

**Access to Justice Commission
Agenda**

Date: Thursday, October 23, 2008

Time: 12:00 p.m.- 4:00 p.m.



Two video-conference locations:

Carson City: AOC Conference Room, 2nd Floor
Supreme Court Building
201 S. Carson St.
Carson City, NV 89701

Las Vegas:

AOC Conference Room, 17th Floor
Regional Justice Center
200 Lewis Ave., 17th Floor
Las Vegas, NV 89101

AOC Main number: 775-684-1700

Conference Call info: 1-866-779-0774 *1043736*

AGENDA

Items may be taken out of order at the discretion of the Chairs

- 1. Approval of minutes 6.20.08 (Tab 1)**
- 2. Standing Committee Reports (Tab 2)**
 - a. Communications**
 - i. Report on marketing meeting 10/20/08
 - b. Legal Services Delivery**
 - i. Law Firm initiatives (large, medium, and small)
 - ii. Statewide Recognition Luncheon
 - iii. Emeritus program
 1. Approved form packet; designation of EAPB providers (packet p. 25)
 - c. Development**
 - i. Cy pres
 - ii. Court posted funds; NRS 355.210
 - d. Rural Services**
 - i. Report by Judge Dahl and Justice Douglas
 1. Baltimore Pro Se Litigant Conference
 - a. Appointment of statewide contact for Nevada
 2. Draft Questionnaire for Justice and Municipal Courts (packet p. 35)
 - ii. Formation of Standing Committee
- 3. 2008 Civil Legal Needs Assessment-final ratification (Tab 3)**
 - a. *Accounting-* payables finalized and closed
 - b. *Ratify Report-*Final discussion on Assessment, Summary, and Call to Action (docs posted to website)
 - c. *Marketing plan.* Report on first marketing meeting 10/20/08
 - i. *Donations.* Pending 501(c)(3)/NLF decision, ATJC determination on processing donations
- 4. Nevada Law Foundation- (presentation by Suzan Baucum) (Tab 4)**
 - a. Financial report (separate hand-out), grant overview & 2008 schedule, reserve policy update
 - b. Strategic Planning Dec 4, 5 2008
- 5. Nevada Legal Services update**
- 6. IOLTA (Tab 5)**
 - a. Report on current participating banks and ongoing negotiation efforts
 - b. Marketing (State Bar draft marketing plan enclosed)
 - c. Benchmarks- Establish formal ATJC policy for preferred interest list
- 7. Commission Documents (Tab 6)**

Updated ATJC and Committee rosters and goals; organizational chart; Rule 15
- 8. Other business (Tab 7)**
 - a. ATJC Calendar (see tab)**
 - i. **Next two meetings set for 2009: Feb 5 and April 28**
 - ii. Set third and fourth quarter meetings (please bring your calendars)

TAB 1



**Nevada Supreme Court
Access to Justice Commission**

**State Bar Annual Convention, Santa Barbara
Friday, June 20, 2008
11:00 a.m.-2:00 p.m.**

Draft MINUTES

Commission members in attendance:

Justice Michael Douglas Co-Chair
Justice James Hardesty Co-Chair

Dahl	Hon. Stephen
Desmond	John
Mucha Abbott	Kimberly
Steinheimer	Hon. Connie
Thronson	David

Marzec	Kristina	Commission Director
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Phone Participants:

Cooney	Valerie
Elcano	Paul
Vogel	Sheri Cane

Guests:

Farmer	Kimberly	Executive Director, State Bar of Nevada
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Members unable to attend:

Doherty	Hon. Frances
Ferenbach	Cam
Gonzalez	Hon. Betsy
Johnson	AnnaMarie
Kandt	W. Brett
Nielsen	Ernest
Voy	Hon. William
Warden	Tom

1. Call to order

A regular meeting of the Nevada Supreme Court Access to Justice Commission convened during the State Bar of Nevada Annual Convention on June 20, 2008. Justice Michael Douglas called the meeting to order at 11:10 a.m.

2. Minutes

It was moved, seconded, and approved to ratify the minutes of the April 25, 2008, Commission meeting with minor edits.

3. Commission Documents

- **2008 Projects and Goals**

Donations. Judge Dahl noted processing state bar donations under Rule 6.1 remains unclear. Previous discussions included amending the rule to make clear donations to foundations would count towards \$500 dues check off. These are not currently solicited funds, and the discussion has not done anything to address county bars. David Thronson noted this might be incorporated into updating the mandatory pro bono reporting form, and finalization the issue of pooling pro bono hours. Moved and approved to add to the goals list.

Emeritus. The emeritus program remains a work in progress. With the rule now in place, proceed with policies, infrastructure, and marketing. Should include reach out to other bars, potential reciprocal plan with AZ, UT, and California, perhaps send out letters to lawyers who retired in the past three to five years, and utilization of eventual marketing resources for roll-out of IOLTA and the needs assessment.

Fundraising. Kimberly Abbott noted several funding sources identified at the Equal Justice Conference as low-hanging fruit were not in play in Nevada. Justice Douglas noted this has historically been a cultural consideration, discussions can begin but the Commission must be mindful those sources are currently budgeted to other programs.

Rural Delivery. Justice Douglas identified the need to get back on top of rural services delivery. John Sasser may be a good resource for activities in this regard. Judge Dahl agreed to coordinate activities to restructure rural delivery. Judge Dayson and Judge Gates to be contacted. David Thronson and Valerie Cooney volunteered. Judge Dahl will report back next Commission meeting. Discuss formation of separate Rural Services Delivery Committee next meeting.

Technology is a driving factor. Justice Hardesty noted the AOC IT staff are currently addressing technology in the rural courts. After that assessment is complete connectivity can be discussed. John Desmond to speak with his firm about donating equipment; technology changes so quickly that when upgrades are done, particularly in large firms, the old equipment has no resale value, seems ripe for donation.

After the above discussion, moved and seconded to approve the list with the additions and modifications identified.

- **Commission Composition**

There is a vacancy due to Judge Glasson resigning (he is no longer on the bench). Commission members to provide any formal written recommendations to either of the Justices. The open slot is for a limited jurisdiction judge who also serves as liaison to the Nevada Judges Association (Rule 15(2)(c)). However, another option is to transfer Judge Dahl to this appointment and fill the Clark County Bar representative slot. Karl Nielsen is the current CCBA present, other options might be Frank Sullivan or Wayne Carter.

Justice Hardesty noted a large law firm representative would be useful. This would require a rule change.

Moved, seconded, and approved to further discuss expanding the Commission by rule at next meeting after receiving feedback on the issues discussed today.

4. Large Law Firm Initiatives

Justice Hardesty provided an update. The meetings went well, with Las Vegas better attended due to short notice in the north. Most importantly, there was a good dialogue about IOLTA and interest rates, with candor from the managing partners on possible impact on banking relationships. Justice Hardesty will send out a letter to the attendees on Monday setting forth Nevada State Banks offer of .5 percent off the 30-day LIBOR. John Sande will address the Nevada State Bankers Association. All of the attendees in Las Vegas promised a pledge letter within 90 days. Some agreed to steering committees. Strong interest in allowing pooling of pro bono hours in the mandatory reporting structure.

Judge Dahl noted Ballard Spahr does a national quarterly pro bono letter. John Desmond reported Hale Lane is merging with Holland & Hart, who have mandatory 100 hours per lawyer per year and take it very seriously. Kimberly Abbott agreed, noting a close working relationship with Karla Kok. Holland and Hart has won many national awards.

Sugar Vogel stated this will be the first time in 22 years her agency has to outsource wills. Large Law Firms may be a resource for her. Kimberly observed coordinating attorney resources through her offices may be helpful. Justice Douglas and Justice Hardesty agreed to incorporate the information into Justice Hardesty's letter.

Uniformity of procedures among *pro bono* coordinators, stronger commitment by the firms to the concept of steering committee, and honest analysis of types of cases the large law firms can handle were all strong talking points at the meetings.

Paul noted his organization traditionally has been a poor fit for large law firms, with the big issue today being domestic case appointments. Large law firms tend to want guarantee of litigation and court hearings, which does happen in DV cases. That might be the sell for volunteer hours from the large firms.

Justice Hardesty stated his hope for money pledges of \$100 per lawyer under Rule 6.1. Government lawyers make up about 8% of the membership; that group alone at \$100--or placement on non-adversarial services (to avoid conflict)--would be a great resource. Valerie noted some of her strongest volunteers are from the Attorney General's office.

Some discussion followed about government offices with a policy that government lawyers cannot handle *pro bono* cases due to perceived public perception that it is an inappropriate use of tax payer dollars. Justice Hardesty opined there is no reason to challenge these policies when RPC 6.1 clearly applies to all lawyers, and gives the option of donating money.

5. Civil Needs Assessment

The final draft of the assessment was presented during the convention and was a rousing success to those who attended. Kristina will obtain and post the power point presentation on the ATJC page of the website.

We are in the home stretch. Follow-up meetings are planned by Kelly and Kristina to work with the providers and certain volunteer Commissioners to (1) complete phase 3 strategic planning, (2) address discrepancies in data collection and statistic reporting that became evident in the assessment, and (3) develop a cohesive message and executive summary with a view towards eventual marketing.

Justice Douglas noted the assessment is not about critiquing the providers or their process. The focus is and shall be the overwhelming unmet need and severe lack of resources. The legal services providers and what they do are among Nevada's best kept secrets. Now the challenge is to figure out the best way to use the information we have and ensure it does not negatively impact our providers.

Judge Dahl noted he did not see anything in the presentation that could be used against the providers. One goal that flows from this should be uniform reporting statistics for our providers so the data isn't comparing apples to oranges. Without that, someone will always have a concern about data manipulation. Judge Steinheimer wanted to make sure everyone identified from focus groups got a lawyer.

Moved, seconded, and approved to pass the draft assessment along to the final work groups. Final report, executive summary, and strategic planning piece will be presented for ratification at the next ATJC meeting. Eventual marketing roll-out, which will be further developed upon ratification of the Assessment, must include the rurals and Spanish-language mediums.

6. IOLTA Comparability

Paul Elcano gave a historical overview of the IOLTA banking subcommittee efforts. Carolyn Myers asked that the subcommittee be created to assist with the banking negotiations: Paul, Justice Hardesty, John Sande, and Steve Brown.

Justice Hardesty relayed the Nevada State Bank offer of .5 off the 30-Day LIBOR and his plans to use that offer to provide pressure on other banks. He suggests for right now, hold off on rule change discussions. See how far negotiations go and what kinds of offers are made. There may be some differences in what small and larger banks can offer. If we can get three banks to join the list and sent a letter to our members, that will give lawyers a chance to move and non-participating banks a chance to reconsider.

Moved, seconded, and approved that in the next month a letter will go out to the members signed by the justices with the participating banks we have on board at that point.

7. Prioritization of Commission Projects

Justice Douglas moved, and it was seconded and approved, that within the next six (6) months the following items need to be **finished or moving forward on independent initiative**: Needs Assessment; Rural Services Delivery; Nevada Law Foundation relationship with ATJC; IOLTA comparability; large law firm initiative; emeritus program; statewide fundraising; website expansion.

8. Technology

Valerie gave a verbal report on the technology delivery hearings held at the Equal Justice Conference. The hearings focused on presentations by a few states with a heavy on-line presence, integrating kiosk self-help in the courts, web-based support systems for LSC funded lawyers and programs, and technology-savvy users. Anyone interested can contact Valerie for the URLs.

9. 501(c)(3)

Moved, seconded, and approved to hold decision to form a 501(c)(3) for the Commission pending final determination of the Nevada Law Foundation's continuing role as the Commission fundraising and investment arm.

10. Next Commission meeting

Moved, seconded, and approved that the next meeting should be scheduled in September or October. Future meetings should utilize videoconferencing.

11. Other business

Awards & recognition. Judge Steinheimer stated there was poor attendance at the Washoe County Bar Luncheon pro bono awards and asked what the Commission was going to do about that statewide. Kimberly noted this was something that was being addressed by the Legal Services Delivery Committee, particularly Chris Reade, Renee Kelly, and herself. They had a proposal that needs to be brought back, suggesting a February statewide award where statistics for a full year can be taken into account. Local awards should be left intact. The ABA announced a National Pro Bono week, targeted for October 2009, which is still in the development phase.

LAV grant. This grant is submitted by Nevada Legal Services. While predictions are generally difficult, the providers are mildly optimistic. Word is there will be downward revisions, Washoe and VARN likely to be cut down.

Meeting adjourned at 2:00 p.m.

TAB 2



MEMORANDUM

From: Kristina Marzec

To: Access to Justice Commission

Date: October 17, 2008

Re: Standing Committee Reports

Standing Committee Meeting Minutes attached

- Communications minutes- 10.9.2008
- Development minutes- 10.08.2008
- Legal Services Delivery minutes- 9.30.08

1. Communications

Minutes attached. **Next Meeting: November 7, 2008, 9 am to 10 am.**

The Committee did not have a quorum due to emergent circumstances for several members. David Thronson will report to the Commission on recent discussions concerning fellowships. In anticipation of the Needs Assessment's ratification by the Commission this month, on 10/20/08, Trevor Hayes, Tom Warden, Scott Roedder, and I will meet to develop an initial marketing strategy to be further developed at the next Communications Committee meeting.

2. Legal Services Delivery

Minutes attached. **Next meeting: November 18, 2008, 11 am to noon.**

- **Emeritus.** Admissions packet is included under agenda tab 2. I request that the Commission reciprocally approve on motion as EAPB providers Legal Aid Center of Southern Nevada, Washoe Legal Services, and Nevada Legal Services. I will work with each of them to develop written policies and procedures which will be discussed and ratified at the next committee meeting on November 18 and circulated to the full Commission.
- **Statewide recognition program.** Kim Farmer verified there is approximately \$4,000 in roll-over dues allocated to the up-for-retirement Access to Justice *Section*, which she will ask the Board of Governors to approve for roll-over to the Access to Justice Commission budget to fund the statewide awards. Hoping that funding happens, the Committee has set priority to put together a statewide awards event in 2009, tentatively February 19, 2009.
- **Law Firm Initiatives.** Before the next meeting of this Committee, I will put together a flow-chart of all relevant information regarding the large law firm initiative, and work with the pro-bono coordinators to fill the steering committees and obtain pledges from at least the firms that attended the large law firm meetings.
 - While we need to progress the large law firm initiative first, we need to at least schedule prospective dates for the small and medium firm meetings and start putting together a potential invitee list.

3. Development Committee Report

Minutes attached. **Next meeting: November 19, 2008 2 pm- 3pm**

Paul will give a verbal presentation. Commission input is request on the following issues:

- **Donations**

With the upcoming marketing roll-out of the Needs Assessment targeting not just lawyers, but also the community at-large, donations from non-lawyers should be processed uniformly. In short, what will the response be to an audience that will include non-lawyers who asks, "Who do I make the check out to?" For situations other than direct donations or dues check off, three options are presented for consideration:

1. Supply a list of providers and request that money be given directly;
2. Ask that the money be given to the Nevada Law Foundation, to be processed outside the grant process under a pre-determined formula similar to dues-check off
 - a. Supported by a majority of the legal services directors
3. Direct donations to LACSN in the South, or Washoe Legal Services in the North, and the executive directors will meet and determine distribution

- **Cy Pres**

The NJA indicated support last year. A decision needs to be made about continuing allocation of resources to development of this initiative at this time. The next action item was to move forward with approaching Nevada judges. The committee is inclined at a minimum to keep this goal in sight to implement a legislative vehicle for future funding.

- **Court posted funds; NRS 355.210**

While the jury fees question will be resolved with a pending rule change no longer requiring such funds to be posted, jury fees only account for about half of the court posted funds under this rule. While it is anticipated this is not an issue ripe for this legislative session, a final decision is requested for resource allocation on short and long term goal planning.



**Communication Standing Committee
Access to Justice Commission
October 9, 2008
11 am to Noon
Draft Minutes**

Members Present

**Kim Abbott
Christine Smith
Trevor Hayes**

Kristina Marzec, Commission Director

Unable to Participate

David Thronson
Judge Doherty
Judge Gonzales
Brett Kandt
Bill Heavilin
Cassandra Chapdelaine

David Thronson, Judge Doherty, and Judge Gonzales were unable to participate due to court calendar.

Lack of quorum

Unfortunately this Committee has a lack of quorum today due to unanticipated trial/court matters. The two priority items to be discussed were the needs assessment marketing plan and fellowships.

Marketing

Kristina is meeting with Trevor Hayes, Tom Warden, and Scott Roedder on 10/20 for marketing planning, which will be discussed at the 10/23 meeting of the ATJC. The Development Committee noted processing of donations received as a result of the assessment marketing has to be established given the current conversations ongoing with the Nevada Law Foundation, and that the ATJC's 501(c)(3) status is tabled pending that issue.

Fellowships

David Thronson wishes to address this at the next Committee meeting. There will be interim activity on 10/17 when the Justices have lunch with Boyd and also on 10/23 at the ATJC meeting. As such, the Committee will be in a better position to address in November. Also for next time, there is some cross over between the Development Committee and this one on lawyer recruitment/retention initiatives that should be discussed and clarified.

Committee Composition

Members should assess desire to continue on in the coming year and potential recruitment of new members, as this committee will be very active in the coming months on the Assessment roll-out.

Next meeting

Friday, November 7, 9 am to 10 am, Conference Call



**Legal Services Delivery Standing Committee
Access to Justice Commission
September 30, 2008
11 am to Noon
Draft Minutes**

Members Present

Judge Andrew Puccinelli
Judge Connie Steinheimer
AnnaMarie Johnson
Barbara Buckley
Chris Reade
Ernie Nielsen
Kendell Sue Bird
Kim Abbott
Paul Elcano
Renee Kelley
Sugar Vogel
Valerie Cooney

Kristina Marzec, Commission Director

Unable to Participate

John Desmond
Karen Palmer
Odessa Ramirez

Committee assigned projects:

Large Law Firm Initiative; Emeritus Program; Pro Bono Recognition; Self-Help

1. Potential re-organization of duties, composition of committee

The committee was not opposed to breaking up into smaller working groups were it makes sense, with reports back to the full standing committee on projects. Kristina noted this is a particularly large group, with many volunteers appointed for one specific action item.

Moved and approved to support creating a separate Rural Services Delivery standing committee, on agenda for the ATJC 10/23/08.

