



Nevada Supreme Court Access to Justice Commission
Friday, March 14, 2014 8:30 AM – 11:00 AM
Hyatt Regency, Newport Beach, California



Meeting Minutes

Commission Members in Attendance:

Justice Michael Douglas, Co-Chair
Justice James Hardesty, Co-Chair
Ben Albers
John Desmond
Paul Elcano
Anna Marie Johnson
Ira David Sternberg
Hon. Frank Sullivan
Melanie Kushnir
Sugar Vogel
Dara Goldsmith
Hon. Elizabeth Gonzalez
Hon. Patrick Flanagan
Hon. Connie Steinheimer
Hon. Gary Fairman
Hon. Nathan Tod Young
Hon. Tom Stockard
Doreen Spears Hartwell
Ron Spratt
Hon. Eileen Herrington

Attending Guests

Justice Miriam Shearing, Executive Director, Southern Nevada Senior Law Program
Kimberly Farmer, Executive Director, State Bar of Nevada
Connie Akridge, President, Nevada Bar Foundation
Barbara Buckley, Executive Director, Legal Aid Center of Southern Nevada
Lynn Etkins, Associate Executive Director, Legal Aid Center of Southern Nevada
Sandra Mae Pickens, Board of Directors President, VARN

Staff Member Present

Jamie Gradick, Rural Courts Coordinator, Administrative Office of the Courts
Angela Washington, Access to Justice Director

Call to Order/Roll Call

The Access to Justice Commission Meeting called to order at 8:35 am by Justice Michael Douglas and a roll call was conducted thereafter.

Reports

IOLTA Program

An update on the IOLTA Program was provided by Justice Hardesty. He noted that the Supreme Court entered orders for the modification of rules concerning IOLTA and those orders have taken effect and thus, the process to transfer responsibilities associated with IOLTA to Nevada Bar Foundation has begun. Dara Goldsmith and Justice League of Nevada were applauded for their administration of the program and for making the program so successful. The recent IOLTA report indicated that the program is on track to receive in excess of two million dollars in interest this year. Further, Justice Hardesty noted that he had contact with a few bankers from a diverse number of banks after the rate was maintained at .07% and there was no resistance to the rate being maintained. Lastly, Justice Hardesty noted that he and Justice Douglas have been conducting meetings with the providers to discuss a number of topics, including utilization of IOLTA funds. As a result, the agenda item on the use of ATJC Contributions will be passed until more information and input from the provider meetings can be offered at a later time.

Dara Goldsmith reported that Justice League of Nevada received counsel and intends on filing a cy pres petition with the Court likely in Washoe County within the next month. Additionally, she reported that Justice League of Nevada's building was sold and that most of their assets are liquid. Connie Akridge reported that Jim Bradshaw had been appointed to the Nevada Bar Foundation Board of Trustees and that Bar members have been solicited to apply for trustee positions.

Rural Concerns Subcommittee

Judge Stockard reported on the Rural Concerns Subcommittee noting that various counties are upgrading their electronic systems in anticipation of moving toward e-filing. Lyon County, Churchill County, Elko County and Nye Counties have or are in the process of upgrading their systems. Also, the subcommittee is looking into coming up with a civil forms uniformity process. Lastly, Judge Stockard spoke with Dean Hamilton of UNLV Boyd Law School about accessing resources from the law school to support the civil forms process.

Legal Aid Center of Southern Nevada Website Presentation

Barbara Buckley, Lynn Etkins and Melanie Kushnir reported on Legal Aid Center of Southern Nevada's (LACSN) website, LACSN's Civil Law Self Help Center Website, LACSN's Family Law Self Help Center Website (in process) and LACSN's Pro Bono Project Website. A tour of each website was provided and the civil law forms feature associated with each site was discussed as well.

The meeting was recessed at 9:10 am.

The meeting reconvened at 10:40 am.

Pro Bono Week

Ira David Sternberg reported that last year The Firm provided publicity for Pro Bono Week, but will not be able to do so this year. The search is currently underway to find another firm to assist with Pro Bono Week publicity. Additionally, it was reported that Bank of Nevada is hosting the Pro Bono Week CLE and reception in Las Vegas on Tuesday, October 21st and First Independent Bank has agreed to sponsor the Pro Bono Week CLE and reception in Reno.

Statewide Legal Service Delivery Reports

Legal Aid Center of Southern Nevada (LACSN) – Barbara Buckley provided the report for Legal Aid Center of Southern Nevada. She expanded on the earlier (LACSN) presentation discussing the Family Law Self Help Center, noting that nearly every form has been re-done. The forms are reviewed by a judge and sent to every Family Law Judge for review. She encouraged continued dialogue about how to make the forms a statewide product. Additionally, she reported on an immigration issue that Nevada is seeing with unaccompanied minors at the border. About seventy cases are currently pending in Clark County and LACSN has received about ten of the cases. The subjects of the cases are children who have been sent to relatives and the relatives eventually contact LACSN about representing the children. LACSN is doing guardianships for many of the children so that the relative can care for the child and then will see if the children can qualify for a juvenile visa or an asylum petition. She reported that there was some discussion about using Nellis AFB as a housing site.

Nevada Legal Services (NLS) – Anna Marie Johnson provided the report for Nevada Legal Services. She noted that financing is in place and construction of the new office building in Las Vegas will be able to get underway hopefully by January. NLS will be looking for a place to go in the interim and is currently talking with State Bar of Nevada about using its current office after the company vacates for its new site. She noted that the new NLS office in Yerington has been opened for about three weeks. Lastly, Ms. Johnson noted that in June, NLS added three new attorneys to staff bringing the total number of attorneys on staff to twenty-six.

