

Department of Indigent Defense Services



Striving to Turn the Public
Defender Desert into an Oasis

Dept. of Indigent Defense Services



VISION

JUSTICE. EQUITY. SUPPORT.

MISSION

The mission of the Nevada Department of Indigent Defense Services (DIDS) is to assist Nevada counties in developing quality, equitable, and sustainable indigent defense systems that strengthen local communities and meet or exceed the state and federal constitutional guarantees that protect each of us.

GOALS

The goals of DIDS are to build a strong and resilient statewide network of effective indigent defense providers and to support them with regular education, training, and other defense-specific resources, including experts, investigators, social workers, and other valuable tools. DIDS also seeks to create a centralized resource center that provides holistic defense services and complex litigation assistance. DIDS is working to create a pipeline program through Boyd School of Law at UNLV, to bring more qualified indigent defense attorneys into the rural areas.

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Background

Gideon v. Wainwright (1963) the U.S. Supreme Court held that the Sixth Amendment to the United States Constitution guarantees the right to competent counsel to be provided.

Davis v. Nevada (2018): Plaintiffs challenge the constitutionality of Nevada's practices regarding indigent defense systems in Nevada's "Rural Counties." Rural Counties" means: Churchill, Douglas, Esmeralda, Eureka, Lander, Lincoln, Lyon, Mineral, Nye, and White Pine.

Department of Indigent Defense created by AB81(2019). See NRS 180.

Davis "Stipulated Consent Judgment" (2020)

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2023 Legislative Update

SB479

- Provided Supplemental Appropriation to Fund Maximum Contribution Formula Shortfall for FY23

SB39

- Protects the confidentiality of records received by DIDS

AB454

- Directs the Board on Indigent Defense Services to establish hourly rates for indigent defense representation
- Current rates: \$172 for non-capital and \$220 for capital. See LCB File No. R033-23.

AB518

- Established the Maximum Contribution Formula
- Section 7 set aside funds for *Davis* Compliance
- Section 7.3 made an appropriation of funding for costs related to weekend pretrial release hearings

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Update on *Davis v. State*

Rural Workload Assessment Completed

- Developed a Case Weight Standard
- Presented 10 recommendations including:
 - Number of indigent defense services attorneys needed for each county
 - Staffing ratios for support staff and investigators
 - Recommends mitigation specialists and social workers added to offices

