

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE REVIEW OF
ISSUES CONCERNING
REPRESENTATION OF INDIGENT
DEFENDANTS IN CRIMINAL AND
JUVENILE DELIQUENCY CASES

ADKT 0411

FILED

JUL 23 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
CHIEF DEPUTY CLERK

ORDER

WHEREAS, the United States and Nevada constitutions provide that every individual charged with a serious crime is entitled to legal representation, even if that individual cannot afford counsel, and competent representation of indigents is vital to our system of justice; and

WHEREAS, the Indigent Defense Commission created by this court directed the Rural Subcommittee to study the methods employed by the rural counties of this state to provide counsel to those charged with serious crimes; and

WHEREAS, the Rural Subcommittee provided a report on the status of indigent defense in the rural counties and made 5 separate recommendations in a document filed in this court on October 24, 2014; and

WHEREAS, this court solicited comment and conducted a public hearing on this matter on December 4, 2014, and took this matter under advisement; accordingly,

IT IS HEREBY ORDERED the court takes the following action as to the recommendations:

Recommendation 1, that the State of Nevada should fully fund indigent defense in the rural counties raises an unresolved legal question which is better raised in an actual case in controversy, and this court will take no action on the recommendation.

Recommendation 2, that the rural counties should use either the Nevada State Public Defender's Office, establish a county public defender's office, or continue to use the contract counsel method, is adopted. If counties use the contract counsel method, they shall not use a totally flat fee contract, but execute contracts that allow for a modification of fees for extraordinary cases, and allow for investigative fees and expert witness fees.

Recommendation 3, that the State Public Defender's Office should handle all death penalty cases and appeals in the rural counties is adopted, except that the counties may provide counsel on a non-contract fee basis.

Recommendation 4, that there should be an Indigent Defense Board created, is endorsed by this court, but should be implemented by either the Executive or Legislative branches of the State of Nevada.

Recommendation 5, that the Indigent Defense Commission provide legislative support to the Nevada State Public Defender's Office and the counties to rebalance the costs of indigent defense back to the state and away from the rural counties, is adopted.

It is so ORDERED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: Members of the Indigent Defense Commission
Hon. David Hardy, Chief Judge, Second Judicial District
Second Judicial District Court Clerk
Hon. David Barker, Chief Judge, Eighth Judicial District
Steven Grierson, Court Executive Officer
All District Court Judges
All Justices of the Peace
All Justices' Court Administrators
All Municipal Court Judges
All District Attorneys
All Public Defenders
Washoe County Alternative Public Defender
Clark County Special Public Defender
All City Attorneys
Rene Valladares, Federal Public Defender
All County Managers
Administrative Office of the Courts