

**MINUTES OF THE 2017-2018 INTERIM  
NEVADA RIGHT TO COUNSEL COMMISSION**

**July 27, 2018**

The meeting of the Nevada Right to Counsel Commission was called to order by Justice Michael Cherry at 9:06 a.m. at the Legislative Building, 401 South Carson Street, Room 4100, Carson City, Nevada, and via videoconference at the Grant Sawyer Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada.

Exhibit A is the Agenda, and Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT (CARSON CITY):**

Justice Michael Cherry, Nevada Supreme Court, Chair  
Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27  
Joni Eastley, Representative of the Nevada Association of Counties  
Laura Fitzsimmons, Representative of the State Bar of Nevada  
Tom Grady, Representative of the Nevada Association of Counties  
Justice A. William (Bill) Maupin (Retired), Nevada Supreme Court  
Jerri Tipton, Representative of the Nevada Association of Counties

**COMMITTEE MEMBERS PRESENT (LAS VEGAS):**

Erika Ballou, Representative of the State Bar of Nevada  
Phil Kohn, Representative of the Board of County Commissioners of Clark County

**COMMITTEE MEMBERS EXCUSED:**

Senator Tick Segerblom, Senatorial District No. 3  
Drew Christensen, Representative of the Board of County Commissioners of Clark County, Vice Chair  
Robert Crowell, Representative of the Nevada Association of Counties  
John Slaughter, Representative of the Board of County Commissioners of Washoe County  
Anne Traum, Representative of the State Bar of Nevada

**STAFF MEMBERS:**

Brenda Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Risa Lang, Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau  
Joi Davis, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau  
Angela Hartzler, Secretary, Legal Division, Legislative Counsel Bureau  
Jordan Haas, Secretary, Legal Division, Legislative Counsel Bureau

**OTHERS PRESENT:**

Judge Elissa Cadish, District Judge, Eighth Judicial District Court  
David Carroll, Executive Director, Sixth Amendment Center  
Franny A. Forsman, Esq., Federal Public Defender for the District of Nevada (Retired)

**Justice Michael Cherry (Nevada Supreme Court, Chair):**

I will now open the seventh meeting of the Nevada Right to Counsel Commission. I will now open public comment. Seeing none, I will close public comment.

Next on the agenda is my opening remarks. Today, we will receive another update from the Sixth Amendment Center regarding their site visits. David Carroll is attending by phone. We have also included an item to receive any input from stakeholders who have not had an opportunity to speak.

Next on the agenda is the approval of the minutes from the last meeting of the Commission ([Exhibit C](#)).

COMMISSIONER TIPTON MOVED TO APPROVE THE MINUTES OF THE JUNE 28, 2018 MEETING OF THE NEVADA RIGHT TO COUNSEL COMMISSION.

COMMISSIONER EASTLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY (COMMISSIONER FITZSIMMONS ABSTAINED).

\*\*\*\*\*

Next on the agenda is input from stakeholders. I'm very pleased that my good friend Judge Elissa Cadish from the Eighth Judicial District is present to provide testimony. I've known Judge Cadish for a long time. She was a very active trial attorney with her firm, and then in 2007 she was appointed by then-Governor Gibbons to this seat and had a couple elections and has been very successful. She's a tremendous asset to the judiciary in Clark County. I've asked Judge Cadish to let everybody know, especially our friends from the rural areas, as to how we do indigent defense in her department, which is Department 6 of the Eighth Judicial District Court, reminding everyone that there are 32 civil/criminal judges in Clark County and 20 family court judges. Thank you for being here.

**Judge Elissa Cadish (District Judge, Eighth Judicial District Court):**

I have been a judge in the Eighth Judicial District Court for Clark County, Nevada for almost 11 years—next month will be 11 years—in the Civil and Criminal Division, and I have been hearing criminal cases for almost 10 years now in that role. As mentioned, I'm not here as a representative of the court or of the Eighth Judicial District Court per se, but I have been asked to come here and express my own personal experiences dealing with indigent defense and explain how we go about appointing counsel for indigent defendants in our cases.

There are three layers of representation for indigent defendants in the Eighth Judicial District Court. The first layer which handles most of the appointments for indigent criminal defendants is of course the Public Defender's Office, which is quite large. They handle all kinds of cases. That is, the various severity of cases. In the District Court, we have gross misdemeanors and felonies, which are A through E felonies, A being the most serious down to E having the least serious consequences on the felony side of things. Public defenders get appointed for indigent defendants unless there is a conflict of interest that they have. They, of course, have their own budget in terms of making their own decisions for hiring of attorneys or getting investigators or experts on board to assist them in representing the clients that they've been appointed to represent. In situations where the Public Defender has a conflict, which may be because it's a multiple-defendant case, of course, so they can only represent one of the defendants in that case. Or, as often happens, if one of the witnesses in a case, or perhaps an alternate suspect or some other person involved in the case, is or has been a client of the Public Defender and they have a conflict. Then it may go to one of the other two possible methods of obtaining representation. The Special Public Defender's Office in Clark County takes those conflict cases that involve A felonies, so those are the most serious cases that carry potential life sentences. It used to be the Special Public Defender for a while was only taking the alternative representation on the murder cases, but they have now expanded to take any of the A felony cases where the Public Defender has a conflict. Similar to the Public Defender's Office, they do their own hiring of attorneys and they make their own decisions within their own budgets about getting investigators and experts on board as needed in their particular cases.

On cases that are not A felonies, if the Public Defender has a conflict in that particular case, then we go to the private contract attorneys system. Those are managed in Clark County through the Office of Appointed Counsel, which is headed up by Drew Christensen, who is on this Commission, so I'm sure you'll have an opportunity to get more information from him as you go through your process in learning about how indigent defense works across the state. But all the contract attorneys or folks who want to be contract attorneys are vetted and ultimately appointed through that Office of Appointed Counsel, but there is a screening process that includes a committee made up of representatives of various organizations in the community representing various stakeholders and people who are interested in making sure that the process works. They evaluate the people who apply to determine whether they should be on the list at all to

take potential indigent cases, and if so, at what level, because even within the contract attorney system, there are multiple levels that an attorney may be approved for. There are track attorneys which take the B felonies and below if the Public Defender and Special Public Defender aren't available or if it's a B or below felony or a gross misdemeanor. Those cases are handled by track attorneys. Track attorneys are the ones who regularly appear before specific judges, and the way our system works is that cases track from certain justices of the peace. When they come up to the District Court, the same group of attorneys that is assigned to a particular department in the Justice Court follows those cases up and they get assigned to two or four district judges depending on how big of a caseload that particular justice of the peace has. The track attorneys end up carrying this large group of cases through if they're a B or below felony. You may get on the list through the Office of Appointed Counsel and become a track attorney. I'll talk more about how that works in a minute. There's also then both capital and noncapital groups of attorneys who are approved to take hourly appointed cases in those areas, so that would be the A felonies, either capital murder cases or the noncapital cases. Noncapital will also include some attorneys who specialize in taking up appeals in certain kinds of cases. I'm not going to focus so much on this today, but there are also those attorneys who get on the list to take appointments for post-conviction representation.

