

Rural County Public Defender Reporting Tool Instruction Manual

*Created by the Nevada Association of Counties (NACO)
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Introduction: In 2017, Nevada’s legislature took a preliminary step toward reforming the state’s indigent defense system by establishing the Nevada Right to Counsel Commission (NRTCC). This Commission conducted, with the assistance of the Sixth Amendment Center (6AC), a study of the provision of indigent defense services in Nevada’s rural counties. During the NRTCC’s discussions, as well as through information gathered by the 6AC, the Nevada Association of Counties (NACO) heard from its rural county members about one important challenge they faced. That challenge is, although county commissions and county managers in rural Nevada are tasked with overseeing any contract public defenders they may have hired, they do not have a uniform reporting tool or system through which they could gather information from public defenders on their work. Such a tool could accomplish two things: 1) Help county managers and commissions understand the tasks and challenges rural contract public defenders face; and 2) Help counties ensure public defenders are meeting the terms of their contracts.

In response, NACO convened a working group to create such a tool. The working group included a county commissioner, current or former county or assistant county managers, a prosecutor, and a defense attorney. Rural counties are encouraged use the tool. Please ask your county’s contract public defender(s) to fill it out once every quarter. It is suggested the reports be presented to the county commission. The instructions below provide information on how to use the tool.

| Section | Question/Instruction |
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| 1 | <u>County:</u> Please list the county in which you provide indigent defense services and for which the case load report pertains. |
| 2 | <u>Law Firm:</u> Please list the name of the law firm that employs you. If you are self-employed, please list “sole practitioner.” |
| 3 | <u>Attorney Name:</u> Please list the first and last name of the attorney. Please note, a separate report must be filled out for each and every attorney in a public defender office or law firm. |
| 4 | <p><u>Reporting Quarter:</u> A county fiscal year begins on July 1st and ends on June 30th. Therefore, the four reporting quarters are as follows:</p> <p style="padding-left: 40px;">Quarter 1: July 1st through September 30th. Quarter 2: October 1st through December 31st. Quarter 3: January 1st through March 31st. Quarter 4: April 1st through June 30th.</p> <p>Please indicate the appropriate fiscal quarter that is being reported.</p> |
| 5 | <u>Final Day of Last Reporting Period:</u> Please indicate the day on which you last reported your public defender workload. For example, if the current report is for the second quarter of a fiscal year (e.g. October 1 st through December 31 st), then the final day of last reporting period should be marked “September 30 th .” |

Caseload Reporting: For all public defense caseload reporting, Sections #6 through #9, please use the following uniform definition of a “case”: Count the defendant and all charges involved in a single incident as a single case. If the charging document contains multiple defendants involved in a single incident, count each defendant as a single case. When cases involve multiple charges arising out of a single incident, please count the case by “top charge” at the time of filing, regardless of the severity of the case when it is disposed. That is, a case filed as a felony but disposed as a misdemeanor through plea negotiations should be counted in caseload reports as a felony.

Explanation: Using a district attorney’s charging instrument to define a “case” does not produce uniform caseload data because different prosecutors have different philosophies on how to charge (as it should be). For example, one prosecutor may want to charge suspected co-conspirators on a single charging document. However, two separate public defense providers must each represent the individual co-defendants. Each right to counsel provider is ethically bound to provide zealous representation to the co-defendant assigned to them, meaning that each defense provider must conduct independent investigations and engage in separate case prep and plea negotiations. They are, in every sense of the word, two separate “cases.”

Similarly, if a defendant is charged with shoplifting in one store on one day and a separate store on another day, and yet a third store on a third day, a prosecutor may want to file a single charging document to show the serial pattern of the accused. But, from the defense perspective, an attorney must interview three potential sets of eyewitnesses, and investigate three different crime scenes. It is quite possible the defendant committed two of the alleged crimes, but not the third. Each one must be treated as its own case.

