

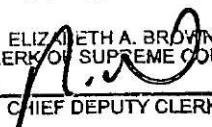


## Alternate Public Defender

September 20, 2023

FILED

Nevada Supreme Court  
c/o Elizabeth A. Brown, Clerk of the Supreme Court  
201 South Carson Street  
Carson City, Nevada 89701  
Via email: [nvscclerk@nvcourts.nv.gov](mailto:nvscclerk@nvcourts.nv.gov)

SEP 20 2023  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

Re: Support for ADKT 0611

Dear Justices of the Nevada Supreme Court,

I am writing in support of proposed Nevada Supreme Court Rule 49.5. The changes to this Rule will serve to address the increasing need for indigent defense throughout Nevada. As the Court is aware, the lack of access to justice has become a growing issue for those who cannot afford legal counsel.

For many reasons, there is a shrinking number of licensed Nevada attorneys who are willing to serve our state's indigent population as they face increasingly complex legal issues both in the criminal and family law areas. This deficit can be addressed by allowing law school graduates to use their years of training and education to assist Nevada's vulnerable populations prior to or while awaiting their admission to the State Bar of Nevada. Allowing both recent graduates who are pending Nevada bar admission to serve vulnerable populations under supervision would provide an immense amount of support for already overburdened public defense attorneys. This supervised practice of law would also allow legal organizations and public defender offices to provide meaningful training to attorneys prior to bar admission providing them with a greater understanding of Nevada legal practice for when they are admitted.

Based on recent reports and news articles, it is no surprise that this need is greatest for public defense, a service that is guaranteed by both the Nevada and U.S. Constitutions. Effective legal assistance for individuals facing loss of liberty or removal of their children and who cannot afford to hire private counsel is a fundamental constitutional right and public defender offices are facing increasingly difficult times hiring dedicated attorneys. Delays in filling open attorney positions in



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public defender offices has simply increased the constitutional crisis of failing to provide effective assistance of counsel to the accused and parents facing the loss of rights to their children.

For all these reasons, I support ADKT 0611 and Proposed Supreme Court Rule 49.5. I urge you to consider additional amendments to this rule in the future to include public defense in Washoe County. I also hope you will consider future amendments to expand Supreme Court Rule 49.1(e) (limited practice certification for attorneys admitted to practice in other jurisdictions) to apply to public defender offices. Allowing attorneys licensed in other jurisdictions to practice in Nevada while awaiting Nevada bar results will enable public defender offices to attract candidates who are looking to move to Nevada, have already taken the Nevada bar exam but who cannot afford to wait on employment while bar results are pending. This change would allow those previously admitted attorneys who want to dedicate themselves to public defense in Nevada to begin training and gain experience under the direct supervision of a Nevada licensed attorney while awaiting bar results.

Thank you for the opportunity to provide input on this important issue.

Sincerely,

*Marc Picker*

Marc Picker  
Alternate Public Defender