

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

MEETING NOTICE AND AGENDA

**Indigent Defense Commission (IDC)
VIDEOCONFERENCE**

Date and Time of Meeting: Monday, April 16, 2018 @ 1:30 p.m.

Place of Meeting:

Carson City	Las Vegas	Washoe	Ely
Supreme Court Library Room 107 201 S. Carson Street Carson City, Nevada	Nevada Supreme Court Building Conference Room A/B 408 E. Clark Avenue Las Vegas, NV	Second Judicial District Court Room 220B 75 Court Street Reno, NV	Seventh Judicial District Court 801 Clark Street Ely, NV
Teleconference Access: Dial-In # 1-877-336-1829 Access Code 2469586			

All participants attending via teleconference should mute their lines when not speaking; it is highly recommended that teleconference attendees use a landline and handset in order to reduce background noise.

AGENDA

- I. Call to Order
 - a. Call of Roll
 - b. Determination of a Quorum

- II. Public Comment
Because of time considerations, the period for public comment by each speaker may be limited. Speakers are urged to avoid repetition of comments already made by previous speakers.

- III. Review and Approval of the January 17, 2018 Meeting Summary*

- IV. Update on the Nevada Right to Counsel Commission
 - a. NRTCC Status
 - b. Indigent Defense in the Municipal Courts Discussion
 - c. Future of the IDC

- V. Update on Caseload Standards - *Mr. Hans Jessup*
- VI. Status Update on ACLU of Nevada - *Ms. Amy Rose*
- VII. Status Update on Indigent Defense Clark County - *Mr. Drew Christensen, Mr. Phil Kohn, Ms. JoNell Thomas*
- VIII. Status Update on Indigent Defense in Washoe County - *Mr. Bob Bell, Mr. Jeremy Bosler, Mr. Marc Picker*
- IX. Status Update from State Public Defender's Office - *Ms. Karin Kreizenbeck*
- X. Status Update on the Federal Public Defender's office - *Ms. Megan Hoffman*
- XI. Update on Eighth Judicial District Court Homicide Case Pilot Project - *Mr. Chris Lalli*
- XII. Other Business
- XIII. Adjournment

- Action items are noted by * and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited to five minutes per person at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: jgradick@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030 (4)(a))
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nevadajudiciary.us; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: 408 East Clark Avenue.

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Indigent Defense Commission
Summary Prepared by Sarah Stenger
January 17, 2018
1:30 p.m.

<p><u>Attendees Present</u> Justice Michael A. Cherry, Chair Judge Tom Armstrong Judge Gary Fairman Chief Judge Scott Freeman Judge Kevin Higgins Judge Mike Montero Judge John Schlegelmilch Judge Mason Simons Judge Nathan Tod Young Bob Bell Jeremy Bosler David Carroll Drew Christensen Brenda Erdoes Joni Eastley Randy Fiedler Franny Forsman</p>	<p>Dana Hlavac Risa Lang Philip J. Kohn Karin Kreizenbeck Chris Lalli John Lambrose Mark Picker Rachelle Resnick Amy Rose Dagny Stapleton Jeff Wells</p> <p><u>AOC Staff</u> Jamie Gradick Ben Graham Hans Jessup John McCormick Sarah Stenger</p>
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- I. Call to order
 - Call of Roll and Determination of a Quorum
 - Ms. Jamie Gradick called roll; a quorum was present.
- II. Public Comment
 - Justice Michael Cherry determined there was no public comment.
- III. Review and Approval of the October 23, 2017 Meeting
 - Attendees approved the summary of the October 23, 2017 meeting.
- IV. Update on Nevada Right to Counsel Commission (NRTCC)

