



WASHOE COUNTY COMMISSION

"Dedicated to Excellence in Public Service"

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520-0027
Phone (775) 328-2005
Fax (775) 328-2037
www.washoecounty.us

February 27, 2008

FILED

AKT 411

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Nevada Supreme Court
201 South Carson
Carson City, Nevada 89701

TRACIE K. ANDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

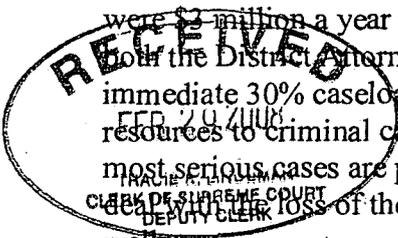
Honorable Supreme Court Justices:

On February 26, 2008, the Washoe County Commission considered an agenda item on the Nevada Supreme Court's January 4, 2008 Order pertaining to the provision of indigent defense services. During the item we heard from the Washoe County Public Defender and District Attorney and received detailed information on the fiscal impact to Washoe County of compliance with the Order.

As I know the Court is aware, Washoe County is struggling to balance its budget for the current fiscal year in light of sharply reduced tax revenues. Additionally, the County is looking at a shortfall next fiscal year of at least \$20 million dollars. Taking into account the serious funding constraints we are facing for the foreseeable future, we have grave concerns about Washoe County's immediate ability to provide indigent defense services at the level required by the Order. Further, financial difficulties aside, the Public Defender and Alternate Public Defender have advised the County Commission of the challenges they face in recruiting and training enough new attorneys and support staff in time to meet the April 1, 2008 implementation date for the performance standards adopted by the Order.

The most immediate impact of the Order was upon the Early Case Resolution Program in the Second Judicial District. The Washoe County Public Defender's Office withdrew from participation in the program on February 19, 2008, based upon the provisions of Performance Standard 9(a) for Felony and Misdemeanor Trial Cases. The timing of the Public Defender's withdrawal was predicated upon the fact that it routinely took approximately 45 days for a case that went into Early Case Resolution to reach the District Court for the entrance of a guilty plea and sentencing. Thus, cases that would have gone into Early Case Resolution after February 19, 2008 would have been pled out after April 1, 2008, without the benefit of "appropriate investigation and study of the case" by defense counsel, as required by the performance standards.

Approximately 30% of the criminal cases initiated in Washoe County were resolved through the Early Case Resolution Program. The estimated savings from the program were \$3 million a year in detention costs alone. It will either require additional staff in both the District Attorney's Office and the Public Defender's Office to handle the immediate 30% caseload increase or it may be necessary to devote existing staff resources to criminal cases based on the nature of the offense, in order to ensure that the most serious cases are prosecuted. Preliminary cost estimates for the additional staff to deal with the loss of the Early Case Resolution Program are in the millions of dollars as well.



08-33150

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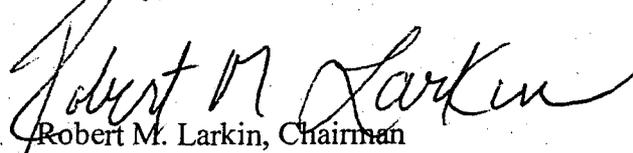
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At its recent meeting, the Commission took action on several items pertaining to the Order. Most significantly, the Commission voted to request that the Supreme Court consider delaying the effective date of the performance standards until July 1, 2009. The rationale for this request is a desire on our part 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. Additionally, this delay will allow Washoe County to receive and analyze the results of the weighted caseload study. The request for proposals for the study was issued on February 22, 2008. Responses are due March 20, 2008 and joint interviews to select a study firm will be conducted with Clark County on March 28, 2008.

With the consent of the Supreme Court, Washoe County will use its best efforts to develop a multi-year implementation program to achieve compliance with the performance standards. This plan, which we will make a good faith effort to file with the Court by July 1, 2008, will include both 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 Supreme Court on this very important issue.

Sincerely,



Robert M. Larkin, Chairman
Washoe County Commission

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