

## INDIGENT CRIMINAL DEFENSE CLASS ACTION SETTLEMENT

*Davis v. State of Nevada, Case No. 170C002271B*

**Please Read this Notice Carefully.  
This Notice Contains Important Information.**

**This is a Notice of a Class Action and Proposed Settlement Regarding the Provision of Publicly Funded Criminal Defense Representation in Churchill County, Douglas County, Esmeralda County, Eureka County, Lander County, Lincoln County, Lyon County, Mineral County, Nye County, and White Pine County.**

*A Nevada State Court approved and authorized this Notice.*

*This is **not** a solicitation from a lawyer.*

*You will **not** be asked to pay any money under any circumstances.*

### **What is this lawsuit about?**

Plaintiffs claim that Nevada State and Governor Steve Sisolak have failed to provide constitutionally required criminal representation to poor people in ten counties, including Churchill County, Douglas County, Esmeralda County, Eureka County, Lander County, Lincoln County, Lyon County, Mineral County, Nye County, and White Pine County (collectively, the “Counties”). Plaintiffs claim that lawyers are not available to poor defendants at critical stages of the criminal process, including that defendants face first appearances without counsel and that defendants effectively have no one advocating for them during plea negotiations. Plaintiffs do not seek to overturn any criminal conviction. Instead, Plaintiffs seek to reform the public defense system by getting a court order declaring that the State and its Governor are not providing constitutionally sufficient representation to poor people and requiring the State and Governor to fix the constitutional problems.

### **Who brought this lawsuit?**

Diane Davis, Jason Lee Enox, Jeremy Lee Igou, and Jon Wesley Turner II brought this lawsuit, on behalf of themselves and all other people similarly situated in the Counties in Nevada who are or will be entitled to receive constitutionally required, publicly funded criminal defense representation. A Nevada State Court certified the case as a class action in June 2019.

### **Where is this lawsuit pending?**

The lawsuit is pending in the First Judicial District Court of the State of Nevada in Carson City.

### **Who is this lawsuit against?**

The lawsuit is against the State of Nevada and Governor Steve Sisolak.

### **Who is settling?**

The Plaintiff class is settling its claims against the State of Nevada and Governor Steve Sisolak that exist up to the date of the settlement agreement.

### **Who are the lawyers for the class?**

The class is represented by lawyers at the American Civil Liberties Union of Nevada, 616 S. 8th Street Las Vegas, NV 89101; American Civil Liberties Foundation, 125 Broad Street, New York, New York 10004; the law firm of O’Melveny & Myers LLP, 400 South Hope Street, 18th Floor, Los Angeles, CA 90071; and the Law Office of Franny Forsman, PLLC, 1509 Becke Circle, Las Vegas, NV 89104.

### **Can I get any money from this lawsuit?**

No. The lawsuit does not and has never included a claim for money damages. It seeks declaratory and injunctive relief, which means a court order setting out a party’s obligations and requiring a party to do something.

**Can I overturn my criminal conviction or withdraw my guilty plea?**

This lawsuit is not a way to attack your individual criminal conviction or plea. The lawyers for the Plaintiff class cannot advise you on these matters. But nothing in the settlement agreement bars you from bringing an ineffective assistance of counsel claim to challenge your conviction.

**Do I have to pay any lawyers?**

No. The Plaintiffs’ attorneys are litigating this case pro bono, meaning they are not seeking any payment for their services.

**What are the terms of the settlement?**

The State of Nevada will ensure that defense attorneys are present at all arraignments or first appearances in each of the Counties. The State will, through the Nevada Board on Indigent Defense Services (“BIDS”), establish and implement caseload/workload standards, including hiring attorneys and support staff as needed in each county to meet those standards. The State, through BIDS, will create plans to improve the quality of public defense representation in the Counties. The State will also monitor and report on its obligations under the agreement to Plaintiffs’ counsel and the Court.

In exchange, the Plaintiff class has agreed that if a court determines that the State of Nevada has complied with the requirements of the settlement, that at any time after June 30, 2023, the court may dismiss the Plaintiff class’s claims concerning the constitutionality of criminal representation for poor people in the Counties.

**What if I want to object to the settlement?**

To submit a written objection, you must send a written Notice of Objection entitled, “Objection to Class Settlement in Davis v. State of Nevada, No. 170C02271B” to: Clerk of Court, Carson City District Court, 885 East Musser Street, Suite 3031, Carson City, Nevada 89701.

Any written objection must be postmarked by October 22, 2020. Your objections will be provided to the Court, which will post comments and objections to the docket.

If you make a written objection, it must include: (i) your name and address; (ii) a description of your objection; and (iii) any documents that you want the court to consider.

**How do I get more information?**

Do not call or write the court, the judge, any county, or the State of Nevada for additional information.

You may review the pleadings, the full settlement agreement, and certain other court documents at [www.aclunv.org/PublicDefenseLawsuit](http://www.aclunv.org/PublicDefenseLawsuit). If you have any questions concerning the matters in this notice please contact the American Civil Liberties Union of Nevada at (702)-366-1226, and one of the attorneys for the Plaintiff class will respond to your inquiry.