



STATE OF NEVADA

ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS

CATHERINE CORTEZ MASTO
Council Chair

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MINUTES
ADVISORY COUNCIL for PROSECUTING ATTORNEYS

Minutes of the December 20, 2011, meeting of the
State of Nevada Advisory Council for Prosecuting Attorneys -

held at the Office of the Attorney General - Mock Courtroom
100 N. Carson Street, Carson City, Nevada 89701-4717

with Videoconference access to the Office of the Attorney General
Grant Sawyer Building, 555 East Washington Avenue, Suite 3315
Las Vegas, Nevada 89101

I. Call to Order and Roll Call. Council Chairman Masto called the December 20, 2011, meeting of the Advisory Council to order at 10:30 AM.

Members Present:

Catherine Cortez Masto, Chairman
Arthur Mallory, Vice Chairman
Richard Gammick
Doug Gillespie (represented by Charlotte Bible pursuant to NRS 241A.050(2))
David Roger
Brett Kandt, Executive Director (recording secretary)

Other Attendees:

See attached sign-in sheet

II. Public Comment. None.

III. Approval of Minutes. Upon a motion by Dick Gammick, seconded by David Roger and carried unanimously, the Council approved the January 19, 2011, meeting minutes.

IV. Chairperson's Report. Chairman Masto indicated she would defer her report to relevant items appearing later on the agenda.

V. Discussion and possible action on ratification of U.S. District Court Judge Larry R. Hicks as recipient of the 2011 William J. Raggio Award. Upon a motion by Dick Gammick, seconded by Art Mallory and carried unanimously, the Council ratified Judge Hicks as recipient of the 2011 Raggio Award.

VI. Executive Director's Report. Executive Director Brett Kandt reported as follows:

A. Budget status and expenditures – B/A 1041. Kandt referred to the budget approved for the current biennium.

B. 2012 NVPAC events calendar. Kandt reported that events currently scheduled include:

- 2012 Nevada Government Civil Attorneys Conference – May 14-16, South Lake Tahoe
- 2012 Nevada Prosecutors Conference – September, Location TBD

C. Grant funding for training and technical assistance. Kandt reported that an application was pending for new STOP subgrant funding.

VII. Discussion of bills from the 76th (2011) Nevada Legislative Session, including any bill listed on the Nevada Legislature website (<https://www.leg.state.nv.us/Session/76th2011/Reports/>). Kandt reported on bills in the Attorney General's legislative package that were enacted into law.

VIII. Discussion of potential bill draft requests for the 77th (2013) Nevada Legislative Session. The Council instructed the Executive Director to coordinate with the Nevada Tech Crime Advisory Board, the Nevada Sheriffs' and Chiefs' Association and the Nevada District Attorneys Association regarding potential legislation.

IX. Discussion of recent federal and state court rulings. Kandt reported on the U.S. Supreme Court holding in *Connick v. Thompson* that district attorneys enjoy absolute immunity and cannot be held liable for the actions of their prosecutors based upon failure to properly train them. Art Mallory reported that oral argument before the Nevada Supreme Court had been held in *O'Connor v. Mallory*, regarding the applicability of term limits to district attorneys. The Attorney General offered to have her Solicitor General report on pending cases potentially impacting prosecutors at future Council meetings.

X. Discussion of the following commissions:

A. Nevada Supreme Court Indigent Defense Commission (ADKT No. 411). Dick Gammick reported that he was meeting with the IDC Chair, Justice Cherry, to discuss the Washoe County Early Case Resolution (ECR) Program. Brian Kunzi referenced the issue of the constitutionality of fixed contracts for indigent defense counsel. The Council instructed the Executive Director to disseminate a synopsis of all Court orders implementing IDC recommendations to date.

B. Nevada Advisory Commission on the Administration of Justice (NRS 176.0123). Chairman Masto reported that the Commission is expected to meet in January and that she will once again be chairing the Victims of Crime Subcommittee.

C. Nevada Crime Commission (Executive Order 2011-24). Dick Gammick reported that he is chairing the Commission's legislative subcommittee. The Council instructed the Executive Director to disseminate information on the subjects the Governor has given the Commission the responsibility for reviewing and making recommendations.

XI. Discussion and possible action on the Council's recommendations for the John R. Justice Grant (JRJ) Program (42 U.S.C. §3797cc-21) providing loan repayment assistance for eligible state and local prosecutors and public defenders. Kandt reported that he continues to request information on any assistance provided under this program from State Public Defender.

XII. Report on Substance Abuse Working Group. Chairman Masto reported that AB 61 established a permanent entity to address substance abuse issues, that Mark Jackson will serve as the district attorney representative, and that the group will focus on treatment issues, community coalition prevention efforts, and potential legislation.

XIII. Report on Nevada Domestic Violence Prevention Council. Chairman Masto reported that SB 66 authorized her to establish a statewide multidisciplinary team to review domestic violence fatalities, to supplement the efforts of DV fatality review teams in Clark and Washoe Counties, and that the statewide team will first meet January 12.

XIV. Council comments. The Council congratulated David Roger on his pending retirement and wished him well.

XV. Discussion and possible action on time and Location of Next Meeting. Upon a motion by Richard Gammick, seconded by Art Mallory, and carried unanimously, the Council instructed the Executive Director to coordinate a meeting date in conjunction with the next meeting of the Nevada District Attorneys Association.

XVI. Public Comment. None.

XVII. Discussion and possible action on adjournment. Upon a motion by Art Mallory, seconded by Richard Gammick, and carried unanimously, the Council adjourned at 12:05 PM.

CERTIFICATION OF SECRETARY

I, Brett Kandt, the duly appointed secretary of the State of Nevada Advisory Council for Prosecuting Attorneys, do hereby certify that the foregoing is a true and correct copy of the minutes of the December 20, 2011, meeting of the Advisory Council, as approved by the Advisory Council on _____, 2012.

Brett Kandt
Secretary
State of Nevada
Advisory Council for Prosecuting Attorneys