



Nevada Supreme Court Access to Justice Commission

Meeting - Friday, June 14, 2024 2:00 PM – 4:00 PM

Join Zoom Meeting

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Meeting Agenda

I. Opening Statements from Co-Chairs & Commission Roll Call	5 minutes	
II. Minutes Approval	5 minutes	Tab 1
• Approval of March 22, 2023 Commission Meeting Minutes		
III. Discussion Items		Tab 2
• Update on Statewide Electronic Filing from Katherine Stocks	10 minutes	
• Nevada Rules of Appellate Procedure Revisions	5 minutes	
• Criteria for ATJC Application for Approved Status	10 minutes	
• Service Rule Clarification	10 minutes	
○ Alternate service v. publication		
○ Online alternative to publication		
• Sealed Cases Committee Update	5 minutes	
• Peremptory Challenges Committee Update	10 minutes	
• Unbundling Committee Update	10 minutes	
• Nominating Committee Report and Vote	5 minutes	
• IOLTA	5 minutes	
• Medical-Legal Partnership – Medicaid Funds, Next Step	5 minutes	
• Section Pro Bono Challenge and Pro Bono Promo	5 minutes	
• Elder Grant – Library Legal Kiosk Program Update	3 minutes	
• Informal Family Law Trials – ATJC Letter of Support	3 minutes	
• Supervised Task Force	3 minutes	
IV. Legal Aid Provider Reports	10 minutes	
V. Other Business	5 minutes	



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VI. Informational Items

Tab 3

- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Triannual Provider Call Recap
- Public Awareness

Upcoming Access to Justice Commission Meetings

Meetings are Fridays at 2:00 p.m. – 4:00 p.m.

2024 meetings

November 15

Our Purpose

- Assess current and future civil legal needs.
- Develop statewide policies to improve legal service delivery.
- Improve self-help and pro bono services.
- Increase public awareness of the impact of limited access to justice.
- Investigate and pursue increased funding.
- Recommend legislation or rules affecting access to justice.



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, March 22, 2024 – 2:00 p.m.

Commission Members Present

Justice Elissa Cadish, Co-Chair
Justice Kristina Pickering, Co-Chair
Connie Akridge
Rachel Anderson
Mark Brandenburg
Ciara Clark
Judge Cynthia Cruz
Lisa Evans
Diane Fearon
John Fortin
Dawn Jensen
Judge Kishner
Ann Walsh Long
Judge Cynthia Lu
Joseph McEllistrem
Victoria Mendoza
Jennifer Richards
Judge Bridget Robb
Marisa Rodriguez
Raine Shortridge
Doreen Spears Hartwell
Judge Connie Steinheimer

Steven “J.T.” Washington
Judge Nathan Tod Young
Tara Zimmerman

Guests Present

Taylor Altman
Sarah Bates
Bailey Bortolin
Barbara Buckley
Alex Cherup
Judge Gregory Gordon
Chantyel Hasse
Justin Iverson
Stephanie McDonald
Susan Myers
Jonathan Norman
Emily Reed
Brandon Smith
William Voy

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Chief Justice Cadish welcomed all, and a roll call was conducted. She asked if changes to the minutes were necessary. Hearing none she requested approval. The minutes were voted unanimously and adopted for the record.

Co-Chair Change

Chief Justice Cadish shared that due to her new duties as Chief Justice, she will roll off the Commission as Co-Chair to be replaced by Justice Lidia Stiglich. Justice Stiglich was unable to make this meeting but Chief Justice Cadish thanked her for her leadership and shared that she has enjoyed working on access to justice initiatives and continues to support the work of the Commission.



Informal Family Law Trials

Eighth Judicial District Court (EJDC) Judge Gregory Gordon has been working with a group of judges from around the state on the potential for a new ADKT focused on the utilization of informal family law trials for self-represented litigants (SRLs). SRLs are now predominant in family court, and the unrepresented have a difficult time following rules of procedure and evidence, and in general, navigating the court process. He requested to present to the Commission as it is believed informal family trials are an opportunity to make family court easier to understand and can afford a better perception of fairness for the unrepresented public. He expressed his appreciation of the work of the Access to Justice Commission and felt the Commission should be aware of this initiative and is seeking support.

He then outlined the highlights of the program where the rules of evidence are relaxed, and referred to the draft in the meeting materials:

- Why does it make sense? – essentially this is already happening in many courtrooms. SRLs are engaging in narratives, not questions and answers, and judges now have to drive the fact-finding conversation.
- Relaxed rules – SRLs do not understand the rules of procedure and do not follow them. A relaxed trial format is likely to be perceived as fairer and have more legitimacy because it's easier to understand. Many procedures discussed for reform reflect things we already know that work, such as in Court Annexed Arbitration.
- Success in other states – where implemented, courts have found that SRLs understand and appreciate the system and believe it to be beneficial.

Judge Young shared that he and approximately 15 other family judges are on a committee considering informal family trials to address current issues seen in family court. He's hoping that a draft of Judge Gordon's plan similar to what was shared here today will be discussed, updated, and shared with the committee at its meeting on April 8. He suggested that after April 8 an ADKT could be submitted to the Supreme Court for consideration.

Judge Robb shared that she likes the idea and it will be better for family law judges to work more formally within a prescribed, approved system. She shared that it may almost work as a settlement conference and fully supports the idea.

Judge Lu said she also agrees and said, in practice, many of these cases without exhibits or witnesses often go to mediation for custody.

A question was asked about informal rules applying after settlement and mediation.

Judge Gordon stated that any informal trial to resolve disputed issues would typically occur after parties have already been to mediation but no agreement was reached, and all opportunities for an amicable settlement have been exhausted.



Judge Cruz shared that while she is with a limited jurisdiction court, she commends Judge Gordon for addressing the reality of what's currently happening in family court. She suggested perhaps if it operated as a pilot program any issues could be worked out during the pilot period. Overall, her view was that this would fulfill a great need in the EJDC.

Chief Justice Cadish further shared that her understanding is that this would be a statewide rule available in all districts and that it would only happen if both sides signed off on the informal trial concept, and that each side would be able to speak uninterrupted. Judge Gordon shared that the cross examination would come from the judge.

Chief Justice Cadish asked about what Judge Gordon had heard about the Oregon rule and asked how long it had been in place. Maybe 2014? Judge Gordon shared his discussion with an Oregon judge indicated that it is going well. Chief Justice Cadish said she heard that it is going well with other judges around the state.

Barbara Buckley was curious about available data on the number of pending cases. Judge Gordon said he did not have statistics but there are plenty of cases.

Judge Robb asked if the rule is designed to be able to get the facts without making a case. Judge Gordon said yes.

Justice Pickering appreciated the forms and asked if issues can be avoided when submitting exhibits. Judge Gordon said that exhibits can be discussed and layered on.

Chief Justice Cadish asked if there was a motion for the Commission to write a letter in support of a judicial informal family law trial ADKT approved by a judges' group. Judge Young moved that the Commission support an ADKT petition for an informal family law trials rule draft from the Family Law Sub-Committee of the Judicial Council of the State of Nevada. Doreen Spears Hartwell seconded the motion. Chief Justice Cadish called for a vote with all voting in favor, none opposed and none objecting.

If and when the ADKT is filed a letter of support from the Commission will be submitted.

IOLTA

Brad reminded Commission members that we voted late last year to request funding for IOLTA research at this unique time of higher interest rates. The Nevada Bar Foundation agreed to grant funds for the study which is now underway and will be finished prior to the Commission's April IOLTA Rate Review Committee. Steve Casey, the principal of the research firm selected, Delta Consulting, will present to the committee, review what's happening with IOLTA rates nationwide, and make recommendations aligned with the project's scope of work. This information will be used to inform the IOLTA rate set this spring for a June 1 effective date.