2. Ongoing projects:

i. Large Law Firm Initiative Update (ties into IOLTA initiative)

Kristina to prepare a spreadsheet including all relevant data on this initiative, including invitees, attendees, participation, responses, and pending items. Kimberly noted coordinators could be of assistance getting responses after the spreadsheet is put together.

ii. small and medium firm plans

Anna, Renee, Kimberly, Barbara, and Odessa will join Kristina in both planning and participation. Unanimous opinion that the large law firm follow up has to be completed before moving on to new groups, and should be given immediate priority.

iii. Emeritus Program roll-out

Kristina has the final packet from admissions. Will provide copy to Kimberly for last edit review. ATJC to approve forms and EAPB providers. Next meeting of this Committee Kristina will have preliminary recommendation on roll-out and marketing. This is a priority for November and December.

iv. Pro Bono attorney recognition

Chris, Renee, Kim, and Odessa were working on this. Recommendation was for February. KMM to have a working meeting of this group within the next week to make decision on whether to try and put together 2009 event. Acknowledging the timeline is tight, we are inclined to try.

Items to consider: standardizing nomination forms; not limiting pool to just those who have received local awards; who will judge; VIP invitees and their schedules; intimate nature of past events; funding

v. Self-help

This needs to be picked back up. Wayne was handling before. Amber should be able to participate next meeting. Washoe self-help center remains open on the third floor. Washoe Legal Services is doing self-help clinics every day.

3. Next meeting

Conference call. Tuesday, November 18. 11 am to noon

Kristina will call the statewide awards working group and schedule a meeting next week.



**Development Standing Committee
Access to Justice Commission
DRAFT MINUTES
October 8, 2008**

Members Present

Cam Ferenbach
Ernie Nielsen, Chair
Lynn Etkins
Suzan Baucum

Also Present

Kristina Marzec, Commission Director

Unable to Participate

Anna Marie Johnson
Judge Voy
Nancy Becker
Paul Elcano
Tom Warden
Valerie Cooney

Tom Warden was unable to participate due to unexpected work obligations . Paul Elcano was unable to attend and called Kristina with input on all agenda items to be relayed during the meeting

1. Meeting objectives

- a) Review past stated goals and evaluate current status and relevancy
- b) Identify 2 immediate 6 month goals and 2 longer term goals
- c) Identify issues, if any, for Oct 23 ATJ Meeting
- d) Identify and assign action items for next meeting

2. Past goals, status and recommendations

IOLTA

- **Mandatory conversion** is completed and may be removed from committee goals.
- **Interest rate increase** is a first- priority ATJC item that does not require Committee input at this time.
Some members were unaware that Paul was working with a banking subcommittee on the banking negotiations. There is an ATJC banking subcommittee comprised of Justice Hardesty, Paul Elcano, John Sande, and Steve Brown, formed under Carolyn Myers of the Nevada Law Foundation, who have been tasked with the banking negotiating process.

Ernie asked whether this group is making progress reports; noted that the process is moving so quickly, not been necessary. Justice Hardesty or Paul notify Kristina when a bank comes on board as an approved provider, based on the offers of the first three banks. It's primarily been Justice Hardesty setting the benchmarks. There is a marketing plan in place once a bank is approved- the list is on the Access to Justice page of the Bar's website, State Bar e-news clips are sent out, we've written articles, and a member letter went out for the first three banks.

- **Comparability**

This will be discussed on 10/23 at the main ATJ meeting. Most agreed that in the long-term a rule will be necessary to ensure continuing viability of the program, but for now negotiations should be the focus and a benchmark determined. Fees must be included in any formal policy or rule. Negative netting (banks getting the money back from increasing interest by assessing fees) was a big problem years ago that was eradicated by NLF negotiations. Could insert back into the equation if we aren't paying attention, best if established in writing.

Establishing the benchmark for who gets on the approved list is the first step. ATJ will be asked to formalize the benchmark policy and incorporate safeguards on the fee issue on 10/23, with a view towards agreeing upon a long-term approach to comparability- amend SCR 217 (which is the standard in other states), ask the BOG to regulate under its procedures for approving banks generally under SCR 78.5 (not the preferred method), or through formalizing the "preferred IOLTA interest" list.

Suzy reported that the NLF has instituted a new monthly reporting of bank interest that is submitted to Kristina. Suzy will monitor the interest rates and fees being charged.

Agreed this Committee is appropriately kept in the process for recommendations on comparability rule language when that issue is ripe as determined by the Commission.

- **Public lawyer recruitment and retention**

The Justices will be meeting with Boyd law school leadership on 10/17 and discussing among other issues loan assistance repayment plans and fellowships. Dean White and Associate Dean Thronson have had email communications with Justice Hardesty and others that while such programs have a place, they are not necessarily a big draw in Nevada due to many factors, including the amount of available public lawyer jobs state wide and the timing of when these programs are announced as compared to when students are "on the market" following graduation.

Committee members noted these resources need to be developed. Increasing salaries, benefits, and retirements for lawyers is number 1 for providers, but for some such as LACSN, LRAP runs a critical and close second.

Kristina to follow up with Judge Dahl on a previous LRAP proposal with surplus funds and potential matching with LRIS. Unsure if those funding sources remain viable.

Ernie brought up a unique program in Chicago where the private bar was solicited and donated dollars to fund legal services attorneys.

- **Cy Pres & other funding**

Per Paul, two prongs. He approached the trial lawyers, who agreed to support cy pres in principle. Next step is to ask the ATJC if it supports going to Nevada judges for support. He recalled last action was attempt to speak at district court judges conference last year, not successful because the agenda was already full.

Ernie asked if there was a sense of potential money. Lynn opined it's a large resource investment for the ATJC with indeterminate payoff, largely because the big dollars come from class action cases- which aren't prevalent in Nevada. Usually established by Court rule but can be through legislation, when such systems are in place to get cy press funds directed, it can be windfall money. Not budgetable due to nature of funds. Such rules tend to default to legal services money not captured elsewhere or defined by court order.

NRS 355.210 (previously Jury Fees item)

ATJC focus has been posted Jury Fees, which is being addressed by legislation (jury fees will no longer have to be posted). Paul noted this only accounts for about half of the court posted fees under this statute, and the interest on those funds should still be addressed with finality by the ATJC (do we want to pursue a stake in those funds)

Ernie noted it's not interest, but funds escheating to the state. Assume the Court has the obligation to identify who those fees belong to (funds generated by lawyers or clients). Cam and Ernie both noted that others have a stake in those funds, for example the state budget relies upon those escheated dollars. As such, any initiatives in this regard need to be carefully weighed.

3. Report on Nevada Network Against Domestic Violence request

On 10/6, the Legal Services Executive Directors considered this group's request to join in potential legislation this session to tap escrow holding interest. The presenters acknowledged they were very late in this request, which is in large part in response to

their own budget crisis, and seeking a partner for the BDR before they invested time in any substantial research.

The Directors will be advising the group of its decision that it would consider potential partnering next legislative session, and participate and assist in the interim research and development of the proposal.

Obstacles to this request are:

- 1) The timing is too late to adequately prepare for this legislative session given all the research and development required;
- 2) This may impact the momentum of the IOLTA initiative by giving the perception of overtaxing the banks with interest initiatives;
- 3) The real estate and title companies have not yet been approached one way or the other;
- 4) The majority if not all of the 20 states that have this program are lawyer closing states. Nevada is not, making the legal argument of rights to that interest more difficult.

Agreed that this should remain on this Committee's long term radar, but is not ripe for immediate action. Wait for input from the ATJC and/or ED group.

4. Fundraising development, fund distribution

Both these issues are currently pending a decision on the future relationship of the NLF as the ATJC fundraising and/or investment arm. This is also tied into the ATJC decision to table its potential 501(c)(3) formation until that issue is resolved. The NLF has strategic planning December 4, 5 to which the justices, bar leadership, and the providers leadership have all been invited to participate.

Should be resolved by first quarter of 2009, should be addressed by this Committee then.

- **Interim donations/Legal Needs Assessment**

The Legal Needs assessment will be finalized by the ATJC 10/23, and the marketing roll out will begin. Kristina to meet with Tom Warden, Trevor Hayes, and Scott Roedder on 10/20 for initial planning session. Justices planning a road show in the coming months.

Agreed the Commission must identify an interim standard response to those who wish to donate money until the 501(c)(3)/NLF question is resolved.

One recommendation to the Commission will be to provide a list of the providers and ask the individual to make a direct donation.

Alternative positions should be considered. Other thoughts would require more discussion on actual process. EG- direct to the NLF, but distribution of those funds shouldn't be through the grant process. Direct to the State Bar as with Dues Check off, but may present a problem to the State Bar's 501(c)(3) status as questionable holding of funds outside the stated mission (as on its 501(c)(3)). Kristina to generate e-mail discussion with the providers and report back.

5. COMMITTEE PRIORITY LIST

Immediate (next 60 days)

- 1. Donation offers**
interim standard position on processing
- 2. Cy Pres**
move forward with Judges; evaluation of rule
- 3. Court posted funds; NRS 355.210**
Decide with finality if an appetite to move forward

These three items will be presented to the ATJC 10/23 for direction and re-evaluated at the next Committee meeting.

Intermediate (next 120 days)

- 4. Public Lawyer retention: increasing salaries and benefits**
- 5. Public Lawyer recruitment: LRAP**
- 6. Public Lawyer recruitment: Fellowships**
*These three items have some cross-over with Communications
Public Interest Lecture Series and Marketing of the Needs
Assessment*

Long term (2009/2010)

- 7. IOLTA Comparability**

6. NEXT MEETING

Will be either November 13 or 19th from 2-3. Kristina to email the Committee and set.



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Oct 19, 2008

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Celebrate Pro Bono

The ABA Standing Committee on Pro Bono and Public Service is excited to announce plans for the first annual **National Pro Bono Celebration**. Scheduled for **October 25 through 31, 2009**, the **National Pro Bono Celebration** is designed to be a coordinated national effort to showcase the incredible difference that pro bono lawyers make to our nation, to our system of justice, to our communities and, most of all, to the clients they serve.

One of the guiding principles of the Pro Bono Committee's planning is not to undercut or interfere with existing local pro bono awards, events, programs and celebrations. The legal needs of the poor are local issues, and this nationwide celebration is intended to be local in its focus and impact as well. Our goals are to:

1. Recognize the pro bono efforts of America's lawyers,
2. Recruit more pro bono volunteers, and
3. Mobilize community support for pro bono.

Modeled after the ABA Division for Public Education's Law Day activities, the National Pro Bono Celebration will make local participation simple. Information will be provided on this site, by e-mail, and in hard copy on:

PRO BONO CELEBRATION IDEAS

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And much more!!

How can you participate?

1. Come back to this website regularly for updates on planning.
2. Click [here](#) to be added to the e-mail list of National Pro Bono Celebration supporters and participants.
3. Click [here](#) to register your organization's participation in the National Pro Bono Celebration.

[Sitemap](#) | [Contact Us](#)

Search the Center's web pages ...

Updated: 8/5/2008

[Back to Top](#)

00022

I am pleased to announce that the Standing Committee on Pro Bono and Public Service has formally kicked off plans for the first ever National Pro Bono Celebration. Scheduled for October 25-31, 2009, the National Pro Bono Celebration is an opportunity to celebrate the difference lawyers make in communities, to recruit and train more pro bono volunteers, and to acknowledge the partnerships that form the basis for so many of the private bar's successful pro bono efforts.

A very basic web site has been developed at www.celebrateprobono.org <<http://www.celebrateprobono.org/>> to help get this project rolling. Further web development is underway so that, ultimately, the site will provide information about possible National Pro Bono Celebration activities, resources and materials, and a map/calendar of planned events nationwide. For now, the site provides overview information and allows visitors to sign-up for the list service or to let us know of their Pro Bono Celebration plans.

This national effort is not intended to supplant or interfere with any of your current pro bono celebration events. For example, if you do an awards luncheon in June, and that is important to your program and legal community, you should continue to hold that event then. Nonetheless, we'd hope that you would find one or more other activities or events (we'll give you plenty to choose from) that you might schedule for the last week of October in 2009.

In addition to your taking a look at the web site and considering ways that you could participate, I would be grateful if you could send an e-mail like the one below to bar leaders, judges, law school deans, law firm leaders and others with whom you have regular contact. With imitation being the sincerest form of flattery, here is an edited version of an e-mail recently sent by Tiela Chalmers of the San Francisco Bar Association's Volunteer Legal Services Program that you can use as a model:

Our pro bono colleagues at the ABA have asked me to reach out to you about the ABA's National Pro Bono Celebration. This weeklong event is taking place October 25-31, 2009 (there's nothing like planning ahead), and is envisioned to involve receptions, town hall meetings, panels with speakers, clinic opportunities, articles running in newspapers, etc. As happens with Law Day, the ABA will provide a program guide with lots of great ideas and samples of what can be done locally. They are looking for organizations to sign on as "participants" early on. The ABA is not looking for any particular commitment at this time except that your [PICK ONE OR MORE AS APPROPRIATE ... program, bar association, law school, court, law firm or other legal organization] will be involved in some way. More information is available at www.celebrateprobono.org, or from Steve Scudder, ABA Pro Bono Committee Counsel at scudders@staff.abanet.org <<mailto:scudders@staff.abanet.org>> .

Our expectation is that we will have a program guide available for you in the next few months, most likely on-line. In addition, check the web site regularly for updates about what others are doing around the country.

Thank you and please don't hesitate to call with questions.

Best regards,

Steven B. Scudder
Committee Counsel
ABA Standing Committee on Pro Bono and Public Service
321 North Clark Street
Chicago, IL 60654
312-988-5768
312-988-5483 (fax)
scudders@staff.abanet.org

www.abaprobono.org

**NEVADA SUPREME COURT
ACCESS TO JUSTICE COMMISSION**



Judicial Members:

Co-Chairs:

Justice Michael L. Douglas
Justice James W. Hardesty

Hon. Stephen Dahl
Hon. Frances Doherty
Hon. Elizabeth Gonzalez
Hon. Andrew Puccinelli
Hon. Connie Steinheimer
Hon. William Voy

Attorney Members:

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Valerie Cooney
John Desmond
Paul Elcano
Cam Ferenbach
AnnaMarie Johnson
Brett Kandt
Ernest Nielsen
David Thronson
Sheri Cane Vogel

Public Members:

Tom Warden

Executive Director:

Kristina Marzec
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, NV 89104

Kristinam@nvbar.org
(702) 317-1404
www.nvbar.org



By requesting certification as an emeritus attorney under the Emeritus Attorney Pro Bono (EAPB) program, you tell the world much about yourself. I thank you personally for giving of your time and talents to this critical program.

Emeritus attorneys assist low-income clients through an approved legal services (EAPB) provider by either providing direct legal representation and advice or by participating in clinics and ask-a-lawyer programs throughout the state.

Complete instructions accompany the two-page application included in this packet. The Emeritus Rule, SCR 49.2, is a limited certification, and is granted directly by the Admissions Department of the State Bar.

This certification is open to all inactive attorneys from any state (including Nevada), as well as active attorneys in all jurisdictions except Nevada. Ineligible for certification are those currently suspended, disbarred, or resigned with charges pending, or with public discipline within the past ten years.

We'll ask you for three items in addition to your application: (1) a current certificate of good standing from one jurisdiction where you are admitted; (2) statements of discipline history for *all* jurisdictions where you have been admitted; (3) and a one-page declaration from the EAPB Provider you've selected to work with on your pro bono matters.

Submitting everything together with your application will speed processing time. But if you can't, don't worry; we'll simply hold your application until we receive all required items.

Take note you will be required to annually recertify. While certified under this rule, your services are limited to no-fee legal aid services with an approved EAPB provider (such as Legal Aid Center of Southern Nevada or Washoe Legal Services). CLE and training requirements, if any, are determined by the EAPB Provider you have selected, and will be based on considerations such as the type of work you will undertake and your individual skills and experience.

If you submit the completed application and all enclosures together (and meet all eligibility requirements), processing should take approximately two weeks.

Please keep a copy of your application and certification (it will also make annual renewal a snap).

Call me with any questions along the way, or to simply say hello. I look forward to greeting you as a certified emeritus attorney in the near future.

And sincerely, THANK YOU.


Kristina Marzec

EMERITUS PRO BONO ATTORNEY (SCR 49.2)
CERTIFICATION APPLICATION INSTRUCTIONS

1. GENERAL INSTRUCTIONS:

- (a) Please read the application carefully and typewrite or legibly write your answers.
- (b) Be sure that the application BEARS YOUR VERIFIED SIGNATURE and includes the ENCLOSURES required by SCR 49.2 (listed in number 5 below).

2. NUMBER OF COPIES , WHERE SENT: Send the original application with enclosures, plus one (1) copy to:

State Bar of Nevada
Admissions Department
600 East Charleston Blvd.
Las Vegas, NV 89104

It is preferred that all enclosures accompany the original application. If enclosures will be sent directly to the Admissions Department by the issuing agency, please so note on the application so that the review process may begin, pending final review when all required enclosures are received.

Please keep a copy of your application for your records.

3. FEES: Fees are waived for this limited practice certification.

4. ELIGIBILITY. Any inactive member of the State Bar of Nevada in good standing, or, any inactive or active attorney in good standing in another jurisdiction, who meets the requirements of this Rule may apply. 49.2(3)

(a) **Exceptions.** Attorneys with a record of public discipline for professional misconduct imposed within the immediate preceding ten years or who resigned from the practice of law with charges pending are not eligible for certification. 49.2(3)(a)

5. ENCLOSURES. The following completed documents must be enclosed with your application:

(a) **CERTIFICATE OF GOOD STANDING**

Applicant must submit a certificate from the State Bar or Clerk of the Supreme Court or highest admitting court in another state, territory, or insular possession of the United States in which the applicant is a member and in good standing therein. 49.2(4)(b)

(b) **STATEMENT(S) OF DISCIPLINE HISTORY**

While only one current certificate of good standing is required by this Rule, a statement of disciplinary history is required *from all jurisdictions in which the applicant has been admitted to practice law.* 49.2(4)(b)

(c) **EAPB PROVIDER DECLARATION**

The Emeritus Attorney Pro Bono (EAPB) Provider is the approved legal aid services provider with whom applicant has selected to provide *pro bono* services under this Rule.