- Justice Cherry asked attendees for input regarding proposed goals and focus of the Nevada Right to Counsel Commission.
 - Mr. John Lambrose provided input on the NRTCC and thanked everyone who was in the meeting, in Carson City, Las Vegas, and telephonically, for the help he was given. He also gave a special thanks to Judge Kacin, Judge Fairman, Judge Young in Douglas County, Judge Russell in Carson City, and Judge Schlegelmilch for all their help, participation, and wise counsel. Furthermore, he gave thanks to Justice Cherry and Justice Hardesty.
 - Mr. Lambrose suggested that the NRTCC spend a portion of their time going through the record of the Indigent Defense Commission and encouraged the NRTCC to retain the services of David Carroll and the Sixth Amendment Center.
 - Mr. Lambrose's commented that SB 377, in its original form, would be the best, most cost-efficient way to improve defense in the rural counties. Mr. Lambrose offered his assistance to the Nevada Right to Counsel Commission.
 - Ms. Karin Kreizenbeck provided input on the NRTCC and shared some of the history and funding issues regarding the State Public Defenders Office.
 - Ms. Kreizenbeck commented that she is looking forward to having this commission provide essential indigent defense throughout Nevada. Rather than taking control and authority away from the counties, Ms. Kreizenbeck believe it will be a stabilizing presence to provide support and, possibly, the training.
 - Ms. Kreizenbeck would also like to see State Public Defenders Office taking appellate work out of the contract counsel's workload.
 - Ms. Dagny Stapleton commented on the importance of NACO maintaining a voice in the NRTCC and of providing the best quality of public defense at the lowest possible cost.
 - Mr. Philip Kohn provided a brief update on the Clark County Pubic Defender's office
 - The courts and Metro are rapidly expanding; both the District Attorney's office and the Public Defender's office do not have resources and tools for growth. Mr. Kohn will continue to work with Clark County to address these challenges.
 - The Clark County Public Defender's office is working with the jail, the District Attorney's office, and the justice courts to arraign defendants more quickly. This has been a challenge; however, parties are meeting regularly so that a solution can be found as to how to expedite this process.
 - Mr. Drew Christensen commented that he hopes to bring his experience from the past ten years to the work of the NRTCC.
 - Mr. Christensen has input and suggestions regarding indigent defense in both Clark County and Washoe County and thoughts on how to assist the rural counties with their own indigent defense concerns and goals.
 - Mr. Chris Lalli commented that, as a prosecutor, would like to see responsible decisions made by this commission regarding indigent defense. Mr. Lalli also expressed the importance of effective trial counsel, appellate counsel, and post-conviction counsel; it is very important that this matter be addressed in a responsible manner.

- Mr. Jeff Wells suggested that this commission not “veer too far off of the legislation” that, although it did not pass in its original form, was and well-developed.
- Ms. Franny Forsman commented that she would like to see needed legislative changes come from the NRTCC efforts and suggested the NRTCC look to successful models from other states.
- Ms. Amy Rose commented that the Nevada Right to Counsel Commission needs to have a “firm grasp” of what is taking place and what has transpired.
- Mr. Ben Graham offered his assistance “navigating the legislative path” to the NRTCC.
- Judge Gary Fairman echoed the comments made by John Lambrose and Karin Kreizenbeck and encouraged the NRTCC to seek the input in reviewing the status of indigent defense in the rural counties.
- Mr. Chris Hicks supported the comments made by Mr. Lalli and commented that he is looking forward to seeing what this commission does and is optimistic for adequate legal defense throughout the state
- Mr. Jeremy Bosler supported the comments made by Ms. Forsman.
 - Mr. Bosler commented that the IDC has been collecting information and conversing about the indigent defense issues facing Nevada for about a decade; he believes that, with technical assistance of David Carroll, a reasonable solution can be reached.
- Mr. Mark Picker commented that there is a “crossroads” between funding and services but he is optimistic that the NRTCC will answer the question: “How do we provide adequate access to justice for those people that are the most in need of it.”
- Mr. Bob Bell echoed the statements of his colleagues in Washoe County and offered his assistance as well.
- Judge Schlegelmilch encouraged the NRTCC focus on quality of legal services provided, rather than how often cases go to trial.

V. Update on Caseload Standards

- Mr. Hans Jessup provided an overview of the Research and Statistics Unit
 - Capture caseload statistics throughout the judiciary and all trial courts around the state of Nevada.
 - Capture information as it relates to indigent defense and some cases that are reported to them by the district courts around the state of Nevada.
- Mr. Jessup provided an overview on caseload standards around the country.
 - Recent studies regarding time measures in Texas, Colorado, and Nevada’s neighboring states that have geographical or population bases similar to Nevada, were reviewed.
 - As far as measuring caseload standards for indigent defense, Mr. Jessup mentioned that many states are using the “Delphi” Model. This model takes a group of professionals and uses them to help build a basis to determine the validity of measurements that are occurring.

VI. Status Update on the 8th Homicide Case Pilot Project

- Mr. Lalli gave a brief update on the Homicide Case Pilot Program
 - A Pilot Program is in Clark County that involves four district courts that specialize in handling homicide cases.
 - The program has been in effect since July 2017.
 - Seventy-five cases resolved thus far; ten of these cases were resolved by jury trial, the other sixty-five cases by a guilty plea, and three of those were death penalty cases.
- Mr. Kohn cautioned against “improper handling” of cases in order to move them more quickly through the process.

