

Office of the Special Public Defender

330 S. Third Street, 8th Floor, Las Vegas NV 89101

(702) 455-6265/6266

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A CENTURY OF SERVICE

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Steve Sisolak, Chair
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Yolanda King

SPECIAL PUBLIC DEFENDER

JoNell Thomas

ASST. SPECIAL PUB. DEF.

Aizora B. Jackson

October 23, 2018

Elizabeth A. Brown, Clerk of the Supreme Court
201 South Carson Street
Carson City, Nevada 89701

RE: ADKT 499 and Request to Participate in Hearing

Dear Ms. Brown:

On behalf of the Clark County Special Public Defender's Office, we write in opposition to the proposed amendments to ADKT 499. We believe that the proposed amendments would be detrimental to the attorneys in our office specifically and the criminal justice community in general.

The proposed amendments to ADKT 499 would require government and non-profit providers of CLE programs to pay application fees for its CLE offerings. Although this office takes no position on the application of ADKT 499 to for-profit entities, its application to the institutional defender offices would severely limit our ability to adequately meet the training needs of our lawyers through free CLE programming.

Our office of 20 attorneys represents indigent clients who are charged with criminal offenses which have the potential of a sentence of life in prison or the death penalty. In order to properly represent these clients, our attorneys receive extensive training on topics specific to the offenses with which our clients are charged, as well as more general topics which are relevant to the criminal defense bar.

We are very concerned about the impact of ADKT 499 on quality training of indigent defenders in the state. While training has always been important, the passage of ADKT 411 in 2008 placed additional emphasis on quality training for indigent defenders. The three public defender offices in Clark County have provided indigent defenders with CLE opportunities for many years. These offices have some of the most experienced criminal defense lawyers in the state and are in the best position to know and assess the educational needs of these lawyers. In addition, the local knowledge within

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OCT 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

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CLERK OF SUPREME COURT
DEPUTY CLERK

18-41822

these offices is frequently instrumental in providing quality programming in both trial and appellate defense. Moreover, the offices of the Clark County Special Public Defender, Clark County Public Defender, and Federal Defender have the largest homicide defense teams in the state, and are in the best position to assess and coordinate programming for Capital Defense Training under ADKT 411.

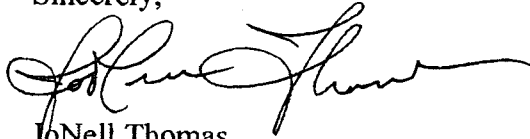
Training lawyers is the primary goal of CLE programs. This goal is best served by allowing indigent defense offices to continue providing this programming without cost. Our office operates on a limited budget. Expenses associated with CLEs means that less funds would be available for purchasing books and resources, buying equipment, and otherwise funding the representation of our indigent clients. At a minimum, the fee structure proposed by the amendments would encourage our office to provide the fewest number of courses possible, rather than to offer as many courses as possible to meet the educational needs of our attorneys and other criminal defense attorneys in the community.

The public defender offices in Clark County are working with the non-profit group Nevada Attorneys for Criminal Justice to establish free internet-based video recordings of CLEs in our offices so that rural criminal defense attorneys have access to quality CLE programs which directly address Nevada criminal law topics. The Indigent Defense Commission recognizes the need for better training in rural Nevada. Any additional fees will have a chilling effect on this free programming, which will provide an important service to the entire state. In addition, private lawyers who have contracts with Clark County and the City of Las Vegas to provide indigent defense services are able to gain valuable programming at no charge from some of the most experienced indigent defenders in the state.

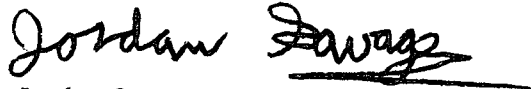
The CLE programs offered by government and non-profit organizations give our specialized community the chance to learn from each other without charge. When there is a systemic issue impacting the quality of indigent defense, we are in the best position to identify solutions together and develop training programs on best practices. Specialized CLEs from local practitioners are often the highest quality and they do not become better when there is a price tag attached to them. Our office strongly opposes ADKT 499 and supports the State Bar position to maintain the exemptions for government and non-profit offices.

We appreciate your consideration of our position on proposed ADKT 499.
If you have any questions, do not hesitate to contact us.

Sincerely,



JoNell Thomas
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Public Defender
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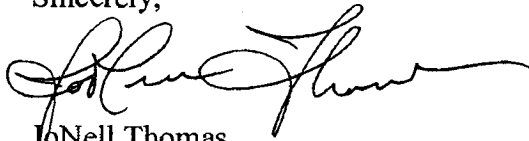
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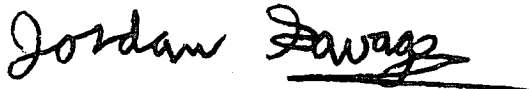
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