

Washoe County
Alternate Public Defender
Jennifer J. Lunt



October 14, 2009

Chief Justice James Hardesty
Nevada Supreme Court
210 South Carson Street
Carson City, NV
89701-4702

FILED

NOV 02 2009

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

Re: ADKT 411, Statistical Data from the
Washoe County Alternate Public Defender's Office

Dear Justice Hardesty,

During the October 6, 2009, Nevada Supreme Court Hearing regarding ADKT 411, the Supreme Court requested information regarding statistical data from the Alternate Public Defender's Office.

I have attached a short report in response to that request. I included statistics on how many cases the lawyers were assigned and handled during the course of a year, how many cases the attorneys currently have open, and a brief history of the office. I have also attached the Organizational Chart for the Alternate Public Defender's Office, which illustrates how little investigative or clerical support is available for the lawyers.

The data reflected in the Statistical Report pertains only to the juvenile and criminal divisions of this office. We currently have almost 1,000 open Specialty Court cases, and 160 family court cases that I did not include in the Statistical Report, as ADKT 411 deals only with criminal and juvenile cases.

I am honored to have been a member of the Indigent Defense Commission, and recognize Nevada has taken some important strides forward to provide Sixth Amendment protections to indigent defendants.

The Performance Standards as enacted by the Supreme Court could go a long way to improving the criminal justice system in Nevada. However, with the existing case loads, compliance with the standards is not possible. The attorneys in this office estimate that they comply with the standards less than 50% of the time. We simply do not have the resources to practice in accordance with the Standards given the number of cases we handle and the limited staff.

Chief Justice James Hardesty
October 14, 2009
Page 2 of 2

There is no question that indigent defenders currently have excessive case loads. The question is: where should the case load limits be set? Until such time as we have a definitive answer, I would urge this court to impose the NAC standards. Doing so would assure that the Performance Standards actually have some meaning, and the attorneys could practice in compliance with ADKT 411.

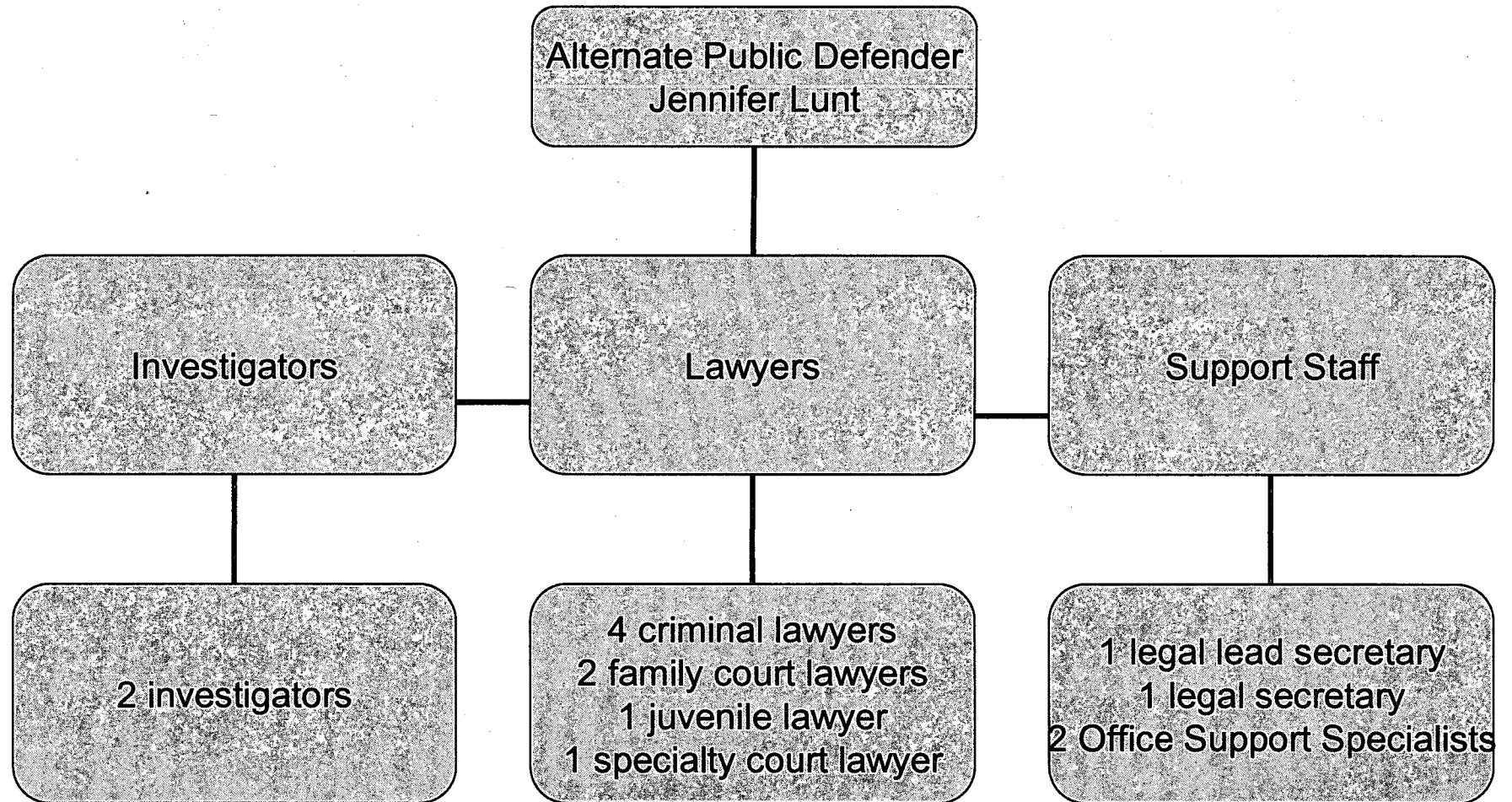
If you need any additional information, please feel free to contact me.

