



## Minutes

### Access to Justice Commission Meeting

State Bar of Nevada, Northern Nevada Bar Center

February 1, 2008

A regular meeting of the Supreme Court Access to Justice Commission was convened on February 1, 2008 at the Northern Nevada Bar Center, Reno, Nevada

**The following members were in attendance:**

Justice Michael Douglas  
Justice James Hardesty  
Kimberly Farmer  
Kimberly Abbott  
Valerie Cooney  
John Desmond  
Judge Stephen Dahl  
Judge Frances Doherty  
Paul Elcano  
Brett Kandt  
Ernie Nielsen  
Judge Connie Steinheimer

**The following members participated by telephone:**

Cam Ferenbach  
Anna Marie Johnson  
Judge Andrew Puccinelli  
Sugar Vogel  
Judge William Voy  
Tom Warden

**The following persons participated as guests of the Commission:**

Ernie Adler  
Nancy Alf  
Bruce Beesley  
Barbara Buckley  
Dean Hardy  
David McElhaney  
Todd Torvinen  
James Puzey  
Audrey Damonte

1. **CALL TO ORDER**

The meeting was called to order by Justice Michael Douglas at 10:00 am.

2. **APPROVAL OF MINUTES**

It was moved, seconded and approved to approve the minutes of September 21, 2007 as amended.

3. **COMMISSION 2008 STRATEGIC PLANNING**

Justice Hardesty reported on the accomplishments of the Commission in 2007. The Commission then moved into a discussion of issues before the Commission in the upcoming year. The brainstorming session covered many areas including funding, pro bono and communications. Some key points included:

Funding

- Increase/expand sources of funding, i.e. jury fees; IOTLA
- Develop a coordinated effort for fundraising
- Legal services need alternative sources for funds
- Utilize the results of the legal needs assessment study to obtain funding

Pro Bono

- Delivery of services to the rural counties is a significant problem
- There needs to be a plan to foster statewide cooperation/plan for delivery of services statewide
- The firms need to encourage an environment for attorneys to contribute more pro bono hours
- The Commission should identify and respond to the obstacles firms face in doing pro bono work, i.e. conflicts
- The Commission should review the some of the rules that create barriers with respect to access to justice matters
- There are regional differences in firms doing pro bono work

Communications

- There is an opportunity in 2008 to for a strong communications campaign that communicates the results of the legal needs assessment
- Look to develop a plan to encourage pro bono by lawyers
- The commission should develop a consistent identity and message

4. **ADMINISTRATION**

Kimberly Farmer reported the status of the search for the AJC director. After discussion of the job requirements of the position, it was recommended that the position responsibilities be dedicated solely to the Commission. The goal of the Commission is to have the position filled by March 2008. Kimberly Farmer, Barbara Buckley and Justice Douglas will be involved in the interview process.

Ms. Farmer presented the Commission with an update on the status of the 501(c) (3) paper work. She presented the draft bylaws; it was moved, seconded and approved to approve the bylaws of the Commission.

5. **COMMUNICATIONS STANDING COMMITTEE**

Ms. Farmer reported that the first phase of the legal needs assessment is complete. The report has been distributed to all Commission members. The second phase of the assessment – focus groups –

is scheduled to begin in April. Ms. Farmer reported that phase one came in higher than quoted, \$15,000 over budget. Through negotiations, the vendor has agreed to meet the Commission halfway on the cost overruns. It was noted that the AOC has applied for a grant from the State Justice Institute to offset the cost of the legal needs assessment; and if received, funds from the grant could be used towards the cost overruns. It was moved, seconded and approved to authorize the AOC to negotiate and pay the excess amount incurred, if the AOC receives the grant.

The Commission reviewed drafts of the logos submitted by Watkins and Associates. It was moved, seconded and approved to endorse the "Working for Nevadans" logo as the official Access to Justice Commission logo.

## **6. DEVELOPMENT STANDING COMMITTEE**

David McElhaney, board member of the Nevada Law Foundation, gave a report on the Comprehensive IOLTA ADKT. Mr. McElhaney also reported that the Nevada Law Foundation has started talks with banks with the goal of getting a better interest rate for the IOLTA accounts. The Commission suggested the NLF look at a statewide approach to working with the banks.

The Commission discussed firm trust accounts noting that many national firms are doing business in Nevada. The Commission thought that there may be a need for a MJP rule change with respect to trust fund accounts. It was moved, seconded and approved to request the State Bar to explore a rule change that directs all dollars generated in Nevada be placed in a Nevada trust account until dispersed.

The Commission discussed the issue of jury fees. The Court has requested input from the Clark County DA's office on the legal basis for holding this money. This issue is evolving, thus the Commission tabled the jury fee discussion until the next meeting of the Commission.

Paul Elcano gave status on Cy Pres. Mr. Elcano has contacted the Nevada Justice Association (NJA) asking for their assistance. Mr. Elcano has requested that the Justices of the Supreme Court write a letter to the NJA following up on this issue.

## **7. LEGAL SERVICES STANDING COMMITTEE**

After discussing the issues of legal services to the rural areas it was determined that this is a significant issue for the Commission in 2008. The standing committee will continue discussions on this matter. It was determined that discussions should involve the AOC, thus the committee will request that John McCormick, Coordinator of the AOC of the Rural Court, be involved in future discussions.

The Commission discussed the matter of Ghostlawyering. The State Bar Ethics and Professionalism Committee is working on an opinion on this and other limited engagement issues. The Commission will request that the Ethics and Professionalism Committee hold off on an opinion on this issue until the Commission has had an opportunity to weigh-in on the matter. It was noted that the limited engagement issue is not only a legal services matter, but also an issue for the firms/lawyers handling pro bono matters. The Commission will continue to review this issue and requests input from the State Bar on limited engagement rules.

Ms. Farmer presented the ADKT Petition on the Emeritus Attorney Pro Bono Program. It was moved, seconded and approved to approve the ADKT as presented.

**8. 2008 COMMISSION GOALS**

Justice Hardesty took a moment to summarize the earlier discussion regarding issues and presented goals and objectives of the Commission. The goals he would like accomplished by the Commission in 2008 are:

- Complete the legal needs assessment and develop a strategic plan based on the results of the assessment
- Develop alternative sources of funding; solidify mechanisms for statewide funding to increase funding by \$1.5 million
- Expand the involvement of large and medium firms in supporting legal services; review issues within the rules that impede pro bono work by members
- Improve the interest rate on IOLTA accounts
- Increase delivery of services to the rural population
- Develop a communication plan for the Commission

**9. Other Business**

The main topic to be on the agenda for the next meeting will be statewide funding issues.

The next meeting has been scheduled for April 25, 2008 in Las Vegas at 10:00 am