



Nevada Supreme Court Access to Justice Commission
Friday, March 14, 2014 1:00 PM – 3:30 PM



Video Conference:

Las Vegas

Regional Justice Center, 17th Floor
Supreme Court, AOC Rooms A & B

Carson City

Supreme Court
Law Library, Rooms #104/#105

Reno

2nd Judicial District Court
75 Court Street – Room 220B

Conference Call:

Conference Call Number: 877.594.8353 / Participant Code: 35688281

Meeting Minutes

Commission Members in Attendance:

Justice Michael Douglas, Co-Chair
Justice James Hardesty, Co-Chair
John Desmond
Paul Elcano
Anna Marie Johnson
W. Brett Kandt
Melanie Kushnir
Elana Graham
Anne Traum
Sugar Vogel
Jeremy Reichenberg
Judge Elizabeth Gonzalez
Judge Connie Steinheimer
Judge James Wilson
Judge Nancy Porter
Judge Michael Montero
Judge Nathan Tod Young
Judge Tom Stockard
Doreen Spears Hartwell
Ron Spratt
Ben Albers

Attending Guests

Ben Albers, Executive Director, VARN
Trevor Atkin, Justice League of Nevada
Nicole Lambley, Justice League of Nevada
Andy Mierins, Board of Directors, Nevada Legal Services
Barbara Buckley, Executive Director, Legal Aid Center of Southern Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada

Staff Member Present

Angela Washington, Access to Justice Director

Call to Order/Roll Call

The Access to Justice Commission Meeting called to order at 1:07 pm by Justice Michael Douglas and a roll call was conducted thereafter.

Consent Agenda

It was moved and seconded to approve the minutes of the November 1, 2013 Access to Justice Commission meeting with the amendment in the Statewide Legal Service Delivery Report that the Southern Nevada Senior Law Program moved to a temporary office location on the corner of 6th Street and Bridger Street. Additionally, it was moved and seconded that the minutes of the December 18, 2013 Subcommittee on Rural Concerns and the minutes of the February 11, 2014 Subcommittee on Rural Concerns be accepted. A vote was taken and the matter passed unanimously.

Statewide Legal Service Delivery Reports

Legal Aid Center of Southern Nevada (LACSN) – Barbara Buckley provided the report for the Legal Aid Center of Southern Nevada. Ms. Buckley shared that a milestone had been reached in the Children’s Attorney Project (CAP) at LACSN as the program is now representing over 2000 children. Additionally, two units of the program will now represent a group of children from their first day in CAP and three new attorneys have been hired for the CAP program. In LACSN’s Domestic Violence and Immigration Unit, there are five full time attorneys available to assist with domestic violence and immigration issues. LACSN made application to Justice League of Nevada for assistance in the domestic violence area and was granted an additional \$50,000 specifically to support these services; with these funds, an additional attorney will be hired for the Domestic Violence and Immigration Unit. In LACSN’s Pro Bono Project, firms Greenberg Traurig as well as Snell and Wilmer have agreed to adopt family law as their project this year. CLE’s were conducted at both firms and cases were placed at the time of the CLE’s. Thirty-five cases were placed at the Ely Family Law Conference. In her update of the Family Law Self Help Center, Ms. Buckley provided that all family law pleadings and all children’s pleadings are password protected on the web. Additionally, LACSN will start a Small Claims Court Ask-a-Lawyer in May. Lastly, a Record Sealing Community Education Class, in partnership with the Public Defenders Office was conducted recently at Boyd School of Law; fifty attendees were present at the first class.