Service Rule

Many judges are now interpreting Rule 4.4 to require multiple methods of service including service by publication even if an alternate method is available. Not only has service by publication been proven to be a method with low effectiveness, in many cases it is quite expensive and unaffordable for many SRLs. Our November 2023 Commission meeting raised this issue for investigation. For discussion purposes and feedback for today's meeting, a redline was drafted of 4.4 and 4.5 for consideration to make it clear that service by publication is only needed as a last resort. The goal was to completely separate service by publication when it is the only possible way to potentially reach a party. The attempt was to delineate details and clarify the intent as it was originally discussed in 2018-19.

It was shared that the National Center for State Courts recently issued *State Court Considerations for Today's "Notice and Publication" Environment: Online Variables & Best Practices* (Jan. 2024) which recommends "why state courts should consider publishing court notices on judicial websites, rather than traditionally relying on notice and publication by newspapers". [Resource](#) The committee was interested to know if the Commission has a willingness to explore ideas and remove SRL barriers.

Chief Justice Cadish shared that the chair of the rules committee wanted to make sure that alternative electronic service actually helps to find the relevant party.

Barbara Buckley asked if there was any data available and what information is available on tearing down access to justice barriers? She indicated that service is one of the biggest sticking points seen at the Family Law Self Help Center. Of approximately 89,000 cases more than 3000 parties cannot be served. This may consist of the other party refusing to cooperate which places an undue burden on the other party.

Victoria Mendoza said a key question for her has always been "where are these publications"? She also stated that even smaller publications are often \$300, \$400, and even \$500 plus. She noted that *Nevada Legal News* is not accepted as a legitimate posting location by all judges.

Jennifer Richards added that the cost is burdensome, and often sees rates in the \$700 range. She noted that day in and day out they see that estrangement or intellectual disabilities are involved with difficult to reach parties.

Justice Pickering said she was not aware that service by publication was a major issue, and stated that the goal, if possible, is to give parties notice. She said she would pull the committee minutes on the previous discussions as to the conversations around "last resort" and what was believed to be "impracticable". The standard is to ensure due process to the best of our ability.

Stephanie McDonald referred people to the draft rule rewrite and said that it is designed to be clarifying and go to the original spirit of what was intended.



Chief Justice Cadish suggested that we add a formal Service Rule Committee to review the past work and research on this. Committee members will be Doreen Spears Hartwell, Judge Lu, Stephanie McDonald, original committee member Racheal Mastel, Jonathan Norman, Jennifer Richards, and Judge Robb.

Justice Pickering said that actually getting people to respond using the “best of your ability” should be paramount in the NRCP.

Peremptory Challenges

At our last meeting a fee waiver for indigent SRLs and clients of legal aid for peremptory challenges was discussed. UNLV Professor Justin Iverson shared early research showing key findings of what’s happening in other states. Bailey Bortolin emphasized that the report showed peremptory challenges in other states having much lower fees, often ranging from \$120-150 compared to the Nevada fee of \$450.

Judge Robb asked if the fee is required or discretionary and noted it may be a statute rather than a rule issue. Judge Kushner asked if this change is only sought for family law and only for legal aid, noting that a change may require multiple actions in multiple departments v. simply focusing on in forma pauperis.

John Fortin said that his experience has been that it can be a useful tool for a litigant and that the fee amount may be a discretionary piece. Also, if the Nevada Supreme Court has waived filing fees for clients with a Statement of Legal Aid Representation (SOLA) it perhaps should be more uniformly applied. He noted that the time period for filing a challenge is very tight. Overall, this is an access to justice issue as indigent clients should be able to exercise the same rights as other clients. Judge Kushner said that we should be cautious about changing the rule and time period.

Professor Iverson said that to complete the preliminary research the Commission will need to narrow the focus of the information sought.

Ms. Buckley said a key element is that any rule update should be not only for attorneys, but also for SRLs.

Ms. Hartwell said a simple option may be simply to note that all fees are waived under SOLA. Mr. Fortin said he did not think the rule needed a complete rewrite, but only a reference to the ability to be eligible for a fee waiver.

Chief Justice Cadish asked who may be interested in forming Peremptory Challenges Committee and Bailey Bortolin, Alex Cherup, John Fortin, Professor Iverson, and Jonathan Norman all agreed.



Sealed Cases

Judge Kushner, chair of the Seal Cases Committee shared with the group to “stay tuned” as the Falconi case has seen a petition for rehearing. In the meantime, she is spearheading the spirit of the committee discussions which is to preserve record access to “access to justice partners”, meaning the legal aid providers. She is currently in discussions with EJDC to evaluate access for legal aid focused on:

- Extending the current access as is allowed for in CAP (Children’s Attorneys Project) cases
- Investigating Eighth Judicial District Court Rule (EDCR) 5.213 for potential access permission

Judge Kushner asked the Commission if there are other ideas to increase case access narrowly v. a more global fix so we can more immediately address the issue v. waiting for a global fix.

Ms. Buckley shared that we also need to assure we allow SRL access. Judge Kushner agreed and said at this time the focus is on a band aid approach to keep things moving. Ms. Buckley said the EDCR 5.213 route has been tried but clerks continue to say, “no, we can’t accept that”.

Judge Kushner shared that EJDC administration is working on creating a procedure but there are concerns about the process in verifying requestors to assure the request is appropriate and legitimate. Judge Kushner asked the legal aid providers to email her with exactly what they need related to access.

Chief Justice Cadish suggested the committee meet again to continue the work.

Unbundling Feedback

Brad referred the group to the feedback received on the Commission’s pilot unbundling rule. In particular there were concerns with the procedure for withdrawal, and whether or not an Order was needed to end a representation, among other concerns.

Justice Cadish recommended to reconvene a reconstituted committee due to those who have left to review and come up with a recommendation before the fall pilot expiration.

Joint NLS/NNLA Self-Help Center

Lisa Evans shared that a great new partnership between Northern Nevada Legal Aid (NNLA), Nevada Legal Services (NLS), and the Reno Justice Court via a grant from the Washoe County Commission has allowed for more robust self-help. The most recent statistics are 929 persons helped in person and 170 people helped by telephone. Help for SRLs is a huge need and this is an important access to justice step for Washoe County.

Legal Kiosks in Libraries Update

Susan Myers reported that 1965 sessions and increase of 700 since the last report. The top user locations include Carson City, East Las Vegas, Elko, and Pahrump.



Supervised Practice

Ms. Buckley reported that the National Conference of Bar Examiners continues its push to the next generation of the bar exam. In Nevada, a recommendation to be made on April 1 will be focused on the Multistate Professional Responsibility Examination, an updated character and fitness review, and a 100-question examination that will be administered up to four times per year at national testing centers. A new key element is supervised practice of 40-60 hours. This would potentially all become a condition of being licensed to practice law in Nevada. Limited practice for law students under SCR 49.3 would continue including these provisions.

Chief Justice Cadish shared that she's keenly interested in these recommendations and looks forward to discussing soon.

Legislative and Eviction Diversion Update

Ms. Bortolin shared that addressing a variety of issues is building to the 2025 legislative session. On eviction diversion, 469 referrals have been made with 111 rental assistance applications being approved and 139 eviction cases diverted. 233 matters are pending.

Court Forms

Ann Walsh Long reported that 71 family court forms have been translated into languages other than English including Spanish, Tagalog, Mandarin, and Vietnamese.

