

**Supreme Court of Nevada**  
**ADMINISTRATIVE OFFICE OF THE COURTS**

**RONALD R. TITUS**  
**Director and**  
**State Court Administrator**



**MARGARET EVANS**  
**Deputy Director**  
**Administration**

**JOAN E. NEUFFER, Esq.**  
**Deputy Director**  
**Legal**

**ROBIN SWEET**  
**Deputy Director**  
**Judicial Programs & Services**

**ROBERT W. KASTELITZ**  
**Deputy Director**  
**Information Technology**

**AGENDA**

**INDIGENT DEFENSE COMMISSION**

Friday, February 20, 2008

Videoconference\*

Regional Justice Center, 17<sup>th</sup> Floor Court room, Las Vegas

Supreme Court Building, Library Room 107, Carson City

Second Judicial District Court House, 2<sup>nd</sup> Floor Videoconference Room, Reno

10:00 a.m. – 1:00 p.m.

- I. Call to Order
- II. Urban Jurisdiction Plans for the Appointment of Counsel (ADKT 411 Order, 01/04/07)
- III. Washoe County Conflict Counsel Appointment System
- IV. Supreme Court Fast Track Appeal Panel
- V. Discussion on Performance Standards Training
- VI. Discussion regarding the future continuation and work of the Indigent Defense Commission
- VII. Other
- VIII. Adjournment

**\*ADDRESSES:**

Regional Justice Center  
200 South Lewis Street  
Las Vegas, Nevada

Supreme Court of Nevada  
201 South Carson Street  
Carson City, Nevada

Second Judicial District Court  
75 Court Street  
Reno, Nevada

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK  
201 South Carson Street  
Carson City, Nevada 89701-4702**

**RECEIPT FOR DOCUMENTS**

**May 5, 2008**

**To: Kathy Hardcastle, Chief Judge  
Jeffry M. Wells  
Drew R. Christensen**

**Re: ADKT 411**

**You are hereby notified that the Clerk of the Supreme Court has received  
and/or filed the following:**

**Date**

**5/1/08            Filed Clark County's Administrative Plan for Appointment of  
Counsel**

**Tracie K. Lindeman  
Clerk of Court  
TKL:lc**

IN THE SUPREME COURT OF THE STATE OF NEVADA

2008 APR 30 AM 11:16

IN THE MATTER OF THE REVIEW OF) ADKT No. 411  
ISSUES CONCERNING )  
REPRESENTATION OF INDIGENT )  
DEFENDANTS IN CRIMINAL AND )  
JUVENILE DELINQUENCY CASES. )

**FILED**

MAY 01 2008

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

CLARK COUNTY'S ADMINISTRATIVE PLAN  
FOR APPOINTMENT OF COUNSEL

COMES NOW Clark County, Nevada, by and through THE HONORABLE  
KATHY A. HARDCASTLE, Chief Judge of the Eighth Judicial District;  
JEFFREY M. WELLS, Clark County Assistant County Manager; DREW R.  
CHRISTENSEN, Clark County Director of the Office of Appointed  
Counsel, and moves this Honorable Court for an Order approving  
the attached Clark County Administrative Plan for Appointment of  
Counsel.

Respectfully submitted,

By: *[Signature]*  
THE HONORABLE KATHY HARDCASTLE  
Chief Judge for the Eighth  
Judicial District Court - Dept IV  
200 Lewis Avenue  
Las Vegas, NV 89155

By: *[Signature]*  
JEFFREY M. WELLS  
Clark County Assistant County Manager  
500 S Grand Central Pky  
Las Vegas, NV 89155

By: *[Signature]*  
DREW R. CHRISTENSEN  
Clark County Director Office of Appointed Counsel  
500 S Grand Central Pky  
Las Vegas, NV 89155

RECEIVED  
28  
MAY 01 2008  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

# CLARK COUNTY'S ADMINISTRATIVE PLAN FOR APPOINTMENT OF COUNSEL

*Effective Date July 1, 2008*

## OVERVIEW

Clark County, Nevada provides indigent individuals legal counsel at all phases of serious criminal proceedings. In furtherance thereof, Clark County established the Office of the Public Defender for the purpose of providing all necessary legal counsel to indigent individuals accused of criminal activity. Clark County established the Office of the Special Public Defender to provide all necessary legal counsel to individuals charged with the offense of Open Murder that the Public Defender is unable to represent. The Office of the Special Public Defender also provides legal counsel to indigent parents facing termination of their parental rights. Clark County now has established The Office of Appointed Counsel (OAC) as an independent department, separate from the Judges, Court Administration, the Public Defender's Office, and the Office of the Special Public Defender. The OAC develops and administers programs that effect the legal representation of indigent individuals criminally accused in Clark County, Nevada that cannot be represented by either the Office of the Public Defender and/or the Office of the Special Public Defender. The OAC also develops and administers programs that effect the legal representation in parental termination cases where the Office of the Special Public Defender is unable to provide representation.

## OFFICE OF APPOINTED COUNSEL'S STATEMENT OF POLICY

**Objectives** - The Office of Appointed Counsel's objective is to assure quality legal representation of indigent persons without waste of public resources. The OAC shall administer this Plan so that those accused of crime, or otherwise eligible for services of appointed counsel, will not be deprived, because they are financially unable to pay for adequate representation, of any element of representation necessary to an adequate defense. It is the goal of the OAC to maintain a panel of attorneys, who are available and well qualified to provide high quality, dedicated, effective, efficient legal representation to those individuals financially unable to employ counsel in adult criminal cases, juvenile criminal cases, and parental termination cases where the Office of the Public Defender and the Office of the Special Public Defender are unable to do so. This panel of attorneys shall become known as the Indigent Defense Panel (IDP). It is the OAC's responsibility to insure that all individuals who qualify for appointments outside of the Public Defender and Special Public Defender receive timely and competent legal representation from the IDP and that appointments are allocated in a manner that is fair, neutral and nondiscriminatory. The OAC may amend this Plan as necessary to continue to provide high quality criminal defense services.

The further objective of the OAC is to implement the requirements set forth in the Order entered by the Supreme Court of Nevada on January 4, 2008 in ADKT 411, or as same may be amended.

## DEFINITIONS

**Administrative Attorney** – is the head of the OAC who is responsible for overseeing the operations of the case management process, assignment of attorneys outside of the Public Defender and Special Public Defender to indigent defense cases, administering contracts, authorizing expenditures, and providing policy analysis on criminal justice issues to the County Administration.

**Appointed Attorney** – includes private attorneys, both contracted and hourly.

**Ancillary Services** - are defense services paid for in addition to attorney's fees including investigator services, expert services and mitigation specialist fees, where necessary and appropriate.

**Case Specific Costs** - are expenses authorized by the OAC on a case-by-case basis when reasonably necessary to provide an appropriate defense. Such costs include expert witness fees, transcription, photocopying and related expenses, where necessary and appropriate.

**Clark County Guidelines** – refers to the documents prepared by the OAC and approved by the Administrative Attorney setting forth the rules for authorizing expenditures and processing requests for payment.

**Expert Witness** - is a person qualified by knowledge, skill, experience, training, or education to render an opinion on scientific, technical, or other specialized matters.

**Investigator** – is a person licensed by the State of Nevada who is qualified to secure evidence and/or subpoena witnesses to be used in the preparation and trial of criminal cases.

**Mitigation Specialist** – is a person qualified by knowledge, skill, experience, or other training as a mental health or sociology professional to investigate, evaluate and present psychosocial and other mitigation evidence in cases where the state is seeking the death penalty.

**Representation** – includes counsel and investigative, expert and other services

## PROVISIONS OF REPRESENTATION

**Mandatory** - Representation shall be provided for any financially eligible person who:

1. Is charged with a felony or gross misdemeanor;
2. Is charged with a misdemeanor where jail time is mandatory or the prosecutor is seeking jail time;
3. Is alleged to have violated probation or other supervision and custody time may be imposed;
4. Is a juvenile alleged to have committed an act of delinquency;
5. Is subject to commitment pursuant to NRS 433A.310
6. Is seeking relief from a sentence of death pursuant to NRS 34.724(1)
7. Is in custody as a material witness;

8. Is entitled to appointment of counsel under the Sixth Amendment to the U.S. Constitution or any provision of the Nevada Constitution, or when due process requires the appointment, or the judge is likely to impose jail time;
9. Is charged with criminal contempt who faces loss of liberty;
10. Faces loss of liberty in a case and Nevada law requires the appointment of counsel;
11. Has received notice that a grand jury is considering charges against him/her and a request for counsel has been made to, and approved by, the Court.

**Discretionary** - Whenever a court determines that the interests of justice so require, representation may be provided for any financially eligible person who:

1. Is charged with a misdemeanor, infraction or code violation for which a sentence of confinement is authorized;
2. Is seeking post conviction relief, other than from a death sentence, pursuant to NRS 34.724(1);
3. Is charged with civil contempt who faces loss of liberty;
4. Is a Party to a dependency case in which termination of parental rights is a possibility;
5. Has been called as a witness before a grand jury, a court, or any agency which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
6. Any other case in which the interest of justice requires appointment of counsel.

**When Counsel Shall be Provided** - Counsel shall be provided to eligible persons within 72 hours or as soon as feasible after they appear before a judge, when they are formally charged or notified of charges if formal charges are sealed, or when a Justice of the Peace, Hearing Master, or District Judge otherwise considers appointment of counsel appropriate.