Nevada Legal Services (NLS) – Anna Marie Johnson provided the report for Nevada Legal Services. Ms. Johnson shared that NLS received a slight increase in federal funding and Nevada is now receiving funding resulting from the census shift reflected in 2010. As a consequence, NLS has been able to increase staff, specifically with the opening of a new office in Yerington, Nevada. NLS’ office in Carson City is moving to 209 N. Pratt Street. The Senior Law Project in Reno is fully staffed with three full time attorneys and three support staff. The Justice League of Nevada’s funding was the last piece that enabled NLS to step up to the levels that the county has requested. NLS received funding in November that allowed the organization to staff for their Veteran’s Assistance Project; the staff is housed at Help USA in Las Vegas. The grant has already been renewed for 2015. Also, NLS is in the process of planning for 2014’s Project Salute. With the increase in funding from the Legal Services Corporation this year, NLS will need to meet a greater pro bono obligation. NLS has been meeting with LACSN over the last few weeks to determine how pro bono will be handled in Clark County. In the northern part of the state, NLS will keep pro bono staff available to provide services to the Elko, White Pine, Humboldt, and Winnemucca region.

Southern Nevada Senior Law Program (SNSLP) – Sugar Vogel provided the report for Southern Nevada Senior Law Program (SNSLP). SNSLP moved to its new location in December 2013 located at 530 Las Vegas Boulevard, Suite 310 in the Wells Fargo Building. SNSLP continues with the scheduling of one on one appointments with elder law attorneys, homebound visits and seminars. Additionally, SNSLP will provide legal clinics at two adult day care facilities in the area. SNSLP has continued with its guardian ad litem program and collaborated with Nevada Legal Services in its Serving Seniors Program (conducted at the West Charleston Library and the courthouse at Pahrump). Also, SNSLP is collaborating with LACSN on upcoming Law Day events.

Volunteer Attorneys for Rural Nevadans (VARN) – Ben Albers provided the report for VARN. VARN recently hired a new staff attorney who will be working in the Domestic Violence Victim’s Assistance Project. Last year VARN represented 122 people in the Domestic Violence Victim’s Assistance Project and provided services to 44 people in its Immigration Project. Also, Mr. Albers reported that VARN is expecting additional federal funding to support domestic violence projects and hopes to hire another attorney at that time as well.

Washoe Legal Services (WLS) – Paul Elcano provided the report for Washoe Legal Services (WLS). WLS is continuing with its domestic violence, child advocacy, jail contract, and consumer areas and has expanded its senior services program to include three full time lawyers and support staff. Also, Mr. Elcano reported that WLS saved between \$500 and \$600 dollars in the ward assets guardianship program and is working on purchasing their building.

In response to the legal services reports, Justice Douglas noted that the provided information was very uplifting.

Discussion Items

Relationships – Legal Services Providers

Justice Hardesty led a discussion about the relationships of the legal services providers stemming from conflicts or potential conflicts among the providers.

The following topics pertaining to relationships and the legal services providers were discussed:

- Regular meetings of the Boards and Board Presidents;
- “Turf” discussions/competition, including bright line divisions, delivery forms, communication, difficulty with interacting with organizations that have federal government mandates;
- The similar treatment of diverse organizations;
- The consideration of the overall delivery system, taking into account consolidation, areas of practice and geographic practice, and number of state providers. And, a system that makes sense;
- Recognition that programs have a right to exist;
- Appropriateness of Supreme Court to step in if Boards cannot make a decision;
- Best interest of the individuals that need to be served needs to be considered as well as the needs that are present;

The discussion ended with the suggestion of the forming of a subcommittee to address the concerns raised.

Public Lawyers

Brett Kandt delivered the report of what the public lawyers in the state have done and are doing to support pro bono participation by public lawyers across the state. Mr. Kandt reported that better awareness (through the regular discussions about the rule and annual mandatory reporting); better employer support (through the development of policy, for example the Attorney General's office has developed a policy regarding pro bono work); and better coordination (through the forwarding of pro bono opportunities to Mr. Kandt so that he can share same with others) are needed to support pro bono opportunities among public lawyers.

