

RENO MUNICIPAL COURT
PAUL STEWART HICKMAN, JUDGE



RENO, NEVADA
April 29, 2008

FILED

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

Nevada Supreme Court
Indigent Defense Commission
201 South Carson Street
Carson City, NV 89701

RE: ADKT NO. 411

RENO MUNICIPAL COURT
PLAN FOR INDIGENT DEFENSE

This plan represents a reworking of the current plan which has been in place at the Reno Municipal Court for more than 12 years. The plan has worked well for us and will work even better, we believe, in this modified form.

The Reno Municipal Court (RMC) is a high volume court which adjudicates criminal misdemeanors such as traffic (including DUI 1st and 2nd), Domestic Battery and related offenses, TPO violations, petty theft and other public offenses such as being in possession of an open container of alcohol in public, urinating in public, trespassing and the like.

The Municipal Court Judges routinely appoint the Legal Defender (a group of four contracted indigent counsel) to represent all indigent persons charged with municipal code violations when conviction of the violation carries a possible jail sentence.

Such violations include:

- Domestic Battery
- Harassment
- Disturbing the Peace (if domestic-related)
- Trespassing (if domestic-related)
- Destruction of Property (if domestic-related)
- Stalking
- TPO Violations
- Petty Theft (if prior convictions or significant criminal record)
- Embezzlement
- Obtaining money/goods/services under False Pretenses
- Driving Under the Influence 1st and 2nd offenses
- Possession of Drug Paraphernalia
- NRS 211A Probation violations
- Contempt of Court

08-33179

The preceding list is not meant to be exclusive, as individual judges have discretion to appoint counsel on any case as circumstances require.

The judges have chosen to provide counsel for all defendants appearing in prisoner arraignments, irrespective of indigence and of the offense charged, and when a defendant enters a plea of not guilty at arraignment, the court appoints the Legal Defender to represent that defendant at trial if he or she meets the qualifications (indigence and seriousness of charge).

INITIAL SELECTION OF CONTRACT COUNSEL

The RMC judges have selected four defense counsel (Legal Defenders) based on their qualifications and relevant work experience. The contracts set forth that each attorney is required to cover a fixed number of court appearances per week (trial dockets and prisoner arraignments) and maintain minimum office hours devoted to indigents. The contracts allow for annual renewal, and may be terminated by either party upon 30 days notice. The attorneys are required to maintain a \$1,000,000.00 Errors and Omissions insurance policy. The judges may select additional or replacement counsel from time to time as circumstances dictate.

EXECUTION OF CONTRACTS

After selecting the attorneys, the judges remove themselves from the process. The City Manager's Office will then negotiate and execute the contracts.

ADMINISTRATION OF CONTRACTS

The office of the City Manager will oversee all matters concerning drafting of the contracts, compensation, yearly increases and contract disputes.

APPOINTMENT OF COUNSEL TO INDIVIDUAL CASES

The four contract attorneys will decide among themselves which attorney will cover which court appearance. This has been and will continue to be at the discretion of the contract attorneys, without input from the judges or the court. If an attorney cannot represent a defendant because of a conflict, that attorney then has the responsibility to obtain alternate coverage either by retaining substitute counsel, or by trading coverage with a colleague.

DETERMINATION OF INDIGENCE

The court advises all defendants charged with public offenses of their constitutional rights at arraignment, including the right to counsel. The defendant is then required to fill out and submit an application as soon as possible before the trial date. The application is reviewed by an employee in the office of the Court Clerk who is (or will be) trained to apply the federal poverty guidelines properly, and from that review determine whether or not the defendant is indigent. That employee will also determine if a conviction for the charged offense exposes the defendant to a possible jail sentence. If both questions are answered in the affirmative, counsel is appointed to represent that person at no cost. (Some applicants who qualify for court-appointed counsel have some disposable income over and above monthly expenses. If so, those

applicants will be assessed a flat fee to reimburse the court partially for the cost of representation.)

Once an application has been approved, the court notifies the defendant by sending an order containing the attorney's name and phone number and instructing the defendant to contact the attorney to discuss the case and to prepare a defense.

REQUESTS FOR INVESTIGATIVE OR EXPERT WITNESS FEES

When a contract attorney determines that a case requires further investigation and/or expert witness, the attorney informs the trial judge. The judge hearing the case sends that request to the Administrative Judge for determination of the request. The Administrative Judge reviews the request, authorizes the expenditure of funds, then sends the case back to the trial judge. If the Administrative Judge is the trial judge, the request for fees is sent to another judge for determination.

Respectfully submitted,



Paul S. Hickman
Administrative Judge
Reno Municipal Court