A blank declaration is included with this packet, and must be executed by the EAPB provider and returned with your application. It includes the following information:

- (1) The name of the EAPB Provider director or coordinator;
- (2) EAPB Provider contact information;
- (3) The dated original signature of the EAPB Provider designated representative.

6. **LIMITED PRACTICE.** An emeritus attorney certified under this rule may practice only through an approved EAPB provider, and must complete any training required by the EAPB provider. 49.2(7)
7. **RENEWAL.** Annually, on or before the anniversary date of the **filed date of this application**, the emeritus attorney must reapply with the admissions director of the state bar. 49.2(6)

Renewal applications will be on verification as to the continuing validity and correctness of all enclosures submitted in the original application, with the exception of the EAPB Provider Declaration, which shall be updated annually along with the renewal application. Fees are also waived on renewals.

8. **DISCIPLINE AND BAR MEMBERSHIP.** Attorneys certified under this rule do not qualify for active membership in the State Bar of Nevada, but may be disciplined or suspended from practice in the manner now or hereinafter provided by rule for discipline or suspension of attorneys generally. Pending final disposition of any such matter, the court or the state bar may suspend any right to practice that is granted hereunder, without notice of hearing. 49.2(8)
9. **TERMINATION OF CERTIFICATION.** Certification to practice under this Rule terminates whenever the emeritus attorney ceases to provide services for an approved EAPB provider. 49.2(5).

**APPLICATION FOR CERTIFICATION TO LIMITED PRACTICE OF LAW
IN THE STATE OF NEVADA UNDER SCR 49.2**

EMERITUS ATTORNEY PRO BONO PROGRAM

Before the State of Nevada Office of Admissions:

PART 1: GENERAL INFORMATION AND BACKGROUND

I hereby furnish the following information under oath. I understand that it is my duty and obligation to answer each question fully and completely, to make full disclosure of any information requested herein, to provide true and correct answers to all questions, to correct any answers that may be misleading or confusing, and to inform the State Bar of any changes to the information provided in connection with my application for certification in order that the information supplied herein shall at all times be true and correct. I further understand that failure to comply with the above representations may result in my application being denied.

APPLICANT'S INITIALS

Full Name _____ Soc Sec. No. _____
(Last)(First)(Middle)

Home Address _____
(Number and Street)

(City) (State) (Zip)

Telephone () () ()
(Day) (Evening) (Message)

Office Address (If any, and different than the EAPB provider)

(Number and Street)

(City) (State) (Zip)

Telephone () () ()
(Day) (Evening) (Message)

Date of Birth _____ Birthplace _____
(MM/DD/YY) (City) (State) (County)

Earliest date licensed in any jurisdiction:

(MM/DD/YY)

Licensed as an attorney in the following jurisdictions:

Jurisdiction(s)	Date(s) Licensed	Initials
-----------------	------------------	----------

Licensure status upon which application is based:

_____ Inactive status with the State Bar of Nevada

Initials

_____ Active status in the following jurisdiction: _____

Initials

_____ Inactive status in the following jurisdiction: _____

Initials

I hereby certify that I am not currently on suspension, disbarred, or resigned with charges pending in any jurisdiction

Initials

I hereby certify that I do not have a record of public discipline for professional misconduct within the immediate past ten years

Initials

I hereby certify that I agree to be subject to the jurisdiction of the courts of this state with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Nevada.

Initials

Check One: _____ All enclosures are attached OR _____ Enclosure(s) will be sent separately

VERIFICATION

The undersigned hereby verifies that I have read the foregoing application and its enclosures and that all information provided attendant thereto is complete and true to the best of my knowledge and belief.

Applicant signature

Date



State Bar of Nevada
EMERITUS ATTORNEY PRO BONO PROGRAM (EAPB)
EAPB Provider Declaration SCR 49.2

APPLICANT NAME: _____ **DATE:** _____

Applicant: Please have an authorized representative of the EAPB program you have selected complete this form and give to you to return with your original application for certification as an emeritus attorney to the Admissions Department of the State Bar of Nevada.

EAPB Provider:

I am an authorized representative of _____, an approved EAPB Provider pursuant to SCR 49.2 on file with the State Bar of Nevada. By signing below, I confirm that the above-named applicant will provide *pro bono* legal services with this EAPB Provider:

Signature: _____ Date: _____

Additional Information:

Name of Director/Coordinator (print): _____

Specific Program, if applicable _____

Contact information, if different than that on file with the State Bar of Nevada:

Address: _____

Phone: _____ Fax: _____ e-mail: _____

This form is part of the application for certification under SCR 49.2, which is to be returned to:

State Bar of Nevada
Attn: Admissions Dept, EAPB
600 E. Charleston Blvd.
Las Vegas, NV 89104

Please direct questions to Access to Justice Director Kristina Marzec, 702-317-1404

EXHIBIT A

PROPOSED SUPREME COURT RULE 49.2

Rule 49.2. Limited practice for emeritus pro bono attorneys.

1. *Emeritus Attorney Pro Bono Program.* The Emeritus Attorney Pro Bono Program (EAPB) is hereby created to assist low-income clients through approved legal services providers as defined below.

2. *Approved EAPB providers.* An approved legal services EAPB provider for the purposes of this rule is a not-for-profit legal assistance provider which is approved by the Access to Justice Commission or its designee.

(a) *Minimum requirements for approval as an EAPB provider:*

(1) *Provides legal services in civil matters, without charge only, to indigent persons; or*

(2) *Provides legal training, legal technical assistance, or advocacy support, without charge only, to qualified legal services projects; and*

(3) *Files a completed application with the State Bar of Nevada Access to Justice Coordinator, on a form to be provided by the State Bar, which includes:*

(i) *The contact information required by SCR 79; and*

(ii) *Whether the EAPB provider maintains professional liability insurance and, if so, the name and address of the carrier.*

(4) The commission or its designee may establish additional rules and procedures for approving EAPB providers under this rule as it deems necessary and proper.

(b) Court awarded fees. An approved EAPB provider is entitled to receive all court awarded attorney fees arising from representation provided by emeritus attorneys under its services.

3. *Requirements to apply for certification as an emeritus attorney.* Any inactive member of the State Bar of Nevada in good standing, or any active or inactive attorney in good standing in any other jurisdiction, who meets the requirements of this rule may apply for certification as an emeritus attorney.

(a) *Exceptions.* Attorneys with a record of public discipline for professional misconduct imposed within the immediately preceding ten years or who resigned from the practice of law with charges pending are not eligible for certification under this rule.

4. *Application.* Application for certification to practice law in this state under the provisions of this rule shall be filed with the admissions director of the state bar on forms provided by the state bar and shall be accompanied by:

(a) A completed EAPB application and EAPB provider declaration;

(b) A certificate of good standing indicating that the attorney has been admitted to practice law in another jurisdiction and is a member in good standing in such jurisdiction;

(c) A statement of discipline history from the jurisdiction(s) in which the attorney has been admitted to practice; and

(d) *Any other information deemed necessary and proper to the administration of this rule.*

5. **Termination.** *Certification to practice under this rule shall terminate whenever the attorney ceases to provide services for an approved EAPB provider. When an attorney certified under this rule ceases to provide services for an approved EAPB provider, a statement to that effect shall be filed immediately with the admissions director of the state bar by the EAPB provider.*

6. **Renewal of certification.** *On or before the anniversary date of the original filing for certification under this rule, an attorney shall reapply annually with the admissions director of the state bar.*

7. **Limited practice.** *An emeritus attorney certified under this rule may practice law only through an approved EAPB provider under subsection 2 and must complete any training required by the EAPB provider.*

8. **Discipline; bar membership.** *Attorneys certified under this rule do not qualify for active membership in the State Bar of Nevada, but may be disciplined or suspended from practice in the manner now or hereinafter provided by rule for discipline or suspension of attorneys generally. Pending final disposition of any such matter, the court or the state bar may suspend any right to practice that is granted hereunder, without notice or hearing.*

ACCESS TO JUSTICE QUESTIONNAIRE FOR
JUSTICE AND MUNICIPAL COURTS

1. Where is your court located?

How many departments are in your court?

2. What are your court's days and hours of operation?
3. Other than judges, what is the size of your court staff? (If more than one, please provide a breakdown by job category. Also, please indicate if court employees are part-time or full-time employees.)
4. What is the approximate population served by your court?
5. What is the approximate mileage from your court to the farthest point away in your jurisdiction?
6. What is the approximate distance between your court and the closest court of similar jurisdiction?
7. What are the days and times that your court hears the following types of cases?
- criminal:
 - small claims:
 - eviction related matters:
 - other civil matters (please describe):
 - other types of cases (please describe):

8. Does your court have a website?

-Automated forms?

-E-filing?

-Accept filing by fax?

If not, please explain why?

9. Does your court currently have teleconferencing or videoconferencing capabilities?

If you have/had that capability, would you be willing to allow attorneys to appear via telephone or videoconference in civil cases?

10. Do litigants in your court have easy access to legal service providers and/or a self-help center?

If not, please explain what access, if any, is available in your area.

11. Does your court have the space and capability for a self-help "center" for litigants?

Examples:

Equipment and space for a litigant to speak confidentially with a legal services representative either in person or by telephone or videoconference.

A computer available to the public for access to self-help websites, to fill out computer generated court forms, etc.

If yes, please describe what is available in your court.

If no, please explain why.

12. Do attorneys from legal services providers ever appear in your court?

If yes, please list the legal services providers that have sent attorneys to your court.

If yes, please summarize your experiences, positive and negative, in working with those attorneys.

13. Have you ever requested assistance from a legal service provider for litigants in your court?

If yes, please list the legal services providers from whom you have requested assistance?

If yes, what was the result of your request for assistance?

If you have never requested such assistance, please explain why?

14. Are there any workshops, classes or clinics available in your community to help people address their legal needs?

If no, could your courtroom be used for classes offered by videoconference?

If no, is there a place in your community that could be used for such classes?

15. Would you be willing to coordinate your court calendars with other courts in your area, if it would increase the availability of legal services providers to litigants in your court?

16. Please state what you think would be the most important/beneficial thing that could be done to help litigants in your court address their cases, and people in your community address their legal needs?

17. Any other thoughts or suggestions?

TAB 3

The Nevada Supreme Court Access to Justice Commission



A CALL TO ACTION: Improving Access to Justice For Nevadans

July 2008

DRAFT

Prepared by
Social Entrepreneurs, Inc.
6121 Lakeside Drive, Suite 160, Reno, NV, 89511
Phone: (775) 324-4567 • Internet: www.socialent.com



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Foreword

Recognizing the importance of access to justice in a democratic society, the Nevada Supreme Court created a permanent Access to Justice Commission (Commission) in June 2006. The lack of sufficient access to justice for thousands of Nevada citizens of limited means, despite the efforts of numerous public and private organizations, attorneys, and other individuals, indicates there is a critical need for statewide strategic planning and coordination of efforts to expand services and improve access to justice. The Commission, currently co-chaired by Justices Michael L. Douglas and James W. Hardesty, is dedicated through leadership, collaboration, and action to improve access to civil justice in Nevada by:

- (1) Assessing current and future needs for civil legal services for persons of limited means in Nevada;
- (2) Developing statewide policies designed to support and improve the delivery of legal services;
- (3) Improving self-help services and opportunities for proper person litigants and increase pro bono activities;
- (4) Developing programs to increase public awareness of the impact that limited access to justice has on other government services and on society;
- (5) Investigating the availability of and pursue increased public and private financing to support legal services organizations and other efforts to provide legal services to persons of limited means; and
- (6) Recommending new or amended legislation and court rules which affect access to justice.

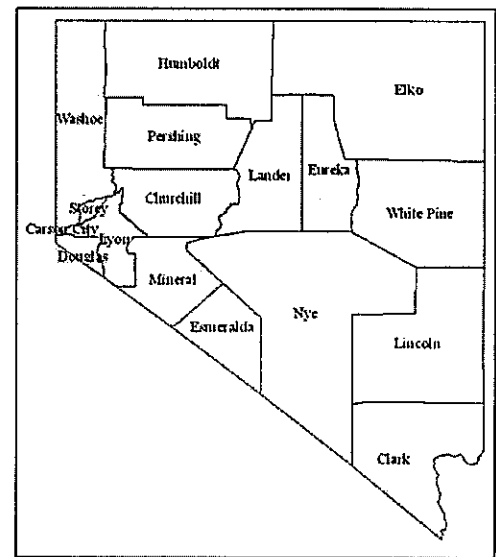
In 2007, Nevada became one of many states to commission a needs assessment of its residents' access to civil justice. A CALL TO ACTION: IMPROVING ACCESS TO JUSTICE FOR NEVADANS serves as a summary and companion piece to the comprehensive July 2008 *Assessment of Civil Legal Needs and Access to Justice in Nevada* (needs assessment), available at www.nvbar.org.

Acknowledgments

This needs assessment was made possible through the leadership of the Commission and the State Bar of Nevada, with the majority of funding provided by the Nevada Supreme Court, the Nevada Law Foundation, and the State Bar of Nevada. Funding contributions were also received from the Nevada Judges Association, the Clark County and Washoe County Bar Associations, and Nevada's legal aid providers. All contributors are gratefully commended for their support.

Access to Justice Commission contact:

Kristina Marzec, Director
 (702) 317-1404 γ Toll Free (800) 254-2797
 Email: Kristinam@nvbar.org γ www.nvbar.org



Case Statement

Preamble

Access to justice is a basic human right. All persons living in Nevada should have access to civil justice equally as part of a continuum of services, including representation by an attorney where necessary.

The lack of access to civil justice ultimately costs *all* citizens both economically and socially, beyond the immediate impact on the justice system. Unaddressed legal problems spiral and become social problems, with significant impact on statewide resources. Conservative estimates indicate that providing attorneys to represent the indigent in civil matters saves \$4 for every dollar spent.

While it is largely accepted in principle that access to justice is a public responsibility, it requires a commitment of resources and action to become a reality. In Nevada, those resources are woefully inadequate.

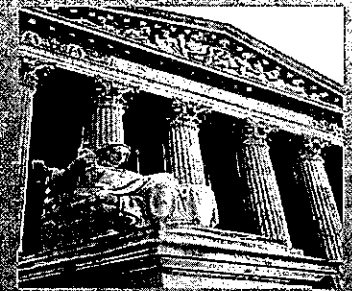
Addressing the gap in access to civil justice requires establishing priorities for unmet need that take into consideration the geographic and socio-economic barriers experienced by low-income persons that live in Nevada, as well as addressing the gap in services statewide.

Legal Aid System

- Participants in the needs assessment described Nevada's civil legal system as one with insufficient resources and pockets of unmet need.
- Because of this scarcity of resources, there are groups of individuals experiencing a lack of access either due to their geographic location, not meeting eligibility requirements, or because no funding is available to serve a particular type of legal need. Legal aid

"Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

Lewis Powell, Jr., U.S. Supreme Court Justice



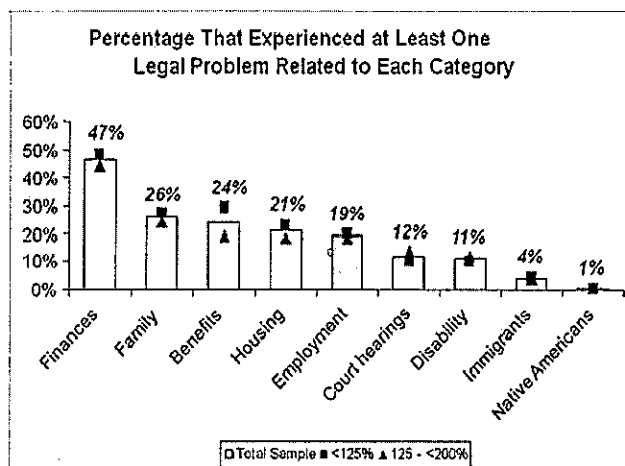
"I first went for help with a bankruptcy. They really helped me. Now I am here for help with a divorce. I don't know what I would do without them (Legal Aid Providers)."

Focus Group Participant

providers funded by the Legal Service Corporation (LSC) have different funding requirements, mandates, and priorities in providing civil legal aid than do non-LSC providers.

Legal Needs

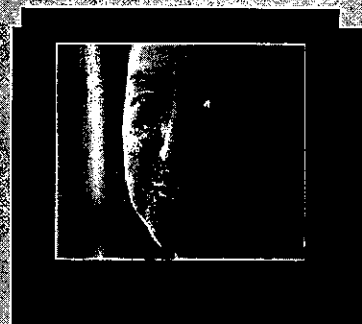
- Over two-thirds of low to moderately low income households experience significant civil legal problems that would ordinarily require at least some assistance from an attorney in order to resolve them.
- The following table shows those persons participating in the needs assessment who reported experiencing legal problems in certain categories of law. It also shows the percentage breakdown of those persons below 125% of poverty, and those between 125% and 200% of poverty.



Poverty is determined by the Federal Poverty Guidelines and is a commonly used factor in determining income eligibility for legal aid. Under current guidelines, a family of four is living in poverty if the gross household income is below \$20,000. That equates to a gross monthly income of less than \$1,667 and an hourly wage of approximately \$9.62.

- In general, family, finance, and housing civil legal needs are the greatest and most common needs identified in both focus group and telephone survey results. Immigration needs were identified in the small format focus groups. It is assumed that persons were less likely to identify immigration as an issue during the telephone survey.

"I don't understand...if the other party has legal assistance, they get better service and treatment by the court." Focus Group Participant



"One issue becomes another and another. I had a financial issue. Now I may lose my housing. If I lose my housing I will have trouble keeping my job. If I lose my job, I have bad credit and now you can't get a decent job unless you have good credit. It's a catch-22."

Focus Group Participant

"My husband is getting no help at all. He had to stop working because of his health. He was in Vietnam and exposed to Agent Orange—he has multiple health problems—diabetic, on oxygen, and needs therapy. But we can't get disability or social security because he had retirement, and supposedly he doesn't qualify. He used to make \$4,000 a month and his retirement income is \$1,700. He's filed claims through the VA but they say it just takes forever...meanwhile we're barely getting by. We don't know where to turn."