First, with regard to the track attorneys, in my particular department, I track from one particular Las Vegas justice of the peace, and those cases track to myself and Judge Villani in the Eighth Judicial District Court. We have three different attorneys who are assigned to our track. Each of those track attorneys gets assigned to about 9 cases a month, or about 110 cases per year, and they are paid \$4,500 per month to be on that track and get those routine cases. Most of these appointments it should be emphasized occur in the Justice Court itself. It's not very often that in the District Court we're in the position of making that appointment, because the cases we have in District Court have already come up through that process from the Justice Court. In addition to the \$4,500 per month that the track attorneys receive, if they go to trial, then they also get \$100 an hour for their trial time spent in court. Additionally, if their case becomes a habitual case—that is, if the state is seeking habitual treatment under the small or large habitual criminal statute—then they also would get hourly compensation on that case. Additionally, if their case becomes particularly complex or it's considered a so-called extraordinary case, then they can also petition to get hourly compensation rather than just having it included within the standard \$4,500 per month. I should mention, I also track from one of the North Las Vegas justices of the peace, and there are two attorneys that are assigned to that track. The way it works is I see regularly in my courtroom the three track attorneys that are on that Las Vegas track and the two track attorneys that are on the North Las Vegas track.

On cases of course that are A felonies, we might have the Public Defender, we might have the Special Public Defender, or if they are both conflicted off for whatever reason, then there are other attorneys that are available to take the representation who have already been approved and vetted through the Office of Appointed Counsel. The hourly pay for those folks, again, for noncapital cases, it's \$100 per hour by statute under Nevada Revised Statutes (NRS) 7.125, or in the capital cases, \$125 per hour. The contract

attorneys can of course hire investigators and often do to investigate the background and circumstances regarding the charges against their indigent client. That compensation for the investigator is \$50 per hour, and that requires approval of the Office of Appointed Counsel, but it's my understanding that those are routinely granted if an attorney feels an investigator is needed. Additionally, they can hire experts, and of course the rate approved to pay that particular expert they hire depends on the area of expertise. There are statutory caps of \$2,500 for nonlife cases, \$20,000 for life cases, but it is important to mention that you can petition to exceed the statutory cap as long as you show the need for that. Obviously, it's going to depend on what you need. If you're trying to get a doctor to come and appear in court, good luck getting that person for \$2,500. Obviously, if you present the information and show the basis for why you need additional funding for that, you can seek that if you show you need it in your particular case.

In Clark County since I believe 2008, it's no longer the position—as I've talked about the Office of Appointed Counsel, that's when we changed to adopt that system. It used to be that it was the judges who would be identifying and appointing the private attorneys to take the representation. There was a concern raised around that time that in fact that presented a conflict of interest, or potentially put the attorney in a conflict situation if they're depending for appointments and potentially their livelihood on the judge in the case, they might not be as vigorous in representing their client as they should be or would otherwise be. This system is a good one, and I think that's been a very good change for our court, having that separate Office of Appointed Counsel which does the vetting and appointments. We still are in a position of approving the excess fees or excess amounts that may be needed, and potentially that would be an area to look at as possibly that should be also more based for approval in the Office of Appointed Counsel, but we have definitely taken away from that potential conflict of interest, so the attorneys should, and do, in my experience, feel free to vigorously represent their clients in my department. When I do have those requests for appointment of an investigator or an expert, obviously I do need to look at them and make sure that it's warranted in the particular case, but generally speaking only for my department, those are pretty routinely granted. Obviously, I want the attorneys to do everything they think is necessary to properly represent their defendant.

In my experience, the public defenders, the special public defenders and the contract attorneys on the whole do a great job representing indigent defendants in the District Court. The only times that I'm actually in the position of making the appointment, I alluded to this earlier, is if there was private counsel below in Justice Court, and now that person has withdrawn or has a conflict, or if whichever attorney was previously appointed has a conflict of interest. Sometimes as they've gotten deeper into their investigation, it turns out there's some other suspect or someone else that has been their client and we need to go ahead and make a change of counsel for that reason.

We do sometimes have the defendants who have the appointed counsel complain about their appointed counsel. I'm sure that's nothing unique to my department of Clark County, or even the State of Nevada. I think it's to be expected when we have a system of

appointing counsel to represent defendants. However, for the most part in my experience, these complaints are unwarranted. That's not to criticize the defendants. It's difficult for them in waiting to go to trial on their case and feel like their attorney isn't paying enough attention to them, and I understand why they get anxious about that and feel that their attorney isn't doing enough for them. But on the whole, in fact, their attorneys are doing what's appropriate. They may not necessarily do it on the timeline the particular defendant expects, but in my experience, they are doing what's needed and they will make sure they're prepared before the case goes to trial, or they are working appropriately with the District Attorney to try to reach a resolution of their case. In my experience, I guess what I would say is no matter who the attorney is and no matter how qualified and no matter how great of a lawyer they are, there will still be some complaints about them, and that's okay. But I do take seriously those issues, and I do have a hearing when those complaints are made outside the prisons of the state to explore those issues and make sure that I'm comfortable that, in fact, those appointed attorneys are properly representing those defendants. When I'm talking about my experiences with these issues and whether I think the complaints are justified or not, it's based on having those hearings and exploring what the actual complaints are so that I can evaluate them.

