



**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIRECTOR'S OFFICE**

515 E. Musser Street, Suite 300 | Carson City, Nevada 89701
Phone: (775) 684-0299 | admin.nv.gov | Fax: (775) 684-0298

Meeting Notice and Agenda

Organization: Board on Indigent Defense Services

Date and Time of Meeting: Wednesday, October 9, 2019, 9:00 a.m.

Place of Meeting: Legislative Counsel Bureau
401 S. Carson Street, Room 2134
Carson City, NV 89701

Videoconference Location: Grant Sawyer Building
555 E. Washington Ave, Room 4412
Las Vegas, NV 89101

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Calendar of Meetings – View."

Agenda

1. Open Meeting: Roll Call, Welcome, Announcements
2. Public Comment

Public comment will be taken during this agenda item. No action may be taken on any matter raised under this item unless the matter is included on a future agenda as an item on which action may be taken. Persons making public comments to the Board will be taken under advisement but will no deliberation will occur during the meeting. Comments may be limited to three minutes per person at the discretion of the chairperson. Additional three minute comment periods may be allowed on individual agenda items at the discretion of the chairperson. These additional comment periods shall be limited to comments relevant to the agenda item under consideration by the Board.

3. Introduction by Board Counsel and discussion regarding Nevada Open Meeting Law. (for discussion only)

4. Discussion and possible action regarding election of Chair and Vice Chair. **(for possible action)**
5. Information, discussion and possible action regarding selection of candidates for Executive Director of the Department of Indigent Defense Services pursuant to Subsection 2 of Section 9 of Assembly Bill 81 (2019). The Board will conduct interviews with and deliberate on the qualifications of the individuals listed below in order to select three candidates for consideration by Governor Sisolak for appointment to the position. **(for possible action)**

- Christy Craig
- Harriet Cummings
- Riana Durrett
- Dennis Hough
- David Neidert
- Marcie Ryba

6. Public Comment

Public comment will be taken during this agenda item. Comments may be limited to three minutes per person at the discretion of the chairperson. Persons making public comment need to state and spell their name for the record at the beginning of their testimony.

7. Adjournment

<p>The supporting material to this agenda is available, at no charge. Contact Tawny Polito at 775-684-0299 or tpolito@admin.nv.gov.</p>
<p>An item raised during a report or public comment may be discussed but may not be deliberated or acted upon unless it is on the agenda as an action item.</p>
<p>All times are approximate. The Board reserves the right to take items in a different order or to combine two or more agenda items for consideration to accomplish business in the most efficient manner. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Board reserves the right to limit internet broadcasting during portions of the meeting that need to be confidential or closed.</p>
<p>We are pleased to make reasonable efforts to assist and accommodate persons with physical disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Administration Director's Office in writing, at 515 E. Musser St., Suite 300, Carson City, NV 89701, or call Tawny Polito at 775-684-0299, as soon as possible so that reasonable efforts can be made to accommodate the request.</p>
<p>Copies of the Meeting Action Minutes are available for inspection, at no charge, at the Department of Administration Director's Office, 515 E. Musser St., Suite 300, Carson City, NV 89701 or on the Department of Administration website at http://admin.nv.gov/Boards/IDS-Board. For additional information, contact Tawny Polito at 775-684-0299.</p>

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: NEVADA STATE LIBRARY & ARCHIVES, 100 N. Stewart Street, Carson City; STATE PUBLIC WORKS DIVISION, 515 E. Musser Street, Carson City; STATE PUBLIC WORKS DIVISION, 2300 McLeod Street., Las Vegas; THE GRANT SAWYER STATE OFFICE BUILDING, 555 East Washington Avenue, Las Vegas; THE LEGISLATIVE BUILDING, 401 South Carson Street, Carson City, and also posted to the public notice website for meetings at www.leg.state.nv.us/App/Notice and <https://notice.nv.gov>. In addition, the agenda was mailed to groups and individuals as requested.

Assembly Bill No. 81–Committee on Judiciary

CHAPTER.....

AN ACT relating to criminal defense; creating the Department of Indigent Defense Services to oversee criminal defense services provided to indigent persons in this State; creating the Board on Indigent Defense Services consisting of various appointed persons to provide certain direction and advice to the Executive Director of the Department and to establish certain policies; requiring the Board to establish the maximum amount a county may be required to pay for the provision of indigent defense services; authorizing the Board to adopt regulations governing indigent defense services; providing for the transfer of responsibility for the provision of indigent defense services from certain counties to the State Public Defender in certain circumstances; allowing such services to be transferred back to the county in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 377 of the 2017 Legislative Session created the Nevada Right to Counsel Commission consisting of 13 voting members appointed by the Governor, the Legislature and the Nevada Supreme Court. The Chief Justice of the Supreme Court or his or her designee was to serve as an ex officio nonvoting member of the Commission. The Commission was charged with conducting a study during the 2017-2019 interim concerning issues relating to the provision of legal representation of indigent persons in criminal cases in this State. (Chapter 460, Statutes of Nevada 2017, p. 2940) The Commission is set to expire on July 1, 2019. In its place, **section 6** of this bill creates the Board on Indigent Defense Services and designates the manner in which members must be appointed. Members of the Board serve without compensation, except for per diem allowance and travel expenses. **Section 7** of this bill provides for the organization of the Board, whose voting members will serve for terms of 3 years and may be reappointed. Voting members may be removed by the Governor for incompetence, neglect of duty and certain acts. **Section 8** of this bill sets forth the duties of the Board, which include providing certain direction and advice to the Executive Director of the Department of Indigent Defense Services, which is created in **section 9** of this bill. The Executive Director of the Department serves at the pleasure of the Governor but may only be removed for cause. The Board is required to review information concerning indigent defense services in the State and establish: (1) minimum standards for the delivery of indigent defense services; and (2) procedures for receiving and resolving complaints concerning the provision of indigent defense services. The Board is further required to establish standards for providing 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. **Section 8** further requires the Board to work with the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, to determine incentives to



recommend offering law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

Section 10 of this bill establishes the duties of the Executive Director of the Department of Indigent Defense Services, which include overseeing the functions of the Department, serving as Secretary of the Board, reporting to the Board regarding the work of the Department, developing the budget for the Department and preparing an annual report for submission to the Nevada Supreme Court, the Legislature and the Governor.

Section 11 of this bill requires the Executive Director to select two deputy directors. **Section 12** of this bill makes one deputy director responsible for overseeing the provision of indigent defense services in certain smaller counties. This includes having oversight of the State Public Defender, who is moved from the Department of Health and Human Services to the Department of Indigent Defense Services in **sections 17-19, 21 and 24-26** of this bill. In addition, **section 12** charges this deputy director with determining whether attorneys are eligible to provide indigent defense services in accordance with the requirements established by the Board. This deputy director will also develop and provide continuing legal education programs for attorneys who provide indigent defense services and identify and encourage best practices for delivering effective indigent defense services.

Section 13 of this bill makes the second deputy director responsible for reviewing the manner in which indigent defense services are provided throughout the State. This deputy director will collect information from attorneys about caseloads, salaries and other information and will conduct on-site visits to determine whether indigent defense services are being provided in the most efficient and constitutional manner. If the deputy director determines that a county is not providing such services in a manner which satisfies minimum standards that are established by the Board, **section 13** requires the deputy director to establish a corrective action plan with the board of county commissioners for the county. **Section 14** of this bill requires such a plan to be established in collaboration between the board of county commissioners and the deputy director and then must be submitted to and approved by the Board. If the board of county commissioners will have to spend more money than was budgeted in the previous year plus inflation to comply with the plan, **section 14** requires the Executive Director to include the additional amount in the budget for the Department to help support the county in providing indigent defense services. If additional money is needed before the next budget cycle, the Executive Director is required to submit a request to the Interim Finance Committee for money from the Contingency Account. If the budget is not approved with the additional amount for the county, a county that is not required to have an office of public defender, which currently means a county other than Clark and Washoe Counties, has the option to continue providing indigent defense services or transfer responsibility for providing such services to the State Public Defender. In addition, if the county fails to meet the minimum standards for the provision of indigent defense services within the time set in the corrective action plan, **section 14** requires the deputy director to inform the Executive Director, who may then recommend establishing another corrective action plan. For a county that is not required to have an office of public defender (currently all counties other than Clark and Washoe Counties), the Executive Director may instead recommend requiring the county to transfer responsibility for provision of indigent defense services to the State Public Defender. Any recommendation of the Executive Director is required to be submitted to and approved by the Board. Once approved, the county is required to comply with the decision of the Board. In addition, **section 8** requires the Board to establish a



formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services. This cap also applies when determining the county responsibility in **sections 14 and 23** of this bill.

Sections 20 and 28 of this bill remove obsolete language which requires the State Public Defender and the county public defender to provide indigent defense services within the limits of available money to conform with the provisions of this bill that require appropriate representation be provided to indigent defendants in every case. Existing law provides for a State Public Defender and requires certain large counties to establish an office of public defender. (NRS 180.010, 260.010) Smaller counties are authorized, but not required, to establish an office of public defender. (NRS 260.010) **Sections 22 and 27** of this bill revise these provisions to address their applicability when a county is required to transfer responsibility for the provision of indigent defense services to the State Public Defender. (NRS 180.090, 260.010) **Section 27** further requires each board of county commissioners to cooperate with the Board on Indigent Defense Services and the Department of Indigent Defense Services.

Existing law requires the public defender for a county to make an annual report to the board of county commissioners. (NRS 260.070) **Section 29** of this bill also requires the public defender to make an annual report to the Department of Indigent Defense Services and further requires the board of county commissioners of a county that has a public defender or which contracts for indigent defense services to provide an annual report to the Department with such information as requested by the Department.

Section 31 of this bill continues certain definitions applicable to the chapter governing the State Public Defender that were set to expire. **Section 31.3** of this bill staggers the terms of the members of the Board so that approximately 30 percent of the members will be appointed each year.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

WHEREAS, Section 1 of Article 1 of the Nevada Constitution recognizes the inalienable right of persons to defend life and liberty; and

WHEREAS, The State is committed to protecting the individual liberties of persons in this State; and

WHEREAS, Section 2 of Article 1 of the Nevada Constitution acknowledges that the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its constitutional powers as have been or may be defined by the Supreme Court of the United States; and

WHEREAS, Under the Sixth and Fourteenth Amendments to the Constitution of the United States, the obligation to provide effective representation to accused indigent persons at each critical stage of criminal and delinquency proceedings rests with the states; and

WHEREAS, Accordingly, it is the obligation of the Legislature to provide the general framework and resources necessary for the provision of indigent defense services in this State; and



WHEREAS, Although various counties in the State have accepted a large part of the responsibility for the provision of indigent defense, the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and

WHEREAS, The Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent counsel in a manner that is fair and consistent throughout the State and at all critical stages of a criminal proceeding; and

WHEREAS, The Legislature must further ensure proper oversight of the provision of defense to indigent persons in this State and respond quickly, effectively and adequately to guarantee that the constitutional mandate of effective assistance of counsel is met; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. *The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.*

2. The request must be accompanied by the defendant's affidavit, which must state:

(a) That the defendant is without means of employing an attorney; and

(b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

(a) Finds that the defendant is without means of employing an attorney; and

(b) Otherwise determines that representation is required,



↳ the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed.

4. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court **H**, *unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to section 14 of this act.* If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court in an amount not to exceed \$75 per case.

Sec. 1.5. NRS 178.397 is hereby amended to read as follows:

178.397 Every defendant accused of a *misdemeanor for which jail time may be imposed, a gross misdemeanor or a felony and who is financially unable to obtain counsel is entitled to have counsel assigned to represent the defendant at every stage of the proceedings from the defendant's initial appearance before a magistrate or the court through appeal, unless the defendant waives such appointment.*

Sec. 2. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive of this act.

Sec. 3. *“Board” means the Board on Indigent Defense Services created by section 6 of this act.*

Sec. 3.5. *“Department” means the Department of Indigent Defense Services created by section 9 of this act.*

Sec. 4. *“Executive Director” means the Executive Director of the Department.*

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. *There is hereby created a Board on Indigent Defense Services within the Department of Indigent Defense Services, consisting of:*

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.



(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity; or

(II) Has expertise in juvenile justice and criminal law.

(4) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor.

(5) One member selected by the Board of Governors of the State Bar of Nevada, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada; and

(II) Resides in a county whose population is less than 100,000.

(6) Four members selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.

(7) Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.

(8) One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.

(9) One member selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.

(b) The Chief Justice of the Nevada Supreme Court may designate one person to serve as a nonvoting member to represent the interests of the Court.

2. In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.

3. Each person appointed to the Board must have:

(a) Significant experience providing legal representation to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;

(b) A demonstrated commitment to providing effective legal representation to such indigent persons; or

(c) Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.



4. *A person must not be appointed to the Board if he or she is currently serving or employed as:*

- (a) A judge, justice or judicial officer;*
- (b) A Legislator or other state officer or employee;*
- (c) A prosecuting attorney or an employee thereof;*
- (d) A law enforcement officer or employee of a law enforcement agency; or*

(e) An attorney who in his or her position may obtain any financial benefit from the policies adopted by the Board.

5. *A person must not be appointed to the Board if he or she is currently employed:*

- (a) Within the Department of Indigent Defense Services;*
- (b) By a public defender; or*
- (c) By any other attorney who provides indigent defense services pursuant to a contract with a county.*

6. *Each member of the Board:*

- (a) Serves without compensation; and*
- (b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

7. *Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.*

Sec. 7. 1. *Except as otherwise provided in this section, the voting members of the Board on Indigent Defense Services are appointed for a term of 3 years and may be reappointed.*

2. *The Chair of the Board must be selected at the first meeting from among the voting members of the Board and serves until July 1 of the next year. The Chair for the following year must be selected in the same manner before the expiration of the current term of the sitting Chair. The Chair may be selected to serve another term as Chair.*

3. *The Governor may remove a voting member of the Board for incompetence, neglect of duty, committing any act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.*



4. *A vacancy on the Board must be filled in the same manner as the original appointment by the appointing authority for the remainder of the unexpired term.*

5. *The Board shall meet regularly upon a call of the Chair. An affirmative vote of a majority of the members of the Board is required to take any action.*

Sec. 8. 1. *The Board on Indigent Defense Services shall:*

(a) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Department to ensure that indigent defense services are provided in an effective manner throughout this State.

