

JEO

JOHN E. OAKES, ESQ.

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March 26, 2018

To: MINERAL COUNTY BOARD OF COMMISSIONERS

Re: Public Defender Contract Renewal(2018 to 2019)

Dear Ms. Chairman and Fellow County Commissioners:

By way of introduction, my name is JOHN E. OAKES, ESQ. I have been serving as the Mineral County Public Defender for the past two and a half years. The present indigent defense contract is due to expire on June 30, 2018. The Legal Defender Contract is to be renewed, extended or limited at the pleasure of the Board of County Commissioners prior to its expiration date of June 30, 2018. For purposes of continuity of continued legal representation, I would respectfully suggest that the Commissioners decide in a timely fashion the direction they would like to pursue in that presently we will begin setting cases for July and thereafter.

As stated, in January, 2016, I originally assumed the legal defender responsibilities from Wayne Pederson, Esq. On June 30, 2016, the contract was renewed for a period of two years, expiring June 30, 2018. The agreed upon contract amount was for Eighty Thousand Dollars(\$80,000) per year. As provided for in the Contract, the Legal Defender is basically responsible for all costs of maintaining an office, payment of secretaries and overhead associated therewith.

The criminal caseload has dramatically increased since 2016. For the calendar year 2016, I handled 239 cases. In 2017 it was 197. The numbers do not reflect cases from the previous legal defender which have been put on calendar for probation violations and other related matters nor do they include parole hearings. I believe that I have been extremely efficient in providing quality legal representation to all my clients. Moreover, I have refused to be retained privately for any individual who has been arrested in the County. Ethically, I believe it sends the wrong message to other indigent clients that if they paid me as a private attorney that they would get a better resolution. Accordingly, although not legally required to do so, I have declined privately retained cases within the county. It has been my consistent position that all my clients know I will provide the same quality of legal representation to everyone.

I have been practicing for over forty years(40) and was a former Washoe County Chief Deputy District Attorney(Criminal Division) for ten years. I have been in the private practice of law for the past 30 years with my practice limited to criminal defense. I have had over one hundred and sixty(160) jury trials. I was on the original Rule 250 panel which promulgated the rules pertaining to Death Penalty Cases. I have prosecuted and defended over 20 Murder Trials. I also have served as a Pro Tem Judge for the past thirty years for Reno Justice Court, Sparks Justice Court & Reno Municipal Court.

I have been asked to submit a request for renewal of the Indigent Defense Contract for a period of one year, July 1, 2018 to the 30th day of June 2019. The one year period was discussed between myself and the District Attorney, Sean Rowe based upon a number of factors.

Firstly, Mineral County will be undergoing changes within the criminal justice system due to the Retirement of Judge Gunter and his legal assistant(Ruby). Both will be missed very much. Judge Gunter has been a great Judge and the county is very fortunate to have had a man of his qualities and temperament for so many years. Moreover, as we all know in business, your only as good as your secretary. I can't say enough good things about Ruby. She has been wonderful to work with and her knowledge will be difficult to replace. In this light, the District Attorney has requested that I renew for one year to help with the transition.

Secondly, The Supreme Court of the State of Nevada has created the "INDIGENT DEFENSE LEGAL COMMISSION". The perceived need for this commission is the notion put forth by the ACLU that legal defenders in the rural counties are at a extreme disadvantage in dealing with the State because of the financial burdens placed on them and not the State. It is surmised that because of this inequity, indigent clients in rural counties are not as well represented as indigent clients in Washoe County or Clark County. I strongly disagree with this supposition. I would respectfully offer that in my opinion that very few members of the criminal defense bar has my background, experience and qualifications, public or private. The "Commission" is currently undergoing a study addressing these concerns and will author a report to the Supreme Court. At this time it is uncertain as to how the Supreme Court will proceed as there are a number of options being discussed. One option is the creation of another State Public Defender's office which will control all indigent defense lawyers with the mandate that all counties provide indigent lawyers with an office, secretary and staff. In any case, at this time neither the State nor myself have any idea what is in the future.

If the Commissioners are desirous of JOHN E. OAKES, ESQ. providing continued Legal Defender representation, the proposed contract amount would be for the sum of \$105,000 for a one(1) year term beginning on July 1, 2018 to June 30, 2019. Counsel herein is mindful of the financial restraints facing Mineral County. As stated above, it is my responsibility to cover all costs. For the Commissioners edification, for the Calendar year 2017, my expenses were as follows:

Rent:	(\$1500 month)	\$18,000 year
Secretary	(\$2000 month)	\$24,000 year
Phones		
Cell	(\$200 month)	\$2,400 year
Fax	(\$100 month)	\$1,200 year
Office	(\$500 month)	\$6,000 year

Legal Supplies	(\$5000	\$6,000 year
Stamps		
Copy Paper		
File Folders		
Ink & Toner		
Hotel(El Capitan) (\$120 month)		\$1,440 year
Food & Gas		\$2,800 year

TOTAL: \$61,000.00

In closing, it has been my pleasure working as the Legal Defender for Mineral County for the past two and one & half years. I have gotten to know the county pretty well and I can say that most all I have come into contact with have been respectful and courteous. Mr. Rowe and his Chief Deputy(Kyle George) are great prosecutors and knowledgeable of the law. Most importantly, they are both fair minded. A prosecutor's job is not merely to convict. It is to see that Justice is done. The entire court system has been a pleasure to work with, including the Clerk's office and the Sheriff's Office. Brenda Jones is great to work with. The Sheriff Deputy's do a great job and have always conducted themselves professionally. Again, thank for for your consideration.

Sincerely,



JOHN E. OAKES, ESQ