In my experience as well, on the whole, I don't think that private retained counsel is any better particularly than appointed counsel, and in some cases are less effective. I don't mean to criticize any particular attorneys who appear before me, but here's what I mean. The appointed counsel who are on my track or on any given judge's track become familiar with those particular judges. They get to know the practices and preferences of those particular judges. They can better advise their clients about what a judge is likely to do if they file a particular motion, want to present certain evidence or what can be expected from that judge at the time of sentencing. I think that whether it's the public defenders or the track attorneys who appear regularly before me, I think in many ways they kind of have a leg up on the privately appointed attorneys who aren't coming before me as often. A lot of the private attorneys aren't in district court that much and may practice mostly in either municipal court or justice court and may not be familiar with the routine in district court. Of course, there are exceptions to all of these generalities. There are many excellent private attorneys who I'm excited to have come into my department, and of course once in a while there's an appointed attorney who isn't doing what they should be doing. If that happens, I would take that up with the Office of Appointed Counsel if they're a privately appointed attorney, or if they're in the Public Defender's Office, I can take that up with their team chief or with the County Public Defender. I make these comments because you often hear people talk about how the only way to get justice in our court system is to hire your own expensive attorney. I appreciate that some folks choose to do that, and of course that's appropriate in many cases, but I think that it is a misunderstanding of our system when they say that, because in my experience, the folks who choose to represent indigent defendants in criminal cases and to make that their career and their life's work are very dedicated attorneys who do a great job and work every day to represent their clients vigorously in court. I think that is a misimpression that many people have.

I will say coming from the civil arena before I became a judge, the idea that attorneys in these cases are getting \$100 or \$125 an hour with \$125 being on a capital case is surprising for me coming from the civil commercial litigation field, where brand new young attorneys will be charged out at \$250 an hour or more pretty routinely. But I will say, after talking with Mr. Christensen, who is in charge of the Office of Appointed Counsel, my impression is that they are getting a sufficient number of attorneys to apply to take these cases, so I was glad to hear that.

In closing, and I don't want to take too much of your time this morning, I would say that I am grateful for the important and often thankless service that these attorneys provide who take these appointments in my department. I've had the pleasure of working with some very fine attorneys and fine people who I've enjoyed getting to know on a personal level as well as a professional level. I hope I've given you an idea about the overall lay of the land about the process between the Public Defender, Special Public Defender and private contract attorneys. Thank you very much for listening this morning.

**Chair Cherry:**

I want to thank you for coming to Carson City to testify, and your background is marvelous, having been a law clerk for the Honorable Philip Pro, federal judge, and also with the Hale Lane Peek firm, which is well known in Reno and in Las Vegas, especially Steve Peek, who was your mentor and a good friend of mine.

**Judge Cadish:**

He was. I was lucky to have that opportunity.

**Chair Cherry:**

You certainly were ready to assume the bench in 2007. You've done a good job, and I think JoNell Thomas is in the audience in Clark County, and Phil Kohn is on this Commission, and I'm sure they're happy to hear what you had to say about their folks.

**Judge Cadish:**

I didn't even see them here, so I wasn't brown-nosing. I'm just telling the truth.

**Chair Cherry:**

Well, Ms. Thomas is in the audience, and she's the Special Public Defender, following in the footsteps of myself, who was the first Special Public Defender in Clark County.

**Judge Cadish:**

Right. It's such an important role, and we do need folks who are willing to aggressively represent their clients, and I think the folks we have there now have taken that role seriously.

**Chair Cherry:**

I want to praise my former Chief Justice, Bill Maupin, who's the one who came up with the idea for the Indigent Defense Commission, which was responsible for everything that you've testified to that he allowed me to chair that Commission and make sure that there was complete judicial independence when it came to indigent defense in Clark County. I'm very proud of what we've done in Clark County. Washoe, the same thing, and then thanks to John Lambrose to taper it so that it was very fair in the rural areas also. I'm happy, although we're going to find out there are some problems. We're going to hear about it. I'm going to ask you, Judge Cadish, even though you were very high on the quality of the indigent defense representation in Clark County, do you have any suggestions as to improvements for either the Special Public Defender, the Public Defender, Drew Christensen's office or anything in the area of indigent defense? Is there anything we should hear? Because we're going to be probably doing a bill draft and some other things on indigent defense. Is there anything we need to know, especially about the urban area? There are 2,300,000 people in Clark County and 52 judges that are hearing cases of which some 25 or more are hearing criminal cases. Any improvements, Judge Cadish?

**Judge Cadish:**

I don't have the specific numbers, and I'm not in charge of people's budgets, so my general comment would be that I think often the folks who do this work have many, many cases, and sometimes too many to get as close attention as perhaps would be warranted in every case or as early on in the case, because when you have a lot of cases, you need to balance and prioritize what's coming up for trial now versus what's coming up a little later. They do a great job of balancing that, but I guess I'm not in a position to recommend what exactly should be changed on that, but I think it would be important for this Commission to understand what the caseloads are of the attorneys, both within the public defenders' offices and the track attorney system, because they are juggling a lot of different cases. Perhaps it would be better if they had less, but I'm not in a position to have fully investigated what those numbers are, so I can't make a specific recommendation.

**Chair Cherry:**

What do you do in Department 6 about appeals, as far as whether someone had a retained attorney at trial but the retained attorney withdraws, or our contract attorneys or track attorneys as far as when they do cases, or even the Special Public Defender or the



Public Defender? How do you handle the appellate situation because you're responsible for appointing direct appeals?

**Judge Cadish:**

The track attorneys will take the appeals themselves on some of the cases, but if they need an appeals attorney appointed if the track attorney isn't going to take it, then we again go through the Office of Appointed Counsel and have them send one of the attorneys from their list to take that particular appointment. That's the way it works. We do require the attorney, if they're been the trial attorney, to make sure that they file the notice of appeal if appropriate. We don't want people generally getting too late in the case and then dropping out, but there are some of those attorneys who do not generally take the appeals, and then we just simply go through the Office of Appointed Counsel.

**Chair Cherry:**

Let me see if any of the Commissioners have any questions or comments for Judge Cadish. We have our two public defenders in Clark County, Mr. Kohn and his Deputy, Ms. Ballou.

**Justice A. William (Bill) Maupin (Retired) (Nevada Supreme Court):**

I just want the record to note that it was my pleasure to sit as the chair of the judicial selection commission that sent her name to Governor Gibbons.

**Judge Cadish:**

Thank you, Justice.

**Chair Cherry:**

Good call. Any other final comment before you leave?

**Judge Cadish:**

No. I just thank you for the opportunity to be here, and I would hope that before your whole investigation is done that perhaps Chief Judge Bell or Judge Villani, who is now our Criminal Presiding Judge, would potentially be in a position to make specific recommendations on behalf of our court.