Focus Group Participant



- 20% of those with one or more legal problems received help from a lawyer for at least one but not all of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer.
- The incidence and prevalence of problems are highest among those with children and younger individuals ages 18 to 34.
- The focus groups results raised concern for the number of seniors who likely have legal needs that they have not yet identified or do not recognize as a legal need, and which are not being met.
- Many people experienced more than one legal problem within the past 12 months. Of 207 persons who identified a housing problem, 74% of this group also reported financial problems, 50% reported a domestic problem, and 46% reported a benefit problem.
- 47% of households surveyed faced some type of personal finance or consumer-related legal issue within the past 12 months. Focus group and key informant results validate this finding.
 - The most prevalent issue by far was being contacted by a collection agency regarding unpaid bills; this happened to 33% of households surveyed.
 - Other issues reported included: having a major problem with a creditor, having a local utility cut off service or threaten to stop service to the household, and dealing with incorrect information in a credit report.

Issues with Access

- Nevada's geographic expanse with rural, urban and frontier counties poses a unique challenge in providing legal aid and ensuring equal justice under law, primarily because it is expensive to maintain offices in locations with small population centers. Focus group participants from rural areas and key informants noted less awareness and availability of services to meet their civil legal needs and more often did not report receiving representation.
- As a group, only 9% of telephone survey participants received help from a lawyer for all the legal problems they identified. Of those with one or more legal problems, 20% received help from a lawyer for at least one, *but not all*, of the legal problems they identified.
- The number of Nevadans in search of assistance continues to grow. This is particularly true in the area of family law, where the overwhelming majority of parties are representing themselves without the help of an attorney.
- Most people indicated their preferred method of assistance would be through legal aid. People who needed legal aid frequently did not know about the availability of civil legal assistance or that they may be eligible for legal aid services. Many of those who asked for help did not receive help from a lawyer.
- Nevada's population growth over the past 10 years, coupled with a dramatic shift in the demographics of Nevada's residents, impacts service delivery. With more seniors, a growing immigrant population, and a growing number of homeless individuals and families, the demand on the legal system will only continue to increase.
- People who need legal help and meet the eligibility requirements for legal aid often don't seek help because they believe (often correctly) that the program will not be able to assist them.

"We were not raised to talk about finances. Our generation doesn't want to discuss our fears that we will be taken advantage of, that we might lose our independence, let alone end of life decisions. Before today, I didn't really understand that I had a civil legal need. I certainly don't have an attorney I have talked to about my pension, my will or about my wishes should something happen to me."

*Las Vegas Senior
Focus Group Participant*



A CALL TO ACTION

Priority Needs and Goals

It is no surprise the overarching need clearly identified by the needs assessment is to secure adequate resources to ensure access to civil justice in Nevada.

On the path to achieving that goal, priority needs evidenced by the assessment are outlined below, along with recommended Commission goals to begin addressing those needs:

- Insufficient resources to meet the civil legal needs of Nevadans.

Goal: Increase funding to ensure a continuum of care for civil justice in Nevada.

- Increase revenue through higher IOLTA yields
- Explore and evaluate fund development options and select strategies to increase resources to meet civil legal needs in Nevada.
- Develop a statewide fundraising plan including a catalogue of planned events

- Insufficient components of the continuum of care of civil legal aid services in Nevada.

Goal: Develop components of the continuum of care by geographic area.

- Utilize a mix of legal support strategies to include self-help, brief service, counsel and advice, and representation to maximize reach with the resources available
- Secure and designate resources to address unmet needs related to immigration

"I was sent by the Family Victim's Advocate to the Police. I requested and received a Temporary Protective Order (TPO). My ex-husband has violated the TPO a number of times. Each time I call the police. Sometimes he gets arrested and bails out within hours. Other women have TPO's against him. He continues to threaten to kill my children and me. Each time a TPO expires, I have to go back and get another one. The last time he violated the TPO, he was deported. Within 72 hours, he was back and he showed up at my children's school. I asked a U.S. Marshall what to do to prevent him from continuing to terrorize my family; he said to buy a gun."

Focus Group Participant



- Establish more specialty clinics/classes
 - Secure additional funding for more staff for current legal service providers and to support additional services such as classes and clinics statewide
 - Increase the number of lawyers working for legal aid providers
 - Establish more and increase the capacity of existing self-help centers
 - Continue efforts to add and expand a law lecture series, consider new audiences and resources. Define goals and objectives of the series
 - Expand the State Bar of Nevada website section devoted to Access to Justice to function as a resource center for both the Commission and the public
- Insufficient pro bono resources including those with expertise in specific areas of civil legal need.

Goal: Increase the pro-bono options and number of attorneys providing pro-bono services throughout the state.

- Increase the options and manner in which attorneys provide services to low-income persons living in Nevada, including pro bono services, matching their interest and ability with unmet need, including areas of specialty
 - Increase number of pro bono attorneys
 - Concentrate on increasing pro bono lawyers in specific specialty areas of unmet need as articulated in the needs assessment
 - Increase law school clinics/pro bono service programs
 - Develop a comprehensive plan to solicit participation in the new emeritus attorney program established by new Nevada Supreme Court Rule 49.2.
- Insufficient education and awareness about civil legal needs.

Goal: Increase awareness and support for more legal aid attorneys, the need for additional resources and information on the legal system.

- Increase outreach and education to individuals and groups to help them understand the social and economic implications of unmet civil legal needs in Nevada

- Increase outreach and education to private attorneys to raise awareness of civil legal needs, the lack of access to justice in Nevada and ways they can contribute to improving access to justice
- Establish a public education program targeting the public to create support for and understanding of the importance of access to civil justice

Goal: Increase public awareness of what constitutes a legal need, what resources are available and how to navigate the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Provide training and information on advocacy skills, the legal process and law-related issues the public may encounter
- Establish a public education program targeting the general public to help them understand the legal process, identify resources including legal aid providers, and help them navigate those resources

In Summary

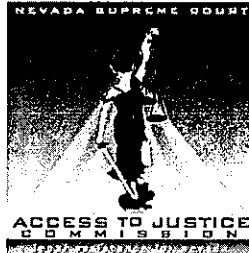
The Access to Justice Commission is dedicated to improving access to civil justice for low-income Nevadans through leadership and action in partnership with the bench, bar, legal service providers, social services resources, and community leaders at all levels.

The needs assessment is an integral early step in identifying the gaps in the civil justice system, the unique needs of Nevadans, and the hard data necessary to begin framing the immediate goals necessary to improve upon the extreme lack of resources, human and financial, evidenced by the assessment.

Successfully addressing the multi-faceted problem of providing access to civil justice requires an open dialogue, fresh ideas, and a commitment to facing obstacles with an action plan that has quantifiable goals. The needs are identified. The immediate goals are set forth. It is time to take action to effect change.

This call to action identifies the Commission's immediate goals in responding to the needs assessment findings, and represents the first steps towards the path to equal access. Over the coming year the Commission will collaborate with Nevada's legal aid providers and community leaders to develop a specific strategic plan. The Commission pledges to ensure accountability and report on progress in 2009.

The Nevada Supreme Court Access to Justice Commission



SUMMARY OF CIVIL LEGAL NEEDS AND ACCESS TO JUSTICE IN NEVADA

July 2008

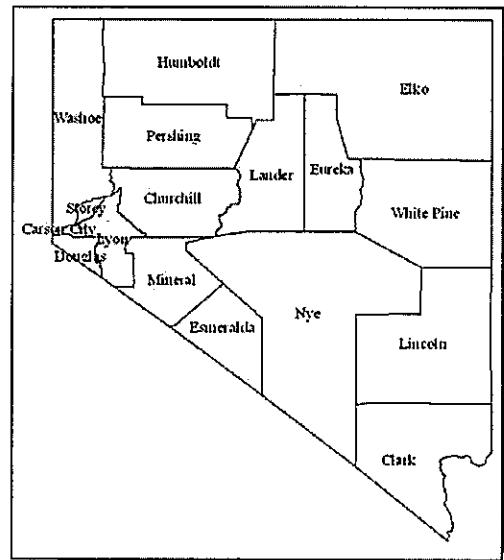
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Report Summary

The Supreme Court of Nevada created a permanent Access to Justice Commission (Commission) in June 2006. The Commission is supported by a Director who is employed by the State Bar of Nevada. In 2007, Nevada became one of many states to commission a needs assessment of its residents' access to civil justice. To accomplish this, the Commission contracted for three projects as part of a statewide assessment of the civil legal needs of low and moderate income residents. The Commission contracted for a telephone survey, a needs assessment, and strategic planning as part of a statewide assessment of the civil legal needs of low and moderate income residents. In March 2008, "Nevada Civil Legal Needs Survey" was published by Gene Kroupa & Associates, LLC (GKA), a research firm retained by the ATJC to survey 1,000 statewide residents from targeted geographic regions and analyze the results. The survey was conducted in November 2007 and covers solely the civil legal needs of Nevadans.



The second project was to use the survey results to further delve into the civil legal needs of Nevadans through research, interviews and analysis. Following receipt of the telephone survey results from the State Bar of Nevada, Social Entrepreneurs, Inc. (SEI) a management consulting firm was contracted with for the remaining projects. SEI conducted targeted research to complete the needs assessment. Research included demographic and situational characteristics of low-income residents in Nevada, accessing data from Clark and Washoe Counties, Carson City, the State demographer, the US Census and existing reports. Data was also provided by the State Bar of Nevada, Legal Service Corporation (LSC) providers, non-LSC providers, and other service providers including Nevada 2-1-1. Providers were issued a questionnaire that asked for information including services provided and eligibility requirements. Websites and program publications were also used to better understand the service delivery system. This report summary is the result of that research and will serve as a resource for future strategic planning.

Failure to provide equal access to justice has significant social and economic implications for Nevada. While it is largely accepted that access to justice is a public responsibility, it also requires a commitment of resources. In Nevada, those resources are woefully inadequate.

The lack of investment in providing access to justice costs all citizens both economically and socially, beyond the immediate impact on the justice system.

The telephone survey showed that,

- 20% of those with one or more legal problems received help from a lawyer for at least one but not all of the legal problems they identified. Many of those who asked for help did not receive help from a lawyer.
- Over two-thirds of low to moderately low income households experience significant civil legal problems that would ordinarily require at least some assistance from an attorney in order to resolve them.

Throughout the state providers noted that they would like to advertise but they can't meet current needs let alone increased needs without more staff to back up the system and manage intakes and interviews. They fear being deluged by new clients when they can't serve current needs.

A number of factors impact the gaps and priorities for Nevada and many correspond with the telephone survey results. They include:

- Nevada's geographic expanse with rural, urban and frontier counties poses a unique challenge in providing legal aid and ensuring equal justice under law, primarily as it is expensive to maintain offices in locations with small population centers,
- Nevada's population growth over the past 10 years, coupled with a dramatic shift in the demographics of Nevada's resident, impacts service delivery. With more seniors, a growing immigrant population, and a growing number of homeless individuals and families, the demand on the legal system will only continue to increase,
- The number of Nevadans in search of assistance continues to grow. This is particularly true in the area of family law where the overwhelming majority of parties are representing themselves without the help of an attorney.

Generally, anyone unable to pay for an attorney must navigate the legal system on their own. This affects both the quality of the justice they achieve and the ability of the court personnel to provide services in a timely manner. Key informant interviews and focus groups provided considerable context for understanding how an insufficient civil justice system is experienced on a day to day basis.

- Participants in the needs assessment described Nevada's civil legal system as one with insufficient resources and pockets of unmet need.
- Because of the scarcity of resources, there are groups of individuals experiencing a lack of access either due to their geographic location, not meeting eligibility requirements or because no funding is available to serve a particular type of legal need. Legal aid providers funded by the Legal Service Corporation (LSC) have different funding requirements, mandates and priorities in providing civil legal aid than do non-LSC providers.

When Nevadans experience civil legal needs, focus groups and key informants report that their experience will vary dependent upon statewide differences in how the court system operates, how, when and if representation is provided, and how law enforcement views and acts upon various orders. While federal

funding is provided to serve the entire state, with the geographic makeup of Nevada it is virtually impossible to serve the civil legal needs of Nevadans statewide with the current level of funding.

In Northern and Southern Nevada, those interviewed indicated they often learned about services by word of mouth or through a court or social service referral. Those interviewed reported receiving some level of assistance, usually beginning with information, kits or forms and in some cases culminating in representation by a lawyer. Focus group participants and key informants from rural areas noted less awareness and availability of services to meet their civil legal needs and more often did not report receiving representation.

Nevada's current system is seen by some providers as crisis driven rather than prevention and intervention oriented which could be a better use of the available resources. In terms of prevention, interviewees reported that more information is needed by the general public regarding the legal system, and legal process in general, to have realistic expectations about how the system works, how much time it takes to resolve a civil legal need and what the potential outcomes are.

- Prevention activities are stunted by the fact that to educate the public about the system includes education about free or low cost services. All providers interviewed expressed trepidation about publicizing the availability of services which are insufficient to meet current demand. This reluctance to flood a system that is already drowning in clients is understandable.
- At the same time, key informants note that without intervention, the system will remain crisis oriented, rather than allowing opportunities statewide to prevent and intervene before a legal matter becomes a crisis.

Civil legal aid resources exist at varying levels throughout the state due to differences in available resources, eligibility requirements, and demand. In general, organizations serve target populations and must prioritize client cases because of demand that exceeds resources available.

Civil legal need experts in Nevada noted that a true continuum of services is needed statewide to ensure that regardless of the civil legal need, or where someone lives, that some assistance is available. Strengthening the continuum of services could include ensuring statewide access to information and forms, kits for certain types of legal needs, classes, one on one coaching related to forms, access to a paralegal or person who can manage the navigation of the system and access to an attorney.

- In general, family, finance, and housing civil legal needs are the greatest and most common needs identified in both focus group and telephone survey results. Immigration needs were identified in the small format focus groups. It is assumed that persons were less likely to identify immigration as an issue during the telephone survey.

Focus groups, key informant interviews and research indicate that Nevada has the following gaps in services:

"One issue becomes another and another. I had a financial issue. Now I may lose my housing. If I lose my housing I will have trouble keeping my job. If I lose my job, I have bad credit and now you can't get a decent job unless you have good credit. It's a catch-22. I am trying to pay my bills and may lose my house and my job." Focus Group Participant

- Insufficient number of low or no cost lawyers to address civil legal need cases (Washoe County, Clark County and the Balance of State)
- Insufficient specialty clinics to address family and consumer cases (Washoe County, Clark County and the Balance of State)
- Insufficient pro bono attorneys including those with expertise in specific areas of civil legal need including financial, housing and family law (Washoe County, Clark County and the Balance of State)
- Inability to address immigration issues (Washoe County, Clark County and the Balance of State)
- Need for expanded self-help services with support including non-legal supportive services
- Need for increased education and awareness about civil legal needs and options to address the needs
- Need for improved coordination between social and legal services to address ancillary issues that impact legal needs and that may become a secondary legal need

"I first came here for help with a bankruptcy. Now I am back for help with a divorce. They (Legal Services) really make a difference when you don't know where to go." Focus Group Participant

These needs are only likely to increase. Research indicates that Nevada's population has exploded in the past 20 years and will continue to change in the near future. Growth of the state as a whole, coupled with changes to the demographic make-up, present unique issues for serving the state's needs for civil legal aid. Nevada's overall population growth has been accompanied with shifts to the demographic make-up of the state. One such shift is a significant jump in the number of older adults and seniors as a percentage of the total population. In Nevada, the greatest shift has been a recent increase in the number of persons of Hispanic Origin. Growth of the Hispanic population is projected to continue, reaching an estimated 31% of the total population by 2020. Clark and Washoe Counties have a far greater concentration of persons of Hispanic Origin and also Asian or Pacific Islanders than the rest of the state. Clark County also has a much higher percentage of Black individuals than other areas of the state.

In 2005, updated estimates developed by the Census Bureau indicated that 11.1% of Nevadans were below the poverty level during the past 12 months. In 2006, over one-fifth (21.5%) of families maintained by women with no spouse present had incomes below the poverty level, compared to 3.9% of families in married couple households. Children in female headed households with no husband present are also far more likely to experience poverty. Significant disparities in poverty are also associated with race and ethnicity. In 2006, 17.4% of Native Americans in Nevada lived below the poverty level during the past 12 months, more than any other racial or ethnic group. While poverty status provides some measure of extreme financial need, families earning incomes far above the poverty income level can also experience hardships in keeping up with the cost of living and accessing legal services. Almost one-third of all households in Nevada have a total household income (combining the incomes of all members of the household) under \$35,000 per year.

The results of the telephone survey showed that many people experienced more than one legal problem within the past 12 months. For example,

- Of 207 persons that identified a housing problem, 74% of this group also reported financial problems, 50% reported a domestic problem, and 46% reported a benefit problem.

In terms of housing, the Department of Housing and Urban Development (HUD) in 2002 published a report that indicated that consistently high rates of discrimination were found across all 23 metropolitan areas included in the study and across three minority groups tested including Black/African American, Hispanic and Asian or Pacific Islander individuals. Although data for Nevada was not provided by this study, it is reasonable to believe that the high rates in discrimination found across all regions of the country are also experienced in Nevada's urban areas. According to RealtyTrac, an online marketplace for foreclosure properties, Nevada posted the nation's highest foreclosure rate in 2007 with 3.4% of its households entering some stage of foreclosure during the year.

- 47% of households surveyed faced some type of personal finance or consumer-related legal issue within the past 12 months. Focus group and key informant results validate this finding.
 - The most prevalent issue by far was being contacted by a collection agency regarding unpaid bills; this happened to 33% of households surveyed.
 - Three other issues were reported by 11% to 14% of households each: having a major problem with a creditor, having a local utility cut off service or threaten to stop service to the household, and dealing with incorrect information in a credit report.
- Nevadans had the second-highest average credit card balance in the nation at \$7,645 in 2007.

Almost 700,000 people – over 28% of the state's population – had been at or below 200% of the federal poverty level in the preceding year. This may be a better indicator of the prevalence of financial duress than looking at the standard poverty level as many people below 200% of the federal poverty level are likely to have financial issues. In 2007, there were a total of 10,865 filings for personal bankruptcies in Nevada courts. 83% of these filings occurred in Southern Nevada and 17% were in Northern Nevada. Nevada also ranked 2nd in the nation in identity theft complaints per 100,000 people.

