

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

KATHERINE STOCKS
Director and State Court
Administrator



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MEETING SUMMARY
COMMITTEE TO STUDY & UPDATE SCR 250

DATE AND TIME OF MEETING: May 1, 2024, 4 p.m.

PLACE OF MEETING: Remote Access via Zoom
Meeting ID: 878 8782 9569; Passcode: 667590

Members Present:		
Justice Linda Marie Bell	Justice Douglas Herndon	Judge Tierra Jones
Judge Connie Steinheimer	Judge Tom Stockard	Scott Coffee
Marc DiGiacomo	Kate Hickman	Brian Kunzi
Jenny Nobel	Chris Oram	Heather Procter
Thomas Qualls	Matt Stermitz	JoNell Thomas
Guests Present:		
Evelyn Grosenick	Randall Gilmer	

All participants attending via teleconference should mute their line when not speaking. It is recommended that teleconference attendees use a landline and handset in order to reduce background noise.

Call to Order, Welcome, and Announcements: Justice Bell called the meeting to order at 4 p.m.

Roll Call and Determination of Quorum Status: Roll was called, and a quorum was present.

Discussion Items:

- A. Overall Approach and Timeline of Committee's Work. Justice explained that the plan is to identify the broad areas of concern and break everybody up into subcommittees. The subcommittees will meet separately to come up with suggested edits after which the full committee will come back together to review the edits and work through as many as it can over the course of a few meetings and then hopefully have a finished product. The list is pretty small, and Justice Bell thinks that it is doable to have this process wrapped up and completed by the end of the year.
- B. Identify Sections of SCR 250 for Modification: Prior to the meeting the following sections were identified for modification. A brief discussion was held regarding each area.

- i. Qualifications of lawyers. This is a big area of concern. Not just for trial lawyers, but also appellate and post-conviction lawyers where the standards are almost non-existent.
- ii. Training. What should minimum training standards look like, keeping in mind that DIDS has the roll to flesh out the particulars of things, but perhaps hours or something similar could be set up as a framework for adding all of the particulars.
- iii. Review of billing. How that billing process works for private counsel.
- iv. Checklist modification. A subcommittee may not be necessary for this particular topic. Justice Bell proposed removing the checklist altogether and turning the process over to DIDS to revise and maintain. The revised checklist could then be posted on the websites of DIDS and the Supreme Court. The checklist was really a function of this rule being written prior to the internet and would be better suited for easy revision if it's no longer part of the rule.
- v. Timing of appointment of counsel. A solution to this challenging problem that will work best for everybody needs to be figured out. Not all cases end up being capital cases and trying to find Rule 250 qualified lawyers to appoint early on is difficult. There must be a balance that will not leave cases irreparably harmed at the beginning.
- vi. Admonition of defendants who choose private counsel. How to deal with people who choose private counsel. Some defendants who hire private counsel might not be aware they would likely qualify for appointment of experienced counsel. They certainly have a right to counsel of choice, but need to be aware that there is an alternative available.
- vii. Other suggestions made:
 - a) Create a process to certify mitigation specialists. There may be lawyers who are currently 250 qualified who may want to take a break from trying death cases and do some mitigation work.
 - b) Address some of the conflicts that came up during discussion of the recent proposed NRAP revisions and Rule 250 regarding extensions of time for briefs.
 - c) Training and assignment qualifications for prosecutors and judges, which would also need to address non-attorney Justices of the Peace. Judge Steinheimer pointed out that the Judicial College offers an excellent death penalty course every other year.
 - d) Consequences if qualified counsel cannot be found. Maybe reinstate a policy where everyone doing death penalty cases has to go to training together.
 - e) Create an independent defense board for a qualitative review of counsel. The process should allow the courts to provide feedback. JAVS videos of the trials could be made available to a reviewing agency to look at the quality of counsel.
 - f) Remove requirement for judicial districts to maintain a list of qualified defense counsel (250(2)(h)). DIDS is in the process of creating a list.

C. Creation of Subcommittees. The following subcommittees were established:

Qualifications and Training for Defense Counsel

Led by: Justice Linda Bell

Chris Oram

Scott Coffee

Kate Hickman

Matt Stermitz

Evie Grosenick (a volunteer)

Timing and Appointment of Defense Counsel, Billing, and Advising Defendants who Hire Private Counsel

Led by: Criminal Presiding Judge Tierra Jones

JoNell Thomas

Thomas Qualls

Brian Kunzi

Dave Niedert

Issues related to Prosecutors and Judges

Led by: Justice Doug Herndon

Judge Tom Stockard

Marc DiGiacomo

Heather Proctor

Mitigation and Execution

Led by: Judge Connie Steinheimer

Jenny Noble

Scott Coffee

David Anthony

Heather Proctor

Randall Gilmer (a volunteer)

Kate Hickman

Justice Bell will also make a few revisions regarding the checklist and address the conflicts between the newly revised NRAPs and Rule 250.

Upcoming Meetings: The next meeting of the full commission will be set for July 10 at 4 p.m., giving the subcommittees approximately six weeks to meet.

The meeting was adjourned at 4:57 p.m.