Sincerely,

by John Malone acting WCAPD
JENNIFER J. LUNT
Washoe County Alternate Public Defender

Attachments
:rmj

APD Organizational Chart



History of Alternate Public Defender

The Alternate Public Defender's office was created in March of 2007, and began operations July 1, 2007. The office was set up to handle conflicts from the Public Defender's office.

Prior to the APD creation, Washoe County contracted with an attorney, Jack Alian. Alian was paid almost \$1,000,000 a year, and was responsible for finding lawyers to take the conflict cases. The lawyers were paid a flat fee. Any funds remaining at the end of the year were considered payment for Jack Alian. The system was fraught with error, and resulted in substandard representation.

The APD office was created with the thought that it would handle about 1,300 cases each year. Our numbers far exceeded that estimate. In Fiscal Year 2008-2009, the APD's office represented more than 2,000 clients, in criminal, family, juvenile and Specialty Courts.

There are two APD investigators, who accept assignments from all nine lawyers. Although the work of the investigators is primarily in the criminal arena, they also do a substantial amount of work in family, juvenile, and the Specialty Courts. There are two legal secretaries who work with the nine lawyers and the two investigators. This is of note because it emphasizes the fact that the lawyers carry significant case loads with little investigative or clerical support.

The Fiscal Year 08-09 budget for the Alternate Public Defender's Office is \$1,850,050. The majority of those funds is used for personnel costs, leaving less than \$85,000 for operational costs, supplies, and experts and witness fees.

Statistical Information
Washoe County Alternate Public Defender's Office

<u>Total Cases Received</u>	<u>July 07-June 08</u>	<u>July 08-June 09</u>
Criminal:	1,528	1,754
Juvenile:	569	544
<u>Cases sent to Conflict Counsel</u>	<u>July 07- June 08</u>	<u>July 08-June 09</u>
Criminal:	393	521
Juvenile:	160	225
<u>Cases handled by the APD</u>	<u>July 07- June 08</u>	<u>July 08-June 09</u>
<u>Total Criminal:</u>	1,135	1,233
Class A:	37	58
Felony, Non Class A:	806	783
Gross Misdemeanor	91	105
Misdemeanor	201	287
Cases Per Attorney*	283	308
# of Class A included:	9	15
<u>Total Juvenile:</u>	409	319
Cases per Attorney:	409	319

Open cases as of 10-08-2009

Criminal: 422

Class A: 21**

 Current open cases per Attorney: 105, with five of those being Class A

Juvenile: 93

 Cases per Attorney: 93

**Caveat: Unlike other county indigent defense agencies in Washoe and Clark County, the APD trial lawyers are responsible for fast tracks and appeals, as the APD office does not have appellate counsel. These numbers do not include appellate work*

*** The twenty-one open Class A felonies includes six murder cases, all of which are currently set for trial.*