

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 DELINQUENCY CASES.

ADKT No. 411

FILED

JAN 19 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

WHEREAS, this court previously ordered the Indigent Defense Committee to consider caseload standards for public defenders; and

WHEREAS, on October 26, 2010, the Indigent Defense Commission submitted proposed data definitions and a collection worksheet to this court which is attached as Exhibit A; and

WHEREAS, this court wishes to consider the proposed definitions and the potential implementation of indigent defense data collection efforts; accordingly

IT IS HEREBY ORDERED that this court shall hold a public hearing at 3:00 p.m. on Monday, February 7, 2011, in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada to consider the proposed definitions and implementation of data collection efforts. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 17th Floor, Regional Justice Center, 200 Lewis Street, Las Vegas, Nevada.

Dated this 19th day of January, 2011.

Douglas, C.J.
Douglas

cc: Members of the Indigent Defense Commission
Hon. Connie Steinheimer, Chief Judge, Second Judicial District
Howard W. Conyers, Washoe District Court Clerk
Hon. T. Arthur Ritchie, 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
Franny Forsman, Federal Public Defender
All County Managers
Administrative Office of the Courts

INDIGENT DEFENSE DATA DICTIONARY

Phase I, Indigent Defense Commission Approved Version, October 14, 2010

OBJECTIVE: To identify and define basic data elements for counting of cases assigned to appointed or indigent defense counsel. Phase I is expected to define those basic cases assigned and disposed categories necessary to begin understanding the caseload of appointed counsel. Future phases will expand data elements to be captured by counsel.

CASES APPOINTED

Appointment: Any time a lawyer is asked or assigned to act on behalf of a person in a criminal or juvenile matter by a judicial officer. An appointment ends when a lawyer is no longer involved in a case for whatever reason. There can be multiple appointments for a single defendant/case during the duration of the case.

Unit of Count - For felony, gross misdemeanor, and misdemeanor criminal cases, the unit of count is a single defendant on a single charging document (i.e., one defendant on one complaint or information from one or more related incidents on one charging document is one case, regardless of the number of counts).¹ For juvenile cases, the unit of count is a single juvenile defendant on a single petition regardless of the number of counts. For traffic cases, the unit of count is a single case (by defendant) based on an original charging document from a single incident.

For defendants in cases whereby multiple charges are involved, courts will utilize a hierarchy (described below) when classifying the case for statistical purposes. For example, if a defendant is charged on a single charging document with a felony and a gross misdemeanor, for statistical purposes, the case is counted as a felony.

Felony and gross misdemeanor cases in Justice Court are counted when counsel is appointed to the case by the Court.

Misdemeanor and traffic cases in Justice and Municipal Courts are counted when counsel is appointed to the case by the Court.

Additional charges such as failure to appear or habitual criminal are not counted at this time because those are added after the initial charging document.

Felony Case: A subcategory of criminal cases in which a defendant is charged with the violation of a state law(s) that involves an offense punishable by death, or imprisonment in the state prison for more than 1 year.

Gross Misdemeanor Case: A subcategory of criminal cases in which a defendant is charged with the violation of state laws that involve offenses punishable by imprisonment for up to 1 year and (or) a fine of \$2,000.

¹ This definition varies from the national standard as promulgated by the National Center for State Courts in that it counts a single defendant on a single charging document, while the national standard counts a single defendant with a single incident/transaction. This means that the Nevada measure herein, will under report caseload at times when one defendant is charged with separate crimes from separate incidents that may necessitate indigent defense counsel to treat the appointment as multiple cases. In the event that the capacity to accurately count cases in line with the national model becomes available in Nevada, the intent of the Subcommittee is that this definition be revisited.

Misdemeanor Non-Traffic Case: A criminal subcategory in which a defendant is charged with the violation of state laws and/or local ordinances that involve offenses punishable by fine or incarceration or both, the upper limits of which are prescribed by statute (NRS 193.120, generally set as no more than 6 months incarceration and/or \$1,000 fine).

Misdemeanor Traffic Case: A criminal subcategory for Justice and Municipal Courts in which a defendant is charged with the violation of traffic laws, local ordinances pertaining to traffic, or federal regulations pertaining to traffic.

Juvenile Case: A subcategory of juvenile cases that includes cases involving an act committed by a juvenile, which, if committed by an adult, would result in prosecution in criminal court and over which the juvenile court has been statutorily granted original or concurrent jurisdiction.

CASES ADJUDICATED/DISPOSED

Unit of Count - For felony, gross misdemeanor, and misdemeanor criminal cases, the unit of count is a single defendant on a single charging document (i.e., one defendant on one complaint from one or more related incidents is one case, regardless of the number of counts).²

A criminal case is considered disposed when final adjudication for that defendant or case occurs. For statistical purposes, final adjudication is defined as the date of sentencing, date of adjudication, or date charges are otherwise disposed, whichever occurs last. A case may be considered closed for an appointed attorney when the appointment ends regardless of adjudicatory status.