Southern Nevada Senior Law Program (SNSLP) – Sugar Vogel provided the report for Southern Nevada Senior Law Program. SNSLP is continuing to enjoy their new office in Las Vegas, including a new training room that allows the organization to serve more seniors in one setting. As a result, seniors are able to attend a seminar and leave with prepared documents, all in one trip as opposed to making two trips. As a result of feeling that they have accomplished something when they leave with legal documents in hand, seniors are leaving donations with the organization. SNSLP has taken note that they are seeing the demand for services increasing in the frail, vulnerable section of the senior community. Additionally, SNSLP has noticed that they are serving multi-generational seniors (for example, a sixty year old baby boomer bringing in his eighty-one year old parent for services.) SNSLP continues to collaborate with the other legal aid organizations in southern Nevada through outreach in libraries and senior center in Pahrump with Nevada Legal Services and through their participation in Ask-A-Lawyer events with LACSN.

VARN – Ben Albers provided the report for VARN. VARN is seeing some unaccompanied children at its office, one having been referred by an agency in Texas and foresees the number of these cases increasing. Additionally, Mr. Albers reported that he expects to hire an additional attorney by the end of the year. Lastly, VARN is preparing for Pro Bono Week and is coordinating activities with Nevada Legal Services.

Washoe Legal Services (WLS) – Paul Elcano provided the report for WLS. WLS had an increase in domestic violence funding and as a result made a part time position into a full time position. Additionally, WLS received a new grant to do juvenile work for two years in conjunction with funds received from Washoe County. WLS is buying its building and through the purchase will be able to lower monthly costs. Through the saving of those monthly costs, WLS should be able to have enough money to create a new position. WLS' Guardianship Program is going well. This program was able to save money which provides leverage for the argument that more money should be allocated to legal services as opposed to other areas for which senior dollars are allocated.

As for the I-80 Corridor Project, Mr. Elcano reported that the project is basically complete. The contract in Elko has been authorized and approved by the County Commission and the attorney has been hired. In Humboldt and Pershing Counties, the contracts have been authorized and approved by the County Commissions and the lawyer has been hired. The Lyon County contract appeared before the Commission there and was approved. WLS is in the process of hiring an attorney for the position now who will remain in Lyon County and is open to hiring a new Bar admittee as long as they are open to staying in that area for a significant length of time. Justice League of Nevada (JLN) has a check in process for the grant dollars awarded for the I-80 Corridor Project. The JLN grant for this project required sixty-two thousand dollars in matching funds; WLS has raised two hundred forty thousand dollars in additional funding.

Mr. Elcano confirmed the amount of savings in the ward assets Guardianship Program to be between five hundred thousand and six hundred thousand dollars. Additionally, Mr. Elcano explained the jail contract and the background leading to the formation of the contract.

Providers Summit 2014 – Justice Douglas reported that the providers and their respective Board of Directors Chairpersons convened for a second meeting to discuss services provided, clients served and funding. Justice Hardesty reported that the providers were asked to participate and to examine the manner in which services are being conducted, and how state funding is being allocated and the effectiveness of the service delivery system throughout the state. The providers generally agree that that a statewide plan needs to be formulated that would be reviewed by the Access to Justice Commission and the Supreme Court that would address the delivery of services and how best to deliver those services where the services are needed. More information will be gathered to insure a standard of care and accountability. Additionally, Justice Hardesty noted that the group will examine the efficiency of state funding as this and all of the other topics will affect distribution of IOLTA funds, filing fees and give the Commission a better position when advocating for more resources. Once more information is gathered and more discussions are conducted, the plan is to present to the Commission suggestions as to what a plan should look like.

Discussion Items

Use of Access to Justice Commission Contributions and Filing Fees discussion items were tabled until the completion of further Provider Summit talks are conducted as these topics will be affected by decisions made at those meetings.

CLE Credit for Pro Bono Work

The discussion of whether to pursue a program where CLE Credit will be granted for pro bono work began with the question of whether in this potential program, CLE credit would be granted for doing pro bono work or whether CLE would be training received by the person doing pro bono work.

Numerous perspectives were offered during the discussion, including:

- The pursuit of CLEs in an area outside of an attorney's practice area has led to an emergent issue in discipline cases;
- The consideration of whether such a program would fulfill the purpose of CLE;
- The consideration of increasing the required number of CLEs to incorporate such a program;
- Mentors receiving CLE credit for their role in the pro bono process is more in line with receiving CLE for pro bono service as mentors mentor in their practice areas;

- State Bar of Nevada TIP Mentors receive CLE credit; the consideration of providing CLE credit for mentors and modeling the program after the TIP Mentoring Program could be an avenue for introducing the program;
- Must consider whether the purpose of CLE is to reward volunteers for doing pro bono or to hone legal skills;
- The Commission must consider other ways to recognize people who do pro bono work;
- The enhancement of pro bono participation will require the involvement and participation of judges

The discussion concluded with the understanding that additional research would be conducted on this issue including how other states have handled the program. Additionally, pertaining to the Commission's efforts to increase participation in pro bono work, discussions will continue regarding re-tooling the ONE Campaign message to ensure that every participant conveys the same message and meeting monthly to ensure that all are on the same page. Also the ONE Subcommittee will come to a consensus on tracking and will boost the donation effort of the campaign.

A discussion ensued regarding whether persons who file filing fee waivers are actually indigent and the mechanism for determining such is lacking in Washoe County. An investigation into whether such waivers are justified is needed as an elimination of unjustified waivers could mean an increase in funding for the County and for Washoe Legal Services. This discussion was tabled for a later meeting.

The request for a discussion on a program to launch self-help centers statewide was noted as well. Justice Douglas referenced the Appellate Project report as well as thanked all who participated in the ONE Promise Nevada Auction.

The meeting was adjourned at 12:02 pm.