

**Access to Justice Commission**  
**Quarterly Meeting**  
**Date: Tuesday, April 28, 2009**  
**Time: 1:00 p.m.- 5:00 p.m.**  
**Two video-conference locations (phone will be set up also):**



**Carson City:** AOC Conference Room, 2<sup>nd</sup> Floor  
**Supreme Court Building**  
201 S. Carson St.  
Carson City, NV 89701

**Las Vegas:**

**AOC Conference Room, 17<sup>th</sup> Floor**  
**Regional Justice Center**  
200 Lewis Ave., 17th Floor  
Las Vegas, NV 89101

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

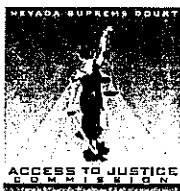
AOC Main number: 775-684-1700

**AGENDA**

- 1. Approval of minutes**
- 2. Discussion items**
  - a. Senior programs update
  - b. Marketing plan update
  - c. Commission expansion
    - i. Vacancies on Commission (see p. 99)
    - ii. Expansion of supporting committees
      - a. Applications received (p. 9)
  - d. Rule Changes
    - i. RPC 6.1 (p.14)
      - a. Mandatory Reporting (changes for 2009 to SBN by 8/1/09) (p. 18)
    - ii. SCR 15- expanding the Commission (p. 20)
    - iii. Ghostwriting/unbundled legal services
  - e. Rural Services update (p.23)
  - f. Mortgage crisis responses
  - g. State Bar Annual Convention (p. 27)
    - i. Statewide Pro Bono awards (p.31)
  - h. Family law self-help Center e-filing project
  - i. Public Library- opportunities for public education handouts (p.57)
  - j. Funding and Reporting Data
    - i. Presenting the case for support (p.60)
- 3. Roadmap to Justice Symposium Report (p.67)**
  - a. Large Law Firm Pro Bono Furlough program
  - b. Grant Requests
  - c. Large law firm leadership roles
  - d. Pending LSC legislation
- 4. IOLTA Campaign**
  - a. NLF report (Suzy or Robert)
    - i. Silver Ball update
  - b. State Bar letter to NLF
  - c. Recap of NLF presentation to State Bar Board of Governors March 2009
  - d. Status of pending banking negotiations
- 5. Standing Committees (p.89)**
  - a. Committee Projects and Roster Master
  - b. Committee Reports
    - i. Communications
    - ii. Legal Services Delivery
    - iii. Development
    - iv. Executive Directors
- 6. Commission Documents**

2009 Calendar (p. 98)  
Updated ATJC and Committee rosters and goals; organizational chart; Rule 15
- 7. Other business**

TAB 1



**Nevada Supreme Court  
Access to Justice Commission  
State Bar of Nevada**

Carson City: AOC Conference Room  
*Supreme Court Building, 2<sup>nd</sup> floor*  
201 S. Carson St.  
Carson City, NV 89701

Las Vegas: AOC Conference Room, 17<sup>th</sup> Floor  
*Regional Justice Center*  
200 Lewis Ave., 17th Floor  
Las Vegas, NV 89101

**MINUTES draft**  
**Thursday, February 5, 2009**  
**1:30- 4 pm**

**Commission members in attendance:**

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

|              |              |
|--------------|--------------|
| Abbott       | Kimberly     |
| Dahl         | Hon. Stephen |
| Doherty      | Hon. Francis |
| Elcano       | Paul         |
| Ferenbach    | Cam          |
| Gonzalez     | Hon. Betsy   |
| Kandt        | W. Brett     |
| Mucha Abbott | Kimberly     |
| Nielsen      | Ernest       |
| Vogel        | Sheri Cane   |
| Warden       | Tom          |

|        |          |                     |
|--------|----------|---------------------|
| Marzec | Kristina | Commission Director |
|--------|----------|---------------------|

**Non-voting members in attendance:**

|            |       |  |
|------------|-------|--|
| Candelaria | Amber | Director, Eighth Judicial District Family Law Self Help Center |
| Etkins     | Lynn  | Legal Aid Center of Southern Nevada                            |
| Ramm       | Sally | Division for Aging Services                                    |

**Members by phone:**

|            |             |
|------------|-------------|
| Cooney     | Valerie     |
| Johnson    | AnnaMarie   |
| Puccinelli | Hon. Andrew |

**Guests:**

|        |          |   |
|--------|----------|---|
| Baucum | Suzan    | Executive Director, Nevada Law Foundation |
| Eglet  | Robert   | Vice-Chair, Nevada Law Foundation         |
| Farmer | Kimberly | Executive Director, State Bar of Nevada   |

**Members unable to attend (excused absences):**

|             |             |
|-------------|-------------|
| Desmond     | John        |
| Steinheimer | Hon. Connie |
| Thronson    | David       |

**1. Minutes 10.23.07**

Moved and approved to ratify minutes of last meeting.

## 2. Year in Review

Justice Douglas discussed progress on the preferred interest banking program, completion of the needs assessment, initiation of the emeritus program, and planning for expansion of the website. These projects need to move forward in 2009 and the supporting committees must meet the challenge of supporting ongoing initiatives by commitment from existing members and expansion of membership with motivated volunteers looking forward. The Justices both highly commended the Nevada Law Foundation's progress at strategic planning sessions held in December 2008 and January 2009, as well as dynamic momentum in the subsequent IOLTA campaign (presented by Robert Eglet later herein).

## 3. Discussion items

*Senior Law Programs.* The Commission engaged in significant and thoughtful discussion regarding the current status and related funding concerns of both senior law projects. Of concern is the continuing reduction in revenue streams from tobacco litigation funding, which is also affecting Title IIIB funds. The Commission voted in principal to approve a letter to appropriate parties, such as county and state administrators and legislators, emphasizing the importance of the senior law programs and encouraging continued funding at existing levels from both the Older Americans Act (Title IIIB) and from Independent Living Grants. Justice Douglas will take the matter under review as to the details and follow-up with Ernie Nielsen and Sugar Vogel.

Sugar reported the City of Las Vegas recently responded favorably to her position statement that IOLTA money must not be supplanting funds, and she is hopeful this bodes well for future growth of the senior law project as economic times improve. The situation in Washoe County is different, with the county currently in the process of requesting bids for potential outsourcing of the Washoe Senior Law Project. Paul Elcano noted in the interest of full disclosure that his program, Washoe Legal Services, intended to bid for that project. The pros and cons of outsourcing the Washoe Senior Law Project were discussed in detail, including experience, economies of scale, salaries, benefits, and overhead considerations. This discussion highlights a bigger picture concern, as noted by Judge Doherty, that in strained economic times civil legal services are identified as non-essential services--which presents an ever-present obstacle in the effort to shift the culture of pro bono.

Ultimately the Commission stated the paramount concern must be to ensure that any changes in administration did not result in any reduction in current funding or services available for senior programs.

*Standardized Service Provider Statistic Reporting.* Justice Douglas thanked the providers for the funding and service reports each has submitted at his request to date, and noted that supplemental requests for expanded information would be forthcoming. It is critical to build upon the information gleaned from the civil needs assessment, and continue to provide updated needs information from year to year. This information must be in a format that is useful on a national scale, and in a form that at least minimally can begin to compare like items. Going forward with funding and resource requests on a state-wide level mandates that the Commission have available current statistics showing existing funding, allocation to specific services, and future needs based on that information.

*Provider Organization individual strategic plans and goals.* The executive director group is tasked to continue working toward crafting a three to five year strategic plan, incorporating the idea of developing a more standardized reporting. Anna noted Nevada Legal Services is involved with an in-depth unmet needs study for LSC; the format could be used to illustrate a national model of statistics and reporting for civil legal needs. Anna will provide the report the provider group.

*Ghost writing- potential rule change.* The Court has requested that the Ethics and Professional Responsibility Committee research and develop a potential rule change to address unbundled legal services/limited representations in a potential state-wide rule. This subject was raised by a recent advisory ethics opinion addressing ghost-writing, and posed the question that bono fide 501(c) (3) legal aid providers and pro bono attorneys should be protected from any ethics concerns in providing such representation in pro bono matters.

*Call to action/marketing.* Robert Eglet confirmed that the Nevada Law Foundation accepted the Commission's request to be the investment arm for any funds raised as part of the needs assessment roll-out and marketing campaign. Tom Warden gave a review of the efforts to date to connect speakers with Rotarians and news outlets. Kristina gave a report on the plan of the communications subcommittee which was approved by the Commission, and also noted her presentation of the Needs Assessment at both sessions of Bridge the Gap was apparently well-received. Chief Justice Hardesty indicated it was time to move ahead, and stated his willingness to personally interview with live and print media. The Chief Justice also noted his recent State of the Judiciary address incorporated the importance of this initiative. Robert Eglet offered to merge the NLF IOLTA marketing with that of the Commission's initial larger needs assessment roll-out, through the provide pro bono assistance of his firm's PR representative, Sharon Cristal. Judge Gonzales provided a number of judges who indicated a willingness to make presentations. Chief Justice Hardesty indicated marketing should proceed full steam ahead with as big a splash as possible now on as many fronts as possible, with follow up every few months to keep the needs in the news and the public consciousness. Kristina and Tom will work with Sharon and the State Bar's marketing and press relations professional, Scott Roedder, to coordinate the schedules of the Commissioners and the media.

*Bridge the Gap.* The Court has requested that the Ethics and Professional Responsibility Committee research and develop a potential rule change to address unbundled legal services/limited representations

*Statewide awards.* Upon Cam Ferenbach's suggestion, the Commission agreed that since the State Bar annual convention has been moved to Lake Tahoe and attendance is expected to be more accessible to greater numbers of judges and lawyers, this would be the perfect venue to present 2008 statewide pro bono awards, time permitting. The Awards subcommittee indicated its dedication to making every effort to put the program together this year.

*Rural services questionnaire.* This project was conducted by Judge Stephen Dahl for the Access to Justice Commission, which has identified as an immediate priority the assessment, support, and expansion of civil legal services delivery to the indigent, seniors, women, and children in Nevada's rural areas. Judge Dahl wrote and sent questionnaires to every justice and municipal court outside of Las Vegas, North Las Vegas, Henderson, Reno and Sparks. 41 questionnaires were sent out and 37 courts from throughout the State responded. 32 of those responses came from Justice Courts. His report focused on those 32 responses, because the justice courts deal most directly with the issues that this Commission is attempting to address. In summary, the responses showed:

- All of the courts responding except for two are one judge courts;
- The vast majority of courts responding are open five days a week during regular business hours (around 8:00-5:00);
- Most courts reported having at least one full-time and one part-time employee, ranging up to 14 full-time employees;
- The populations served by the justice courts responding to the survey range from 500 to over 52,000;
- The distance between the court and the nearest court of similar jurisdiction ranges from 3 to 150 miles, averaging about 47 miles;
- The court schedules vary greatly between the different rural justice courts;
- 21 of the courts responding said that they have either a court website or access to a local government website;
- No court reported having true statewide video- conference capabilities or e-filing;
- All courts reported to some degree a lack of technological resources to support legal services delivery-- technology and infrastructure present the biggest challenges in the rurals;
- Very few courts reported legal aid attorneys have practiced before them, and very few reported having clinics, classes, or other brief-services or self-help services available;
- Rural judges are very concerned about these issues. They want to do more, and are frustrated by the hurdles- technological, geographical, and financial.

*Legal Resources Brochure.* Amber Candelaria, in a joint effort with Access to Justice, produced a Legal Resources Brochure intended for use by the courts and the public. She was commended for her efforts and the Commission unanimously approved the brochure, subject to any changes/additions to be submitted to Amber within a week. The brochure will be posted to the State Bar website and made available to the courts for distribution to the public.

*Rural Services Delivery.* Justice Douglas asked for recruitment names within fifteen days for the rural services delivery committee (as well as volunteers for any of the other committees). While service by existing members is appreciated, there is too much work for the same people to be spread even thinner. Chief Justice Hardesty noted pro bono lawyers, who already give of themselves through direct services, should be asked to donate time on Commission efforts as well. The 50 and 100 hour club pro bono lawyers would be an ideal group to approach.

#### **4. Nevada Law Foundation Report**

Robert Eglet gave an in-depth presentation of the Nevada Law Foundation materials in the agenda outlining the results from strategic planning, and, the goals of the foundation moving forward. Through direct campaigning, the NLF board has doubled attorney participation with preferred interest banks in the past few months. The NLF Board is asking to double its size by rule to provide for expansive fundraising efforts, double revenue within five years, and expand its endowment.

All agreed that it was critical to have open communications and cooperation between the Foundation, the State Bar, the Commission, and the Courts for the best results.

The Justices congratulated and thanked the Foundation for the energy, enthusiasm, and commitment evinced in recent months and pledged support of its ambitious and exciting goals to drastically increase IOLTA revenue, ensure 100% partnership with lawyers (absent a rule) within five years, and engage in fundraising for the direct benefit of legal services in the coming years.

Chief Justice Hardesty asked the Board of Governors to discuss supporting a minimum standards (comparability) rule, as well as a method for inventorying lawyer trust accounts to ensure compliance. The Commission stressed the point of such review was to make sure lawyers understand the recent conversion from opt-out (not questioning good faith judgments of nominal or short term standards). Further, the Chief suggested a partnership between the Nevada Law Foundation and the State Bar at dues-check off time to maximize resources and returns.

#### **5. Reminder of 2009 Commission meetings**

April 28, 2009 1-5  
July 10, 2009 1-5  
October 9, 2009 1-5

**Location:** videoconference by the AOC.

**Meeting adjourned at 4 pm.**

**TAB 2**

**NEVADA SUPREME COURT ACCESS TO JUSTICE**  
**STANDING COMMITTEES**  
Updated 4.2009

**RURAL SERVICES DELIVERY** *est. April 2009*

**Justice Douglas**  
**Amber Candelaria**  
**Valerie Cooney**  
Judge Dahl  
Judge Davis  
Judge Dory  
Judge Fletcher  
Anne Heck (AOC)  
**Anna Johnson**  
Judge Lane  
Judge Maslach  
John McCormick (AOC)  
Sheryl Overstreet (AOC)  
Judge Papez  
**Judge Puccinelli**  
Judge Wagner  
Judge Wambolt

**COMMUNICATIONS**

Needs Assessment Marketing  
Public Interest Lecture Series  
Recruitment and Retention  
    LRAP- Development  
    Fellowships- LSD  
    Benefits and Salaries- LSD  
Mandatory Reporting  
Website

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

**Scott Roedder- ex officio**

**DEVELOPMENT**

LRAP  
Division of Aging Funding concerns  
Court Posted Fees  
    Nye County  
Real Estate Escrow Funds  
Recruitment/Retention  
    2009 Fellowship- Thronson  
    LRAP- work group Lynn, Anna, Val, ask Judge Dahl)  
    Retirement/benefits/salaries- Paul  
Cy Pres-Paul

**Ernie Nielsen**  
**Paul Elcano**  
**Valerie Cooney**  
Nancy Becker  
**Anna Johnson**  
**Cam Ferenbach**



Tom Warden  
Lynn Etkins  
Suzy Baucum  
David Thronson

### **LEGAL SERVICES DELIVERY**

Pro Bono Recognition  
Pro Bono Week- also with Communications  
State Wide Award- Renee  
Nevada Lawyer  
Emeritus- Kimberly  
Self Help  
Standardized Forms-Justice Douglas, Chair, Supreme Court Library Commission  
Hotlines, continuum of care issues  
Standardized Reporting (provider statistics)  
Law Firm initiatives

Paul Elcano (ED)  
Sugar Vogel (ED)  
John Desmond  
Kimberly Abbott  
Judge Steinheimer  
AnnaMarie Johnson (ED)  
Ernie Nielsen (ED)-Chair  
Valerie Cooney (ED)  
Judge Puccinelli  
Barbara Buckley (ED)  
Lynn Etkins  
Odessa Ramirez  
Renee Kelly  
Christopher Reade  
Amber Candelaria

### **FUND DISTRIBUTION**

TBD

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

April 7, 2009

Honorable Justice Michael Douglas  
Access to Justice Commission  
c/o Kristina Marzec, Director  
600 E. Charleston Blvd.  
Las Vegas, NV 89104

Re: Access to Justice Committee

Dear Justice Douglas,

My name is Jeremy Reichenberg and I am seeking an appointment to an Access to Justice committee. As a Deputy District Attorney in a rural county I constantly come face to face with Nevadans who need legal help and who have no means to retain legal services; from the victim of domestic violence who has not established paternity of his daughter and is afraid to ask his abuser to leave his residence for fear of losing contact with his daughter, to the family of a young man who has been deemed to be a moderate threat to himself and incompetent to face criminal charges for domestic battery and refuses to voluntarily commit himself to medication and treatment.

In my experiences, many times people of limited financial means in rural areas are doubly disadvantaged because there are fewer legal professionals near to them and fewer, if any, avenues of accessing law libraries or self-help information than in the larger communities. After volunteering at the Washoe Legal Services form clinic I know that we could do a better job of servicing people in the rural counties by simply using readily available communications technology to reach out to people all over the state. I would like to work on the Access to Justice committees to help address these inequities and to help open the justice system to those who can least afford to have no redress.

