

April 20, 2007

MINUTES OF THE MEETING OF THE SUPREME COURT ACCESS TO JUSTICE COMMISSION

The third regular meeting of the Supreme Court Access to Justice Commission was convened on April 20, 2007 via video-conference in Las Vegas, Carson City and Reno.

The following members were in attendance:

Hon. Michael Douglas
Hon. James Hardesty
Hon. Connie Steinheimer
Kimberly Abbott
Wayne Pressel
Odessa Ramirez for Valerie Cooney
Ernest Nielsen
Paul Elcano
Rew Goodenow
John Desmond
Hon. Frances Doherty
Brett Kandt
Hon. Elizabeth Gonzalez
Hon. William Voy
Hon. Stephen Dahl
Sheri Vogel
Lynn Etkins, Executive Director

The following sub-committee members participated:

Terry Bratton
Nancy Becker
Dean Hardy

The following members were unable to participate:

Hon. Andrew Puccinelli
Hon. Richard Glasson
Annette Appell
Suzy Baucum

The following persons appeared as guests of the Commission:

James Bradshaw

CALL TO ORDER

The meeting was called to order by the Justice Michael Douglas, Chair at 10:30 a.m.

1. **APPROVAL OF MINUTES**

A motion was duly made and seconded approving the minutes from the January 12, 2007 meeting.

2. **ADMINISTRATIVE MATTERS**

a) Appointment of 2007 Co-Chairs.

Justice Douglas and Justice Hardesty are co-chairs of this Commission for 2007.

b) Executive Director Duties

A motion was made and seconded approving the Executive Director duties.

c) Community Members

Tom Warden will be at our September meeting. We need another community member. We would like the other community member to be from the North or at least have statewide ties. Justice Hardesty will work with the Commission members in the North to come up with a name for another community member.

d) State Bar Annual Meeting

The ATJ Commission is sponsoring a CLE at the meeting titled "The Business Case for Pro Bono."

e) Nevada Lawyer July Issue

The July issue of the Nevada Lawyer will be about pro bono. The Editorial Board wanted to do a pro bono logo contest. The Commission suggested that we get 2 or 3 logos and have members vote on the logo rather than have them design it. Justice Hardesty said he would contact a couple of design companies and see if they will do the logos pro bono. We could reveal the winner of the logo contest in November with our Pro Bono week.

f) UNLV Boyd School of Law Ethics Classes

Lynn has been a guest speaker at both ethics classes at the law school to talk about pro bono, mandatory reporting and aspirational goals.

g) LRIS Reduced Fee Panel

Lynn is also the coordinator of LRIS at the State Bar. She was able to get her Committee to increase the reduced fee panel income guidelines to capture those folks who are rejected from legal services and still can't hire an attorney. These new guidelines are currently in effect.

3. **BACK TO BASICS**

a) Equal Justice Conference

The Commission members who attended the EJC discussed what they learned at the conference. Overall, the Supreme Court, trial courts and the State Bar need to work together to make sure this Commission works.

b) Strategic Planning and Order from the Supreme Court

Justice Douglas believes that we need to take a step back and look at the six building blocks which we are supposed to be focusing on pursuant to the Court's order creating the Commission.

The Chair's would like, with the Commission's approval, to seek bids for a Statewide Legal Needs Assessment and Cost/Benefit Analysis. The Supreme Court may be able to come up with \$20,000-\$25,000. By June, the Commission should have a Request for Proposal. We need to figure out who our audience is. Lynn needs a sub-committee to work with her on this project. Ernie Nielsen, Paul Elcano, Nancy Becker, Terry Bratton and Suzy Baucum will assist Lynn with this project. We should coordinate emails on getting funds for this project. More investment statewide from groups is the best way to have buy in. Paul Elcano said Washoe Legal Services will put some money in. Wisconsin paid around \$50,000 for theirs (plus \$5,000 for copying) and Lynn has a bid for a different type of assessment for around \$40,000.

c) Organizational Interrelationship Sub-Committee Report

Dean Hardy gave the OI Sub-Committee Report. Dean presented the updated Plan A which was emailed to the group on April 19. There were questions about local control and fundraising. The funding sub-committee would be morphed into the Fundraising Standing committee. The sub-committee wants to do fundraising statewide and get away from the North vs. South.