### **DETERMINING INDIGENCY**

**Financial Eligibility** - Consistent with Nevada Supreme Court Order ADKT 411: "a person will be deemed 'indigent' who is unable, without substantial hardship to himself or his dependents, to obtain competent, qualified legal counsel on his or her own. 'Substantial hardship' is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline. A defendant is presumed to have a substantial hardship if he or she is currently serving a sentence in a correctional institution or housed in a mental health facility. Defendants not falling below the presumptive threshold will be subject to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses, and local private counsel rates, would result in a substantial hardship were they to seek to retain private counsel."

**Screening for Eligibility** - Court Administration, through Pretrial Services, may conduct screening for financial eligibility and provide a recommendation to the court with regard to eligibility of the defendant for the services of appointed counsel based upon the provisions set forth above. Appointed Counsel may assist in providing information during the screening but shall not be asked to make a recommendation with regard to eligibility.

**Partial Eligibility** - If a court determines that a defendant is able to afford counsel but cannot be effectively represented due to inability to pay for appropriate services such as investigators, experts, or other services, the court shall require the defendant to retain counsel but shall order that those ancillary services be provided at no cost to the defendant.

**Disclosure of Change in Eligibility** - If at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as privileged communication, counsel shall advise the court.

**Reimbursement –**

**Adult:** In adult matters, where the court determines that an individual does not meet the indigence standards, but the court acknowledges that a hardship exists to retain private counsel, the court may order the individual to reimburse the county for a portion of the reasonable attorney fees, whether public defender, contract, or appointed counsel.

**Juvenile:** In juvenile delinquency matters filed with the court, the juvenile should be presumed to be indigent. The court may order the parents of the juvenile to reimburse the county for the reasonable attorney fees, whether public defender, contract, or appointed counsel. NRS 62E.300.

**SYSTEM OF SELECTION FOR COURT APPOINTED COUNSEL**

Annually, Clark County will recruit attorneys to provide indigent defense services on a contract basis. The County will place attorneys into categories based on qualifications and interest: (1) Track assignments with hourly appointments for life and multiple defendant cases (excluding murder and sexual crimes); (2) Hourly capital murder cases; (3) Hourly non-capital murder, sexual assault/lewdness, highly complex, multiple defendant, and other cases/charges carrying a potential life sentence; (4) Hourly capital appeal/habeas cases; (5) Hourly non-capital appeal/habeas cases; (6) Juvenile delinquency; and (7) Parental termination/abuse and neglect cases.

Attorneys interested in the above stated positions will provide applications to the OAC for consideration. Attorneys may apply in one or more of the different categories based on qualifications and interest. Recruitment for appointed counsel will take place during the spring of each year, with annual contracts beginning July 1<sup>st</sup> of each fiscal year. The OAC may amend these time frames in the future to allow for longer contract terms.

The administrative attorney of the OAC will chair the newly created Indigent Defense Selection and Appointment Committee (IDSAC). The IDSAC will be composed of members from a variety of stakeholders concerned with the integrity of indigent criminal defense. Various organizations such as the Public Defender's Office, the Special Public Defender's Office, the Federal Public Defender's Office, Nevada Attorneys for Criminal Justice, the State Bar, the Clark County Bar, the various minority Bar organizations, Nevada Legal Aid, and possible others, may be invited to designate an individual to become a member of the IDSAC. No member of the IDSAC should have a pecuniary interest in the outcome of the attorney selection process or be in any way legally or

financially related to any attorney whose qualifications will be evaluated. Additionally, no prosecutors or judges shall be members of the IDSAC. The IDSAC will determine if the applicants meet the required qualifications. Only attorneys who meet the required qualifications will be placed on the qualified attorney lists for the various indigent defense categories.

The IDSAC shall meet at least once a year and shall solicit input from judges, and others familiar with the practice of criminal defense, shall review any complaints from clients and the history of participation in training of each applicant and each contract or hourly attorney receiving appointments to determine, along with the OAC, eligibility and continuing participation.

The IDSAC will select the top interested and qualified candidates to fill the available track appointment positions annually, as well as the top candidates to fill the juvenile delinquency appointments. A list of qualified alternates will be maintained to fill any positions that may become available throughout the fiscal year.

Qualified attorney lists will be developed for each of the other categories of indigent defense work. The list of qualified attorneys will be revised annually. Attorneys already under contract with the OAC for a specific defense area, unless otherwise notified, need not reapply, but need only submit their intent to renew by the deadline.

Complaints from clients, judges, or the public about representation by appointed counsel shall be transmitted to the OAC for consideration by IDSAC and OAC in evaluation of appointed counsel.

### **ASSIGNMENTS AND PROCEDURES FOR APPOINTMENT OF COUNSEL**

The IDSAC will assign the selected track attorneys to the various adult and juvenile tracks. In Clark County there are currently twelve (12) different adult track assignments – nine (9) in Las Vegas, two (2) in North Las Vegas, and one (1) in Henderson/outlying jurisdictions. The juvenile system currently has two tracks utilizing eight (8) attorneys.

From the selected applicants, each will be assigned to a specific track annually. The assignment process will take into account the interest of the various applicants, previous track assignments, and the collective wisdom of the IDSAC and the OAC. Typically, no attorney should serve on the same track for more than two consecutive years.

Once all the track attorneys have been assigned to the various departments and all of the lists for the other specific categories have been approved, the appointment of attorneys to specific cases will take place as follows:

**Track Assignments** – Each Judicial department will rotate appointments among the track attorneys assigned to their particular court with the objective of allocating the workload approximately equally.

**Juvenile Delinquency** – Each Hearing Master and/or Juvenile Court Judge will rotate appointments among the track attorneys assigned to their particular court with the objective of allocating the workload approximately equally.



**Parental Termination** – Each Hearing Master and/or District Court Judge will rotate appointments among the list of qualified attorneys with the objective of allocating the workload approximately equally.

**Criminal Hourly Cases** - The OAC will assign counsel for the court to appoint where appropriate for all murder, sexual assault/lewdness, appeal, multiple defendant, and complex cases from the various approved lists generated by the IDSAC. Each Court, when the occasion arises where appointment of counsel is appropriate, will contact the OAC for the next available qualified attorney. The Court will pass the case until the next appropriate judicial court date for confirmation of counsel. The OAC will be tasked with rotating all appointments through the variety of approved lists equally.

### **MENTORSHIP AND TRAINING**

**Mentorship Program** - The OAC will form and administer a mentorship program. Mentors will include attorneys who have: (1) at least five years criminal defense experience in adult court, juvenile court, appellate work or parental termination work; (2) participated in at least two non capital murder trials and/or sexual assault/lewdness trials; or (3) are Rule 250 qualified.

The OAC will pair all qualified mentors with a mentee to allow the mentee to enhance their professional development and improve their level of qualifications as counsel via experience. On a case by case basis, the OAC and mentor will navigate which cases the mentee will be assigned and what particular duties the mentee will be assigned. Neither mentors nor mentees will receive additional compensation for participating in the program. In no instance shall an attorney who has not tried at least one felony trial be permitted to try a felony case without an experienced criminal defense attorney (mentor) sitting as “second chair”.

**Annual Training** – A training program shall be conducted for all private attorneys who receive appointments to criminal cases. The program will include training in bail and release, motions practice, juvenile delinquency matters, search and seizure, evidentiary issues and trial practice, appeals/post conviction practice, and parental termination issues. All contract and hourly appointed attorneys will be encouraged to attend.

**Periodic Training** - Periodic training events will be conducted on issues of interest to appointed counsel.

**Creation and Coordination of Training** - The Public Defender and the OAC shall be responsible for coordinating, scheduling and creating the training events described above.

### **STANDARDS FOR COURT APPOINTED COUNSEL**

#### **GENERAL QUALIFICATIONS:**

**Eligibility** -The attorney shall be familiar with the practice and procedure of the criminal courts of Nevada and shall be a member in good standing of the State Bar of Nevada. The attorney shall have an office location in Clark County.

**Compliance with Ethical Standards** - All attorneys shall comply with the Nevada Rules of Professional Conduct and shall require that all investigators, experts and others working for or under the direction of the attorney shall also comply with all appropriate ethical standards.

**Evidentiary Matters** - The attorney shall be familiar with the Nevada Rules of Evidence and shall have knowledge of the use of expert witnesses and evidence, including, but not limited to, psychiatric and forensic evidence.

**Co-Counsel** - Whether to appoint co-counsel in any non-death penalty offense and the qualifications of such counsel, shall be at the discretion of the OAC and/or the court. The OAC will supply the court with an attorney from the variety of approved lists for appointment.

**Continuing Education** - To maintain eligibility to receive appointed cases, each attorney must certify that he/she is Nevada CLE compliant and complete a minimum of six (6) hours of training approved by the OAC in criminal law, evidence or trial practice during each fiscal contract year. (See Mentorship and Training above) Proof of compliance must be provided annually along with the annual application or notice of intent. A failure to present the affidavit shall cause an attorney to be subject to removal from the lists of attorneys eligible for appointment.

**Re-Certification** - An attorney shall file either a new application or notice of intent to renew by May 1st of each year to remain on the list(s).