Sincerely,

Jeremy Reichenberg

# **Jeremy R. Reichenberg**

17000 Wedge Parkway, # 2221 · Reno, NV 89511 · (775) 853-9706 · jrreichenberg@gmail.com

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**LICENSURE:** Admitted to practice law in Nevada and California

## **EDUCATION**

**University of Nebraska, College of Law**

Lincoln, Nebraska

Juris Doctor, May 2006

- Student Bar Association - President; 2L President; 1L Vice President
- American Bar Association, Law Student Division – Lieutenant Governor, 8<sup>th</sup> Circuit
- Community Legal Education Project - President
- Grether Moot Court Competition
- Inns of Court

**University of San Francisco School of Law**

Hungary and Czech Republic

Central European Legal Study, Summer 2004

**Doane College**

Crete, Nebraska

Bachelor of Arts, May 2003

- History Major; Political Science Minor
- Honors: Dean's List; Merit List; Honors Program; Phi Eta Sigma Honorary
- Study abroad: Brussels, Belgium

## **EXPERIENCE**

**Lyon County District Attorney's Office**

Dayton, Fernley and Yerington, Nevada

Deputy District Attorney, January 2007- Present

- Represent the District Attorney in misdemeanor and felony criminal prosecutions
- Tried four felony jury trials to verdict
- Research, draft and argue Writs and Motions
- Appear before Nevada District and Justice Courts for hearings and motions weekly

**Mark H. Gunderson, Ltd.**

Reno, Nevada

Law Clerk, October –December 2006

- Researched and wrote memorandums on legal questions
- Drafted motions and opinion letters for clients

**Kissel/E&S Associates**

Lincoln, Nebraska

Nebraska Legislative Intern, January - April 2006

**Philippe and Partners**

Brussels, Belgium

Law Clerk, July - August 2005

- Researched and wrote memorandums on international securities legal questions
- Drafted motions for International Chamber of Commerce arbitration
- Prepared client files for contract negotiations

**U.S. Senator Chuck Hagel, R - NE**

Washington, D.C.

Summer Intern, May - June 2005

## **RECENT LEGAL COMMUNITY INVOLVEMENT**

- Nevada Bar Association, Young Lawyers Section Executive Board Rural Representative
- Washoe County Legal Services Forms Clinic - Volunteer

**INTERESTS:** Travelling; scuba diving; rock climbing; skiing; hiking; foreign language study; photography



April 23, 2009

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

Attn: Kristina Marzec, Executive Director, Access to Justice Commission

From: Philip Hoffman Esq. (Au)

Re: Letter of interest to serve on the Access to Justice Commission

Dear Kristina,

It was a pleasure talking with you today.

I am writing to express my interest to serve on a committee or sub-committee of the Access to Justice Commission. I believe that it is important to contribute to the community and feel as though I can do so through the Access to Justice Commission.

Attached find my resume which outlines both my business and legal experience. As well, it outlines a number of business and legal organizations in Las Vegas of which I am a member. To clarify I was admitted to the Bar in Australia in September 2005, sat for the February 2009 Nevada bar and am awaiting the results to be released next week.

After having read the minuets of the February 5<sup>th</sup> meeting my initial impression is that I may be most useful to the marketing sub-committee as I am a member of several business organizations and am a Rotarian. If I have interpreted the discussion correctly the Commission would like to encourage donations from various organizations to providers of legal services that assist those who can not afford to pay for access to justice. The donation funds are to be funneled through the Nevada Law Foundation although the mechanics of this seem not yet to be settled.

Given my community involvement and regular attendance at various organizational meetings I may be useful to raise awareness of the need to help those who can not afford to pay for legal services. If, however I can be of assistance on another committee I am open to aiding in any way the Commission sees fit.

Kind Regards,

Philip Hoffman Esq. (Au)  
7227 Mission Hills Drive  
Las Vegas, Nevada 89113  
702 533 5328



## **PUBLIC SERVICE**

### **Rule 6.1. Pro Bono Publico Service.**

**(a) Professional responsibility.** *Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least 20 hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:*

*(1) Provide a substantial majority of the 20 hours of legal services without compensation or expectation of compensation to:*

*(i) Persons of limited means; or*

*(ii) A public service, charitable group, or organization in matters that are designed primarily to address the needs of persons of limited means; and*

*(2) Provide any additional services through:*

*(i) Delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;*

*(ii) Participation in activities for improving the law, the legal system, or the legal profession; or*

*(iii) Delivery of services in connection with law-related education sponsored by the State Bar of Nevada, the Nevada Bar Foundation, a county bar association, or a court located in Nevada.*

*(3) As an alternative in rendering at least 20 hours of pro bono publico services per year as provided in subparagraphs 1 and 2, a lawyer may discharge the professional responsibility to provide legal services to those unable to pay by:*

*(i) Providing at least 60 hours of professional services per year at a substantially reduced fee to persons of limited means; or*

*(ii) Contributing at least \$500 per year to an organization or group that provides pro bono legal services to persons of limited means.*

*(4) When pro bono legal service is performed for an individual without compensation or at a substantially reduced fee, the fee shall be agreed to in writing at the inception of the representation and refer to this Rule.*

*(5) The following do not qualify as pro bono legal service under this Rule:*

*(i) Legal services written off as bad debts;*

*(ii) Legal services performed for family members; and*

(iii) *Activities that do not involve the provision of legal services, such as serving on the board of a charitable organization.*

**(b) Reporting; discharge of professional responsibility.**

(1) *All members shall complete an Annual Pro Bono Reporting Form, indicating services performed under this Rule, to be submitted to the state bar annually on a form to be provided by the state bar with the members' fee statements. If a member fails to file the report required by this Rule, the state bar shall notify the member that a fine of \$100 will be imposed unless the member files the report within a specified period of time not less than 30 days after the notice.*

(2) *The professional responsibility to provide pro bono services as established under this Rule is aspirational rather than mandatory in nature. Accordingly, the failure to render pro bono services will not subject a member to discipline.*

**(c) Voluntary pro bono plan.** *The purposes of the voluntary pro bono plan are to make available legal services to those Nevadans who cannot otherwise afford them and to expand the present pro bono programs. To accomplish these goals the following committees are hereby created.*

(1) **District Court Pro Bono Committee.** *In each judicial district, the Chief Judge of the District Court shall appoint a Pro Bono Committee consisting of representatives of various members of the bench and bar as well as pro bono services and community organizations of that judicial district. The responsibility of these committees is to determine and address the specific unmet legal needs of that jurisdiction by way of a plan to be submitted to the Supreme Court. Pursuant to paragraph (d) of this Rule, the Pro Bono Committee may establish a foundation. The foundations are authorized to receive funds paid in satisfaction of an order of any court entered in accordance with paragraph (e) of this Rule and to determine the allocation and use of such funds in a manner consistent with this Rule. If no foundation is established, the Pro Bono Committee is authorized to receive such funds and determine their allocation and use in a manner consistent with this Rule.*

(2) **Access to Justice Section.** *The board of governors shall have the power to establish a permanent Statewide Access to Justice Section that shall assist in the implementation of this Rule as well as facilitate and support local efforts to improve the public's access to justice. The initial officers of the Access to Justice Section shall be the currently serving officers of the Access to Justice Committee. Thereafter, elections for officers shall be held as provided in the*



*Access to Justice Section's bylaws, as approved by the board of governors. The Access to Justice Section shall be composed of regular members who are licensed to practice law in Nevada and laypersons who may become auxiliary members.*

**(d) Foundations.** *A district court Pro Bono Committee may establish a local foundation to actively promote the provision of civil legal services to disadvantaged persons and households within the district. A foundation established pursuant to this Rule shall be created as a Nevada nonprofit corporation and is authorized to:*

- (1) Actively promote the observance of this Rule within the district;*
- (2) Receive donations from members of the State Bar of Nevada and monies from the courts as provided in this Rule;*
- (3) Distribute such funds to providers of pro bono and free or reduced fee civil legal services in the district and to public law libraries;*
- (4) Develop other new sources of funding and support for delivery of civil legal services;*
- (5) Support existing legal services and pro bono efforts and foster new projects to broaden the existing range of civil legal services; and*
- (6) Serve as an educational facilitator to make the community as a whole aware of the efforts being made to provide all Nevadans within the district with full access to the justice system.*

**(b) Payment of civil sanctions to fund pro bono programs or libraries.** *Subject to the limitations of this Rule, a court may direct that sanctions or fines imposed under NRS 1.210, NRAP 38, NRCP 11, JCRCP 11, or like authority be paid to a nonprofit entity or law library specified below. The court's discretion to direct payment of sanctions or fines to a nonprofit entity or law library, however, is limited to civil sanctions imposed against counsel, parties, witnesses or others appearing before the court and expressly excludes sanctions or fines imposed against a defendant in any criminal case. Payment may be directed only to the following:*

- (1) A nonprofit entity or committee designated pursuant to a voluntary pro bono plan described in paragraph (c) to serve the pro bono and access to justice needs either for the judicial district in which the judicial officer presides or, if serving outside his or her judicial district, where the case is heard; or*
- (2) A public law library or nonprofit entity associated with a public law library located either in the judicial district in which the judicial officer*

*presides or, if serving outside his or her judicial district, where the case is heard; or*

*(3) To the Nevada Law Foundation or other statewide nonprofit entity designated by the state bar to serve pro bono and access to justice needs.*

*(4) The supreme court may also direct payment to such nonprofit entities or public law libraries located in the judicial district in which the matter before the supreme court originated or to any other public law library in the state.*

**(c) Limitation on authority to specify use of funds.** *A judicial officer who orders payment of a sanction or fine pursuant to paragraph (e) must not participate in the specific determination of which entity will receive the sanction or fine or of how that sanction or fine will be used by the nonprofit entity or law library designated to receive the funds. The judicial officer may, however, serve on the board or as an officer of a nonprofit entity created pursuant to this Rule, or of a law library or nonprofit entity associated with a law library, provided that he or she does not participate in specific decisions regarding the use of any sanction or fine directed to the nonprofit entity or library by that judicial officer.*



**2008 Mandatory Report of Pro Bono (RPC 6.1)**  
**Reporting Period**  
**January 1, 2008 - December 31, 2008**

If a member (active, inactive, judge) fails to file the report required by this Rule, the State Bar shall impose a \$100 fine.

- ☐ I provided pro bono service as described in RPC 6.1.  
☐ I did not provide any pro bono service as described in RPC 6.1

**CHECK/FILL IN ALL THAT APPLY:**

I provided \_\_\_\_ hours of direct legal services for no fee to low income clients.

I received my cases through:

- ☐ Legal Aid Center of Southern Nevada  
☐ Las Vegas Senior Law Project  
☐ Nevada Legal Services  
☐ Volunteer Attorneys for Rural Nevada (VARN)  
☐ Washoe County Senior Law Project  
☐ Washoe Legal Services

Other \_\_\_\_\_

I contributed money to organizations that provide pro bono services:

- \$ \_\_\_\_ Legal Aid Center of Southern Nevada  
 \$ \_\_\_\_ Las Vegas Senior Project  
 \$ \_\_\_\_ Nevada Legal Services  
 \$ \_\_\_\_ State Bar of Nevada Dues Check Off  
 \$ \_\_\_\_ Volunteer Attorneys for Rural Nevada (VARN)  
 \$ \_\_\_\_ Washoe County Senior Law Project  
 \$ \_\_\_\_ Washoe Legal Services

I provided \_\_\_\_ hours of direct legal services at a substantially reduced fee.

I provided \_\_\_\_ hours of legal services to organizations that address the needs of persons of limited means.

I provided \_\_\_\_ hours of service of activities improving the law or law related education.

**To gain a statistical profile and better serve our membership, please complete our VOLUNTARY demographic survey.**

Please indicate your ethnicity.

- ☐ Asian/Pacific Islander  
☐ Native/American Indian  
☐ Hispanic/Latino  
☐ Black/African American  
☐ White/Caucasian  
☐ Other \_\_\_\_\_

Are you a person with a disability?

- ☐ Yes (please check all that apply below)  
☐ Visual  
☐ Auditory  
☐ Orthopedic  
☐ Other \_\_\_\_\_  
☐ No

**Receive immediate confirmation and receipt!**  
**Please pay online and fill out all mandatory forms at:**

**[www.nvbar.org](http://www.nvbar.org)**



00018



**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.

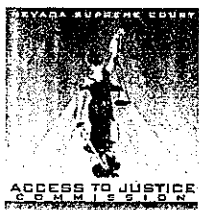
3. **Meetings.** The commission shall meet at least semi-annually and shall have additional meetings, as the commission deems appropriate. The commission may form separate subcommittees to address specific issues.

[Added; effective June 15, 2006.]

# Access to Justice Commission 2009

| Last                 | First      | Title     | Position                                | Rule Slot                                     | Phone                        | Email                             |
|----------------------|------------|-----------|---|---|------------------------------|-----------------------------------|
| Abbott               | Kimberly   |           | Pro Bono Project Director               | Legal Aid Center of Southern Nevada           | 702-386-1070                 | kabbott@lacs.nv.org               |
| Cooney               | Valerie    |           | Executive Director                      | Volunteer Attorneys for Rural Nevadans        | 775-883-8278                 | vcooney@vram.org                  |
| Vacant               |            |           |   | Justice Court, North Las Vegas                | 702-455-7804                 |                                   |
| 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@ashoelegalservices.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    |
| Hardesty             | James      | Justice   | Commission Co-Chair                     | Supreme Court of Nevada                       | 775-684-1590                 | hardesty@nvcourts.nv.gov          |
| Johnson              | Anna Marie |           | Executive Director                      | Nevada Legal Services                         | 800-323-8666                 | ajohnson@nls law.net              |
| Kandt                | W. Brett   |           |   | Office of the Attorney General                | 775-688-1966                 | bkandt@ag.nv.gov                  |
| Nielsen              | Ernest     |           |   | Washoe Co. Senior Law Project                 | 775-328-2592                 | enielsen@washoe county.vt.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         |
| Bob Newton Nominated |            |           | Eighth Judicial District Court          | 15(2)(a) Family Court                         |                              |                                   |
| Warden               | Tom        |           | Vice President, Community Relations     | The Howard Hughes Corporation (layperson)     | 702-791-4267                 | twarden@ggp.com                   |
| Marzec               | Kristina   |           | Commission Director                     | State Bar of Nevada                           | 702-382-2200<br>702-317-1404 | kristinam@nvbar.org               |





Access to Justice Commission  
Rural Courts Committee  
Legal Services Delivery  
Date: Tuesday, April 28, 2009  
Time: 11:30- 12:45 p.m.  
**Conference Call info: 1-866-779-0774 \*1043736\***



For those few who will be attending in person, we are meeting at the AOC video- conferencing facilities (2<sup>nd</sup> Floor in Carson City, 17<sup>th</sup> Floor at the RJC)

Justice Michael Douglas, co-chair of the Nevada Supreme Court Access to Justice Commission, is honored to invite you to participate in the newly-formed Rural Courts Legal Services Committee.

The Access to Justice Commission is committed to assessing current and future state-wide needs for civil legal services for persons of limited means in Nevada; develop statewide policies designed to support and improve the delivery of legal services; Improve self-help services and opportunities for proper person litigants and increase pro bono activities; Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society; 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; and Recommend legislation or rules affecting access to justice to the Supreme Court.

The Rural Court Committee is formed to focus on the needs of Nevada's rural communities, with emphasis on technology- based solutions and increased pro bono lawyer participation and public awareness. The geography and diversity of Nevada's rural jurisdictions present unique challenges for legal services delivery. The first step is providing a forum for all involved to pool resources and experiences to begin crafting a roadmap for access.

**AGENDA**

1. Purpose of Committee
- 2 Judge Dahl's Report: limited jurisdiction courts
3. ADKT 424 (remote appearances rule)
4. Discussion- what are your top 3 needs?
  - Types of Services
    - How often per month are services warranted
    - Best applications: website, links, printed information, lawyer consultations, hotlines
    - Greatest needs by area of substantive law
5. Discussion- linking provider services to needs
6. Creation of subgroups
7. Set next meeting



**RURAL SERVICES DELIVERY** *est. April 2009*

**Justice Douglas**

**Amber Candelaria**

**Valerie Cooney**

Judge Dahl

Judge Davis

Judge Dory

Judge Fletcher

Anne Heck (AOC)

**Anna Johnson**

Judge Lane

Judge Maslach

John McCormick (AOC)

Sheryl Overstreet (AOC)

Judge Papez

**Judge Puccinelli**

Judge Wagner

Judge Wambolt

REPORT ON ACCESS TO JUSTICE QUESTIONNAIRE SENT  
TO RURAL JUSTICE AND MUNICIPAL COURTS  
(Judge Stephen Dahl)

**Executive Summary**

**This project was conducted by Judge Stephen Dahl for the Access to Justice Commission, which has identified as an immediate priority the assessment, support, and expansion of civil legal services delivery to the indigent, seniors, women, and children in Nevada's rural areas.**

- **Responses were received from almost 40 justice courts, with several of the judges responding also act as municipal court judges.**
- **all of the courts responding except for two are one judge courts**
- **The vast majority of courts responding are open five days a week during regular business hours (around 8:00-5:00).**
- **Most courts reported having at least one full-time and one part-time employee, ranging up to 14 full-time employees.**
- **The populations served by the justice courts responding to the survey range from 500 to over 52,000**
- **The distance between the court and the nearest court of similar jurisdiction ranges from 3 to 150 miles, averaging about 47 miles**
- **The court schedules vary greatly between the different rural justice courts.**
- **21 of the courts responding said that they have either a court website or access to a local government website**
- **No court reported having true statewide video- conference capabilities or e-filing**
- **All courts reported to some degree a lack of technological resources to support legal services delivery**
- **Very few courts reported legal aid attorneys have practiced before them, and very few reported having clinics, classes, or other brief-services or self-help services available**
- **Rural judges are very concerned about these issues. They want to do more, and are frustrated by the hurdles- technological, geographical, and financial.**

**REPORT**

Questionnaires were sent out to every justice and municipal court outside of Las Vegas, North Las Vegas, Henderson, Reno and Sparks. 41 questionnaires were sent out and 37 courts from throughout the State responded. 32 of those responses came from Justice Courts. This report will focus on those 32 responses, because the justice courts deal most directly with the issues that this Commission is attempting to address. This report will follow the format of the questionnaire and report the answers received from the various courts.