The Nevada Civil Legal Needs Survey found that one-fourth (26%) of respondents experienced a family- or domestic-related legal problem. The telephone survey only reached adults and did not directly address any legal issues from the perspective of children. Therefore it does not provide a basis to understand the extent to which children need legal advocates on family-related civil matters that directly involve the child such as disputes over custody or guardianship of children, advocacy for children removed from their homes due to substantiated abuse or neglect, and efforts to terminate parental rights. Key informant interviews indicated that child advocacy is an unmet need throughout the state.

In 2006, a total of 65,085 domestic violence contacts were made. Of this total, 38,297 were recorded as first time contacts, meaning they had not previously contacted the agency regarding an incident of domestic violence. Reporting domestic violence is a difficult and sometimes dangerous event requiring trust between

the domestic violence victim and the agency. For this reason, phone survey data related to domestic violence, such as the data obtained in the Nevada Civil Legal Needs Survey, is likely to only show the tip of the iceberg.

Statewide in Nevada, there were 118,148 open cases for determining child support payment obligations or enforcing existing child support payment obligations as of February 2008. Of these, payment obligations had been established in 74,716 cases (63% of the total) so that the primary legal issue in these cases is enforcement of the payment obligation. According to a 2007 report in the Las Vegas Review-Journal, child support was collected in only 46% of the cases in the state during fiscal year 2004-05. A performance audit of the state child support system showed that Nevada ranked 49th in the country in establishing paternity, 49th in the amount of child support collected, and 48th in the number of cases where support payments are not current. Nancy Ford, administrator of the state Welfare Division, specifically noted that “part of the problem is that Nevada’s child support system relies heavily on legal procedures.”

In the twelve month period from July 1, 2006 through June 30, 2007, there were 6,179 elder abuse and neglect complaints reported in the state database. This is an increase of over 28% in just two years from 2004-05, when there were 4,806 complaints of elder abuse recorded. Of the 2006-07 complaints, 1,579 or about 25% of the complaints were substantiated through investigation by law enforcement or other agencies. As with child abuse and neglect, there is no way to know the true prevalence of elder abuse and neglect since undoubtedly many incidents go unreported.

An important measure of legal support needs is the number of actual court cases related to family issues. From July 1, 2005 to June 30, 2006, there were 59,571 family-related cases opened in Nevada’s District Courts plus an additional 1,740 requests for Domestic Violence Protection Orders processed by Justice Courts, producing a total of 61,311 family-related cases in Nevada courts. There were a total of 9,990 family court cases that potentially involve child support obligations – 1,611 Support/Custody cases, 7,785 Uniform Interstate Family Support Act cases involving maintenance of a spouse or child when one party resides in another state, and 594 paternity cases. Other data indicates that there are currently over 43,000 cases were in various stages of the legal process to determine child support obligations, and tens of thousands of other cases where child support obligations have been established but support payments are not current.

The total of over 61,000 family-related cases that were opened in court in a 12 month period should be viewed as an indicator of the minimum level of demand for family-related legal services. The actual demand is certain to be far greater, given the need for legal assistance to evaluate situations and determine an appropriate course of action before a case would make it to the court system. In addition, from April to June 2006, there were approximately 6,000 children in out-of-home placements, primarily in foster care homes, while only 12 funded child advocacy legal aid attorneys in the state.

A variety of situations related to employment can create needs for legal assistance. Discrimination in hiring, firing, discipline, promotions, or the terms of employment is a commonly recognized challenge. Additional employment-related issues can include illegal employment practices, problems accessing unemployment compensation or workers compensation benefits, problems with pension plans or other retirement benefits,

and issues with pay or withholding. The Nevada Civil Legal Needs Survey reported that 19% of respondents had some type of employment-related legal problems within the last 12 months.

On the average in 2007, over 13,000 people every month file an initial claim for unemployment benefits (in other words, request benefits for the first time for a specific period of unemployment). For the first six months of 2007, an average of 12,675 people per month filed an initial claim and 6,118 people received an initial payment after being approved to receive benefits. This suggests that roughly 50% of people filing initial claims were not able to receive benefits.

Unemployment rates in Nevada have been climbing steadily for the past year. In January 2008, the seasonally-adjusted unemployment rate for Nevada was 5.5%, compared to 4.5% in January 2007. A national survey conducted by Harris

Interactive for Kelly Services and CareerBuilder.com found that one in five working Americans feel they have faced discrimination on the job. More specifically, 23% of diverse workers said they had been discriminated against or treated unfairly in the workplace based on their background.

Persons with disabilities or serious health conditions can face unique civil legal needs such as being fired by an employer in violation of state and federal laws, workplace modifications not being made, losing coverage of a health insurer, and inaccessibility of public facilities. For 2006, the lowest estimate found was that 12.6% of Nevada's population ages 5 and over – 287,816 people – had at least one disability. A much higher percentage of people in the rural regions of the state have disabilities than in the urban areas; over 16% of the population outside of Clark and Washoe Counties has at least one disability, compared to less than 13% in Washoe County and fewer than 12% in Clark County. The percentage of seniors with physical disabilities – 29.5% – is particularly notable since accommodations like ramps, handrails and other structural supports are often needed to make public facilities accessible for persons with physical disabilities.

One portion of the Nevada Civil Legal Needs Survey dealt with civil legal problems associated with applying for or receiving government assistance program benefits for individuals and families. More than half (61%) of survey respondents had applied for or received benefits from at least one public assistance program such as Medicare, Medicaid, Social Security for the disabled, Supplemental Security Income (SSI), food stamps and other such programs. The survey results indicated that 24% of respondents experienced a problem related to public benefit programs.

On the surface, the results of the Nevada Civil Legal Needs Survey would suggest that relatively few legal problems are experienced related to immigration status or language proficiency. Only 4% of survey respondents overall indicated that they had any immigration or language problems in the last 12 months. The Census Bureau estimated that in 2006, there were 475,914 foreign born residents of Nevada, accounting for 19% of the state's total population. Of these immigrants, 303,409 were not a U.S. citizen

"My husband is getting no help at all. He had to stop working because of his health. He was in Vietnam and exposed to Agent Orange—he has multiple health problems—diabetic, on oxygen, and needs therapy. But we can't get disability or social security because he had retirement, and supposedly he doesn't qualify. He used to make \$4,000 a month and his retirement income is \$1,700. He's filed claims through the VA but they say it just takes forever...meanwhile we're barely getting by. We don't know where to turn."

Focus Group Participant

and the remaining 172,505 were naturalized citizens. Income levels tend to be low among this population. 16% were living below 100% of the federal poverty level and another 29% were between 100% and 199% of the poverty level, so overall 45% of non-citizen immigrants were below 200% of the poverty level.

According to the 2006 American Community Survey, 27% of Nevada residents speak a language other than English as their primary language at home. Almost 300,000 people in Nevada ages 5 and over speak English less than “very well.” This may make it more difficult to interpret information about available services in order to know where to go for assistance, difficult to communicate with legal aid providers when they do locate a provider, and difficult to understand written and verbal information provided by legal aid providers and courts. Many focus group participants identified experiencing immigration, family and financial legal needs.

The Nevada Civil Legal Needs Survey reported that approximately one in 10 households with a Native American tribe member experienced problems related to being Native American that could require legal assistance. If this rate was applied to the estimated 36,000 Native Americans in Nevada in 2007, it would translate into about 3,600 people experiencing problems specifically related to being Native American.

The results of the Nevada Civil Legal Needs Survey found that 12% of survey respondents indicated that they or a household member had court or administrative hearing issues within the past 12 months. From July 1, 2005 to June 30, 2006 for matters not covered previously in this summary; a total of 109,491 such cases were opened during the year. In addition, there were 39,443 housing-related civil cases and 59,571 family-related cases, bringing the total civil caseload up to 208,505.

The State Bar of Nevada data system shows that there are a total of 5,997 active members that reside and practice within the state. An additional 1,227 State Bar of Nevada members reside outside of the state. Judges are not included in either of these statistics--a total of 152 judges are active members of the State Bar of Nevada. The fewest legal aid resources per person in poverty are in Clark County, closely followed by the Balance of State (all counties besides Clark and Washoe Counties).¹ The ratio in Clark County is 5,495 persons living in poverty per legal aid attorney (5,495:1). In Washoe County, the ratio is 2,645:1. The ratio for the Balance of State is 5,256:1. The ratio for Nevada as a whole is 4,706:1.²

The next component of this project is to engage in strategic planning to address the needs detailed in this assessment. Therefore, the following recommendations are provided as a starting point for discussion rather

Focus group participants describe life without a legal work permit as “living in the shadows and in a constant state of fear;” fear to drive a car, fear to pay a parking ticket, fear to call take action against landlords for unsafe housing, fear to press discrimination charges for employment or workplace safety, fear to go to a doctor for preventative medicine, fear to speak to police officers, and most of all fear that their children will be taken away.

¹ For this calculation, Carson is included with the Balance of State. Legal aid providers known to provide services to rural areas have offices in Washoe County, Clark County, and Carson City.

² This calculation excludes child advocacy attorneys. When child advocacy attorneys are included, the highest ratio of persons in poverty to legal resources is the Balance of State. There are four child advocacy attorneys in Washoe County and eight in Clark County. There are no legal aid attorneys that provide services specifically for children in Carson and the Balance of State.

than a declaration of what must be done. Any strategy selected must be realistic, actionable and measureable. Given the current economic climate this will surely be a challenge requiring creativity and collaboration on the part of all stakeholders seeking to improve the system.

System improvement opportunities that are most actionable and realistic should be identified by the stakeholders most directly responsible for implementing the strategies suggested. Thus, providers are encouraged to continue their efforts to improve the service delivery system while the judiciary endeavors to implement solutions in the courts or by statute.

Some recommendations to strengthen the civil legal justice system suggested by legal aid providers and focus group participants included:

- Review fund development options and select strategies to increase resources to meet civil legal needs in Nevada. Examine opportunities for funding from charitable and philanthropic organizations interested in ensuring access to justice.
- Secure additional funding for more staff for current legal aid service providers and to support additional services such as classes and clinics statewide.
- Establish priorities for unmet need that take into consideration the geographic and socio-economic barriers experienced by low-income Nevadans including addressing the gaps in services statewide.
- Increase options and the manner in which attorneys can provide services to low-income persons living in Nevada, including pro bono services, matching their interest and ability with unmet need, including areas of specialty.
- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance.
- Provide training and information on advocacy skills, the legal process and law-related issues they are likely to encounter.
- Utilize a mix of legal support strategies to include self-help, brief advice, increased community education and awareness and representation to maximize reach with the resources available.
- Explore the use of panels of lawyers and/or judges to provide pro bono mediation or arbitration of civil legal issues.
- Promote solutions that address legal problems before they become a crisis.

It is no surprise the overarching need clearly identified by the needs assessment is to secure adequate resources to ensure access to civil justice in Nevada. On the path to achieving that goal, priority needs evidenced by the assessment are outlined below, along with recommended Commission goals to begin addressing those needs:

- Insufficient resources to meet the civil legal needs of Nevadans.

Goal: Increase funding to ensure a continuum of care for civil justice in Nevada.

- Increase revenue through higher IOLTA yields.
- Explore and evaluate fund development options and select strategies to increase resources to meet civil legal needs in Nevada.
- Develop a statewide fundraising plan including a catalogue of planned events
- Insufficient components of the continuum of care of civil legal aid services in Nevada.

Goal: Develop components of the continuum of care by geographic area.

- Utilize a mix of legal support strategies to include self-help, brief service, counsel and advice, and representation to maximize reach with the resources available
- Secure and designate resources to address unmet needs related to immigration
- Establish more specialty clinics/classes
- Secure additional funding for more staff for current legal service providers and to support additional services such as classes and clinics statewide
- Increase the number of lawyers working for legal aid providers
- Establish more and increase the capacity of existing self-help centers
- Continue efforts to add and expand a law lecture series, consider new audiences and resources. Define goals and objectives of the series
- Expand State Bar of Nevada website devoted to Access to Justice to function as resource center for both the Commission and the public
- Insufficient pro bono resources including those with expertise in specific areas of civil legal need.

Goal: Increase the pro-bono options and number of attorneys providing pro-bono services throughout the state.

- Increase the options and manner in which attorneys provide services to low-income persons living in Nevada, including pro bono services, matching their interest and ability with unmet need, including areas of specialty
- Increase number of pro bono attorneys
- Concentrate on increasing pro bono lawyers in specific specialty areas of unmet need as articulated in the needs assessment
- Increase law school clinics/pro bono service programs
- Develop a comprehensive plan to solicit participation in the emeritus attorney program established by new Nevada Supreme Court Rule 49.2

- Insufficient education and awareness about civil legal needs.

Goal: Increase awareness and support for more legal aid attorneys, the need for additional resources and information on the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Increase outreach and education to private attorneys to raise awareness of civil legal needs, the lack of access to justice in Nevada and ways they can contribute to improving access to justice
- Establish a public education program targeting the public to create support for and understanding of the importance of access to civil justice

Goal: Increase awareness of what constitutes a legal need, what resources are available and how to navigate the legal system.

- Increase outreach and education to individuals and groups to help them identify what constitutes a civil legal need and how to access assistance
- Provide training and information on advocacy skills, the legal process and law-related issues the public may encounter
- Establish a public education program targeting the general public to help them understand the legal process, identify resources including legal service providers, and help them navigate those resources

All data provided in the Report Summary can be found with references, in the full report. Text boxes found throughout the report contain focus group and key informant participant comments.

The Access to Justice Commission is dedicated to improving access to civil justice for low-income Nevadans through leadership and action in partnership with the bench, bar, legal service providers, social services resources, and community leaders at all levels.

The needs assessment is an integral early step in identifying the gaps in the civil justice system, the unique needs of Nevadans, and the hard data necessary to begin framing the immediate goals necessary to improve upon the extreme lack of resources, human and financial, evidenced by the assessment.

Over the coming year the Commission will collaborate with Nevada's legal aid providers and community leaders to develop a specific strategic plan. The Commission pledges to ensure accountability and report on progress in 2009.

The following tables and figures are excerpted from the report:

This table indicates the legal need issues identified by telephone survey respondents and the other problems associated with that primary need:

Issues Identified by Survey Participants and Associated Issues Identified

Need (n)	Top Three Problems (shown by percentage of total (n) in first column)
Housing (207)	Finance (74%), Domestic (50%), Benefits (46%)
Domestic (299)	Finance (74%), Housing (47%), Benefits (46%)
Employment (188)	Finance (77%), Domestic (55%), Benefits (47%)
Disability (116)	Finance (83%), Benefits (65%), Domestic (60%)
Benefits (255)	Finance (71%), Domestic (45%), Housing (37%)
Finance(470)	Domestic (40%), Benefits (39%), Housing (33%)
Immigration(29)	Finance (66%), Housing (55%), Domestic (45%), Employment (45%)
Native American (9)	Finance (67%), Benefits (56%), Housing, (44%), Domestic (44%), Employment (44%)
Civil (118)	Finance (69%), Domestic (44%), Benefits (43%)

Source: Analysis of Survey Data Used in Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa and Associates, LLC.

This table indicates the legal need issues identified by focus groups and providers:

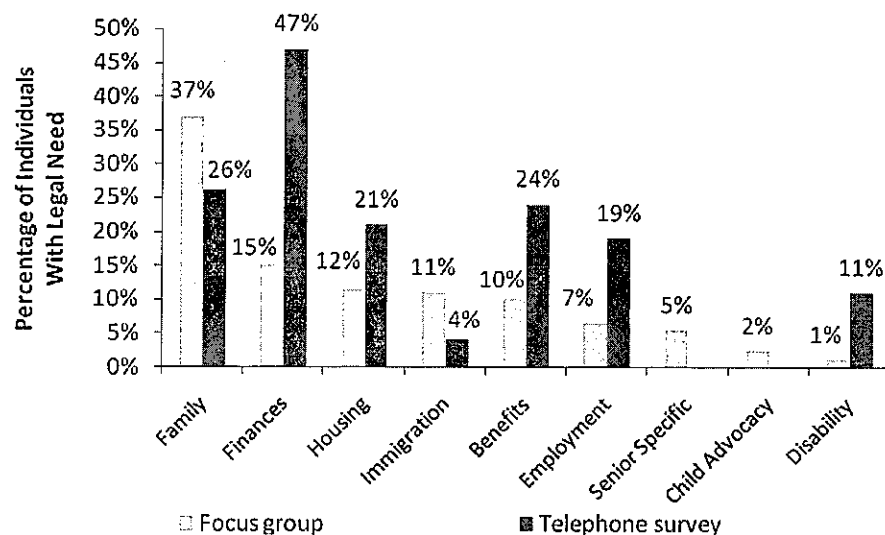
Self Reported Top Legal Needs in Nevada, 2008

Clark County	Washoe County	Balance of State
Financial	Financial	Financial
Family	Domestic Violence	Family
Benefits	Child Advocacy	Benefits
Immigration	Immigration	Immigration
		Housing

Source: Key Informant interviews with legal service providers in Clark and Washoe Counties and Balance of State.