**Chair Cherry:**

Thank you. Next, we are going to hear from our consultant, David Carroll. Item VI on the agenda is the update from the Sixth Amendment Center. David Carroll is on the phone to update us. Mr. Carroll, before you start, I just wanted to tell you that it looks like we've got

some obligations to have a report and some information about a bill draft request (BDR) by September 1, so I'm going to call the next meeting for Friday, August 17 so we can get your recommendations and get going on this so we can get it to Ms. Lang and the rest of the folks at the Legislative Counsel Bureau (LCB) as the Legislature has requested. You've got a short string here. You'll report today, and then August 17. Hopefully we'll be able to have a complete discussion as to where we're going to go for our September 1 obligations to the Legislature. So, Mr. Carroll, if you're ready to give us an update as to where you are on the right to counsel in Nevada?

**David Carroll (Executive Director, Sixth Amendment Center):**

My apologies for not being able to be out there in person with you today. The meeting on August 17 with the preliminary draft is what we've been aiming for. Internally, we said, "We want to have this all wrapped up by August 15," so we are busily working away on writing all this stuff up so we will hit the deadlines. I do want to start today just with a little review from last time, because I've heard from a number of people. I just want to be clear on what I was saying last time, and that's that the question of delivery model is one that I think really should be made locally, because they understand their local uniquenesses better as far as the model being a public defender, a staffed county employee, a private attorney under contract, an attorney paid hourly, etc. That doesn't mean that there aren't problems even in the best of the systems, which is what I tried to highlight with Humboldt, and also that there are good attorneys out in the rural areas, but that doesn't mean they don't have too many cases and other things impacting them. I just wanted to be very clear, because I think some people heard me saying there weren't issues in the rurals and wondering why we're doing all the work that we're doing, which is not the case whatsoever. But on the initial threshold question of how they construct their services and whether there are qualified attorneys out there, I think the answer is that there are on both of those issues. Not universally, just like in Clark or in Washoe, I'm sure that there are better attorneys and worse attorneys. So, that's sort of the basic start that I wanted to go from.

But today, I want to talk about more of the problems that we saw out in the rurals, and I want to start with municipal courts. In our study, we viewed seven municipal courts out in the rural jurisdictions: Ely, Fallon, Yerington, Fernley and the four in Elko County. The services can be quite different. In the four municipal courts in Elko, essentially those are called municipal courts because the police and prosecution that are bringing the cases are paid for by the city and they're city employees. But the indigent defense system is the County Public Defender, and indeed the justices of the peace in those courts hear both the municipal cases and the justice cases. From an indigent defense perspective, even the Elko municipal courts aren't problematic. The other ones are problematic, and I think the farther away from the district and justice courts the municipal courts are, some of the greater problems. So, what am I talking about? For instance, one of the municipal courts routinely charges \$250 to every client who asks for a public defender, and in fact, the judge states that it's going to cost \$250. We saw many instances in which it appeared to chill the right to counsel and people elected to go alone rather than pay that fee. To be

clear, when that happens, there's no individualized colloquy to determine whether that person can afford \$250 or not. It's problematic because in this study of the financial piece of it, we're looking at both expenditures in those jurisdictions that use public defender recoupment. In most of the justice courts, there's not an active amount of recoupment going on, but in the municipal courts there is. For instance, in one of the counties that we're talking about, the justice courts on average over the 5 years we looked at recouped only 4.21 percent of their indigent defense costs. One of the municipal courts over a 5-year average recouped 86.9 percent of their indigent defense costs, and indeed in 2 years, 2014 to 2015, they brought in more money in recoupment than was expended on public defender services. This is a big problem. I'm not identifying the court directly, because we're trying to make sure we have all the numbers right. But even if we're off a percentage here or there, the gist of it is correct because we witnessed it with our own eyes. As we sat there, person and person before they were able to ask for a public defender made sure they understood that it was going to cost them \$250. We saw on average many people actually foregoing to the right to counsel in this one court.

To give you an idea of sort of what we saw, in this one court, we witnessed a defendant who was up for no insurance and no registration. He had brought with him proof of insurance and proof that the car was repossessed rather than having to get it registered. The City Prosecutor suggested a 90-day suspended sentence held in abeyance to be dismissed if the defendant had no more traffic infractions. At that point, the defendant got kind of nervous, because he just had similar charges in the justice court brought by the County Prosecutor, and in that court when he presented the same evidence, that prosecutor decided to dismiss the case. The judge started explaining some of the differences in court structure between municipal courts and justice courts. Finally, the public defender for this court stood up and said, "Judge, I really do think this person needs counsel because he's not understanding what's going on," and the judge turned to the defendant and said, "Well, it's going to cost you \$250. Do you still want to go forward?" The defendant did, but that's the type of problem going on out in the municipal courts. It's something that I think for the most part happens outside of the view of the indigent defense system, but to us, that's a very, very important issue that needs to be addressed. I think it's only through having oversight of these courts through some sort of indigent defense commission that I think you can start to work on those problems and raise these concerns to try to get either training or something to be able to change some of these practices.

When we moved from municipal court to justice court, the problem there is really, I believe, a misunderstanding of a U.S. Supreme Court case called Alabama v. Shelton. Despite the U.S. Supreme Court case law determining that the right to counsel attaches in any case involving potential jail time, including suspended sentences in which the defendant remains at liberty unless the defendant fails the probationary terms, many of the justice courts we've observed had defendants denied counsel solely because the immediate threat of jail was lifted in lieu of a suspended sentence. What the U.S. Supreme Court determined in Alabama v. Shelton is that a suspended sentence is a prison term imposed for the sense of a conviction. Once the prison term is triggered, the defendant is