Reports

- **Southern Nevada Senior Law Program** – Diane Fearon thanked IOLTA Rate Review Committee member and Nevada Bar Foundation president, Mark Brandenburg, for his willingness and efforts to support the IOLTA program. She related that SNSLP hired former Judge William Voy as director of pro bono. SNSLP has also added an attorney and will ultimately move from four to six attorneys, a 50 percent increase.
- **Northern Nevada Legal Aid** – Lisa Evans shared they, too, are hiring, including for human resources and an office manager. NNLA is also currently negotiating county legal service contracts. Right now, a key focus is on the April 26 Voices for Justice luncheon.
- **Volunteer Attorneys for Rural Nevadans** – Victoria Mendoza shared that the grant received for Legal Server is now up and running, and that pro bono efforts have been steady. VARN is currently looking to hire attorneys.
- **Nevada Legal Services** – Alex Cherup again shared he's glad to join the Commission as the interim executive director of NLS. He shared that 2024 is the 50th anniversary of LSC. He also expressed his thanks and shared the importance of IOLTA for legal aid in Nevada, which has been crucial to assisting veterans, NLS's Lawyer in Schools program, and other community-based initiatives such as guardianships and supported decision making. He shared he appreciated the collaborative relationships with all Nevada legal aid providers. He also said NLS's eviction clinic



continues to operate at the North Las Vegas court every Wednesday morning from 8:00 a.m. – noon.

- *Legal Aid Center of Southern Nevada* – Ms. Buckley shared that the capital campaign for Legal Aid Center’s Advocacy and Justice Complex has kicked off. It will be a one stop shop for victims of crime in Nevada. Legal Aid Center has kept the Vegas Strong Resiliency & Justice Center activated to assist with the December 6, 2023 UNLV shooting. The Center is adding staff and the belief is that the program has never been stronger or more collaborative. There is a new sense of energy in tackling access to justice issues.

Informational Items

Informational items included the following. Details upon request from the Commission:

- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Triannual Provider Call Recap
- Public Awareness

Rule 4. Summons and Service

(a) Summons.

(1) Contents. A summons must:

- (A) name the court, the county, and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff;
- (D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk;
- (G) bear the court's seal; and
- (H) comply with Rule 4.5 ~~**4(e)(2)(C)~~ when service is made by publication.

(2) Amendments. The court may permit a summons to be amended.

(b) **Issuance.** On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons—or a copy of a summons that is addressed to multiple defendants—must be issued for each defendant to be served.

(c) Service.

(1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for:

- (A) obtaining a waiver of service under Rule 4.1, if applicable; or
- (B) having the summons and complaint served under Rule 4.2, 4.3, ~~or~~ 4.4, or 4.5 within the time allowed by Rule 4(e); ~~or-~~
(C) if a statute provides for service, having the summons and complaint served under the circumstances and in the manner prescribed by the statute.

(2) **Service With a Copy of the Complaint.** A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service.

(3) **By Whom.** The summons and complaint may be served by the sheriff, or a deputy sheriff, of the county where the defendant is found or by any person who is at least 18 years old and not a party to the action.

(4) **Cumulative Service Methods.** The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized by any party with, after, or independently of any other methods of service.

(d) **Proof of Service.** Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

(1) **Service Within the United States.** Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint.

(2) Service Outside the United States. Service not within the United States must be proved as follows:

- (A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention; or
- (B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) **Service by Publication.** If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from:

- (A) the publisher or other designated employee having knowledge of the publication; and
- (B) if the summons and complaint were mailed to a person's last-known address, the individual depositing the summons and complaint in the mail.

(4) Amendments. The court may permit proof of service to be amended.

(5) **Failure to Make Proof of Service.** Failure to make proof of service does not affect the validity of the service.

(e) Time Limit for Service.

(1) **In General.** The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule.

(2) **Dismissal.** If service of the summons and complaint is not made upon a defendant before the 120-day service period—or any extension thereof—expires, the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own order to show cause.

(3) **Timely Motion to Extend Time.** If a plaintiff files a motion for an extension of time before the 120-day service period—or any extension thereof—expires and shows that good cause exists for granting an extension of the service period, the court must extend the service period and set a reasonable date by which service should be made.

(4) **Failure to Make Timely Motion to Extend Time.** If a plaintiff files a motion for an extension of time after the 120-day service period—or any extension thereof—expires, the court must first determine whether good cause exists for the plaintiff's failure to timely file the motion for an extension before the court considers whether good cause exists for granting an extension of the service period. If the plaintiff shows that good cause exists for the plaintiff's failure to timely file the motion and for granting an extension of the service period, the court must extend the time for service and set a reasonable date by which service should be made.

[Amended; effective March 1, 2019.]

Rule 4.4. Alternative Service Methods

(a) **Statutory Service.** If a statute provides for service, the summons and complaint may be served under the circumstances and in the manner prescribed by the statute.

(ab) **Court-Ordered Conditions for Alternate Service.**

(1) If a party demonstrates that the service methods provided in Rules 4.2, ~~and 4.3, and 4.4(a)~~ are impracticable, the court may, upon motion and without notice to the person being served, direct that service be accomplished through any alternative service method.

(b2) **Motion Seeking Alternate Service.** A motion seeking an order for alternative service must:

(A) provide affidavits, declarations, or other evidence setting forth specific facts demonstrating:

(i) the due diligence that was undertaken to locate and serve the defendant; and

(ii) the defendant's known, or last-known, contact information, including the defendant's address, phone numbers, email addresses, social media accounts, or any other information used to communicate with the defendant; and

(B) state the proposed alternative service method and why it comports with due process.

(c3) **The Order for Alternate Service.** The Order for Alternate Service must direct service of the complaint, summons, and any order of the court authorizing the alternative service method to be made. Any Order of the court which directs alternate service must direct the same in any manner reasonably calculated to give Defendant actual notice of the action, which may include: If the court orders alternative service, the plaintiff must also:

~~(A) make reasonable efforts to provide additional notice under Rule 4.4(d); and~~

~~(1B) regular mailing of a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method, to the defendant's last-known address;~~

~~(2) email of a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method;~~

~~(3) text of a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method;~~

~~(4) social media messaging or direct posting of a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method;~~

~~(5) any other method of delivering the summons, complaint, and order of the court authorizing the alternative service method, which the court finds sufficiently calculated to provide the defendant with actual notice.~~

~~(5) posting on defendant's door.~~

~~(d) Unless otherwise ordered, the plaintiff or the plaintiff's attorney may contact the defendant to provide notice of the action, except when the plaintiff or attorney would violate any statute, rule, temporary or extended protective order, or injunction by communicating with the defendant.~~

(e4) The plaintiff must provide proof of service under Rule 4(d) or as otherwise directed by the court.

~~(5) A plaintiff may serve a defendant by publication only if the requirements of Rule 4.4(e) are met and the procedures for publication are followed.~~

Rule 4.5 Service by Publication

(ae) **Service by Publication.**—If a party demonstrates that the service methods provided in Rules 4.2, 4.3, and 4.4(a) and (b) are impracticable, the court may, upon motion and without notice to the person being served, direct that service be made by publication.

(1) **Conditions for Publication.** Service by publication ~~may should be only~~ be ordered ~~if when~~ publication is the best means practicable in the circumstances for providing the person with notice of the action's commencement and when the defendant:

- (A) cannot, after due diligence, be found;
- (B) by concealment seeks to avoid service of the summons and complaint; or
- (C) is an absent or unknown person in an action involving real or personal property under Rule 4.54(c)(3).

(2) **Motion Seeking Publication.** A motion seeking an order for service by publication must:

- (A) through pleadings or other evidence establish that:
 - (i) a cause of action exists against the defendant who is to be served; and
 - (ii) the defendant is a necessary or proper party to the action;
- (B) provide affidavits, declarations, or other evidence setting forth specific facts demonstrating the efforts that the plaintiff made to locate and serve the defendant;
- (C) provide the proposed language of the summons to be used in the publication, briefly summarizing the claims asserted and the relief sought and including any special statutory requirements;
- (D) suggest one or more newspapers or other periodicals in which the summons should be published that are reasonably calculated to give the defendant actual notice of the proceedings; and
- (E) if publication is sought based on the fact that the defendant cannot be found, provide affidavits, declarations, or other evidence establishing the following information:
 - (i) the defendant's last-known address;
 - (ii) the dates during which the defendant resided at that location; and
 - (iii) confirmation that the plaintiff is unaware of any other address at which the defendant has resided since that time, or at which the defendant can be found.

