

Oversight of Public Defenders in Nevada – How the New State Office of Indigent Defense Services will work

State Oversight and Local Implementation – Working with contract public defenders in Nye County



History on Nye County's Public Defender Program

- In 1993, Nye County was experiencing challenges with providing indigent defense and had the following to consider:
 - Continue to utilize the State Public Defender. Challenges presented were:
 - One (1) attorney assigned to Nye County to cover five (5) courts over 18,147 square miles
 - Excessive use of conflict attorneys caused budget increases
 - Create a Public Defender department and employ attorneys. Challenges presented were:
 - Overhead costs of creating a new department, such as salaries, benefits, office space, furnishings, utilities were not budgeted for
 - Establish a contract model program. Challenges presented were:
 - Lower standard of representation
 - Conflict attorney costs

History on Nye County's Public Defender Program (cont.)

- The Board of County Commissioners submitted notice of intent to establish the Office of Public Defender pursuant to Chapter 260 of the Nevada Revised Statutes.
- Entered into a Services Agreement for legal representation of indigent criminal defendants in the amount of \$131,000 and was annually renewed through Fiscal Year 2006 with the final contract amount set at \$420,000.
- In 2006, Nye County solicited for qualifications and awarded a contract to a law firm for legal representation of indigent criminal defendants in the amount of \$490,000 and was extended contractually through Fiscal Year 2011 with the final contract amount set at \$550,000.
- Conflict attorney fees increased to over \$700,000.

Restructure of Nye County's Public Defender Program

- The structure of the contract resulted in conflicts preventing the retained firm from representing many indigent defendants thus necessitating the appointment of other attorneys. The cost of legal services exceeded \$1.2million (\$550,000 for public defender contract and over \$700,00 for conflict attorneys.
- Conflicts can be avoided by splitting the contract and offering flat fee contracts to five full-share attorneys.
- It was expected the costs for the program could be reduced to \$750,000 per year.

Nye County Public Defender Program - Individual Contract Model

- Five (5) modified flat fee contracts are awarded annually by the Board of County Commissioners in the amount of \$150,000.00 each. In addition, the County agrees to reimburse for the following:
 - Extraordinary investigative costs;
 - Expert witness fees; or
 - Other necessary services if so ordered by a Court

Any payment for extraordinary costs or fees shall be paid only when submitted and approved by the court ordering said extraordinary services.

Nye County Public Defender Program – Improving Operations

- Address staggering caseloads
 - Delegate the authority to oversee and implement the provisions of this contract to any attorney within the consortium, which attorney shall be designated as the program coordinator. The program coordinator shall work with the Assistant County Manager and courts assigning cases on a rotating basis among the contract attorneys to ensure an equitable distribution.
 - Increase public defender head count to provide quality services to the indigent clients.
- Establish an application review panel to advise the Board of County Commissioners on :
 - Experience and qualifications of the applicant;
 - Applicant's past performance in representing defendants in criminal cases;
 - Applicant's disciplinary history with the state bar; and
 - Applicant's ability to comply with the terms of the contract

Nye County Public Defender Program – State Oversight

Nye County is responsible for administering services associated with trial-level public defense in adult criminal and juvenile cases. The Department of Indigent Defense (DIDS) plays a unique role in supporting Nye County in carrying out this constitutionally mandated service.

DIDS will assist Nye County by providing the established standards for the delivery of indigent defense services, which include continuing education requirements for attorneys who provide indigent defense services, uniform tracking of information by such attorneys and guidelines for maximum caseloads of such attorneys; and procedures for receiving and resolving complaints concerning the provision of indigent defense services.

Nye County will continue to work with DIDS to address administrative questions and challenges in public defense service delivery.

DIDS is a valuable resource to Nye County. With the support of DIDS, Nye County can confidently ensure effective and efficient delivery of indigent defense services.