It was reported that the biggest issue that government lawyers in Elko, White Pine, Pershing and Clark Counties are encountering in their desire to do pro bono work are their employers. Mr. Kandt was asked to assemble various policies about pro bono work from government offices so that these policies can be shared with the offices that are resisting. Within the assembly of policies, bullet point designation of what can and cannot be done should be noted. Thereafter an effort to canvas the County Commissioners meetings, district attorneys' offices and public defenders' offices can be made so that these offices have the information and are made aware of the importance of the work. Also, Mr. Kandt was asked to develop a policy for the next meeting. Lastly, discussion as to whether a pitch should be pulled together for NACO (National Association of Counties) took place.

Statewide E Filing

Judge Stockard provided the report on discussions to have a statewide e-filing program in Nevada. The Rural Courts Subcommittee has discussed the program and Judge Stockard is conducting research among the rural courts to determine what types of systems are currently available. It has been discovered that of the ten judicial district courts, six different case management systems are being used and that at least in one instance, within one judicial district, there are two different systems being used. The importance of having a coordinated approach to this issue is important so that all districts can move to e-filing. The Rural Courts Subcommittee has discussed the interfacing of systems and the importance of having the same if not very similar systems for that reason. Lastly, current e-filing subscription charges for Clark County and Washoe County were discussed.

Pro Bono Week

Plans that have been made for Pro Bono Celebration was 2014 were discussed. At the time of the meeting the following events were planned or being planned:

- Southern Nevada reception
- Washoe Legal Services (WLS) - Planning on participating in the Law Fair at Meadowood Mall with Nevada Legal Services, a half day family law clinic at WLS and a half day Ask a Lawyer Clinic at WLS.
- Southern Nevada Senior Law Program (SNSLP) – Working with Aging Services on Annual Caregiver Conference on Wednesday, October 27th.
- Legal Aid Center of Southern Nevada (LACSN) - Working on a Celebration large scale Ask a Lawyer, similar to those conducted the last few years. This event will place the morning of Tuesday, October 21st at the East Las Vegas Community Center.
- Nevada Legal Services (NLS) – Ask a Lawyer event at Meadowood Mall, Champions of Justice luncheons in Las Vegas and in Reno.
- VARN – Legal Fair at Carson City Community Center.

Continued planning and marketing is needed and should take place now in advance of pro bono week. Judge Steinheimer and Judge Flanagan will work on a kick-off event in northern Nevada and volunteers from the Commission are needed to assist with this effort.

Statewide Standardization of Forms

The Self Help Center in the south and the rural courts have been working on the revision of forms used at various districts. Ms. Buckley provided a full report on the forms at the Civil Law Self Help Center during at which time she noted that the newly revised forms are on the new website. At the Family Law Self Help Center, all forms are being completely revised, one form at a time. All forms will be replicable. Points of authority have been reduced, but are very good and succinct.

Justice League of Nevada / IOLTA Transition, State Bar of Nevada

Trevor Atkin provided the Justice League of Nevada report noting that the board meeting is scheduled for March 19th at which time the transitioning of assets being held in the IOLTA program to the Nevada Bar Foundation will be addressed. Appreciation was offered to the Justice League of Nevada for all of their work in supervising the IOLTA program.

Kimberly Farmer, Executive Director of the State Bar of Nevada informed the Commission that the Nevada Bar Foundation is the 501 (c)3 that the State Bar of Nevada operates. Further, she noted that the goal is to transition the program by July 1st. The Nevada Bar Foundation Board will consist of some members of SBN's Board of Governors and this will require a rule change in order to put the structure in place.

The Supreme Court has an ADKT draft that makes several rule changes that will directly impact the division of IOLTA revenue. Once the ADKT is filed, the Commission will be able to discuss the issues and a public hearing will take place on the proposed rule changes.

There was discussion on the potential ethical issue surrounding the definition of pro bono service as it pertains to service done with the State Bar. The State Bar will consider this issue with the transitioning of the IOLTA Program.