(3) **Service by Publication Concerning Property Located Within Nevada.**

- (A) The court may order service by publication in the actions listed in Rule 4.54(c)(3)(B) if a defendant:
 - (i) resides in the United States and has been absent from this state for at least two years;
 - (ii) resides in a foreign country and has been absent from the United States for at least six months;
 - (iii) is an unknown heir or devisee of a deceased person; or
 - (iv) is an unknown owner of real or personal property.
- (B) Rule 4.45(c)(3) applies only to the following actions involving real or personal property located within Nevada:
 - (i) actions for the enforcement of mechanics' liens or other liens against real or personal property;
 - (ii) actions for foreclosure of mortgages and deeds of trust;
 - (iii) actions for the establishment of title to real estate;
 - (iv) actions to exclude the defendant from any interest in real or personal property; and
 - (v) any other action for the enforcement, establishment, or determination of any right, claim, or demand, actual or contingent, to or against any real or personal property.
- (C) Service by publication on an unknown heir, devisee, or property owner may only be used when the unknown heir, devisee, or property owner must be a party to the action under Rule 19(b).
- (D) A plaintiff proceeding under Rule 4.45(c)(3) must provide the information required by Rule 4.54(c)(2), as applicable, in addition to providing affidavits, declarations, or other evidence establishing the facts necessary to satisfy the requirements of Rule 4.54(c)(3).

(4) **The Order for Service by Publication.**

(A) In the order for service by publication, the court must direct publication to be made at least once a week for a period of four weeks in locations reasonably calculated to give the defendant actual notice of the proceedings. This may include:

- (i) a court-sponsored legal notice website;
- (ii) one or more newspapers or other periodicals published in Nevada;
- ~~(iii)~~ (iii) a newspaper or other periodical published in the state, territory, or foreign country where the defendant is believed to be located; ~~or in any combination of locations. The court's designated locations must be reasonably calculated to give the defendant actual notice of the proceedings. The service must be published at least once a week for a period of four weeks.~~

(B) If publication is ordered and the plaintiff is aware of the defendant's last-known address, the plaintiff must also mail a copy of the summons and complaint to the defendant's last-known address. ~~The court may also order that additional notice be sent under Rule 4.4(d).~~

(C) Service by publication is complete four weeks from the later of:



ACCESS TO JUSTICE COMMISSION

Sealed Cases Committee Call Recap
Wednesday, May 8 – 12:00 p.m.

Present

Judge Lu
Racheal Mastel
Stephanie McDonald

Staff Present

Brad Lewis

This was the first call of the Access to Justice Commission Service Rule Committee. The committee was formed to address an evolving situation where many judges, especially in the Eighth Judicial District Court (EJDC), are increasing their call for high-cost service by publication, which is often prohibitive for low-income and self-represented litigants. There has been a view, which seems to divert from the intention of the rule, to require service by publication, even when notice can be provided by alternative methods.

Supporting documentation provided prior to the call available from the Commission:

- Service publication 50-state survey
- NRCP 4 and 4.4 redline
- NRCP 4 minutes and advisory notes from 2018/19
- Legal Aid Center Letter regarding NRCP filed 10/12/18
- See excerpt of AZ Rule 4.1 at end of memo along with a link to the full rule

Here was the agenda:

- Clarifying rewrite
- Alternatives to traditional publication, including fee waiver alternative
- Discuss a convincing plan that demonstrates due process service standards have been met

The call began with a brief overview of the issue at hand, below are highlights:

- Service by publication is understood to be functionally useless in most cases.
- A committee to update NV Rule 4 met in 2018/19 and the focus of the Nevada update relied heavily on Arizona Rule 4, with the focus on providing actual notice, with the further spirit being not to require multiple forms of service.
- Service by publication has generally operated in the Second Judicial District Court (SJDC) as a last resort only.
- One issue in EJDC seems to be that “notice” is not considered “service” so that interpretation affects requirements, and some inconsistencies in application are present.



- The notice v. service issue is one that can puzzle and NRS must be considered.
- Above appears to call for a clarifying rewrite to promote access to justice, consistency in rule application, and due process.
- “Actual” and “true” notice are goals.
- Judicial CLEs are an option but difficult without clarity.
- Additional future considerations/discussions:
 - Nevada legal notice website
 - Fee waiver notice alternative
 - Consider these concepts for inclusion in rule

Next Steps:

- Ms. Mastel to review draft NV Rule 4 redline.
- Ms. Mastel and Ms. McDonald to discuss redline drafts, agree on consensus draft.
- Agreed upon draft to be shared with Brad by Friday, May 17 so that he may share with Justice Pickering.
- Brad to recommend process timeline to Justice Pickering, as follows:
 - Joint rule draft
 - Recommend that original committee from 2018/19 reconvene
 - Ms. Mastel prepared to participate
 - Alternative, ATJC committee could continue
 - Bring recommended action plan to 6/14 ATJC meeting for input/to advance
- Depending on what happens, Committee may or may not have a call prior to the June 14 ATJC meeting.
- Brad to prep status update, needs for ATJC meeting.

Arizona Rule 4.1 shared by Stephanie McDonald in the Zoom chat:

(k) Alternative or Substituted Service. If service by one of the means set forth in the preceding paragraphs of this Rule 4.1 proves impracticable, then service may be accomplished in such manner, other than by publication, as the court, upon motion and without notice, may direct. Whenever the court allows an alternate or substitute form of service pursuant to this subpart, reasonable efforts shall be undertaken by the party making service to assure that actual notice of the commencement of the action is provided to the person to be served and, in any event, the summons and the pleading to be served, as well as any order of the court authorizing an alternative method of service, shall be mailed to the last known business or residence address of the person to be served. Service by publication may be employed only under the circumstances, and in accordance with the procedures, specified in Rules 4.1(l), 4.1(m), 4.2(f) and 4.2(g) of these Rules.

[Rule 4.1 - Service of Process Within Arizona, Ariz. R. Civ. P. 4.1 | Casetext Search + Citator](#)

To: Brad Lewis, Access to Justice Commission (ATJC)
From: Justin Iverson, Boyd School of Law at UNLV
Subject: Peremptory Challenge of Judge
Date: May 31, 2024

Research Mandate

The Access to Justice Commission of the Supreme Court of Nevada (“ATJC”) is considering changes to existing rules regarding peremptory challenges of district court judges pursuant to Nevada Supreme Court Rule (“SCR”) 48.1. Under the current rule, litigants may file a “Peremptory Challenge of Judge” one time as a matter of right without an accompanying affidavit or grounds for the challenge. The fee to do so is \$450. There is a question of whether the indigent fee waiver statutes of Nevada Revised Statutes (“NRS”) 12.015 require courts to waive this fee.

Methods & Limitations

Through subcommittee discussions, it was determined that the Boyd School of Law at UNLV would conduct a 50 state survey to determine whether any other states have similar laws allowing for peremptory challenges as a matter of right (as opposed to states that require a showing of bias or prejudice to disqualify a judge). Subcommittee members were also curious whether other states have defined costs for peremptory challenges, and if not, what the costs to file such a motion might look like in other jurisdictions. Finally, members wondered about the existence of pro se indigent fee waiver laws in states that allow challenges as a matter of right and whether those states have separate or included laws about fee waivers for persons represented by legal aid organizations.

