



# WASHOE COUNTY COMMISSION

"Dedicated to Excellence In Public Service"

1001 E. 9th Street  
P.O. Box 11180  
Reno, Nevada 89520-0027  
Phone (775) 328-2006  
Fax (775) 828-2087  
www.washoecounty.us

## FILED

July 1, 2008

Nevada Supreme Court  
201 South Carson Street  
Carson City, Nevada 89701

ADKT 411

JUL 01 2008  
TRAVIS A. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

Honorable Supreme Court Justices:

In a letter dated February 27, 2008, I outlined, on behalf of the Board of County Commissioners, the potential impacts on Washoe County if the Court were to adopt the then proposed performance standards and consequently requested a delay in adoption until July 1, 2009. The Court's response was to issue an order temporarily staying the implementation date until July 15, 2008. Today, I am writing to again urge the Court to consider delaying the implementation of the standards until July 1, 2009.

The fiscal concerns I expressed in February have only become stronger given the performance of the economy and its effect on the County's resources. More specifically, consolidated tax revenues, which had comprised more than 40% of prior year General Fund budgets, have continued to decline significantly. Month over month reductions have ranged from 6.5% to 17.7% less than prior year, causing a projected annual shortfall for the current fiscal year of approximately \$17 million. The County continues to see declines in fees and charges for services, particularly in the development services area which indicates the likelihood of an extended slump in housing causing a drop in housing-related sales and potentially property tax revenues.

Furthermore, and needless to say, on the heels of the Special Legislative Session, the counties share the concerns of the State and are even more concerned with some of the possible solutions being considered that may further stress County resources in meeting our statutory mandates.

All these fiscal issues notwithstanding, the County is pleased to note for the Court, the various efforts being made in the interest of indigent defense. With the adoption of the Fiscal Year 2009 Budget and despite reducing most operating departments by up to 15% of the FY2007-08 budgeted amounts, Washoe County was able to sustain its funding for indigent defense in the budgets for the Public Defender, Alternate Public Defender, conflict/appointed counsel and even increased resources by nearly \$700,000 in total; on May 1, 2008, the Second Judicial District Court filed its indigent defense report outlining the Court's plan for the appointment of counsel, etc.; on June 18, 2008, Washoe County launched the weighted caseload study with consultant The Spangenberg Group, and; on June 24, 2008, Washoe County entered into a contract with outside counsel to serve as the Appointed Counsel Administrator for the District.

08-33193

Jul-01-08 12:08pm From-WASHOE COUNTY MANAGERS OFFICE

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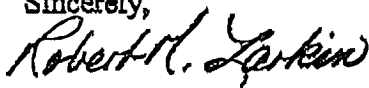
Supreme Court Justices  
July 1, 2008  
Page 2

While improvements have been and continue to be made, other externalities are posing a potential impact on the provision of indigent defense and on the counties. In a United States Supreme Court decision in *Rothgery v Gillespie* just issued on June 18, 2008, the Court ruled that the right to counsel attaches as early as the initial arraignment proceedings in Justice Court. A preliminary review has raised concerns that compliance with the decision may require the services of an additional attorney for both the Public Defender and the District Attorney with an estimated cost, including support personnel, to the County of \$400,000 annually.

In view of the issues and concerns expressed above, I can only reiterate our earlier request of the Court to continue the stay on the implementation date of the performance standards until July 1, 2009. This, again, will allow the County to participate in an effort to bring the issues with indigent defense and the related costs to the attention of the Legislature for its consideration and allow for the completion of the weighted caseload study. Without this interim relief from the Court and long-term relief from the Legislature, the burden of indigent defense will create measureable fiscal impacts on Washoe County.

With the consent of the Court, Washoe County reiterates its commitment to use its best efforts to develop a multi-year implementation program to achieve compliance with the performance standards. This plan will be filed with the Court by January 1, 2009 and will include a funding plan and a resource-acquisition plan, conditioned on possible action by the Legislature. Further, Washoe County will provide the Court with an annual report each July detailing the work we have done on this issue during the preceding year.

The Supreme Court's consideration of Washoe County's request is greatly appreciated. We look forward to continued discussion and interaction with the Court on this very important issue.

Sincerely,  
  
Robert M. Larkin, Chairman  
Washoe County Commission

RML/an



# WASHOE COUNTY

*"Dedicated to Excellence in Public Service"*

OFFICE OF THE COUNTY MANAGER



1001 E 9<sup>th</sup> STREET  
PO BOX 11130  
RENO, NV 89520-0027  
PHONE (775) 328-2000  
FAX (775) 328-2037

## FAX TRANSMISSION COVER SHEET

Date: July 1, 2008

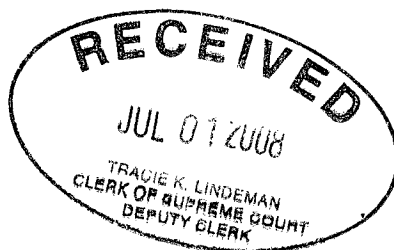
Number of pages to follow: 2

To: John McCormick  
(775) 687-9811

→ Linda Castillo x41601  
ADKT 411

From: Robert Larkin, Chairman,  
Washoe County Commission

Subject: ADKT411





# WASHOE COUNTY COMMISSION

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Fax (775) 328-2037  
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July 1, 2008

ADKT 411  
filed via fax  
on 7-1-08

Nevada Supreme Court  
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Carson City, Nevada 89701

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JUL 03 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

WASHOE COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

PRINTED ON RECYCLED PAPER

Supreme Court Justices

July 1, 2008

Page 2


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