NRAP 3C is warranted; accordingly,

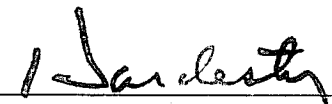
IT IS HEREBY ORDERED that NRAP 3C shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that these amendments shall be effective 30 days from the date of this order, and shall apply to all appeals docketed in the Nevada Supreme Court or Court of Appeals of Nevada on or after that date. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of

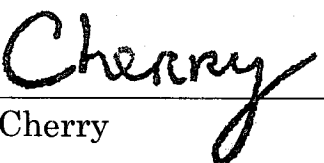
Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 10<sup>th</sup> day of May, 2016.

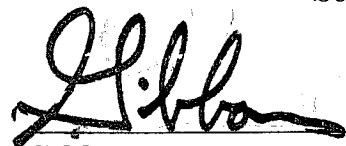
  
Parraguire C.J.

  
Hardesty, J.

  
Douglas, J.

  
Cherry, J.

  
Saitta, J.

  
Gibbons, J.

PICKERING, J., concurring:

I concur in the foregoing amendments to NRAP 3C but write separately to state that the version the court adopts today differs from that originally proposed by ADKT 510 and as a result we are passing a

version of NRAP 3C without benefit of information as to the number of cases that will remain subject to fast track briefing or public input on the version of the rule we are adopting. It is not clear whether the Rule as amended now applies to so few cases that it should not be repealed outright. Further amendment and/or repeal of NRAP 3C may be in order.

                    Pickering                    , J.  
Pickering

cc: Laurence P. Digesti, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Administrative Office of the Courts

## EXHIBIT A

### AMENDMENT TO RULE 3C OF THE NEVADA RULES OF APPELLATE PROCEDURE

#### RULE 3C. FAST TRACK CRIMINAL APPEALS

**(a) Applicability.**

(1) This Rule applies to an appeal from a district court judgment or order entered in a criminal or post-conviction proceeding commenced after September 1, 1996, whether the appellant is the State or the defendant. A proceeding is commenced for the purposes of this Rule upon the filing of an indictment, information, or post-conviction application in the district court.

(2) The Supreme Court may exercise its discretion and apply this Rule to appeals arising from criminal and post-conviction proceedings that are not subject to this Rule.

(3) Unless the court otherwise orders, an appeal is not subject to this Rule if:

(A) the appeal challenges an order or judgment in a case involving a category A, category B, or non-probationable category C felony, as described in NRS ~~[193.130(2)(a), in which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole is actually imposed;]~~ 193.130(2)(a), (b), or (c);

(B) the appeal is brought by a defendant or petitioner who was not represented by counsel in the district court; or

(C) the appeal is filed in accordance with Rule 4(c).

\* \* \*



**(k) Full Briefing, Calendaring or Summary Disposition.**

(1) Based solely upon review of the rough draft transcript, fast track statement, fast track response, and any supplemental documents, the Supreme Court may summarily dismiss the appeal, may affirm or reverse the decision appealed from without further briefing or argument, may order the appeal to be fully briefed and argued or submitted for decision without argument, may order that briefing and any argument be limited to specific issues, or may direct the appeal to proceed in any manner reasonably calculated to expedite its resolution and promote justice.

**(2) Motion for Full Briefing.**

(A) A party may seek leave of the Supreme Court to remove an appeal from the fast track program and direct full briefing. ~~[The motion]~~ A motion for full briefing shall be granted unless it is ~~[may not be]~~ filed solely for purposes of delay. It may be filed in addition to or in lieu of the fast track pleading.

(B) The motion must identify specific reasons why the appeal is not appropriate for resolution in the fast track program. Such reasons may include, but are not limited to, the following circumstances:

(i) The case raises one or more issues that involve substantial precedential, constitutional, or public policy questions; and/or

(ii) The case is legally or factually complex.

(C) ~~[If the issues or facts are numerous but not complex, full briefing will not be granted but an excess page motion may be entertained.]~~

~~(D)]~~ No opposition may be filed unless ordered by the court.

(3) If the Supreme Court orders an appeal to be fully briefed, and neither party objects to the sufficiency of the rough draft transcripts to

adequately inform this court of the issues raised in the appeal, counsel are not required to file certified transcript request forms under Rule 9(a). If a party's brief will cite to a transcript not previously included in an appendix submitted to this court, that party shall file and serve a transcript request form in accordance with Rule 9 within the time specified for filing the brief in the Supreme Court's briefing order. If a party's brief will cite to documents not previously filed in the Supreme Court, that party shall file and serve an appropriately documented supplemental appendix with the brief.

\* \* \*