We conducted this research over the course of six weeks and compiled the accompanying charts in Exhibits B & C. There are important limitations on this research. First, the absence of a stated law does not necessarily mean (a) litigants do not request a change of judge without a showing of bias, (b) that there are no fees for filing such motions, or (c) that indigent persons representing themselves or being represented by legal aid organizations are paying filing fees. Thus, this research finds what can be found without speaking to judicial employees in other jurisdictions about common practice. Second, fees are notoriously slippery to research as some amounts are derived from statutes or court rules while others can only be found in offices of court clerks or their websites. Relatedly, many states do not have state-wide fees, and in those circumstances, we have estimated costs based on the largest population counties (such as in Illinois where we used Cook County as a basis).

Findings

Attached to this memorandum are three exhibits:

- A. Relevant Codes in Nevada: SCR 48.1 & NRS 12.015
- B. Quick Research Chart on 50 State Survey
- C. Detailed Research Chart on 50 State Survey

Our findings indicate that less than half of states (19/50) have codes allowing for change of judge as a matter of right. Among those, only a handful have motion costs that might apply in this situation. Only Montana has a directly comparable law requiring litigants to pay \$100—compared with Nevada’s \$450 fee—to exercise the right.

As for indigent litigants either representing themselves or being represented by a legal aid organization, most states have such laws. There did not appear to be any jurisdictions that provided exceptions for the filing of particular motions or petitions. In other words, the statutes generally contain language such as the following:

- [Illinois](#): “If the court finds that the applicant is an indigent person, the court shall grant the applicant a full fees, costs, and charges waiver entitling him or her to sue or defend the action without payment of any of the fees, costs, and charges.” (emphasis added)
- [New Hampshire](#): “[A]ny person, by reason of poverty, may seek relief from the payment of any fees provided by law which are payable to any court, clerk of court, or sheriff. . . . In any case in which a person is represented by a legal aid society, a federally funded legal services project, or counsel assigned in accordance with the rules of the court, all filing costs shall be waived by the clerk without the necessity of a court order.” (emphasis added)

However, some states used the language of deferral rather than waiver of fees depending on the litigant’s financial circumstances.

- [Oregon](#): “A judge may waive or defer all or part of the fees and court costs payable to the court by a party in a civil action or proceeding, including sheriff’s fees under ORS 21.300 (1)(a), if the judge finds that the party is unable to pay all or any part of the fees and costs.”

Exhibit A
Relevant Codes in Nevada:
SCR 48.1 & NRS 12.015

Rule 48.1. Procedure for change of judge by peremptory challenge.

1. In any civil action pending in a district court, which has not been appealed from a lower court, each side is entitled, as a matter of right, to one change of judge by peremptory challenge. Each action or proceeding, whether single or consolidated, shall be treated as having only two sides. A party wishing to exercise the right to change of judge shall file a pleading entitled “Peremptory Challenge of Judge.” The notice may be signed by a party or by an attorney, it shall state the name of the judge to be changed, and it shall neither specify grounds, nor be accompanied by an affidavit. If one of two or more parties on one side of an action files a peremptory challenge, no other party on that side may file a separate challenge.

2. A notice of peremptory challenge of judge shall be filed in writing with the clerk of the court in which the case is pending and a copy served on the opposing party. The filing shall be accompanied by a fee of \$450, which the clerk shall transmit to the clerk of the supreme court. The fee shall be collected by the clerk of the supreme court and deposited in the state treasury for the support of the travel and reasonable and necessary expenses of district judges, senior justices and judges, and former justices and judges incurred in the performance of judicial duties, and, thereafter for other expenditures deemed reasonable and necessary by the supreme court. Within 2 days of the notice of peremptory challenge having been filed, the clerk of the district court shall:

(a) In a judicial district in which there are more than two departments, randomly reassign the case to another judge within the district;

(b) In a judicial district in which there are two or less departments, assign the case to the remaining judge. Alternatively, the presiding judge in the district may request the chief justice to assign the case to a judge of another district.

3. Except as provided in subsection 4, the peremptory challenge shall be filed:

(a) Within 10 days after notification to the parties of a trial or hearing date; or

(b) Not less than 3 days before the date set for the hearing of any contested pretrial matter, whichever occurs first.

4. If a case is not assigned to a judge before the time required for filing the peremptory challenge, the challenge shall be filed:

(a) Within 3 days after the party or his attorney is notified that the case has been assigned to a judge; or

(b) Before the jury is sworn, evidence taken, or any ruling made in the trial or hearing, whichever occurs first.

5. A notice of peremptory challenge may not be filed against any judge who has made any ruling on a contested matter or commenced hearing any contested matter in the action. Except as otherwise provided in subsection 8, a peremptory challenge may not be filed against any judge who is assigned to or accepts a case from the overflow calendar or against a senior or pro tempore judge assigned by the supreme court to hear any civil matter.

6. The judge against whom a peremptory challenge is filed shall not contact any party or the attorney representing any party, nor shall the judge direct any communication to the clerk of the district court with respect to reassignment of the case in which the peremptory challenge was filed.

7. The filing of an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought, which results in a transfer of the action to another district judge is a waiver of the parties’ rights under this rule. A peremptory challenge under this rule is a waiver of the parties’ rights to transfer the matter to another judge by filing an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought.

8. When a senior judge is appointed to hear a trial or dispositive motion more than 30 days prior to the trial or hearing, a party may follow the procedures in this rule to exercise a peremptory challenge to change the senior judge assigned to the trial or hearing. If a senior judge is assigned to such matter less than 30 days before the matter is to be decided, the parties may not exercise a peremptory challenge. A party may exercise one peremptory challenge against a senior judge in addition to the one peremptory challenge against a judge allowed by subsection 1 of this Rule.

9. Notwithstanding the prior exercise of a peremptory challenge, in the event that the action is reassigned for any reason other than the exercise of a peremptory challenge, each side shall be entitled, as a matter of right, to an additional peremptory challenge.

[Added; effective July 20, 1979; amended effective January 12, 2011.]

NRS 12.015 Actions involving indigent persons.

1. Any person who desires to prosecute or defend a civil action without paying the costs for prosecuting or defending the action may:

(a) File, on a form provided by the court, an application to proceed as an indigent litigant, which must include a declaration that complies with the provisions of [NRS 53.045](#); or

(b) If the person is a client of a program for legal aid, submit to the court a statement of representation or otherwise indicate to the court that the person is a client of a program for legal aid.

2. The court shall allow a person to commence or defend the action without costs and file or issue any necessary writ, process, pleading or paper without charge if:

(a) Based on its review of an application filed pursuant to paragraph (a) of subsection 1, the court determines that the application should be granted and the person may proceed as an indigent litigant because the person:

(1) Is receiving benefits provided by a federal or state program of public assistance;

(2) Has a household net income which is equal to or less than 150 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services;

(3) Has expenses for the necessities of life that exceed his or her income; or

(4) Has otherwise shown compelling reasons that he or she cannot pay the costs of prosecuting or defending the action.

(b) The person has submitted a statement of representation or otherwise indicated to the court that the person is a client of a program for legal aid pursuant to paragraph (b) of subsection 1.

↳ The sheriff or another appropriate public officer within this State shall make personal service of any necessary writ, process, pleading or paper without charge for an applicant whose application has been granted or a person who has submitted a statement of legal representation or otherwise indicated to the court that the person is a client of a program for legal aid.

3. If the person is required to have proceedings reported or recorded, or if the court determines that the reporting, recording or transcription of proceedings would be helpful to the adjudication or appellate review of the case, the court shall order that the reporting, recording or transcription be performed at the expense of the county in which the action is pending but at a reduced rate as set by the county.

4. If the person prevails in the action, the court shall enter its order requiring the losing party to pay into court within 5 days the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

5. If an applicant files an application to proceed as an indigent litigant pursuant to paragraph (a) of subsection 1 to defend an action, the running of the time within which to appear and answer or otherwise defend the action is tolled during the period between the filing of the application and the decision of the court to grant or deny the application.

