



**STATE OF NEVADA  
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

896 West Nye Lane, Suite 202 | Carson City, NV 89703-1578  
Phone: (775) 687-8493 | [dids.nv.gov](http://dids.nv.gov)

**INFORMATIONAL STATEMENT REQUIRED BY NRS 233B.066  
CONCERNING ADOPTED REVISED PROPOSED REGULATION OF THE  
BOARD ON INDIGENT DEFENSE SERVICES  
LCB FILE NO. RO42-20**

The following statement is submitted for the adoption of regulations to Nevada Administrative Code (NAC) Chapter 180.

**1. A clear and concise explanation of the need for the adopted regulation:**

The purpose of the adopted regulations is to regulate indigent defense services. The regulations are required by the passage of Assembly Bill ("AB") 81 during the 80<sup>th</sup> Session of the Nevada Legislature as codified in NRS 180 and 260. The regulations are also required to comply with the terms of the "Stipulated Consent Judgment" filed on August 11, 2020, in the *Davis v. State* case in the First Judicial District Court.

The adopted regulations establish provisions relating to the funding for indigent defense services and the plans of counties for the provision of indigent defense services; establishing provisions relating to the training, education, qualification, and compensation of attorneys who provide indigent defense services; establishing requirements relating to the reporting of certain information by certain attorneys who provide indigent defense services; and providing other matters properly relating thereto to allow the Department of Indigent Defense Services ("Department") to implement AB 81 and to comply with the *Davis* "Stipulated Consent Judgement."

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of indigent defense services. These documents were made available at the website of the Department of Indigent Defense Services, <http://dids.nv.gov/> and the Nevada State Official Website: <https://notice.nv.gov>

and the Nevada Legislature Website for Administrative Regulation Notices:  
<https://www.leg.state.nv.us/app/notice/a/>.

A workshop was held on September 1, 2021, in conjunction with the Board of Indigent Defense Services (“Board”) Meeting to provide an opportunity to comment on the proposed regulations. The minutes of the meeting, contain a summary of the discussion held at the Workshop regarding the proposed amendments.

Thereafter, on September 2, 2021, the Director of the Department issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed regulations the suggestions of the parties attending the September 1<sup>st</sup> Workshop, as well as the recommendations of the Board.

A copy of the minutes of the September 1, 2021, Workshop and Board Meeting, which includes a summary of the public response to the proposed regulations, may be obtained by visiting the Department website at <http://dids.nv.gov/> or by contacting:

Department of Indigent Defense Services  
896 W. Nye Ln., Suite 202  
Carson City, NV 89703  
Phone: (775) 687-8490      Email: [didscontact@dids.nv.gov](mailto:didscontact@dids.nv.gov)

The Notice of Intent to Act Upon the Regulation and the regulations were additionally posted on the Administrative Regulation Notices Website, <https://www.leg.state.nv.us/App/Notice/A/>, was on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection, and was posted at the following location:

Department of Indigent Defense Services  
896 W. Nye Ln., Suite 202  
Carson City, NV 89703  
<http://dids.nv.gov/>

The Public Hearing was held in conjunction with the October Board Meeting on October 6, 2021. Interested persons were invited to comment at the Public Hearing in written form or in oral presentation. The Board received one written comment. A copy of the written comment may be obtained by visiting the Department website at <http://dids.nv.gov/> or by contacting:

Department of Indigent Defense Services  
896 W. Nye Ln., Suite 202  
Carson City, NV 89703  
Phone: (775) 687-8490      Email: [didscontact@dids.nv.gov](mailto:didscontact@dids.nv.gov)

Recordings of the September 1, 2021, Workshop and the October 6, 2021, Public Hearing can be viewed on our YouTube Channel:  
<https://www.youtube.com/channel/UCAGEFbVylncGB12zzaB4uqw/videos>

**3. The number persons who:**

**a. Attended the hearing:**

- i. September 1 Workshop: Approximately 27. This is an estimate as the public hearing was virtual.
- ii. October 6 Public Hearing: Approximately 35. This is an estimate as the public hearing was virtual.

**b. Testified at the hearing:**

- i. September 1 Workshop: 2
- ii. October 6 Public Hearing: 4

**c. Submitted to the agency written comments:**

- i. September 1 Workshop: No written comments were received.
- ii. October 6 Public Hearing: 1

**4. A list of names and contact information, including telephone number, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

September 1 Workshop: See Exhibit A.