incarcerated, not for the probation violation, but for the underlying offense. In other words, there's no opportunity in a probation revocation hearing for that lawyer to go back to the trial phase to challenge the government's case on the original accusations, the accusations that after all the defendant had already faced without the assistance of counsel. This is a big problem. I do believe that for the most part, people are getting counsel on the probation revocation hearings, but many of these are on a suspended sentence in which they did not have counsel in the initial go around. It's prevalent throughout the justice courts. That is something that, again, I think may have to involve judicial training in addition to this. But if attorneys were in the initial hearings, I think they would see some of this and be objecting to it and working on it. The problem is in many of the justice courts, there's no attorney at the initial hearing. In fact, in many of the places we saw, there will be the 48-hour probable cause hearing, generally in camera, and then a 72-hour hearing. There is confusion out there that many places think the 72-hour hearing is 72 hours after the 48-hour probable cause determination instead of 72 hours after arrest. But even then, at the 72-hour hearing when there are determinations of counsel and things like that, the appointment may be made, but in many instances, the attorney is not actually starting anything until the eve of the next event, whether it be a preliminary hearing on a felony in justice court or a trial date for a misdemeanor court. The attorneys are starting, for the most part, way too late in the process in a lot of these justice courts. Then, once you have the attorney involved, they simply have way too many cases. It really doesn't matter the delivery type system. I should say, and let me be clear, I'm setting aside the smallest counties: Eureka, Mineral, Esmerelda, Lander Counties. Those places do not have enough cases for caseload to be a problem on the systems that they have. But the other ones, there are problems. Even though we were quite impressed with the Elko system, for instance, where a staffed Public Defender's Office has existed since 1979, the attorneys there are all over the National Advisory Commission (NAC) standards. As we talked about last time, the NAC standards were developed by the U.S. Department of Justice. The American Bar Association (ABA) has said in no event should those NAC standards ever be exceeded. In Elko, the attorneys generally are about 125 percent over the NAC standards. That's not including specialty courts and some of the other things that they're doing. Then you go to a place like Churchill, where again, they have very good caseload records tracked. There, the attorneys are all at or slightly above the NAC standards for full-time attorneys, even though they're working part time. We looked very deeply at the 2017 caseload report. At that time, they had three attorneys handling the cases. Each of the attorneys were just, as I said, at or slightly above the NAC standards, even though they worked part time. But then in 2018, the decision was made, as we heard from one of the earlier people testifying from Churchill, that they decided to get rid of one of the contracts so that they now have two attorneys trying to handle all the work of what was too much for three attorneys. In all these places—again, setting aside the smaller places—you have public defenders that are handling way too many cases. We'll have all those details for you to look at and the exact numbers. Even as we saw in Humboldt in my presentation last time, the public defenders there, even though with the addition of the conflict public defender has brought it down closer to the NAC standards for full-time attorneys, even there, they're still slightly over. They're having 2 attorneys handle the caseload of what 2.15 attorneys should be handling. That's a

problem, and there needs to be someone determining what the workload should be, or at least monitoring it to make determinations about whether the system is having too much work or not.

Finally, I do want to say I've gone through in part of the report, I've done a historical timeline of all the events that have happened in your state related to the right to counsel, everything from Attorney General opinions, when all the statutes came in, when each of the counties that left the State Public Defender did leave the State Public Defender, all the work on the Administrative Docket (ADKT) 160, which was the Taskforce for the Elimination of Economic and Racial Bias in the Criminal Justice System that went through 1998, and then an implementation committee came in and did that. I've gone through the entire case of ADKT 0411 that really went from 2007 up until the Indigent Defense Commission (IDC) started doing its work. It's really interesting to sort of go through all that. You're reminded that things like ADKT 0411 banned certain types of flat-fee contracts, ones in which public defenders shouldn't be paying the cost of conflict defense services. But there are still contracts out there that do expressly that. Even when great strides have been made about doing standards through the ADKT 0411 order, without anyone to monitor it, you're not being able to guarantee that people aren't being impacted because the standing orders aren't being followed.

I think I'll pause it right there. I would like to continue talking a little bit about recommendations in the future so it will help inform us for our next report. But I'm happy to pause there and take questions on some of the issues we're seeing in the rural areas.

**Chair Cherry:**

Could you comment on the status that you feel about the State Public Defender's Office? You gave a report yesterday to the IDC. Karin Kreizenbeck was there, and we have representation today from the State Public Defender's Office.

**Mr. Carroll:**

Essentially, the State Public Defender is now functioning as the trial-level representation for Storey County and Carson City. From what we've been able to determine and see, we haven't actually done court observations in Carson City, seeing the public defenders at work, but we did see some stuff in Storey County. Everything we can determine at this time is that they do a very good job and they should be allowed to continue. I don't think if there's any movement for reform that people should lose their jobs. I think that should continue on. They're also doing the state post-conviction work. It's an area that we haven't studied, but again, from all we've known and what we've been able to glean from certain reports, we believe they're doing a very good job on that and that should be allowed to continue. In fact, one idea that might be considered would be to expand their work into a statewide direct appeal office. I think there are pros and cons to that. I think it needs to be debated amongst the people of your state. But I don't think anything that should be contemplated should contemplate changing that, and I think it's certainly something that

can be built upon, even though I think it needs to be moved under some type of commission. But I think those determinations should remain local. If in the future some other nearby county like Churchill decides, "Maybe we do want a State Public Defender in here," it still can allow it to grow if the local county decision makers decide that's the way they want to go. But otherwise, I think the other rural areas should be allowed to make determinations about their delivery model directly.

**Chair Cherry:**

If the State Public Defender did direct appeals, that would be somewhat of a savings for the counties, which now have to pay for direct appeals.

**Mr. Carroll:**

Agreed. I think that would be an incentive for the counties to want to work together and look towards reform in whatever a future BDR might look like.

**Chair Cherry:**

And then I'd ask you the status of your feelings about an independent indigent defense commission so that the Supreme Court's ADKT 0411 could cease existence and get us out of the business of indigent defense and have an independent commission made up of people other than the Supreme Court Justices.

**Mr. Carroll:**

I tried to underline this in the IDC meeting and a bit at the last meeting. Just to be clear, Gideon v. Wainwright made it a Fourteenth Amendment obligation on the states to ensure that the Sixth Amendment is properly implemented. At the very least, we certainly have the whole history of your state of the counties being responsible in the first instance for paying for all this stuff. The U.S. Supreme Court has never made a determination whether a state can hand off the obligation in the way that it has, but what we do know through a series of cases is that if the state does pass on that obligation, they are still required to make sure that the counties and cities are not only able to provide effective representation but that in fact they are doing so. Your state has no infrastructure to be able to say whether the Fourteenth Amendment obligation is being met or not. Most other states and the majority of states function in this manner: they will have an independent statewide indigent defense commission charged with promulgating and setting standards, which then whether it's a statewide, state-funded delivery model or whether it's a county-city delivery model or a hybrid model of the two, the state then has an office to oversee and administer to make sure that is indeed happening. I mentioned in yesterday's meeting that the State of Michigan is one that has followed this model and just recently for the first time stepped up to the plate and funded \$85,000,000 in new money for indigent defense. For the counties, that means that essentially indigent defense resources have doubled in 1 year. Collectively, the counties in Michigan were spending about \$85,000,000 a year.