**Removal from List** - The OAC may remove an attorney from consideration for appointments if the attorney does not fulfill duties required by law, attorney's creed, canons, local rules, or the provisions of this plan. An attorney removed from the list(s) will be given notice and the reasons for the removal, but will have no recourse to challenge the decision of the OAC.

#### **QUALIFICATIONS FOR SPECIFIC LISTS:**

**Death Penalty Cases** - Two lawyers must be appointed as soon as possible in all open murder cases which are reasonably believed to likely result in a capital charge. In order to serve as lead counsel in a capital case where the State of Nevada is seeking a death sentence, an attorney must exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases and must:

1. Be Nevada Supreme Court Rule 250 compliant;
2. Have acted as lead counsel in at least five (5) felony trials, including one murder trial tried to completion (i.e., to a verdict or a hung jury);
3. Have acted as defense co-counsel in at least one death penalty trial tried to completion;
4. Have been licensed to practice law for at least three years; and
5. Participate, at least every two (2) years, in continuing legal education courses relating to death penalty defense/mitigation.

Any attorney appointed as second chair in a capital case shall exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases.

Appointment of attorneys in capital cases shall be as further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**Non Death Penalty Murder and Sexual Crime Cases Where Life in Prison is a Possible Punishment** - Any attorney appointed to represent a defendant as lead counsel in such cases must exhibit proficiency and commitment to providing quality representation to defendant and must:

1. Have acted as lead counsel in at least five (5) felony trials;
2. Have been licensed to practice law for at least three (3) years;
3. Have significant experience in Clark County with felony cases from appointment in Justice Court to District Court jury trial and sentencings;
4. Be familiar with substantive criminal law and criminal procedure and its application in the courts of Nevada;
5. Stay abreast of changes and developments in the law by remaining compliant with continuing legal education requirements set forth above under General Requirements.
6. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

Appointment of attorneys in non-death murder and sexual crime cases shall be further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**All other Felonies and Gross Misdemeanors** - Any attorney appointed as lead counsel to represent a defendant in any other felony or gross misdemeanor case not listed above, must exhibit proficiency and commitment to provide quality representation to defendants and must:

1. Have at least one (1) year experience in criminal litigation;
2. Have at least one (1) felony jury trial tried to completion as either first or second chair;
3. Have been lead counsel in at least five (5) preliminary hearings and/or misdemeanor trials;
4. Have demonstrated to the court and the OAC the ability to investigate, prepare, and competently present a case to the court or jury .
5. Be available to prepare and try cases on a timely basis. Attorneys who fail to appear in court or demonstrate an inability to timely investigate, prepare and try cases will not be considered qualified for the Clark County IDP. Attorneys accepted for the Clark County IDP, who no longer meet this criteria, will be removed from the list by the OAC.
6. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

Appointment of attorneys in felony and gross misdemeanor cases shall be further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**Death Penalty Appellate Counsel – both Direct and Post Conviction** - Any attorney appointed as counsel to represent a defendant who has received a sentence of death in a direct appeal or post conviction proceedings, must exhibit proficiency and commitment to provide quality representation to defendant's and must:

1. Be Nevada Supreme Court Rule 250 compliant;
2. Have at least three (3) years of experience in criminal litigation;

3. Have acted as lead counsel in at least two (2) appeals or post conviction proceedings of felony convictions; and
4. Have on at least two (2) occasions filed briefs and/or argued in the Nevada Supreme Court, Ninth Circuit Court of Appeals or the United States Supreme Court.
5. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

Appointment of appellate, either direct or post conviction, counsel in death penalty cases shall be further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**Non- Death Penalty Appellate Counsel – both Direct and Post Conviction** - Any attorney appointed as counsel in a non-death penalty direct appeal or post conviction proceedings, must exhibit proficiency and commitment to provide quality representation to defendant's and must:

1. Have at least two (2) years of experience in criminal litigation;
2. Have acted as lead counsel in at least one (1) appeal or post conviction proceeding of a felony and/or gross misdemeanor conviction; and
3. Have on at least one (1) occasion filed briefs and/or argued in the Nevada Supreme Court, Ninth Circuit Court of Appeals or the United States Supreme Court.
4. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

Appointment of appellate, either direct or post conviction, counsel shall be further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**Juvenile Delinquency Cases** - Any attorney appointed as counsel in a juvenile delinquency case must exhibit proficiency and commitment to provide quality representation to defendant's and must:

1. Have at least one (1) year of experience in criminal and/or juvenile delinquency litigation;
2. Have litigated at least one (1) criminal jury trial as either first or second chair;
3. Have full understanding and familiarity of NRS Title 5 – Juvenile Justice;
4. Have a minimum of four (4) CLE credits annually in juvenile delinquency issues and provide proof thereof to the OAC annually with the application or notice of intent.
5. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

Appointment of juvenile delinquency counsel shall be further guided by Nevada Supreme Court Order ADKT 411, or as the same may be amended, attached hereto as Exhibit A.

**Parental Termination Cases** - Any attorney appointed as counsel in a parental termination case must exhibit proficiency and commitment to provide quality representation to defendant's and must:

1. Have at least one (1) year of experience in parental termination cases;
2. Have a minimum of three (3) CLE credits annually in parental termination issues and provide proof thereof to the OAC annually with application or notice of intent.
3. Individual exceptions to these qualifications may be made by the IDSAC and OAC.

## DUTIES OF COURT APPOINTED COUNSEL

**Standards** – In addition to the information listed in the Standards section above, the services to be rendered a person represented by appointed counsel shall be commensurate with those rendered if counsel were privately employed. Representation shall be provided in compliance with the Performance Standards for Representation of Indigent Defendants adopted by the Nevada Supreme Court, January 4, 2008, or as the same may be amended.

**Professional Conduct** - Attorneys appointed under this Plan shall conform to the highest standards of professional conduct, including but not limited to the provisions of the Nevada Rules of Professional Conduct.

**No Receipt of Other Payment** – Appointed counsel may not require, request, or accept any payment or promise of payment or any other valuable consideration for representation under the appointment, unless such payment is approved by order of the court.

**Continuing Representation** - Once counsel is appointed, counsel shall continue representation until substitute counsel has filed a notice of appearance; until an order has been entered allowing or requiring the person represented to proceed pro se; or until the appointment is terminated by court order. If appointed counsel is relieved, such counsel must assist successor counsel in securing the file and other necessary information to insure that all deadlines are met, including those applicable to post-conviction matters. Additionally, subject only to withdrawal or substitution permitted under the Nevada Rules of Criminal Procedure and the OAC, attorney's representation shall be from the date of appointment through every stage of the legal proceedings, including the processing of a notice of appeal and filing of a Fast Track Supreme Court brief or until the charges are terminated, and shall include any status checks, probation revocation proceedings or other hearings set at or subsequent to sentencing. If requested by Client, attorney shall file a Notice of Appeal and Designation of Record in all circumstances where the Client has a legal right to appeal. Also if counsel was appointed to a track, counsel shall be obligated to conclude all cases assigned to him/her on the track even if such case or cases extend beyond the time period of the contract or if counsel is assigned to a different track. Once the contract has expired or has been terminated, no additional monthly compensation will be provided; however, hourly compensation will be paid to counsel for actual trial time, provided the trial case was appointed to counsel during the contract period.

**Responsibility Cannot be Delegated** – While appointed counsel may receive assistance from associate attorneys, mentees, or other IDSAC approved attorneys in carrying out his/her responsibilities, appointed counsel cannot delegate responsibilities for representation to another attorney. In the case of scheduling conflicts, vacations or other short-term unavailability of appointed attorney, appointed attorney may arrange for substitute representation by a competent, duly licensed attorney (as stated above) at no additional cost to the county. Said substitute representation SHALL be limited to initial arraignments, status checks, continuances, set time certain hearings, and other similar proceedings. Any critical court appearances - i.e. preliminary hearings, motion hearings, evidentiary hearings, sentencing, probation revocation hearings, trials, etc., MUST be handled by appointed attorney who contracted with county. If appointed attorney cannot be available for any critical court appearance that cannot otherwise be continued for appointed counsel's presence, prior approval for representation by substitute counsel must be received through the OAC.

**Contact Information** - Appointed counsel must be available to receive communications by telephone, answering service, pager, or voice mail from 8:00 am to 5:00 PM on workdays. Counsel shall also maintain a FAX and/or Email address for receiving notices, motions, appointments, etc. from the OAC 24 hours a day, 7 days a week. Difficulty communicating with counsel by court, court staff, clients or the OAC will be potential grounds for removing counsel from the approved list.

**COMPENSATION OF COURT APPOINTED COUNSEL**

The following schedule is adopted pursuant to NRS 7.125 and the Clark County Board of County Commissioners, with the intent to provide reasonable compensation to court appointed counsel for time spent performing the reasonable and necessary services representing client, taking into consideration, but not limited to, the following factors: the time and skill required, complexity of the case, experience and ability of appointed counsel, the reasonable and necessary overhead costs of attorneys in the area generally, the number of assignments expected under the contract, the hourly rate paid for all appointed counsel; and the ability of the appointed attorney to comply with the Performance Standards adopted by the Nevada Supreme Court, or as the same may be amended. This schedule may be amended from time to time as necessary and appropriate to insure counsel are reasonably compensated.

