

Supreme Court of Nevada  
ADMINISTRATIVE OFFICE OF THE COURTS

Supreme Court Building  
201 South Carson Street, Suite 250  
Carson City, Nevada 89701-4702



RONALD R. TITUS  
Director and  
State Court Administrator

**FILED**

December 11, 2007

DEC 12 2007

Ms. Janette Bloom  
Clerk of the Court  
Nevada Supreme Court  
201 South Carson Street  
Carson City, NV 89701

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

Dear Ms. Bloom: *Janette*

*ADKT 411*

On behalf of the Indigent Defense Commission, Rural Subcommittee, I am submitting the attached statement regarding the impact of the Governor's proposed 8-percent budget cuts on the Nevada State Public Defender's Office for the Nevada Supreme Court's consideration.

After consulting with judges from the affected jurisdictions and other stakeholders, the Rural Subcommittee felt it was important to make its opinion known to the Supreme Court regarding the severe impact of the proposed budget cuts on the ability of the Nevada State Public Defender's Office to provide adequate indigent defense services.

Please contact me with questions or if I can provide more information.

Sincerely,

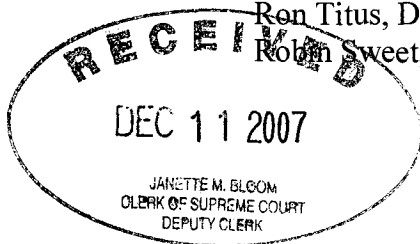
John McCormick  
Rural Courts Coordinator  
on behalf of  
John Lambrose  
Assistant Federal Public Defender and Chair of the  
Rural Subcommittee

enclosure

cc: Indigent Defense Commission, Rural Subcommittee Members

Ron Titus, Director

Robin Sweet, Deputy Director



Telephone (775) 684-1700 • Facsimile (775) 684-1723

*07-28445*

## **Statement of the Indigent Defense Commission, Rural Subcommittee Regarding the Proposed 8-Percent Budget Cuts Effect on the Office of the State Public Defender**

Governor Jim Gibbons has called upon all State executive branch agencies to prepare plans to cut operating budgets by 8 percent, due to the projected shortfall in State revenues over the course of the current biennium.

The 8-percent general fund reduction will have a catastrophic effect on the Nevada State Public Defender's Office. Unlike other State agencies, participating counties are required to supply 75 percent of the Office's budget, effectively quadrupling the impact of the cut to 32 percent. A 32-percent cut will force the Office to eliminate two attorney positions, one in Carson City and one in Ely, and will prevent replacement of outdated and faltering computer systems. This cut in staff translates into a full one-quarter reduction of the Office's trial legal staff.

The Nevada Supreme Court's Indigent Defense Commission has spent the last several months studying the indigent defense system in Nevada, and the Commission has found that Nevada's system is already woefully under-funded and inadequate to meet Federal and State constitutional requirements. The Commission concluded that the indigent defense system in rural Nevada is in great need of improvement, and recommended that the State Public Defender's Office be made a separate agency, and be funded entirely by the State general fund to provide services in the counties that cannot maintain their own public defender offices.

The Commission has also approved draft rules regarding caseload standards to ensure that attorneys can provide adequate defense counsel. Right now, the caseloads handled by attorneys within the State Public Defender's Office exceed these recommended caseloads. State Public Defenders expend significant time traveling the vast spaces between Nevada's rural communities. If the Office is forced to cut the two attorney positions, caseloads will balloon to at least 33 percent higher than the recommended standards.

The elimination of the attorney positions within the Office impacts the basic constitutional rights of defendants, including the right to a speedy trial in the courts in Carson City, Storey County, White Pine County, Eureka County, and Lincoln County. Additionally, the proposed reduction also compromises the capacity of the Office to provide counsel in any rural death penalty case consistent with Nevada Supreme Court Rule 250, impacting potential prosecutions statewide.

The drastic reduction in staffing will result in inadequate representation which is a primary ground for reversal of convictions, and will, no doubt, prompt costly lawsuits against the State and counties by defendants who are wrongly convicted.

It is the view of the Indigent Defense Commission, Rural Subcommittee that the reduction of the Nevada State Public Defender's Office budget by 32 percent will ensure Nevada's rural counties will be unable to provide constitutionally mandated indigent defense services. The reduction in staff will result in a complete abridgement of the constitutional rights of defendants in counties served by the Office, and will, ultimately, force the closure of the Office and the creation of an additional unfunded mandate on counties that have very few resources provide other basic services for their residents.