

JUN 12 2009

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

Las Vegas Municipal Court

In response to the Supreme Court Order dated January 4, 2008 titled, "IN THE MATTER OF THE REVIEW OF ISSUES CONCERNING REPRESENTATION OF INDIGENT DEFENDANTS IN CRIMINAL AND JUVENILE DELINQUENCY CASES"

ADKT 411

The Las Vegas Municipal Court (LVMC) hereby submits the following Administrative Plan for the selection of attorneys to represent Indigent Misdemeanor Defendants and the process for the determination of a Defendant's Indigence:

Indigent Defense Administrative Plan

1. The City of Las Vegas Finance & Business Services Purchasing & Contracts Division (Purchasing) in conjunction with City of Las Vegas Human Resources (HR) Department will issue a Request for Proposal (RFP) for the representation of indigent defendants for all matters before the Las Vegas Municipal Court (LCMC).
 - a) Public Attorney Contracts will be offered for each LVMC department with no limitation on the number of contracts an individual applicant may apply for or be awarded.
 - (1) Contract will be awarded at a fixed annual price as determined by the City of Las Vegas City Council.

2. Independent Selection Committee will determine who is awarded the individual Public Attorney contracts. Selection Committee will be comprised of 5 members who will make the final determination relative to the awarding of any Municipal Court Indigent Representation contracts, including "mid-cycle" replacements should a vacancy occur.
 - a) Committee will include representatives from: The Federal Public Defender office, County Public Defender office, Nevada State Bar, Criminal Justice Association (attorney group) and the City of Las Vegas City Manager's office.
 - b) Court/judicial input relative to potential conflicts of interest, may be provided prior to the selection committee's review, however, no judicial pre-empt and/or veto of any selection is permitted.
 - c) Committee to be constituted by July 1, 2008, with first order of business to establish their "rules".

3. City of Las Vegas Purchasing & HR to have responsibility for all Administrative functions including:
 - a) Establishing the Scope of Work and Issuing the Request for Proposals.
 - b) Conducting initial review/interview of all applicant firms to ensure they meet all basic criteria (as established by the Supreme Court Order and LVMC) before submitting all qualified applicants to the independent "Selection Committee".

- c) Writing and Issuing Public Attorney contract(s) and ensuring that all mandated licenses, proof of insurance, etc., are obtained.
- d) Ensuring that all individual indigent defense attorneys employed by the firm(s) awarded a Public Attorney contract meet all LVMC and Supreme Court Order eligibility criteria both at contract issuance and throughout term of contract.
- e) Conducting periodic "audits" to ensure contract compliance.
- f) Payment.

4. Minimum Qualifications for Attorneys/Firms awarded a contract:

- a) 1M Liability/Malpractice Insurance.
- b) Experience- Three (3) years or more of criminal experience required for all attorneys supporting the contract.
- c) Administrative plan to be submitted as part of application process detailing how the Public Attorney will provide appropriate service levels to the department(s) they are awarded, including how they will fill attorney staff vacancies (vacation, illness, etc.).
- d) List of all attorneys who will practice in the courtroom submitted and approved by the selection committee as part of application process.
- e) Changes to approved attorney list supporting the contract must be approved by the Selection Committee prior to practicing in the courtroom.
 - (1) Emergency attorney substitution- name must be submitted within a reasonable period of time.

5. Scope of Work to be included in the Request for Proposal will:

- a) Be developed by a committee appointed by the Las Vegas Municipal Court and the Las Vegas City Manager's Office.
- b) Include full professional defense for all defendants entitled to indigent representation
- c) Include Traffic Court indigent representation as appropriate
- d) Include Appeals
- e) Assure compliance with all Supreme Court Orders and Performance Standards relative to the representation of indigent defendants

Las Vegas Municipal Court Plan for the Determination of Indigence*

1. Defendant not in custody:

- (a) The defendant appears in the courtroom, is facing jail time and states that they cannot afford legal counsel for their defense.
- (b) The defendant completes the Declaration, and if the Court determines from the Declaration that the defendant qualifies under the Presumptive Threshold Standard as established by Nevada Supreme Court ADKT #411, a Public Attorney is assigned to the case and represents the defendant.
- (c) If a more rigorous screening is indicated or ordered, the completed Declaration is forwarded within 2 business days to the Las Vegas Municipal Court Judicial Enforcement Unit (JEU) for processing.
- (d) If the defendant disputes a finding of non-qualification for indigent status and court appointed counsel, or the Declaration has discretionary aspects that cannot be resolved by a more rigorous review,
- (e) The case may be continued for a hearing or other action as determined by the Court.

2. Defendant in custody:

- (a) Defendants are presumed to be indigent if they are in custody.

*Determination of Indigence Exhibits A & B attached:

LAS VEGAS MUNICIPAL COURT

DECLARATION AND APPLICATION FOR COURT-APPOINTED COUNSEL

Case/History No. _____

YOUR NAME: _____ Social Security Number ____ - ____ - ____

YOUR ADDRESS: _____
Where you live?

City/State/Zip Code

HOME PHONE (____) _____ CELL PHONE (____) _____

WORK PHONE (____) _____

Do you live in Public Housing? _____ Are you serving a jail sentence? _____

PERSONAL INFORMATION

Number of children, dependants or others you are legally responsible for living in your home: _____

Where do you work? _____

How much do you make monthly before taxes and anything else is taken out of your pay check: \$ _____

Other monthly Income (Wife/Husband, Partner, Co-habitant, other): _____

I and/or my family are currently receiving the following:

AFDC Unemployment Worker's Comp Food Stamps SSI Medicaid

Other Public Assistance (Type) _____

I, _____, am saying that I cannot afford to hire an attorney. If a crime is charged against me and the City Attorney is seeking for me to serve time in jail and I cannot afford to hire an attorney, the court may appoint an attorney only under certain circumstances.

I have given the above information to see if an attorney can be appointed by the court to represent me in court. I understand that this information may be used to see if I can pay for an attorney to represent me in court. I am giving my permission to contact any credit bureau, review my credit report from any credit bureau, investigative agency or any other source. I authorize the Las Vegas Municipal Court to verify any statements made and information provided and obtain any other information needed. I declare under penalty of perjury that the information that has been given is true and correct. I understand that I might have to pay back all or a part of the attorney fees if it is found that I can pay.

SIGN YOUR NAME

Date

2009 HHS Poverty Guidelines

Persons in Family or Household	Federal Poverty Guidelines ¹	Poverty Guidelines at 200% (Presumptive Threshold as established by ADKT #411) ²
1	\$10,830	\$21,660
2	\$14,570	\$29,140
3	\$18,310	\$36,620
4	\$22,050	\$44,100
5	\$25,790	\$51,580
6	\$29,530	\$59,060
7	\$33,270	\$66,540
8	\$37,010	\$74,020
For each additional person, add	\$3,740	\$7,480

SOURCE: *Federal Register*, Vol. 74, No. 14, January 23, 2009, pp.4199-

¹ Note: The Federal Poverty guidelines are recalculated and published annually.

² A defendant is considered indigent if all gross income is less than the Presumptive Threshold as established by Nevada Supreme Court ADKT #411 at 200% of the Federal Poverty Guidelines.