**Track Cases (Except Death and Life Cases), Gross Misdemeanors and Misdemeanors -**

Monthly fee	<b>\$4500.00/mth</b>
Trial Time in Court	<b>\$100.00/hr</b>
(does not include time spent in trial preparation)	

Habitual Offender cases - Hourly compensation for any work directly related to the habitual sentencing issues shall be paid at **\$100.00/hr** commencing upon the filing of any notice that a sentence of life imprisonment will be sought under NRS 207.010. The balance of the case will be considered compensated as part of the monthly fee for the underlying track contract.

Highly Complex or "Extraordinary Cases"- Hourly compensation shall be paid at **\$100.00/hr** on any case that either the OAC or court determines is a case, not normally covered by hourly compensation, yet has such highly complex issues that hourly compensation is appropriate.

If pursuant to NRAP Rule 3C (b) the track attorney is required to file a Notice of Appeal, rough draft transcript request form, and fast track statement, said track attorney shall be appointed by the Court and compensated at the hourly rate set forth in NRS 7.125 as well as being reimbursed for any costs or expenses incurred.

**Juvenile Delinquency Cases -**

Monthly fee	<b>\$4000.00/mth</b>
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**Death Penalty Cases -**

Hourly fee	<b>\$125.00/hr</b>
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**Non-Death, Life Cases and  
Multiple Defendant/Juvenile Cases  
not covered by Track and Non-Death  
Appeals and Post Conviction Cases**

Hourly fee **\$100.00/hr**

**Parental Termination Case**

Hourly fee **\$100.00/hr**

**INVESTIGATION EXPENSES AND EXPERT WITNESS FEES**

The defendant has the right to proper investigation of his/her case and for appointment of expert witnesses when necessary for reasonable defense of his/her case. Requests for funds for investigators or expert witnesses shall be made through the OAC. Investigation expenses will be compensated based on the usual and normal charges for such investigations in the Eighth Judicial District. This amount may be amended from time to time as necessary and appropriate to insure investigators are reasonably compensated without waste of public resources. Travel time from the investigator's office to the courthouse, jail and lawyer's office is not compensatable. Mitigation, mental health, ballistics, forensics, fingerprint, DNA experts necessary for the defense of the accused shall be compensated based on the usual and normal charges for such experts in the Eighth Judicial District.

A denial of a request for investigations or witness expense by the OAC, may be reviewed by the Court.

Incurring frivolous, unnecessary or improper investigation and/or expert expenses may be a basis for removal of the attorney from the list of qualified attorneys.

**REQUESTS FOR PAYMENT OF ATTORNEY FEES AND EXPENSES**

**Payment requests for attorney services will be processed as follows -**

All invoices for attorney's services and cost reimbursement under statute or county contract must be submitted directly to the OAC on a Payment Request Form, supported by appropriate documentation.

Compensation shall be subject to the limits of NRS 7.125. Requests for fees in excess of the statutory amount may be made through the OAC. If a request is denied, excess fees may be requested pursuant to NRS 7.125. Fees exceeding the maximum statutory rate will be reduced to the statutory rate unless accompanied by prior written OAC authorization or Court authorization.

The OAC is responsible for reviewing and verifying all bills and back-up documentation, and may request additional back-up documentation or explanation from the attorney or court, if necessary to fairly and appropriately process the request for payment.

A sampling of bills and back-up documentation and/or questionable bills will be forwarded to the Indigent Defense Bill and Review Committee (IDBRC) for recommendations to the OAC. Members of the IDBRC will be made up of members from the Clark County Public Defender,

Special Public Defender, and private criminal bar. No member of the IDBRC shall have a pecuniary interest in the outcome of an attorney's bill or be in any way legally or financially related to any attorney whose bills are being reviewed.

Appointed counsel must wait until all responsibilities in relation to the case appointment have been completed before submitting a Payment Request, except in either capital cases or "extraordinary" cases where interim billing is authorized.

All Payment Requests shall be submitted to the OAC no later than 30 days after termination of the attorney's responsibilities in the case. The County will reject any claims received more than 60 days from the conclusion of a case. Any requests for indigent attorney fees or expenses not timely submitted will be considered waived, and the services considered being performed pro bono.

A denial of a payment request for attorney services by the OAC, may be reviewed by the Court.

**Payment requests for ancillary services and case-specific costs will be processed as follows -**  
All invoices for ancillary services and case-specific costs must be submitted to the OAC on a Payment Request Form with appropriate documentation.

All invoices for ancillary services and case-specific costs must be signed by the contract attorney on the case who verifies that the services/items were provided and were necessary to present an adequate defense.

Compensation shall be subject to the limits of NRS 7.135. Requests for fees in excess of the statutory amount may be made through the OAC. If a request is denied, excess fees may be requested pursuant to NRS 7.135. Fees exceeding the maximum statutory rate will be reduced to the statutory rate unless accompanied by prior written OAC authorization or Court authorization.

OAC is responsible for reviewing and verifying all invoices and back-up documentation, and may request additional back-up documentation or explanation from the attorney, ancillary service provider, or court, if necessary to fairly and appropriately process the request for payment.

A sampling of invoices and back-up documentation and/or questionable invoices will be forwarded to the Indigent Defense Bill and Review Committee (IDBRC) for recommendations to the OAC. Members of the IDBRC will be made up of members from the Clark County Public Defender, Special Public Defender, and private criminal bar. No member of the IDBRC shall have a pecuniary interest in the outcome of ancillary service provider's bill or be in any way legally or financially related to any ancillary service provider whose invoices are being reviewed.

All invoices must wait until all responsibilities in relation to the case appointment have been completed before submitting a Payment Request, except in either capital cases or "extraordinary" cases where interim billing is authorized.

All Payment Requests shall be submitted to OAC no later than 30 days after termination of the case. The County will reject any claims received more than 60 days from the conclusion of a case. Any requests for expenses not timely submitted will be considered waived.

A denial of a payment request for any ancillary services or case specific costs by the OAC, may be reviewed by the Court.



**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK  
201 South Carson Street  
Carson City, Nevada 89701-4702**

**RECEIPT FOR DOCUMENTS**

**May 5, 2008**

**To: Connie J. Steinheimer, Chief District Judge**

**Re: ADKT 411**

**You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:**

**Date**

**5/5/08 Filed the Second Judicial District Court – Indigent Defense Report**

**Tracie K. Lindeman  
Clerk of Court  
TKL:lc**

MAY 05 2008

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLERK OF SUPREME COURT  
by *[Signature]*  
CHIEF DEPUTY CLERK

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IN THE MATTER OF THE REVIEW  
OF ISSUES CONCERNING  
REPRESENTATION OF INDIGENT  
DEFENDANTS IN CRIMINAL AND  
JUVENILE DELINQUENCY CASES.

ADKT No. 411

THE SECOND JUDICIAL DISTRICT COURT – INDIGENT DEFENSE REPORT

Administrative plan for the Second Judicial District Court to meet the requirements set forth in the order entered by the Supreme Court of Nevada on January 4, 2008, in ADKT 411.

I. OBJECTIVE

- A. This plan has taken into account all aspects of and acknowledges the statement of policy presented in the Model Plan developed by the Supreme Court Sub-committee to formulate a Model Plan for Indigent Representation in Nevada.
- B. This plan relates to the appointment of trial counsel, appellate counsel in appeals not subject to the provisions of Nevada Rules of Appellate Procedure 3C, counsel in Post-Conviction matters, counsel in Juvenile matters, and counsel in certain Family Division matters; the approval of expert witness fees, investigation fees, and attorney fees; and the determination of Indigency in the Courts within the Second Judicial District Court, including the District Court and all Washoe County Justice Courts where applicable.

II. DEFINITIONS:

- A. “Representation” includes counsel and investigative, expert and other services.

1 B. "Appointed attorney" includes private attorneys, both contracted and hourly,  
2 Public Defender, Alternate Public Defender, and staff attorneys of the Public  
3 Defender and Alternate Public Defender's offices in Washoe County.

4 III. PROVISION OF REPRESENTATION

5 A. Mandatory Appointment

6 Representation shall be provided for any financially eligible person who:

- 7 1. is charged with a felony;
- 8 2. is charged with a gross misdemeanor in which the prosecution  
9 is seeking jail time (incarceration);
- 10 3. is alleged to have violated probation or other supervision and a  
11 jail or prison sentence of confinement may be imposed;
- 12 4. is a juvenile alleged to have committed an act of juvenile  
13 delinquency;
- 14 5. is subject to commitment pursuant to NRS 433A.310;
- 15 6. is seeking relief from a death sentence pursuant to NRS  
16 34.724(1);
- 17 7. is in custody as a material witness;
- 18 8. is entitled to appointment of counsel under the Sixth  
19 Amendment to the United States Constitution or any provision  
20 of the Nevada Constitution, or when due process requires the  
21 appointment of counsel, or the Court is likely to impose jail or  
22 prison time;
- 23 9. faces loss of liberty in a case and Nevada law requires the  
24 appointment of counsel;
- 25 10. faces loss of liberty for criminal contempt;
- 26 11. has received notice that a grand jury is considering charges  
27 against him/her and has requested counsel.

28 B. Discretionary Appointment

Whenever a court determines that the interests of justice so require,  
representation shall be provided for any financially eligible person who:

1. is charged with a misdemeanor, infraction or code violation for  
which a sentence of confinement is authorized;

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- 2. is seeking post-conviction relief, other than from a death sentence, pursuant to NRS 34.724(1);
- 3. is charged with civil contempt and faces loss of liberty;
- 4. has been called as a witness before a grand jury, a court, or any agency which has the power to compel testimony, and there is reason to believe, either prior to or during testimony, that the witness could be subject to criminal prosecution, a civil or criminal contempt proceeding, or face loss of liberty;
- 5. any other case in which the court determines in the interest of justice appointment of counsel is appropriate.

