



Nevada Supreme Court Access to Justice Commission



Minutes

Friday, June 10, 2016 11:00 am – 12:04 pm

Video Conference Sites: Las Vegas Regional Justice Center, 17th Floor
Supreme Court, AOC Room B

Carson City Supreme Court
Law Library, Room 107

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

Elko 4th Judicial District Court

Commission Members in Attendance

Justice James Hardesty
Justice Michael Douglas
Julie Mogensen
John Desmond
Judge Patrick Flanagan
James Conway
AnnaMarie Johnson
Ira David Sternberg
Judge Frank Sullivan
Anne Traum
Sugar Vogel
Connie Akridge
Judge Elizabeth Gonzalez
Judge James Wilson
Doreen Spears Hartwell

Attending Guests

Andy Mierins
Terry Bratton
Sally Ramm
Summer Youngquist
Shelly Newton

Staff Members Present

Angela Washington
Jamie Gradick

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 11:00 am by Justice Douglas and a roll call was conducted thereafter.

Consent Agenda

The consent agenda included the approval of the following minutes from previous meetings:

Approval of March 11, 2016 ATJ Commission Minutes
Approval of May 24, 2016 IOLTA Rate Review Meeting Minutes

It was moved and seconded that the minutes from both meetings be approved. A vote was conducted and the matter passed unanimously.



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Discussion Items

Clark County Filing Fee Discussion and Access to Justice Commission Resolution In Support of Southern Nevada Senior Law Program. Sugar Vogel provided background information on the history of legislatively mandated fees that support legal aid and specifically Southern Nevada Senior Law Program's receipt of funds generated by NRS 19.031. Additionally, she noted that over the course of the last six months questions from a Clark County government official have surfaced regarding the Senior Law Program's receipt of these funds. After strategic discussions with Justice Douglas, Justice Hardesty, the Access to Justice Commission legal service providers as well as other governmental officials, the Senior Law Program determined that the next course of action would be to obtain a resolution from the Access to Justice Commission that supports the Senior Law Program continuing to receive funds generated from NRS 19.031. Justice Douglas added to the background discussion that legal services programs were never county programs, but were instead free standing programs that do not fall under the umbrella of the county. Justice Hardesty referenced previous meetings in which it was discussed that an Attorney General's opinion as well as a District Attorney's opinion exist which supports the current expenditure of funds. He further made the motion that the Access to Justice Commission adopt the resolution to be provided to the county to address the concerns regarding the funds at issue subject to the pertinent language from the Attorney General's and District Attorney's opinion being included in the resolution. The motion was seconded and the vote was taken. The matter passed unanimously.

Update on Providers Summit and Statewide Service Delivery Plan. Justice Hardesty provided the update on the recent Providers Summit and the Statewide Service Delivery Plan that has been established as a result of several discussions that occurred at Summits taking place since 2014. Participation at the Summits included the executive directors and board presidents of: Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, VARN and Washoe Legal Services. Among the several items that were discussed at the Summits was legal service delivery in the state, and as a result, the plan was developed. An outline detailing the topics to be discussed in the plan was provided to the Commission for review and input. Once the plan is completed, it will need to be reviewed and updated at least annually to meet current service delivery needs. Additionally, it is the intent of the Commission to publish the plan and invite public comment for the next meeting in November in order for ratification.

Consideration of New Pro Bono Survey. Justice Douglas led the discussion on the need for a new legal needs assessment. The last assessment was conducted in 2007 and published in 2008. Many things have changed since then, including the state having gone through foreclosure mediation and the employment crisis and new data is needed to support the current need in Nevada. Additionally, it is very important to have current data available when the State Legislature, the county and city officials are contacted for funding support. AnnaMarie Johnson added that Nevada Legal Services whole heartedly supports a new legal needs assessment considering that such assessments are regularly requested through grant applications. Regarding the cost of the last assessment, it was believed that the Supreme Court, the Foundation, the State Bar of Nevada and each legal aid organization contributed to the cost of the assessment; however there was no definite amount recalled for the cost of the last assessment. The Commission will look into organizations that conduct such assessments; James Conway of Washoe Legal Services will provide recent information on organizations that provide such services as well.

Equal Justice Conference. Justice Douglas led the discussion regarding the 2016 Equal Justice Conference held in Chicago, Illinois in May. He noted that there has been a major shift with the ABA and its view of access to justice initiatives within the last three years as evidenced by the topics that were discussed at the Access to Justice Chairs meeting during the conference. Specifically, there were many discussions that