## MEMORANDUM

From: Kristina Marzec, Director  
To: Access to Justice Commission  
Date: April 28, 2009  
Re: State Bar Annual Convention

### **1. Access to Justice Meeting**

While we did not have a regular meeting scheduled since the convention was originally set to be in Hawaii, given the change in location the State Bar has secured us a meeting room with a phone on Friday, June 12, from 4 pm to 5 pm.

### **2. Booth**

Calling all judges! Access to Justice will have a booth in the exhibitors room with information from the Needs Assessment, our marketing campaign, the providers, and preferred interest banks.

To up the ante, we are asking if those judges/justices who will be in attendance would be willing to commit to a ten minute slot before key CLE segments to encourage attendees to stop by. The draft conference schedule is attached.

# State Bar of Nevada 2009 Annual Meeting

## Thursday, June 11, 2009

10:00 A.M. - 1:30 P.M. Welcome (Registration/Meet and Greet)

2:00 P.M. - 5:00 P.M. Mind Bugs: The Science of Unconscious Bias (Professor Mahzarin Banaji) 2.5 CLE

## Friday, June 12, 2009

8:00 A.M. - 9:00 A.M. Continental Breakfast

9:15 A.M. - 10:15 A.M. Professor Barbara Kellerman 1 CLE

| Workshop 1A  | Workshop 1B                  | Workshop 1C                                | Workshop 1D   |
|--|------------------------------|--|---|
| YLS - Professor Kellerman<br>Followership<br>1 CLE | New Appellate Rules<br>1 CLE | Fastcase Training<br>Introduction<br>1 CLE | Environmental and Natural<br>Resources Section<br>1 CLE |

12:00 P.M. - 1:15 P.M. Lunch - Sean Carter (Diversity) 1 CLE

| Workshop 2A                            | Workshop 2B                            | Workshop 2C                             | Workshop 2D               |
|--|--|---|---------------------------|
| YLS - Leadership and Pro Bono<br>1 CLE | Sean Carter, Ten Commandments<br>1 CLE | Fastcase Training Introduction<br>1 CLE | Construction Law<br>1 CLE |

| Workshop 3A                     | Workshop 3B                         | Workshop 3C                         | Workshop 3D                        |
|---------------------------------|-------------------------------------|-------------------------------------|------------------------------------|
| YLS - Media<br>1 CLE            | Health and Insurance Panel<br>2 CLE | Fastcase Training Advanced<br>1 CLE | Probate and Trust Section<br>2 CLE |
|                                 |                                     | Workshop 4C                         |                                    |
| YLS - Law Practice 101<br>1 CLE |                                     | Bankruptcy Section<br>1 CLE         |                                    |

4-5 P.T.J. MTg

**Saturday, June 13, 2009**

|                         |  |   |                                |
|-------------------------|--|---|--------------------------------|
| 8:30 A.M. - 9:30 A.M.   |  | Breakfast with Chief Justice James Hardesty 1 CLE |                                |
|                         |  | Workshop 5A                                       | Workshop 5B                    |
| 9:30 A.M. - 10:30 A.M.  | Lawyers Concerned for Lawyers<br>1 CLE * | Tax Law<br>1 CLE *                                | Real Property Section<br>3 CLE |
|                         |  | Workshop 6A                                       |                                |
| 10:45 A.M. - 11:45 A.M. | Family Law Child Custody<br>1 CLE        | Fastcase Training Introduction<br>1 CLE           |                                |
|                         |  | Workshop 7A                                       |                                |
| 11:45 A.M. - 12:45 P.M. | Intellectual Property<br>1 CLE           | Fastcase Training Advanced<br>1 CLE               |                                |





## MEMORANDUM

From: Kristina Marzec, Director  
To: Access to Justice Commission  
Date: April 28, 2009  
Re: Awards

Attached are the nominations for statewide awards to be given at the State Bar annual convention in June. The awards subcommittee has reviewed the nominations and a verbal report will be given by Kimberly Abbott and myself.

In summary, we are contemplating five or six nominees to be celebrated at the annual convention, who will receive plaques (two are firms who will likely already have representatives in attendance). Given the limited pool this year, the remaining nominees would each receive a framed certificate signed by each of the co-chairs (an honorable mention if you will).

The nominees are:

Hanratty Roberts Law Group  
Conti Moore  
Jason Morris  
Natalie Smoot  
Beau Sterling (submitted by Mitch Cobeaga)  
Rod Sumpter  
Kimberly Surratt  
Douglas Flowers (submitted by Sany Marz, Lawyer in the Library)  
Goldsmith & Guymon  
Christian Hale  
James Hales  
Bill Kapalka  
Lewis & Roca

The awards subcommittee had determined for this year, it would decide on categories *after* reviewing the nominations received, keeping the field open and not locking the awards into any grouping. Based on what was received, it appears the categories may be something similar to:

small firm  
large firm  
rural attorney  
lawyer in the library/ask a lawyer  
young lawyer  
outstanding all-around individual

Justice Douglas placed this item on the agenda for the Commission to discuss so the awards subcommittee can finalize the process, identify any missed categories if needed, and determine the winners. Time is of the essence this year. Next year we will start the process much earlier (to coincide with dues payments) and hopefully expand both the nominations pool and the awards themselves.





Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form

- Nominee's Name:

Hanratty Roberts Law Group

- Nominee's Address:

500 South Rancho Drive, Suite 3

Las Vegas, NV 89106

- Nominee's Phone Number:

821-1379

- Where does the nominee work? If you know, for how long?

Three years.

- On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?

- Name, address, phone number, and email of person making this nomination:

Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.nv.org

- Deadline for submission is April 20, 2009
- Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009
- To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.

Please submit your nomination and direct any questions to:

Access to Justice Committee/Attn: Kristina Marzec, Executive Director

Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404

The Attorneys of Hanratty Roberts Law Group were the LACSN Pro Bono Project's 2008 Pro Bono Attorneys of the Year. From the minute this firm first opened its door, it made a commitment that pro bono work was going to part of the firm's culture. The small firm, which had only 3 attorneys for most of 2008, accepted 13 new pro bono matters in 2008, in addition to the 13 cases they accepted in previous years and were still working on. The 3 attorneys logged more than 450 hours on their 26 cases in 2008. They use their expertise in family law to provide assistance to clients with complicated matters. Many of their clients are victims of domestic violence or child victims of abuse and neglect. The firm's attorneys are incredibly eager to give back to the community and never say no when the Project asks them for assistance.



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

• **Nominee's Name:**  
Conti Moore

• **Nominee's Address:**  
10001 Park Run Drive

Las Vegas, NV 89145

• **Nominee's Phone Number:**  
207-6083

• **Where does the nominee work? If you know, for how long ?**

Marquis & Aurbach since 2007

• **On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?**

• **Name, address, phone number, and email of person making this nomination:**  
Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.nv.org

- **Deadline for submission is April 20, 2009**
- **Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009**
- **To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.**

**Please submit your nomination and direct any questions to:**

**Access to Justice Committee/Attn: Kristina Marzec, Executive Director**  
**Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404**

In the Summer of 2007, a case came to the attention of the LACSN Pro Bono Project, so complicated and in such desperate need of immediate attention that it inspired a whole new recruitment program. We launched the "Case of the Month" program, whereby we would highlight a difficult or time sensitive case that we desperately needed a volunteer to take on for us. In exchange, we promised to give a little extra recognition and thanks to those who headed the call. The description of the first Case of the Month read:

#### AUGUST'S PRO BONO CASE OF THE MONTH

Fran and Dave, both 75+ years old, need assistance saving their home from foreclosure pursuant to a deed of trust for the property, which they signed unknowingly, to secure a loan that they did not know they were taking, and the proceeds of which, they never received. (You might want to re-read that once or twice to make sure you didn't miss anything!) Couple wanted to sell their home so that they could move closer to family out of state due to Fran's failing health. Church Lady (acquaintance from their church) agreed to purchase the home and a contract was signed and escrow was opened. Church Lady comes by a few days later with papers for them to sign "regarding the sale of the home" and takes them to a title company a few days after that to sign additional papers "regarding the sale of the home." They trust the Church Lady, so they sign everything. What it appears they actually sign is a note for a \$85,000 loan, secured by a deed of trust to their home, as well as escrow instructions transferring most of the loan funds to an out-of-state attorney they have never met, who, as it turns out, works for the lender. So, it appears that the \$85,000 got dispersed between the lender and another company owned by the people who now hold the deed of trust, with some fees going to the title company, of course. The deed was assigned twice, almost immediately after Fran and Dave signed the documents (all of which they believed were related to the sale of their home to the Church Lady). The current holder of the deed is now foreclosing on the home. Metro's Elder Exploitation Unit has launched an investigation into the matter. Fran and Dave desperately need help saving their home.

Although Terry Coffing and the firm of Marquis & Aurbach came to the rescue, it was associate Conti Moore that would come to spend hundreds of hours helping the clients save their home. In 2008 Conti spent more than 288 pro bono hours assisting these clients. This was more than any other Pro Bono Project Volunteer in 2008.

Conti was incredibly dedicated to helping these clients and worked diligently to help them save their home. She is an outstanding pro bono volunteer.

See the attached article she and Terry Coffing wrote about their experience.

## 2008 Access to Justice Pro Bono Award Nomination Form

- Nominee's Name:

Jason Morris

- Nominee's Address:

50 W. Liberty Street, Suite 410

Reno, NV 89501

- Nominee's Phone Number:

(775) 823-2900

- Where does the nominee work? How long has the nominee worked there?

Lewis & Roca LLP

Length of employment: Unknown

- Tell us what makes this individual's commitment to public service outstanding?  
Feel free to use additional sheets if necessary.

Jason has taken numerous cases from WLS and never hesitates to teach our

bankruptcy clinics. He is willing to accept placement of different case types and with the support of his firm has provided representation to clients who would have been denied access to legal assistance

- Name, address and phone number of person making this nomination:

Renee Kelly, Pro Bono Coordinator, Washoe Legal Services

299 S. Arlington, Reno, NV 89501

(775) 785-5721

Please submit your nomination to:

Access to Justice Committee/Attn: Kristina Marzec

Email: [kristinam@nvbar.org](mailto:kristinam@nvbar.org)

Fax: (702)



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

- **Nominee's Name:**

Natalie Smoot

- **Nominee's Address:**

520 South Fourth Street, 2<sup>nd</sup> Floor

Las Vegas, NV 89101

- **Nominee's Phone Number:**

991-2028

- **Where does the nominee work? If you know, for how long ?**

Smoot Law Group

- **On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?**

- **Name, address, phone number, and email of person making this nomination:**

Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.nv.org

- **Deadline for submission is April 20, 2009**
- **Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009**
- **To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.**

**Please submit your nomination and direct any questions to:**

**Access to Justice Committee/Attn: Kristina Marzec, Executive Director**

**Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404**

Natalie Smoot has only been a practicing attorney for since 2004. However, in her brief career, she's made a profound impact on the lives of people in need in our community, particularly in the lives of domestic violence victims. Unlike some volunteers who look for the simplest pro bono case, Natalie looks for the clients who are most in need of assistance. As a sole practitioner, Natalie accepted 4 new pro bono matters from the Pro Bono Project at LACSN in 2008. In 3 of those cases, her clients were victims of domestic violence. One client was a woman who she assisted pro bono in 2007 with her immigration case. Natalie then asked if she could help this woman with her divorce too. This woman, who reported that her husband used to make her sleep in the garage with the dogs, had her life changed by Natalie's generosity. Natalie donated more than 75 pro bono hours to family law clients in 2008.



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

- **Nominee's Name:**

Beau Sterling

- **Nominee's Address:**

Sterling Law LLC  
228 South 4th St., 3rd FL  
Las Vegas, NV 89015

- **Nominee's Phone Number:**

702-387-4107 (office)  
702-743-1142 (cell)

- **Where does the nominee work? If you know, for how long ?**

Sterling Law LLC (Las Vegas)  
Of Counsel to The Cobeaga Law Firm (approx. 3 years)

- **On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?**

- **Name, address, phone number, and email of person making this nomination:**

J. Mitchell Cobeaga  
The Cobeaga Law Firm  
228 South 4th St.  
Las Vegas, NV 89015

702-240-2499

- **Deadline for submission is April 20, 2009**
- **Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009**
- **To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.**

**Please submit your nomination and direct any questions to:**  
**Access to Justice Committee/Attn: Kristina Marzec, Executive Director**  
**Email: kristinam@nvbar.org Fax: 702-385-2045 Phone: 702-317-1404**





Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form

(Nomination of Beau Sterling, Esq.)

April 20, 2009

I am nominating Beau for the work that he did in 2008 on several pro bono appeals, in particular:

**Ward v. Stewart**, (Ninth Circuit No. 07-17156 Pro Bono) – a prisoner civil rights appeal, which Beau received through the Ninth Circuit Pro Bono program;

**Haselton v. Gladiator Corp., et al.**, (Nevada Supreme Court No. 51356) – a real property appeal in which the elderly clients lost their home and were hit with a large judgment for attorney fees and costs, which Beau received through the Clark County Pro Bono Project.

I am told that Beau spent over 50 hours on these cases in 2008.

I understand that this award is only for work performed in 2008, but I would like the Commission to know that Beau always has at least one pro bono appeal pending and has taken at least nine pro bono appeals over the years. I strongly believe that he deserves to be recognized for his strong devotion to the pro bono cause.

Here are the people to contact for more information:

Kimberly Mucha Abbott, Esq.  
Pro Bono Project Director  
Legal Aid Center of Southern Nevada  
(702) 386-1070, ext. 137  
kabbott@lacs.nv.org

Jo Ann Comstock  
Pro Bono Program Coordinator  
U.S. Court of Appeals, Ninth Circuit  
(415) 355-8049  
JoAnn\_Comstock@ca9.uscourts.gov

Sincerely,

J. Mitchell Cobeaga  
THE COBEAGA LAW FIRM

## 2008 Access to Justice Pro Bono Award Nomination Form

- Nominee's Name:

Rod Sumpter

- Nominee's Address:

139 Vasser Street

Reno, NV 89502

- Nominee's Phone Number:

(775) 323-4934

- Where does the nominee work? How long has the nominee worked there?

Solo Practitioner

Length of employment: Unknown

- Tell us what makes this individual's commitment to public service outstanding?  
Feel free to use additional sheets if necessary.

Throughout 2008 Rod faithfully accepted the WLS call for help. He has instructed 4 bankruptcy clinics; assisted in redesigning the format of the bankruptcy clinic by compiling documents and samples which have now become our handout package to clinic attendees. He has accepted placement of over 12 pro bono cases and has been instrumental in encouraging other bankruptcy attorneys to participate in a reduced fee panel for representation and consultation services. I truly believe that Mr. Sumpter is a wonderful example of an individual who willingly donates his time, energy and resources back to our community and solidly represents his profession.

- Name, address and phone number of person making this nomination:

Renee Kelly, Pro Bono Coordinator, Washoe Legal Services

299 S. Arlington, Reno, NV 89501

(775) 785-5721

Please submit your nomination to:

Access to Justice Committee/Attn: Kristina Marzec

Email: [kristinam@nvbar.org](mailto:kristinam@nvbar.org)

Fax: (702)

## 2008 Access to Justice Pro Bono Award Nomination Form

- Nominee's Name:

Kimberly Surratt

- Nominee's Address:

190 W. Huffaker Lane Suite 4010

Reno, NV 89511

- Nominee's Phone Number:

(775) 324-3888

- Where does the nominee work? How long has the nominee worked there?

Surratt Law Practice, PC

Length of employment: Unknown

- Tell us what makes this individual's commitment to public service outstanding?  
Feel free to use additional sheets if necessary.

Kim has taken five family law cases from WLS and 2 property mediation cases over a six month period of time in 2008 . She is very supportive of pro bono and has proven to be a wonderful ally of our cause to provide all individuals with competent legal representation.