Rural Counties must comply with the Study by Nov. 1, 2024

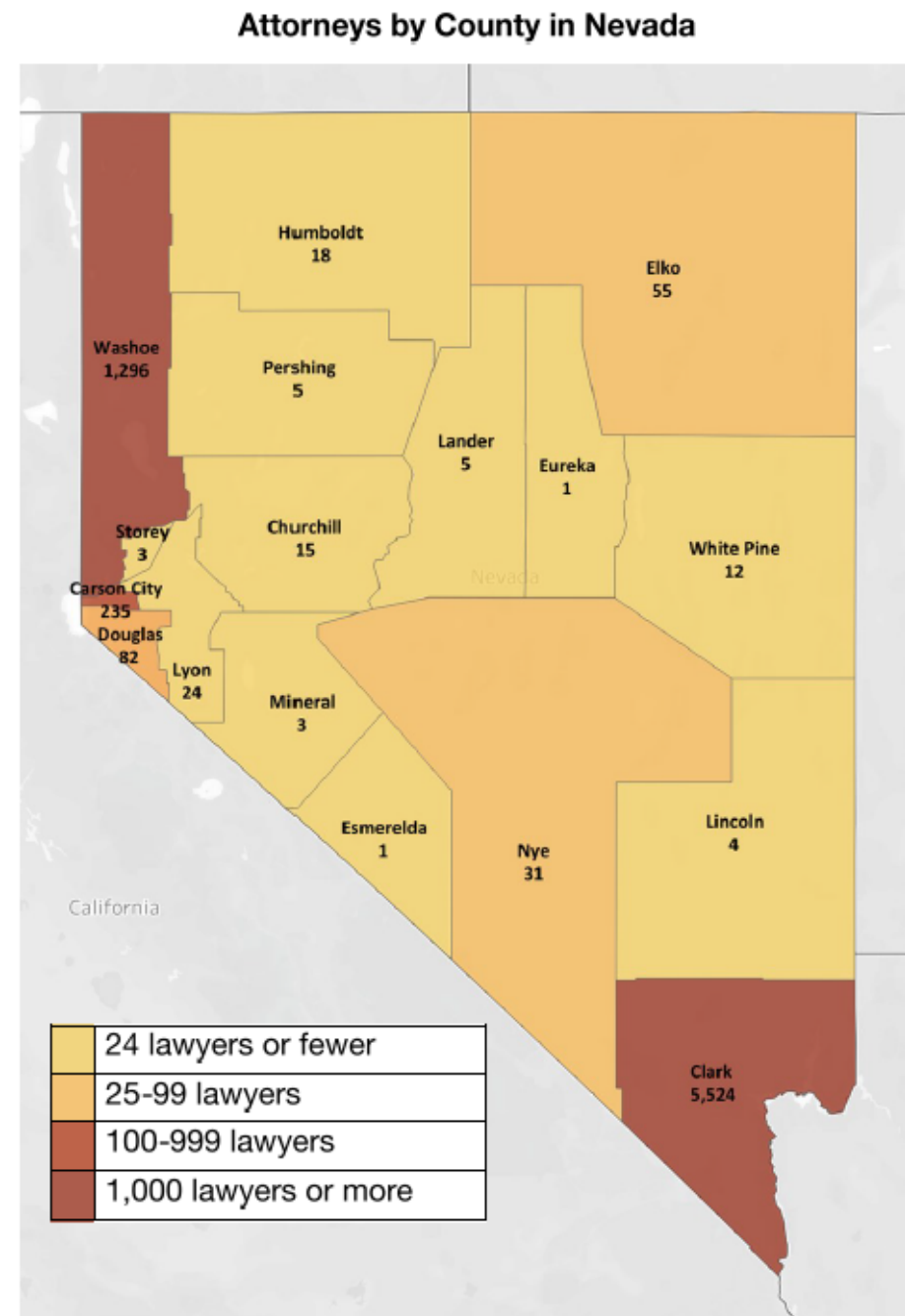
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Challenges to Workload Compliance

- Rural Nevada is a Public Defender Desert
 - Shortage of indigent defense providers
 - Shortage of housing in our rural counties
- Nevada State Public Defender is not a safety net due to the Inability to Recruit and Retain Staff

Workload Recommendations		
Location	Attorneys Needed (FTE)	Number of Attorneys in the County
Carson City	16.3	235
Churchill	7.4	15
Douglas	8.8	82
Elko	16.4	55
Esmerelda	0.3	1
Eureka	0.3	1
Humboldt	4.9	18
Lander	1.3	5
Lincoln	1.1	4
Lyon	12.0	24
Mineral	2.1	3
Nye	12.0	31
Pershing	2.3	5
Storey	1.3	3
White Pine	3.9	12
TOTAL	89.9	494



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Challenge: Insufficient Number of Indigent Defense Providers

What We Have Done

- Summer Stipends for Students
- Training Programs
- Expanding the Limited Practice on Rural Counties (ADKT0611 and ADKT0616)

What We Need:

- Student Loan Forgiveness (mirroring Nevada Health Service Corps)
- Continued Stipends for Students in Future Budget Builds
- Rural Attorney Recruitment Programs
- Housing Stipends for Living in Rural Areas

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Challenge: Inability to Recruit and Retain Staff at Nevada State Public Defender (“NSPD”)

What We Are Doing:

- Seeking funding from AB518, Section 7 for a National Recruitment Campaign and Pay Parity.
- Seeking funding for additional NSPD staff to comply with Workload Study

What We Need:

- Pay Parity and Recruitment Tools

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Thank you.

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