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centered on fundamental rights in the civil context. For example the National Civil Gideon focus addresses the issue of unrepresented litigants of modest and medium needs; one of the ways that this focus is accomplished is through the sharpening of technology and messaging, including legal assistance portals, online legal assistance and call-in telephone services. The portal concept is designed so that there is one portal in a community and people in the community call in to that portal in order to receive direction on the issue that they are facing in one central area as opposed to calling or visiting several areas to meet the need. Also, the self-help center concept was addressed at the chairs meeting, which is very good for people of modest means with completing forms and dealing with simple issues, but may be a challenge ultimately once the individual makes it to the courtroom. The self-help center concept prepares the individual with documents; however he or she may be at a disadvantage when it comes to meeting the judge, which brings the discussion back to the need of an attorney to help with explaining to the individual how the process works. Capacity building, in the areas of communication and messaging were discussed as well. It is important that the message of what commissions is shared with the community so that people in need are aware of the resources available to them. Also, the messaging is important as it relates to how state, county, and city governments are addressed. Specifically, when addressing governments, messaging explains what commissions and legal providers do and how they benefit the governments' constituents. Additionally, funding appears to be available for commissions and legal aid providers with some money already coming to the states. Special populations, including veterans, Native Americans and in Nevada's case, children continue to be a topic for the messaging discussion and was so at the chairs meeting as well. Lastly, Access to Justice Commission structure was a topic for discussion at the chairs meeting. Membership inclusivity is very important in order to be more beneficial to the people who are served. Representatives from the elected communities and individuals from the business and nonprofit communities are needed as well. Lastly, Justice Douglas noted that the issue of making courts more accessible was a discussion topic at the Chairs meeting. Accessibility included removing all barriers, including ensuring that litigants understood court procedure so that courts could be viewed as a useful place for all.

Angela Washington provided feedback on the Equal Justice Conference as well. Among her takeaways from the preconference staff meeting were discussions on: 1) national online legal interactive program; 2) opt-out and mandatory add-on fees and 3) pro bono surveys and the need to assess how the legal community views pro bono. Additionally, regular session discussions included successful strategies for engaging law firms and lawyers in private practice for pro bono, giving and other support and included the following tips: work in a "sales" capacity, establish familiarity, recognize the individuality of law firms, remember that the time of year that donation requests are made is important, maintain a presence in the Bar and general community, develop unique events to draw support and seek support, aside from money and volunteers, from law firms. Additionally, sessions were provided on the utilization of civil legal needs data to drive delivery innovation, sponsored by the Washington State Access to Justice Commission and the Bank of America Settlement.

Judge Sullivan noted that he and his colleagues at Clark County Family Court have put the concept of making court accessible for all into practice by looping a video of what litigants can expect in court and of the process while they are waiting for their cases to be called.

Official Recognition from the Access to Justice Commission of Melanie Kushnir's Service on the Access to Justice Commission

The Commission was asked for suggestions on how to honor Melanie Kushnir's service and legacy to the Commission and to the community. Judge Sullivan noted that if a proclamation is prepared, each member of the Commission needs to sign it and the language of the proclamation has to be personal. Justice Hardesty suggested that the Commission request the Nevada Bar Foundation to organize and host an annual fundraiser in Melanie Kushnir's name to raise funds for pro bono services. Such a fundraiser would serve as a tremendous tribute for her work in expansion of legal aid services. Doreen Hartwell agreed with Justice



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Hardesty's suggestion and added that this fundraiser could take place during National Pro Bono Week. Justice Douglas noted that the Commission would need to have a discussion with Legal Aid Center of Southern Nevada as the organization has already created a charitable website program in her name; the Commission would need to coordinate. Also, Justice Douglas suggested perhaps extending the Access to Justice Award started at the Ely Family Conference this year, which included access to justice awardees from the northern, southern, eastern and western areas of the state. These awards could be housed in the Supreme Court buildings in Carson City and Las Vegas. Anne Traum noted that whatever is done, the recognition needs to acknowledge how Melanie Kushnir connected people and how she brought people and programs together. Lastly, Ira Sternberg noted that perhaps the Commission could consider acknowledging people regularly throughout the year. This matter will be included on the November agenda for discussion.

Written Reports

Organizations that provided written reports were provided the opportunity to offer any supplemental information to Commission:

Nevada Legal Services (NLS) – Nothing to add.

Southern Nevada Senior Law Program (SNSLP) – Executive Director, Sugar Vogel expressed gratitude for the support from the Commission on the filing fee matter.

Washoe Legal Services (WLS) – Nothing to add.

Legal Aid Center of Southern Nevada (LACSN) – Terry Bratton reported that the LACSN's Guardianship Program has started and one full time attorney has been dedicated to the program. More staff will be added and the scope of the program will be increased once additional funding is secured. One of LACSN's consumer attorneys has been promoted to development director and another attorney has been hired to take her place in the Consumer Department. Additionally, LACSN has received accreditation from BIA with respect to its immigration work, specifically for LACSN's VISA and VAWA work.

VARN – Executive Director, Julie Mogensen had nothing significant to report.

Program Reports

Statewide Self Help Centers / Website – Justice Douglas noted that the first phase of divorce forms had been completed and that he is meeting with the committee and rural judges in the coming weeks to discuss the direction of the forms.

Nevada Bar Foundation/IOLTA Program Report – Nevada Bar Foundation President Connie Akridge noted that she was looking very forward to seeing the Commission members at the State Bar of Nevada office on July 12, 2016 and that the Statewide Plan outline would be included on the July agenda.

Public Comment

There was no public comment.

It was moved and seconded that the meeting be adjourned. A vote was conducted and the matter passed unanimously. The meeting was adjourned at 12:04 pm.