- Name, address and phone number of person making this nomination:

Renee Kelly, Pro Bono Coordinator, Washoe Legal Services

299 S. Arlington, Reno, NV 89501

(775) 785-5721

Please submit your nomination to:

Access to Justice Committee/Attn: Kristina Marzec

Email: [kristinam@nvbar.org](mailto:kristinam@nvbar.org)

Fax: (702)



Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form

- Nominee's Name:

Douglas C. Flowers

- Nominee's Address:

Holland & Hart LLP

5441 Kietzke Lane, Second Floor

Reno, NV 89511

- Nominee's Phone Number:

775-327-3000

- Where does the nominee work? If you know, for how long ?

Holland & Hart LLP

- On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?

- Name, address, phone number, and email of person making this nomination:

Sandra Marz, Director

775-328-3254

Washoe County Law Library

smarz@washoecounty.us

P.O. Box 30083

Reno, NV 89520-3083

- Deadline for submission is April 20, 2009
- Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009
- To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.

Please submit your nomination and direct any questions to:

Access to Justice Committee/Attn: Kristina Marzec, Executive Director

Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404



*Washoe County Law Library  
Court House*

April 17, 2009

Nevada Supreme Court Access to Justice Commission  
c/o State Bar of Nevada  
600 E. Charleston Blvd  
Las Vegas, Nevada 89104

Attention Commission:

I would like to nominate Doug Flowers to receive a Pro Bono Award. He has volunteered many times for the Washoe County Law Library "Lawyer in the Library" and Legal Seminar programs. While I think we have several volunteers worthy of an award, I nominate Doug for this award because he goes the extra mile by recruiting and mentoring other volunteers. He has helped to promote our programs by doing radio spots and has written articles for the *Writ*, our local Bar Association newsletter.

At the Law Library we have two "Lawyer in the Library" programs held every week: one night for family law matters, and one night for general law questions. Participants get a brief consultation with an attorney for free for approximately ten to fifteen minutes. Seminars are held once a month with an attorney volunteer as a speaker on a special topic. Participants in the audience may ask questions. These seminars are also shown on video on demand through the Washoe County website. All of our programs are free. Although we do not check for income status, our customer survey indicates that 95% of those participants who responded indicated they are from a low economic level and cannot afford to pay for professional legal counsel.

Doug recently volunteered to give a seminar on foreclosure. He not only presented a talk about foreclosure, he also provided participants with a handout that was designed as a teaching tool so they could remember the information they learned. Doug stayed late to answer questions, and was available to do a radio spot to help the Law Library advertise this program.

Doug has volunteered for several years for our "Lawyer in the Library" program including in 2008. What sets him apart from the rest is that he encourages new members of his firm to participate in the program, and has served in our mentor program by teaching inexperienced attorney volunteers how to best work with the participants in our program. We recorded that he worked at least 12 and ½ hours in both of our programs in 2008. This does not account for the time he spent preparing for the seminar, writing an article for the *Writ*, conducting a radio interview, or encouraging other attorneys to

*Post Office Box 30083*

*Reno, Nevada 89520-3083*

*(775) 328-3250*

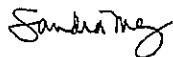
00044

volunteer for our program. His effort ensures passing down to our younger attorneys the tradition of commitment to community service.

You may contact Kait McClendon Kent currently employed at Silverman, Decaria and Kattleman, Chtd. (775-322-3223) concerning Doug Flowers. Kait used to work with Doug at Holland and Hart. I contacted Doug looking for volunteers from his firm for our Family Night Lawyer in the Library program. He gave me Kait's name and she has been an exceptional volunteer ever since.

Thank you for your consideration of this worthy nominee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Marz".

Sandra Marz, Director  
Washoe County Law Library

Nomination Form Enclosed



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

• Nominee's Name:  
Goldsmith & Guymon

• Nominee's Address:  
2055 Village Center Circle

Las Vegas, NV 89134

• Nominee's Phone Number:  
873-9600

• Where does the nominee work? If you know, for how long?

Founded in 1996

• On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?

• Name, address, phone number, and email of person making this nomination:  
Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.nv.org

- Deadline for submission is April 20, 2009
- Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009
- To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.

Please submit your nomination and direct any questions to:

Access to Justice Committee/Attn: Kristina Marzec, Executive Director  
Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404

Even though it is a small firm, Goldsmith & Guymon contributes to the Pro Bono Project as if it is a large firm with unlimited resources. In 2008, 6 attorneys at the firm accepted a combined 31 new pro bono cases in 2008. Partner Shelley Krohn accepted 13 new matters and partner Marjorie Guymon accepted 7 new matters. They assisted clients with Bankruptcy, Guardianship, and Family Law Matters. Together the firm's attorneys donated well over 200 pro bono hours in 2008.

Besides handling pro bono cases, Partner Shelley Krohn also volunteers as a Pro Bono Bankruptcy Facilitator and serves on the Pro Bono Bankruptcy Committee. Additionally, Partner Dara Goldsmith regularly fields emails and phone calls from the Project, always eager to share her expertise in guardianship and probate law.

Goldsmith & Guymon gives so generously of its time and talents. Its attorneys are some of the Pro Bono Projects most relied upon and valuable volunteers.





Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form

- Nominee's Name:

Christian Hale

- Nominee's Address:

300 S. 4<sup>th</sup> Street

Las Vegas NV 89101

- Nominee's Phone Number:

702-383-8888

- Where does the nominee work? If you know, for how long?

Lionel Sawyer & Collins

- On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?

- Name, address, phone number, and email of person making this nomination:

AnnaMarie Johnson

530 S. 6<sup>th</sup> Street

Las Vegas NV 89101

702-386-0404

- Deadline for submission is April 20, 2009
- Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009
- To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.

Please submit your nomination and direct any questions to:

Access to Justice Committee/Attn: Kristina Marzec, Executive Director

Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404

Christian Hale was the first attorney in Clark County to begin volunteering for Nevada Legal Services' new Pro Bono Program. Mr. Hale attended a training on Nevada Residential Landlord Tenant Law that was conducted by Nevada Legal Services and at the end of the training, he volunteered to provide assistance at our Tenants' Rights Center. Since January of 2008, Mr. Hale has come to the Tenants' Rights Center every Monday morning he can and has spent two to three hours meeting with clients and providing them with assistance. He has helped clients with their evictions, with housing habitability problems, with simple security deposit issues. He's helped tenants whose rental property has been foreclosed upon and who are facing immediate eviction. He's helped seniors who need to break a lease due to hospitalization or institutionalization. Mr. Hale has seen the worst kind of tricks played by landlords to illegally evict families and he's seen the worst kind of housing conditions caused by slum landlords. Mr. Hale has taken care of clients who are scared and, as a result, can be belligerent and nasty. Mr. Hale handles all clients with his typical calm and reasonable demeanor. In 2008, Mr. Hale provided assistance to over 300 clients at the Tenants' Rights Center. Nevada Legal Services greatly appreciates Mr. Hale's continued dedication and service to our clients.



Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form

• Nominee's Name:

JAMES R. HALES

• Nominee's Address:

ROWE & HALES, LLP

P O Box 2080

Minden, NV 89423

• Nominee's Phone Number:

775-782-8141

• Where does the nominee work? If you know, for how long?

ROWE & HALES, LLP

• On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?

• Name, address, phone number, and email of person making this nomination:

Valerie J. Cooney, Esq.

VARN

P.O. Box 365

Carson City, NV 89702

775-883-8278

vcooney@varn.org

- Deadline for submission is April 20, 2009
- Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009
- To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.

Please submit your nomination and direct any questions to:  
Access to Justice Committee/Attn: Kristina Marzec, Executive Director  
Email: kristinam@nvbar.org Fax: 702-385-2045 Phone: 702-317-1404

Attachment to Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award - 2008 Service Nomination Form

Volunteer Attorneys for Rural Nevadans (VARN) is nominating James R. Hales, Esq., for the 2008 Individual Attorney Recognition Award. James R. Hales, Esq., of Rowe & Hales, LLP, has practiced law in Douglas County for many years. Over the years, he has taken several pro bono cases and is a past member of the Board of Directors of VARN (2002-2008). Rowe & Hales, LLP is a general civil practice firm providing legal advice and representation to clients located throughout northwest Nevada.

During 2008, in addition to many hours of service as a member of VARN's Board of Directors, Mr. Hales provided over 48 hours of pro bono service in a divorce case referred through VARN. Although Mr. Hales generally does not assist in divorce matters, he agreed to accept this case upon learning of the desperate need of the client and her children. In past years, Mr. Hales has accepted several pro bono guardianship matters involving children and the elderly. Mr. Hales' compassion toward helping those less fortunate is truly commendable.

In 2007, Mr. Hales and his firm, Rowe & Hales, were recipients of VARN's annual pro bono awards and in January 2008, Mr. Hales was the recipient of VARN's annual pro bono award for 2008 for most pro bono hours provided.

It is with great respect and appreciation for the pro bono services that Mr. Hales has provided, not only in 2008, but for many years, that VARN makes this nomination.



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

- **Nominee's Name:**

William Kapalka

- **Nominee's Address:**

850 East Bonneville Avenue

Las Vegas, NV 89101

- **Nominee's Phone Number:**

791-2455

- **Where does the nominee work? If you know, for how long ?**

Law Office of William Kapalka

- **On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?**

- **Name, address, phone number, and email of person making this nomination:**

Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.org

- **Deadline for submission is April 20, 2009**
- **Award Honorees will be chosen by the Commission and honored at the State Bar Annual Convention in June 2009**
- **To be eligible, work must have been performed in the 2008 calendar year and constitute legal services for no fee to persons of limited means under RPC 6.1(a). Clinics and Ask-A-Lawyer volunteers are also eligible.**

**Please submit your nomination and direct any questions to:**

**Access to Justice Committee/Attn: Kristina Marzec, Executive Director**

**Email: kristinam@nvbar.org Fax: 702.385.2045 Phone: 702.317.1404**

Bill Kapalka has been a dedicated pro bono volunteer from the time he was a student at UNLV Boyd School of Law. In 2008, he volunteered at Ask A Lawyer more than 30 times, donating more than 90 hours assisting pro per litigants. His fabulous sense of humor charms litigants and program staff alike. It is volunteers like him that keep that valuable program running. Besides his steadfast dedication to the Ask A Lawyer Program, Bill also accepted 4 new family law cases from the Project in 2008. He is assisting clients in need, including domestic violence victims, with divorce and custody matters.



**Nevada Supreme Court Access to Justice Commission  
Individual Attorney Pro Bono Recognition Award-2008 Service  
Nomination Form**

- **Nominee's Name:**

Lewis & Roca

- **Nominee's Address:**

3993 Howard Hughes Parkway, Suite 500

Las Vegas, NV 89169

- **Nominee's Phone Number:**

949-8200

- **Where does the nominee work? If you know, for how long ?**

Founded in 1950

- **On a separate sheet(s), tell us about the pro bono work this attorney has performed in 2008, including if you know how many approx. hours and type of work; what makes this individual's commitment to public service outstanding; and if there is someone else we may wish to contact about this individual's pro bono service?**

- **Name, address, phone number, and email of person making this nomination:**

Kimberly Abbott

Pro Bono Director, Legal Aid Center of Southern Nevada Pro Bono Project

800 South Eighth Street, Las Vegas, NV 89101

(702)386-1070 ext. 137 Kabbott@lacs.org

- **Deadline for submission is April 20, 2009**
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**Please submit your nomination and direct any questions to:**

**Access to Justice Committee/Attn: Kristina Marzec, Executive Director**

**Email: [kristinam@nvbar.org](mailto:kristinam@nvbar.org) Fax: 702.385.2045 Phone: 702.317.1404**

About midway through 2008, the law firm of Lewis & Roca recommitted itself to pro bono work. The firm's leadership invited LACSN's Pro Bono Director and Judge Gonzalez out to talk to its attorneys about the importance of pro bono work and opportunities and supports available. It streamlined its case approval process and designated a new Pro Bono Coordinator who has been working very closely with LACSN's Pro Bono Director. The firm accepted 18 new cases in 2008 and contributed nearly 400 pro bono hours. Although for years LACSN had been able to count on Dan Polsenberg when it needed pro bono appellate help, LACSN is now learning to depend on Lewis & Roca for broader pro bono assistance. Dan Waite's commitment to get the firm's young associates involved and his prompt attention to LACSN's requests for assistance has made Lewis & Roca one of the Project's "go to firms."





# Lawyers in the Library



## FREE Legal Information and Referral

If further legal help is required, clients are referred to the Bar Association Lawyer Referral Service.

Sessions are popular & sometimes subject to change.  
**Please call in advance to confirm.**

[www.oaklandlibrary.org](http://www.oaklandlibrary.org)



## Lawyers in the Library Schedule

### MAIN LIBRARY

125 14th Street

2nd floor, Magazines and

Newspapers desk

(510) 238-3134

First through fourth Thursdays &

second through fourth Wednesdays

6-8 PM

Sign-up lottery at 5:45 PM

**Bankruptcy Lawyer in the Library**

First Wednesday evenings

6-8 PM

Sign-up lottery at 5:45 PM

### CÉSAR E. CHÁVEZ BRANCH

3201 East 12th St., Ste. 271

(510) 535-5620

Bilingual lawyers

(Spanish & English)

Second Monday evenings

5:30-7:30 PM

Sign-up lottery at 5:15 PM

**Abogados en la Biblioteca**

Información y referencia legal.

Gratis

El segundo lunes de cada mes

5:30-7:30 PM

Registación por lotería a las

5:15 PM Llame para confirmar.

### DIMOND BRANCH

3565 Fruitvale Avenue

(510) 482-7844

First Tuesday evenings

6-8 PM

Sign-up lottery at 5:45 PM

### EASTMONT BRANCH

Eastmont Town Center

7200 Bancroft Avenue, Suite 211

(510) 615-5726

Second and fourth Tuesdays

5-7 PM

Advance sign-ups begin 4:30 PM

### ELMHURST BRANCH

1427 88th Ave.

(510) 615-5727

Second Monday evenings

5-7 PM

First come, first served.

### ROCKRIDGE BRANCH

5366 College Avenue

(510) 597-5017

First Tuesday evenings

6-8 PM

Advance sign-ups begin 5:00 PM

### TEMESCAL BRANCH

5205 Telegraph Avenue

(510) 597-5049

First Monday evenings

6-8 PM

Sign-up lottery at 5:45 PM

### WEST OAKLAND BRANCH

1801 Adeline Street

(510) 238-7352

First Monday evenings

5-6:30 PM

Advance sign-ups begin 4:30 PM

OAKLAND PUBLIC LIBRARY



# Lawyers in the Library

**FREE LEGAL  
INFORMATION &  
REFERRAL**

Co-sponsored by the Alameda County  
Bar Association,  
Legal Aid Society of Alameda County,  
and Asian American Bar Association.

If further legal help is required, clients  
are referred to the Bar Association  
Lawyer Referral Service.



**Sessions are popular &  
sometimes subject to  
change. Please call in  
advance to confirm.**

[www.oaklandlibrary.org](http://www.oaklandlibrary.org)

## Lawyers in the Library Schedule



### MAIN LIBRARY

125 14th Street

(510) 238.3134

First through fourth Thursday evenings, 6-8 PM

Sign-up lottery at 5:45 PM

### Bankruptcy Lawyer in the Library

First Wednesday evenings, 6-8 PM

Sign-up lottery at 5:45 PM

### DIMOND BRANCH

3565 Fruitvale Avenue

(510) 482.7844

First Tuesday evenings, 6-8 PM

Sign-up lottery at 5:45 PM

### EASTMONT BRANCH

Eastmont Town Center

7200 Bancroft Avenue, Suite 211

(510) 615.5726

Second and fourth Tuesday evenings, 5-7 PM

Advance sign-ups begin 4:30 PM

### ROCKRIDGE BRANCH

5366 College Avenue

(510) 597.5017

First Tuesday evenings

Advance sign-ups begin 5:00 PM

### TEMESCAL BRANCH

5205 Telegraph Avenue

(510) 597.5049

First Monday evenings, 6-8 PM

Sign-up lottery at 5:45 PM

### WEST OAKLAND BRANCH

1801 Adeline Street

(510) 238.7352

First Monday evenings, 5-6:30 PM

Advance sign-ups begin 4:30 PM

8/1/2008



# Support the new Justice Gap Fund!

Your opportunity to help low-income  
Californians receive legal assistance



## WHY DO WE NEED THE JUSTICE GAP FUND?

The *Justice Gap Fund* will assist thousands of low-income Californians who face serious legal problems and cannot afford legal help.

- Nationally, 50 percent of all potential legal aid clients are turned away due to a lack of resources;
- In California, there are over 8,000 low-income persons per legal aid lawyer.
- California lags far behind many other states, and ranks 22<sup>nd</sup> in terms of amount of legal services funding per poor person;
- Only one third of our low-income population receives any help for their legal problems, and those individuals often receive only part of the legal help they actually need.

Through the new *Justice Gap Fund*, lawyers across the state will be able to contribute to one efficient central Fund so that legal aid programs have the resources they need to fulfill their mission -- to provide legal assistance to those who desperately need their help.

Addressing the justice gap is not a partisan issue. It is the promise of our Pledge of Allegiance that we are a nation of "liberty and justice for all."

*Assembly Member Dave Jones "After the Applause,  
Action Needed to Close the Justice Gap in California"  
California Progress Report, March 8, 2007*

## Elder safe from fraud

Mr. Davis, an elderly widower with health issues had taken out a high-interest loan to pay for the repairs his "friend" the contractor was supposed to do.