(b) Review information from the Department regarding caseloads of attorneys who provide indigent defense services.

(c) Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.

(d) Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.

(e) Provide direction to the Executive Director concerning annual reports and review drafts of such reports.

(f) Review and approve the budget for the Department.

(g) Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.

(h) Provide advice and recommendations to the Executive Director on any other matter.

2. *In addition to the duties set forth in subsection 1, the Board shall:*

(a) Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.

(b) Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.



(c) Work with the Department to develop resolutions to complaints or to carry out recommendations.

(d) Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:

(1) Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.

(2) Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.

(3) Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.

(4) Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.

(5) Requiring the Department of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.

(e) Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.

(f) Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.



(g) Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner.

3. The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.

4. The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

Sec. 9. *1. The Department of Indigent Defense Services is hereby created.*

2. The Executive Director of the Department must be appointed by the Governor from a list of three persons recommended by the Board.

3. The Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the Governor, except that the Executive Director may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause;

(c) Must be an attorney licensed to practice law in the State of Nevada; and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.

Sec. 10. *1. The Executive Director shall:*

(a) Oversee all of the functions of the Department of Indigent Defense Services;

(b) Serve as the Secretary of the Board without additional compensation;

(c) Report to the Board on Indigent Defense Services regarding the work of the Department and provide such information to the Board as directed by the Board;

(d) Assist the Board in determining necessary and appropriate regulations to assist in carrying out the responsibilities of the Department;

(e) Establish the proposed budget for the Department and submit the proposed budget for approval of the Board;



(f) Prepare an annual report concerning indigent defense services in this State which includes information collected by the Department and such other information as requested by the Board; and

(g) Take any other actions necessary to ensure that adequate and appropriate indigent defense services are provided in this State.

2. The report prepared pursuant to paragraph (f) of subsection 1 must be submitted for input from the Board. The final report must be submitted on or before July 1 of each year to the Nevada Supreme Court, the Legislature and the Office of the Governor. The report may include any recommendations for legislation to improve indigent defense services in this State.

Sec. 11. *1. In addition to the Executive Director, the Department must include not fewer than two deputy directors selected by the Executive Director who serve at the pleasure of the Executive Director.*

2. The deputy directors:

(a) Must be attorneys licensed to practice law in the State of Nevada;

(b) Are in the unclassified service of this State; and

(c) Shall devote their entire time to their duties and shall not engage in any other gainful employment or occupation.

Sec. 12. *One deputy director selected pursuant to section 11 of this act must be responsible for:*

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender; and

(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to section 8 of this act. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.



Sec. 13. *One deputy director selected pursuant to section 11 of this act must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:*

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.

Sec. 14. *1. If a corrective action plan is recommended pursuant to section 13 of this act, the deputy director and the board of county commissioners must collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.*

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the



indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county. For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.



(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.

Sec. 15. *1. A county that transfers responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act may seek to have the responsibility transferred back to the county by submitting a request to the Executive Director in writing on or before December 31 of an even-numbered year.*

2. Upon finding that the county is able to meet minimum standards for the provision of indigent defense services, the Executive Director shall approve transferring the responsibility for the provision of indigent defense services to the county.

3. If the Executive Director denies a request to transfer responsibility for the provision of indigent defense services to a county, the Executive Director must inform the board of county commissioners for the county of the reasons for the denial and the issues that must be resolved before the responsibility for the provision of indigent defense services will be transferred to the county.

4. If the Executive Director approves a request to transfer responsibility for the provision of indigent defense services to the county, the board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

Sec. 16. NRS 180.002 is hereby amended to read as follows:

180.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 180.003 and 180.004 *and sections 3, 3.5 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 180.010 is hereby amended to read as follows:

180.010 1. The Office of State Public Defender is hereby created within the Department of ~~Health and Human~~ *Indigent Defense* Services.



2. The Governor shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified.

3. *The State Public Defender is responsible to the Executive Director.*

4. The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State ~~+~~ *and serves at the pleasure of the Executive Director.*

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

~~4.~~ 5. No officer or agency of the State, other than the ~~{Governor and the Director of the Department of Health and Human Services,}~~ *Executive Director and the deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may supervise the State Public Defender. No officer or agency of the State, other than the ~~{Governor,}~~ *Executive Director or deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may assign the State Public Defender duties in addition to those prescribed by this chapter.

Secs. 18 and 19. (Deleted by amendment.)

Sec. 20. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, 171.188 or 432B.420, ~~{and within the limits of available money,}~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter



is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 21. NRS 180.080 is hereby amended to read as follows:

180.080 1. The State Public Defender shall submit:

(a) A report on or before December 1 of each year to the ~~Governor~~ *Executive Director* and to each participating county containing a statement of:

(1) The number of cases that are pending in each participating county;

(2) The number of cases in each participating county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the State Public Defender and the State Public Defender's staff on work for each participating county; ~~and~~

(5) The amount and categories of the expenditures made by the State Public Defender's office ~~H~~; *and*

(6) Such other information as requested by the Executive Director of the Department of Indigent Defense Services or the Board on Indigent Defense Services.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the State Public Defender for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

(c) Such reports to the Legislative Commission as the regulations of the Commission require.

2. As used in this section, "participating county" means each county in which the ~~office of public defender has not been created pursuant to NRS 260.010.~~ *State Public Defender acts as the public defender for the county.*



Sec. 22. NRS 180.090 is hereby amended to read as follows:

180.090 Except as provided in subsections 4 and 5 of NRS 180.060, the provisions of ~~this chapter~~ ***NRS 180.010 to 180.100, inclusive***, apply only to counties in which the office of public defender has not been created pursuant to the provisions of chapter 260 of NRS.

Sec. 23. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. ***The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.***

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

↳ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.

Secs. 24 and 25. (Deleted by amendment.)

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.



(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.



(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department . ~~[- other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.]~~

Sec. 27. NRS 260.010 is hereby amended to read as follows:

260.010 1. In counties whose population is 100,000 or more, the boards of county commissioners shall ~~[- create]~~ *provide* by ordinance *for* the office of public defender.

2. Except as otherwise provided by subsection 4 ~~[-]~~ *and except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act*, in counties whose population is less than 100,000, boards of county commissioners may in their respective counties ~~[- create]~~ *provide* by ordinance, at the beginning of a fiscal year, *for* the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to ~~[- create]~~ *provide by ordinance for* the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may ~~[- create]~~ *provide for* the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners.

7. *Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by section 6 of this act and the Department of Indigent Defense Services created by section 9 of this act. The board of county commissioners shall:*

(a) Ensure that data and information requested by the Board or Department is collected and maintained; and



(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Department.

8. *As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.*

Sec. 28. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030, 171.188 or 432B.420, ~~and within the limits of available money;~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including revocation of probation or parole; and

180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 29. NRS 260.070 is hereby amended to read as follows:

260.070 1. The public defender shall make an annual report to ~~the~~:

(a) *The* board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) The Department of Indigent Defense Services created by section 9 of this act which includes any information required by the Department.

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Department on or before May 1 of each year. The report must include any information requested by the Department concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year.

3. *As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.*

Sec. 30. (Deleted by amendment.)



Sec. 31. Section 35 of chapter 460, Statutes of Nevada 2017, at page 2943, is hereby amended to read as follows:

- Sec. 35. **1.** This act becomes effective on July 1, 2017
~~and expires~~
2. Sections 1, 3, 5, 6 and 8 to 34, inclusive, of this act expire by limitation on June 30, 2019.

Sec. 31.3. The members of the Board on Indigent Defense Services created by section 6 of this act shall serve initial terms ending on:

1. June 30, 2022, for the members appointed by the Chief Justice of the Nevada Supreme Court, the Majority Leader of the Senate, the Speaker of the Assembly and the Governor pursuant to subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of section 6 of this act.

2. June 30, 2021, for two of the members selected by the Nevada Association of Counties pursuant to subparagraph (6) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the Nevada Association of Counties.

3. June 30, 2021, for the member selected by the Board of County Commissioners of Washoe County pursuant to subparagraph (8) of paragraph (a) of subsection 1 of section 6 of this act and one of the members selected by the Board of County Commissioners of Clark County pursuant to subparagraph (7) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the respective Boards.

4. June 30, 2020, for all of the remaining members.

Sec. 31.5. (Deleted by amendment.)

Sec. 32. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 33. This act becomes effective:

1. Upon passage and approval for the purpose of recruiting and selecting the Executive Director and employees of the Department of Indigent Defense Services created by section 9 of this act, and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act.

2. Upon passage and approval for the purpose of appointing members to the Board on Indigent Defense Services created by section 6 of this act. Members must be appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the Chief Justice of the Supreme Court, as applicable, as soon as practicable and assume their positions on July 1, 2019.



3. On October 1, 2019, for all other purposes.



August 6, 2019

State of Nevada
Board on Indigent Defense Service
Tawny Polito, Executive Assistant to the Director
515 E. Musser Street, 3rd Floor
Carson City, Nevada 89701

To the members of the Board,

“The right of an indigent defendant in a criminal trial to have the assistance of counsel is a fundamental right essential to a fair trial.”

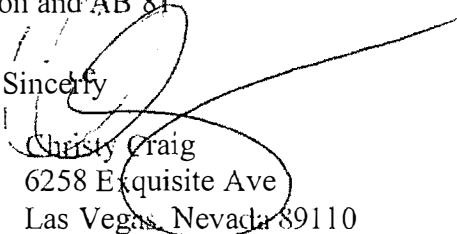
- U.S. Supreme Court in Gideon v Wainwright, 372 U.S. 335 (1963).

Good lawyering makes a difference for indigent clients and for the integrity of the criminal justice system, which weighs questions of life and liberty. A healthy, adversarial criminal justice system requires a committed, zealous, and effective public defender’s office with standards, thoughtful oversight, supervision, training, and consistency state-wide. Addressing systemic structural issues that impact the delivery of constitutionally required indigent defense in Nevada’s rural counties is an enormous undertaking. I have spent my entire career assessing impediments and defects in the system and working on plans to ensure the delivery of meaningful, quality criminal defense.

In order to meet the stunning scope of AB 81, immediate focus must be directed toward the structure and organization of public defense services with an eye towards each county’s individual needs and strengths within a clear, fair and consistent state-wide framework providing effective, efficient quality representation. Evidence based analysis based on data collection that provides objective and reliable data is key to determining funding, staffing and quality of the services provided. Fortunately, between the legislature, the Sixth Amendment Center, the Nevada Supreme Court and other organizations there is a significant body of work investigating, evaluating indigent defense services in rural Nevada.

It will be challenging and exciting to do the work that is necessary to establish a fair and consistent state-wide frame work for indigent defense in Nevada that ensures that all indigent criminal defendants are afforded effective, timely, competent and diligent representation in accordance with the U.S. and Nevada Constitution and AB 81

Sincerely,


Christy Craig
6258 Exquisite Ave
Las Vegas, Nevada 89110
clcraig1@gmail.com



Christy Craig

Professional Profile

Attorney, Clark County Public Defender's Office 1998-present

Director, Complex Litigation Unit 2017-19

- Supervised team of attorneys in developing and implementing impact litigation strategies addressing systemic problems in local justice system
- Directed legislative initiatives for public defender office
- Directed federal habeas filings regarding use of cash bail in Clark County

Trial Attorney, Capital Defense Unit 2008-19

- Defended indigent persons charged with capital and non-capital murder
- Tried 10 capital and noncapital cases, including penalty phase in capital cases

Attorney, Competency and Mental Health Courts 2005-10

- Represented severely mentally ill defendants by assessing their competency and ensuring they received proper medical care
- Advocated for all participants in Clark County mental health court, including defendants represented by private counsel

Team Chief / Attorney Supervisor 2004-08

- Supervised team of attorneys, an investigator, and a legal office assistant
- Counseled newer attorneys on the expected standard of representation and how to achieve it
- Monitored attorneys' performance and provided additional training to improve weaker areas

Trial Attorney, Sex Assault Unit 2001-04

- Represented people accused of sexual offenses facing a potential life sentence

Trial Attorney 1998-01

- Defended people charged with felony and misdemeanor offenses in Justice Court, District Court, and the Nevada Supreme Court

Education

Juris Doctor

California Western School of Law 1996

Bachelor of Arts, History

University of Nevada at Las Vegas 1993

Management Experience

Director, Clark County Public Defender Complex Litigation Unit

Managed a team of attorneys and support staff in the development and implementation of impact litigation strategies; trained 80 attorneys in new litigation protocols; oversaw strategy implementation in court from initial appearance to appeal.

Chief, Clark County Public Defender Trial Team

Supervised team of attorneys and support staff in representing people charged with Nevada felony and misdemeanor offenses; developed performance measurements for staff and conducted personnel evaluations and reviews.

Coordinator, Clark County Public Defender Social Worker Program

Created and managed social work intern program, incorporating Masters of Social Work students from UNLV into public defense work; developed program where social work interns would coordinate social services for public defender clients; evolved intern program into creation of permanent, full-time social worker and capital mitigation specialist positions at the public defender office.

Coordinator, Clark County Public Defender Legislative Initiative Program

Created and managed group of attorneys tasked with developing and reviewing criminal justice system legislative proposals before the Nevada legislature.

