



Office of the

CHURCHILL COUNTY COMMISSIONERS

Gwen Washburn
Norm Frey
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December 3, 2009

FILED

Chief Justice James W. Hardesty
Justice Ron D. Parraguirre
Justice Michael A. Cherry
Justice Nancy M. Saitta
Justice Mark Gibbons
Justice Michael L. Douglas
Justice Kristina Pickering

DEC 04 2009

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

Nevada Supreme Court
201 South Carson Street
Carson City, NV 89701

Re: ADKT 411

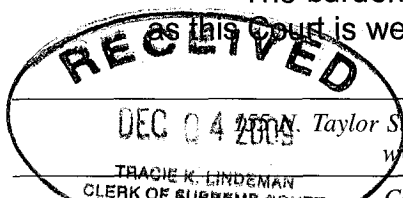
Dear Honorable Supreme Court Justices:

On behalf of the citizens of Churchill County, we here respectfully submit our comments relating to ADKT 411. Like many other entities of local government, we oppose the adoption of mandatory statewide caseload standards. We find no local evidence to support imposition of such a measure. Few, if any, reversals have been due to ineffective assistance of counsel. Moreover, we cannot say that indigent defendants are being harmed by the present system of service delivery in place in our county. To the contrary, we believe that our local system has capably met the needs of its users.

We believe, and we here recommend, that actual damage must be shown before a finding of systemic failure in the provision of indigent defense counsel may be reached. Because insufficient evidence of this systemic failure exists, such lack of evidence should preclude the imposition of a statewide remedy.

Furthermore, consideration of this weighty matter rises against the backdrop of our state's demographics. While Nevada's largest counties may experience problems relating to service delivery, as a consequence of population, the same is not true in rural Nevada. Problems that may attend elsewhere do not exist here. Accordingly, the standards for indigent defense that this Court may adopt should be made applicable to a specific problem rising in a particular county. Our county does not need a fix imposed because of problems incurred elsewhere.

The burden of funding indigent defense is a state responsibility. Nevertheless, as this Court is well aware, the state has placed this burden on the counties. Imposition



of any statewide standards that increase the cost of providing indigent defense counsel must be accompanied by an adequate and sustainable state funding source. We are deeply concerned that the failure to provide a proper source for indigent legal services will drastically affect our County's ability to provide all other services to our residents. With ever increasing regularity, because of this state's economic crisis, the burden of providing government services is being shifted more and more from the state to local government and while we regularly implement mandates imposed upon us, because our public duty demands that we do so, we have simply reached the point where we cannot do so without additional revenues.

We ask that this Court not impose statewide standards absent evidence of indigent defendants being harmed by the current systems of providing indigent defense. As we struggle to afford our residents the highest level of government services, we do so in plain view of ever decreasing tax revenues. How do we maintain this balance? Without adequate funding for standards that drastically impinge service delivery at all levels, how do we reasonably discharge all of our public duties?

Thank you for your consideration of these important matters.

Sincerely,

CHURCHILL COUNTY, NEVADA

By: 
Chair, Board of Commissioners