

Storey County Plan

Meets Standards

Does Not Meet Standards

Expenses

Estimated Cost of the Plan:	\$ at least 103,065 (NSPD cost)
Storey County Maximum Contribution (Sec 16):	\$ 91,104
Estimated State Contribution:	\$ at least 11,961?

- 1. Plan must be free from political and undue budgetary influence and subject to judicial supervision in same manner as retained counsel or prosecuting attorney (Regulation of the Board on Indigent Defense Services Section 21 [hereinafter "Sec."]).**

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- 2. Plan for hiring contractor attorneys (Sec. 22):**

Meets Standards

Does Not Meet Standards

Storey County does not hire contractor attorneys.

- 3. Appointment of Counsel (Sec. 23)**

Meets Standards

Does Not Meet Standards

Indigency Screening (Sec. 23(1)): The screening for indigency must be conducted by the Storey County Sheriff's Office, or other court or law enforcement personnel within 48 hours for a person who is booked into the Storey County Jail or juvenile detention facility and not released; at the initial appearance; or sooner as required by applicable law. P. 4, Section 6(a).

Prompt Appointment and handling a Conflict of the PD (Sec. 23(2)): An attorney must be appointed for an eligible person as soon as feasible after formal charges have been filed against a person held in custody or a person's first appearance before a judge; as required by law; or when a Court considers appointment appropriate. Section 7, p. 4. Unless the Court is aware of a conflict for the Public Defender or any other reason specified why the Public Defender should not be appointed, the Court will first appoint the State Public Defender. Section 9, p. 5. If the Public Defender determines there is a conflict, the Public Defender must notify the Court. Section 9, p. 6. The Court shall notify the indigent defense coordinator for appointment of a private attorney as set forth in the Plan. Section 9, p. 4.

Distribution of Cases (Sec. 23(3)): The indigent defense coordinator must follow the general procedures set forth in Section 9(e) for the selection of counsel. P. 5.

Initial Appearance (Sec. 23(4)): Unless counsel has already been assigned, the State Public Defender will appear for the initial appearance, pretrial release hearing or arraignment. Sec. 8, p. 4. If the Public Defender is unable to represent a person due to the Rules of Professional Conduct, the Public Defender shall immediately notify the Court. Sec. 8, p. 4. If counsel other than the PD is already assigned, the counsel must appear at the initial appearance. Sec. 8, p. 4.

4. Confidential Communications (Sec. 24):

Meets Standards **Does Not Meet Standards**

Facilities are available including meeting rooms outside each courtroom and private meeting space at the jail. P. 8, Section 14(c).

5. Ensure Resources to conduct an independent investigation and hire experts (Sec. 25):

Meets Standards **Does Not Meet Standards**

Request for Experts/Investigators is provided in Sec. 12 on page 7 and Sec 13, p. 8. If costs are expected to exceed \$1,000, the attorney must obtain pre-approval from the indigent defense coordinator. The request must be supported by a statement explaining why the cost is reasonable and necessary. The indigent defense coordinator can approve/deny/modify the request.

6. Vertical Representation Requirement (Sec 26):

Meets Standards **Does Not Meet Standards**

The Plan expects attorneys to ensure that the attorney appointed to represent an indigent person is expected to representation that person through every stage of the case. P. 9, Sec. 14(i).

7. Standards of Representation (Sec. 27):

Meets Standards **Does Not Meet Standards**

Standards of Representation 27(1): required language included. P. 9, Section 14(g).

Davis Required Language (Sec. 27(2)): required language included. P. 9, Section 14(j).

Client surveys (Sec 29(3)): Plan requires surveys to be distributed as required by the Board of Indigent Defense Services. P. 8, Section 14(d).

8. Prompt Compensation (Section 41)

Meets Standards **Does Not Meet Standards**

Compensation is discussed in Section 11 and 13. Counsel must submit a request for compensation to the “indigent defense coordinator.” The coordinator can review/deny/modify the request. If approved, the coordinator will send the request to the designated accounting personnel. If denied, counsel will be notified and can request a hearing with the trial court.

9. Caseload Reporting (Section 43)

Meets Standards **Does Not Meet Standards**

The Plan requires counsel to comply with the caseload and time reporting requirements for DIDS. P. 8, Section 14(a) and (b).