Litigation Experience

Nevada State Courts (Justice, District, and Appellate Courts)

- Capital defense qualified pursuant to Nevada Supreme Court Rule 250
- 10 capital and non-capital homicide jury trials to verdict
- Over 35 homicide cases resolved without trial
- Over 25 felony trials to verdict
- Over 5 arguments before the Nevada Supreme Court
- Over 100 preliminary hearings and evidentiary hearings
- Over 1000 law/motion and sentencing arguments

Federal District Court, District of Nevada

- Successfully prosecuted federal civil rights claim challenging unconstitutional delays in treatment of mentally ill pre-trial detainees
- Filed federal habeas petition challenging the unconstitutional use of bail as pretrial detention contrary to U.S. and Nevada law

Legislative Experience

- Established and coordinated proactive legislation for the Clark County Public Defender's Office
- Authored several bill drafts, coordinated with legislators to present various bills, and testified on behalf of various bills in the 2014-17 legislative sessions

Indigent Defense Protocol Development

While maintaining full-time public defender duties, I have participated in the following projects, committees, and endeavors aimed at ensuring the equitable administration of justice for indigent persons accused of crimes in Clark County:

Founding Member, Lake's Crossing Task Force (LCTF)

Led task force identifying solutions to issues related to the treatment of mentally ill and incompetent defendants in Clark County, including: addressing the backlog of in-custody defendants awaiting treatment; triaging defendants awaiting treatment; alternative treatment/placement options; legal and medical barriers to treatment; and treatment of profoundly disabled detainees. Served on LCTF with District Court Judges Glass, Bell, and Togliatti; Lake's Crossing directors Dr. Elizabeth Neighbors and Tome Durante; Southern Nevada Adult Mental Health Director Ellen Richardson; and representatives from the Clark County Detention Center (CCDC), Clark County District Attorney's Office, and Naphcare, the treatment provider for CCDC.

Lead Counsel, *Burnside v. Nevada Dept. of Health and Human Services, et. al.*, 2:13-cv-01102-MMD-GWF (D. Nev. 2015)

Successfully prosecuted a federal civil rights claim in response to unreasonable delays in the transport of incompetent pre-trial detainees to Lake's Crossing for treatment. Negotiated a consent decree for speedy transport of incompetent defendants and construction of a forensic treatment facility in Southern Nevada. As part of the *Burnside* consent decree, Stein Hospital opened in 2015 in Las Vegas. It has dramatically enhanced the State's capacity to treat incompetent pre-trial detainees and has treated more than 600 mentally-ill defendants.

Co-Creator, Clark County Competency Court

Established Clark County's competency court in coordinating with Asst. District Attorney Chris Lalli and District Court Judge Jackie Glass. The Competency Court developed a singular protocol for adjudicating competency issues in criminal cases and now functions as the sole arbiter of competency-related matters. This has increased the efficient and consistent disposition of cases in which competency issues arise.

Lead Counsel, *Sims, et. al. v. Eighth Judicial District Court*, 125 Nev. 126 (2009)

Successfully challenged procedures unilaterally adopted by Competency Court after inception. Resulted in a ruling protecting the constitutional rights of mentally ill defendants by allowing prior mental health history to be provided to competency evaluators, allowing defense attorneys the right to communicate with competency evaluators, and requiring the court to provide full reports to counsel.

Creator, Misdemeanor Mental Health Diversion Program

Developed program to divert mentally ill defendants charged with misdemeanors to Southern Nevada Adult Mental Health Hospital. Launched in 2013, the program has successfully diverted over 300 inmates from local jails, thereby avoiding referrals to state-run forensic hospitals and resulting in charge dismissals in majority of cases.

Developer, Clark County Mental Health Court

Participated in development of Clark County's Mental Health Court, which offers a diversion program for mentally-ill offenders and helps ensure continued treatment of program participants and reduces recidivism.

Developer, Uptrust/Common Cents Lab Project

Established electronic communication protocols to assist indigent defendants in complying with court-ordered directives. The project sends electronic reminders of court dates and various obligations to criminal defendants and informs people about potential assistance with transportation and other needs. Developed this grant-funded project with Uptrust, a code-writing organization focused on electronic assistance to meet criminal case obligations, and Common Cents Lab, an organization focused on data-tracking and statistical analysis.

Liaison, Clark County Detention Center/LVMPD

Coordinated with Las Vegas Metropolitan Police and CCDC to address detainee issues, including securing hospice care (and release orders) for terminally ill detainees; resolving transport and release issues; assisting in the development of a pre-booking program to refer low-level drug arrestees to treatment programs as an alternative to criminal confinement; reducing initial arraignment bench warrants; and establishing an early intervention program where social workers assess mentally ill detainees.

Coordinator, Parole & Probation/Social Worker Grant

Developed grant with the Nevada Dept. of Parole and Probation to provide a grant-funded social worker at the Parole & Probation Day Center to assist people struggling to complete probation and reduce the number of revocations.

Liaison, UNLV Immigration and Misdemeanor Clinics

Developed coordination with UNLV Immigration and Misdemeanor legal clinics to enhance public defender services by offering information on immigration matters and misdemeanor case resolution.

Coordinator, Public Defender Reform and Resource Development

Directed development of coordinated impact litigation aimed at achieving sweeping social justice reform, including bail reform litigation and a discovery violation database. Also initiated enhanced resources such as the expert witness database—a collection of searchable transcripts of expert witness testimony dating back to 2009.

Awards and Honors

Clark County Public Defender of the Year 2009

Nevada Disability Advocacy and Law Center “Legal Advocate of the Year” Award 2006

References

Linda Bell
Chief Judge, Eighth Judicial District Court
200 Lewis Ave, Las Vegas, Nevada 89101
(702) 617-4343

Franny Forsman
Federal Public Defender for the District of Nevada (retired)

Chris Giunchigliani
Clark County Commissioner (retired), District E

Tick Segerblom
Clark County Commissioner, District E
500 S. Grand Central Parkway, 6th floor
Las Vegas, Nevada 89155
(702) 455-3500

Christine Smith
Associate Dean for Public Service, Compliance and Administration
William S. Boyd School of Law
University of Nevada, Las Vegas
4505 S. Maryland Parkway Ave, Las Vegas, Nevada 89154
(702) 895-1872

Lynn Bigley
Supervising Attorney
Nevada Disability Advocacy and Law Center
1875 Plumas Street #1, Reno, Nevada 89509
(775) 333-7878

Steve Yeager
Nevada Assemblyman


(702) 281-5938

Lori Teicher
First Assistant Federal Public Defender
Federal Public Defender

411 E. Bonneville Ave., Las Vegas, Nevada 89101
(702) 388-6577

Rochelle Nguyen
Nevada Assemblywoman
400 S. 4th Street, Suite 650
Las Vegas, Nevada 89102

Nancy Lemcke
Chief Public Defender
Clark County Public Defender
309 S. Third Street, 2nd Floor, Las Vegas, Nevada 89155

Robert O'Brien
Assistant Federal Public Defender
Federal Public Defender's Office
411 E. Bonneville Ave., Las Vegas, Nevada 89101




EIGHTH JUDICIAL DISTRICT COURT

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA 89155-2363

DOUGLAS W. HERNDON
DISTRICT JUDGE

DEPARTMENT THREE
(702) 671-4312
FAX: (702) 671-4311

July 28, 2019

Board on Indigent Defense Services
515 E. Musser Street
3rd Floor
Carson City, NV 89701

Re: Recommendation for Christy Craig for the Position of Executive Director of
the State Department of Indigent Defense

To Whom It May Concern:

Please accept this letter as my very enthusiastic recommendation for Christy Craig for the Position of Executive Director of the State Department of Indigent Defense. Simply put, I have known Christy for over twenty (20) years and I cannot think of a better choice to lead our state's indigent defense efforts.

To begin, I spent approximately fourteen (14) years as a criminal prosecutor and I have been a District Court Judge for over fourteen (14) years. As such, I have had an opportunity to observe countless attorneys practice law opposite me as an attorney and in front of me as a Judge and I feel confident saying that I have seen the best and worst that attorneys have to offer. Christy is one of the best and those are the attorneys whom you hope will be willing to take on larger administrative roles because they have so much to offer. I could not have been happier when I learned that Christy was applying for the privilege of leading the State Department of Indigent Defense.


Christy has done everything she could to be an asset to the Public Defender's Office and an exceptional role model to younger attorneys therein. She's been a trial Deputy, a Team Chief, a member of the Office's Sex Crimes Unit, a member of the Office's Capital Murder Defense Unit, the Chief of the Office's Mental Health Court team, the Chief of the Office's Competency Court team and a Director of the Office's Complex Litigation Unit. One would be incredibly hard pressed to find another attorney with as broad a background as Christy when it comes to indigent defense services.

Mostly, however, and the reason I knew, even back as a prosecutor, that she and I would always be friends, is that she is an incredibly good and decent person. She has a wonderful disposition, a great sense of humor and cares deeply about our system of justice and the clients she defends. She is a terrific attorney and is always incredibly respectful to judges, jurors, witnesses and opposing counsel. Having been the Chief Judge presiding over the Criminal Division of our District Courts for eight (8) years ending July, 2018, I can tell you that she has always been immensely valued and respected by our judges for the work she has done, most particularly in the area of our Mental Health specialty programs.

I have also had an opportunity to communicate with Christy about some of her plans if she is fortunate enough to be allowed to lead the State Department of Indigent Defense. In a nutshell, I was very impressed. Many people seek promotions, etc. without giving much thought to what they could bring to the job they seek. Christy has clearly given great thought to how she can improve indigent defense services statewide, work with the various justice partners, inspire staff and lead attorneys. I am aware of her ideas, just to name a few, for: improving training programs, engaging in proactive efforts to create programs and protocols to ensure clients are successful in completing court requirements and working more directly with custodial facilities on Mental Health issues with inmates. In short, I have found that Christy has already been doing the job she seeks – it's simply just the preparation phase. I am confident that if you grant her the position of Executive Director of the State Department of Indigent Defense, the implementation phase of her ideas will bear great rewards.

Thank you very much for taking the time to consider this recommendation and please do not hesitate to contact me with any questions or concerns.

Take care,


Judge Douglas W. Herndon
Chief Presiding Judge – Homicide Case Team

SUPREME COURT OF NEVADA
ABBI SILVER, JUSTICE



408 EAST CLARK AVENUE
LAS VEGAS, NV 89101-4088
(702) 486-9340
(702) 486-9343 (FAX)

201 SOUTH CARSON STREET
CARSON CITY, NV 89701-4702
(775) 684-1654
todell@nvcourts.nv.gov

July 23, 2019

Tawny Polito
Department of Indigent Defense Services
515 E. Musser Street, 3rd Floor
Carson City, NV 89701

Re: Christy Craig

Dear Ms. Polito:

It is my pleasure to write this letter of recommendation on behalf of Chief Deputy Public Defender Christy Craig for the appointed position of Executive Director of the Department of Indigent Defense Services. I have known Christy her entire professional career while at the public defender's office. For almost 15 years, I was a Chief Deputy District Attorney, and for a large majority of my tenure, I was the Chief of the Special Victim's Unit. I prosecuted numerous cases involving murder, rape, and other serious crimes, against Christy as she represented indigent defendants. I have also had the pleasure of presiding over Christy's cases as a judge while serving as a Las Vegas Justice of the Peace, and later as an Eighth Judicial District Court Judge.

First, I want to acknowledge Christy's sheer tenacity and dedication in defending those who lack representation in our community. As a deputy district attorney, I would grimace when I learned Christy was on the opposing side. Not because she was unpleasant, but because I knew that I would have to fight tooth and nail to get a conviction against her client. She was my counterpart in the defense world—a fighter to the end. Christy filed every appropriate motion that could be filed, objected to every piece of inadmissible evidence, and was always a passionate voice for her client.

Second, I believe her experience and knowledge in the law is second to none. No one in the public defender's office comes close to knowing the law of competency, mental health, and Nevada case law like Christy. I know that her

resume speaks volumes as to her experience in those areas, but few people know first-hand the depth of her experience. One time, Christy and I had a two-week evidentiary hearing on whether a defendant was permanently incompetent. No other defense attorney had ever held me to my burden as far as making sure that the State was fairly prosecuting a defendant for jury trial. Christy's clients had legitimate mental health issues, and as a result, she always fiercely advocated for evidentiary hearings to flush out issues *prior to trial*.

As a prosecutor, I was inconvenienced. As a Supreme Court Justice of the State of Nevada, I cannot tell you how much taxpayer dollars that Christy saved upfront, litigating issues prior to trial that, had they not been litigated, would have put the case back *years* on appeal. As a judge, that is *exactly* what you want from a public defender: effective, as opposed to ineffective assistance of counsel. No stone left unturned upfront, means less appeals in the future.

Third, Christy's quest for justice is beyond admirable. As a justice of the peace, Christy rolled up her sleeves and defended a man in justice court that was charged with committing a murder on the Strip. Because of her investigatory efforts, at the conclusion of the preliminary hearing I dismissed the case, as the State failed to prove that the person charged was the actual murderer. The State then went to the grand jury and secured an indictment. However, in district court, due solely to Christy's efforts and investigations, she was able to finally convince the district attorney that they had the wrong suspect. The State dismissed the case against her client, as he was innocent. I can honestly tell you that an innocent man may have been convicted of murder with lesser counsel.

Finally, Christy is a natural leader. Christy has mentored countless deputy public defenders as a Team Chief within the office in every type of case. With that responsibility, I know that Christy has the requisite administrative skills required to lead the Public Defender's office in the future.

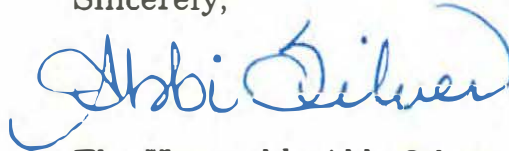
Christy is eloquent, skilled, smart, conscientious, and respected. She possesses all of the qualities of a great leader. Today, I can think of no other deputy public defender that could lead as Executive Director of the Department of Indigent Defense Services better than Christy.