VII. Other Business

- Ms. Forsman provided a brief background on 7-23-15 ADKT 0411 Order.
 - Contract lawyers were being paid a flat fee regardless of their caseload and complexity of each case so the Court issued an Order stating that flat fee contracts were inappropriate.
 - A comment was made that counties are strapped for money; therefore, without sufficient state assistance, the counties are in a very bad position in terms of representation.
 - Concern was expressed regarding the lack of accurate caseload data from the rural contract attorney; need reliable information on how many and what kind of cases contract attorneys are handling.
- Mr. Bell explained that attorneys are given an amount for taking a case at appointment; extra fees are added if the case goes to trial and attorneys can request additional fees for investigators, experts, interpreters, etc.
- Mr. Lambrose commented that judges need to have some control over the quality of counsel to address concerns about oversight and adequate training.
- Mr. John McCormick clarified that the NRTCC should look to SB377 as first amended, not the pre-filed version.
- Ms. Brenda Erdoes and Ms. Risa Lang thanked the IDC membership for sharing their thoughts and welcomed additional input as the NRTCC progresses in its efforts.

VIII. Adjournment

Indigent Defense Statistics, Fiscal Year 2016-17		Fiscal Year	
		2016	2017
Washoe Public Defender	New Appointments	6,733	6,867
	Re-Activated	ND	ND
	Adjudicated/Disposed/Closed	6,649	5,969
	Placed on Inactive Status	ND	ND
	End Pending	ND	1,778
Lyon County District Court	New Appointments	154	228
	Re-Activated	40	50
	Adjudicated/Disposed/Closed	122	186
	Placed on Inactive Status	69	69
	End Pending	45	72
Elko County District Court	New Appointments	ND	653
	Re-Activated	ND	41
	Adjudicated/Disposed/Closed	ND	666
	Placed on Inactive Status	ND	89
	End Pending	ND	648
Esmeralda County District Court	New Appointments	-	-
	Re-Activated	-	-
	Adjudicated/Disposed/Closed	1	2
	Placed on Inactive Status	-	-
	End Pending	4	5
Nye County District Court	New Appointments	366	319
	Re-Activated	79	101
	Adjudicated/Disposed/Closed	346	324
	Placed on Inactive Status	125	150
	End Pending	293	282
Humboldt County District Court	New Appointments	194	175
	Re-Activated	16	19
	Adjudicated/Disposed/Closed	106	226
	Placed on Inactive Status	14	30
	End Pending	224	173
Eureka County District Court	New Appointments	-	-
	Re-Activated	1	-
	Adjudicated/Disposed/Closed	3	-
	Placed on Inactive Status	-	-
	End Pending	-	-
Lincoln County District Court	New Appointments	26	2
	Re-Activated	14	7
	Adjudicated/Disposed/Closed	32	19
	Placed on Inactive Status	8	3
	End Pending	19	9
White Pine County District Court	New Appointments	26	20
	Re-Activated	11	9
	Adjudicated/Disposed/Closed	47	32
	Placed on Inactive Status	10	3
	End Pending	7	9

Clark County Public Defender	New Appointments	24,015	24,069
	Re-Activated		
	Adjudicated/Disposed/Closed	19,142	24,687
	Placed on Inactive Status	4,947	6,785
	End Pending	12,220	13,153
Clark County Special Public Defender	New Appointments	32	290
	Re-Activated	-	6
	Adjudicated/Disposed/Closed	28	137
	Placed on Inactive Status	-	22
	End Pending	65	205
Churchill County District Court	New Appointments	252	215
	Re-Activated	88	76
	Adjudicated/Disposed/Closed	432	364
	Placed on Inactive Status	97	89
	End Pending	88	55
Lander County District Court	New Appointments	34	35
	Re-Activated	-	1
	Adjudicated/Disposed/Closed	13	30
	Placed on Inactive Status	-	2
	End Pending	37	42
Mineral County District Court	New Appointments	9	14
	Re-Activated	-	-
	Adjudicated/Disposed/Closed	7	14
	Placed on Inactive Status	3	-
	End Pending	37	ND
Pershing County District Court	New Appointments	115	118
	Re-Activated	9	7
	Adjudicated/Disposed/Closed	124	108
	Placed on Inactive Status	9	6
	End Pending	69	82
GRAND TOTAL	New Appointments	31,956	33,005
	Re-Activated	258	317
	Adjudicated/Disposed/Closed	27,052	32,764
	Placed on Inactive Status	5,282	7,248
	End Pending	13,108	16,513

ND No Data

NA Not Applicable

Source: Indigent Defense Caseload Statistics, AOC, Research and Statistics Unit