This model can have a significant impact on relieving counties of a lot of this burden. Now, it all depends on what the model is that the state chooses once it has a commission, but at the very least, a commission is necessary to be able to say what the standards are and then directing a centralized office to be able to do ongoing evaluations in much the way that this study has done.

**Chair Cherry:**

Are there any questions or comments for David Carroll from our Commissioners?

**Laura Fitzsimmons (Representative of the State Bar of Nevada):**

I'm not sure I understood what you were saying. When you're talking about models, you're talking about a state commission, and then the state has an office to oversee. Are you envisioning or telling us in other states there's a commission that then oversees the centralized office who then ensures that the Fourteenth Amendment is being complied with within Nevada and the counties?

**Mr. Carroll:**

That is correct.

**Ms. Fitzsimmons:**

Who appoints the commission?

**Mr. Carroll:**

There are national standards on how to do it. What they suggest is that no single branch of government should have more appointments than any other branch of government so that no single branch can exert too much political influence over the system. Several states do it differently. Some will just say, "Okay, we'll take the three branches of government and they each get three appointments," something like that." Other states will say, "Well, we're going to give nine appointments to the governor, but the governor must make appointments from a list given from the judicial branch or the legislative branch." Then from there, lots of states do lots of different things. Oftentimes, they will say the state bar can make an appointment if it's a mandatory bar, or they'll say if there's a predominant ethnic group that is going through the criminal justice system, they may give an appointment there. In Montana, for instance, their statewide commission has appointments from a Native American association. In Louisiana, they have the predominantly African American bar make an appointment. There are no rules and regulations beyond that the national standards say the commission should be between 9 and 13 members and that they should be appointed from a diversity of factions and no single branch of government should have more appointments than another. But what

we're hoping to do in the report is listing examples from the other states so people can look and say, "Oh yeah, that makes sense for us," or "That doesn't make sense for us."

**Ms. Fitzsimmons:**

So what you're talking about is there's a commission and it's not weighted to one branch of government. Will the commission set up the office?

**Mr. Carroll:**

Yes.

**Ms. Fitzsimmons:**

What I don't think I understand here is that you're doing a report that's not here yet. We're going to have another meeting at the end of the month and you're going to lay all this out for us, right?

**Mr. Carroll:**

Yes.

**Ms. Fitzsimmons:**

Okay. And then how many days do we have to come up with the Commission's decisions and recommendations for a bill draft?

**Mr. Carroll:**

My understanding is September 1. I don't know with regulations if there's leeway on that date or not. I would look to the LCB for that.

**Chair Cherry:**

Let me comment on that, because Ms. Lang just helped me out on this. Since the Commission will need to approve a BDR at the next meeting, we may want to discuss what members would like to include so we can prepare something for the next meeting. You can do this under directions to staff. Maybe Mr. Carroll can outline his ideas? I guess we're going to have some more discussion, Mr. Carroll, as to what we want to do with the BDR. John McCormick is here to help us out with that from the Supreme Court. He's my expert on BDRs. We can start doing it right now as far as I'm concerned. We have a timeframe, September 1.



**Ms. Fitzsimmons:**

We're jammed.

**Chair Cherry:**

I know.

**Ms. Fitzsimmons:**

I'm not sure I understand. I actually expected that at this meeting so we'd have time to look at it and consider it. So, whatever needs to be done so that every member of this Commission as we proceed that we have our own time representing our own constituencies to consider this information.

**Joni Eastley (Representative of the Nevada Association of Counties):**

The bill is pretty specific in the order in which things are to be provided. Before we can submit the BDR, we shall make recommendations to the Legislature to improve the provision of indigent defense services, and there are a list of specific components of what those recommendations must include.

**Chair Cherry:**

Ms. Erdoes, do you want to comment on what Ms. Eastley and Ms. Fitzsimmons have raised, or Ms. Lang?

**Risa Lang (Chief Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau):**

I think those things will be included as part of the report, and both the report and the BDR have the same submission date.

**Ms. Eastley:**

That is if this Commission adopts the recommendations that are being made by the Sixth Amendment Center, and that's my concern. Until we have an opportunity to review that report, we're not going to know—I mean, I'm assuming we're going to agree with those recommendations, but we need to look at those recommendations and then draft our own set that goes to the Legislature, and then the bill says that we may submit a BDR but it's not required.

**Justice Maupin:**

Mr. Carroll, can you say again what the obligation of this Commission is? Once this is all set up, it says we're supposed to ensure or make sure that the Sixth Amendment is being complied with here in Nevada. Can you state what that is again more specifically?

**Mr. Carroll:**

I didn't hear all of that question. Could it be restated, please?

**Justice Maupin:**

You said something along the lines that what we're supposed to be doing here in ensuring that the Sixth Amendment is being complied with in the State of Nevada. I may be confused, but can you restate what that imprimatur is?

**Mr. Carroll:**

Sure. It's really looking at a lot of the structural requirements set out in United States v. Cronin. This is all detailed in the report, but it's basically saying that attorneys are qualified to handle the types of cases that they're handling, that they have the appropriate training, that they have the requisite time needed to do the cases, and that's where some of the caseload questions come in, that they're appointed early enough in the case and that they have independence from the judiciary. Those are sort of the five basic parameters. Some people use the ABA's 10 Principles. It's sort of shorthand for a lot of this, but we go directly to the Sixth Amendment case law for those five parameters. That's what the Commission in its main focus would need to ensure is happening.

**Justice Maupin:**

What is the jurisdiction of the Commission to make sure that happens?

**Mr. Carroll:**

If this is the direction people want to go, it would be legislatively empowered to do this. I don't know if this is something that would be useful, but even as we're writing this, we could send you some of the statutory language from some of the other states to see how they've done this. But in most instances, they will say, "This commission is required to promulgate standards around this set of things." I look to Ms. Erdoes and Ms. Lang if that's an appropriate thing to do at this juncture or not, but we can certainly make that stuff available if people want to start looking at some of this in anticipation of the next meeting.