As an aside, I worked as a prosecutor against three male Clark County District Attorneys and three male Clark County Public Defenders. Now it is time that the executive branch finally take a lesson from the judiciary's

playbook—and appoint a female leader. I have absolutely no reservations that if you select Christy, you will be selecting not only a dynamic female leader, but the best person to lead that office.

I hope that during the selection process, you give Christy every consideration. If you have any questions, please do not hesitate to telephone my chambers at 702-486-9340.

Sincerely,

A handwritten signature in blue ink that reads "Abbi Silver". The signature is written in a cursive style with a large initial "A" and a decorative flourish at the end.

The Honorable Abbi Silver
Justice, Nevada Supreme Court

P.O. Box 3572
Carson City, NV 89702
August 23, 2019

Board on Indigent Defense Services
c/o Tawny Polito, Executive Assistant to the Director
515 E. Musser Street, 3rd Floor
Carson City, NV 89701

Dear Members of the Board:

It is with great enthusiasm that I am writing to apply for the position of Executive Director of the Department of Indigent Defense Services. The creation of the Department as a result of AB 81 is an important step toward improving provision of indigent defense in the State of Nevada. I have devoted my career to public service in the State of Nevada and possess the knowledge, skills and abilities required to be highly successful in the position.

Having worked in both the court system and as a public defender, I am very familiar with the Nevada court system, criminal procedure and practice, and legal ethics. I have created and delivered public presentations statewide on a wide variety of topics, including criminal law, appellate procedure, and ethics. I am able to prioritize multiple assignments, as I wear numerous deadline-driven hats and thrive under pressure.

I am currently second in command in the Supreme Court Clerk's Office, which has a 30+ person staff of attorneys, paralegals, deputy clerks, editorial staff, and support personnel. I am assigned to the Northern Panel of justices, and thus work closely with elected officials and am familiar with the need to balance the concerns of numerous stakeholders while remaining faithful to the underlying mission. Being conversant with the court's rulemaking process, I have drafted various rule amendments for the court's administrative docket. In addition, I regularly write legal memoranda, draft orders for the justices' signatures, edit the legal work of other court staff, schedule various court meetings, and take minutes, all of which requires daily use of Microsoft Office applications and the Internet as well as the court's case management and document management systems.

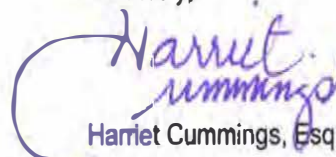
I also currently serve as legal advisor to the Supreme Court Settlement Program. In that capacity, I have set one-year, two-year, and five-year goals for both the program and myself, and regularly report on the progress toward those goals. I work with the court's budget manager to answer questions regarding the program's budget, and continually work on innovating solutions to budget challenges created by static or decreasing budgets while facing ever-increasing caseloads. In addition, as a member of various non-profit boards, I have reviewed budgets ranging from a few thousand to several million dollars. I also provide feedback for personnel evaluations of Settlement Program staff, and, as a member of the Board of Directors of Community Chest, am involved with conducting the Executive Director's annual evaluation to assess whether performance corresponds with previously set metrics.

While at the State Public Defender's Office, I had the privilege of testifying before the Nevada Legislature on both the Assembly and Senate side. In addition, Nevada's Certified Public Manager Program included training on presenting legislative testimony, which I was able to put to use when my consultant team in the program was called upon to testify before the Internet Technology Advisory Board. I also testified at public hearings before the Nevada Supreme Court when I was Chair of the Nevada Board of Continuing Legal Education.

In summary, I believe my background, skills and education make me highly qualified for the position. I am very excited about the prospect of being in on the ground floor of this major stride concerning public defense reform. Bringing Nevada in line with national and state public defense standards is a thrilling challenge.

Thank you for your consideration. I look forward to speaking with you about my candidacy.

Sincerely,


Harriet Cummings, Esq.

Encl.

HARRIET E. CUMMINGS, ESQ.

B.A., J.D., C.P.M.

P.O. Box 3572

Carson City, NV 89702

(775) 684-1624 (office)

EDUCATION

Nevada Certified Public Manager Program. Certified Public Manager, 2014.

Noteworthy: Recipient, Division of Human Resource Management Funding Support
First Judicial Branch Employee to Complete Program

Activities: **Executive Seminar.** Member, Planning Committee.
Consultant. Member, Enterprise Information Technology Services Billing Process Consulting Team.

University of California, Davis, School of Law. Juris Doctor, 1987.

Honors: American Jurisprudence Award, Criminal Law
American Bar Association Award of Excellence for Written Editorial on Broader Aspects of the Law
Martin Luther King, Jr., Service Award Honoree
Who's Who Among American Law Students

Awards: UCD Alumni Association Scholarship
Sacramento Women Lawyers' Award for Outstanding Academic Achievement & Community Service
American Bar Association Public Interest Law Project Grant Recipient
King Hall Legal Foundation Public Interest Law Project Grant Recipient
State Graduate Fellowship
Distinguished Scholar Fellowship

Activities: **Moot Court Board.** Chair, Judge Recruitment and Scheduling Committee.
The Advocate. Editor-in-Chief; Assistant Editor; Staff Member.
King Hall Legal Foundation. Vice President; Member, Board of Directors.
Martin Luther King Memorial Committee. Student Group Leader Member.
Women's Caucus. Member; Panel Mediator and Job Conference Organizer.
Phi Delta Phi's Big Sib Program. Big Sib and Little Sib Participant.
Cardozorama. Performer and Sound Technician.
Yolo County Concert Band. Flutist.

Prelaw Experience: **Judicial Extern.** Chief United States District Judge Lawrence K. Karlton, Eastern District of California, Sacramento.

Law Clerk. City Attorney's Office, Sacramento, California.

Teaching Assistant. Legal Research and Writing, University of California, Davis.

Legal Research Assistant. Professor Jean C. Love, University of California, Davis.

Class Tutor. Torts. University of California, Davis.

Legal Research Assistant. Professor Richard Delgado, University of California, Davis.

Co-Producer, Youth Assault Prevention Program. Yolo County Sexual Assault Center, Davis, California.

The Johns Hopkins University, Baltimore, Maryland. Bachelor of Arts, Humanistic Studies, 1982.

Honors: Dean's List
Mayor's Fellow

Scholarships: Elks Lodge National Association Scholarship
Nogales, Arizona, Elks Club Scholarship

Activities: **American Red Cross.** Volunteer, Chesapeake Region.
JHU Tutorial Project. Math and English tutor to underprivileged children.
JHU Jazz Ensemble. Saxophonist.
JHU Band. Flutist.
JHU Chamber Music Ensemble. Flutist.

Study Abroad. University of Arizona's Guadalajara Summer School, Jalisco, Mexico.

Prelaw Experience: **Clerk/Paralegal.** Law Offices of Adelberg, Rudow, Dorf, Hendler & Sameth, Baltimore, Maryland.
Intern. Baltimore City Legal Aid Bureau, Juvenile Division.

EXPERIENCE

Current Employer: **NEVADA SUPREME COURT:** 201 S. Carson Street, Carson City, Nevada 89701

Chief Assistant Clerk of Court (2009-present): Oversee office functions which include docketing of cases, filing and processing of documents, internal screening, resolving motions, reporting/publication of court decisions, statistical reporting, and handling emergencies. Serve as acting Clerk of Court when Clerk is unavailable, including managing 30-person office consisting of supervisors, attorneys, paralegals, deputy clerks, editorial staff and administrative assistants. Attend oral arguments in Carson City, Las Vegas and rural Nevada. Attend post-argument conferences, draft conferences and submitted case conferences. Create minutes of proceedings and confidential argument notes. Prepare draft conference agendas. Answer internal inquiries from Justices' chambers, central legal staff, law librarians, clerk's office staff and the administrative office of the courts regarding substantive and procedural matters. Respond to external requests from district court judges, law clerks, attorneys, litigants and the public regarding court policies and procedures. Draft procedural and substantive orders and opinions. Resolve fee matters and requests for costs. Issue writs as directed by court. Draft petitions and rule amendments for matters on the court's administrative docket. Train new judges, staff attorneys, law clerks, and court staff regarding judicial branch structure, the appellate process and court internal operating procedures. Complete special projects as assigned. Committee assignments include interview committees, bench memo committee, and employee recognition committee.

Settlement Program Legal Advisor (2015-present): Work with program administrative coordinator and administrative assistant to oversee administration of all aspects of civil appellate settlement conference program, including assignment of cases, monitoring cases for rule compliance, selection/evaluation of settlement judges, settlement judge training, annual program budget, billing/travel claims, core committee administration, and review of program rules and policies. Resolve settlement-related motions, notices, and dispositions. Serve as Editor of program's electronic newsletter. Teach live courses and record courses for online settlement judge library. Respond to inquiries from the public, program participants, settlement judges, court staff, and justices regarding program-related issues. Provide periodic program reports to Chief Justice, Supreme Court Justice-Liaison, and Clerk of Court. Oversee distribution of monthly statistical reports regarding program progress.

Legal Counsel, Administrative Office of the Courts (2015-2018): Provided legal advice to Court Administrator, Chief Justice, and deputy administrators regarding non-judicial court matters, including judicial branch administration, judicial programs and services, foreclosure mediation program, and information technology. Topics included court online payment systems, independent contractor agreements, public records requests, unrepresented litigants, media issues, ethics, judicial education, court security, court facilities, personnel matters, and pending/potential litigation involving the judiciary/AOC. Reviewed contracts and contract amendments and recommended revisions. Provided feedback regarding letters in support of grants and memoranda of understanding. Drafted responses and recommended revisions to legal correspondence. Answered internal questions regarding Nevada law and the Nevada judicial system. Responded to external inquiries regarding matters pertaining to judicial administration, including insurance, guardianships, open meeting laws, pro bono attorneys, conflicts of interest, language access issues, medical marijuana, and electronic search warrants.

Prior Practice: **NEVADA STATE PUBLIC DEFENDER'S OFFICE:** 511 E. Robinson Street, Carson City, Nevada 89701
Appellate Deputy (1997-2009): Represented criminal defendants on direct appeal in felony, gross misdemeanor, juvenile, termination of parental rights, and death penalty cases. Pursued petitions for extraordinary relief (including habeas corpus, mandamus, prohibition and certiorari) in Nevada District Courts, the Nevada Supreme Court, and the United States Supreme Court. Represented clients before the parole board in revocation proceedings and before the pardons board in clemency proceedings. Assisted trial department by appearing in juvenile court and by representing misdemeanants at initial appearances and pretrial conferences. Assisted Public Defender with legislative liaison duties, early spring 2009; testified before legislature, spring 2005. Served as interim supervisor, Winnemucca office, fall 2004.

Prior Experience: **Appellate Staff Attorney**, Nevada Supreme Court, Carson City, Nevada; **Judicial Law Clerk**, Honorable Phyllis Halsey Atkins, United States Magistrate Judge, United States District Court, Reno, Nevada; **Judicial Law Clerk**, Honorable Charles E. Springer, Justice, Nevada Supreme Court, Carson City, Nevada; **Instructor, Legal Research and Writing**, McGeorge School of Law, University of the Pacific, Sacramento, California; **Attorney/Graduate Legal Assistant**, Legal Services of Northern California, Inc. (Executive Office, Sacramento, and Satellite Office, Auburn).

ACTIVITIES AND ACCOMPLISHMENTS

Legal Presentations: **Presenter**, *The Rule of Law and Public Service*, a presentation to Study of the U.S. Institutes delegates, U.S. Department of State, Bureau of Educational and Cultural Affairs (Carson City, NV, July 15, 2019).

Presenter, *The Role of Nevada Courts in State Government*, a presentation to Nevada Girls' State delegates (Stateline, NV, June 18, 2019).

Presenter (with others), *Towards a More Safe and Secure World—International Peace and Security: The Structure and Role of Appellate Courts in Nevada's Legal System and Their Impact on Public Policy*, a presentation to the U.S. State Department's International Visitor Leadership Program (Carson City, NV, April 23, 2019).

Presenter, *The Rule of Law and the U.S. Judicial System*, a presentation to the U.S. State Department's International Visitor Leadership Program (Carson City and via video to Las Vegas, Nevada, April 5, 2019).

Presenter (with others), *For Settlement Judges: Program Requirements*, an online presentation for Supreme Court Settlement Judges (recorded in Carson City September 6-7, 2018; go-live date January 1, 2019; updated December 26, 2018, and January 11, 2019, for go-live date March 1, 2019).

Presenter (with others), *The Judiciary's Role in Formulating Public Policy for the State of Nevada*, a presentation for the Nevada Certified Public Manager Program (Carson City, NV, November 7, 2018).

Presenter (with others), *Changes/Additions to Court Rules Affecting Appellate Practitioners*, a presentation for the State Bar of Nevada (Reno and via video to Las Vegas, Nevada, March 27, 2018).

Presenter (with others), *Supreme Court Settlement Program Overview*, a presentation to the Nevada Guardianship Commission (Carson City and via video to Las Vegas, Nevada, November 13, 2017).

Presenter (with others), *The Judiciary's Role in Formulating Public Policy for the State of Nevada*, a presentation for the Nevada Certified Public Manager Program (Carson City, Nevada, October 10, 2017).

Faculty Assistant (with others), *Civil Mediation Course*, the National Judicial College (Reno, Nevada, October 2-6, 2017).

Presenter (with others), *Nevada Supreme Court Settlement Judge Training: Back to the Basics—Review of Program Requirements*, a presentation for Nevada Supreme Court Settlement Judges, Administrative Office of the Courts (Reno and via video to Las Vegas, NV, June 17, 2016).

Presenter, *2015 Amendments to the Nevada Rules of Appellate Procedure*, a presentation for Appellate Court justices, judges, lawyers, and staff (Carson City, NV, May 27, 2015).

Presenter, *Appellate Courts 101*, an online presentation for new Appellate Court employees (recorded in Carson City, NV, May 18, 2015).

Presenter, *Nevada's New Court of Appeals*, a presentation for NALS of Nevada (Reno, NV, March 21, 2015).

