

MAR 17 2008

BEFORE THE LYON COUNTY BOARD OF COUNTY COMMISSIONERS

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

RESOLUTION NUMBER 08-04

A RESOLUTION REQUESTING THE NEVADA SUPREME COURT TO RESCIND OR POSTPONE IMPLEMENTATION OF THE COURT'S ORDER OF JANUARY 4, 2008, CONCERNING STANDARDS OF PRACTICE FOR PUBLIC DEFENDERS THROUGHOUT THE STATE.

WHEREAS, the Nevada Supreme Court issued an order on January 4, 2008, concerning standards of practice, case load counts, and other recommendations for the practice of indigent public defense throughout the State of Nevada, and;

WHEREAS, much of that order was implemented in reaction to various problems experienced in the Eighth Judicial District, and;

WHEREAS, the contracted county public defenders used for indigent defense practice in the Third Judicial District are, highly experienced local counsel, working professionally in their handling of indigent defense for juvenile and adult criminal matters and are interacting well with the various prosecutors, and;

WHEREAS, Lyon County is satisfied with the quantity and quality of services being provided to the county by way of contract with these county public defenders, and;

WHEREAS, Lyon County is gravely concerned that the new investigative standards, case load standards, and other matters set forth in the court's order will cause great fiscal expenses upon the county that were not previously anticipated, contracted for, or budgeted for and could potentially decimate the county's resources in budget years that are already fiscally sparse, requiring service and personnel reductions, and;

WHEREAS, the County believes that under the "Separation of Powers" provisions of Article Three, Section One of the Nevada State Constitution this order may interfere with the Legislative and Executive branch functions for budgeting county services, and;

WHEREAS, the Court's order makes no finding illustrating that there is a deficiency in the manner in which indigent defense is currently being handled in the Third Judicial District;

NOW, THEREFORE, the Lyon County Board of Commissioners hereby resolves to make a formal request of the Nevada Supreme Court to either rescind its order of January 4, 2008 concerning the standards for indigent defense or, in the alternative, to postpone implementation of said order for a period of at least one fiscal year to allow the county to plan and budget for any and all costs associated with this matter.


RECEIVED
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TRACIE K. LINDEMAN
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DEPUTY CLERK

PASSED AND ADOPTED on the 14th day of March, 2008.

AYES: Hunewill, Goodman, McPherson, Milz, Tibbals

NAYS: 0

ABSENT: 0



Don Tibbals, Chairman

ATTEST:



Nikki Bryan, Clerk & Treasurer