**Ms. Eastley:**

I don't want to make this seem too simple, but I want to draw everybody's attention back to what the bill states, Senate Bill (S.B.) 377, and this Commission has two deliverables. One is that we shall conduct a study during the 2017-2019 Interim concerning issues relating to the provision of indigent defense services, and Mr. Carroll is doing that. That is almost finished. Our second deliverable is that we shall make recommendations to the Legislature to improve the provision of indigent defense services. That's in section 11(2), and then there's a list, (a) through (e) of what those recommendations have to contain. I just want to draw everybody's focus back to the bill. We have two deliverables, one which we are almost finished with, and the second one we haven't even started on yet.

**Chair Cherry:**

Read the (a) through (e) list, Ms. Eastley.

**Ms. Eastley:**

Our recommendations must contain standards related to the caseload and workload of defense counsel, minimum standards for the provision of indigent defense services, minimum standards for a statewide system for the provision of indigent defense services in a county whose population is less than 100,000, funding a statewide system for the provision of indigent defense services, and finally, any other recommendations in accordance with the findings of the Commission, which I assume would tie directly back to David Carroll's report. But those are our only two deliverables. Finally, we may if we want to submit a BDR, but I don't want to get the cart before the horse. Our focus right now should be getting the results of all of the interviews that Mr. Carroll and his staff have done and promulgating those recommendations to the Legislature. That is what we have the time limit on. On or before September 1, we must submit those recommendations.

**Chair Cherry:**

Ms. Lang or Ms. Erdoes, do you want to comment on what Ms. Eastley said?

**Ms. Lang:**

As far as the BDR, what really needs to happen is just the BDR needs to be submitted by September 1, but you all could meet again after that to take a look at what we put together and you could make changes.

**Ms. Eastley:**

But if we don't know what our recommendations are going to be, what are we going to base a BDR on?

**Ms. Lang:**

Hopefully at the next meeting you can discuss the specifics.

**Ms. Eastley:**

We have a lot of work to do.

**Chair Cherry:**

I guess we'll be very busy on August 17. We'll make sure we can have lunch if we need to.

**Erika Ballou (Representative of the State Bar of Nevada):**

What I was wondering is if we could maybe have a meeting before that, before August 17, and then another one on August 17 for the BDR so that we can talk about the standards or anything like that. But I guess we wouldn't be able to do that before August 17 if the study isn't done until August 15. Never mind, sorry. Can the study be done earlier?

**Mr. Carroll:**

It's not going to be done earlier. We had anticipated that the work would get started earlier, and then we expanded to all the counties. We committed to doing that at the same cost and everything. But we are going to be pushed to get it done on August 15.

**Chair Cherry:**

Ms. Lang informs me that we can also have a meeting after August 17 before September 1, so we can have a meeting the week of August 23 or whatever it is. I know it's tough for people to have two meetings in a row. Ms. Tipton is talking about there being a Nevada Association of Counties (NACO) meeting on August 24. Ms. Lang and I will work on the date, and we will have a meeting after August 17. Mr. Carroll, hopefully you'll be available. I'll coordinate it with Ms. Lang and you so that we can have another meeting before September 1. We can spend a lot of time on August 17. Today, we started at 9 a.m. and it's only 10:15 a.m. Imagine if we went until 5 p.m. today. We could really knock out a lot of stuff. Then we'll have another meeting. Other than the NACO meeting, if there are any other conflicts that week, whatever that week is, August 20 through August 24, if you'd let Ms. Lang know what's happening.

**Ms. Fitzsimmons:**

If this is done on August 15, can we receive it on August 15, his report, so we're prepared for this meeting on August 17?

**Mr. Carroll:**

I have no problem with that. I look to Ms. Erdoes and Ms. Lang as far as the logistics of that.

**Chair Cherry:**

A lot of excitement today, folks.

**Ms. Fitzsimmons:**

So, am I hearing any objection from the Legislature on getting it to us on August 15?

**Ms. Lang:**

That won't be a problem. We just would have to post it and make it available to the public.

**Ms. Fitzsimmons:**

Okay, thank you. And are we going to get the raw data too? Somebody mentioned interview notes.

**Chair Cherry:**

Mr. Carroll, do you want to comment on that?

**Mr. Carroll:**

We usually just provide the report, because the notes oftentimes can be inflammatory. Some people have asked that they not be identified in certain areas of stuff, so we traditionally do not make those public.

**Ms. Fitzsimmons:**

So those are not a public record? I'm a little concerned here, because going forward, obviously we're all looking for—we've been sitting here, and I understand, Mr. Carroll, that the delay was really on the frontend of getting this whole thing started, and I really appreciate your willingness to expand the scope and to meet what really turned out to be a shorter timeframe. That being said, if we believe in the work that you have done and that we have done, we are going to be tasked with supporting the BDR. To that extent, I think it's very important to know—it's not an issue of being inflammatory. This is not a personal issue, but I think that if there are concerns, we're entitled to see them so that we can address them with whoever has the concerns and hopefully present a united front as we go to the Legislature. We don't have much time, and this isn't a personal deal, but all of the great work that's been done not just by you and this Commission but all of the

people that have gone before us is hopefully going to culminate in our agreeing that this is best for the state, the counties and the indigent accused. That being said, I don't know how much of a filter you're putting on this stuff that we're not going to know and is going to jump up as a landmine when we're supporting this BDR.

**Ms. Eastley:**

Ms. Fitzsimmons, I would almost disagree with you—I would disagree with you on that. All I'm interested in seeing is the report that comes from Mr. Carroll. I'm not interested in the personal comments that somebody made about the process or made about individuals operating within that process. Once that raw data is released to us, it become public information, and that means members of all of these various staffs can read that information and it may cause problems among them that are not going to go away. Our terms expire on June 30, 2019, but hard feelings never go away like that. I'm just interested in what the results are.

**Ms. Fitzsimmons:**

Okay. So for instance, the justice or the municipal court judge who is telling people it's \$250, you don't want that person named?

**Ms. Eastley:**

No. I'm not interested in knowing who it was. I'm interested in knowing the "what," as long as we can fix it.

**Ms. Fitzsimmons:**

Okay, so we're just accepting what David Carroll's report says about the factual basis? I'm not saying I have a problem with that, I just think we need to—

**Ms. Eastley:**

I accept it. This Commission unanimously approved to offer him a contract, and we're paying him to give us results and that's what he's going to give us. I'm not interested in who said what.

**Chair Cherry:**

Mr. Carroll, any comments?

**Mr. Carroll:**

I'll take my direction from the LCB.