6. The filing of an application to proceed as an indigent litigant pursuant to paragraph (a) of subsection 1 and any application or request filed with the application and the submission of a statement of legal representation or other indication to the court that the person is a client of a program for legal aid pursuant to paragraph (b) of subsection 1 do not constitute a general appearance before the court by the applicant or person or give the court personal jurisdiction over the applicant or person.

7. The decision of a court granting or denying an application to proceed as an indigent litigant filed pursuant to paragraph (a) of subsection 1 is not appealable.

8. As used in this section, “client of a program for legal aid” means a person:

(a) Who is represented by an attorney who is employed by or volunteering for a program for legal aid organized under the auspices of the State Bar of Nevada, a county or local bar association, a county or municipal program for legal services or other program funded by this State or the United States to provide legal assistance to indigent persons; and

(b) Whose eligibility for such representation is based upon indigency.

(Added to NRS by [1967, 1209](#); A [1989, 201](#); [1991, 455](#); [2005, 197](#); [2021, 489](#))

Exhibit B
Quick Research Chart:
50 State Survey

State	Challenge as Matter of Right?	Initial Filing Fees	Motion Fees	Pro Se Waiver Law?	Legal Aid Waiver Law?
AL	No				
AK	Yes	\$150	\$0	Yes	Yes
AZ	Yes	\$188	\$100	Yes	Probably yes
AR	No				
CA	Probably yes	\$370-435	\$60	Yes	No
CO	No				
CT	No				
DE	No				
DC	No				
FL	No				
GA	No				
HI	No				
ID	Yes	\$221	\$29	Yes	Yes
IL	Yes	\$250-388	\$40	Yes	Yes
IN	Yes	\$100	\$0	Yes	Yes
IA	No				
KS	Yes, but judge may decline request	\$173-195	\$0	Yes	Unclear
KY	No				
LA	No				
ME	No				
MD	No				
MA	No				
MI	No				
MN	Yes	\$285	\$75	Yes	Yes
MS	No				
MO	Yes	\$83.50+	\$108	Yes	Yes

State	Challenge as Matter of Right?	Initial Filing Fees	Motion Fees	Pro Se Waiver Law?	Legal Aid Waiver Law?
MT	Yes	\$90	\$100*	Yes	Yes
NE	No				
NV	Yes	\$270	\$450*	Yes	Yes
NH	No				
NJ	No				
NM	Yes	\$117-132	\$0	Yes	Yes
NY	Only in Criminal				
NC	No				
ND	Yes	\$80	\$0	Yes	No
OH	No				
OK	No				
OR	Yes	\$281+	\$0	Yes	Probably yes
PA	No				
RI	No				
SC	No				
SD	Yes, but judge may decline request	\$70	\$0	Yes	No
TN	No				
TX	No				
UT	Yes	\$375	\$0	Yes	Yes
VT	No				
VA	No				
WA	Yes	\$240	\$0	Yes	Yes
WV	No				
WI	Yes	\$265.50	\$0-300	Yes	Yes
WY	Yes	\$160	\$0	Unclear	Unclear

* Indicates this fee is directly applicable to a motion for substitution of judge or similar.

Exhibit C
Detailed Research Chart:
50 State Survey

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
Alabama	No rule found.			
Alaska	<p>Alaska R. Civ. P. 42(c)(1)</p> <p>Either party in any state court may raise a peremptory challenge against a presiding judge “as a matter of right.” The rule specifies that both parties are entitled to only one change of judge and only one change of master.</p>	<p>Alaska Rules of Administration 9(c)(1)</p> <p>Initial pleadings are \$150 in district court. With specific exceptions, there are <u>no filing fees other than opening the case.</u></p>	<p>Alaska Rules of Administration 9(f)(1)</p> <p>Persons will not be charged filing fees if they are determined indigent under Rule 10. <i>Id.</i></p>	<p>Alaska Rules of Administration 10(c)</p> <p>If an individual is represented by a legal aid organization, waiver of filing fees is required.</p>
Arizona	<p>Ariz. R. Civ. P. 42.1</p> <p>(a) Both parties are entitled to a change of one judge. <i>Id.</i> Each side must be entitled to the same amount of changes. <i>Id.</i></p> <p>(b) The party that is requesting a new judge must either file a notice and serve it on all parties involved (including the</p>	<p>Ariz. Rev. Stat. § 12-284:</p> <p>For civil claims worth more than \$10k, those are heard by the Arizona Superior Court. The superior court’s initial filing fee is \$188, but subsequent filings (which is where notices of change of judge are filed, I presume) cost \$100.</p>	<p>Ariz. Rev. Stat. § 12-302(C):</p> <p>The court may defer or waive filing charges for indigent persons.</p>	<p>Ariz. Code of Judicial Administration § 5-206(E)(b):</p> <p>The court may postpone payment for those receiving legal assistance from a non-profit legal services organization—the</p>

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
	court administrator), or the party can make an oral notice.			next section deals with waiver. The implication in reading these two is that waiver may occur if the applicant is permanently unable to pay.
Arkansas	No rule found.			
California	<p>Cal. Code of Civil Procedure § 170.6.</p> <p>This rule’s language is not clear on whether a litigant can request a new judge without a showing of bias. However, the Supreme Court of California clarified that under § 170.6, so long as a litigant has met the requirements provided in subsection (a)(1), the litigant can request a new judge due to “his or her <i>belief</i> that the judge is prejudiced.” Maas v. Super. Ct., 383 P.3d 637, 642 (Cal. 2016) (emphasis added).</p>	<p>Motions and other papers requiring a hearing are \$60.</p> <p><u>Initial filing fees:</u></p> <p>Varies by region. However, the statewide uniform filing fee for civil cases over \$25k is \$435.</p> <p>For civil claims amounting to \$10k to \$25k, the uniform filing fee is \$370.</p>	<p>Ca. Rules of Court, Rule 3.55.</p> <p>Since CA has a form litigants must file with the court when raising a peremptory challenge, these filings presumably fall under clerk’s filing fees.</p>	<p>Cal. Gov’t Code § 68632 (West).</p> <p>California rules do not explicitly provide fee waivers for those represented by a legal aid organization. Qualifications for fee waiver are the litigant (1) is getting public benefits, (2) is low-income, and (3) does not have</p>

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
				sufficient income for basic needs.
Colorado	No rule found.			
Connecticut	No rule found.			
Delaware	No rule found.			
Florida	No rule found.			
Georgia	No rule found.			
Hawaii	No rule found.			
Idaho	<p>Idaho Rule of Civil Procedure 40(a).</p> <p>Each party has one chance to file a motion to disqualify without cause as a matter of right. The motion must be timely filed within 7 days “after service of a written notice or order setting the action for status conference, pretrial conference, or trial.”</p> <p>If a party does not timely move to disqualify a judge without cause in one case, it cannot move to disqualify that judge again in the event of consolidation. See BrunoBuilt, Inc. v. Erstad Architects, PA, 528 P.3d 531, 546-47 (Idaho 2023).</p>	<p>Appendix A of IRCP.</p> <p>For civil cases over \$10k, the initial filing fee is \$221.</p> <p>Change of venue is \$29. No fees listed for miscellaneous motions or anything else relevant.</p>	<p>IRCP 10.1.</p> <p>“Any waiver of the filing fee must be made by the court upon verified application of a party and no filing fee is required for this application.”</p>	<p>IRCP 10.1.</p> <p>Filing fees waived for persons represented by the Idaho Law Foundation Volunteer Lawyers Program, the University of Idaho Legal Aid Clinic, the Concordia University School of Law Housing Clinic, the Idaho Legal Aid Program, or “an attorney under a private attorney</p>

