



# Nevada Supreme Court Access to Justice Commission



## Meeting Minutes

Monday, March 11, 2013  
Via videoconference and teleconference

### MINUTES

#### Commission Members in Attendance

Justice Michael Douglas, Co-Chair  
Justice James Hardesty, Co-Chair  
Hon. David Barker  
Valerie Cooney, Volunteer Attorneys for Rural Nevadans (VARN)  
Hon. Frances Doherty  
Paul Elcano, Washoe Legal Services (WLS)  
Anna Marie Johnson, Nevada Legal Services (NLS)  
Melanie Kushnir, Legal Aid Center of Southern Nevada (LACSN)  
Elana Graham, State Bar of Nevada Board of Governors  
Hon. Frank Sullivan  
Prof. Anne Traum, UNLV Boyd School of Law (by telephone)  
Sugar Vogel, Southern Nevada Senior Law Program (SNSLP)

#### Non-voting guests in attendance

Barbara Buckley, Legal Aid Center of Southern Nevada  
Keegan Flaherty, ALPS Foundation services (by telephone)  
Katelyn Franklin, Public Interest Law Association (PILA)  
Dara Goldsmith, Justice League of Nevada  
Hon. Cynthia Leung (by telephone)  
Kim McKelvey, ALPS Foundation services (by telephone)  
Carmella Reed, NLS  
Jeremy Reichenberg, Young Lawyers Section (by telephone)  
Christine Smith, UNLV Boyd School of Law (by telephone)

#### Staff

Kimberly Farmer, SBN Executive Director  
Lisa McGrane, SBN Program Director

#### Call to Order

The meeting was called to order at 1:10 p.m.

#### Foster Care Pilot Project

The following guests appeared before the Commission to present the Clark County Department of Family Services (DFS) Therapeutic Foster Care Pilot program in collaboration with Healthy Minds: Jill Marano (State of Nevada, Department of Health and Human Services), Lisa Ruiz-Lee (DFS), Mike Knight (DFS), Alex Ortiz (DFS), Ken McKay (Healthy Minds), Robert Durette (Healthy Minds) and Lisa Durette (Healthy Minds). Those in attendance provided an overview of the collaborative program to improve services for children in specialized foster care homes. Ms. Marano informed the Commission that



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AB250, which was passed in 2011, allowed for Medicaid funding to be directed to specialized foster care programs throughout the State. Ms. Ruiz-Lee stated that Clark County DFS has contracted with Healthy Minds to provide umbrella services for children in specialized foster homes by coordinating medical services and working with biological families to address the needs of the children. The goal of the Pilot Project is to reduce psychiatric placements, psychiatric medications and transfers to multiple care homes. The Commission commended the Project's innovative efforts citing the need that previously existed to take legal action on behalf of the children in specialized foster care, the decrease in the number of cases that previously clogged the family court system, and the reduction in psychiatric hospitalizations and medications.

#### **Access to Justice Executive Director Position**

The State Bar of Nevada is in the process of soliciting applications for the new Access to Justice Director position through the end of March. The State Bar will coordinate the selection of the Access to Justice Director with the Commission.

#### **Statewide Legal Service Delivery Reports**

*Legal Aid Center of Southern Nevada:* Ms. Buckley reported that LACSN is working with the Family Court to deliver a different judicial system for children. Currently, there are built-in delays with no single judge or hearing master in control of a case. A committee is in place to provide recommendations and changes are already being implemented. Judge Sullivan stated that the goal is for judicial accountability, moving cases through the system timely, and more time for hearings. Ms. Buckley announced the production of new books for kids in foster care entitled, "What Happens When You Leave Your Home." There are two versions for younger and older kids. The LACSN staff is moving into the new building on Friday and the Center will be open for business on Monday. Ms. Buckley also distributed a list of firms in southern Nevada sorted by number of attorneys and the number of pro bono cases accepted and pro bono hours performed by those firms. She asked for the Commission's assistance to strategize on how to visit and/or solicit help from firms who have not taken cases or donated money for pro bono.