Justice Hardesty said that the Supreme Court has made a commitment to ATJ. We should be marketing ATJ and not other organizations. There needs to be accountability. The Supreme Court's interest in this provides opportunity for accountability and follow-up. We need to do more than fundraise with bar dues check-offs. We need to attack as a single organization under the banner of ATJ. Plan A offers equal representation and contribution for the whole state and provides an opportunity for new energy.

Rew Goodenow on behalf of the State Bar, supports a structure this committee recommends. It is best to simplify the structure and if that can be accomplished here with the local interests, the State Bar will support it.

Paul Elcano is concerned with the loss of a voice in this, although he believes in a panoramic view of all of these issues.

Nancy Becker said that we need new voices that can be summoned to work on sub-committees. We need centralized accountability and we need other people to do the work. We need to attract new younger members of the bar and there are lots of opportunities out there that we aren't accessing.

Judge Doherty said that the ATJ Committee same people keep coming to the table for 15 years and it might be disconnected to a statewide effort. They are worried about diminishing efforts. The North has not had enough time to think about this issue and wants to talk about it further. We are moving way too fast. The North has committed to the statewide structure, but there are details to work out.

Judge Steinheimer talked about two programs that were acted on quickly because they are able to do things locally and meet quickly. She isn't sure that a Commission can take care of local issues that quickly.

The WCATJ Foundation meets May 2. Justice Hardesty wants to attend the next meeting to discuss the concerns regarding local interests. The VARN board meeting is the second week in May and Justice Hardesty will be there to discuss it with their board.

Judge Voy wants to commit to Plan A.

Justice Hardesty asked about how much money the Foundations have raised. Most of the money the Foundations have dispersed have been from the State Bar pro bono opt out money, or dues check off. Justice Hardesty also asked who coordinates effort to recruit lawyers. The local agencies do their own recruiting. Recruitment is an episodic event. No strategic plan. Plan A adds this to the plan which is not a coordinated effort.

From the new structure there is an assurance on local representation is dealt with.

We need a statewide marketing plan together for recruitment. Plan A sets forward a structure, which leads us forward down a new road. Are there events planned or fundraising activities taking place that would be adversely impacted if the Commission decides to adopt Plan A and eliminate the Foundations and the Section? All three organizations say no.

Judge Dahl announced that the CCBA is beginning \$100,000 endowment for legal services in Clark County. Judge Dahl would like to do statewide fundraising and get the money where it needs to go. He believes that if we continue separate organizations which include separate fundraising, all of the money will stay in Clark County. Judge Dahl feels that Plan A helps both Washoe and the Rurals and hurts Clark, but all in Clark County support it.

Nancy Becker asked if the Foundations can be subcommittees of the commission. This body can appoint the head of the Foundation and the Foundation can report to the Commission. There is a concern about local fundraising...if we want to speak with one voice, one name should be doing the fundraising, the ATJ Commission—not the Clark County sub-committee. The Supreme Court ATJ Commission will put on the events and local people can do the coordination.

This subject matter will be continued to May 18 at 12:00 for a sub-committee meeting and Judge Doherty and Judge Steinheimer will participate. The sub-committee will review Plan A again after Justice Hardesty meets with WCATJ Foundation and VARN. The ATJ Section has no problem with Plan A. This item will be on the June agenda.

d) Legal Services Funding in Nevada

Lynn advised the group that we are collecting data on this and should have a full report at the meeting in June for statewide funding.

e) Legal Service Provider Reports

Wayne distributed a 2006 report for Nevada Legal Services.

4. PROJECTS FROM SUB-COMMITTEES AND NATIONAL PRO BONON WEEK

Lynn prepared a one page summary of the projects from the sub-committees. The groups will be rolling out their projects during the November Pro Bono week.

OTHER BUSINESS

Rew Goodenow talked about his trip to Washington D.C. for Law Day with the ABA. The State Bar Board of Governors adopted the positions on the ABA's agenda. Rew met with political leaders about getting Nevada more LSC funding.

NEXT MEETING AND ADJOURNMENT

The meeting was adjourned at 12:45 p.m. The next two meetings will be June 29, 2007 at the State Bar Annual Meeting in Squaw Creek and Friday, September 21, 2007 in Las Vegas at the State Bar office. Lunch will be provided at both meetings.

By: Lynn Etkins
Executive Director
Supreme Court Access to Justice Commission