**Justice Maupin:**

The second list of deliverables are going to be very difficult to reduce into a bill draft, and it's going to take a tremendous amount of wordsmithing as well as substantive analysis to do this, and it's going to have to be done under an obviously very compressed timeframe. But please understand that the raw data, I think, is important. I hate to use the word redact in this day and age because it's so much in the public domain now, but I don't care who said it, just some of the raw data should include the comments, because it's those episodic issues that end up needing to be addressed usually as part of the forefront. But make no mistake about this, once this is put into a BDR, you're going to have a war like you never believed when the various constituent groups and law enforcement systems get ahold of this. For example, using performance and caseload standards, that's been highly controversial ever since this first came up. The notion that performance standards are purely aspirational is nonsense, but that that's what you aspire to creates a standard in and of itself, in my opinion, so when you get to the legislative phase of this, the interest groups are going to be—let me put it to you this way: to say that it will be interesting is an understatement.

**Ms. Eastley:**

My big question here is once we make our list of recommendations to the Legislature, whether or not we submit a BDR, what do we reasonably assume the Legislature is going to do with those recommendations? I don't know if anyone can answer that.

**Chair Cherry:**

I have no idea.

**Ms. Fitzsimmons:**

Isn't that amazing, that nobody can tell us? But I totally agree with Justice Maupin's comments. I'm not interested in who said what, and redaction is—I'm interested in notes, the "what." I don't care if Joe Blow said Judge So-and-so is great or bad, I want to see the actual "what." This report is being written on a deadline that I'm confident we'll meet, but it's not going to include on-the-ground observations by the stakeholders. I don't care who said what, but I think we here on this Commission need to see the "what."

**Chair Cherry:**

Further comments by anybody? Ms. Lang, do you have any final comment, or Mr. Carroll, any final comment?

**Mr. Carroll:**

No. I'm ready to get back to writing.

**Justice Maupin:**

Can I make a suggestion? If we're going to get into a BDR, I think we probably ought to appoint some sort of subcommittee to draft it. I think the prerogative of the Chair should be to appoint it since volunteering for this job is going to be very interesting.

**Ms. Lang:**

Again, for the BDR that needs to be submitted by September 1, all that needs to be submitted is kind of the outline of the idea, not the actual language for the bill draft. You all could come back and look at the language once I've drafted that and prepared it as a bill draft and could take a look at it. If there are issues at that time, we can revise it or fine-tune it.

**Ms. Eastley:**

So, it's just a placeholder?

**Ms. Lang:**

Well, it's a placeholder with the idea, but it doesn't have to be the drafted language. That's what I'm saying. You can come back and once you've looked at it you can fine-tune it and change some of it or add to it. It's not the end-all on September 1.

**Chair Cherry:**

What I'm going to ask is that we get the report on August 15, we're going to meet on August 17, and then the next meeting not to interfere with the NACO meeting, how about August 23, which would be Thursday? That gives us another 6 days to review the report. August 23, which is Thursday, and we won't interfere with NACO.

**Ms. Eastley:**

So, August 17 and 23?

**Chair Cherry:**

Right, August 17 and 23. Ms. Lang will check and see, but I don't think anybody else will be meeting on August 23 besides us.

**Ms. Eastley:**

I'm not really worried about our recommendations that are forwarded to the LCB for transmittal to the Nevada Legislature. The tricky part is that the law requires us to forward findings and recommendations to the Office of Finance in the Office of the Governor.



**Chair Cherry:**

We've got Joi Davis here, so I know she'll watch over that aspect of it with finances. We're only here because she was able to convince Senator Woodhouse that this was a good idea. Ms. Davis, thank you again. Mr. Carroll, anything else? Is there any instruction to staff? Anything else staff should know before we adjourn?

**Ms. Eastley:**

Yeah, we're nervous.

**Chair Cherry:**

We'll do it. We've got some very bright people here. I do want to thank Ms. Erdoes, Ms. Davis, Ms. Lang, Ms. Haas and Ms. Hartzler for all the help you folks have given me as Chair. Is there any other business? Any further comments? And instructions to Ms. Lang, Ms. Erdoes or Ms. Davis? We've got two meetings set, and then we'll also be meeting afterwards. Ms. Lang said we could certainly meet in September and October and November and get ourselves ready.

Is there any public comment?

**Franny A. Forsman, Esq. (Federal Public Defender for the District of Nevada (Retired)):**

I would like to react to Ms. Eastley's comments with regard to the second set of deliverables. I'm the former Federal Public Defender. I've been involved in the creation of standards both nationally and locally, ADKT 0411 and all of the studies actually that have been done in the last 30 years with regard to this issue, and also involvement in the bill drafting process for the creation of this Commission. It would be impossible for this Commission to create the standards that are talked about in the second set of deliverables for caseloads and performance standards. I think the vision of that was that this Commission would make recommendations with regard to who will create those standards. In other words, an indigent defense commission is envisioned in many of the states that created an indigent defense commission. They create the standards for caseloads. They create the standards for performance and the method of evaluation. For this Commission, Ms. Eastley is correct to be alarmed that the idea is that you would actually establish caseload standards through this Commission. All of those who were involved in caseload standards under ADKT 0411 know how difficult that is.

**Ms. Eastley:**

I agree with that. I'm just reading from the bill, and the bill says that we "shall make recommendations to the Legislature," and those are the components of those recommendations.

**Ms. Forsman:**

Subject to the opinion of the LCB, it seems that if you made a recommendation that one of the duties of the commission that you're recommending would be to establish those, that would fulfill that obligation under the bill. That was my thought when that was written, actually.

**Justice Maupin:**

Words right out of my mouth. The whole idea is to create a commission to study the problem and then make these recommendations. As I said earlier, it would be impossible to put these deliverables under this particular piece of legislation.

**Chair Cherry:**

Seeing no further public comment, thank you everybody. I will see you on August 17. I look forward to Mr. Carroll giving the report on August 15, and Ms. Lang is checking on August 23. I will adjourn this meeting at 10:31 a.m.

RESPECTFULLY SUBMITTED:

---

Jordan Haas, Secretary

APPROVED BY:

---

Justice Michael Cherry, Chair

Date: \_\_\_\_\_

<b>Exhibit</b>	<b>Witness/Agency</b>	<b>Description</b>
Exhibit A		Agenda
Exhibit B		Attendance Roster
<a href="#">Exhibit C</a>	Jordan Haas, Committee Secretary	Agenda Item IV: Draft Minutes from the June 28, 2018 Meeting