*Nevada Legal Services:* Ms. Johnson reported on the status of Federal funding for her organization resulting from sequestration as Nevada Legal Services receives all funding directly from the Federal government. To date, NLS is not filling open positions, staff is taking one furlough day per month, and the office is reducing the days for new client intakes to Monday thru Thursday. More permanent solutions will be necessary if sequestration continues. Ms. Johnson informed the Commission that: Project Salute will continue this year; NLS is working with SNSLP to serve seniors; NLS is holding a golf tournament fundraiser in May (Washoe and Clark County); and that there will be an open house in Reno for the new NLS office.

*Southern Nevada Senior Law Project:* Ms. Vogel reported that this is SNSLP's transition year and operations are running smoothly for the organization. They are receiving funding in part from in kind services offered by the City of Las Vegas and through a \$75,000 Wells Fargo grant. Southern Nevada Senior Law Project is working with UNLV-Boyd School of Law's extern program to provide estate planning for its clients. The organization also reported a 99% customer satisfaction rating in a recent survey.

*Volunteer Attorneys for Rural Nevadans:* Ms. Cooney informed the Commission that VARN has experienced an enormous need for immigration services. The organization is engaged in a videoconferencing project which would partner pro bono attorneys with clients in rural areas to provide



legal services and educational programs. VARN is involved in the Nevada Network Against Domestic Violence partnership and is arranging a CLE to provide awareness of the issue among members of the bar. Two upcoming events for VARN include the legal aid fair in Winnemucca and the Cow County Ball fundraiser.

*Washoe Legal Services:* Mr. Elcano provided an update on the progress WLS has made to revamp its intake process to include bilingual staff, increase the number of weekly clinics offered, and raise foundational funding for its guardianship program. WLS also lobbied the Washoe County Commission to direct a portion of a \$3 recording fee to WLS.

*Washoe Senior Law Project:* Justice Hardesty asked for the Commission to be brought up to date on the status of this program and what services are currently provided. Ms. Johnson informed the Commission that Washoe County is under contract with NLS thru June 30 to provide ongoing services to WSLP clients. The program has its non-legal staff still in place under the supervision of two full time NLS attorneys. Judge Hardy stated that funding for the program has been declining over the years, there has been a lack of leadership, and it appeared as though the program's future was limited. An advisory board was established and recommended changes. The Washoe County Board of Commissioners voted to collaborate with Sally Rahm and the Attorney General's Office to provide in kind services and funding (currently \$75,000) and transition to an established legal provider. Applications responding to the RFP will be accepted through April, at which time Washoe Senior Law Project will begin coordinating with the new provider. The Commission expressed general concern about the amount of funding directed for and distributed to the program.

#### **IOLTA Fixed Rate Review Process**

**It was moved and approved** to adopt the IOLTA fixed rate review process which sets a timeline for review of IOLTA rates twice annually in May and November.

#### **Appointment of Jeremy Reichenberg as YLS Liaison**

**It was moved and approved** to appoint Jeremy Reichenberg as the Young Lawyers Section liaison to the Commission, pending the Court's approval of ADKT 0483.

#### **Approval of October 19, 2012 Meeting Minutes**

**It was moved and approved** to accept the October 19, 2012 meeting minutes as amended.

#### **Communications and Marketing**

Ms. Farmer presented an overview of the memo provided by Ira David Sternberg outlining communications and marketing campaign developed by Ms. Marzec and representatives from The Firm, which is providing pro bono services to the Commission. The Firm recommendation was to provide an overarching campaign slogan to build identity. Ms. Buckley made the Commission aware of the "One" campaign in Florida: One Client One Attorney One Promise. The producer of the campaign, which includes a video and written materials, is willing to produce a similar video for Nevada at no cost, with exception of expenses related to shooting the video in Nevada. The Commission developed a subcommittee of Judge Doherty, Dara Goldsmith, Barbara Buckley, Anna Marie Johnson and Valerie Cooney to review the One campaign and solidify the Commission's approach by the Annual Meeting in July.