C. Timing of Appointment of Counsel

Counsel shall be provided to eligible persons:

- 1. within 72 hours of formal charges being filed against the person held in custody or as soon as feasible;
- 2. when they appear before a judge;
- 3. when they are formally charged or notified of charges, if formal charges are sealed; or
- 4. when a District Judge or Justice of the Peace otherwise considers appointment of counsel appropriate.

D. Number and Qualifications of Appointed Counsel

- 1. one attorney shall be appointed consistent with Section IV and V herein, except in Capital Cases;
- 2. two attorneys shall be appointed consistent with Section IV and V herein, as soon as possible in all open murder cases which are reasonably believed to result in a Capital Case;
- 3. at least one of the two attorneys appointed to represent defendants charged in Capital Cases must meet the minimum standard for lead counsel pursuant to Nevada Supreme Court Rule 250 and both attorneys appointed must conform to the performance guidelines or standards as adopted by the Nevada Supreme Court for Capital Cases.

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**E. Eligibility for Appointed Representation**

1. All persons found indigent shall be financially eligible for appointed representation:
  - a. a person shall be deemed "indigent" who is unable, without "substantial hardship" to himself or his dependents, to obtain competent, qualified legal counsel on his or her own;
  - b. "substantial hardship" is presumptively determined to include all defendants who receive public assistance, such as Food Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, reside in public housing, or earn less than 200 percent of the Federal Poverty Guideline;
  - c. a person is presumed to have a "substantial hardship" if he or she is currently serving a sentence in a correctional institution or housed in a mental health facility or is a minor;
  - d. persons not falling below the presumptive threshold for indigency will be subject to a more rigorous screening process to determine if their particular circumstances, including seriousness of charges being faced, monthly expenses, and local private counsel rates, would result in a "substantial hardship" were they required to retain private counsel.

2. Screening for Eligibility:

- a. The Pretrial Services Division of the Second Judicial District Court shall conduct the screening for financial eligibility of all persons who:
  1. due to the nature of their charges in the Second Judicial District Court or a Washoe County Justice Court, if indigent, are mandated to have counsel appointed at public expense;
  2. due to their indigency are requesting investigative fees, expert fees, or other services, be paid at public expense for a case pending in the Second Judicial District Court or a Washoe County Justice Court; or
  3. when a District Court Judge or Washoe County Justice of the Peace requests a screening by Pretrial Services to determine whether a person is indigent.
- b. Pretrial Services shall provide notification to the Court having jurisdiction over a person's case of the results of Pretrial Services screening with regard to financial eligibility for

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representation at public expense.

- c. Appointed counsel may assist in providing information during the screening but shall not be asked to make a recommendation with regard to eligibility.

3. Partial Eligibility:

- a. If a court determines that a person is able to afford counsel or has actually retained counsel but cannot be effectively represented due to inability to pay for necessary services such as investigators, experts or other services, the court shall order that these services be provided at public expense;
- b. The extent and cost of these services shall be approved by the Appointed Counsel Administrator;
- c. The determination of the extent and approval of the amounts made by the Appointed Counsel Administrator may be appealed to the Washoe County Manager or their designee;
- d. Appeals from the determination of the County Manager or their designee, as to the extent and amount allowable for these fees, may be made to the Chief Judge of the Second Judicial District Court.

4. Disclosure of Change in Eligibility:

- a. Counsel shall advise the Chief Judge of the Second Judicial District for matters pending in the District Court or the Administrative Judge for matters pending in a Washoe County Justice Court of the change in their clients' eligibility for public payment for representation;
  - 1. if, at any time after appointment, counsel obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation; and
  - 2. the source of the attorney's information is not protected as privileged communication.

5. Reimbursement:

- a. Adult Matters:

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the Court having jurisdiction over the matter may order the reimbursement to Washoe County for all or part of the representation at public expense of a person for services provided by the Public Defender, Alternate Public Defender, contract, hourly or capital case appointed counsel.

b. Juvenile Matters:

the Second Judicial District Court Family Division Juvenile Judge may order the parents of a juvenile to reimburse the county for the reasonable attorney fees and costs of the juvenile's representation, whether provided by the Public Defender, Alternate Public Defender, contract, or hourly appointed counsel (NRS 62E.300).

IV. APPOINTMENT OF THE PUBLIC DEFENDER

A. Initial Appointment:

- 1. the District Court Judge or Justice of the Peace having jurisdiction over a case that is pending in Washoe County shall appoint the Washoe County Public Defender to represent a party if:
  - a. the person has requested representation;
  - b. the case is of the nature described above as mandating appointment of counsel;
  - c. the person has been found eligible by Pretrial Services for representation at public expense;
  - d. the case is not a post conviction proceeding.
- 2. The District Court Judge or Justice of the Peace having jurisdiction over a case that is pending in Washoe County may appoint the Washoe County Public Defender to represent a party if:
  - a. the person has requested representation;
  - b. the case is of the nature described above as being discretionary as to appointment of representation at public expense;
  - c. the person has been found eligible by Pretrial Services for representation at public expense;
  - d. the case is not a post conviction proceeding.





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- (1) select an attorney(s) pursuant to Section V, which is appropriate for appointed representation in the case;
- (2) prepare a written Substitution of Counsel substituting in the selected attorney in place of the Alternate Public Defender, indicating whether it is pursuant to an indigent appointment contract, hourly or capital case list attorney; and
- (3) cause the Substitution of Counsel to be filed in the District Court prior to the first appearance by new counsel.

- b. the Alternate Public Defender requests a hearing in District Court regarding the Public Defender conflict prior to accepting the appointment of representation.
  - 1. If the Court approves the Public Defender request for relief from representation, the Alternate Public Defender shall file a substitution of counsel and undertake representation;
  - 2. if the Court does not approve the Public Defender request for relief from representation, the Public Defender will continue representation until relief is granted.

C. Assignment of Attorneys

- 1. The determination of assignment of which attorney within the office of the Public Defender or Alternate Public Defender will represent an indigent person rest solely within the discretion of the Public Defender and/or Alternate Public Defender.
- 2. The determination of which contract, hourly or capital case attorney(s) is substituted in for the Alternate Public Defender shall rest within the Appointed Counsel Administrator in accordance with this plan and specifically Section V, herein.

D. Complaints by Clients

- 1. The Public Defender and Alternate Public Defender shall maintain a system for receipt and review of written complaints made by clients.
- 2. The Appointed Counsel Administrator shall maintain a system for receipt and review of written complaints made by clients.

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**V. APPOINTMENT OF PRIVATE ATTORNEYS**

**A. Selection of Panel of Attorneys**

1. The Second Judicial District Court - Court Administrator shall establish the Appointed Counsel Selection Committee within fifteen (15) days of May 5, 2008;
  - a. the Appointed Counsel Selection Committee shall be made up of five (5) attorneys who:
    - (1) have no pecuniary interest in the outcome of the attorney selection or performance evaluation process;
    - (2) have no legal, financial or familial relationship to any attorney whose qualification or performance will be evaluated;
    - (3) are not directly related to the judiciary or any prosecution function; and
    - (4) have an interest in the variety of types of cases that are represented by the appointed counsel lists to be selected by the Committee.
2. The Appointed Counsel Selection Committee shall establish within thirty (30) days of its establishment, the minimum qualifications for all appointed counsel lists, taking into effect the additional qualifications required for exceptionally difficult cases involving life penalties and capital cases, and unique case types such as juvenile and dependency cases.
3. The Appointed Counsel Selection Committee shall create the Appointed Counsel lists (contract, hourly and capital) and sub-lists as the committee deems appropriate within sixty (60) days of its establishment.
4. Attorneys may be selected for inclusion on multiple lists and sub-lists.
5. On an ongoing basis, the Appointed Counsel Selection Committee shall:
  - a. review the lists created and modify membership as the Committee deems appropriate;
  - b. annually review the performance and qualifications of attorneys on the Appointed Counsel lists including:
    - (1) annually solicit input from Judges, and others familiar with the practice of criminal defense, juvenile and family law where appointed counsel are utilized;

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- (2) review any complaints from clients;
- (3) review the history of participation in training of each new applicant and each contract, hourly and capital case list attorney receiving appointments; and
- (4) determine eligibility and selection of appointed counsel for new or continued participation.

