

Nevada Department of Indigent Defense Services



Thank you, NACO!

Davis v. Nevada

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Plaintiffs challenge the constitutionality of Nevada's practices regarding indigent defense systems in Nevada's "Rural Counties."*

15 Oct. 2018

"Stipulated Consent Judgment" filed.

11 Aug. 2020

3 June 2019

Nevada legislature passed Assembly Bill 81 (AB81) establishing Department of Indigent Defense Services.

*"Rural Counties" means: Churchill, Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, and White Pine.

Davis Stipulated Consent Judgement Obligations

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Requirements

- Collect Data
- Establish Standard Contract
- Approve New County Contracts
- Ensure Immediate Access to Applications for Indigent Defense Services
- Ensure Screening for Indigency Within 48 Hours
- Counsel at Initial Appearance

Continuing Duties

- Establish Minimum Standards of:
 - Client Communication
 - Attorney Qualifications

Goal: Incorporate into County Plans for the Provision of Indigent Defense Services

Board of Indigent Defense Services Regulations

Formula for Determining the Maximum Amount a County may be Required to Pay for Indigent Defense Services (Sec. 18-21)

Plans for the Provision of Indigent Defense Services (Sec. 22-29)

Attorney Qualifications, Training, and Education (Sec. 30-39)

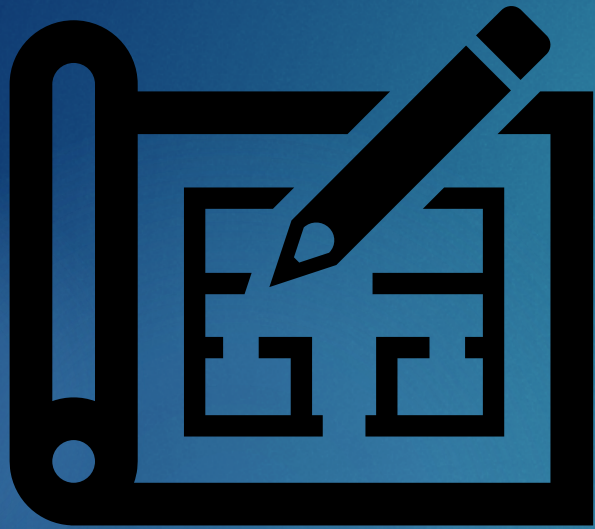
Audit, Investigation, or Review (Sec. 40)

Contract Terms and Uniform Data Collection (Sec. 41-47)

Board Regulations, Effective March 5, 2021

However, until the counties have their plans written, submitted and approved by the Board of Indigent Defense Services, **appointments and representation may occur in the usual manner.**





Plans for the Provision of Indigent Defense Services

Sec. 22-29

Current Reporting Requirements

► NRS 260.070 Annual reports

- Public Defender Reports to the Board all cases handled.
- Board reports to DIDS May 1
 - Plan for the Next Fiscal Year
 - Estimate for the Cost
 - Workload of Public Defenders
 - **Initial Plans due: Sept 3**

Plans for the Provision of Indigent Defense Services

Due Date	September 3, 2021 or earlier
Purpose	Creating “plan for the provision of indigent defense service” NRS 260.070, which sets forth structure of indigent defense in Lyon County.
Encourage	Counties to consult with local providers of indigent defense services in creation.
Goal	Promote integrity between attorney and client. Freedom from political and undue budgetary influence. Subject to judicial supervision to same extent as private attorney/prosecutor.



What is “indigent defense services?”

- “Indigent defense services” means legal representation to:
- (1) An indigent adult who is charged with a public offense; or
 - (2) An indigent child who is:
 - (a) Alleged to be delinquent; or
 - (b) In need of supervision pursuant to title 5 of NRS.

NRS 180.004

*Does not include: 432B cases (removal of children from home); Representation of a parent in a juvenile delinquency case (see NRS 62D.100); Involuntary commitments (NRS 433A.270)
See: NRS 180.060 and NRS 260.050

Plan Provides Description of How Lyon County:

- ▶ Provides Indigent Defense Services
- ▶ Hiring Process
- ▶ Screening Process of Defendants for Indigency
- ▶ Assignment of Cases
- ▶ Payment for Case Related Expenses
- ▶ Data Collection



Check out our Website:
dids.nv.gov

***We are
here to
Help!***

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Our Website:
County Resources



Review Other County
Plans



Template for Plans and
Model Contract

Upcoming Appearances at Board Meetings: Seeking Guidance on Who to Work With in Building Plans

- ▶ Nye County: March 16, 2021
- ▶ Lyon County: March 18, 2021
- ▶ White Pine County: March 24, 2021
- ▶ Elko County: April 7, 2021
- ▶ Churchill County: June 16, 2021
- ▶ Carson City: TBD
- ▶ Douglas County: TBD
- ▶ Esmeralda County: TBD
- ▶ Lander County: TBD (June)
- ▶ Humboldt County: TBD

Reaching Out to:

- ▶ Eureka County
- ▶ Lincoln County
- ▶ Mineral County
- ▶ Pershing County
- ▶ Storey County



Contact Us

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