

09-17

FILED

NOV 30 2009

Christina J. Robinson
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER)
OF THE ASSESSMENT OF FEES)
FOR INDIGENT DEFENSE IN THE)
EIGHTH JUDICIAL DISTRICT COURT)

09-17

**ADMINISTRATIVE ORDER REGARDING THE ASSESSMENT OF FEES FOR
INDIGENT DEFENSE IN THE EIGHTH JUDICIAL DISTRICT COURT**

WHEREAS, the Nevada Supreme Court addressed the issue of recoupment of a portion of expenses for the defense of indigent defendants with the Eighth Judicial District Court, and requested that the district court assess fees in appropriate cases to persons represented by the Clark County Public Defender or conflict counsel.

WHEREAS, the Nevada Supreme Court facilitated meetings between the Clark County Public Defender, Clark County management, and the district court to address the issue of the assessment, directed use, and collection of fees for indigent defense.

WHEREAS, the Clark County Public Defender objected to the fees as part of the criminal case, suggested that the failure to pay assessed fees should not be a basis for imposition of sanctions or probation revocation, but suggested that in appropriate cases the

1 following schedule would be reasonable and have some relationship to the time required on a
2 case.

3	\$100.00	Misdemeanor without trial
4	\$250.00	Misdemeanor with trial or trial preparation
5	\$250.00	Felony resolved at preliminary hearing
6	\$500.00	Felony resolved at district court sentencing or arraignment
7	\$750.00	Felony with trial or trial preparation

8 **WHEREAS**, the assistant county manager confirmed that the fees assessed and
9 collected would be used only for the Clark County Public Defender and/or for providing
10 indigent defense through conflict counsel.

11 **WHEREAS**, the assistant county manager confirmed that courts, including the district
12 court, are not responsible for the collection of the assessed fees, and that Clark County would
13 approve position(s) to collect assessed fees. That said position(s) would be added to a currently
14 existing compliance unit in the Las Vegas Justice Court.

15 **WHEREAS**, NRS 178.3975 provides in pertinent part:

16 **Order for payment by defendant; remission of payment; disposition of**
17 **amount recovered; community service.**

- 18 1. The court may order a defendant to pay all or any part of the expenses
19 incurred by the county, city or state in providing the defendant with an
20 attorney which are not recovered pursuant to NRS 178.398. The order
21 may be made at the time of or after the appointment of an attorney and
22 may direct the defendant to pay the expenses in installments.
- 23 2. The court shall not order a defendant to make such a payment unless the
24 defendant is or will be able to do so. In determining the amount and
method of payment, the court shall take account of the financial
resources of the defendant and the nature of the burden that payment will
impose.

25 **WHEREAS**, at the request of the Nevada Supreme Court, the criminal division of
26 Eighth Judicial District Court discussed the assessment of appropriate fees at public meetings
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in October, 2009 and November, 2009, and agreed that fees would be assessed in appropriate cases beginning December 1, 2009.

Therefore,

IT IS FURTHER ORDERED that the Eighth Judicial District Court shall enter orders for the recoupment of a portion of expenses for the defense of indigent defendants by the Clark County Public Defender or conflict counsel pursuant to NRS 178.3975 in appropriate cases.

IT IS FURTHER ORDERED that this Administrative Order shall be in effect on December 1, 2009, and shall continue until modified or rescinded by a subsequent Administrative Order.

DATED this 30th day of November, 2009.


CHIEF JUDGE