B. Contract, Hourly and Capital Case Attorneys:

1. Contract Attorneys:

- a. Washoe County shall contract for appointment of counsel;
- b. Washoe County contract attorney compensation may be based either on an hourly basis, a flat fee basis, or a combination of both;
  - (1) if the contract is based on a flat fee basis, the contract should consider, but not be limited to, the following factors:
    - (a) the average overhead for criminal defense practitioners in the locality;
    - (b) the number of assignments expected under the contract;
    - (c) the hourly rate paid for all appointed counsel; and
    - (d) the ability of the appointed attorney to comply with the Performance Standards for Appointed Counsel as adopted.
  - (2) Washoe County shall contract with attorneys as appointed counsel only after the attorney has been qualified to enter into such a contract by the Appointed Counsel Selection Committee; and
  - (3) the contract must be subject to termination annually or sooner, if determined by the Appointed Counsel Selection Committee that a contract attorney is not abiding by the standard guidelines for qualification of appointed counsel; and
  - (4) the payment of fees and expenses of contracted appointed counsel by Washoe County shall be governed by contract between counsel and Washoe County subject to appeal as described in III. E. 3. b., c., and d.; and

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(5). the contract shall exclude appointment in cases with the potential of a life sentence and capital cases.

c. In all cases which cannot be handled by the Public Defender or the Alternate Public Defender, an attorney from the contract attorney list will be assigned by the Appointed Counsel Administrator, except in cases carrying a penalty of life imprisonment, death, post conviction or when the court, or the Appointed Counsel Administrator determines the complexity of the case or the severity of the penalty are such as to necessitate the appointment of an hourly attorney.

d. Contract Appointed Counsel shall be selected in consecutive order from the Contract attorney list by the Appointed Counsel Administrator.

2. Hourly and Capital Case Attorneys:

a. If the Washoe County Public Defender, Alternative Public Defender and contract counsel can not handle the case; or the Appointed Counsel Administrator determines the case is not appropriate for contract counsel to handle, alternative counsel will be selected by the Appointed Counsel Administrator as follows:

(1) the Appointed Counsel Administrator shall select this alternative appointed counsel, in consecutive order, from the "Hourly" list; except

(2) if the nature of the case requires lead counsel be selected from the "Capital Case" list, the Appointed Counsel Administrator, in consecutive order, shall select from the "Capital Case" list;

(3) the Appointed Counsel Administrator shall select "Second Chair" counsel for a capital case: counsel may be selected next in order from the "Hourly" list, if the attorney qualifies under Supreme Court Rule 250 for "second chair" selection, or the "Capital Case" list.

b. The payment of fees and expenses of "Hourly" and "Capital Case" appointed attorneys shall be approved by the Appointed Counsel Administrator subject to appeal in the same way as discussed in Section III. E. 3. b., c., and d.

3. Delegation of Responsibilities:

a. Appointed counsel cannot delegate responsibilities for representation to another attorney.

- b. Appointed counsel may receive assistance from associate attorneys, mentees, or other Selection Committee qualified attorneys, in carrying out his/her responsibilities.
- c. All substantive court appearances must be made by an attorney who has been determined to be qualified by the Selection Committee to handle the type of case counsel has been appointed to handle.

C. Post Conviction:

- 1. The Chief Judge of the District shall determine eligibility, using the same standards as discussed herein for determination of indigency, in forma pauperis applications filed in the District Court for post conviction cases and notify the Appointed Counsel Administrator, if application is granted.
- 2. In mandatory appointment cases:
  - a. the Appointed Counsel Administrator shall select, in consecutive order, counsel from the "Hourly Post Conviction" list; and
  - b. prepare an Order for Appointment for the assigned District Judge's signature.
- 3. In non-mandatory appointment cases, the assigned District Judge shall notify the Appointed Counsel Administrator, if the Judge's decision is to appoint counsel.
  - a. the Appointed Counsel Administrator shall select, in consecutive order, counsel from the "Hourly Post Conviction" list; and
  - b. prepare an Order for Appointment for the assigned District Judge's signature.
- 4. All attorney fees and investigation, expert or other fees shall be approved by the Appointed Counsel Administrator for payment by the State Public Defender.
- 5. Appeals from these fee determinations by the Appointed Counsel Administrator shall be made to the Chief Judge of the District.

VI. MENTORSHIP AND TRAINING

A. Mentoring Programs:

If the Selection Committee determines that the ends of justice will be served by selection of attorneys who do not possess the requisite experience as determined by the committee, a mentoring program

1 must be established to insure that the inexperienced attorney will be  
2 provided supervision and mentoring from an experienced attorney. In  
3 no instance shall an attorney who has not tried at least one felony jury trial  
4 be permitted to try a felony case without an experienced criminal  
5 defense attorney sitting as "second chair."

6 **B. Annual Training:**

7 An intensive training program shall be conducted for all private  
8 attorneys who receive appointments to cases. The program shall  
9 include training in bail and release, motion practice, search and  
10 seizure, evidentiary issues and trial practice, appeal, post-  
11 conviction practice, juvenile, and family law, as deemed appropriate.  
12 All contract, hourly and capital case appointed attorneys will be  
13 encouraged to attend.

14 **C. Periodic Training:**

15 Periodic training events will be conducted on issues of interest to  
16 appointed counsel.

17 **D. Creation and Coordination of Training:**

18 The Public Defender, Alternate Public Defender and the Appointed  
19 Counsel Administrator shall be responsible for coordinating,  
20 scheduling and creating the training events described above.

21 **VII. DUTIES OF APPOINTED COUNSEL**

22 **A. Standards:**

23 The services to be rendered to a person represented by appointed  
24 counsel shall be commensurate with those rendered if counsel were  
25 privately employed by the person. Representation shall be provided in  
26 compliance with the Performance Standards for Representation of  
27 Indigent Defendants adopted by the Supreme Court, or as the same  
28 may be amended.

**B. Professional Conduct:**

Attorneys appointed under this Plan shall conform to the highest  
standards of professional conduct, including but not limited to the  
provisions of the Nevada Rules of Professional Conduct.

**C. No Receipt of Other Payment:**

1 Appointed counsel may not require, request, or accept any payment or  
2 promise of payment or any other valuable consideration for  
3 representation under the appointment, unless such payment is  
4 approved by Order of the Court.

4 D. Continuing Representation:

5 Once counsel is appointed, counsel shall continue representation until  
6 substitute counsel has filed a notice of appearance; until an order has  
7 been entered allowing or requiring the person represented to proceed  
8 pro se; or until the appointment is terminated by court order. If  
9 appointed counsel is relieved, such counsel must assist successor  
10 counsel in securing the file and other necessary information to insure  
11 that all deadlines are met, including those applicable to appeal and  
12 post-conviction matters.

11 VIII. APPOINTED COUNSEL ADMINISTRATOR

12 A. Selection:

- 13 1. Washoe County will contract with a lawyer on or before July 1, 2008,  
14 to serve as the Appointed Counsel Administrator. The terms of this  
15 contract will be determined by this plan, Washoe County and the  
16 Appointed Counsel Administrator, but in no event will this Appointed  
17 Counsel Administrator be directly involved in direct representation in  
18 appointed counsel cases.

17 B. Duties:

- 18 1. The Appointed Counsel Administrator shall have all the duties and  
19 responsibilities stated in the various sections of this plan.  
20 2. The Appointed Counsel Administrator shall maintain the list of all  
21 attorneys approved by the screening committee for contract, hourly  
22 and capital case appointment. In addition, the Appointed Counsel  
23 Administrator shall maintain appropriate records to reflect the cases  
24 and dates to which each attorney has been appointed.  
25 3. When notified of the need for representation, the Appointed Counsel  
26 Administrator, shall select, in order and as more fully described herein,  
27 the next available attorney from the list of those attorneys qualified to  
28 provide representation as approved by the screening committee.

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4. The Appointed Counsel Administrator shall be responsible for approving the claim for payment of each attorney and any expert or other service fees at the conclusion of appointed counsel's representation or, if appropriate, periodically during appointed counsel's representation, as specifically discussed herein.

Dated: May 1, 2008.

Connie J. Steinheimer  
CHIEF DISTRICT JUDGE  
SECOND JUDICIAL DISTRICT COURT



**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK  
201 South Carson Street  
Carson City, Nevada 89701-4702**

**RECEIPT FOR DOCUMENTS**

April 30, 2008

**To:** Paul S. Hickman, Administrative Judge

**Re:** ADKT 411

**You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:**

Date

04/30/08 Filed Reno Municipal Court Plan for Indigent Defense  
submitted by Paul Hickman, Administrative Judge

Tracie K. Lindeman  
Clerk of Court  
TKL:lc

RENO MUNICIPAL COURT  
PAUL STEWART HICKMAN, JUDGE



RENO, NEVADA  
April 29, 2008

**FILED**

APR 30 2008

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

Nevada Supreme Court  
Indigent Defense Commission  
201 South Carson Street  
Carson City, NV 89701

RE: ADKT NO. 411

RENO MUNICIPAL COURT  
PLAN FOR INDIGENT DEFENSE

This plan represents a reworking of the current plan which has been in place at the Reno Municipal Court for more than 12 years. The plan has worked well for us and will work even better, we believe, in this modified form.

The Reno Municipal Court (RMC) is a high volume court which adjudicates criminal misdemeanors such as traffic (including DUI 1<sup>st</sup> and 2<sup>nd</sup>), Domestic Battery and related offenses, TPO violations, petty theft and other public offenses such as being in possession of an open container of alcohol in public, urinating in public, trespassing and the like.

The Municipal Court Judges routinely appoint the Legal Defender (a group of four contracted indigent counsel) to represent all indigent persons charged with municipal code violations when conviction of the violation carries a possible jail sentence.

Such violations include:

- Domestic Battery
- Harassment
- Disturbing the Peace (if domestic-related)
- Trespassing (if domestic-related)
- Destruction of Property (if domestic-related)
- Stalking
- TPO Violations
- Petty Theft (if prior convictions or significant criminal record)
- Embezzlement
- Obtaining money/goods/services under False Pretenses
- Driving Under the Influence 1<sup>st</sup> and 2<sup>nd</sup> offenses
- Possession of Drug Paraphernalia
- NRS 211A Probation violations
- Contempt of Court

The preceding list is not meant to be exclusive, as individual judges have discretion to appoint counsel on any case as circumstances require.