Preparer, *Nevada Courts: The Role and Impact of Technology*, a presentation by Nevada Supreme Court Chief Justice Gibbons, e-Courts Conference, National Center for State Courts (Las Vegas, NV, December 9, 2014).

Presenter, *Court Lawyer Training: Supreme Court Overview*, an online continuing education seminar for Supreme Court law clerks and staff attorneys, Administrative Office of the Courts (recorded in Carson City, NV, August 15, 2014).

Presentations cont'd: **Preparer** (with others), *Tips to Increase the Likelihood of Being Affirmed on Appeal*, a presentation by Nevada Supreme Court Justices, Nevada District Judges Annual Seminar (North Las Vegas, NV, April 25, 2014).

Presenter (with Chief Justice Gibbons), *The Future of CLE in Nevada*, a seminar for the Continuing Legal Education Regulators Association (Las Vegas, NV, February 24, 2014).

Presenter, *Law Clerk Training Part II: Anatomy of the Appellate Process*, a continuing education seminar for Supreme Court law clerks and new employees (Carson City, NV, October 31, 2013).

Preparer (with others), *The One Promise Campaign and Ethics for Success on Appeal*, a presentation by Nevada Supreme Court Justices, Nevada Justice Association Conference (Seattle, WA, October 4, 2013).

Presenter, *Law Clerk Training Part I: Overview*, a continuing education seminar for Supreme Court law clerks and new employees (Carson City, NV, October 3, 2013).

Presenter, *Supreme Court Survival*, a continuing education seminar for NALS of Nevada's Annual Legal Survivor Course (Carson City, NV, June 7, 2013).

Presenter, *Third Branch Overview*, a continuing education seminar for staff of the State Bar of Nevada and the Administrative Office of the Courts (Las Vegas, NV, April 26, 2013, and Carson City, NV, April 29, 2013).

Presenter, *Supreme Court Overview*, a continuing education seminar for Nevada Supreme Court attorneys and staff (Carson City and via video to Las Vegas, NV, September 28 & October 11, 2012).

Presenter, *The Appellate Process*, a continuing education seminar for Nevada Supreme Court attorneys and staff (Carson City and via video to Las Vegas, NV, October 5 & 11, 2012).

Presenter, *Introduction to the Nevada Supreme Court*, a continuing education seminar for Douglas Carson Legal Professionals (Carson City, NV, October 3, 2012).

Presenter, *Anatomy of An Appeal*, a continuing education seminar for law clerks and new attorneys at the Nevada Supreme Court (Carson City and via video to Las Vegas, NV, October 26, 2011).

Presenter, *Introduction to the Nevada Supreme Court*, a continuing education orientation seminar for law clerks and new attorneys at the Nevada Supreme Court (Carson City and via video to Las Vegas, NV, October 19, 2011).

Presenter (with others), *Case Processing at the Nevada Supreme Court*, a continuing education orientation seminar for law clerks at the Nevada Supreme Court (Carson City and via video to Las Vegas, NV, February 17, 2011).

Presenter, *Overview of the Criminal Justice System in Nevada*, and *Overview of the Nevada Supreme Court*, training seminars for members of the Nevada Judicial Discipline Commission (Reno, NV, June 29, 2010).

Presenter (with others), *Changes to the Nevada Rules of Appellate Procedure*, a continuing education seminar for the State Bar of Nevada's Annual Meeting (Incline Village, NV, June 12, 2009).

Presenter (with others), *Gilmore v. Ashcroft*, a moot court presentation sponsored by the American Constitution Society, Loyola Law School (Los Angeles, CA, April 18, 2005).

Lecturer (with others), *Looking Ahead to the Appeal: Substantive and Procedural Considerations*, a continuing education seminar for the Office of the Nevada State Public Defender (Winnemucca, NV, October 22, 2004; Ely and Carson City, NV, September 9-10, 2004).

Presenter (with others), *May I See Your ID?*, a moot court presentation sponsored by the Harvard Journal of Law and Technology (Cambridge, MA, March 9, 2004).

Guest Lecturer (with others), *Fourth and Fifth Amendment Issues*, a moot court presentation for the 1L Criminal Law class of Professor Alan Dershowitz, Harvard Law School (Cambridge, MA, March 9, 2004).

Opposing Counsel, *Hiibel v. Sixth Judicial District Court*, a moot court presentation of a pending United States Supreme Court case (University of Nevada, Las Vegas, Boyd School of Law, March 4, 2004; McGeorge School of Law, February 24, 2004).

Lecturer, *Appellate Practice for Trial Attorneys*, a continuing education seminar for the Office of the Nevada State Public Defender (Ely, NV, October 24, 2003).

Presenter (with others), *Ethics Essentials for District Court Judges*, an interactive judicial ethics program presented to the Nevada District Court Judges Annual Seminar (Reno, NV, April 26, 2002).

Presentations cont'd: **Lecturer**, *Criminal Practice: Fast Track Criminal Appeals*, a presentation on Practice Before the Supreme Court of Nevada for the State Bar of Nevada (Reno and Las Vegas, NV, April 17-18, 2002). **Presenter** (with others), *Ethics Essentials for Magistrate Judges*, an interactive judicial ethics program presented to the Nevada Justices of the Peace and Municipal Court Judges Annual Seminar (Jackpot, NV, June 27, 2001). **Lecturer**, *Appellate Jurisdiction in Criminal Cases* and *Writing an Appellate Brief*, presentations on Effective Appellate Practice Before the Supreme Court of Nevada for Volunteer Attorneys for Rural Nevadans (Carson City, NV, May 19, 2000). **Lecturer**, *Appellate Practice for Trial Attorneys*, a continuing education seminar for the Office of the Nevada State Public Defender (Ely, Winnemucca and Carson City, NV, July 27-30, 1999). **Presenter** (with others), *Ethics for Public Attorneys*, an interactive continuing education seminar for the Office of the Attorney General of Nevada (Carson City and Las Vegas, NV, June 29-30, 1999). **Presenter** (with others), *Ethics: A Serious Game*, an interactive legal ethics program presented to the State Bar of Nevada (Reno and Las Vegas, NV, December 3-4, 1997); Nevada Attorneys for Criminal Justice (Las Vegas, NV, November 25, 1997); and the American Inns of Court (Reno, NV, June 10, 1997). **Lecturer and Panelist**, *The Role and Proper Presentation of Briefs*, a continuing education seminar for the State Bar of Nevada (Reno, NV, February 1, 1996). **Lecturer**, *Written Advocacy: Writing an Effective Appellate Brief*, a continuing education seminar on Effective Advocacy Before the Supreme Court of Nevada for the State Bar of Nevada (Carson City and Las Vegas, NV, September 9-10, 1993). **Lecturer**, *Writing an Appellate Brief*, a presentation on Appellate Advocacy for the American Inns of Court (Carson City, NV, June 24, 1992).

Publications: **Author**, *Mediation Expert Imparts Kernels of Wisdom in Advanced Training for Settlement Judges*, in *FOR THE RECORD*, Vol. 13 at 1, 4 (Administrative Office of the Courts, June 2019). **Author**, *Tips for Settlement Judges: Mandatory Program*, in *SETTLEMENT SENTINEL*, Vol. II, Issue 1 at 3 (Nevada Supreme Court Settlement Program, Spring 2019). **Author**, *Settlement Program News: Loss of a Great Leader; Online Library Launches*, in *FOR THE RECORD*, Vol. 10 at 3 (Administrative Office of the Courts, March 2019). **Author**, *Settlement Program Launches Newsletter*, in *FOR THE RECORD*, Vol. 6 at 1 (Administrative Office of the Courts, November 2018). **Author**, *Tips for Settlement Judges: Overcoming Resistance*, in *SETTLEMENT SENTINEL*, Vol. I, Issue I at 3 (Nevada Supreme Court Settlement Program, Fall 2018). **Author**, *Settlement Program Initiates Three-Prong Training Plan*, in *FOR THE RECORD*, Vol 2 at 1 (Administrative Office of the Courts, July 2018). **Author**, *The Role and Need for Settlement Judges in Appellate Cases*, in *NEVADA LAWYER*, Vol. 24, Issue 3 at 222-24 (State Bar of Nevada, March 2016). **Author**, *Appellate Misconduct* and accompanying test questions/answers, in *NEVADA LAWYER*, Vol. 14, Issue 11 at 42-47 (State Bar of Nevada, November 2006). **Author**, *Appellate Jurisdiction: Filing a Timely Appeal in a Felony Case*, in *NEVADA LAWYER*, Vol. 14, Issue 9 at 24-26 (State Bar of Nevada, September 2006). **Author**, *What Determinations are Appealable?* in *UNREASONABLE DOUBT*, Vol. X, No. 3 at 31-35 (Nevada Attorneys for Criminal Justice, March 2000). **Author**, *Who is the "Party Aggrieved" for Purposes of Appeal?* in *UNREASONABLE DOUBT*, Vol. X, No. 2 at 21-24 (Nevada Attorneys for Criminal Justice, December 1999). **Author**, *Filing a Timely Appeal*, in *UNREASONABLE DOUBT*, Vol. X, No. 1 at 22-25 (Nevada Attorneys for Criminal Justice, September 1999). **Author**, *Alternative Dispute Resolution*, in *COVERING THE COURTS IN NEVADA* (Nevada Supreme Court Bench-Bar-Media Committee, 1993).

Published Cases: Saletta v. State, 127 Nev. Adv. 34, 254 P.3d 111 (2011) (on briefs only)
Knipes v. State, 124 Nev. 927, 192 P.3d 1178 (2008)
Anderson v. State, 121 Nev. 511, 118 P.3d 184 (2005)
Hiibel v. Sixth Judicial Dist. Court of Nev., Humboldt Cty., 542 U.S. 177 (2004) (on briefs only)
Allred v. State, 120 Nev. 410, 92 P.3d 1246 (2004)
Rowland v. State, 118 Nev. 31, 39 P.3d 114 (2002)
Abrego v. State, 118 Nev. 54, 38 P.3d 868 (2002)
Libby v. State, 115 Nev. 45, 975 P.2d 833 (1999), *cert. denied*, 527 U.S. 1119 (2000)
Holmes v. State, 114 Nev. 1357, 972 P.2d 337 (1998)
Miranda v. State, 114 Nev. 385, 956 P.2d 1377 (1998)

Professional Recognition: Who's Who in America
Human Services Network Board Member of the Year
American Bar Foundation Fellow
Who's Who in American Law
Who's Who of American Women
Dictionary of International Biography
Who's Who in California

Professional Associations: United States Supreme Court Bar, 1998-present
State Bar of Nevada, 1990-present
State Bar of California, 1988-present
American Bar Association, 1985-present

Significant Volunteerism: **Community Chest, Inc.** Non-profit organization serving children and families in northwestern Nevada. President 2018; Vice-President 2017; Secretary-Treasurer, 2014-16; Staff Mentor, 2013-present; Member, Board of Directors, 2012-present.
Scouts BSA, Nevada Area Council. Assist Troop 33 with Popcorn/Camp Card/Car Show Fundraisers, 2014-present; Member, Pinenut District Membership Subcommittee, 2014; Member, Troop 411 Fundraising Committee, 2013; Chair, Cub Scout Pack 33 Campout Committee, 2011-12; Co-Chair, Pack 33 Fundraising Committee, 2011-12; Member, Pack 33 Leadership Committee 2011-13; Den Volunteer, 2008-13.
Douglas High School Music Boosters. Secretary, Board of Directors, 2017-18; member, 2016-18.
State of Nevada Board of Continuing Legal Education. Chair, 2012-14; Vice-Chair, 2009-11; Chair, Supreme Court Rule Amendment Committee, 2009; Chair, Bylaws Revision Committee, 2006-09; Chair, Regulation Review Committee, 2005; Member, National Meeting Planning Committee, 2013-14; Member, Personnel Manual Committee 2011-14; Member, Board of Directors, 2000-14.
Jacks Valley Elementary School. Band Booster, 2012-14; Volunteer, 2007-14; Member, Parent Teacher Student Organization, 2007-08.
Alta Alpina Cycling Club. Member, 1997-present; Volunteer, Alta Alpina Challenge 2010-present; Volunteer, Tim Rowe Memorial Century, 2017-present; Member, Board of Directors and Newsletter Editor, 2000-02.
Western Nevada College Child Development Center. Member, Parent Action Board, 2003-08; Chair, Teacher Appreciation Week Committee, 2004-08; Member, Assessment Committee, 2006.
The Death Ride Annual Bicycle Tour of the California Alps. Volunteer, 1997-2007; 2018-present.
United Way of Northern Nevada and the Sierra. Cabinet Member & Agency Coordinator, 1993-94.

Credited By Others: Melody L. Luetkehans, Esq., *International Visitors Tour Nevada's Supreme Court*, 12 FOR THE RECORD 1 (Administrative Office of the Courts, May 2019).
Shaun T. Griffin, *ANTHEM FOR A BURNISHED LAND: WHAT WE LEAVE IN THIS DESERT OF WORK AND WORDS* (Southern Utah University Press, 2016).
Major Jay L. Thoman, *Conquering Competency and Other Professional Responsibility Pointers for Appellate Practitioners*, 11 *Army Law*. 4 (2011).
Richard Sobel, *Troubles with Hiibel: How the Court Inverted the Relationship Between Citizens and the State*, 48 *S. Tex. L. Rev.* 613 (2007).
Dan Saxon, *TO SAVE HER LIFE: DISAPPEARANCE, DELIVERANCE, AND THE UNITED STATES IN GUATEMALA* (University of California Press, 2007).
NEVADA APPELLATE PRACTICE MANUAL, 2004 Edition, Ch. 9 at 9.1, 9.2, 9.17.
Richard Delgado, *Rodrigo's Chronicle*, 101 *Yale L.J.* 1357 (1992).
Richard Delgado, *Our Better Natures: A Revisionist View of Joseph Sax's Public Trust Theory of Environmental Protection, and Some Dark Thoughts on the Possibility of Law Reform*, 44 *Vand. L. Rev.* 1209 (1991).
Richard Delgado, *Pep Talks for the Poor: A Reply and Remonstrance on the Evils of Scapegoating*, 71 *B.U. L. Rev.* 525 (1991).
Richard Delgado, *Brewer's Plea: Critical Thoughts on Common Cause*, 44 *Vand. L. Rev.* 1 (1991).
Derrick Bell and Richard Delgado, *Minority Professors' Lives: The Bell-Delgado Survey*, 24 *Harv. C.R.-C.L. L. Rev.* 349 (1989).
Richard Delgado, *Derrick Bell and the Ideology of Racial Reform: Will We Ever Be Saved?* 97 *Yale L.J.* 923 (1988).
Jean C. Love, *Retaliatory Discharge for Filing a Worker's Compensation Claim: The Development of a Modern Tort Action*, 37 *Hastings L. J.* 551 (1986).