The following table compares focus group responses with telephone survey results:

Total Percentage of Types of Civil Legal Needs



Source: Focus Groups and Phase 1 Telephone Survey

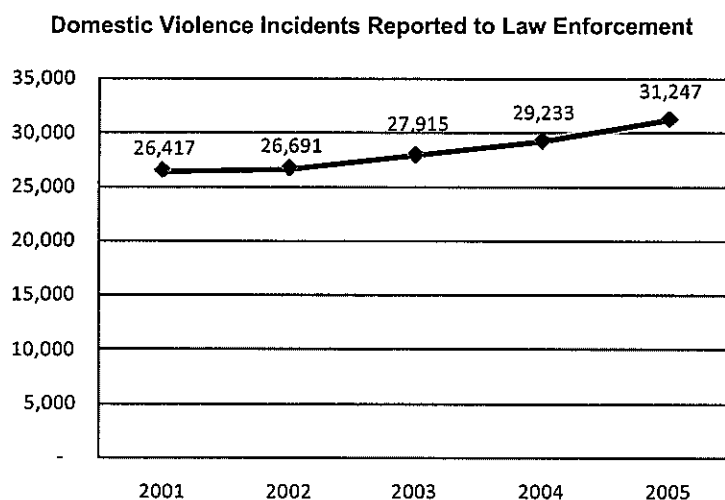
The top need identified by the telephone survey was finance and consumer-related problems. They are described in more depth in this table:

Prevalence of Finance/Consumer-Related Legal Problems Among Survey Respondents

Issue	Percent of Households
Any finances/consumer problem	47%
Contacted by a collection agency regarding unpaid bills	33%
Had a major problem with a creditor	14%
A local utility cutoff or threatened to stop service to household	13%
Experienced problem due to incorrect information in credit report	11%
Had problem with a business overcharging for a product or service	8%
Had a problem with loan or credit where the interest rate, fees or repayment terms were not adequately disclosed	7%
Had problem with a business concerning repairs on home that required paying someone else to fix them	5%

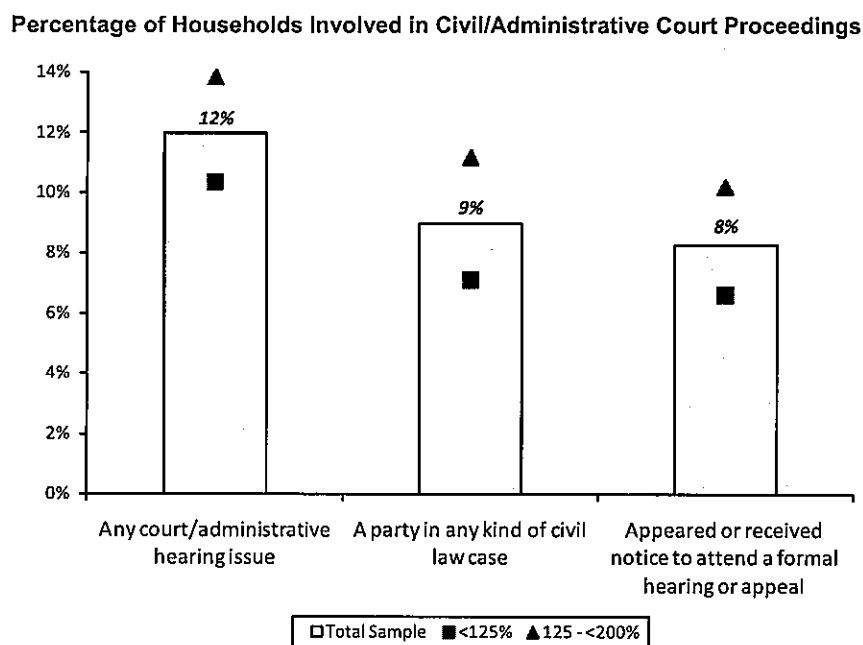
Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

This table indicates that legal needs related to Domestic Violence are only expected to increase in Nevada.



Source: Domestic Violence Incidents Reported (2006). Nevada Department of Public Safety.

One measure of legal needs is the percentage of households surveyed that indicated involvement in civil or administrative court proceedings. The majority indicated not having legal representation.



Source: Nevada Civil Legal Needs Survey Final Report. (2008). Gene Kroupa & Associates, LLC.

When examining opportunities to enhance access to civil legal aid, the table below indicates that access could be improved by increasing the total number of attorneys for legal aid providers and by engaging more Nevada attorneys to provide legal aid services.

Total Attorneys by County and Ratios of Persons per Attorney Resource

	Total Number of Attorneys³	Total Population to Nevada Attorneys⁴	Ratio of Persons in Poverty Population to Nevada Attorneys⁵	Total Number of Legal Aid Attorneys	Ratio of Persons in Poverty to Legal Service Providers⁶
Clark County	4,264	401	45	35	5,495
Washoe County	1,237	316	32	15	2,645
Carson City	245	227	23	6	*
Balance of State (All Counties Except Clark, Carson, and Washoe)	246	1,031	105		*
Reside Out of State	1,227*	--	--		--
Total	5,997	402	--	56	4,706
	(*7,219 including those that reside out of state)				

*The ratio for the combined area of Carson City and the Balance of State is 5,256 persons per legal service attorney.

Source: State Bar of Nevada, May 13, 2008

³ Active Members of the State Bar of Nevada that reside in-state

⁴ 2005 Census Population / 2008 Active Members of the State Bar of Nevada that reside in-state

⁵ 2005 Census Persons in Poverty (SAIPE) / 2008 Active Members of the State Bar of Nevada that reside in-state

⁶ 2005 Census Persons in Poverty (SAIPE) / 2008 Legal Service Provider Attorneys

The number of family cases in Nevada District Courts is an indicator of need for legal representation. Family legal needs were identified by a majority of focus groups and key informants as an unmet and growing need in Nevada.

Family Cases in Nevada District Courts, 7/1/2005 – 6/30/2006

	Marriage Dissolution	Support/ Custody	Uniform Inter- state Family Support Act	Adop- tions	Pater- nity	Termin- ation of Parental Rights	Misc. Domestic Relations	Guard- ianship	Mental Health Cases	Domestic Violence Protective Orders (TPOs)	Re- opened cases	Total Family Cases
First District: Carson City and Storey County	447	16	154	27	15	25	45	75	0	0	1	804
Second District: Washoe County	2,755	303	1,613	177	51	204	256	493	429	1,890	2,968	11,139
Third District: Churchill and Lyon Counties	448	26	514	24	1	32	41	73	0	0	0	1,159
Fourth District: Elko County	310	30	258	22	24	16	31	60	0	212	57	1,020
Fifth District: Esmeralda, Mineral and Nye Counties	810	46	473	6	7	7	43	50	0	24	44	1,510
Sixth District: Humboldt, Lander and Pershing Counties	167	12	197	15	6	15	6	25	0	0	17	460
Seventh District: Eureka, Lincoln and White Pine Counties	77	7	53	5	0	8	0	14	0	1	16	181
Eighth District: Clark County	14,965	1,157	4,461	669	476	757	1,073	1,390	2,321	8,869	6,468	42,606
Ninth District: Douglas County	510	14	62	29	15	14	9	38	0	0	1	692
Total	20,489	1,611	7,785	974	594	1,078	1,504	2,218	2,750	10,996	9,572	59,571

Data for Lincoln, Mineral and White Pine Counties are incomplete.

TAB 4

NEVADA LAW FOUNDATION

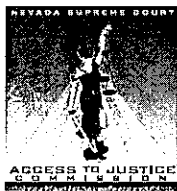
SCHEDULES OF GRANTS

DECEMBER 31, 2007 AND 2006

Grants approved by Board of Directors for 2008:

	<u>2007</u>	<u>2006</u>
Legal aid to disadvantaged:		
Clark County Law Foundation-Trial by Peers	\$ 10,000	\$ 10,000
Clark County Legal Services	400,000	85,000
Committee to Aid Abused Women	34,300	29,400
Court Appointed Special Advocates North West	10,000	
Las Vegas Senior Citizens Law Project #1	60,000	30,000
Neighborhood Justice Center	12,000	12,000
Nevada Disability Advocacy and Law Center	10,000	10,000
Nevada Legal Services, Inc.	100,000	75,000
Ninth Judicial District CASA	7,000	7,000
S.A.F.E. House	18,000	20,000
Temporary Assistance for Domestic Crises	15,000	15,000
Volunteer Attorneys for Rural Nevadans	60,000	50,000
Washoe County Court Appointed Special Advocates	18,000	12,000
Washoe County Senior Law Project	30,000	25,000
Washoe Legal Services	75,000	40,000
	<u>859,300</u>	<u>420,400</u>
Legal education:		
Foster Care	10,000	3,000
Las Vegas Senior Citizens Law Project #2	7,000	3,000
Nevada Bar Foundation	10,000	10,000
Nevada Foundation for Consumer Education	10,000	10,000
Relevant Education about the Law	3,000	
Washoe County Bar	7,000	5,000
	<u>47,000</u>	<u>31,000</u>
Total grants approved by Board of Directors for 2008	<u>\$ 906,300</u>	<u>\$ 451,400</u>

TAB 5



MEMORANDUM

From: Kristina Marzec, Director
To: Access to Justice Commission
Date: October 18, 2008
Re: IOLTA

The Commission continues its discussion about achieving long-term comparability. Justice Hardesty asked Suzan Baucum to address the Commission regarding the Nevada Law Foundation's views as well as those of other law foundations around the nation.

From my perspective, these are the issues which should be addressed as part of this discussion:

- 1. Immediately adopting a formal benchmark policy to codify the criterion for banks to make the preferred interest list and participate in the related marketing benefits; and**
- 2. Discussion and demarcation of the manner in which banks are vetted and approved by the State Bar, currently addressed under SCR 78.5 and SCR 217, and how those two rules might be incorporated into comparability.**

The first request is geared toward building on the momentum of the Commission's negotiating efforts while the dense issue of if and how to define comparability is worked through by the Commission and the Board. The second anticipates that the Board will likely find useful a more detailed vetting process for approving banks in this new IOLTA environment, under whatever comparability mechanism is ultimately enacted (formal or informal).

While all states have the older, generic comparability rule as seen in Nevada SCR 78.5, true comparability involves specifically what one means by "comparable," and generally involves identifying either a target rate based on an identified index, a percentage of the fed fund rate, or a benchmark index comparison.^a

All states which have ventured into comparability found negotiating the rates with the top IOLTA banks first is the most effective method. Whether you end up with a definition by rule, which secures longevity of your agreements, the key to a successful

^a Nineteen states currently have a definition of comparability, either through Court rule or statutes: AL*, AR, CA, CT*, FL*, HI, IL, LA, MD, MA, ME, MI*, MN, MS, MO, NJ*, NY, OH*, TX. (*rule more than one year old)

program is a diligent marketing and recognition of participating banks to the membership over time.

Recognizing this, the Board has approved the attached marketing plan I wrote in collaboration with Kim Farmer. We have the authority to continue developing this marketing plan as the IOLTA program expands and grows.

Maryland's "Banking on Justice" IOLTA honor roll program serves as an excellent model for a similar program (see attached). This program lists its benefits to include:

Highlighted on MSBA & MLSC websites; Active link from MLSC website to Honor Roll member website; Prominently featured in Maryland's premier legal newspaper, *The Daily Record*; Promoted at all MLSC events; Promoted and prominently featured at MSBA events, including MSBA Annual Meeting; Featured at various local & specialty bar meetings; Broad publication of Honor Roll members in local & statewide bar publications & newsletters; Promoted at semi-annual MSBA Professionalism Course, a mandatory program attended by every newly-admitted Maryland attorney.

Generally speaking, "preferred banks" or "honor roll banks" are tied to states which have comparability defined by benchmark in the relevant rule. The preferred banks are those which offer interest *above* the comparability rate set by rule. In Nevada, we are applying the term preferred interest rates to the benchmark standard we are in the process of negotiating.

Proposed benchmarks:

- .50 points off the 30-Day LIBOR
- A flat 2% APY for a commitment of one year
- Equal to the Fed Rate (we may want to discuss the recent cut to 1.5)
- An agreement to waive any related administrative fees for these accounts



**STATE BAR OF NEVADA & ACCESS TO JUSTICE COMMISSION
PREFERRED INTEREST RATE BANKS
MARKETING PLAN
Draft**

Statement of Purpose

The State Bar of Nevada Board of Governors and the Supreme Court Access to Justice Commission are partners in a critical initiative as part of the Commission's *Call to Action* plan to actively work with Nevada banks and State Bar membership to encourage banks to voluntarily raise the interest paid on lawyer trust accounts. IOLTA funds the continuum of legal aid services for Nevada's poor, victims of violence, children, and seniors.

The Access to Justice Commission recognizes banks which meet a superior interest rate over market by inclusion on its Preferred Interest Bank List, which the State Bar agrees to market to its membership in accordance with this plan.

Vision and Objectives

- Recognize participating banks with an effective, multi-faceted marketing with the State Bar membership, and in so doing;
- Encourage lawyers to either utilize participating banks for IOLTA funds or solicit non-participating banks to raise interest as benchmarked by the Commission
- Banks encouraged to participate by
 - Market pressure through the competitive process
 - Special incentive: available purchase of State Bar mailing list for active members **(pending BOG approval on 10/22/08)**
- Ultimately have all approved IOLTA institutions in Nevada join the Preferred Interest List

Target Market- membership

This is a specialized initiative directed to lawyers and banks which handle lawyer trust funds under SCR 78.5. The focus is on the effective target market, State Bar of Nevada members.

Nevada Lawyer Media Kit

Includes distribution and demographics data for *Nevada Lawyer*.
<http://www.nvbar.org/publications/nevadalawyer/advertising.htm>

Delivery and Timeline Formula

Newly added participating banks:

Distribution	Timeline
State Bar Website	within 1 business day
E-news clips	received M-Tu, that week. Received W-F, following week
<i>Nevada Lawyer</i>	next publishing cycle, usually following month
<i>Communique (CCBA)</i>	submitted for consideration next issue
<i>Writ (WCBA)</i>	submitted for consideration next issue
<i>Perspective (NLF)</i>	submitted for next (quarterly) issue

Continuing general marketing:

- *Preferred Interest List* maintained on State Bar website *Access to Justice* page
- E-news clips will run reminder clips of participating banks every-other week, incorporating new *Call to Action* plan news were appropriate
- Related articles in *Nevada Lawyer*, *Communique*, *Writ*, and *Perspective* will incorporate *Preferred Interest List*
- Commissioners and Board of Governors will mention at luncheons and continuing legal education were appropriate
- Future letters to segmented markets, such as large, medium and small law firms under related Access to Justice Commission initiatives will incorporate *Preferred Interest List*

Needs and Requirements

- The Access to Justice Commission determines criterion for inclusion on its Preferred Interest List.
- Once a banking offer is identified as preferred by the Commission, the Commission Executive Director will liaise with the banks on all marketing under this plan
- The State Bar of Nevada Publications Department and Editorial Board reserve all editorial rights over submissions under this marketing plan

Inaugural Preferred Interest Bank marketing chronicle

7/28/08	Nevada State Bank e-news clips weekly
8/04/08	Bank of Nevada e-news clip weekly
8/19/08	Open letter to bar membership from the Justices
8/28/08	US Bank e-news clip weekly
9.01.08	(Week of) Commission Director made follow-up calls to Large Law Firms regarding open letter
Sept 2008	<i>Nevada Lawyer</i> published first edition list of Preferred Interest Banks

10/2/08	Irwin Union Bank e-news clips weekly
10/16/08	Justices to address Clark County Bar luncheon attendees
Nov 2008	Bar President column to address IOLTA and name Preferred Interest Banks
Feb 2009	Begin medium and small law firm initiatives

STATE BAR OF NEVADA

WWW.NVBAR.ORG

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Access to Justice Commission

LIST OF BANKS OFFERING PREFERRED IOLTA INTEREST

Updated 10.01.08

[Bank of Nevada](#)
[First Independent Bank](#)
[Irwin Union Bank](#)
[Nevada State Bank](#)
[U.S. Bank](#)

Bank of Nevada and First Independent Bank (Western Alliance Bancorp)

2.0% APY interest on IOLTA.

The Banks are also launching a new JURIS Banking program of services especially for attorneys. Attorneys who begin a relationship with Bank of Nevada or First Independent Bank for their IOLTA accounts are also eligible on a business money market account to receive a Preferred Interest Rate of 1/2% over the posted rate.

For more information on this offering, contact:
• Bank of Nevada – Terry McConnell, Senior Vice President, (702) 252-6269

• First Independent Bank – Gail Humphreys, Vice President/Branch Manager (775) 824-4351

Irwin Union Bank

2.00 APY for account balances 0-\$24,999 (Rate is 1.98)
2.15 APY for account balances 25,000 and greater (Rate is 2.13)

Rates and yields are subject to change at any time.

For more information on this offer or other bank services, please contact:

Las Vegas:

Addison R Thom, Business Advisor
Addison.Thom@irwinunion.com
401 N Buffalo Dr., Ste 200
Las Vegas, NV 89145
702.531.7747 Office
702.562.6306 Fax
www.IrwinUnion.com

Reno:

Christine Slothower (Chris)
Deposit Relationship Manager/Vice President
Christine.Slothower@irwinunion.com
775.784.9708 Office
775.853.9011 Fax
5496 Reno Corporate Dr.
Reno, NV 89511
www.IrwinUnion.com

Carson City:

Ellie Piazza
Deposit Relationship Manager II
Irwin Union Bank
1818 E. College Parkway Ste 100
Carson City, NV 89706
W - 775-886-6912
C - 775-721-3349

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DISCIPLINE

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[Requirements](#)
[Annual Meeting](#)
[CLE Online](#)

ACCESS TO JUSTICE COMMISSION

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[Books, Manuals, and References](#)
[Public Information Brochures](#)

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LAWYER REFERRAL SERVICE

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NEWS

CONTACT

Nevada State Bank

IOLTA interest rate equal to the 30-Day LIBOR index minus .50%.

The rate will adjust monthly based on any change to the 30-Day LIBOR rate.

For more information about the Nevada State Bank IOLTA, you may call 702-383-0009 in Southern Nevada or 775-688-6966 in Northern Nevada. Accounts may be set up by visiting your local Nevada State Bank branch.

U.S. Bank

IOLTA interest equal to the Fed Funds Target Rate (2.00% as of August).

This rate will change as the Federal Reserve adjusts the Fed Funds Target Rate.

Additionally, U.S. Bank offers a variety of financial solutions to meet the complex needs of law firms and attorneys. If you have questions regarding IOLTAs or would like to speak to a banker regarding other products and services, you may reach us by: contacting any local U.S. Bank branch office, contact your U.S. Bank relationship manager, visit our website at usbank.com, or call U.S. Bank 24-Hour Business Solutions at 1-800-673-3555. Deposit Products offered by U.S. Bank N.A. Member FDIC.