The judges have chosen to provide counsel for all defendants appearing in prisoner arraignments, irrespective of indigence and of the offense charged, and when a defendant enters a plea of not guilty at arraignment, the court appoints the Legal Defender to represent that defendant at trial if he or she meets the qualifications (indigence and seriousness of charge).

#### INITIAL SELECTION OF CONTRACT COUNSEL

The RMC judges have selected four defense counsel (Legal Defenders) based on their qualifications and relevant work experience. The contracts set forth that each attorney is required to cover a fixed number of court appearances per week (trial dockets and prisoner arraignments) and maintain minimum office hours devoted to indigents. The contracts allow for annual renewal, and may be terminated by either party upon 30 days notice. The attorneys are required to maintain a \$1,000,000.00 Errors and Omissions insurance policy. The judges may select additional or replacement counsel from time to time as circumstances dictate.

#### EXECUTION OF CONTRACTS

After selecting the attorneys, the judges remove themselves from the process. The City Manager's Office will then negotiate and execute the contracts.

#### ADMINISTRATION OF CONTRACTS

The office of the City Manager will oversee all matters concerning drafting of the contracts, compensation, yearly increases and contract disputes.

#### APPOINTMENT OF COUNSEL TO INDIVIDUAL CASES

The four contract attorneys will decide among themselves which attorney will cover which court appearance. This has been and will continue to be at the discretion of the contract attorneys, without input from the judges or the court. If an attorney cannot represent a defendant because of a conflict, that attorney then has the responsibility to obtain alternate coverage either by retaining substitute counsel, or by trading coverage with a colleague.

#### DETERMINATION OF INDIGENCE

The court advises all defendants charged with public offenses of their constitutional rights at arraignment, including the right to counsel. The defendant is then required to fill out and submit an application as soon as possible before the trial date. The application is reviewed by an employee in the office of the Court Clerk who is (or will be) trained to apply the federal poverty guidelines properly, and from that review determine whether or not the defendant is indigent. That employee will also determine if a conviction for the charged offense exposes the defendant to a possible jail sentence. If both questions are answered in the affirmative, counsel is appointed to represent that person at no cost. (Some applicants who qualify for court-appointed counsel have some disposable income over and above monthly expenses. If so, those

applicants will be assessed a flat fee to reimburse the court partially for the cost of representation.)

Once an application has been approved, the court notifies the defendant by sending an order containing the attorney's name and phone number and instructing the defendant to contact the attorney to discuss the case and to prepare a defense.

#### REQUESTS FOR INVESTIGATIVE OR EXPERT WITNESS FEES

When a contract attorney determines that a case requires further investigation and/or expert witness, the attorney informs the trial judge. The judge hearing the case sends that request to the Administrative Judge for determination of the request. The Administrative Judge reviews the request, authorizes the expenditure of funds, then sends the case back to the trial judge. If the Administrative Judge is the trial judge, the request for fees is sent to another judge for determination.

Respectfully submitted,



Paul S. Hickman  
Administrative Judge  
Reno Municipal Court

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK  
201 South Carson Street  
Carson City, Nevada 89701-4702**

**RECEIPT FOR DOCUMENTS**

**May 5, 2008**

**To: Barbara S. McCarthy, Administrative Judge**

**Re: ADKT 411**

**You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:**

Date

05/05/08 Filed Sparks Municipal Court Administrative Plan Regarding Appointment of Counsel, Approval of Fees and Determination of Indigency

Tracie K. Lindeman  
Clerk of Court  
TKL:lc

# SPARKS MUNICIPAL COURT

HON. BARBARA S. MC CARTHY  
Department One

HON. JAMES SPOO  
Department Two



Nevada Supreme Court  
Indigent Defense Commission  
201 South Carson Street  
Carson City, NV 89701

April 29, 2008

**FILED**

Re: ADKT 411

MAY 05 2008

SPARKS MUNICIPAL COURT  
ADMINISTRATIVE PLAN REGARDING  
APPOINTMENT OF COUNSEL, APPROVAL OF FEES  
AND DETERMINATION OF INDIGENCY

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

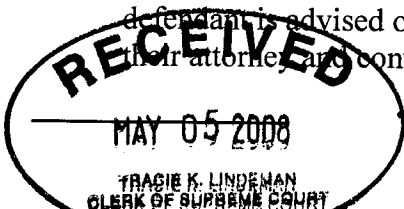
The Sparks Municipal Court has constantly strived to insure equality before the law for all persons accused of a crime. We believe our current policies and practices regarding the appointment of counsel for indigent defendants reflect that commitment. That being said, we have reviewed and considered the proposed MODEL PLAN FOR THE PROVISION OF APPOINTED COUNSEL FOR URBAN COURTS IN NEVADA (April 18, 2008) and welcome the opportunity to both modify and enhance our current practices to reflect our ongoing commitment and that of the Indigent Defense Commission to insuring those defendants who are financially unable to pay for adequate representation receive adequate representation through appointed counsel.

To that end, we respectfully submit the following plan.

PROVISION OF REPRESENTATION

There are presently two judges that adjudicate approximately 10,813 (2007) criminal misdemeanor cases per year. Both judges routinely appoint counsel to represent indigent persons charged with misdemeanors when a conviction carries a mandatory jail sentence, possible jail sentence, or possible suspended jail sentence. Both judges also appoint counsel to represent indigent persons on a discretionary basis when the interests of justice so require.

Counsel is also appointed for all defendants regardless of financial means if the defendant remains incarcerated at the time of their arraignment. If the defendant pleads not guilty at arraignment, counsel will be appointed to represent the defendant for all remaining stages of the proceedings if they qualify based on a financial application they execute at the time of arraignment. The decision to grant or deny the defendant's request for court appointed counsel is made at that time or immediately following the conclusion of the arraignment session and the defendant is advised of the decision immediately. If granted, the defendant is given the name of their attorney and contact information.



## ELIGIBILITY FOR REPRESENTATION

Financial Eligibility and Screening: At arraignment all defendants are advised of their right to counsel including their right to court-appointed counsel if they want the assistance of counsel, cannot financially afford counsel, and are facing jail time or suspended jail time. All defendants are encouraged to ask the court if they are eligible for court-appointed counsel if they are uncertain whether or not they qualify.

If the defendant wishes to request court-appointed counsel, they must execute an Application and Affidavit for Court-Appointed Counsel. Heretofore the judge who is conducting the arraignment or who is assigned to the case would make the decision whether to grant or deny (with explanation) the defendant's request. Commencing immediately, the court administrator or her designated court clerk, will review the revised Application and Affidavit for Court-Appointed Counsel (which now includes the federal poverty guidelines) to determine whether or not the defendant qualifies for court-appointed counsel. At the conclusion of the case a determination will be made by the court administrator or her designated court clerk (heretofore the judge who was assigned to the case) whether or not there has been a change in the defendant's financial circumstances since the filing of the Application and Affidavit for Court-Appointed Counsel. After reviewing the defendant's current financial circumstances, she will further determine what, if any, fees may be assessed to the defendant for the appointment of counsel pursuant to NRS 7.165.

## COURT-APPOINTED COUNSEL

The Sparks Municipal Court currently has a multi-year indigent legal services contract with one defense attorney who, with the approval of the judges, sub-contracts with three additional attorneys.

Compensation is a fixed annual fee.

The contract sets forth the expectation of number of cases to be handled, which includes representation at all stages of criminal proceedings from in-custody video arraignments to all appeals to the Second Judicial District Court of indigent defendants regardless of whether or not the defendant was originally represented by the contract attorney.

The contract attorney determines which attorney will cover which court appearances and how cases are assigned without input from the judges.

If an attorney cannot represent a defendant because of a conflict, that attorney has the responsibility to obtain substitute counsel.

## ADMINISTRATION OF THE CONTRACT

The administration of the contract is overseen by the City Manager's Office.

The City initially solicited proposals for the contract by public notice. The judges screened the proposals for minimum qualifications, education and relevant work experience. The City Council makes the ultimate determination to whom the contract will be awarded. The judges are available to the City Council at public hearing for any questions that may arise.

The contract allows for bi-annual renewal and may be terminated with sixty days notice by either party.

Complaints by clients or others about the representation by appointed counsel are received by the Court Administrator for consideration in the evaluation of the appointed counsel.

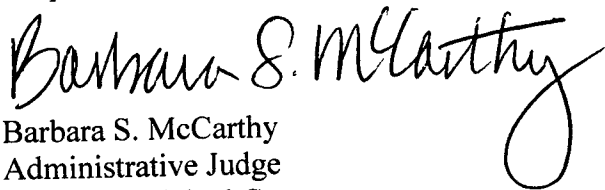
The contract provides for the application for appointment of, and compensation to, expert witnesses, investigators, interpreters, etc. through the assigned judge.

The contract provides for proof of malpractice insurance and compliance with relevant CLE.

If the Committee is desirous, the Court can provide for their review The City of Sparks Indigent Defense Legal Contract, the Application and Affidavit For Court-Appointed Counsel, the Order Granting Court-Appointed Counsel as well as the Order Denying Court-Appointed Counsel.

