



Department of Indigent Defense Services Helps Clients by Creating Connections

BY MARCIE RYBA, ESQ.; JARROD HICKMAN, ESQ.;
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In 2019, the Nevada Legislature passed, and Governor Steve Sisolak signed, Assembly Bill (AB) 81 creating the Department of Indigent Defense Services. The passage of the bill marked the culmination of almost three decades of judicial and legislative analysis of Nevada indigent defense. AB 81 is codified in Nevada Revised Statutes 171, 178, 180 and 260. The department is tasked with providing funding and framework for the delivery of constitutional indigent defense services throughout Nevada. In addition to the requirements of AB 81, the department must comply with obligations from the *State v. Davis* “Stipulated Consent Judgment.” Although the department has been tasked with many duties, this article will focus on those that relate to attorneys working remotely.

The department is staffed by Marcie Ryba, executive director; Jarrod Hickman, deputy director; Patrick McGinnis, deputy director; Cynthia Atanazio, executive assistant; Alexis McCurley, administrative assistant; and Jason Kolenut, management analyst. The department is overseen by the Board of Indigent Defense Services. The board is comprised of 13 members who have demonstrated a commitment to providing effective legal

representation or expertise, or experience that qualifies the person to contribute to the board’s purpose. Board meetings, a regulatory workshop and public hearings have moved to virtual settings. More information on the board and the schedule for upcoming meetings can be found on the department’s website at dids.nv.gov.

Hickman is developing and providing virtual CLE programs for attorneys who provide indigent defense services. Thus far, CLEs have been offered to rural indigent defense providers on subjects such as breath alcohol testing, pre-trial detention hearings, ethics and attorney wellness. In addition to providing CLE credits, these virtual trainings have created a platform where attorneys, who are usually separated by a significant distance, can come together and discuss issues they are facing in their jurisdictions. The next step is to put together a virtual CLE conference for all indigent defense providers in Nevada to provide education and networking between indigent defense attorneys across the state.

McGinnis is tasked with conducting on-site visits of court proceedings throughout the

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state. Pandemic permitting, he has spent hours travelling across Nevada to introduce himself and the department.

As the pandemic has restricted travel, McGinnis's observations have moved online. The courts and indigent defense attorneys have been very adaptive in protecting the Sixth Amendment rights of individuals by using technology. The department receives notices from courts for Zoom, GoToMeeting, WebEx or telephonic court hearings. Previously prevented by sheer distance, McGinnis can now observe a hearing in one county and immediately be present in another courtroom miles away.

McGinnis has observed some extremely dedicated workers across Nevada ensuring the system continues to work. Bailiffs have mastered the art of creating private Zoom meeting rooms where attorneys can speak with their clients prior to being added into the Zoom virtual courtroom. County jails have installed video conferencing systems to allow confidential attorney/client virtual visitation. If video conferencing is not available in the jail, indigent defense attorneys have gone above and beyond by providing tablets to the jail so that the indigent defense attorneys could virtually communicate with their clients. Stories of indigent defense attorneys paying for such items out of their own pockets mobilized the department to reach out to individual counties and encourage the counties to apply for Coronavirus Emergency Supplemental Funding on behalf of their indigent defense providers for personal protective equipment and other items necessary for telework.

In February, the National Association for Public Defense Fund for Justice awarded a grant to the Nevada Department of Indigent Defense Services for the creation of an Indigent Defense Attorney Mentoring Program in Nevada. The program connects rural public defense attorneys with urban public defense attorneys. This initiative provides mentorship, training and professional development opportunities for rural public defense attorneys with a statewide support system.



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In the eloquent words of U.S. Supreme Court Justice Ruth Bader Ginsburg: "Real change, enduring change, happens one step at a time."

At this point, the department is taking everything that needs to be done one step at a time. If you would like more information on what it is doing, please check out the department's website at dids.nv.gov.

MARCIE RYBA is the executive director of the Department of Indigent Defense Services. Prior to moving to the department, she was an attorney for 15 years with the Nevada State Public Defender's Office in Carson City, where she advocated on behalf of indigent persons charged with crimes at the trial level. Ryba started her legal career clerking for the Honorable Dan L. Papez and Honorable Steve L. Dobrescu in the Seventh Judicial District Court in Ely.



JARROD HICKMAN is a deputy director of the Department of Indigent Defense Services. Beginning in 2009, he served as a deputy public defender in the rural Colorado communities of Las Animas and Huerfano counties before moving to Nevada. Since then, he has worked as an appellate and trial deputy public defender with the Nevada State Public Defender and Washoe County Public Defender offices, respectively.



PATRICK MCGINNIS is a deputy director of the Department of Indigent Defense Services. He began his legal career as a law clerk with the Honorable Peter Breen in Washoe County in 2002. He worked as a prosecutor in Humboldt County. From there, he began his career in indigent defense services with the Washoe County Public Defender's Office in 2006, moving to the Alternate Public Defender's Office in 2007. In 2014, he became the Chief Criminal Deputy Alternate Public Defender in the Washoe County Alternate Public Defender's Office. In 2015, McGinnis transitioned into private practice, servicing Mineral County and conflict cases in other rural communities.