STATE BAR OF NEVADA

State Bar of Nevada
600 E. Charleston Blvd
Las Vegas, NV 89104
702-382-2200
marcm@nvbar.org
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TAB 6

Access to Justice Commission

October 2008

Last	First	Title	Position	Firm	Phone	Email
Abbott	Kimberly		Pro Bono Project Director	Clark County Legal Services	702-386-1070	kmucha@clarkcountylegal.com
Cooney	Valerie		Executive Director	Volunteer Attorneys for Rural Nevadans	775-883-8278	vcooney@varn.org
Dahl	Stephen	Hon.		Justice Court, North Las Vegas Township	702-455-7804	dahlsj@co.clark.nv.us
Desmond	John			Jones Vargas	775-786-5000	jpd@jonesvargas.com
Doherty	Frances	Hon.		Second Judicial District Court	775-328-3470	frances.doherty@washoe courts.us
Douglas	Michael	Justice	Commission Co-Chair	Supreme Court of Nevada	702-486-3205	mdouglas@nvcourts.nv.gov
Elcano	Paul		Executive Director	Washoe Legal Services	775-287-0329	pelcano@ashoelegal services.org
Ferenbach	Cam		State Bar of Nevada, Board of Governors	Lionel, Sawyer & Collins	702-383-8888	cferenbach@lionelsawyer.com
Vacant			Limited Jurisdiction Judge Liaison to Nevada Judges Association 15(2)(c)			
Goff	Betsy	Hon.		Eighth Judicial District Court	702-671-4378	GonzalezE@clarkcountycourts.us
Gonzalez	James	Justice	Commission Co-Chair	Supreme Court of Nevada	775-684-1590	jhardeslv@nvcourts.nv.gov
Johnson	Anna Marie		Executive Director	Nevada Legal Services	800-323-8666	ajohnson@nls law.net
Kandt	W. Brett			Nevada Dept. of Justice	775-688-1966	wbkandt@ag.state.nv.us
Nielsen	Ernest			Washoe Co. Senior Law Project	775-328-2592	enielsen@washoe county.us
Puccinelli	Andrew	Hon.		Fourth Judicial District Court	775-753-4602	apuccinelli@elkocountynv.net
Steinheimer	Connie	Hon.		Second Judicial District Court	775-328-3183	judge.steinheimer@washoe court.us
Thronson	David	Professor		UNLV Boyd Law School	702-895-2080	David.thronson@unlv.edu
Vogel	Sheri Cane		Executive Director	Senior Citizens Law Project	702-29-6644	svogel@lasvegasnevada.gov
Vacant			Eighth Judicial District Court 15(2)(a) Family Court			
Warden	Tom		Vice President, Community & Government Relations	The Howard Hughes Corporation	702-791-4267	twarden@gggp.com
Marzec	Kristina		Director	State Bar of Nevada	702-382-2200 702-317-1404	kristina@nvbar.org

NEVADA SUPREME COURT ACCESS TO JUSTICE
STANDING COMMITTEES

Updated 10.2008

COMMUNICATIONS

David Thronson
Judge Gonzalez
Kimberly Abbott
Brett Kandt
Judge Glasson
Judge Doherty
Christine Smith
William Heavilin
Trevor Hayes

Current projects:

Legal Needs Assessment; Public interest lecture series;
Loan Assistance Repayment (development);
Fellowships

DEVELOPMENT

Ernie Nielsen
Paul Elcano
Valerie Cooney
Judge Voy
Anna Johnson
Cam Ferenbach
Tom Warden
Lynn Etkins
Suzy Baucum
Nancy Becker

Current projects:

IOLTA; Loan Assistance Repayment (funding); NRS 355.210;
Cy Pres

FUND DISTRIBUTION

TBD

LEGAL SERVICES DELIVERY

Paul Elcano (ED)
Sugar Vogel (ED)
John Desmond
Kimberly Abbott
Judge Steinheimer
AnnaMarie Johnson (ED)
Ernie Nielsen (ED)
Valerie Cooney (ED)
Judge Puccinelli
Barbara Buckley (ED)
Odessa Ramirez
Renee Kelly
Kendal Sue Bird
Christopher Reade
Megan Sackstedar
Karen Palmer

Current projects:

Large Law Firm Initiative; Emeritus Program;
Pro Bono Attorney Recognition; Self Help

RURAL SERVICES DELIVERY (proposed)

Judge Dahl

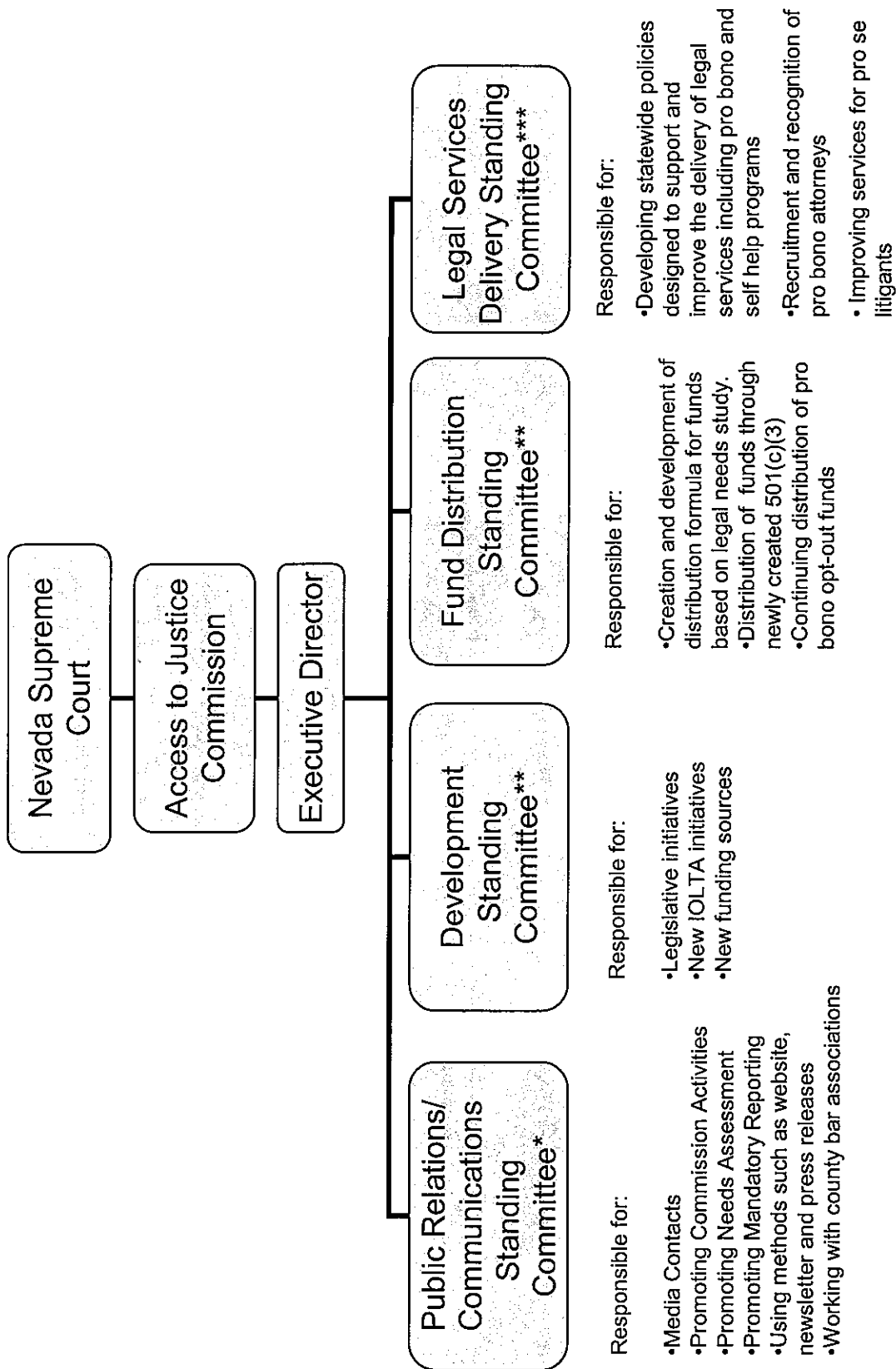
****Bold = Current ATJ Commission members.**



2008 PROGRAMS AND PROJECTS ACCESS TO JUSTICE COMMISSION

Updated 6.20.08

- **501 (C) 3.** Complete application process and finalize (ON HOLD)
 - Develop conflict policy and scope of lobbying/legislative activities
- **ATJC PR efforts.**
- **Attorney recognition programs.** Tentative statewide event, Feb 2009
- **Cy Pres funding.**
- **Delivery/Performance Standards for provision of civil legal aid services.**
- **Emeritus Attorney Program.** Approve EAPB providers. Committee & Director to implement operating rules and develop comprehensive plan to solicit participation. Tap eligible out of state attorney resources.
- **Ghostwriting.** Response delivered to Prof. Resp. Committee Oct. 2008
- **IOLTA Comparability.** Develop relationships with Nevada banks to enforce Nevada SCR 217 (competitive rates). See California & Texas implementation process of similar rule.
- **Court posted fees under NRS 355.210.**
- **Law firm initiative.**
 - Follow through with large law firms, responders and non-responders
 - Identify future plan for medium and small firm meetings
- **Legal Needs Assessment**
 - Ratify next meeting
 - Marketing roll-out
- **Loan repayment assistance program.**
- **NLF and the ATJC.** Continue to define and develop the future relationship between NLF and the ATJC; discuss potential rule changes and investment strategies; identify best use of available resources
- **Rule Changes.**
 - IOLTA Comparability
 - Donations under 6.1
 - NLF as fundraising and investment arm of the Commission
 - Unbundled legal services
- **Public Interest Lecture Series.** Continue efforts to add and expand, consider new audiences and resources. Define goals and objectives of the series.
- **Rural legal services delivery**
- **Statewide fundraising.** Catalogue planned events, identify new resources
- **Website.** Director to expand SBN website to function as resource center for both the ATJC and the public



*Standing Committee will be comprised of at least one representative from the North and South.

**Standing Committee will be comprised of a representative from the North, South and the Rurals.

***Standing Committee will be comprised of 7 members including all 5 Executive Directors.

RULE 15 OF THE NEVADA SUPREME COURT*

"This court agrees with the petition's allegations regarding the importance of access to justice in a democratic society; the lack of sufficient access to justice for thousands of Nevada citizens of limited means despite the efforts of numerous public and private organizations, attorneys, and other individuals, the critical need for statewide strategic planning and coordination of efforts to expand services and improve access to justice; and the effectiveness of supreme court commissions on access to justice created in other jurisdictions to respond to similar challenges..."

PURPOSE OF THE ACCESS TO JUSTICE COMMISSION

- 1) Assess current and future needs for civil legal services for persons of limited means in Nevada.
- 2) Develop statewide policies designed to support and improve the delivery of legal services.
- 3) Improve self-help services and opportunities for proper person litigants and increase pro bono activities.
- 4) Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society.
- 5) Investigate the availability of and pursue increased public and private financing to support legal services organizations and other efforts to provide legal services to persons of limited means.
- 6) Recommend legislation or rules affecting access to justice to the Supreme Court.

*condensed

IN THE SUPREME COURT OF THE STATE OF NEVADA

**IN THE MATTER OF THE CREATION OF THE NEVADA SUPREME COURT
ACCESS TO JUSTICE COMMISSION.**

ADKT 394

ORDER CREATING THE NEVADA SUPREME COURT ACCESS TO JUSTICE COMMISSION AND ADOPTING RULE 15 OF THE SUPREME COURT RULES

WHEREAS, the Honorable Robert E. Rose, Chief Justice of the Nevada Supreme Court, and the Honorable Nancy A. Becker, Justice of the Nevada Supreme Court, have petitioned this court on its administrative docket to adopt a rule creating the Nevada Supreme Court Commission on Access to Justice; and

WHEREAS, this court agrees with the petition's allegations regarding the importance of access to justice in a democratic society; the lack of sufficient access to justice for thousands of Nevada citizens of limited means despite the efforts of numerous public and private organizations, attorneys, and other individuals; the critical need for statewide strategic planning and coordination of efforts to expand services and improve access to justice; and the effectiveness of supreme court commissions on access to justice created in other jurisdictions to respond to similar challenges; and

WHEREAS, it therefore appears to this court that amendment of the Supreme Court Rules is warranted to establish a permanent Supreme Court Commission on Access to Justice; accordingly,

IT IS HEREBY ORDERED that new Rule 15 of the Supreme Court Rules shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this new rule shall be effective immediately. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dis-

semination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 15th day of June, 2006.

BY THE COURT

ROBERT E. ROSE, *Chief Justice*

NANCY A. BECKER
Associate Justice

A. WILLIAM MAUPIN
Associate Justice

MARK GIBBONS
Associate Justice

MICHAEL L. DOUGLAS
Associate Justice

JAMES W. HARDESTY
Associate Justice

RON D. PARRAGUIRRE
Associate Justice

EXHIBIT A

NEW RULE 15 OF THE SUPREME COURT RULES

Rule 15. Commission on Access to Justice.

1. Creation, purpose. *The supreme court shall appoint a commission on access to justice. The commission shall:*

(a) Assess current and future needs for civil legal services for persons of limited means in Nevada.

(b) Develop statewide policies designed to support and improve the delivery of legal services.

(c) Improve self-help services and opportunities for proper person litigants and increase pro bono activities.

(d) Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society.

(e) Investigate the availability of and pursue increased public and private financing to support legal services organizations and other efforts to provide legal services to persons of limited means.

(f) Recommend legislation or rules affecting access to justice to the supreme court.

2. Composition. *The access to justice commission shall be composed of the chief justice of the supreme court or the chief justice's designate and the following members, to be appointed by the supreme court to four-year terms:*

(a) One district judge each from the Second and the Eighth Judicial District Courts. At least one of those judges must be assigned to the family division of the district court.

(b) One additional district judge to be selected from the First, Third, Fourth, Fifth, Sixth, Seventh, or Ninth Judicial District Courts.

(c) One limited jurisdiction judge, who shall serve as liaison to the Nevada Judges Association.

(d) One representative designated by the Nevada Attorney General.

(e) One representative each from the City of Las Vegas Senior Citizens Law Project, Clark County Legal Services/Pro Bono Project, the Eighth Judicial District Pro Bono Foundation, Nevada Legal Services, Volunteer Attorneys for Rural Nevadans/Domestic Violence Project, the Washoe Access to Justice Foundation, the Washoe County Senior Law Project, and Washoe Legal Services/Pro Bono Project.

(f) One representative each from the Clark County Bar Association, the State Bar of Nevada, and the Washoe County Bar Association.

(g) One representative from the clinical program at the William S. Boyd School of Law of the University of Nevada, Las Vegas.

(h) Two persons who are not members of the legal profession.

The commission may appoint nonvoting members, including, but not limited to, judges and representatives from other direct service providers, county bar associations, and neighborhood pro bono projects.

3. *Meetings.* The commission shall meet at least semi-annually and shall have additional meetings, as the commission deems appropriate. The commission may form separate subcommittees to address specific issues.

H

TAB 7



MEMORANDUM

From: Kristina Marzec
To: Access to Justice Commission
Date: October 23, 2008
Re: Calendar

November:

11.7.08	9 am- 10-am	Communications Committee (call)
11.18.08	11 am- Noon	Legal Services Delivery Committee (call)
11.19.08	2 pm- 3 pm	Development Committee (call)
11.20.08		Nevada Law Foundation Board meeting (grants)

2009

February

Feb 5, 2009 1 pm to 5 pm Access to Justice Commission AOC videoconference

April

April 28, 2009 9-1 or 1-5 Access to Justice Commission AOC videoconference

July - potential

July 10, 14, 15, 16, 17 Options for Third Quarter ATJC*

October- potential

October 1st afternoon,
October 2,7,8,9, Options for Fourth Quarter ATJC*

November- potential

Nov 6th Afternoon
November 9,10,12,13

**These dates are being held by the AOC and currently do not conflict with the Supreme Court master calendar*



JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH & HUMAN SERVICES
DIVISION FOR AGING SERVICES

3416 Goni Road, D-132
Carson City, Nevada 89706

(775) 687-4210 • Fax (775) 687-4264
dascc@aging.nv.gov

MICHAEL WILLDEN
Director

CAROL SALA
Administrator

September 16, 2008

Ms. Kristina Marzec
State Bar of Nevada
600 East Charleston Boulevard
Las Vegas, NV 89104

RECEIVED BY
SEP 22 2008
STATE BAR OF NEVADA

Dear Kristina:

Thank you for graciously taking the time to talk with me about the Access to Justice Commission.

As the Elder Rights Attorney for the State, I am vitally interested in the access of Nevada's older persons to services that allow them to exercise their rights. I am in frequent contact with the Washoe County Senior Law Project, the Las Vegas Senior Citizens Law Project, and Nevada Legal Service's Senior Helpline. I was instrumental in getting the federal grant that funds the Senior Helpline. The Division for Aging Services, where I am on the senior staff, provides federal and state funding to the Senior Law Projects in Washoe County and Las Vegas.

My official title is Specialist for Rights of Elderly Persons, described in NRS 427A.122. I am including a copy of the statute, and my resume. I have been in this position since May, 2001.

I would like to be involved with the Commission in any capacity that would be deemed appropriate. I would especially like to attend a meeting.

Sincerely,

Sally Crawford Ramm
Elder Rights Attorney

Enclosures

Las Vegas Regional Office
1860 E Sahara Ave
Las Vegas, Nevada 89104
(702) 486-3545
(702) 486-3572 Fax

Reno Regional Office
445 Apple Street, Suite 104
Reno, Nevada 89502
(775) 688-2964
(775) 688-2969 Fax

Elko Regional Office
1010 Ruby Vista Drive, Suite 104
Elko, Nevada 89801
(775) 738-1966
(775) 753-8543 Fax

00088

SALLY CRAWFORD RAMM, ESQ.
Specialist for the Rights of Elderly Persons
State of Nevada, Division for Aging Services
445 Apple Street, Suite 104
Reno, Nevada 89502
775-688-2964

EDUCATION

Santa Clara University School of Law, Santa Clara, CA
Juris Doctor, May 1998
Public Interest Law Certificate

University of California, Berkeley, CA
Bachelor of Arts, May 1995; Major, Rhetoric
Graduated with Honors, Dean's List all Semesters
Phi Beta Kappa

PROFESSIONAL EXPERIENCE

STATE OF NEVADA, DIVISION FOR AGING SERVICES

Provide advocacy and education relating to the legal rights of elderly people and facilitate the development of legal services to assist elderly people in securing and maintaining their legal rights. Provide technical assistance to law enforcement, attorneys, advocates, and the Division for Aging Services, regarding protecting the rights of elderly people in Nevada. Additionally, submit, track, and advocate for legislation that will improve the lives of the elderly people living in Nevada. Work closely with the Elder Protective Services program and the Long Term Care Ombudsman program in investigation and prevention of elder abuse and in gathering statistics. Act as an advocate in court cases involving elderly persons, and court-ordered temporary guardian for older people whose caretakers are abusing them.