Please advise if the Committee is in need of any further information.

Respectfully submitted,



Barbara S. McCarthy  
Administrative Judge  
Sparks Municipal Court





# Las Vegas Municipal Court

## At the Regional Justice Center

P.O. Box 3960 • Las Vegas, Nevada 89127-3960 • Main 702-229-6509 • Fax 702-385-5510 • TTY 702-384-3253

April 24, 2008

Judiciary

Judge Bert Brown  
Chief Judge  
Department 4

Judge Cynthia S. Leung  
Department 1

Judge Elizabeth B. Kolkoski  
Department 2

Judge George Assad  
Department 3

Judge Cedric A. Kerns  
Department 5

Judge Martin D. Hastings  
Department 6

Court Administration

James P. Carmany  
Court Administrator

Chief Justice Mark Gibbons  
Nevada Supreme Court  
201 South Carson St  
Carson City, NV 89701-4702

Dear Chief Justice Gibbons:

Pursuant to ADKT 411, "*In the Matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases*", the following Administrative Plan is submitted by the Las Vegas Municipal Court for the review and approval by the Nevada Supreme Court.

It is the intent of the Las Vegas Municipal Court to implement the attached plan within six months of receiving the Court's approval.

Should the justices have any questions regarding this Administrative Plan, both myself and/or our Court Administrator, James Carmany, would be pleased to address them with the court. We can be contacted at 702-229-4673.

Sincerely,

Bert Brown  
Chief Judge

jc  
docs/admin/minutes/Indigent/Supreme Court Cover Ltr 4-08  
Enclosures

Cc: Municipal Court Judges  
James Carmany  
Municipal Court Indigent Defense Admin Plan Committee

In Memorium

The Honorable Seymore H. Brown  
September 2, 1929 - June 16, 2000

Mission Statement

To provide efficient and ethical proceedings through quality service, alternative sentencing, and innovative use of technology.

# ***Las Vegas Municipal Court***

In response to the Supreme Court Order dated January 4, 2008 titled, “IN THE MATTER OF THE REVIEW OF ISSUES CONCERNING REPRESENTATION OF INDIGENT DEFENDANTS IN CRIMINAL AND JUVENILE DELINQUENCY CASES”

The Las Vegas Municipal Court (LVMC) hereby submits the following Administrative Plan for the selection of attorneys to represent Indigent Misdemeanor Defendants and the process for the determination of a Defendant’s Indigence:

## **Indigent Defense Administrative Plan**

1. The City of Las Vegas Finance & Business Services Purchasing & Contracts Division (Purchasing) in conjunction with City of Las Vegas Human Resources (HR) Department will issue a Request for Proposal (RFP) for the representation of indigent defendants for all matters before the Las Vegas Municipal Court (LCMC).
  - a) Public Attorney Contracts will be offered for each LVMC department with no limitation on the number of contracts an individual applicant may apply for or be awarded.
    - (1) Contract will be awarded at a fixed annual price as determined by the City of Las Vegas City Council.
2. Independent Selection Committee will determine who is awarded the individual Public Attorney contracts. Selection Committee will be comprised of 5 members who will make the final determination relative to the awarding of any Municipal Court Indigent Representation contracts, including “mid-cycle” replacements should a vacancy occur.
  - a) Committee will include representatives from: The Federal Public Defender office, County Public Defender office, Nevada State Bar, Criminal Justice Association (attorney group) and the City of Las Vegas City Manager’s office.
  - b) Court/judicial input relative to potential conflicts of interest, may be provided prior to the selection committee’s review, however, no judicial pre-empt and/or veto of any selection is permitted.
  - c) Committee to be constituted by July 1, 2008, with first order of business to establish their “rules”.
3. City of Las Vegas Purchasing & HR to have responsibility for all Administrative functions including:
  - a) Establishing the Scope of Work and Issuing the Request for Proposals.
  - b) Conducting initial review/interview of all applicant firms to ensure they meet all basic criteria (as established by the Supreme Court Order and LVMC) before submitting all qualified applicants to the independent “Selection Committee”.

- c) Writing and Issuing Public Attorney contract(s) and ensuring that all mandated licenses, proof of insurance, etc., are obtained.
- d) Ensuring that all individual indigent defense attorneys employed by the firm(s) awarded a Public Attorney contract meet all LVMC and Supreme Court Order eligibility criteria both at contract issuance and throughout term of contract.
- e) Conducting periodic “audits” to ensure contract compliance.
- f) Payment.

4. Minimum Qualifications for Attorneys/Firms awarded a contract:

- a) 1M Liability/Malpractice Insurance.
- b) Experience- Three (3) years or more of criminal experience required for all attorneys supporting the contract.
- c) Administrative plan to be submitted as part of application process detailing how the Public Attorney will provide appropriate service levels to the department(s) they are awarded, including how they will fill attorney staff vacancies (vacation, illness, etc.).
- d) List of all attorneys who will practice in the courtroom submitted and approved by the selection committee as part of application process.
- e) Changes to approved attorney list supporting the contract must be approved by the Selection Committee prior to practicing in the courtroom.
  - (1) Emergency attorney substitution- name must be submitted within a reasonable period of time.

5. Scope of Work to be included in the Request for Proposal will:

- a) Be developed by a committee appointed by the Las Vegas Municipal Court and the Las Vegas City Manager’s Office.
- b) Include full professional defense for all defendants entitled to indigent representation
- c) Include Traffic Court indigent representation as appropriate
- d) Include Appeals
- e) Assure compliance with all Supreme Court Orders and Performance Standards relative to the representation of indigent defendants

## **Las Vegas Municipal Court Plan for the Determination of Indigence\***

1. Defendant not in custody:
  - a) The defendant appears in the courtroom, is facing jail time and states that they cannot afford legal counsel for their defense.
  - b) The defendant completes the Declaration, and the Public Attorney determines from the Declaration that the defendant qualifies under the Presumptive Threshold Standard, accepts the case and represents the defendant.
  - c) If the Public Attorney requests a more rigorous screening, the completed Declaration is forwarded within 2 business days by the Public Attorney to the Las Vegas Municipal Court Judicial Enforcement Unit (JEU) for processing.
  - d) If the defendant disputes a finding of non-qualification for indigent status and court appointed counsel, or the Declaration has discretionary aspects that cannot be resolved by a more rigorous review.
  - e) The case may be continued for a hearing or other action as determined by the court.
  
2. Defendant in custody:
  - a) Defendants are presumed to be indigent if they are in custody.

\*Determination of Indigence Exhibits A & B attached:

Case/History No. \_\_\_\_\_

**Exhibit A**

**LAS VEGAS MUNICIPAL COURT**

\*\*\*\*\*

**DECLARATION AND APPLICATION FOR COURT-APPOINTED COUNSEL**

YOUR NAME: \_\_\_\_\_ Social Security Number \_\_\_\_\_

YOUR ADDRESS: \_\_\_\_\_ Do you live in Public Housing? \_\_\_\_\_  
Where you live? Are you serving a sentence? \_\_\_\_\_

\_\_\_\_\_  
City/State/Zip Code

HOME PHONE (\_\_\_\_) \_\_\_\_\_ CELL PHONE (\_\_\_\_) \_\_\_\_\_

WORK PHONE (\_\_\_\_) \_\_\_\_\_

**PERSONAL INFORMATION**

Number of children or others you are legally responsible for: \_\_\_\_\_

Where do you work? \_\_\_\_\_

How much do you make monthly before taxes and anything else is taken out of your pay check: \$ \_\_\_\_\_

Other monthly Income (Wife/Husband, Partner, Co-habitant, other): \_\_\_\_\_

How much are all of your bills each month (rent, mortgage, utilities, credit cards, loans, car payment)  
\$ \_\_\_\_\_

I and/or my family am currently receiving the following:

AFDC	\$ _____	Unemployment	\$ _____	Worker's Comp	\$ _____
Food Stamps	\$ _____	SSI	\$ _____	Medicaid	\$ _____
Other Public Assistance Type	_____				\$ _____

I, \_\_\_\_\_, am saying that I cannot afford to hire an attorney. If a crime is charged against me and the City Attorney is seeking for me to serve time in jail and I cannot afford to hire an attorney, the court may appoint an attorney only under certain circumstances.

I have given the above information to see if an attorney can be appointed by the court to represent me in court. I understand that this information may be used to see if I can pay for an attorney to represent me in court. I am giving my permission to contact any credit bureau, review my credit report from any credit bureau, investigative agency or any other source. I authorize the Las Vegas Municipal Court to verify any statements made and information provided and obtain any other information needed. **I declare under penalty of perjury** that the information that has been given is true and correct. I understand that I might have to pay back all or a part of the attorney fees if it is found that I can pay.

\_\_\_\_\_  
Date

SIGN YOUR NAME

## 2008 HHS Poverty Guidelines

Exhibit B

<b>Persons in Family or Household</b>	<b>Poverty Guidelines</b>	<b>Poverty Guidelines at 200%</b>
1	\$10,400	\$20,800
2	14,000	\$28,000
3	17,600	\$35,200
4	21,200	\$42,400
5	24,800	\$49,600
6	28,400	\$56,800
7	32,000	\$64,000
8	35,600	\$71,200
For each additional person, add	3,600	\$7,200

**SOURCE:** *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971–3972

**A defendant is considered indigent if all gross income is less than the Poverty Guidelines above.**