LIST OF REFERENCES FOR HARRIET E. CUMMINGS

Work Reference:

Elizabeth Brown, Esq.

Clerk of Court

Nevada Supreme Court

201 S. Carson Street

Carson City, Nevada 89701

(775) 684-1600

Volunteer Work Reference:

Laura Price Bogden

Executive Director

Nevada Board of Continuing Legal Education

457 Court Street

Reno, Nevada 89501

(775) 329-4443

Personal Reference:

Shaun Griffin

Executive Director (retired)

Community Chest, Inc.

P.O. Box 702

Virginia City, Nevada 89440



Las Vegas NV 9102
August 16, 2019

Board on Indigent Defense Services c/o Ms. Tawny Polito
515 E. Musser Street, 3rd Floor
Carson City, NV 89701

Dear Board on Indigent Defense Services:

I am writing to recommend Harriet Cummings as the Executive Director for the new Department of Indigent Defense Services. She would make an excellent choice.

Following my election as a Nevada Supreme Court Justice, I would often see Harriet advocating on behalf of indigent defendants. She had a stellar reputation as a public defender and was known to always do an outstanding job representing her clients. Her intellect would shine at Supreme Court arguments; while her compassion is what radiated most at Pardons Board hearings.

In 2009 the Supreme Court had an opening for the chief assistant position. We were delighted when Harriet agreed to accept it. As second in command in the clerk's office, she has worn many different hats. In addition to her numerous clerk's office duties, until 2014 her caseload included all of the court's bar discipline matters. In 2015, she took over as legal advisor to the court's civil settlement program, as well as legal counsel to the administrative office of the courts (both of which had originally been full time positions). To say that she is hardworking and dedicated is an understatement.

Harriet is assigned to the Northern Panel of Justices, and in that capacity has travelled with the panel to schools all over the state as part of the court's "on the road" outreach program. She also takes care of the logistics for the panel's decision-making conferences, and is entrusted with confidential and highly sensitive information during our deliberative processes. She conducts in-house training for court staff and also gives presentations to numerous groups ranging from judges, to students, to international visitors.

Harriet was the first judicial branch employee to complete Nevada's Certified Public Manager Program and is constantly working to hone her skills as both attorney and manager by pursuing continuing education in all areas. She also does a tremendous amount of volunteer work. She manages to balance the numerous demands of work, family, and community with aplomb.

In sum, Harriet is well versed in the skills needed to be Executive Director of the Department of Indigent Defense Services. You would do well to hire her.

Sincerely,

Michael A. Cherry
Senior Justice, Nevada Supreme Court

[REDACTED]
Reno, NV 89521
[REDACTED]

August 23, 2019

To Whom It May Concern:

Harriet E. Cummings has requested that I write a letter of recommendation in support of her application to become the Executive Director for the Department of Indigent Services. I am happy to do so.

I was Harriet's supervisor for 12 years at the State Public Defender's office, from which I have since retired. Harriet has a reputation for being hardworking and conscientious. She is an outstanding legal writer, with equally good research skills. In addition, I witnessed her in action in front of courts of all levels, various relief boards, and the media, and realized that she is a natural teacher as well as an outstanding oral advocate.

Harriet did primarily appellate work for our office, but she also handled in-custody arraignments, pretrial conferences, habeas corpus petitions, parole revocations, and pardons board appearances. She was qualified under Supreme Court Rule 250 to do appellate and post-conviction work in capital cases. Of particular importance is her background in post-conviction habeas, because the essence of habeas proceedings is to evaluate the effectiveness of trial and appellate counsel.

She also served as interim supervisor of our Winnemucca office, testified before the legislature, wrote articles, and taught CLE courses in various locations statewide. She also acted as media liaison and co-wrote the briefs when one of our cases was granted certiorari by the United States Supreme Court. She was adept at dealing with a wide range of people, from hardened criminals to Supreme Court justices, as well as a wide range of legal issues, both simple and complex. She is well aware of indigent defense standards and the challenges facing the indigent defense system, especially in rural Nevada.

The Nevada Supreme Court recruited Harriet to a management position in their Clerk's Office. This required her to master new skills, but she took to the job like the consummate professional she is. The combination of her legal expertise, management training, and leadership experience make her the ideal candidate to head up the new department overseeing indigent services in Nevada. I give Harriet my highest recommendation.

Sincerely,


James P. Logan, Esq.
Chief Appellate Deputy (retired)
Nevada State Public Defender's Office

Board of Indigent Defense Services
515 E. Musser St Suite 300
Carson City, NV 89701

August 19, 2019

Thank you for providing me an opportunity to apply for the position of Executive Director of the Department of Indigent Defense.

After spending a long career as a public defender in Washington State, my wife and I took a sabbatical from work and created a second life together. Following some great years of rest and recreation, I agreed to come to Nevada and start a business.

Eventually we settled in Reno and I opened my Nevada practice. I learned that there are more than one way to run a criminal justice system. I now know there are many different systems within Nevada.

In Washington, we followed caseload standards as part of our contract with the County to provide defense services. In Seattle there were several defense agencies that provided indigent defense. That system had its advantages and its issues. Nevada's rural counties face a number of issues that I believe can be addressed if we obtain buy-in from the stakeholders and the legislature.

Organizing the resources to apply to the dilemma of adequate representation will take some time to identify specifically how each venue might best be improved. Actually delivering the assistance, training, and backup the rural defense attorneys need would provide me with great satisfaction.

I consider it very exciting to be on the forefront of this activity in Nevada. I would relish the challenge of developing a process that moves the rural courts of Nevada toward the goal of effective assistance of counsel in every criminal case in Nevada.



Dennis W. Hough

DENNIS HOUGH

• Carson City, Nevada 89703 •

EXECUTIVE DIRECTOR

Motivated articulate public defender with decades of experience in felony, juvenile, and misdemeanor courts. Accomplished trial attorney and cross-cultural communicator. Managed and led a team of attorneys in a public defense organization. Primary liaison and collaborator among competing stakeholders. Resourceful individual with an ability to anticipate and evaluate issues to advocate for indigent clients.

—Key Areas of Leadership & Expertise—

Communicator ~ Continuing Legal Education Trainer ~ Trial Advocate ~ Teambuilder
Strong Empathic Skills ~ Negotiation ~ Drafting Contracts ~ Oral and Written Presentations ~ Legal Research
Administrative Functions ~ Organizational Leader ~ Litigation and Arbitration ~ Relationship Builder

EMPLOYMENT SUMMARY

NEVADA ATTORNEY GENERAL'S OFFICE, Carson City, Nevada • 2018 to Present Deputy Attorney General, Litigation Division

Represent the Nevada Department of Corrections, its officials, and employees in inmate civil rights litigation in Federal and State Courts.

- Successfully manage a litigation caseload.
- Adept in Federal and State civil procedure.
- Provide legal advice to institutions and individuals involved in Section 1983 actions.

DENNIS W HOUGH PLLC, Sparks, Nevada • 2013 to 2018 General Counsel, Criminal Defense

Provided criminal defense through the Conflict Panel to clients in Washoe County. Advised clients in a variety of legal areas, including business formation and financing options.

- Offered counsel to start-up firms and assisted with creating business entities, securing necessary licenses, and permits.
- Provided legal advice to private practice clients.
- Maintained a civil and criminal caseload.

PACIFIC ENERGY ALTERNATIVES, Sparks, Nevada • 2013 to 2018 Renewable Energy Development and Supply Company General Counsel

Duties included all aspects of business development, establishing relationships, and drafting contracts. Assisted the team to achieve greater product diversity and brand identity.

- Supervised the accounting quality of the company.
- Oversaw the preparation of financial reports, including balance sheets and income statements.
- Established primary audience for press and marketing opportunities.

ASSOCIATED COUNSEL FOR THE ACCUSED, Seattle, Washington 1981 to 2006
Attorney, Public Defender

Represented indigent clients charged with crimes ranging from homicide to shoplifting. Completed hundreds of jury and bench trials in Superior, Juvenile, District, and Municipal Courts. Carried out every aspect of criminal defense, from initial interview to investigation, research, briefing, and trial. Supervised public defense attorneys while maintaining a substantial caseload. Operated in the public defense milieu with performance measurements and caseload management principles. Advocated for budget positions and formulated alternative solutions

- Completed more than 100 Felony criminal cases to verdict.
- Supervised 15 attorneys in Seattle Municipal Court.
- Taught numerous in-house Continuing Legal Education Seminars.

CULP, DWYER, GUTERSON AND GRADER, Seattle, Washington 1981
Attorney

Counseled members of the Pacific Northwest Utilities Conference Committee on rights and responsibilities to manage the Columbia River to maximize benefits to all parties. Conducted research on the various aspects of new legislation. Lead public meetings with stakeholders on how to maintain diverse and competing activities on the Columbia River.

- Counseled clients on rights under newly passed legislation.
- Researched and drafted extensive materials outlining how to properly manage the Columbia River to maximize power production, while maintaining fish stocks. Synthesized technical issues and legal issues into working models of action.
- Completed extensive procedures and results matrix to enable stakeholders to effectively negotiate and appreciate consequences of various action models.

EDUCATION

UNIVERSITY OF WASHINGTON SCHOOL OF LAW, Seattle, Washington
J.D.

UNIVERSITY OF WASHINGTON, Seattle, Washington
B.A. in Economics - *With Full College Honors*
B.A. in English - *With Distinction*

Legal Licenses and Affiliations

Member in Good Standing — Washington State Bar Association since 1981
Previous Member — Washington Association of Criminal Defense Lawyers
Member in Good Standing — Nevada State Bar Association since 2010
Member—*American Bar Association*
Toastmasters 2008-2009

Foreign Languages - Strong Spanish (verbal and written)

Volunteer Work

Assisted in election campaigns of Nevada State Senator and Assembly Member
Habitat for Humanity, American Cancer Society—Relay for Life

DENNIS W HOUGH

[REDACTED]
Carson City NV 89703
[REDACTED]
[REDACTED]

Hiring Committee
Board of Indigent Defense Services
515 E Musser Suite 300
Carson City NV 89701

August 19, 2019

To the Committee:

In this letter I am including several references you may feel free to call.

Donald Madsen
Former Supervisor and Director at Associated Counsel for the Accused
ph: [REDACTED]

Todd Gruenhagen
Former Senior Staff Attorney at Associated Counsel for the Accused
ph: [REDACTED]
email: [REDACTED]

Travis Lucia
Deputy District Attorney
Washoe County District Attorney's Office
Reno Nevada
ph: (775) 328-3285
email: tlucia@da.washoecounty.us

GEORDAN GOEBEL

GEORDAN GOEBEL, licensed in CA, NV & Washington, D.C.

11085 Raintree Court
Reno, NV 89511
775-360-3016
ggoebel@goebellaw.com

August 19, 2019

Board of Indigent Defense Services
Attn: Hiring Committee
515 E. Musser St., Suite 300
Carson City, NV 89701

Re: Letter of Recommendation, Dennis Hough

I am happy to write this letter of recommendation for Dennis Hough. Based upon my personal experience and interactions with Mr. Hough, and the reasons set forth in this letter, I can highly recommend Mr. Hough for the position of Executive Director of the Department of Indigent Defense Services. This recommendation is made without any reservations or caveats whatsoever.

Mr. Hough and I both work in the Nevada Attorney General's Office. Although I met Mr. Hough through my employment with the AGO's office, we have since become friends, in addition to being working colleagues. I have spent most of my professional career in civil litigation, while Mr. Hough has spent most of his career in criminal defense. With our differing backgrounds, we have had the opportunity to consult with each other in our respective professional capacities, drawing upon our past experiences to help each other in our present jobs.

I have read the job description and necessary qualifications for the Executive Director position. Mr. Hough is both qualified for, and would be an excellent fit for this position.

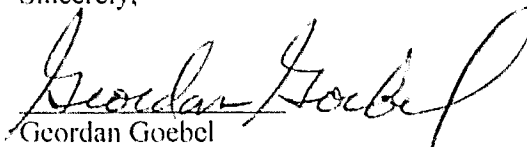
Mr. Hough has a wealth of experience, both practical and managerial, which he could bring to this job. I have gotten to know Mr. Hough's personality, disposition and demeanor well during our time working in the same office. Based on my interactions with him, I know that he not only could do this job, he would be extremely good at it.

Mr. Hough is highly intelligent, competent and thoroughly professional. He has an unusually good and clear grasp of the "big picture," without losing sight of the small details. His knowledge of the law, both "letter" and "practical" is top notch. He possesses the appropriate temperament and personal skills you want in a chief executive.

On a personal basis, it is always pleasant to deal with Mr. Hough, who maintains an unfailingly positive and uplifting attitude towards his job and to all with whom he interacts. He has no personality deficits nor ethical challenges.

I am happy to personally verify any details of this letter, and substantiate my recommendations set forth in this letter.

Sincerely,


Geordan Goebel

August 16, 2019

Board of Indigent Defense Services
515 E. Musser St Suite 300
Carson City, NV 89701

To the Hiring Committee

I am writing to express my support for Dennis Hough in his application to be the Executive Director of the Department of Indigent Defense Services.