Counsel should count the case adjudicated or disposed in the same category as it was counted in (felony in, felony out).

CASELOAD INVENTORY

Unit of Count - For felony, gross misdemeanor, misdemeanor, and traffic criminal cases, the unit of count is a single defendant on a single case. The ending pending number for one month should be the beginning pending number for the next month.

Beginning Pending: A count of cases by defendant that, at the start of the reporting period, are awaiting disposition.

New Appointments: A count of cases by defendant that have been assigned counsel for the first time of each new appointment.

Warrant (Placed on Inactive Status): A count of cases in which a warrant for failure to appear has been issued, a diversion program has been ordered, or other similar incident that makes the case inactive.

² This definition varies from the national standard as promulgated by the National Center for State Courts in that it counts a single defendant on a single charging document, while the national standard counts a single defendant with a single incident/transaction. This means that the Nevada measure herein, will under report caseload at times when one defendant is charged with separate crimes from separate incidents that may necessitate indigent defense counsel to treat the appointment as multiple cases. In the event that the capacity to accurately count cases in line with the national model becomes available in Nevada, the intent of the Subcommittee is that this definition be revisited.

Returned from Warrant (Re-activated): A count of cases in which a defendant has been arrested on a failure to appear warrant and has appeared before the court, returned from diversion program, or other similar occurrence that makes the case active.

Adjudicated/Disposed/Closed Cases: A count of cases by defendant for which an original entry of adjudication has been entered or for which an appointment has ended.

Ending Pending: A count of cases by defendant that, at the end of the reporting period, are awaiting disposition.

Set for Review: A count of cases that, following an initial Entry of Judgment during the reporting period, are awaiting regularly scheduled reviews involving a hearing before a judicial officer. For example, if a status check hearing is ordered to review post adjudication compliance.

ADDITIONAL STATISTICS

Death Penalty: The number of defendants for which the District Attorney's Office has filed the notice of intent to seek the death penalty, in accordance with Supreme Court Rule 250.

Probation Revocations: The number of defendants for which post-adjudication criminal activity involving a motion to revoke probation due to an alleged violation of one or more conditions of probation (usually from the Department of Parole and Probation) or suspended sentence. The unit of count for revocation hearings is a single defendant, regardless of the number of charges involved. Revocation hearings are counted when the initiating document (e.g., violation report) is received by the court.

Informal Juvenile Hearing (involving a judicial officer): The number of hearings/events involving a juvenile in which no formal charge has been filed with the court. Only record an informal hearing if it is held on a matter that is not a part of an existing case. The court may impose a disposition as a result of the informal hearing.

Juvenile Detention Hearing: The number of hearings requesting a juvenile to be held in detention, or continued to be held in detention, pending further court action(s) within the same jurisdiction or another jurisdiction. Only record a detention hearing if it is held.

Conflicts: The number of defendants during the reporting period that a lawyer's appointment to case ended because of a conflict that necessitated the transfer of the case to another lawyer.

Specialty Court Cases: A count of cases in which a lawyer represents a defendant in a specialty court program, i.e., drug court or mental health court. This type of case should be counted in this additional category when the defendant appears during a specialty court session within the reporting period or if the indigent defense counsel is assigned to the defendant for specialty court.

Justice Court Felony/Gross Misdemeanor Reductions: A number of defendants for which any felony or gross misdemeanor charge was totally (and only) adjudicated in justice court.

Reporting Unit: _____

Reporting Period: _____

MMM / YYYY

Indigent Defense Caseload Inventory Worksheet

	Felony	Gross Misdemeanor	Misdemeanor Non-Traffic	Misdemeanor Traffic	Juvenile
1. Beginning Pending	5	5	5	10	5
2. New Appointments	1	0	3	1	3 (+)
3. Returned From Warrant (Re-activated)	1	1	1	1	1 (+)
4. Adjudicated/Disposed/Closed	0	0	4	1	3 (-)
5. Warrant (Placed on Inactive Status)	1	0	3	1	0 (-)
6. End Pending	6	6	2	10	6
7. Set for Review					

Indigent Defense Additional Statistics

Death Penalty (S.C.R. 250) CASES	Probation Revocations HEARINGS	Informal Juvenile HEARINGS (Involving a Judicial Officer)	Juvenile Detention HEARINGS	Conflicts CASES	Specialty Court CASES	Justice Court Felony/Gross Misdemeanour Reductions CASES

Prepared by: _____

Approved by: _____