October 6 Public Hearing: See Exhibit A.

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received during the September 1 Workshop nor the October 6 Public Hearing from affected businesses. A copy of the minutes of the workshop and/or the public hearing may be obtained by contacting:

Department of Indigent Defense Services  
896 W. Nye Ln., Suite 202  
Carson City, NV 8903  
Phone: (775) 687-8490      Email: [didscontact@dids.nv.gov](mailto:didscontact@dids.nv.gov)

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulations were adopted with clarifications.

The regulations presented at the Public Hearing included all changes discussed during the September 1, 2021, Workshop. This discussion can be found in the minutes of the September 1, 2021, Workshop.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- a. Both adverse and beneficial effects; and**
  - b. Both immediate and long-term effects.**

(a.) Adverse Effect;

a. Immediate effect:

i. Businesses: Attorneys may have an increase in duties with the time-keeping requirement dependent upon whether they were previously required to keep time. Overall, the Department has determined that the regulations do not have an adverse economic impact on small businesses.

ii. Public: The public will not have an adverse effect.

b. Long-term effect

i. Businesses: Attorneys may have an increase in duties with the time-keeping requirement dependent upon whether they were previously required to keep time. Overall, the Department has determined that the regulations do not have an adverse economic impact on small businesses.

ii. Public: The public will not have an adverse effect.

(b.) Beneficial Effect;

a. Immediate effect:

i. Businesses: The case management system which will be provided to the indigent defense attorneys in the rural areas will assist in timekeeping, calendaring, and management of cases.

ii. Public: The public will be benefitted because their constitutional rights to counsel under the Sixth and Fourteenth Amendments of the United States Constitution will be protected.

b. Long-term effect:

i. Businesses: The case management system which will be provided to the indigent defense attorneys in the rural areas will assist in timekeeping, calendaring, and management of cases. Ultimately, the regulations may reduce attorney workload and allow them additional time to process cases. The creation as a maximum caseload would assist attorneys in their practice.

ii. Public: The public will be benefitted because their constitutional rights to counsel under the Sixth and Fourteenth Amendments of the United States Constitution will be protected. A more efficient and effective indigent defense system will be provided to the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

The estimated cost to the agency for the maximum contribution formula:  
FY22 = \$ 5,598,050 FY23 = \$5,598,050

The estimated cost to the agency for the creation of a complex litigation unit in the Nevada State Public Defender's Office:  
FY22 = \$602,978 FY23 = \$765,654

The estimated cost to the agency for providing LegalServer to indigent defense providers in the rural counties:  
FY22 = \$17,400 Fy23 = \$17,400

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

To our knowledge, the proposed regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

To our knowledge, there are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does NOT establish a new fee nor increase an existing fee.

## EXHIBIT A

A list of names and contact information, including telephone number, business address, business telephone number, electronic email address, and name of entity or organization represented, for each person identified in #3 of the Informational Statement.

### September 1 Workshop: Public Comment:

JoNell Thomas  
Clark County Special Public Defender  
330 S. 3<sup>rd</sup> St. 8<sup>th</sup> Floor  
Las Vegas, NV 89101  
(702) 455-6266

Karin Kreizenbeck  
State of Nevada Public Defender  
511 E. Robinson, Suite 1  
Carson City, NV 89701  
775-684-1080

### October 6 Public Hearing: Written Comment

Carson City, Nevada  
Consolidated Municipality and State Capital  
Signed by:  
Nancy Paulson, City Manager  
Maxine Cortes, Court Administrator  
Todd E. Reese, Deputy District Attorney as Counsel for Carson City

### October 6 Public Hearing: Public Comment

Todd Reese  
Deputy District Attorney as Counsel for  
Carson City  
885 E. Musser St, Suite 2030  
Carson City, NV 89701  
775-887-2070  
Email: TReese@carson.org

Franny Foresman  
Law Office of Franny Forsman, PLLC  
1509 Becke Circle  
Las Vegas, NV 89104  
(702) 501-8728

Anne Langer  
201 South "C" Street  
Virginia City, NV 89440  
775-847-0964  
alanger@storeycounty.org

Maxine Cortes  
Court Administrator for the First  
Judicial District Court and the  
Consolidated Justice and Municipal  
Courts in Carson City, NV  
885 E. Musser Street, Suite 2007  
Carson City, NV 89701  
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