Playing on their supposed friendship, the contractor not only grossly overcharged him for the work, but also ran up \$15,000 on

Mr. Davis' credit card.

When Mr. Davis went to legal aid he was \$60,000 in debt. On a fixed income of Social Security and a modest union pension, he couldn't make the house payments and was in danger of losing his home of 30 years.

Legal aid staff identified the all-too-common scam by operators who prey on senior citizens to swindle them out of the equity in their homes. Legal aid sued to cancel one of the loans and had the other one reduced. Mr. Davis also got his credit card debt eliminated. His home was saved.

"If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract."

*California Chief Justice Ronald M. George  
State of the Judiciary speech 2001*



## WHAT IS THE JUSTICE GAP FUND?

The *Fund* implements Assembly Bill 2301, signed by the Governor in August of 2006. This new law authorizes the State Bar to collect contributions from its members to support legal assistance for low-income Californians, in order to bridge the "justice gap":

- Contributions are voluntary and encouraged from all California lawyers, with a suggested contribution of \$100;
- Contributions can be made annually through the member fee statement or any day of the year through the State Bar's website;
- The *Justice Gap Fund* will take advantage of the existing network of local legal aid programs to provide services efficiently and effectively;
- Contributions are tax-exempt to the full extent of the law.

## WHAT WILL THE JUSTICE GAP FUND DO?

The new fund will provide legal assistance to the most vulnerable Californians, including:

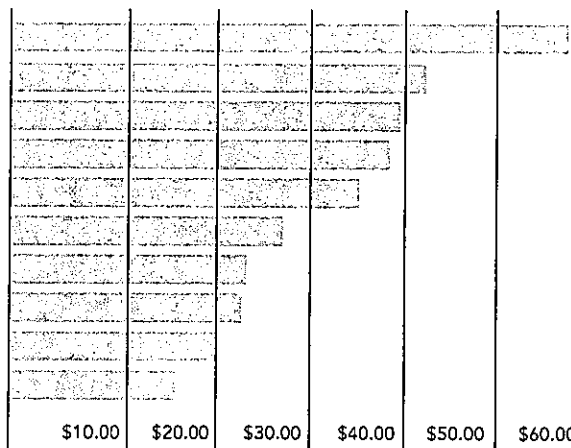
- Protecting victims of elder abuse and domestic violence;
- Keeping families intact by avoiding homelessness and establishing guardianships;
- Helping low-income children access health care and special education services.

The services will be provided by approximately 100 legal aid programs that have a long history of providing legal services and are already approved recipients of the State Bar's Legal Services Trust Fund Program.

Legal aid is a critical component of the justice system, helping improve trust and confidence in the court system, and the Fund will help ensure that more low-income Californians get their day in court.

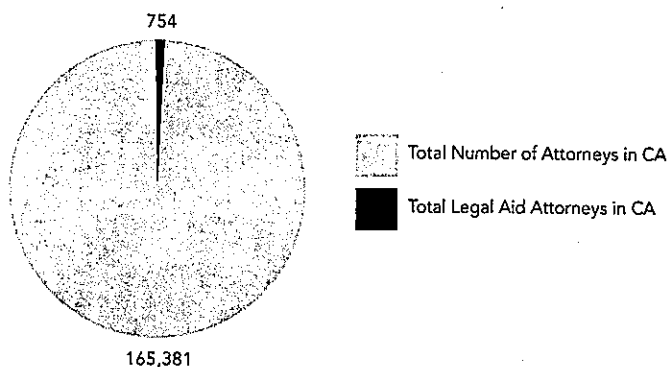
### Civil Legal Services for the Indigent – Government Spending per Eligible Poor Person – FY 2005

| State         | Govt. Spending |
|---------------|----------------|
| New Jersey    | \$57.00        |
| Minnesota     | \$43.15        |
| Massachusetts | \$39.64        |
| Connecticut   | \$38.98        |
| Maryland      | \$35.86        |
| Washington    | \$26.53        |
| New York      | \$23.53        |
| Ohio          | \$23.30        |
| Pennsylvania  | \$20.14        |
| California    | \$16.25        |



Source: American Bar Association's Project to Expand Resources for Legal Services, the National Association of Protection and Advocacy Systems, and U.S. Bureau of the Census.

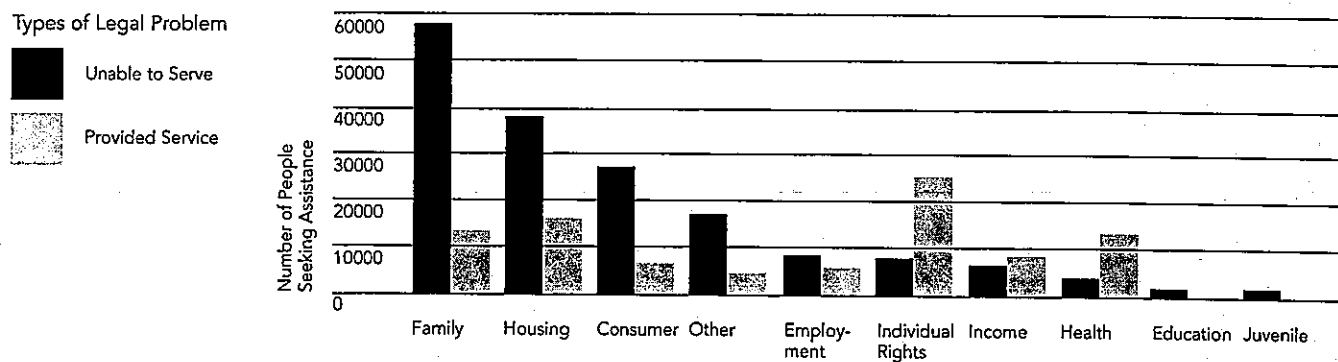
### Number of Legal Aid Attorneys Compared with Total Active Attorney Population



### Number of Eligible Clients Per Legal Aid Lawyer in 2005

|   |           |
|---|-----------|
| Number of Californians below 125% of Poverty    | 6,304,000 |
| Number of Legal Aid Lawyers                     | 754       |
| Number of Eligible Clients per Legal Aid Lawyer | 8,361     |

### 2005 California "Unable to Serve" Data For Legal Services Corporation-Funded Programs



## Breaking the cycle of violence

Cathy is a mother of two and a domestic violence survivor. When she went to legal aid she had been suffering from three years of beatings by an abusive husband and felt frightened and overwhelmed. The legal aid advocate helped her find safe housing and develop a safety plan, arranged for evaluation for one of the children who showed signs of autism, and got support services for the family. Meanwhile, represented by the legal aid attorney, she won sole custody of her children, secured child and spousal support and obtained \$9,000 in housing funds. Cathy and her children have now moved to permanent housing, the children are continuing with their counseling and treatment plans, and Cathy plans to return to school to become a pharmacist.

## WHY IS THE JUSTICE GAP FUND IMPORTANT?

Your contribution to the *Justice Gap Fund* is critical in two ways:

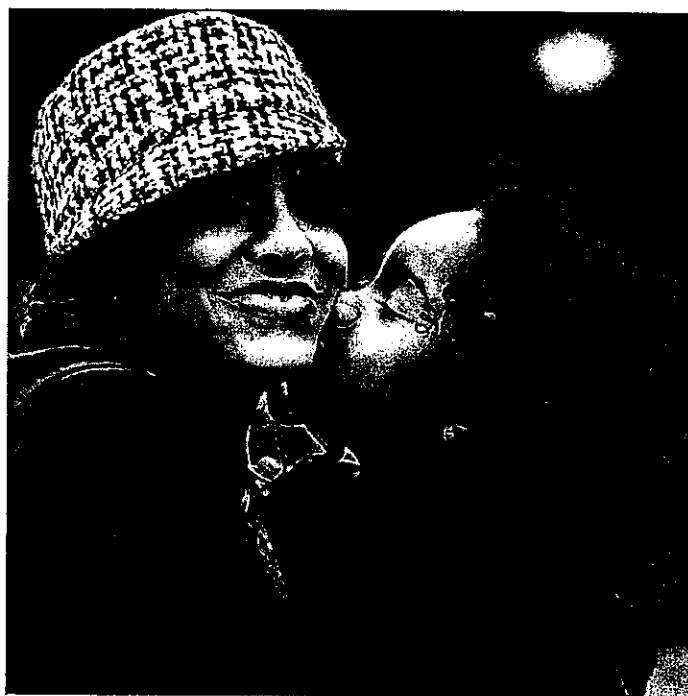
- The *Fund* will support important services that will profoundly impact the lives and stability of thousands of low-income Californians; and
- The *Justice Gap Fund* will clearly indicate the California legal profession's – and YOUR – commitment to justice. In seeking other sources of funding – whether from the legislature, foundations, or corporations – potential funders want to know what the legal profession is doing. This Fund will be one clear answer.

While the responsibility for an accessible justice system is not solely that of the legal profession, it is critical for lawyers to take the lead – to show how important the issue is, through both their pro bono services and their voluntary financial contributions.

*Thank you for your contribution.*

At root, equal justice is simply the notion that law and the courts should be fair, even if life isn't.

*Hon. Earl Johnson, Jr.,  
Associate Justice,  
California Court of Appeal,  
Second Appellate District;  
Speech at Opening Ceremony,  
National Equal Justice Library,  
quoted in 17 Saint Louis  
University Law Review 265 (1998).*



For more information:  
<http://calbar.org/justicegapfund>



The State Bar of California | Office of Legal Services,  
Access & Fairness Program



## **CASE CLOSING DEFINITIONS**

**Advice and Counsel:** program provided legal advice to an eligible client, e.g. the advocate ascertained and reviewed relevant facts, exercised judgment in interpreting the particular facts presented by the client and in applying the relevant law to the facts presented, and counseled the client concerning his or her legal problem.

**Brief Service or Limited Action:** program took limited action on behalf of an eligible client that addressed the client's legal problem that is not so complex or extended as to meet the definition of Extended Service. Examples include communications by letter, telephone or other means to a third party; preparation of a simple legal documents such as a routine will or power of attorney; or legal assistance to a pro se client that involves assistance with preparation of court or other legal documents.

**Negotiated Settlement Without Litigation:** program negotiated and reached an actual settlement (file must contain documentation of the settlement in writing with the opposing party) on behalf of a client without any court or administrative actions pending. The program conferred with another party so as to reach a resolution of the client's legal problem. This includes settlements negotiated with an administrative agency prior to the filing of a formal administrative proceeding.

**Negotiated Settlement With Litigation:** program negotiated and reached an actual settlement on behalf of a client while a court or formal administrative action was pending and the program was counsel of record in the action. This category is used even if the court or administrative hearing agency issues an order memorializing the settlement.

**Administrative Agency Decision:** program represented a client in an administrative agency action that resulted in a case-dispositive decision by the administrative agency or body, after a hearing or other formal administrative process (e.g. a decision by the hearings office of a welfare department). Program must be counsel of record in the action. This category *does not* include settlements made during the course of litigation that are then approved by the administrative agency, voluntary dismissals or the grant of a motion to withdraw as counsel. Those cases should be closed as either Brief Service or Negotiated Settlement Without Litigation, as appropriate.

**Court Decision:** program represented a client in a court proceeding that resulted in a case dispositive decision made by the court. This category is divided into three subcategories: Uncontested Court Decisions (either no adverse party or the adverse party does not appear at the hearing); Contested Court Decisions; Appeals to an appellate court taken from a decision of any court or tribunal. The Appeals subcategory *does not* include appeals or writs taken from administrative agency decision or lower trial court decision to a higher level trial court acting as an appellate court, whether they are on the record or de novo proceedings.

**Extended Services:** program undertook extensive research, preparation of complex legal documents, extensive interaction with third parties on behalf of an eligible client, or

extensive on-going assistance to clients who are proceeding pro se. Examples include the preparation of complex advance directives, wills, contracts, real estate documents or other legal documents that are not routine, or the provision of extensive transactional work. This category also includes cases closed after extensive interaction or negotiations with another party which do not result in a negotiated settlement. Cases where the program was counsel of record in litigation but the cases ends with a voluntary dismissal or program withdraws as counsel are included in this category.

**Matters:** program provides legal or other information or other contacts where no individualized legal advice is provided. This includes all those attending pro se clinics, those receiving assistance at self-help centers, those attending legal community education seminars, those attending program's outreach events, referrals made to other agencies, and questions answered by receptionists or others who do no screening for program eligibility.

**TAB 3**

## Roadmap to Justice: Summary of West Coast Forum

March 27, 2009

Let me begin this summary of our March 27 Forum as I did my comments at that meeting: by registering my deepest appreciation to Jim Sokolove for the vision and values that launched this project. My thanks also go to the members of the Sokolove firm, for all their help with the program's development, and especially to Dena Evans, for being the most accomplished program coordinator I have ever encountered in three decades of this line of work. Finally, all of us connected with Stanford's Center on the Legal Profession and the Sokolove Charitable Fund are grateful to the participants for taking time out of overcommitted schedules to provide invaluable insights about how to move the justice agenda forward.

From the organizers' perspective, the Forum built on the success of the previous meeting in addressing four main questions on which the Roadmap to Justice Project will focus:

What unmet legal needs are most urgent?  
What are the most cost-effective strategies for addressing them?  
How can we institutionalize those strategies?  
How can the Roadmap to Justice Project assist in that effort?

What follows is a brief summary of the meeting's analysis of those key questions.

### I. Introduction and Identification of Priorities

Jim Sokolove's opening remarks, Deborah Rhode's overview presentation, and the discussion that followed provided a useful framework for identifying critical unmet needs and strategies to address them. Sokolove emphasized that the private sector should see the lack of access to justice not as a problem but as an opportunity, and that changes in unauthorized practice rules and bar regulatory structures could help foster markets to address unmet legal needs. Many participants agreed, and emphasized that the conditions presented by the current economic crisis might present some particular challenges and opportunities but should not drive long-term strategies.

Each Forum participant then spoke briefly about key priorities. Many of the comments focused on navigating the political environment and raising money. Both require effective communication strategies, which were the focus of the next morning session.

### II. Communication Strategies

Meredith McBurney, Project Consultant at the ABA Resource Center for Access to Justice, provided an overview of research on what makes for effective communication on issues concerning access to justice. As a threshold matter, she stressed the importance of tailoring messages to a particular target audience – whether state legislatures, judges, Congress, lawyers, the general public, or a particular community. She also provided some examples of successful campaigns. The takeaway, however, was that relatively little research is available about which

communications strategies work best and why. The group agreed that this Project could help collect and disseminate data regarding the effectiveness of specific messages and campaigns.

### III. Cost-Effective Strategies and the Role of the Roadmap to Justice Project

Based on participants' sense of what issues most needed discussion, the meeting broke into the following small groups: 1) collaboration; 2) delivery of services and court reform; 3) for-profit initiatives; and 4) research. Small-group sessions and the wrap-up that followed helped identify strategies for effectively addressing unmet legal needs and the role of this Project in the effort. The following areas emerged as key priorities.

#### A. Political and Communication Strategies

The first recommendation was to assist Congressional proposals to increase LSC funding and eliminate the restrictions on LSC-funded organizations. The participants agreed that the Project should publish a white paper, but questions remain as to whether it would be most effective to draft one long policy paper with an executive summary, several separate papers, or a one-page document highlighting key messages. Project staff will follow up with insiders on the most constructive approach.

A second recommendation was to encourage op-eds about how access to justice has helped individuals and communities, or how injustice has resulted from a lack of access to legal services. This Project could gather compelling stories on its website and use them to showcase various programs and advance a shared agenda. National Pro Bono Week, October 21-25, 2009, might be a good time to pursue publicity and help engage more law schools in the effort.

There seemed to be a consensus that the Project should create working groups to push the current legislation and to evaluate messaging strategies.

#### B. Innovative Delivery and Funding Models

The for-profit discussion group concluded that three separate entities – law firms, law schools, and experimental for-profit programs – could facilitate the provision of legal services for low- and middle-income clients. Law firms could outpace lawyers, endow chairs at legal services programs, and help fund loan forgiveness programs. Law schools could establish incubator programs to address specific problems; teach business, management, and financing skills; develop technology; and expand loan repayment and fellowship programs. For-profit experimental programs could help establish new practices or work within existing nonprofits to provide some services on a for-profit basis, including fee shifting, and sliding-scale fees.

Some participants recommended forming a working group to discuss other revenue structures to help the system move away from a total charity model. Participants from legal service organizations would like access to information regarding best practices for covering out-of-pocket costs so that they could convince their board members that certain strategies (e.g.

collecting fees from clients) were common and effective practices. Many participants felt their organizations could meet the legal needs of more individuals if they could provide services on a sliding-scale basis.

Some participants suggested creating a delivery of services working group that would convene key players to share information about best practices. The group was not aware of any coordinated efforts on delegalization/court reform and thought this Project could make a contribution in that area.

### C. Research

There was a consensus that this Project should create a working group to address research needs. Better data are necessary to evaluate current strategies, including pro bono services, non-lawyer assistance, and brief advice mechanisms such as hotlines and referral services. Some participants saw a need for additional cost-benefit analyses of whether money spent on increasing access to civil legal services actually saves money by decreasing costs for the criminal justice system or for other social programs. In addition, more research should identify which services are available in different areas so that new efforts are not redundant.