This differs in kind with the work and effort needed to investigate and defend all of the charges arising from a single incident. Say a defendant is charged with reckless driving and subsequently is alleged to have resisted arrest or to have accosted the arresting officer. All of the work effort of a defense attorney is around the same sets of facts, the same eyewitnesses and the same crime scene.

Similar issue arise when trying to count a “case” by “charge” or by “defendant.” Because defendants are sometimes charged with multiple counts arising out of a single incident, using “charges” as the definition of a “case,” will artificially inflate caseload numbers. The opposite is true when counting cases by “defendant.” Because defendants may be charged in multiple offenses occurring on different days in different places, counting “defendants” will underreport an attorney’s actual workload.

| Section | Question/Instruction |
|---------|---|
| 6 | <p>Pending Cases: Please list all open, pending public defense cases you have as of the date reported in Section #5 (above) by each classification listed. If you have no cases pending under a specific classification please list "0." No line should be left blank. If you list cases under the category "other," please list the case type.</p> |
| 7 | <p>New Appointments: Please list the total number of new cases to which you were appointed during the time period listed in Section #4 using the uniform definition of a "case." New appointments shall be broken down by each of the three months contained in the reporting quarter. If you have new assignments under a specific classification please list "0." No line should be left blank. If you list cases under the category "other," please list the case type.</p> <p>Cases in which an indigent defense client absconded and for which a bench warrant was issued in a prior report, and for which a client is returned to court during the current reporting period, should be counted as a new assignment.</p> |
| 8 | <p>Disposed Cases: Please list the total number of cases you disposed during the time period listed in Section #4 using the uniform definition of a "case." Dispositions shall be broken down by each of the three months contained in the reporting quarter. If you have no dispositions under a specific classification please list "0." No line should be left blank. If you list cases under the category "other," please list the case type.</p> |
| 9 | <p>Disposition Detail: For each classification of case type, please list the number of cases that were dismissed during the reporting period. Similarly, please list the number of cases by case type for which a defendant entered a guilty plea. Also, please list the number of cases for which an indigent defense client absconded and for which a bench warrant was issued. If an indigent defense client is returned on a bench warrant within the same reporting period and the case is disposed within the same reporting time period, count the case under the actual disposition category.</p> |
| 10 | <p>Number of Hours spent on court appointed representation (from this jurisdiction): Please indicate the total number of hours spent on all indigent defense cases arising from the county listed in Section #1. Do not count hours spent on indigent defense cases arising out of other counties or municipalities.</p> <p>Percentage of total hours spent on court-appointed representation (from this jurisdiction): Please estimate the percentage of work hours expended on indigent defense cases arising from the county identified in Section #1 as an overall percentage of your total time spent on all public and private cases. If you are a full-time government-employed public defender, you should indicate "100%." If you are a private attorney and take indigent defense cases from outside the county listed in Section #1, please count those other indigent defense cases as part of your "private" caseload for this response.</p> |
| 11 | <p>Other jurisdictional indigent defense workload: If you handled indigent defense cases during the reporting period in any other jurisdiction (including municipalities), please list the name of the county or municipality where this work occurred.</p> |
| 12 | <p>Other criminal justice work: If you performed any work in a different criminal justice capacity (e.g., magistrate, prosecutor, etc.) in any jurisdiction (including municipalities) other than the county listed in Section #1, please list the name of the county or municipality where this work occurred. Also, please indicate what criminal justice capacity performed.</p> |
| 13 | <p>Support personnel: Please list any and all support staff employed by the law firm indicated in Section #2 above. You do not need to list individual names but rather by job classification. For example, if a law firm or public defender office employs two legal secretaries, please indicate this as: "Legal secretaries (2)." If the law firm or public defender employs part-time support staff, please indicate the percentage of a full-time equivalent employee. For example, if a law firm or public defender office employs one full-time legal secretary and one half-time legal secretary, please indicate this as: "Legal secretaries (1.5)."</p> |