#### **Justice League of Nevada Report**

Ms. Goldsmith informed the Commission that the current FDIC insurance coverage for IOLTA accounts is \$250,000 per account, per client. She noted that as of January 2013, there is \$279,025,355 on deposit for IOLTA accounts, with an anticipated influx this year depending on the 40+ pending endoscopy cases. Ms. Goldsmith noted the number of banks that are offering higher interest rates than the minimum 0.70%, including some of the smaller banks holding fewer than 25 IOLTA accounts. Ms. Goldsmith brought to the Commission's attention that Chase Bank is not meeting the requirements set forth in Rule 217. Of the 52 accounts held by Chase, 49 have a couple hundred dollars or less. Ms. Goldsmith also informed the Commission that JLN is revamping its website. The organization is also looking for attorney members with a skill set in fund raising and/or fund development to serve on its Board of Directors.

#### **Public Speakers Bureau**

The Commission's webpage now includes a request form for its Speaker's Bureau ([www.nvbar.org/atj/speakersbureau](http://www.nvbar.org/atj/speakersbureau)). Judge Sullivan informed the Commission that speakers are in place for both northern and southern Nevada. He stated that the next steps include development of consistent messaging, determining expectations from law firms, and finding ways to reach beyond the "choir" of attorneys who already perform pro bono work. The Commission will need to develop two forms of messaging: one to attorney groups and one to civic groups such as Rotary clubs. Justice Douglas agreed with Judge Sullivan and stated that the Commission needs to broaden its horizon and express the needs of pro bono service and financial support in ways that relate to the populace. He informed the Commission that the Supreme Court has an available PowerPoint presentation on the appellate court. Judge Sullivan also has a presentation for civic groups.

#### **Emeritus Program**

A request was made to extend emeritus status to criminal law attorneys. The Commission, by lack of motion or vote, declined to make any changes to the emeritus program.

#### **2013 ATJ Commission Goals**

The Commission reviewed the list of goals provided and agreed that new priorities need to be set for 2013. The Commission asked that each member rank the goals in order of importance for discussion at the July meeting. Justice Hardesty identified several short-term goals that he would like to see accomplished within the next three months, including the One marketing campaign, refinement of the public speakers bureau, and coordination of pro bono providers with the bar to target law firms with a person-to-person approach.

#### **State Bar of Nevada "Say Yes to Pro Bono" Campaign/2013 Dues Statements**

Justice Hardesty commented on the statistics provided by the bar and noted the high number of attorneys who responded that they had not provided pro bono services in 2012. He stated that these are the attorneys on whom the Commission should focus as it promotes its Speaker's Bureau and marketing campaign. Ms. Farmer stated she would like to compare the final numbers from the 2013 reporting cycle with the previous year to determine if the "Say Yes to Pro Bono" campaign launched last year made a difference.



#### **Bank of Nevada CLE: Ethics of Trial and Appellate Practice**

The State Bar of Nevada recently partnered with Bank of Nevada to host a CLE benefitting the legal service providers in Clark County. The event was a success with more than 200 people in attendance and \$21,000 raised. The Commission agreed that the seminar should be repeated in northern Nevada and be made into an annual event.

#### **UNLV PILA Rural Services Spring Break Student Retreat**

The ATJ Commission donated \$500 to the PILA program. Dean Smith informed the Commission that six students will be traveling to the rural areas during spring break. They will be participating in a tribal law project, visiting the Supreme Court, assisting VARN with its legal aid fair, and joining in a community service project with an elementary school. She will report on their projects at the Commission's next meeting.

#### **Veteran's Initiative**

Ms. Johnson informed the Commission that NLS is looking to grow this initiative. Ms. Buckley added that LACSN is also participating at an upcoming event.

#### **Legal Service Provider Economic Impact Statements**

This item has been tabled.

#### **Preemptory Challenge Fee Waiver**

Ms. Buckley asked if a fee waiver can be obtained on behalf of attorneys representing low income clients. **It was moved and approved** for the State Bar of Nevada to draft an ADKT for submission to the Court on this issue.

The meeting adjourned at 3:55 p.m.