

Joe Lombardo
Governor



Marcie Ryba
Executive Director

Thomas Qualls
Deputy Director

Peter Handy
Deputy Director

**STATE OF NEVADA
DEPARTMENT OF INDIGENT DEFENSE SERVICES**

896 W. Nye, Suite 202 | Carson City, NV 89703
(775) 687-8490 | www.dids.nv.gov

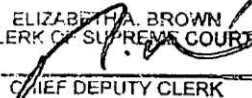
January 23, 2024

Via email to nvscclerk@nvcourts.nv.gov

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

FILED

JAN 26 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

RE: Letter in Support of ADKT 0616

Dear Honorable Members of the Supreme Court of Nevada,

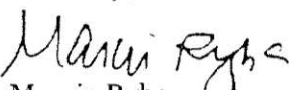
The Department of Indigent Defense Services (DIDS) is writing this letter in support of ADKT 0616, a petition seeking to amend Supreme Court Rule (SCR) 49.1(7)(a) to eliminate the two-year cap on attorneys practicing law in rural district attorney and rural public defender offices pursuant to limited practice certifications issued under SCR 49.1(1)(d)(e).

The shortage of qualified indigent defense counsel is a nation-wide issue. Nevada counties are struggling to fully staff their indigent defense services needs with qualified counsel and Nevada's rural counties are feeling it the hardest. Added to this, the newly adopted workload standards required by the settlement in *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B), mean that most counties will need to hire even more indigent defense attorneys to bring the caseloads per attorney to sustainable levels. (The executive summary of the study is attached to this letter and the full study can be found on our website at: dids.nv.gov.)

In summary, eliminating the two-year cap on limited practice in the rural counties will give counties another tool to recruit qualified attorneys in these areas and will assist Nevada in complying with the new workload standards.

The Department supports ADKT 0616.

Sincerely,


Marcie Ryba
Executive Director

attachment

24-03065

Rural Nevada Indigent Defense Services Weighted Caseload Study

October 2023

EXECUTIVE SUMMARY

Project Design

The workload assessment was conducted through a multi-phased approach, including

1. A time study in which all rural public defender/contract attorneys, investigators and administrative staff tracked their worktime over a six-week period.
2. An analysis of current practice, based on time spent working on cases, as entered into the new time tracking system, called *LegalServer*.
3. A review of case weights in other jurisdictions, including the new RAND Corporation's workload standards published in August 2023, and
4. A quality adjustment process to ensure that the final weighted caseload model incorporates sufficient time for effective representation.

This multi-staged quantitative/qualitative approach takes advantage of empirical data from the time study ("what is") and relies upon expert opinion and data from other states, as well as a nationally focused assessment of public defender case weights to formulate the quality adjustments ("what should be"), resulting in reasonable case weights and workload standards developed specifically for rural indigent defense providers in Nevada.

Results

Applying the final weighted caseload model to current new cases shows a need for 90 full-time equivalent (FTE) attorneys to effectively handle current indigent defense provider caseloads. The model also shows a need for approximately 46 administrative support staff members, and 22.5 investigators, both of which are based on recommended ratios, as shown in Figure ES-1.

Figure ES-1: Rural Indigent Investigators and Support Staff Resource Need by County

Location	ATTORNEYS		
	Attorneys Needed (FTE)	Number of Investigators Needed (FTE)	Number of Support Staff Needed ¹ (FTE)
Carson City	16.3	4.1	8.1
Churchill	7.4	1.9	3.7
Douglas	8.8	2.2	4.4
Elko	16.4	4.1	8.2
Esmeralda	0.3	0.1	0.3
Eureka	0.3	0.1	0.3
Humboldt	4.9	1.2	2.5
Lander	1.3	0.3	1.0
Lincoln	1.1	0.3	1.0
Lyon	12.0	3.0	6.0
Mineral	2.1	0.5	1.1
Nye	12.0	3.0	6.0
Pershing	2.3	0.6	1.1
Storey	1.3	0.3	1.0
White Pine	3.3	0.8	1.6
TOTAL	89.9	22.5	46.4

¹ In locations where less than one FTE attorney is needed, support staff need equals that of the attorney need.