Dennis has been a friend of mine since 1982 when I joined Associated Counsel for the Accused (ACA) in Seattle, Washington as a newly minted lawyer.

We served as colleagues at ACA for 24 years. He maintained good relationships with the Judges, Prosecutors and co-workers. Around the office his nickname was "Mr. Positive". That moniker was reflective of the fact that he showed up every day with a ready smile and a "can do" attitude that reflected his perspective that there was no problem that couldn't be solved.

Dennis and I worked together in the Felony Division for many years. Dennis intermittently rotated to Municipal Court and Juvenile Court Division where he served in a leadership position.

ACA maintained caseload standards during our tenure with ACA. Adherence to these standards helped avoid the burnout so often occurring in the public defender ranks. We also had internal controls and regular peer reviews of cases which strengthened the group, improved representation and facilitated growth in the skill level of attorneys.

One of the typical activities in the felony Division was to conduct Continuing Legal Education classes. We would do those on Fridays; Dennis was a revered teacher of these CLE courses.

Dennis was a leader by example. There are dozens of King County attorneys that have benefited from his willingness to serve as their mentor and teach trial skills. Always approachable, Dennis was always available and more than willing to share his wealth of accumulated knowledge about law, available resources, or potential legal strategies that might be advantageous to the client. Truly, Dennis was always "paying it forward". His sole expectation was that those benefiting from his assistance be willing to assist others. In this manner, divisions led by Dennis functioned with a high level of morale, a sense of community of purpose, and a commitment to the notion that a client assigned to an individual attorney at ACA was truly our client.

Dennis's tenure at ACA was defined by his commitment to ensuring that each individual

client received the full benefit of Constitutional Due Process. Furthermore, Dennis worked tirelessly to protect these interests institutionally by making sure that the courts, corrections, the Prosecutors Office, and the County Council did not implement policies or legislate in a manner that created obstacles to the public defense function without first being fully apprised of how a given action was going to affect provision of indigent defense services. Whether it was negotiation with prosecutors, coordinating with Judicial Administration, or testifying before the County Council, Dennis's insightful perspective was uniformly respected.

King County Washington is oftentimes held up as a model for Public Defense. Dennis has broad experience in what is required to both create and sustain a system that provides high quality indigent defense services. His commitment to Constitutional indigent defense consistent with the 6th Amendment and the promise of Gideon v. Wainwright defines the 24 years of experience where Dennis served as a Public Defender.

I believe Dennis would do a great job as the Executive Director of the Department of Indigent Services. Should the Board have any further inquiry I would be happy to respond. I am most easily reached at [REDACTED].

Kindly,

Todd M Gruenhagen

[REDACTED]
Kingston WA 98346

David K. Neidert

Attorney & Counselor at Law

August 16, 2019

Tawney Polito, Executive Assistant to the Director
515 E. Musser St., 3rd Floor
Carson City, NV 89701

Sent via E-Mail: tpolito@admin.nv.gov

Re: Executive Director, Department of Indigent Defense Services

Greetings,

As a former contract Public Defender and an attorney with keen interest in the successful implementation of AB 81, I would like to be considered for the position of Executive Director of the Nevada Department of Indigent Defense Services.

During my five years as a contract Public Defender in rural Nevada, and as an attorney accepting “conflict” appointments in Washoe County, I have gained a unique perspective on issues that confront both indigent defendants and their attorneys, particularly in rural Nevada but also in the state’s second largest urban area.

When I initially contracted with Churchill County in 2012, I entered into a five-year contract with no increase in compensation during the entire term of the contract. In 2017, the County Manager asked me to renew my contract for another three years with no increase in compensation – even as the overall county budget had increased by more than 10% since 2012. I refused to renew my contract under those terms.

Because of my experience with Churchill County – both as a Public Defender and afterward – I have become keenly interested in the proper delivery of indigent defense services within the State of Nevada. As such, on May 25, 2018, I testified before the Nevada Right to Counsel Commission regarding my experiences. Both before and after that appearance, I followed the work of the Commission as it did its work.

During this same period, I spoke with a representative from the Sixth Amendment Center and shared my perspective as a former contract Public Defender in rural Nevada. The Center wrote a well-thought, well-written, and comprehensive report on the state of indigent defense in rural Nevada and I agree with almost all of its conclusions.

I have also spoken with Franny Foresman about the litigation the ACLU is pursuing against the State of Nevada over the inadequacies of the delivery of indigent defense, particularly in rural Nevada.

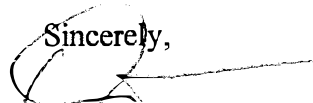
The legislation creating the Nevada Right to Counsel Commission gave the Commission one bill draft request. As I am sure you know, that BDR was introduced as AB81.

I tracked AB81 throughout the 2019 Legislature. On March 12, 2019, I testified before the Assembly Judiciary Committee in favor of the bill, delaying the start of a family vacation to do so. I planned on similarly testifying before the Senate Judiciary Committee and tracked the bill through NELLIS for that purpose. Unfortunately, I had a court appearance the day the Senate Judiciary Committee heard the bill. I waited anxiously to see if this legislation passed and breathed a sigh of relief when it did.

The new Nevada Department of Indigent Defense and the Board that oversees it have a unique opportunity to move the delivery of indigent legal services in a new and better direction. I envision the Department's role as being collaborative with the providers of indigent legal services as well as a regulatory. I would work to improve the quality of indigent defense services through training and other resources as well as establishing criteria for caseloads and compensation.

The quality of indigent defense in Nevada needs to improve. I want to be at forefront of that improvement happening.

Thank you for considering me for this position.

Sincerely,


David K. Neidert
Attorney at Law

DAVID K. NEIDERT
643 South Maine Street
Fallon, NV 89406


david.neidert@gmail.com

2018 to Present **Private Practice, Churchill County, Nevada**

Solo practitioner, primarily focused on criminal and family law. Represented clients at all stages of proceedings, including jury trial and appeal throughout northern Nevada.

2012 to 2017 **Private Practice/Public Defender, Churchill County, Nevada**

One of three contract county public defenders, contracted to provide legal representation to indigent clients in criminal, parole hearings, and child dependency cases in a county of approximately 25,000 residents. Represented clients in numerous counties charged with criminal offenses on both an appointed and retained basis. Negotiated with prosecutors and took cases to trial as necessary.

Additionally, acted as post-conviction, appellate, or federal habeas counsel for death row and other clients from Washoe and Clark Counties.

1997 to 2012 **Deputy and Senior Deputy Attorney General, State of Nevada**

Defended habeas corpus cases on behalf of the State of Nevada in both federal and state court, including extensive experience arguing cases before the Ninth Circuit Court of Appeals; served as Capital Case Coordinator and responsible for handling many pending capital cases in federal and state courts. Argued in excess of 20 times before the Court of Appeals and the Nevada Supreme Court. Authored an *amicus* brief and co-authored a merits brief and its reply in the United States Supreme Court.

Other duties included prosecuting criminal cases as assigned, including acting as lead counsel in murder prosecutions and other crimes handled by the Attorney General, including multiple jury trials.

1993 to 1997

Assistant District Attorney, Pershing County, Nevada

Responsible for all county criminal prosecutions and acted as chief trial prosecutor for a county of approximately 4000 residents. This included handling cases in courts of all levels, including dozens of bench and jury trials. Argued several times before the Nevada Supreme Court, including a death penalty appeal in 1995.

1992 to 1993

Chief Criminal District Attorney, Humboldt County, Nevada

Responsible for all county criminal prosecutions and acted as chief trial prosecutor for a county of approximately 10,000 residents. Handled cases in courts of all levels, including dozens of bench and jury trials, as well as briefing and arguing before the Nevada Supreme Court.

Education:

Juris Doctor, University of Utah College of Law, 1991 (top 15% of graduating class)

Bachelor of Arts, Westminster College of Salt Lake City, 1985
(*magna cum laude*)

Bachelor of Science, Westminster College of Salt Lake City,
1984 (*summa cum laude*)

Notable Cases:

McDaniel v. Brown, 558 U.S. 120 (2010) (co-counsel)

Plumlee v. Masto, 512 F.3d 1024 (9th Cir. 2008) (*en banc*)

Sechrest v. Ignacio, 549 F.3d (9th Cir. 2008) (death penalty case)

Bargas v. Burns, 179 F.3d 1207 (9th Cir. 1999)

Sechrest v. Baker, 816 F.Supp.2d 1017 (D.Nev. 2011) (death penalty case)

Rogers v. McDaniel, 801 F.Supp.2d 1049 (D.Nev. 2011) (death penalty case)

Sonner v. State, 114 Nev. 321 (1996) (death penalty case)



TENTH JUDICIAL DISTRICT COURT

DEPARTMENT 1
CHURCHILL COUNTY
STATE OF NEVADA

THOMAS L. STOCKARD
DISTRICT JUDGE

73 NORTH MAINE STREET, SUITE B
FALLON, NEVADA 89406
(775) 423-6088
FAX (775) 423-8578

August 13, 2019

Tawny Polito
Executive Assistant to the Director
515 E. Musser Street, 3rd Floor
Carson City, NV 89701

Re: Letter of Recommendation

Dear Ms. Polito:

I have been asked to write a Letter of Recommendation for David Neidert for the role of Executive Director of the Department of Indigent Defense Services. Mr. Neidert has appeared before the 10th Judicial District Court since 2012 in both the capacity of a contracted public defender with Churchill County and as a private practitioner. In the course of his work in the 10th, Mr. Neidert has demonstrated a commendable dedication to the representation of his indigent clients.

As a previous contracted public defender, Mr. Neidert has demonstrated his knowledge of the needs, expectations, and realities of working in indigent defense. This is especially true as he provides the unique perspective of having operated under a public defender contract in a rural county, while additionally practicing criminal, post-conviction, appellate and acting as habeas corpus counsel in Washoe and Clark County. Additionally, Mr. Neidert's previous experience as a prosecutor and as a Deputy and Senior Deputy Attorney General handling habeas corpus cases would only serve to broaden his knowledge base.

Mr. Neidert's overall experience would serve as a beneficial addition to the Department of Indigent Defense Services. Please feel free to contact me if you have any questions regarding his candidacy or past work.

Sincerely,

A handwritten signature in black ink, appearing to be "T. Stockard", written over a faint circular stamp.

Thomas L. Stockard

Home Address

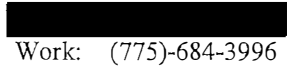


TROY C. JORDAN

Nevada Bar #9073

troyjordanlaw@gmail.com

Contact Information



Work: (775)-684-3996

August 12, 2019

To Whom It May Concern:

I am writing to you today to express my support for David (Dave) K. Neidert for any positions available within the newly created Department of Indigent Defense Services. As an attorney who practiced criminal law for approximately the last 15 years as both a prosecutor and defense counsel, I have had cases with and cases against Dave over the years. We have been colleagues in the legal profession since we met in 2008 while we both worked at the Attorney General's Office.

Dave is an attorney and legal scholar of the highest order. He is a person of the utmost integrity, character, and moral values. He has a vast array of experience as criminal prosecutor, public defender, and private defense counsel that will allow him to be an asset to the newly formed Department of Indigent Defense.

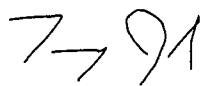
Dave's dedication and sacrifice for his clients is rare in our profession. He has consistently put his client well being ahead of all other things and in many cases this was to his financial detriment. He has spent countless hours away from his home in Reno fighting for his clients in the far reaches of this state, including in person visitations for his appellate and post-conviction clients at the state prisons in Ely and Indian Springs. In addition, he has also consistently served rural areas like Churchill County, Mineral County, Pershing County, Elko County, and Lyon County when many attorneys will not. He has truly been one the champions of indigent defense services in rural Nevada. As a native of rural Nevada I wish we had more people like Dave Neidert to serve our small rural communities in this State.

Dave has a unique and unmatched skill set that he obtained over his lengthy career in criminal law, which has included everything from being Private Defense Counsel, a Deputy District Attorney, the Capital Case coordinator for the State of Nevada while serving as Senior Deputy Attorney General for the Nevada Attorney General's Office and a contract Public Defender in Churchill County from 2012 to 2018. Dave's trial and appellate experience, especially that of conducting post-conviction litigation is simply unmatched in this State and his expertise in preparing defense strategy, preparing for trials, conducting appeals and post-conviction litigation will be a great asset to the Department of Indigent Defense

Dave has also proven to be a great mentor and teacher to his colleagues and young lawyers. In addition to teaching college courses, he has also taught numerous CLE courses and mentored young lawyers like myself throughout our careers. He has always had his phone on and his door open when a colleague needed advice. This was especially true for young lawyers. Dave has always given his time freely for the good of our profession.

In conclusion, I give my highest recommendation for David Neidert for any position available in the Department of Indigent Defense. If you have any questions feel free to contact me at the above information.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'TJ Jordan'.

Troy Jordan

MARCIE RYBA

CARSON CITY, NV 89703 ·
MERYBA@NSPD.NV.GOV

August 18, 2019

Tawny Polito
Executive Assistant to the Director
515 E. Musser Street, 3rd Floor
Carson City, NV 89701

TO WHOM IT MAY CONCERN,

I am applying for the Executive Director Position with the Department of Indigent Defense Services. I have devoted my career to working in indigent defense. I started at the Nevada State Public Defender's Office as a Deputy Public Defender and through the years I have been promoted to the Chief Trial Deputy and ultimately to my current position of Chief Deputy. As the Chief Deputy, I have also assisted in the management of employees; I have learned about the budgeting process; and I have viewed legislative hearings, including hearings on AB81.

