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JOEY HASTINGS, CLERK

By: *M.B. Stackhouse*
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

IN THE ADMINISTRATIVE MATTER OF:
IMPLEMENTATION OF EARLY CASE
RESOLUTION PILOT PROJECT.

ADMINISTRATIVE ORDER 2012-07

The Chief Judge of the Second Judicial District Court has authority to make administrative decisions pertaining to the business of the court; and

The Chief Judge of the Second Judicial District Court may adopt rules or regulations as are necessary for the orderly conduct of court business; and

The Chief Judge shall supervise case flow management and arbitrate conflicts between judges on case management and procedural policy disputes; and

The ADKT 411 Second Judicial District Court Indigent Defense Report neither authorizes nor prohibits a program for early case resolution; and

The ADKT 411 Nevada Indigent Defense Standards of Performance contemplate that attorneys "must have the flexibility to choose a strategy and course of action that ethically 'fits' the case, the client, and the court proceeding;" and

The ADKT 411 Nevada Indigent Defense Standards of Performance, Standard 4-9, contemplates "early case resolutions" as a component of plea negotiations; and

NRS 260.060 provides that "for cause" the "district court may, on its own motion or upon motion of the public defender or the indigent person, appoint and compensate out of county funds an attorney other than, or in addition to, the public defender to represent such indigent person at any

1 stage of the proceedings or on appeal in accordance with the laws of this state pertaining to the
2 appointment of counsel to represent indigent criminal defendants;" and

3 NRS 171.188 provides that when a district judge determines a criminal defendant is indigent
4 and entitled to defense at public expense, the judge may appoint the County Public Defender, State
5 Public Defender, or if "other good cause appears" another attorney to represent the defendant's
6 interests; and

7 NRS 7.115 through NRS 7.175 relate to safeguarding the public treasury from unnecessary
8 appointments of private counsel; and

9 Early Case Resolution is an effective tool to manage criminal case processing; and

10 Early Case Resolution enhances public safety by providing prompt treatment of addictive
11 persons, assists in jail management, reduces jail transportation costs, and results in substantial
12 savings of public funds;

13 **IT IS HEREBY ORDERED:**

14 1. The Second Judicial District Court shall implement an ECR Pilot Program to
15 commence on July 1, 2012, and end on December 31, 2012, unless extended by further
16 administrative order.

17 2. The ECR Pilot Program, which removes select criminal cases from the normal
18 criminal case flow progression and expedites them to resolution while concomitantly protecting the
19 defendant's constitutional rights, constitutes good cause for appointment of Washoe Legal Services
20 to represent indigent defendants in criminal cases assigned to the ECR Pilot Program.

21 3. The presiding judge, on a case-by-case basis, shall determine whether WLS counsel
22 will represent an indigent defendant as co-counsel with the Washoe County Public Defender. In the
23 event WLS counsel is appointed as co-counsel, the Washoe County Public Defender shall have no
24 further responsibilities until such time, if ever, the case is removed from the ECR Pilot Program. If
25 at any time before entering a plea, the presiding judge determines the case should be withdrawn
26 from the ECR Pilot Program, the judge will relieve WLS counsel and direct the Washoe County
27 Public Defender to represent the indigent defendant in all further proceedings.

1 4. Departments 3, 6, and 9 shall participate in the ECR Pilot Program unless substitute
2 or additional departments are designated by the Chief Judge.

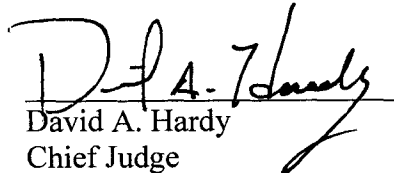
3 5. Judge Adams is designated as Chair of a three-judge ECR Court Committee
4 comprised of Judges Polaha, Freeman, and Adams. The Committee shall meet and implement
5 program details, such as counsel appointments, forms, and calendaring, proposed by the Washoe
6 County District Attorney. Court Administration shall be available to assist the ECR Court
7 Committee. The ECR Pilot Program shall be administered by the Washoe County District Attorney
8 with the cooperation of Washoe Legal Services. Funding for Washoe Legal Services' costs during
9 the ECR Pilot Program will be by Washoe County, as previously approved by the Washoe County
10 Commission on June 28, 2011. The undersigned Chief Judge is informed the source of payments
11 shall be from an account already designated and funded for the purpose of providing tertiary public
12 defense expenses.

13 6. Further details of the ECR Pilot Program shall be as follows:

- 14 a. The Washoe County District Attorney shall determine criminal cases
15 appropriate for assignment into the ECR Pilot Program. The final assignment
16 decision shall be made by the District Attorney pursuant to his prosecutorial
17 discretion. Categories of cases qualifying for ECR case processing shall be
18 periodically reviewed by the Washoe County District Attorney in
19 consultation with Washoe Legal Services.
- 20 b. The initiation of an ECR criminal case shall be made by direct filing of the
21 information in the Second Judicial District Court.
- 22 c. If at any time prior to entering a plea the defendant elects not to enter a plea
23 consistent with plea negotiations, or if the defendant chooses to withdraw
24 from the ECR Pilot Program, or if the presiding judge declines to accept the
25 plea after canvassing the defendant, the matter shall be remanded to the
26 Justice Court for further proceedings.
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1 8. The Washoe County District Attorney and the ECR Court Committee shall
2 determine data points and collection instruments to determine the success and continuing viability
3 of the ECR Program.

4 Dated this 8th day of June, 2012.

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7 David A. Hardy
8 Chief Judge
9 Second Judicial District Court
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