Research could also help fill the information gap regarding effective communication strategies. Public interest and legal aid organizations need to know more about the persuasiveness of particular messages for particular audiences and how best to reach key constituencies.

The delivery of services discussion group felt that more research was necessary on the following issues: 1) how increased access to justice affects court workloads; 2) how many clients follow up with referrals; 3) whether a one-stop shop is the best way of insuring that needs would be addressed; 4) how particular delivery systems compare in terms of cost-effectiveness; and 5) whether settlement outcomes vary depending on the parties' representation and the forum (traditional litigation versus ADR).

### D. The Role of Law Schools

Participants identified a number of strategies that could improve the way that legal education addresses access to justice. In particular, law schools could do more to teach skills in collaboration, management, cultural competence, and leadership. Law schools could also assist practitioners who provide "low bono" services, along the lines of the consortium pioneered by CUNY and the recently dissolved effort in the San Francisco Bay Area. Law schools could also collect information, as UCLA and Berkeley have done, about the effectiveness of their clinical and mentoring programs in preparing students for careers in public interest law. Some suggested that a shift in legal education was a good long-term strategy but that in the short term we should focus on enlisting law schools in helping to utilize deferred and unemployed associates in community lawyering practices.

#### E. RoadmaptoJustice.org Website

Participants agreed that the purpose of this Project's website should not be to duplicate what other organizations have already done, but to make access to justice resources easily accessible in one location. Ideally, the website would serve as a clearinghouse for information, evaluation, and research needs. For example, it could compile analyses of successful and unsuccessful experimental projects promoting for-profit models to address unmet needs. It could house white papers on best practices delivery models and possible reforms, including unbundling, non-lawyer services, and procedural rule changes. The website could also promote partnerships with community groups and describe effective strategic collaboration models both inside and outside the equal justice community, such as the medical-legal services partnership.

A research section of the website could also feed ideas to the academy. Many access to justice commissions do not focus on legal education, and the website could help fill this gap by helping to channel the talent in law schools toward empirical projects that would be useful in the world.







**PSLawNet: A Clearinghouse Where Public Interest Organizations Can Connect  
With Law Firm Public Interest Placement Programs**

**What is PSLawNet?** PSLawNet, operated by NALP, is the leading public interest law job database, subscribed to by nearly every law school in North America, giving those schools' alumni and current students free access to job listings.

Increasingly law firms seek to place both new and experienced associates with public interest organizations for limited periods of time. As a service to the legal community, PSLawNet is serving as a clearinghouse for public interest organizations to advertise themselves as host organizations. This service is free both for public interest organizations and for NALP member law firms searching the listings.

**How Does a Public Interest Organization Advertise Itself as a Potential Host for Firm Associates?**

- Public interest organizations may create an employer profile on PSLawNet and post job announcements at no charge. Begin by going to the homepage – [www.pslawnet.org](http://www.pslawnet.org) – and selecting “New User?-Employers” on the right side of the screen. **IMPORTANT NOTE:** If you are not sure whether your organization already has an employer profile on PSLawNet, contact us (email and phone below) before creating one. PSLawNet contains over 11,000 profiles, and it is likely that your organization is already profiled even if you are unaware of it. We can provide login information for your profile if it already exists.
- As soon as you log in to PSLawNet, a “User Options” menu will appear on the left side of the screen. Within that menu, click on “Add Opportunity.” This will take you to a job-posting template.
- **IMPORTANT:** On the job-posting template, the first field you must complete is called “Job Type.” From this drop-down menu, select “**Law Firm Associate Host.**” This is the job type that law firms and associates will be using to search for host placements.
- If you would like we will post your job announcement for you. Please email it to us at [pslawnet@nalp.org](mailto:pslawnet@nalp.org).

**How do Firms/Associates Know to Search on PSLawNet?** Many national organizations from the public interest and law firm communities are advertising PSLawNet as a clearinghouse for information and opportunity postings.

**Questions?** Please contact us at [pslawnet@nalp.org](mailto:pslawnet@nalp.org) or at 202.296.0076.

***Remember to use PSLawNet for all of your public interest job postings, including attorney positions, postgraduate fellowships, and law student positions.***

March 25, 2009

## **Considerations for the Placement of Law Firm Attorneys into Public Interest Organizations**

The Association of Pro Bono Counsel ("APBCO"), an organization with more than 115 members who manage law firm pro bono practices on a full-time or near full-time basis, in collaboration with local and national public interest organizations, provides this "Considerations for the Placement of Law Firm Attorneys Into Public Interest Organizations" to the law firm, law school and public interest legal communities to address the emerging issues of increased law firm placement of attorneys and law graduate incoming associates into public interest positions.<sup>1</sup>

### **INTRODUCTION**

While some law firms have for years participated in secondment or rotation programs with public interest organizations, law firms seeking to place attorneys into public interest organizations as a mechanism for deferred employment, furlough or layoff is a recent trend without much precedent. While these programs offer a potential personnel boon to public interest organizations at a time when budgets are being cut, they present a variety of unprecedented considerations for all parties, from employment to funding.

In order to assist any party considering participating in a program placing law firm attorneys into public interest organizations, APBCO, with extensive input from leaders of public interest organizations, has developed a detailed list of considerations in a variety of areas. These considerations are intended to identify only those issues common to the placement of law firm attorneys (or law students intending to be law firm attorneys) into public interest organizations in order to guide discussions between law firms, attorneys and public interest organizations. How each law firm decides whether, when and at what cost to use such placements as a form of personnel management is beyond the scope of this guidance. (For the

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<sup>1</sup> APBCO would like to acknowledge the efforts and cooperation of the following collaborators and contributors to this project:

*American Bar Association Std. Committee on Pro Bono and Public Service; and Center for Pro Bono  
Bet Tzedek Legal Services  
City Bar Justice Center of the Association of the Bar of the City of New York  
D.C. Bar Pro Bono Program  
Equal Justice Works  
National Association for Law Placement  
New York Lawyers for the Public Interest  
Pro Bono Institute  
Pro Bono Net  
Public Interest Clearinghouse  
Public Interest Law Initiative  
Volunteer Legal Services Program of the Bar Association of San Francisco*

purposes of this guidance, law firm attorneys and deferred law students, except when the difference is significant, to be placed with a public interest organization are referred to collectively as “Placed Attorneys.”)

In addition, this document will identify a national clearinghouse hosted by PSLawNet.org, which will allow public interest organizations to post detailed descriptions of openings for Placed Attorneys, and allow law firms and Placed Attorneys to search for potential placements in the public sector. Included in this document are separate instructions for law firms and public interest organizations on how to access PSLawNet. APBCO encourages the immediate use of this search tool and expresses its gratitude to the National Association of Law Placement (NALP) for its generous and timely assistance in facilitating access to this site.

Finally, we include information on existing local placement clearinghouses which facilitate successful placement of law firm attorneys to public interest organizations on an extended basis or for periodic pro bono work. These organizations may serve as hubs of information for law firms and Placed Attorneys about the number and types of placements available at agencies in their area, and for public interest organizations about the number of potential Placed Attorneys which may be available.

For more information or to contact APBCO, you may send inquiries to [info@probonocounsel.org](mailto:info@probonocounsel.org)

## **PART I. SUMMARY OF ISSUES TO CONSIDER**

### **Employment Issues**

- Is the Placed Attorney employed by the law firm or the public interest organization, or is the Placed Attorney self-employed?
- How will the employment status of the Placed Attorney affect conflict of interest issues for the law firm? Will the clients of the Placed Attorney be imputed to the firm? Will the law firm have to consider the kinds of cases to be handled by the Placed Attorney and request restrictions on the Placed Attorney’s scope of work?
- Who has the right to hire, discipline and terminate the Placed Attorney?
- Assuming that the public interest organization cannot provide employee benefits from its existing budget, who will pay for and/or provide employee benefits, including health care, for the Placed Attorney?
- Is the public interest organization subject to a collective bargaining agreement?
- Will the public interest organization, the Placed Attorney and/or the law firm enter into an agreement regarding the placement, and how will any agreement(s) be enforced?
- Will the law firm and/or the public interest organization accept flex-time, part-time or reduced work schedules by Placed Attorneys?

- Will Placed Attorneys be permitted to take vacation from the public interest organization and, if so, what governs the amount and timing of vacation time?
- Which entity's malpractice insurance, if either, will cover the Placed Attorney?

#### **Issues Related to Integration with the Public Interest Organization**

- Who makes individual placement decisions for the Placed Attorneys?
- Does the Placed Attorney have specialized knowledge or experience in the practice area of the public interest organization?
- With its current budget, can the public interest organization afford to integrate a Placed Attorney?
- How long (and by what mechanism) will the Placed Attorney be committed to remain at the public interest organization?
- What will be the law firm's continuing involvement with the Placed Attorney?
- How will the Placed Attorney be trained to integrate into the public interest organization? What kind of substantive training and supervision will be needed and does the public interest organization have capacity to provide it?

#### **Issues Related to the Goals for Placed Attorney Program**

- What are the public interest organization's goals for the Placed Attorney program?
- Aside from outplacement, what are the law firm's goals for the Placed Attorney program?
- What experiences and skills does the law firm want a Placed Attorney to acquire?
- How can a law firm work with a public interest organization to help achieve experience and skills development goals for Placed Attorneys?
- How will the law firm evaluate the success of both the Placed Attorney individually and the placement?

#### **Other Issues**

- Who will cover extraordinary expenses for the Placed Attorney, such as travel, training, bar dues, bar exam fees and malpractice insurance?
- Does the law firm's Placed Attorney program impact the Placed Attorney's eligibility for a loan repayment program?
- Will the placement of attorneys with a public interest organization reduce, increase or not impact a law firm's direct monetary giving to that organization?

## PART II. DISCUSSION OF ISSUES

This section discusses most, if not all, of the issues raised by both law firms and public interest organizations, but in most cases does not attempt to provide definitive answers, as these will likely require specific knowledge of the placement arrangement and jurisdiction of the law firm and the public interest organization. (To the extent practical, APBCO may provide substantive analysis of some issues in separate documents.) The parties should also keep in mind that, inevitably, important issues will not be identified until a Placed Attorney is working with the public interest organization. Flexibility and innovation by all parties – law firms, public interest organizations, and Placed Attorneys – will be essential to the success of these programs.

### General Issues

#### *How might the status of a Placed Attorney impact placement into a public interest organization?*

Deferred Associates: Law students or clerks with offers to start at a law firm in the fall of 2009, who are having their start date deferred to 2010, may not have any experience immediately useful to a public interest organization, particularly if the Placed Attorney is not yet admitted to the relevant bar. They may also resent being “forced” to work for a public interest organization if a law firm stipend is conditioned on such work.

Laid Off Attorneys: Depending on the seniority and type of experience, a Placed Attorney who has been laid off from a law firm may be valuable to a public interest organization, particularly if the Placed Attorney needs little supervision or can supervise others. On the other hand, the Placed Attorney may be actively searching for other employment, and lack any substantial commitment to the public interest organization. And, as with deferred associates, laid off attorneys may be of less value to a public interest organization if they are not admitted to the relevant bar.

Underemployed Attorneys: Attorneys whose employment status with the law firm has been severed while taking a nonprofit “sabbatical,” but with the expectation of a return to the law firm, present similar issues to laid off attorneys, above. From the perspective of a public interest organization, however, an attorney who expects to return to the law firm also presents an opportunity to train an attorney who will be able to supervise pro bono matters once s/he returns to the law firm.

Summer Associates: Many public interest organizations have summer intern programs, though typically those positions are provided to law students who have specific experience in the field. On short notice, few public interest organizations are likely to be able to accommodate summer associates.

#### *Will the parties enter into a written agreement regarding the Placed Attorney?*

While not all issues identified here will need to be documented in an agreement, the law firm, the public interest organization and/or the Placed Attorney should consider what written agreement(s) should be entered to document each party’s obligations and understandings with respect to the Placed Attorney.

## Employment Issues

*Who is the employer of the Placed Attorney?* Whether the Placed Attorney is an employee of the law firm, an employee of the public interest organization, or self-employed is a threshold question to be addressed, as the payment of employee benefits as well as many of the other considerations flow directly from who will be employing (as opposed to funding) the Placed Attorney. As discussed in more detail in other sections, the employment status of a Placed Attorney may impact at least the following issues: ethical conflicts; malpractice coverage; union contract obligations; supervision; power to discipline or terminate; and pay scale integration and fairness.

*1. A Placed Attorney could be self-employed, and would then likely be considered a volunteer by the public interest organization.*

- Health care benefits for a self-employed Placed Attorney may be available through federal COBRA coverage, college or law school alumni plans, bar associations, a temporary major medical insurance plan, or via the employer of a spouse or domestic partner.

*2. The Placed Attorney could be an employee of the law firm and treated as a volunteer or pro bono attorney by the public interest organization.*

- To date, most rotation programs or fellowships for law firm attorneys have operated in this manner.
- Because public interest organizations have the most experience with the issues presented by this scenario, they would typically prefer to treat a Placed Attorney as a volunteer, with all benefits directly paid and administered by the law firm.
- Employee benefits may include salary, bar stipend, benefits, healthcare costs (including COBRA), loan reimbursements, and any other costs that are typically paid by law firms for Placed Attorneys.
- Placements with public interest organizations in jurisdictions where the law firm does not currently operate may present tax and other employee benefits issues (such as mandatory health care coverage) that complicates whether a Placed Attorney can, as a matter of administration, be considered an employee of the law firm.

*3. A Placed Attorney could be treated as an employee of the public interest organization.*

- Few, if any, public interest organizations can afford to treat a Placed Attorney as an employee within their current budgetary constraints.
- A Placed Attorney could, however, be funded by the law firm through a direct donation to the public interest organization that would allow the organization to afford the direct employment costs without disrupting its current budget. This arrangement is analogous to funding for Equal Justice Works fellows.

- The direct and indirect costs of a Placed Attorney considered an employee of a public interest organization may include health care benefits, payroll taxes, malpractice insurance, office space, technology (computer, phone) and the staff costs of training and supervision.

*Who has the right to hire, re-assign, discipline and terminate the Placed Attorney?*

1. Regardless of who is the legal employer of the Placed Attorney, the public interest organization needs to have the authority to select, discipline and remove the Placed Attorney from the placement at the public interest organization.
2. The public interest organization, the law firm and the Placed Attorney should discuss the terms under which the Placed Attorney may terminate his/her placement at the public interest organization.
3. Public interest organizations should communicate with the placing law firm if there is a disciplinary or performance issue with a particular Placed Attorney.
4. The starting and ending dates for a Placed Attorney at a public interest organization will need to be coordinated with the organization based on its current capacity to integrate the Placed Attorney.
5. Public interest organizations typically prefer a one-year commitment by a Placed Attorney, though shorter commitments may be practical depending on the organization and the experience level of the Placed Attorney.
6. The public interest organization may require the authority to alter the assignment of a Placed Attorney or transfer a Placed Attorney to another unit or office of the organization.
7. Before transferring a Placed Attorney to a different office, the public interest organization should consider whether the Placed Attorney would be required to take the bar exam of a new jurisdiction, particularly if the law firm does not practice in that jurisdiction.
8. If the law firm is directly funding the Placed Attorney, it should consider the impact of discipline or removal from placement on compensation for the Placed Attorney. If the Placed Attorney is scheduled to return to the law firm, the law firm should also consider the impact of discipline or removal from placement on the Placed Attorney's ability to return to the law firm.
9. If the law firm is indirectly funding the Placed Attorney in whole or in part (e.g., through a donation to the public interest organization), the parties should consider the impact of termination of the Placed Attorney on this funding.

*How is the Placed Attorney selected to work with a specific public interest organization?*

1. Public interest organizations typically will want to consult in advance with the law firm about any proposed Placed Attorney, and will most likely interview and choose the individual Placed Attorney to ensure a good fit with the organization in terms of experience and demeanor.

2. Law firms may want to match Placed Attorneys with public interest organizations based on the experience of the Placed Attorney and the objectives for the development of the Placed Attorney. A Placed Attorney who is expected to return to the law firm as a litigator will likely want to gain litigation skills, while a transactional attorney may want to develop other skills, even if not purely transactional.
3. A law firm may also want to consider its own capacity to supervise, train and mentor a Placed Attorney. Placements with organizations with which the law firm has worked closely in the past, and has built up a body of knowledge, are likely to be the most successful.

***Will the public interest organization accommodate part-time or flex-time arrangements?***

1. In some cases, Placed Attorneys may have obligations, such as child care, that either preclude them from working full-time or limit the hours they can work at a public interest organization. The parties should consider to what extent a public interest organization can or should accommodate alternative work arrangements.
2. In some cases, a public interest organization may prefer a part-time Placed Attorney, particularly if the organization has limited space or has employees engaged in job share arrangements.

***Is the public interest organization subject to a collective bargaining agreement?***

Before a placement is made, a public interest organization, perhaps in consultation with the law firm, should consider what impact, if any, the retention of a Placed Attorney will have on its obligations under any collective bargaining agreement or similar arrangement affecting its work force.