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
				contract with Legal Aid.”
Illinois	<p>735 Ill. Comp. Stat. 5/2-1001(2).</p> <p>Each party, as a matter of right, is entitled to one judicial substitute without cause. The application should be made by motion.</p>	<p><u>Initial filing fees:</u></p> <p>In Cook County, Illinois’ largest county (in population--Chicago falls in this county), the filing fees for civil actions in the Circuit Court of Cook County range from \$250-\$388.</p> <p>Motion fees are \$40.</p>	<p>735 ILCS 5/5-105.</p> <p>“If the court finds that the applicant is an indigent person, the court shall grant the applicant a full fees, costs, and charges waiver entitling him or her to sue or defend the action without payment of any of the fees, costs, and charges.”</p>	<p>735 Ill. Comp. Stat. 5/5-105.5(b).</p> <p>Applies to persons represented by legal aid organizations or a “court-sponsored pro bono program.”</p>
Indiana	<p>Indiana Trial Procedure Rule 76(b).</p> <p>“In civil actions, where a change may be taken from the judge, such change shall be granted upon the filing of an unverified application</p>	<p>IC 33-37-4-4(a).</p> <p>\$100.</p> <p>However, the Indiana Legal Help Website says to file a new case in civil court costs</p>	<p>IC 33-37-3-2.</p>	<p>IC 33-37-3-2.</p> <p>A person represented by Indiana Legal Services, a legal aid organization,</p>

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
	<p>or motion <i>without specifically stating the ground therefor</i> by a party or his attorney.”</p> <p>Limited to 1 motion per party.</p>	<p>\$157, but that <i>the court will generally not charge a fee every time a document is filed.</i></p> <p>No relevant motions fees found.</p>		<p>or was referred to a pro bono attorney may seek a fee waiver.</p>
Iowa	No rule found.			
Kansas	<p>K.S.A. 20-311d.</p> <p>The law is ambiguous. The statute states in subsection (a) that if a party or attorney <i>believes</i> the judge cannot give them a fair trial, the party/attorney should file a motion for change of judge. It then says that “[t]he motion <i>shall not</i> state the grounds for the party’s or attorney’s belief.” (Emphasis added.). After conducting a hearing on the motion, the judge may either disqualify herself or not disqualify herself. If the judge chooses the latter, that is when the attorney or party must file an affidavit listing the factual grounds proving the judge’s bias.</p>	<p>K.S.A. 60-2001.</p> <p>The base filing fee is \$173, but the court collects an additional fee of \$22 (total \$195) “to fund the costs of non-judicial personnel.”</p>	<p>2023-RL-017.</p> <p>Pro se litigants must pay filing fees unless they are deemed indigent by affidavit.</p> <p>K.S.A. 60-2001.</p>	<p>No direct statute addresses this. However, the Kansas Legal Services website and the University of Kansas School of Law Legal Aid Clinic website imply that a person represented by legal aid must still file a fee waiver and must be considered indigent to have their fees waived.</p>
Kentucky	No rule found.			
Louisiana	No rule found.			

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
Maine	No rule found.			
Maryland	No rule found.			
Massachusetts	No rule found.			
Michigan	No rule found.			
Minnesota	Minn. R. Civ. P. 63.03 Allowing a judge to be removed once as a matter of right without a showing of disqualification.	District Court Fees Motion fees \$75 Initial filing fees \$285	MN ST § 563.01	MN ST § 563.01.
Mississippi	No rule found.			
Missouri	Sup. Ct. R. 51.05. Limited to one change of judge without cause per party.	\$83.50. Many statutes and court rules determine the filing fee for civil actions. “Any petition on a civil claim” is \$108.	V.A.M.S. 514.040(1). A litigant may represent themselves in forma pauperis. However, you must be indigent. If you are representing yourself and the court finds that you are indigent, the court can appoint counsel.	V.A.M.S. 514.040(3). Those represented by legal aid must be indigent. Since they are represented by legal aid organizations, no motion for fee waiver needs to be made as the litigant is presumed indigent, thus, fees are waived.

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
Montana	<p>MCA 3-1-804(1)(a).</p> <p>Each party is entitled to one change of <i>district</i> court judge in a civil action. A change of judge cannot be used in child abuse or neglect cases or to “any judge sitting as a water court judge, to a worker’s compensation court judge, or to a judge supervising the distribution of water under 85-2-406.”</p>	<p>\$100.</p> <p>IMPORTANT: Montana has a specific filing fee for motions to substitute judge. MCA 25-1-201(p).</p> <p>Initial filing fees are \$90.</p>	<p>MCA 25-10-404(1)</p> <p>Litigant must be indigent. If the litigant is indigent, receives state benefits, and is self-represented, then they may apply for a fee waiver.</p>	<p>MCA 25-10-404(3)</p> <p>Those “represented by an entity that provides free legal services to indigent persons” qualifies for a fee waiver.</p>
Nebraska	No rule found.			
Nevada	<p>Nev. Sup. Ct. Rules 48.1(2)</p> <p>“[E]ach side is entitled, as a matter of right, to one change of judge by peremptory challenge. . . . and it shall neither specify grounds, nor be accompanied by an affidavit.”</p>	<p>\$450</p> <p>“A notice of peremptory challenge of judge shall be filed in writing with the clerk of the court in which the case is pending and a copy served on the opposing party.”</p> <p>Initial filing fees of \$270 in the Eighth Judicial District Court.</p>	<p>Nev. Rev. Stat. 12.015</p> <p>Explaining indigency standards for allowing someone “to prosecute or defend a civil action without paying the costs . . . and file or issue any necessary writ,</p>	<p>Nev. Rev. Stat. 12.015</p> <p>Defining a program of legal aid and providing that their clients qualify for the same fee waivers as indigent, pro se litigants.</p>

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
			process, pleading or paper.”	
New Hampshire	No rule found.			
New Jersey	No rule found.			
New Mexico	NMRA 3-106. Each party entitled to one change of judge effective immediately. Cannot request a new judge once the judge has made any discretionary ruling in the case.	No fees found for motions. N.M.S.A. 1978 § 34-6-40 says the filing fee is \$117. However, a civil filing fee chart from the first judicial district of New Mexico says the filing fee is \$132.	NMRA 23-114(B)(2)	NMRA 23-114(B)(2)
New York	Peremptory challenges only for criminal cases. For civil, must be for-cause.			
North Carolina	No rule found.			
North Dakota	NDCC § 29-15-21. “The demand for change of judge must state that it is filed in good faith and not for the purposes of delay.”	\$80. NDCC 27-05.2-03. No motion fees found.	Must be indigent. NDCC 27-01-07.	No statute exists providing a fee waiver for persons represented by legal aid.
Ohio	No rule found.			
Oklahoma	No rule found.			
Oregon	O.R.S. § 14.260(1).	O.R.S. § 21.135	O.R.S. §21.682.	There is no applicable statute. However, on the

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
	A party may make a motion to disqualify the judge supported by “affidavit that the party or attorney believes that the party or attorney cannot have a fair and impartial trial or hearing before the judge... <i>no specific grounds for the belief need be alleged.</i> ” (Emphasis added.).	Standard filing fee is \$281 but tort actions above \$50,000 have higher fee tiers. No relevant motion fees found.	The statute says a judge may waive or defer a litigant’s fees “if the judge finds that the party is unable to pay all or any part of the fees and costs.”	court’s fee waiver application , applicants represented by legal aid must check the box saying so.
Pennsylvania	No rule found.			
Rhode Island	No rule found.			
South Carolina	No rule found.			
South Dakota	SDCL § 15-12-21.1. SDCL § 15-12.25. Each party is entitled to one change of judge. The parties must first make an informal request to change their judge with no reasons needed. If the request is denied, an affidavit for change of judge is needed.	\$70 for filing fees. No motion fees found.	Must be indigent. SDCL § 16-2-29.2 Fee waiver statute SDCL § 16-2-29.3 Affidavit requirement	No statute exists providing a fee waiver for persons represented by legal aid.
Tennessee	No rule found.			
Texas	No rule found.			