Reports

Appellate Law Section – Anne Traum provided the report on the Appellate Law Section. The UNLV Community Service Program has reached the 50,000 client milestone. This program is a requirement for graduation and before classes start for first year law students, they are engaged in teaching some community law class in partnership with LACSN. Also in partnership with LACSN and the Supreme Court and the relatively new Appellate Law Section with the Bar, a pro bono program on the appellate level is being built. The Supreme Court screens cases and relies on the Appellate Law Section and LACSN for placement of cases. Many of the lawyers have been from the Appellate Section, but in the fall, Justice Pickering promoted the program, which resulted in other lawyers requesting to be placed on the volunteer list. Currently, FAQ's, a manual, and other resources are being developed to support the lawyers in the program. Target completion date for the manual is the end of the year. At least 20 appointments have been made so far since August.

Public Speakers Bureau: Justice Douglas reported that individuals have been asked to go out and speak on the Court of Appeals. Members of the Young Lawyers Section and the Appellate Section have been visiting law firms and other organizations across the state using the uniform Power point presentation. Ms. Vogel shared that the members of Seniors United heard the Appellate Court presentation provided a great deal of positive feedback. Members specifically noted their appreciation for the clearly explained presentation.

Subcommittee on Rural Concerns: Judge Stockard reported that the Subcommittee on Rural Concerns received feedback from five of the eight district courts. District Courts consistently noted that assistance was needed in the areas of child custody, visitation, divorce and guardianship. The 7th District varied from that in that noting child custody as its only need. In the Justice /Municipal courts, landlord tenant, protective orders, general /civil areas, and misdemeanor cases were noted as the highest need. It was noted that it was important to quantify filing sources and to determine where the funds are going as well.

I-80 Corridor: Paul Elcano shared with the Commission that Washoe Legal Services was awarded a grant by Justice League of Nevada to provide legal services to children and seniors along the I-80 Corridor which would include Lyon, Churchill, Pershing, Lander and Elko Counties. Three full time attorneys would be assigned to work with this project and the cost would total approximately \$360,000. Justice League of Nevada awarded \$62,500 and WLS would be responsible for raising the other \$300,000. The project is progressing and a more definitive report will be provided at the next meeting.

PILA: Anne Traum reported that PILA's event at Cabaret Jazz at the Smith Center was extremely successful. A total dollar amount raised was not available at the time of the meeting. Bill Curran was the honoree and the event was extremely well attended.

ONE Promise: In addition to the written report, Angela Washington shared that the state bar has established a discount for volunteers who take a pro bono case or who give money to the ONE campaign. Those volunteers will receive a \$40 coupon. Legal service providers have been provided with a coupon code that they can give to their volunteers. Additionally, CLE's that were produced by the legal services providers will be free to anyone taking a pro bono case. A coupon code would be needed to take advantage of that offer as well.

In terms of outreach, the Latino Bar invited Justices Hardesty and Douglas to their luncheon to discuss the ONE Campaign and the Appellate Court. The Clark County Bar Association (CCBA) has invited Justices Hardesty and Douglas to speak at the upcoming *Meet the Judges Mixer*. Also, the CCBA has worked on dispelling misperceptions about public attorneys doing pro bono work. The Ely Family Law Conference hosted more than 300 people; legal service providers were present and placed cases there.

The request was made for those making ONE presentations to share presentation information (date and audience) so to insure that presenters are not addressing the same audiences.

Judge Gonzalez was acknowledged for her assistance with securing presentation dates with law firms. Also, Justice Douglas acknowledged the efforts of the State Bar at the sections meeting; a **ONE** Campaign presentation was made to the section chairpersons.

Other Business: The Commission was asked to send ideas of how the \$25,000 donation to the Access to Justice Commission could be used. Suggestions are to be sent to Justice Douglas, Justice Hardesty or Angela Washington.

Informational Items

Informational items contained in the meeting materials were reviewed. The next Access to Justice Commission meeting is scheduled for July 11th at the State Bar Annual Meeting.

The meeting was adjourned at 3:32 pm.