**Issues Related to Professional Responsibility of the Placed Attorney**

***How will the Placed Attorney be covered by malpractice insurance?***

1. While many public interest organizations carry legal malpractice policies that cover volunteer attorneys, the law firm and public interest organization should determine which party's policy or policies will provide malpractice coverage for the Placed Attorney.
2. In the event that the malpractice policies of the public interest organization or the law firm are insufficient or impractical to provide coverage for the Placed Attorney, the National Legal Aid & Defender Association may be able to provide relatively low-cost coverage as it does for many public interest attorneys.

***Will client representations of the law firm or the public interest organization be imputed to the other through the Placed Attorney?***

1. Pursuant to the ABA Model Rules of Conduct, the conflicts of a lawyer are imputed to his/her law firm or public interest organization. See Rule 1.0(c) ("Firm" or "law firm" denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a public interest organization or the legal



department of a corporation or other organization.”); Rule 1.10 (Imputations of Conflict of Interest).

2. Both the law firm and public interest organization should consider the impact, if any, the employment status and/or placement of a Placed Attorney may have on the imputation of conflicts to either or both organizations.
3. The law firm, the public interest organization and the Placed Attorney should understand what limitations, if any, will be imposed on the work of the Placed Attorney, either as a matter of existing or future ethical conflicts or the presence of potential business conflicts.

***What impact will the bar membership status of the Placed Attorney have on his/her ability to work at the public interest organization?***

1. Before a placement is made, the law firm and public interest organization should determine whether state bar rules limit the ability of a Placed Attorney to work with the public interest organization.
2. The parties should also consider to what extent the law firm will support the Placed Attorney’s court and/or bar admission, including preparation, admission and continuing legal education fees.
3. For Placed Attorneys who have not yet passed a bar exam, the parties should consider what impact, if any, the failure of the bar exam will have on the placement at the public interest organization.

#### **Issues Related to Integration with the Public Interest Organization**

***With its current budget, can the public interest organization afford to integrate a Placed Attorney?***

1. As noted above in the discussion of employment status, there are additional costs of a Placed Attorney at a public interest organization beyond salary and employee benefits. Direct employee costs may include computer, phone, malpractice insurance, photocopying, office supplies, training (such as CLE courses) and legal research database access. Indirect employee costs may include rent, training, supervision, information technology support and insurance.
2. A law firm seeking to send a Placed Attorney to a public interest organization should determine whether the public interest organization is able to cover any of these direct or indirect costs from its existing budget, and consider whether a donation in addition to any existing level of support to the organization to cover these expenses is warranted.
3. A law firm should also consider the extent to which a public interest organization’s existing budget presumes a particular level of donation from the law firm, and ensure that the placement of a Placed Attorney does not reduce this contribution.

***Does the Placed Attorney or the law firm have specialized knowledge or experience in the practice area of the public interest organization?***

1. Recognizing that public interest organizations recruit law students and attorneys who have focused their career development in a specialized area(s) of law, a law firm seeking a placement should consider whether the Placed Attorney has developed any expertise in a relevant area (e.g., through pro bono work or at a law school clinic).
2. While law firm attorneys may not have specialized experience in the area(s) of practice of the public interest organization, general legal experience (such as litigation experience) may in many cases provide value to the public interest organization.
3. Law firms and public interest organizations should consider whether, given the number of Placed Attorneys in a given geographic location or substantive practice area, training a large number of Placed Attorneys is feasible.

***What will be the law firm's continuing involvement with the Placed Attorney?***

1. If the law firm has worked closely with the public interest organization hosting a Placed Attorney, it should consider to what extent it can train, supervise, co-counsel with, or otherwise support the Placed Attorney during the placement. This continuing involvement may include, for example, allowing the Placed Attorney to attend law firm training programs.
2. A Placed Attorney may be more valuable to a public interest organization if that attorney is planned to be re-integrated back into the law firm and able to continue to provide pro bono representation to the clients of the public interest organization.

***Will the public interest organization be responsible for providing a performance evaluation for the Placed Attorney?***

1. The law firm and the public interest organization should consider to what extent the public interest organization is expected to provide the law firm with an evaluation of the performance of the Placed Attorney.
2. All parties should understand the extent to which the Placed Attorney's performance at the public interest organization will impact his or her advancement at the law firm.

***How can a law firm work with a public interest organization to help achieve experience and skills development goals for Placed Attorneys?***

1. Parties should discuss experience and skills development goals in advance and include these goals as part of the evaluation process.

***How will the Placed Attorney be integrated into the public interest organization?***

1. All parties should consider the extent to which introducing the Placed Attorney into a public interest organization, many of which have been required to terminate experienced attorneys because of budget shortfalls, will have on the work environment of the organization.

2. In particular, the parties should consider the extent to which (a) the Placed Attorney has sought this placement, (b) a salary or stipend paid to the Placed Attorney is inconsistent with the pay scale of the public interest organization, and (c) the Placed Attorney will be subject to the same work requirements and performance expectations of the attorneys at the public interest organization.

### Other Issues

*Does the law firm's Placed Attorney program impact the Placed Attorney's eligibility for a loan repayment program?*

1. A Placed Attorney should consider to what extent his/her law school offers a loan repayment assistance program and how a placement with a public interest organization impacts eligibility under such a program. For instance, Harvard Law School's Low Income Protection Plan operates using the following income formula:

| 2008-2009 LIPP Participant Contribution Guidelines |   |
|--|---|
| Gross Income                                       | Portion of Annual Income Graduate Pays Towards Loans Before LIPP Assistance Begins* |
| \$42,000 or less                                   | none  |
| \$42,001-\$48,000                                  | 20% over \$42,000   |
| \$48,001 and above                                 | \$1,200 + 40% over \$48,000   |

\*The monthly expected contribution cannot be applied to "non-LIPP" or LIPP-ineligible loan payments.

2. In consultation with the Placed Attorney, the law firm and public interest organization should consider whether the qualifications for a loan repayment assistance program impacts decisions regarding the legal employer or other terms of employment of the Placed Attorney.

### **PART III. A NATIONAL PLACEMENT CLEARINGHOUSE: PSLAWNET.ORG**

PSLawNet, operated by NALP, is the leading public interest law job database, subscribed to by nearly every law school in North America, giving those schools' alumni and current students free access to job listings. As a service to the legal community, PSLawNet has agreed to serve as a national clearinghouse for public interest organizations to advertise themselves as host organizations for Placed Attorneys. This service is free both for NALP member law firms searching the listings and for public interest organizations to post notices. Below and attached are instructions on how law firm staff and Placed Attorneys search for potential public interest placements and how public interest organizations can post an opportunity for a placed attorney.

*How do law firm staff and Placed Attorneys search for potential placements at public interest organizations?*

1. Create a Job Seeker account

- Alumni of the 200 PSLawNet subscriber law schools - can create a "Job Seeker" account on PSLawNet at no charge. Go to the PSLawNet homepage @ [www.pslawnet.org](http://www.pslawnet.org) and click on the "New User?–Job Seekers" link on the right side of the page.
- Those who are not subscriber school graduates - should contact PSLawNet directly at [pslawnet@nalp.org](mailto:pslawnet@nalp.org) to receive an account number for a cost of \$25.
- Professional staff (i.e. recruiters, pro bono administrators, etc.) who work with NALP member law firms, but who are not otherwise eligible for free PSLawNet access, can create one free account for their law firm by contacting us. Staff at non-NALP member law firms should contact NALP about an individual subscription for the law firm.

2. Searching for opportunities

- After registering and logging in to PSLawNet, a "User Options" menu will appear on the left side of your screen. Within that menu, click on "Search Opportunities." This will take you to a job-searching template.
- **IMPORTANT:** On the job-searching template, you may search by various criteria in different search fields. One of the first fields in the template is called "Job Type." Scroll down on this menu and select "**Law Firm Associate Host.**" This is the job type that public interest organizations will use to advertise openings for Placed Attorneys through placement programs.
- After you have selected the job type "Law Firm Associate Host" you may further narrow your search geographically and by practice area.

*How does a public interest organization advertise itself as a potential host for Placed Attorneys?*

1. Create a profile

- Public interest organizations may create an employer profile on PSLawNet and post job announcements at no charge. Begin at the site homepage ([www.pslawnet.org](http://www.pslawnet.org)) and select "New User?–Employers" on the right side of the screen.
- **IMPORTANT:** If you are not sure whether your organization already has an employer profile on PSLawNet, contact PSLawNet ([pslawnet@nalp.org](mailto:pslawnet@nalp.org) or 202.296.0076) before creating one. PSLawNet contains over 11,000 profiles, and it is likely that your organization is already profiled even if you are unaware of it. PSLawNet can provide login information for your profile if it already exists.

## 2. Add an opportunity

- As soon as you log in to PSLawNet, a “User Options” menu will appear on the left side of the screen. Within that menu, click on “Add Opportunity.” This will take you to a job-posting template.
- **IMPORTANT:** On the job-posting template, the first field you must complete is called “Job Type.” From this drop-down menu, select “**Law Firm Associate Host.**” This is the job type that law firms and Placed Attorneys will be using to search for host placements.
- If you prefer, NALP will post your job announcement for you. Please email it to NALP at [pslawnet@nalp.org](mailto:pslawnet@nalp.org).

## PART IV. LOCAL AND REGIONAL PLACEMENT CLEARINGHOUSES

As law firms and public interest organizations try to make sense of these new relationships, ABPCO strongly encourages them to connect with any of several established organizations that facilitate successful placements, if one exists in their region. These organizations offer a range of support services to assist with retail, not wholesale placements with consideration of several factors they believe affect the likelihood of a successful placement including the law firm’s motivation(s) for offering a public interest stipend, the Placed Attorney’s interest(s) in particular issues or types of professional development, and the public interest organization’s capacity to support the placement.

*Which organizations serve in the role of a local or regional clearinghouse?*

### California

Julia R. Wilson, Executive Director  
Public Interest Clearinghouse  
Legal Aid Association of California  
415.834.0100 Ext. 306  
[jwilson@pic.org](mailto:jwilson@pic.org)  
[www.pic.org](http://www.pic.org)

### Chicago

Susan J. Curry, Executive Director  
Public Interest Law Initiative (PILI)  
In Partnership with the Chicago Bar Foundation  
312.832.5128  
[scurry@pili-law.org](mailto:scurry@pili-law.org)  
[www.pili-law.org](http://www.pili-law.org)

### New York City

Carol Bockner, Director of Pro Bono Initiatives  
City Bar Justice Center  
Association of the Bar of the City of New York

212.382.4714  
cbockner@nycbar.org  
[www.nycbar.org](http://www.nycbar.org)

**Washington, D.C.**

Mark Herzog, Associate Director  
D.C. Bar Pro Bono Program  
D.C. Bar Association  
202.737.4700, Ext. 206  
mherzog@dcbar.org  
[www.dcbar.org](http://www.dcbar.org)

*What do the local and regional placement clearinghouses offer law firms, attorneys and public interest organizations?*

These local and regional placement clearinghouses may offer a range of support services, including:

- Recruit public interest organizations in each region that are able to host Placed Attorneys, with the potential to recruit additional agencies based on the interests of the Placed Attorneys and the law firms.
- Serve as hubs of information for law firms and Placed Attorneys about the number and types of placements available at agencies in their area, and for public interest organizations about the number of potential Placed Attorneys which may be available.
- (California) Work closely with programs serving rural areas to enhance their capacity to participate in this opportunity, both in the initial and post-placement phase.
- Counsel Placed Attorneys about the specific opportunities available at the public interest organizations, which they are able to do because of their extensive experience working with them.
- Assist public interest organizations determine what type and level of support they need to host Placed Attorneys, and coordinate/facilitate to assist public interest organizations obtain that support. Some support may come from the law firm sponsoring the Placed Attorney (e.g., cash or in-kind). Other support may come from other law firms (e.g. office space; legal assistants), public interest organizations (e.g., mentoring), etc.
- Provide structure and support, not just during the placement process but for the duration of the placement:
  - Provide training opportunities on a statewide and/or regional basis.
  - Connect with the Placed Attorney and the public interest organizations during the course and at the end of the placement to assess satisfaction.
  - Help manage and renegotiate unsatisfactory relationships.
  - Provide support to the law firms and public interest organizations in the event of an early separation.

- Facilitate and encourage Placed Attorneys to become ambassadors for their public interest organizations specifically, and pro bono generally, once they return to their law firms.
- Ensure that Placed Attorneys engage in real legal work - direct representation, legislative advocacy, policy development, impact litigation, legal research and writing, transactional, etc.

*Will these local and regional placement clearinghouses guarantee placements?*

These organizations do not guarantee placements for all Placed Attorneys, nor do they facilitate certain placements (e.g., law firms that wish to place some of their Placed Attorneys in-house with their clients or at government agencies).

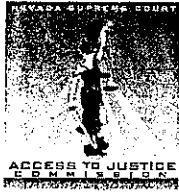
TAB 4





The Nevada Law Foundation will present a verbal report

TAB 5



## **MEMORANDUM**

From: Kristina Marzec  
To: Access to Justice Commission  
Date: April 28, 2009  
Re: Standing Committee Reports

The Committees will provide verbal reports as time permits on ongoing projects.

### **1. Rural Services Delivery**

Inaugural Meeting- committee convened on April 28, 2009

Justice Douglas  
Amber Candelaria  
Valerie Cooney  
Judge Dahl  
Judge Davis  
Judge Dory  
Judge Fletcher  
Anne Heck (AOC)

Judge Lane  
Judge Maslach  
John McCormick (AOC)  
Sheryl Overstreet (AOC)  
Judge Papez  
Judge Puccinelli  
Judge Wagner  
Judge Wambolt

### **2. Communications**

Committee convened on 2.27.09

**Next Meeting: 5.20.09 3 pm (conference call)**

Needs Assessment Marketing  
Public Interest Lecture Series  
Recruitment and Retention  
    LRAP- w/Development  
    Fellowships- w/Legal Services Delivery (LSD)  
    Benefits and Salaries- LSD  
Mandatory Reporting  
Website expansion

### **3. Legal Services Delivery**

Committee convened on 3.3.09; 4.2.09

**Next meeting: 5.26.09 11 am (conference call)**

LRAP

Division of Aging Funding concerns

Court Posted Fees

Nye County

Real Estate Escrow Funds

Recruitment/Retention

2009 Fellowship- Thronson

LRAP- work group Lynn, Anna, Val, ask Judge Dahl)

Retirement/benefits/salaries- Paul

Cy Pres-Paul

### **4. Statewide Awards**

Committee convened on 3.13.09; 4.1.09; 4.21.09;

**Next meeting 4.30 or 5.1 afternoon (t/b/d-conference call)**

### **5. Development Committee Report**

Committee convened on 2.24.09

**Next meeting 5.21.09 11 am (conference call)**

Pro Bono Recognition

Pro Bono Week- also with Communications

Nevada Lawyer

Emeritus

Self Help

Standardized Forms-Justice Douglas, Chair, Supreme Court Library Commission

Hotlines, continuum of care issues, Standardized Reporting (provider statistics), Law

Firm initiatives





## 2009 PROGRAMS AND PROJECTS ACCESS TO JUSTICE COMMISSION

*Updated 4.2009*

- **501 (C) 3. ON HOLD indefinitely**
  - If reinstated, develop conflict policy and scope of lobbying/legislative activities
- **ATJC PR & Marketing**
- **Attorney recognition programs**
  - Statewide awards, State Bar Annual Convention
  - National Pro Bono Week October 21, 2009. Plan state-wide events.
- **Court posted fees**
- **Cy Pres funding**
- **Emeritus Attorney Program.** Providers to develop working program and work with Director to implement operating rules and develop comprehensive plan to solicit participation. Tap eligible out of state attorney resources.
- **IOLTA Comparability.** Negotiate with banks to join preferred list. Recommend potential rule changes to enforce comparability through amendment to SCRs (likely 217). Expand marketing plan.
- **Law firm initiatives**
  - Follow through with large law firms, responders and non-responders
  - Identify future plan for medium and small firm meetings
- **Lawyer recruitment and Retention**
  - Loan repayment assistance program
  - Fellowships- One for 2009
  - Retirement/benefits/salary enhancement
  - Public Interest Lecture Series. Define goals and objectives of the series
- **Legal Needs Assessment**
  - Marketing plan development and roll-out
- **NLF and the ATJC.** Continue to expand relationship between NLF and the ATJC as potential investment and/or fundraising arm
- **Rule changes (potential)**
  - IOLTA Comparability
  - Amendments to RPC 6.1 and mandatory reporting
  - SCR 15- Composition of the ATJC
  - NLF as fundraising and investment arm of the Commission
  - Unbundled legal services (potential state-wide rule)
- **Rural legal services delivery**
  - Establish goals and work groups
- **Self-Help initiatives**
  - Participate in RJC Self-help roll-out
  - Standardized Forms: **Coordinate with Supreme Court Library Commission**
- **Statewide fundraising.**
- **Uniform Reporting.** Develop a standardized reporting system for legal services provider statistics
- **Website.** Director to work with Committees to develop consumer resource section (links to statewide available resources) with potential for separate website in future