Starting my career in the Seventh Judicial District Court as a law clerk, I had the opportunity to view proceedings in White Pine, Eureka, Elko and Lincoln Counties. As a Public Defender, I have had the opportunity to appear in Carson City, Storey, Pershing, and White Pine County. I sat first chair on three first degree murder trials out of White Pine County. During my time at the Public Defender's Office I have seen counties depart to provide indigent defense in a way that works for each county. From Pioche's Million Dollar Courthouse to the round courthouse of the future in Lovelock, the courthouses of our individual counties show the different needs and desires of each county. I would be honored to be given the opportunity to build the Department of Indigent Defense Services to be a strong resource for the counties and public defenders.

As requested, I have provided my resume, list of references, and letters of recommendation. I look forward to the opportunity to speak with you further about ways in which I can make a positive contribution to the creation of this Department. Thank you for your consideration.

Sincerely,



Marcie Ryba

Enclosure

MARCIE RYBA

████████████████████ • CARSON CITY, NV 89703
████████████████████ • EMAIL: MERYBA@NSPD.NV.GOV

LEGAL EXPERIENCE

Nevada State Public Defender's Office **511 E. Robinson, Carson City, NV 89701**

Chief Deputy Public Defender *June 2013-Current*
Promoted from Chief Trial Deputy to Chief Deputy. Continue all prior duties in handling a full caseload in Carson City and Storey County. Supervise six attorneys; assist in the management of the office; attend meetings to develop a budget; attend legislative hearings, including hearings on Assembly Bill 81.

Chief Trial Deputy Public Defender *June 2011 – June 2013*
Promoted from Deputy to Chief Trial Deputy. Supervised three trial attorneys; provided effective representation for individuals at arraignment, hearings, and trials; provided leadership and direction to assist trial attorneys with caseloads; participated in continuing legal education seminars.

Deputy Public Defender *Aug. 2004 – June 2011*
Defended individuals with charges ranging from misdemeanors, gross misdemeanors, felonies, and probation violations in Carson City, Pershing, White Pine, and Storey Counties. Traveled as necessary for the office. Interviewed clients, prepared and filed motions, sat as first chair for jury trials, as well as a daily participation in the negotiation of or completion of misdemeanor trials and preliminary hearings.

Seventh Judicial District Court **801 Clark Street, Ely, NV 89301**

Judicial Law Clerk for Judge Dobrescu and Judge Papez *Sept. 2003 – Aug. 2004*
Researched and prepared responses to legal motions for the judges and traveled with the judges to hearings and trials in the surrounding counties of Eureka and Lincoln. Also had the opportunity to discuss the trials and hearings with the judges and talked to the judges about how the attorneys could have been more effective.

EDUCATION

University of Colorado School of Law *Juris Doctor, May 2003*

Montana State University-Billings *Bachelor of Arts, English, May 2000*
Honors: summa cum laude

BAR LICENSES

Member of Nevada (April 2004) and Colorado Bar (July 2003).

MARCIE RYBA

CARSON CITY, NV 89703 ·
MERYBA@NSPD.NV.GOV

REFERENCES

Honorable Steve L. Dobrescu, Department 1
Seventh Judicial District Court
P.O. Box 151597
Ely, NV 89315
775-293-6550

Justice of the Peace Eileen F. Herrington
Storey County, NV
26 South B St.
Virginia City, NV 89440
775-847-0962

Retired Justice of the Peace John Tatro
Carson City, NV
[REDACTED]

Kay Ellen Armstrong
[REDACTED]
Carson City, NV 89706
[REDACTED] (home)
[REDACTED] (cell)

Sally DeSoto
Chief Appellate Public Defender
Nevada State Public Defender
51st E. Robinson
Carson City, NV 89701
775-684-1080 (work)
[REDACTED] (cell)

James Logan
Former Chief Appellate Public Defender
[REDACTED]
Reno, NV 89521
[REDACTED] (cell)

Honorable James E. Wilson, Jr.
First Judicial District Court, Department 2
885 E. Musser St.
Carson City, NV 89701
775-882-1619

Karin Kreizenbeck
Nevada State Public Defender
51st E. Robinson, #1
Carson City, NV 89701
775-684-1080

Noel Waters
Former Carson City District Attorney
[REDACTED]
Carson City, NV 89701
[REDACTED] (cell)

William Maddox
Senior District Court Judge
[REDACTED]

Justice of the Peace Thomas Armstrong
Carson City
885 E. Musser St.
Carson City, NV 89701
775-887-2121

Tosca Renner
Legal Office Manager
of Nevada State Public Defender's Office
51st E. Robinson
Carson City, NV 89701
775-684-1083



FIRST JUDICIAL DISTRICT COURT
CARSON CITY & STOREY COUNTY
STATE OF NEVADA

JAMES T. RUSSELL
District Judge
Department One

885 East Musser Street, Room 3061
Carson City, Nevada 89701
(775) 882-1996
Fax: (775) 887-2272

August 19, 2019

Board on Indigent Defense Services
c/o Tawny Polito, Executive Assistant to the Director
515 E. Musser Street, Suite 300
Carson City, NV 89701

Re: Letter of Reference for Marcie Ryba

To Whom It May Concern:

I have been requested by Marcie Ryba to write a letter of reference as to her application for the position of Executive Director of the Department of Indigent Defense Services.

I have known Ms. Ryba as a Deputy Public Defender in Carson City, Nevada. As a sitting District Court Judge, I have had the pleasure of Ms. Ryba appearing before me on many occasions, to include several jury trials.

I have always found Ms. Ryba to be prepared and professional in the courtroom. Ms. Ryba has submitted various motions and oppositions to motions in numerous criminal cases. She writes extremely well and analyzes cases and issues well.

Ms. Ryba is an excellent young attorney and would make a great Executive Director. I would recommend Ms. Ryba for your consideration as Executive Director of the Department of Indigent Defense Services.

Sincerely,


JAMES T. RUSSELL
District Judge

JTR:acj

Kristin N. Luis

██████████ • Carson City • Nevada 89703

Phone: ██████████

August 19, 2019

To Whom It May Concern,

It is my privilege to write this letter of recommendation on behalf of Marcie Ryba for the position of Executive Director of the Department of Indigent Defense Services. I have known Marcie professionally and personally for 15 years, beginning in 2004 when she was first hired as a Deputy Public Defender to her current position of Chief Deputy. I have worked opposite Marcie through much of her career in my position as a Senior Deputy District Attorney and later as the Assistant District Attorney for the Carson City District Attorney's Office. I have handled numerous cases against Marcie, from misdemeanor domestic battery, DUI, and drug paraphernalia to high level drug trafficking, sexual assault, child pornography and murder. To say that Marcie is a talented and capable trial attorney is an understatement. I truly consider her to be a worthy and resourceful opponent who will keep you on your toes raising unanticipated legal issues. I learned to over-prepare whenever I had a case with Marcie.

I have also served as a Juvenile Court Master and currently as a Justice of the Peace/Municipal Court Judge in Carson City. In these positions, I have the opportunity to observe Marcie's performance from a different perspective. She is always prepared for court and it is clear that she has communicated with her clients and that she understands the issues in her cases. Marcie works hard to achieve a just outcome for her clients and she is a tremendous advocate.

I have also witnessed Marcie's interactions within her office, with administrative and professional staff, as well as her interactions with the court; clients and opposing counsel. Marcie is positive and enthusiastic and she takes opportunities to address challenges within her office to build morale and encourage team building. She is a team player who works to set the right example. Marcie also takes appropriate steps to maintain diplomatic relationships with opposing counsel, court staff and other departments with whom she regularly interacts.

I believe that Marcie's diversity of experience, unique skill set and personality would be a tremendous asset to the position of Executive Director. Marcie is not only a defense attorney with years of experience in a variety of case types, but she has experience handling cases in a variety of rural Nevada courts, including Carson City, Storey County, White Pine, and Pershing County. She has handled murder cases in both Carson City and Ely and she has first-hand knowledge of the unique challenges that defense attorneys can face when representing clients in smaller jurisdictions with limited resources. Marcie is creative and resourceful and she uses her skills to represent her clients, not matter the charge, to the best of her ability, despite challenges and resource limitations.

Marcie also possesses tremendous leadership qualities, and she excels in communication and problem-solving. She has developed cohesive relationships with staff and attorneys in her office and she has earned respect from her peers. For all of these reasons, I offer my sincere recommendation of Marcie Ryba for the position of Executive Director of the Department of Indigent Defense Services.

Please feel free to contact me if you have any questions regarding this letter of recommendation or if you need further information.

Sincerely,

Kristin N. Luis
Justice of the Peace/Municipal Court
Judge Carson City, Nevada



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
515 E. Musser Street, Suite 300 | Carson City, Nevada 89701
Phone: (775) 684-0299 | www.admin.nv.gov | Fax: (775) 684-0298

Executive Director - Department of Indigent Defense Services

RECRUITMENT: The Board on Indigent Defense Services is accepting applications for the position of Executive Director of the Department of Indigent Defense Services. This is an unclassified, full-time position located in Carson City.

The Executive Director, appointed by the Governor, performs a wide variety of administrative and support functions that enable the Department of Indigent Defense Services to function effectively. With Nevada's public defense reform efforts this position will be tasked with addressing dynamic and challenging issues and has the opportunity to assist the Board on Indigent Defense Services in becoming a strong resource for public defenders and counties in Nevada. Duties include:

- Functions as the liaison between the Board on Indigent Defense Services, the Executive Branch, the Legislative Branch, the Judicial Branch, county and state elected officials, stakeholder agencies and organizations, and Defending Attorneys, and collaborates with same
- Serves as Secretary of the Board on Indigent Defense Services
- Assists the Board in formulating and promulgating administrative rules through Nevada Statutory rule making process
- Establishes the proposed budget for the Department and submits the proposed budget to the Board for approval
- Prepares an annual report concerning indigent defense services in Nevada which includes information collected by the Department and such other information as requested by the Board
- Assists the Board in developing recommendations to the Legislature for public defense reform
- Hires and manages two Deputy Directors, and other staff
- Prepares informational presentations for various stakeholders
- Schedules and prepares for Board meetings
- Assists the Commission in ensuring compliance with the Nevada Open Meetings law
- Assists the Commission in ensuring compliance with the Nevada Public Records Act
- Oversees planning, coordination and execution of public defender continuing legal education programs
- Submits requests for information from the various agencies or stakeholders
- Provides guidance and technical assistance to various agencies or stakeholders on compliance with public defense standards
- Oversight of the State Public Defender

- Collaborates with similar organizations in other states and at the national level to inform the Board and its stakeholders of policies, procedures, and organizational structures in use in other states to support improvement of indigent defense in Nevada

MINIMUM QUALIFICATIONS: Applicant must hold a Juris Doctor Degree and be licensed to practice law in the State of Nevada. In addition, applicants must have the following:

- Knowledge of Nevada's criminal court system, legal terminology, procedures, and legal ethics
- Ability to create and deliver public presentations to stakeholder groups to educate and inform about public defense and commission activities
- Experience working with elected officials and other relevant stakeholders in state and county government, as well as in the criminal justice system generally
- Experience developing and implementing strategic plans, performance measurements and personnel evaluations
- Computer literacy, including but not limited to, the use of Microsoft Office Applications, databases or case management systems, and the Internet. Effective English usage including spelling, proofreading, punctuation and grammar
- Incumbents must be able to prioritize multiple work assignments, meet deadlines and work under pressure
- Some travel is required
- Preference may be given to candidates who have:
- Experience working as a public defender
- Experience with the executive agency legislation process and the rules of the Nevada Senate and Nevada Assembly
- Experience with public sector budgeting processes, including the ability to advocate for and present budget and financial information to legislative committees or to a similar funding authority, and experience creating innovative solutions to manage public sector budget challenges
- Experience and familiarity with the rulemaking process and drafting administrative rules and regulations
- Experience with the Nevada Administrative Procedures Act
- Knowledge of public defense standards promulgated by national and state organizations and is familiar with Evaluation of Indigent Defense Services published by the Sixth Amendment Center
- Is familiar with Assembly Bill 81 (2019) as enacted by the 80th Session of the Nevada Legislature

SELECTION PROCESS: The selection process is conducted under Nevada's Open Meeting Law. Applications will be reviewed to determine those applicants with the knowledge, skills, and abilities required for the position. Successful applicants will be invited to Carson City for an interview at their own expense. A list of three names will be provided by the State of Nevada Board on Indigent Defense Services for appointment to be made by the Governor.

Please note: The Board on Indigent Defense Services may call a meeting to review applications at any time. A follow up meeting for interviews would take place shortly after application review. We will provide notice to applicants as soon as possible however that notice may only be a few days.

In accordance with the Nevada Open Meeting Law, your submittal and associated reference checks will be available for the public to review and all interviews conducted by the Board on Indigent Defense Services will be held in an open public meeting.

ANNUAL SALARY: Up to \$140,611* (Employee/Employer Paid Retirement Plan)

*Salary reflects Public Employees Retirement System (PERS) contributions by both the employee and the employer. An employer paid contribution plan is also available with a reduced gross salary.

BENEFITS: The State of Nevada offers an excellent benefit package that includes a retirement system, paid health, vision, dental, life and disability insurance; 11 paid holidays; and paid sick and annual leave. Other employee paid benefits such as a deferred compensation plan are also available.

LOCATION/TRAVEL: The position will be based in Carson City. Periodic in-state travel is required.

RESUMES WILL BE ACCEPTED UNTIL: August 19, 2019. Applications will be reviewed upon receipt.

INTERESTED APPLICANTS SHOULD SUBMIT COVER LETTER AND RESUME TO:

Tawny Polito, Executive Assistant to the Director
515 E. Musser Street, 3rd Floor
Carson City, NV 89701
E-mail: tpolito@admin.nv.gov

Resumes must include a detailed description of educational achievement and employment history, including the name and address of employers, scope of responsibility, two letters of recommendation, and professional references. Incomplete applications will not be considered.

Hiring is done without regard to race, color, religion, national origin, sex, age, or disability. In addition, preference may be given to veterans who qualify under state and federal laws and regulations.