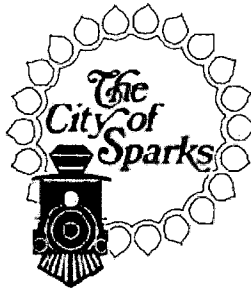


SPARKS MUNICIPAL COURT

HON. BARBARA S. MC CARTHY
Department One

HON. JAMES SPOO
Department Two



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

April 29, 2008

FILED

Re: ADKT 411

MAY 05 2008

SPARKS MUNICIPAL COURT
ADMINISTRATIVE PLAN REGARDING
APPOINTMENT OF COUNSEL, APPROVAL OF FEES
AND DETERMINATION OF INDIGENCY

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

The Sparks Municipal Court has constantly strived to insure equality before the law for all persons accused of a crime. We believe our current policies and practices regarding the appointment of counsel for indigent defendants reflect that commitment. That being said, we have reviewed and considered the proposed MODEL PLAN FOR THE PROVISION OF APPOINTED COUNSEL FOR URBAN COURTS IN NEVADA (April 18, 2008) and welcome the opportunity to both modify and enhance our current practices to reflect our ongoing commitment and that of the Indigent Defense Commission to insuring those defendants who are financially unable to pay for adequate representation receive adequate representation through appointed counsel.

To that end, we respectfully submit the following plan.

PROVISION OF REPRESENTATION

There are presently two judges that adjudicate approximately 10,813 (2007) criminal misdemeanor cases per year. Both judges routinely appoint counsel to represent indigent persons charged with misdemeanors when a conviction carries a mandatory jail sentence, possible jail sentence, or possible suspended jail sentence. Both judges also appoint counsel to represent indigent persons on a discretionary basis when the interests of justice so require.

Counsel is also appointed for all defendants regardless of financial means if the defendant remains incarcerated at the time of their arraignment. If the defendant pleads not guilty at arraignment, counsel will be appointed to represent the defendant for all remaining stages of the proceedings if they qualify based on a financial application they execute at the time of arraignment. The decision to grant or deny the defendant's request for court appointed counsel is made at that time or immediately following the conclusion of the arraignment session and the defendant is advised of the decision immediately. If granted, the defendant is given the name of their attorney and contact information.

RECEIVED

MAY 05 2008

TRACIE K. LINDEMAN

08-33182

ELIGIBILITY FOR REPRESENTATION

Financial Eligibility and Screening: At arraignment all defendants are advised of their right to counsel including their right to court-appointed counsel if they want the assistance of counsel, cannot financially afford counsel, and are facing jail time or suspended jail time. All defendants are encouraged to ask the court if they are eligible for court-appointed counsel if they are uncertain whether or not they qualify.

If the defendant wishes to request court-appointed counsel, they must execute an Application and Affidavit for Court-Appointed Counsel. Heretofore the judge who is conducting the arraignment or who is assigned to the case would make the decision whether to grant or deny (with explanation) the defendant's request. Commencing immediately, the court administrator or her designated court clerk, will review the revised Application and Affidavit for Court-Appointed Counsel (which now includes the federal poverty guidelines) to determine whether or not the defendant qualifies for court-appointed counsel. At the conclusion of the case a determination will be made by the court administrator or her designated court clerk (heretofore the judge who was assigned to the case) whether or not there has been a change in the defendant's financial circumstances since the filing of the Application and Affidavit for Court-Appointed Counsel. After reviewing the defendant's current financial circumstances, she will further determine what, if any, fees may be assessed to the defendant for the appointment of counsel pursuant to NRS 7.165.

COURT-APPOINTED COUNSEL

The Sparks Municipal Court currently has a multi-year indigent legal services contract with one defense attorney who, with the approval of the judges, sub-contracts with three additional attorneys.

Compensation is a fixed annual fee.

The contract sets forth the expectation of number of cases to be handled, which includes representation at all stages of criminal proceedings from in-custody video arraignments to all appeals to the Second Judicial District Court of indigent defendants regardless of whether or not the defendant was originally represented by the contract attorney.

The contract attorney determines which attorney will cover which court appearances and how cases are assigned without input from the judges.

If an attorney cannot represent a defendant because of a conflict, that attorney has the responsibility to obtain substitute counsel.

ADMINISTRATION OF THE CONTRACT

The administration of the contract is overseen by the City Manager's Office.

The City initially solicited proposals for the contract by public notice. The judges screened the proposals for minimum qualifications, education and relevant work experience. The City Council makes the ultimate determination to whom the contract will be awarded. The judges are available to the City Council at public hearing for any questions that may arise.

The contract allows for bi-annual renewal and may be terminated with sixty days notice by either party.

Complaints by clients or others about the representation by appointed counsel are received by the Court Administrator for consideration in the evaluation of the appointed counsel.

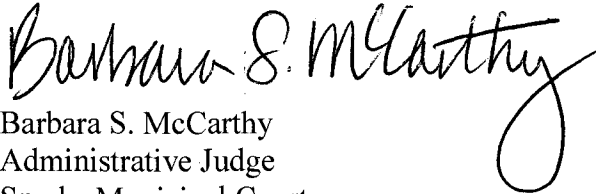
The contract provides for the application for appointment of, and compensation to, expert witnesses, investigators, interpreters, etc. through the assigned judge.

The contract provides for proof of malpractice insurance and compliance with relevant CLE.

If the Committee is desirous, the Court can provide for their review The City of Sparks Indigent Defense Legal Contract, the Application and Affidavit For Court-Appointed Counsel, the Order Granting Court-Appointed Counsel as well as the Order Denying Court-Appointed Counsel.

Please advise if the Committee is in need of any further information.

Respectfully submitted,

A handwritten signature in black ink that reads "Barbara S. McCarthy". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Barbara S. McCarthy
Administrative Judge
Sparks Municipal Court