**NEVADA SUPREME COURT ACCESS TO JUSTICE**

**STANDING COMMITTEES**

Updated 4.2009

**RURAL SERVICES DELIVERY** *est. April 2009*

**Justice Douglas**  
**Amber Candelaria**  
**Valerie Cooney**  
Judge Dahl  
Judge Davis  
Judge Dory  
Judge Fletcher  
Anne Heck (AOC)  
**Anna Johnson**  
Judge Lane  
Judge Maslach  
John McCormick (AOC)  
Sheryl Overstreet (AOC)  
Judge Papez  
**Judge Puccinelli**  
Judge Wagner  
Judge Wambolt

**COMMUNICATIONS**

Needs Assessment Marketing  
Public Interest Lecture Series  
Recruitment and Retention  
    LRAP- Development  
    Fellowships- LSD  
    Benefits and Salaries- LSD  
Mandatory Reporting  
Website

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

**Scott Roedder- ex officio**

**DEVELOPMENT**

LRAP  
Division of Aging Funding concerns  
Court Posted Fees  
    Nye County  
Real Estate Escrow Funds  
Recruitment/Retention  
    2009 Fellowship- Thronson  
    LRAP- work group Lynn, Anna, Val, ask Judge Dahl)  
    Retirement/benefits/salaries- Paul  
Cy Pres-Paul

**Ernie Nielsen**  
**Paul Elcano**  
**Valerie Cooney**  
Nancy Becker  
**Anna Johnson**  
**Cam Ferenbach**

**Tom Warden**  
Lynn Etkins  
Suzy Baucum  
David Thronson

#### **LEGAL SERVICES DELIVERY**

Pro Bono Recognition  
Pro Bono Week- also with Communications  
State Wide Award- Renee  
Nevada Lawyer  
Emeritus- Kimberly  
Self Help  
Standardized Forms-Justice Douglas, Chair, Supreme Court Library Commission  
Hotlines, continuum of care issues  
Standardized Reporting (provider statistics)  
Law Firm initiatives

**Paul Elcano (ED)**  
**Sugar Vogel (ED)**  
**John Desmond**  
**Kimberly Abbott**  
**Judge Steinheimer**  
**AnnaMarie Johnson (ED)**  
**Ernie Nielsen (ED)-Chair**  
**Valerie Cooney (ED)**  
**Judge Puccinelli**  
Barbara Buckley (ED)  
Lynn Etkins  
Odessa Ramirez  
Renee Kelly  
Christopher Reade  
Amber Candelaria

#### **FUND DISTRIBUTION**

TBD

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





## NEVADA SUPREME COURT ACCESS TO JUSTICE COMMISSION

The Supreme Court Access to Justice Commission is seeking lawyers to participate on Committees which are part of this Commission. Participation will be by appointment only. AJC is seeking lawyers who have the time and interest in the work of the AJC. No prior experience working on a local or state committee is required. The AJC requires an eagerness to help those less fortunate in Nevada get access to the courts and the legal system.

The AJC was created to:

- 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.

Under SCR 15, the Access to Justice Commission directly creates and appoints its committees. At present, there is no minimum or maximum membership and appointments are made as deemed necessary and proper. The Co-Chairs, Chief Justice Hardesty and Justice Michael Douglas, have deemed expansion of all Committees to be appropriate at this time and therefore will be making appointments in the next quarter. The Commission may also add new Committees and/or working groups, and consider expansion of the Commission itself, in future.

| Communications   | Development  | Legal Services<br>Delivery  | Rural Services<br>Delivery   |
|--|--|---|--|
| <b>Focus</b>   |  |   |  |
| marketing and communication of Commission programs and initiatives to the membership and the public where appropriate                        | develop viability of funding for new programs, or identify potential sources of future funding from existing sources for Commission initiatives and programs               | state-wide delivery of civil legal services, recognition programs for pro bono programs and attorneys, and outreach to the legal community on emergent issues. This Committee is generally intended for legal services professionals currently involved in part of the continuum of care for civil legal aid in Nevada. | New committee, Feb 2009. Anticipated focus will be on the provision of legal services to rural communities, with emphasis on technology- based solutions and increased pro bono lawyer participation. This group will work closely with the existing AOC Rural Court Technology project. |
| <b>Current projects</b>  |  |   |  |
| Needs Assessment<br>Marketing;<br>Public Interest<br>Lecture Series;<br>Recruitment and Retention;<br>Mandatory Reporting; Website expansion | Loan Assistance<br>LRAP;<br>Division of Aging<br>Funding concerns;<br>Court Posted Fees :<br>Real Estate Escrow Funds;<br>Recruitment/Retention;<br>Fellowship;<br>Cy Pres | Pro Bono Recognition<br>National Pro Bono Week;<br>Statewide Award;<br>Emeritus;<br>Self Help; Standardized Forms;<br>Standardized Reporting (provider statistics);<br>Law Firm initiatives   | t/b/d  |

TAB 6



## MEMORANDUM

From: Kristina Marzec  
To: Access to Justice Commission  
Date: April 28, 2009  
Re: 2009 Calendar to date

### Quarterly Commission Meetings:

June 12, 2009 4-5 (State Bar Annual Convention)  
July 10, 2009 1-5  
October 9, 2009 1-5

Carson City: AOC Conference Room, 2<sup>nd</sup> Floor  
*Supreme Court Building*  
201 S. Carson St.  
Carson City, NV 89701

Las Vegas: AOC Conference Room, 17<sup>th</sup> Floor  
*Regional Justice Center*  
200 Lewis Ave., 17th Floor  
Las Vegas, NV 89101

Conference Call info: 1-866-779-0774 \*1043736\*  
AOC Main number: 775-684-1700

### Committee Conference Call Meetings:

April 30 or May 1 Statewide awards follow-up  
May 20, 2009, 3 pm Communications  
May 21, 2009 11 am Development  
May 26, 2009 11 am Legal Services Delivery  
TBD Rural Services Delivery

### Equal Justice Conference – Orlando, Florida

May 14-16 (Chairs meetings May 16)

### Statewide Pro Bono Awards

June 11 or 12, 2009

### National Pro Bono Week

October 25-31

# Access to Justice Commission 2009

| Last                    | First      | Title     | Position                                | Rule Slot                                     | Phone                        | Email                             |
|-------------------------|------------|-----------|---|---|------------------------------|-----------------------------------|
| Abbott                  | Kimberly   |           | Pro Bono Project Director               | Legal Aid Center of Southern Nevada           | 702-386-1070                 | kabbott@lacs.nv                   |
| Cooney                  | Valerie    |           | Executive Director                      | Volunteer Attorneys for Rural Nevadans        | 775-883-8278                 | vcooney@vam.org                   |
| Vacant                  |            |           |   | Justice Court, North Las Vegas                | 702-455-7804                 |                                   |
| 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@ashoelegalservices.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    |
| Hardesty                | James      | Justice   | Commission Co-Chair                     | Supreme Court of Nevada                       | 775-684-1590                 | jhardesty@nvcourts.nv.gov         |
| Johnson                 | Anna Marie |           | Executive Director                      | Nevada Legal Services                         | 800-323-8666                 | ajohnson@nslaw.net                |
| Kandt                   | W. Brett   |           |   | Office of the Attorney General                | 775-688-1966                 | bkandt@ag.nv.gov                  |
| Nielsen                 | Ernest     |           |   | Washoe Co. Senior Law Project                 | 775-328-2592                 | enielsen@washoe county.nv.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         |
| Bobby Reardon Nominated |            |           | Eighth Judicial District Court          | 15(2)(a) Family Court                         |                              |                                   |
| Warden                  | Tom        |           | Vice President, Community Relations     | The Howard Hughes Corporation (layperson)     | 702-791-4267                 | twarden@ggp.com                   |
| Marzec                  | Kristina   |           | Commission Director                     | State Bar of Nevada                           | 702-382-2200<br>702-317-1404 | kristinam@nvbar.org               |





## 2009 PROGRAMS AND PROJECTS ACCESS TO JUSTICE COMMISSION

*Updated 4.2009*

- **501 (C) 3. ON HOLD indefinitely**
  - If reinstated, develop conflict policy and scope of lobbying/legislative activities
- **ATJC PR & Marketing**
- **Attorney recognition programs**
  - Statewide awards, State Bar Annual Convention
  - National Pro Bono Week October 21, 2009. Plan state-wide events.
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  - Establish goals and work groups
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  - Participate in RJC Self-help roll-out
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- **Statewide fundraising.**
- **Uniform Reporting.** Develop a standardized reporting system for legal services provider statistics
- **Website.** Director to work with Committees to develop consumer resource section (links to statewide available resources) with potential for separate website in future



## **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 impose 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.

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**TAB 7**

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## Need for legal aid outstrips supply

By CARRI GEER THEVENOT  
LAS VEGAS REVIEW-JOURNAL

Jeannie Richard's legal problems began last year after she took out a \$250 payday loan and fell behind on her payments.

The loan center, which was charging a whopping 1,202 percent interest rate on the loan, sued her in small-claims court for failing to fulfill the terms of her contract.

At the same time, attorneys with the Legal Aid Center of Southern Nevada were reviewing small-claims files and found Richard's case. They sent her a letter and offered to represent her in a class action lawsuit against the loan center.

"She's a special case, because we contacted her," attorney Stefanie Ebbens said.

Richard, 51, is one of more than 13,000 people who received free services last year from the Legal Aid Center. The center turned away countless others.

According to an assessment of Nevada's civil legal needs, published last year, the state has 4,706 people living in poverty for every legal aid attorney.

The ratio in Clark County is higher: 5,495-to-1.

"We all knew that there was a great need in Nevada for legal services for the disadvantaged, but I believe that we were all surprised by the numbers," said Suzan Baucum, executive director of the Nevada Law Foundation.

The assessment was commissioned by the Nevada Supreme Court's Access to Justice Commission, which was created in June 2006, and has spurred a fundraising campaign to increase legal resources for the disadvantaged.

As part of the assessment, a telephone survey was conducted in November 2007. The survey of 1,000 residents revealed that more than two-thirds of the state's low- to moderately low-income households experience significant civil legal problems that would normally require some assistance from an attorney to resolve them.

The survey also showed that only 20 percent 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.

"People don't come in the door with one problem," Ebbens said.

In Richard's case, her legal woes mounted after she was laid off from her job in early November.

Her car was soon repossessed. She was denied Social Security supplemental income for her 10-year-old son, a special education student who was having behavioral problems. And she was forced out of two homes by landlords who were facing foreclosures.

"It was a very rough five and a half months," Richard said.

Legal Aid Center employees helped her address all those issues. Without their help, Richard said, she and her son would have needed to share a residence with her two adult daughters and three grandchildren, or move to Denver to live with extended family members that she hasn't seen for years.

Richard, a 24-year resident of Las Vegas, was hired in March as a billing representative for a medical insurance company and is getting back on her feet.

Others in her shoes don't always fare so well.

"When your life is in a delicate balance, it only takes one thing to put you over the edge," state Supreme Court Justice Michael Douglas said.

Douglas, who once worked as an attorney for Nevada Legal Services, and Justice James Hardesty serve as co-chairmen of the Access to Justice Commission.

"You can't go any place in this community right now and not see a need for an attorney," Douglas said.

He noted that those who were surveyed cited housing as one of their top legal issues, and that was before the mortgage crisis reached its height.

"If you don't have a place to live, everything spirals out of control," the justice said.

Other top issues included finances, family, benefits and employment.

"We just turn away so many people because we don't have the capacity or resources to help them," said Lynn Etkins, development director for the Legal Aid Center of Southern Nevada.

Etkins is one of 22 full-time attorneys who work at the center.

The Nevada Law Foundation provides funding for the Legal Aid Center of Southern Nevada, Washoe Legal Services, Nevada Legal Services, Volunteer Attorneys for Rural Nevadans, the City of Las Vegas Senior Citizens Law Project and the Washoe County Senior Law Project.

Most of the foundation's budget, which was \$1.5 million in 2008, comes from interest earned on lawyers' trust accounts.

Baucum said lawyers are not allowed to keep the interest earned on trust accounts, where they place money from clients and third parties for safekeeping.

Last year, representatives of the Nevada Law Foundation began negotiating with banks to increase interest paid on lawyers' trust accounts. More than a dozen banks agreed to pay an interest rate of 2 percent or higher through the end of this year.

Attorney Robert Eglet, vice chairman of the foundation, said the increase makes a big difference at a time when many banks are paying a 0.25 percent interest rate. He said the average daily balance of all lawyers' trust accounts in Nevada is around \$100 million.

Eglet said foundation representatives now are trying to persuade lawyers and law firms to move client trust accounts to banks paying the higher interest rates.

The foundation also kicked off an aggressive fundraising campaign early this month.

"If each lawyer gave just a little bit, we would be able to fully fund and ensure access to justice to everyone in Nevada," Eglet said.

Contact reporter Carri Geer Thevenot at [cgeer@reviewjournal.com](mailto:cgeer@reviewjournal.com) or 702-380-8135.

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ABA Poll:  
Two-  
Thirds of  
Americans

Support Federal Legal Aid for Poor

American Bar Association

## ABA Poll: Two-Thirds of Americans Support Federal Legal Aid for Poor

Posted Apr 20, 2009, 09:14 am CDT

By [Debra Cassens Weiss](#)

Two-thirds of Americans polled by the ABA support federal funding to help those who need legal assistance.

An ABA [press release](#) says the [poll](#) (PDF) found support for funding for the Legal Services Corp., with 88 percent of respondents strongly or somewhat supporting the idea that a nonprofit legal services provider is essential to help those who can't afford to pay for lawyers. More than two-thirds said it's extremely or very important that Americans have access to legal resources and advice when they are in crisis.

More than 1,000 people were surveyed in early April by Harris Interactive for the ABA poll.

The recession is sending a new wave of clients to Legal Services Corp. offices, according to the press release. Many clients are seeking help to avoid foreclosures and to deal with late payments on medical bills, cars, credit cards and child support.

Sen. Tom Harkin, D-Iowa, introduced legislation in March to that would nearly double the budget for the Legal Services Corp. and lift restrictions on the type of cases it can handle, the [Washington Post](#) reports. The ABA supports the legislation, the Post says.

The ABA poll found that the respondents themselves fear they will need legal advice as a result of the recession. Fifty-three percent said their financial situation had worsened in the past six months, and 49 percent are at least somewhat concerned they might need legal help as a result.

"For many Americans, their financial problems are becoming legal problems," ABA President H. Thomas Wells Jr. said in the press release. The [full survey results](#) are available online (PDF).

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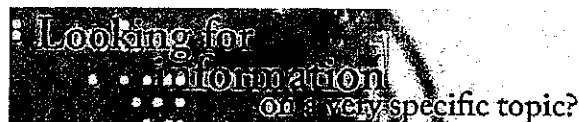
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## American Bar Association News Release

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**Media Contact:** Stephanie Orbals-Tibbs  
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### Majority of Americans Hard-Hit By Recession, Stand Firm Behind Federal Funding for Legal Assistance

*New Survey Offers New Insight on Legal Ripples from Financial Crisis*

WASHINGTON, D.C., April 20, 2009 – Many Americans report their financial fortunes are falling, but a new survey commissioned by the American Bar Association and conducted by Harris Interactive records high support levels for provision of the basic legal help for those in crisis.

More than half of all Americans (53 percent) said their family's financial situation had worsened in the past six months. In the wake of the recession, grantees of Legal Services Corporation in all regions of the country are reporting a wave of new clients seeking help. Agencies say that common issues include: foreclosure prevention, late payments on medical bills, car and credit cards, and delinquent child support.

The survey, commissioned by the American Bar Association, was conducted by phone by Harris Interactive between April 1-5 among 1,016 U.S. residents aged 18 and older. Results were weighted as needed for age, sex, race/ethnicity, education, region and household income.

"For many Americans, their financial problems are becoming legal problems," noted ABA President H. Thomas Wells, Jr. "In many circumstances, legal assistance can prevent families and individuals from going into a financial free-fall that could lead to homelessness, bankruptcy or dropping out of school."

U.S. adults overwhelmingly back provision of legal services for those facing serious legal and financial problems who could not hire a lawyer: Over two-thirds (68 percent) say it's extremely or very important that Americans have access to legal resources and advice when they are in crisis.

"Good advice leads to the best, fastest resolution for all parties before things reach a crisis point," said Wells. "The laws involved are complicated for anyone to navigate. Legal aid providers are the critical source of help to many in trouble."

Americans also strongly support the existence of, and federal funding for, the work of Legal Services Corporation and its grantees. Eighty-eight percent agreed that it is essential that a non-profit provider of legal services is available to assist those who could not otherwise afford legal help. Two thirds support federal funding to help Americans who need that assistance.

Survey results also show a high awareness of the work LSC grantees do: 71 percent of Americans are aware that, in most communities, free legal help is available to some people faced with serious legal and financial problems.

"Communities are very aware of the positive impact legal aid providers have and they are crying out for strong federal support of this program, especially during a time of crisis when a variety of other funding sources are sharply down," stated Wells. "That's why, this year, the presidents of all state and territorial bar associations and the leaders of four major U.S. minority bar associations joined with the ABA to send a letter to Congress clearly stating the need for a strong Legal Services Corporation. America's lawyers are trying to help those caught in the financial downturn in numerous ways. Ensuring we have a strong LSC is an important piece of the puzzle."

A one-page summary of the results can be found [here](#). The full study can be found [here](#).

With more than 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

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