ANN PRICE McCARTHY & ASSOCIATES, Carson City, Nevada

Associate in this law firm, practicing family law, small business law, bankruptcy, personal injury, and other civil matters.

HONORABLE DEBORAH SCHUMACHER, SECOND JUDICIAL DISTRICT COURT, Reno, NV

Appointed law clerk by Judge Schumacher on graduation from law school. Conducted legal research and drafted orders of the Court after reviewing submitted motions.

EAST SAN JOSE LAW CLINIC

Legal Services office affiliated with Santa Clara University School of Law. Worked for Professor doing research and then writing an office memorandum on a possible class action case involving a mortgage company. Class consisted of elderly persons who were given below-market second mortgages on their homes that they then could not pay.

SENIOR LAW PROJECT, WASHOE COUNTY, NEVADA

Worked as a summer intern in this legal services office serving senior citizens. Did legal research, wrote memorandums, points and authorities, complaints. With attorney supervision, interviewed clients and participated with attorney in counseling the clients as to their options.

EASTERN AIRLINES

Western Regional Sales Manager. Staff consisted of eight people in five cities. Analyzed the needs of the airline and of the customers, utilized resources to meet those needs. Trained all personnel and guided all of their activities, as well as working with Divisional Offices in Atlanta and Corporate Offices in Miami. Began as a sales representative and was promoted through the ranks.

SPECIALIST FOR RIGHTS OF ELDERLY PERSONS

NRS 427A.122 "Elderly person" defined. As used in NRS 427A.122 to 427A.1236, inclusive, unless the context otherwise requires, "elderly person" means a person who is 60 years of age or older.

(Added to NRS by 1999, 126)

NRS 427A.123 Office created. The Office of Specialist for the Rights of Elderly Persons is hereby created within the Aging Services Division of the Department.

(Added to NRS by 1989, 1485)

NRS 427A.1232 Appointment; qualifications; removal from office.

1. The Governor shall appoint the Specialist for the Rights of Elderly Persons for a term of 4 years. The person appointed:

- (a) Must be an attorney licensed to practice law in this State;
- (b) Must be qualified by training and experience to perform the duties and functions of his office;
- (c) Is in the unclassified service of the State; and
- (d) Shall report upon request to the Administrator regarding the performance of his duties and the functioning of his office.

2. The Governor may remove the Specialist for the Rights of Elderly Persons from office for inefficiency, neglect of duty or malfeasance in office.

(Added to NRS by 1989, 1485)

NRS 427A.1234 Duties and powers of Specialist.

1. The Specialist for the Rights of Elderly Persons shall:

(a) Provide advocacy and education relating to the legal rights of elderly persons and shall facilitate the development of legal services to assist elderly persons in securing and maintaining their legal rights.

(b) Provide, upon request, technical assistance, training and other support relating to the legal rights of elderly persons to:

- (1) An attorney who is providing legal services for an elderly person;
- (2) An employee of a law enforcement agency;
- (3) An advocate for residents of facilities for long-term care;
- (4) An employee of an office for protective services of any county; and
- (5) An employee of the Division.

(c) Review existing and proposed policies, legislation and regulations that affect elderly persons, and make recommendations as appropriate to the Administrator.

(d) Review and analyze information relating to the nature and extent of abuse, neglect, exploitation and isolation of elderly persons to identify services that need to be provided, including, without limitation:

- (1) Methods of intervening on behalf of an elderly person to protect the elderly person from abuse, neglect, exploitation or isolation; and
- (2) Enforcing the laws of this state governing abuse, neglect, exploitation and isolation of elderly persons.

2. The Specialist for the Rights of Elderly Persons may:

(a) Have access to, inspect, copy and subpoena all records in the possession of any clerk of a court, law enforcement agency or public or private institution, wherever situated, that relate to the abuse, neglect, exploitation or isolation of an elderly person.

(b) Have access to all written records in the possession of any person, government, governmental agency or political subdivision of a government that relate to the abuse, neglect, exploitation or isolation of an elderly person.

(c) Represent and assist any incompetent person until a guardian is appointed for that person.

(d) Use the information obtained pursuant to paragraphs (a) and (b) to resolve complaints relating to the abuse, neglect, exploitation or isolation of an elderly person.

(e) Develop services relating to financial management for an elderly person who is at risk of having a guardian or conservator appointed by a court to manage his property.

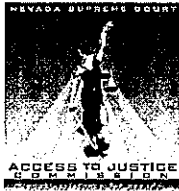
(f) Appear as amicus curiae on behalf of elderly persons in any court in this state.

(g) Perform such other functions as are necessary to carry out his duties and the functions of his office.

(Added to NRS by 1989, 1485; A 1999, 126)

NRS 427A.1236 Confidentiality of records. All records in the possession of the Specialist for the Rights of Elderly Persons relating to his counseling or representation of an elderly person are confidential and must not be released to any other person except upon order of a court of competent jurisdiction or pursuant to NRS 239.0115.

(Added to NRS by 1989, 1485; A 2007, 2106)



MEMORANDUM

From: Kristina Marzec, *Director, Access to Justice Commission*

To: Professor Jeff Stempel, *Chair pro tem, Ethics & Prof. Resp. Committee*

Date: October 18, 2008

Re: Opinion #34 (ghost-lawyering)

The Access to Justice Commission appreciates the opportunity to submit its recommendation regarding advisory opinion #34 (Ghost-lawyering). I, Deputy Bar Counsel David Clark, and the directors of Legal Aid Center of Southern Nevada (formerly Clark County Legal Services), Washoe Legal Services, the senior law projects in Washoe and Clark County, Volunteer Attorneys for Rural Nevadans, and Nevada Legal Services have reached a proposed resolution to the aforementioned providers' previously stated concerns about the substance of this advisory opinion.

Below is a proposed comment addressing the Office of Bar Counsel's enforcement philosophy as it pertains to the interaction of the content of opinion #34 with *bona fide* legal aid services providers. This specific language has been approved by the providers and David Clark.

Understanding that the Ethics and Professional Responsibility Committee feels strongly about the value of this opinion to the overall bench, bar, and to disciplinary enforcement, the addition of this comment will address the providers' concerns sufficiently to withdraw any further objections to its re-publication.

In response to concerns raised by not-for-profit legal aid services providers regarding this advisory opinion, the State Bar of Nevada Office of Bar Counsel recognizes the "practical necessity" exception to the unauthorized practice of law prohibition and related policies in assisting parties. "[T]he practical necessity apparently lies in a comparative lack of lawyers in the light of the volume of transactions of the type requiring the simple legal services. It is a situation where the legal profession is unable to provide the public with the simple services necessary to the transaction. *Pioneer Title Ins. & Trust Co. v. State Bar of Nev.*, 74 Nev. 186, 326 P.2d 408 (1958)(*quot. Lowell Bar Ass'n v. Loeb*, 315 Mass. 176, 52 N.E.2d 34 (1943))("The actual practices of the community have an important bearing on the scope of the practice of law.").

In this context, "legal aid services providers" are bona fide 501(c)(3), government, or court-annexed programs such as Legal Aid Center of Southern Nevada, Nevada Legal Services, Inc., Washoe Legal Services, the Senior Citizen Law Projects, and Volunteer Attorneys for Rural Nevadans.

This exception is based upon the nature of these programs as legitimate providers wholly dedicated to legal aid services, with trained staff under the supervision of licensed attorneys, and under the mandates to aid the poor as recognized by Supreme Court Rule 15 creating the Supreme Court Access to Justice Commission.

On behalf of the Commission, I would appreciate feedback on the Committee's response to this proposed resolution. Again, I thank you and the Committee for the opportunity to work together to reach an amicable solution.

NEVADA RURAL COUNTIES RSVP PROGRAM, INC.

BOARD OF DIRECTORS

JERRY THURMAN,
Board President
President Insured Financial
Services

MARGARET LOWTHER,
Board Vice President
Former Storey County
Auditor/Recorder

WILLIAM CREEKBAUM
Board Secretary
CFR 1st Vice President
Smith Barney

MARSHA BURGESS,
Board Treasurer
Former CEO
Greater NV Credit Union

JEFF FONTAINE,
Board Director
Executive Director,
Nevada Association of Counties

BONNIE PARNELL,
Board Director
Nevada State
Assemblywoman, District 40

HELAINE JESSE,
Board Director
Vice President
Western Nevada
Community College

EXECUTIVE DIRECTOR
& CEO

JANICE R. AYRES

Program of: The Corporation For National And Community Service

Mailing Address: P O. Box 1708
Carson City, NV 89702
Location: 3303 Butte Way, Building 1
Carson City, NV 89701
(775) 687-4680
Fax (775) 687-4494
Toll Free: 1-800-992-0900 Ext: 4680
E-mail: branded@rsvp.carson-city.nv.us
www.nevadaruralrsvp.org

July 10, 2008

Ms. Lynn Etkins
State Bar of Nevada
600 E. Charleston Boulevard
Las Vegas, NV 89104

RECEIVED BY
JUL 14 2008
STATE BAR OF NEVADA

Dear Ms. Etkins:

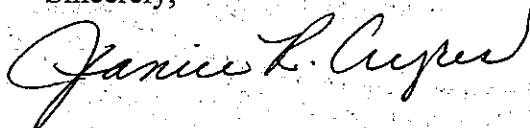
On behalf of the RSVP Board of Directors, staff, volunteers and low-income senior clients, I want to thank the State Bar of Nevada for their generous PSLRGA grant for our pro bono CARE Law program.

The funds will be used to assist our program attorney Lora Myles in helping low-income seniors in Nevada's rural counties with their legal and government assistance problems, allowing them to remain independent and in their own homes to live out their lives with dignity, rather than being prematurely institutionalized.

She was recently recognized by the Nevada Appeal as 'Public Servant of the Year' in their annual Community Awards program. I have attached the article announcing the award.

Thank you again for this most generous contribution to a wonderful program.

Sincerely,



Janice R. Ayres
Executive Director & CEO

Named Outstanding Non-Profit Agency in Nevada for 2001 - Governor Kenny Guinn's "Points of Light Award."

Carson City Co. - Churchill Co. - Douglas Co. - Elko Co. - Esmeralda Co. - Eureka Co. - Humboldt Co. - Lander Co. - Lincoln Co. - Lyon Co. - Mineral Co. - Nye Co. - Pershing Co. - Storey Co. - White Pine Co.

RSVP's MISSION: To stimulate voluntary citizen participation in addressing the needs of Nevada's Rural communities particularly those of the poor, the disadvantaged and the elderly, through the work of the Retired and Senior Volunteer Program (RSVP).

00093

Nevada Appeal – Thursday, June 26, 2008

Community Awards: Public servant of the year

BY STAFF REPORT,

Lora Myles

Lora Myles travels thousands of miles every year to provide free legal services in Nevada's rural areas.

"She thrives on the sagebrush and rustic motels as she drives to all of Nevada's rural counties to help low-income seniors, putting in endless hours at no salary," said the letter nominating her for this year's public service award.

Myles works for RSVP in Carson City and, according to her co-workers who nominated her, has traveled more than 220,000 miles and provided seniors more than 40,000 hours of legal services in the past 13 years.

Her nomination letter described that work as "a \$12 million gift to low-income seniors who would never have had the opportunity to receive legal aid without Lora."

"There are too few Lora Myles in this world and, when one is found, they need to be thanked and publicly recognized for their selfless contributions."

ROBERT B. GOICOECHEA
rgoicoechea@frontiernet.net

GARY E. DI GRAZIA
gdigrazia@frontiernet.net

PARALEGAL
WALTER I. LEBERSKI

LAW OFFICE OF
**GOICOECHEA, DI GRAZIA,
COYLE & STANTON, LTD.**
A PROFESSIONAL CORPORATION

THOMAS J. COYLE, JR.
tcoyle@frontiernet.net

DAVID M. STANTON
davidstanton@frontiernet.net

October 6, 2008

RECEIVED BY
OCT 09 2008
STATE BAR OF NEVADA

Kristina Marzec, Director
Access to Justice Commission
600 E. Charleston Blvd
Las Vegas, NV 89104

Re: IOLTA and trust accounts

Dear Ms. Marzec:

For your information, enclosed please find a sample of a letter that was recently sent to attorneys in rural Nevada regarding interest rates on IOLTA accounts.

With best regards,


DAVID M. STANTON

DMS/srh
Enclosure

ROBERT B. GOICOECHEA
rgoicoechea@frontiernet.net

GARY E. DI GRAZIA
gdigrazia@frontiernet.net

—
PARALEGAL
WALTER I. LEBERSKI

LAW OFFICE OF
**GOICOECHEA, DI GRAZIA,
COYLE & STANTON, LTD.**
A PROFESSIONAL CORPORATION

THOMAS J. COYLE, JR.
tcoyle@frontiernet.net

DAVID M. STANTON
davidstanton@frontiernet.net

September 24, 2008

FIELD(Name), Esq.
FIELD(Firm)
FIELD(Address)
FIELD(City, State Zip)

Re: IOLTA and trust accounts

Dear FIELD(Salutation):

Based on discussions that took place at the September 19 Nevada Supreme Court Bench-Bar Committee meeting, I am writing to you concerning a pressing issue affecting legal services in rural Nevada, where the poor are significantly under-served by legal services providers.

As you are probably aware, Nevada Legal Services and other legal services organizations which provide legal representation to indigent clients throughout Nevada receive funding from interest that accrues on IOLTA accounts. However, it has come to the attention of the Nevada Supreme Court's Access to Justice Commission and the Nevada State Bar that various banks in the state offer substantially different interest rates on IOLTA accounts. For this reason, I encourage you to log onto the following website:

<http://www.nvbar.org/Committees/AccessToJusticeCommittee.htm>

for information about banks offering competitive interest rates on IOLTA accounts. Perhaps this information will help you negotiate with your bank for a higher interest rate or even make the decision to move your IOLTA account to a different bank. Of course, the decision is yours, but the impact on the quality and availability of legal services to indigent clients throughout the state could be substantial.

Thank you for your attention to this serious matter.

With best regards,

DAVID M. STANTON

DMS:

Message 27 of 1772 in (Inbox))

Date Wednesday, October 8, 2008 at 11:28:19 AM GMT+00:00
From "Sally C. Ramm" <sramm@aging.nv.gov>
To kristinam@nvbar.org
CC
Subject Availability of Grant Funding for Emeritus Attorney Pro Bono Projects Serving Veterans

Hello! I thought the Access to Justice Commission might be interested in this.
Sally Ramm

Availability of Grant Funding for Emeritus Attorney Pro Bono Projects Serving Veterans

The ABA Board of Governors established the ABA Enterprise Fund in October 2006 to fund innovative, collaborative projects between ABA entities that advance the goals and mission of the ABA. Grants are awarded annually on a competitive basis to fund new projects and activities.

The Veterans Advocacy Pro Bono Project was funded by the ABA Enterprise Fund in fiscal year 2008 to accomplish four goals:

- (A) Help connect low- and moderate-income veterans with emeritus pro bono attorneys who will assist them in filing initial applications and claims for health care, educational, disability, pension or other service-related benefits from the U.S. Department of Veterans Administration or state-operated programs, and in filing appeals of denials of benefits;
- (B) Help refer veterans to non-emeritus pro bono attorneys if emeritus pro bono attorneys are not available or the veterans are not eligible for pro bono services from the emeritus attorney pro bono program;
- (C) Provide an innovative way to promote a state emeritus attorney pro bono program to retired and non-practicing attorneys who may be interested in assisting veterans and volunteering for the project; and
- (D) Promote the provision of pro bono services to an underserved population with special legal needs, including homeless veterans and veterans at risk of homelessness.

This 2-year project consists of establishing pilot programs in up to four states with emeritus attorney pro bono practice rules. The pilot programs will assist veterans in getting pro bono legal assistance during the benefits application and claims process, or during the appeals process, through an emeritus attorney pro bono program. If a veteran is ineligible for pro bono services from the emeritus attorney pro bono program, or if an emeritus pro bono attorney is not available, the pilot program will assist the veteran with obtaining a referral to a non-emeritus pro bono attorney through the ABA Administrative Law Section Veterans Affairs Pro Bono Committee. The project will also provide one

substantive law training program for volunteers using either a video or web-based format that will be available for replay.

There are 100,000 veterans seeking benefits who face huge challenges in obtaining the service-related disability, educational, health care and pension benefits to which they are legally entitled. Assistance of legal counsel is invaluable in helping veterans obtain these benefits. Attorneys can assist veterans in many ways in preparing and filing applications or claims for benefits from the U. S. Department of Veterans Affairs (VA), or state-operated programs, or in appealing denials of benefits, including obtaining evidence for health or disability claims and lay witness statements, and preparing cases or briefs for hearings.

If the project fulfills its goals, a veteran who might otherwise not have legal assistance in pursuing benefits or an appeal will have pro bono representation to assist the veteran in receiving service-related benefits to which the veteran is entitled, increasing the likelihood that the veteran will prevail; and a state's emeritus attorney pro bono program will have successfully recruited new volunteers, strengthened its program, and enhanced awareness of the emeritus attorney pro bono rule or program in the state's legal and pro bono communities.

Organizations in states with emeritus attorney pro bono practice rules that are interested in establishing a Veterans Advocacy Pro Bono pilot project may apply to the ABA Commission on Law and Aging for a technical assistance grant of up to \$5000, which may be used for recruitment and outreach materials, additional trainings, postage, and related costs of establishing and operating the pilot program. Applications will require a partnership between a state bar or entity responsible for implementing a state's emeritus attorney pro bono rule and one or more bar-sponsored or non-profit legal services program through which the emeritus pro bono attorney would be assigned a case and that can assist in outreach to veterans, including homeless veterans and veterans at risk of homelessness.

The ABA Commission on Law and Aging is partnering with the following ABA entities on this worthwhile project: the Section on Administrative Law and Regulatory Practice, the Commission on Homelessness and Poverty, the Standing Committee on Bar Activities and Services, Division of Bar Services, the Senior Lawyers Division, and the Standing Committee on Pro Bono and Public Service's Center on Pro Bono.

We will soon be announcing the availability of the technical assistance grants and the application process. We wanted to make you aware of this wonderful opportunity to apply for funding to assist your state's veterans in obtaining their service-related benefits by offering them pro bono legal services provided through your state's emeritus attorney pro bono program.

For more information, please contact Holly Robinson, ABA Commission on Law and Aging, at (202) 662-8694, or robinsoh@staff.abanet.org.