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
Utah	URCP 63A. Each party is entitled to one change of judge as a matter of right.	Utah Code Annotated § 78-2-301. Depends on the value of the case. Ranges from \$90-\$375.	Utah Code Annotated 78-A-302 Indigency standard (effective 10/1/24 but fundamentally the same before that).	Utah Code Annotated 78-A-302 Persons receiving “legal services from a nonprofit provider or pro bono attorney through the Utah State Bar” may apply for a fee waiver.
Vermont	No rule found.			
Virginia	No rule found.			
Washington	RCW 4.12.050 Each party entitled to one change of judge. Parties must give notice of disqualification.	\$240. RCW 36.18.020(1), 5(c). No motion fees found.	Washington State Court General Rule 34	Washington State Court General Rule 34
Washington D.C.	No rule found.			
West Virginia	No rule found regarding change of judge (only for-cause).			
Wisconsin	W.S. § 802.58 Each party is entitled to one change of judge without cause.	\$265.50. The breakdown is also available on this filing fee chart .	Must be indigent. W.S. §814.29	W.S. §814.29. Those represented “by an attorney through a legal services program

State	Source of Law (case, statute, court rule, etc.)	Cost to File	Pro Se Waiver Law	Legal Aid Waiver Law
		<p>Motions may range from \$0-\$300 at the discretion of the circuit court.</p>		<p>for indigent persons, including, without limitation, those funded by the federal legal services corporation, the state public defender or volunteer attorney programs based on indigency” may qualify for a fee waiver.</p>
Wyoming	<p>WRCP 40.1(b)(1).</p> <p>“A party may peremptorily disqualify a district judge from acting in a case by filing a motion to disqualify the assigned judge.”</p> <p>Each party can only make one peremptory challenge.</p>	<p>\$160.</p> <p>W.S.1977 § 5-3-206.</p> <p>No motion fees.</p>	N/A	<p>I could not find any statute that provided a filing fee waiver for indigent individuals or those represented by legal aid. The only thing I could find in this regard was a filing fee waiver application for guardianship cases.</p>

Rule 48.1 Revision to Allow Fee Waivers –

Rule 48.1. Procedure for change of judge by peremptory challenge.

1. In any civil action pending in a district court, which has not been appealed from a lower court, each side is entitled, as a matter of right, to one change of judge by peremptory challenge. Each action or proceeding, whether single or consolidated, shall be treated as having only two sides. A party wishing to exercise the right to change of judge shall file a pleading entitled “Peremptory Challenge of Judge.” The notice may be signed by a party or by an attorney, it shall state the name of the judge to be changed, and it shall neither specify grounds, nor be accompanied by an affidavit. If one of two or more parties on one side of an action files a peremptory challenge, no other party on that side may file a separate challenge.

2. A notice of peremptory challenge of judge shall be filed in writing with the clerk of the court in which the case is pending and a copy served on the opposing party. The filing shall be accompanied by a fee of \$450, which the clerk shall transmit to the clerk of the supreme court, unless the party is proceeding in forma pauperis, is a “client of a program for legal aid” as defined by NRS 12.015(8), or has otherwise qualified and been accepted for representation through a program for legal aid, in which case no fee will be collected. The fee shall be collected by the clerk of the supreme court and deposited in the state treasury for the support of the travel and reasonable and necessary expenses of district judges, senior justices and judges, and former justices and judges incurred in the performance of judicial duties, and, thereafter for other expenditures deemed reasonable and necessary by the supreme court. Within 2 days of the notice of peremptory challenge having been filed, the clerk of the district court shall:

(a) In a judicial district in which there are more than two departments, randomly reassign the case to another judge within the district;

(b) In a judicial district in which there are two or less departments, assign the case to the remaining judge. Alternatively, the presiding judge in the district may request the chief justice to assign the case to a judge of another district.

3. Except as provided in subsection 4, the peremptory challenge shall be filed:

(a) Within 10 days after notification to the parties of a trial or hearing date; or

(b) Not less than 3 days before the date set for the hearing of any contested pretrial matter, whichever occurs first.

4. If a case is not assigned to a judge before the time required for filing the peremptory challenge, the challenge shall be filed:

(a) Within 3 days after the party or his attorney is notified that the case has been assigned to a judge; or

(b) Before the jury is sworn, evidence taken, or any ruling made in the trial or hearing, whichever occurs first.

5. A notice of peremptory challenge may not be filed against any judge who has made any ruling on a contested matter or commenced hearing any contested matter in the action. Except as otherwise provided in subsection 8, a peremptory challenge may not be filed against any judge who is assigned to or accepts a case from the overflow calendar or against a senior or pro tempore judge assigned by the supreme court to hear any civil matter.

6. The judge against whom a peremptory challenge is filed shall not contact any party or the attorney representing any party, nor shall the judge direct any communication to the clerk of the district court with respect to reassignment of the case in which the peremptory challenge was filed.

7. The filing of an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought, which results in a transfer of the action to another district judge is a waiver of the parties’ rights under this rule. A peremptory challenge under this rule is a waiver of the parties’ rights to transfer the matter to another judge by filing an affidavit of bias or prejudice without specifying the facts upon which the disqualification is sought.

8. When a senior judge is appointed to hear a trial or dispositive motion more than 30 days prior to the trial or hearing, a party may follow the procedures in this rule to exercise a peremptory challenge to change the senior judge assigned to the trial or hearing. If a senior judge is assigned to such matter less than 30 days before the matter is to be decided, the parties may not exercise a peremptory challenge. A party may exercise one peremptory challenge against a senior judge in addition to the one peremptory challenge against a judge allowed by subsection 1 of this Rule.

9. Notwithstanding the prior exercise of a peremptory challenge, in the event that the action is reassigned for any reason other than the exercise of a peremptory challenge, each side shall be entitled, as a matter of right, to an additional peremptory challenge.

[Added; effective July 20, 1979; amended effective January 12, 2011.]

**Peremptory Challenges Stats
and Estimates from Nevada
Legal Aid Providers**

**Legal Aid Center of Southern
Nevada**

Known to have only filed two. One paid for, one we didn't and get pushback but the case quickly transitioned to a 432B case and it became moot. We would have only filed a handful had we had the opportunity. Single digits.

Nevada Legal Services

NLS has not filed any peremptory challenges during the time frame of 2021 to 2023. However, we have discussed the possibility of initiating a peremptory challenge, if the proper circumstance arose and that it is our belief that the \$450.00 should be waived because of our SOLA.

**Northern Nevada Legal Aid
Southern Nevada Senior Law
Program**

None filed. However, if interest arose, cost would be a prohibitive for NNLA and their clients.

SLP does not have any history with Peremptory Challenges.

**Volunteer Attorneys for Rural
Nevadans**

During my time at VARN (10 years), we have not filed any peremptory challenges. Clients have asked us about it but our clients did not have the funds to do it. I would estimate that during that time frame there might have been maybe 6 inquiries, less than 1/year.

In the last year we had about 10% of peremptory challenges within cases with either one pro se or both pro se. The average is about 2/3 with one pro se party and 1/3 both sides pro se. I wasn't able to get into the detail. So yes, they are without regard for fee waiver status. We only get aggregate information at the AOC, and would need to pull from all trial courts to get complete data. With the information you provided today from legal aid, it appears there will be a negligible impact from that aspect of the process. If the intent of the workgroup is to allow for those already on a fee waiver to be able to use the peremptory challenge, we are comfortable with the potential impact on our fund. We do not believe that it would be necessary to compile individual trial court data in order to state that such a policy is considered to have a minimal impact.

From AOC on 6/6/24

ADKT 597

EXHIBIT A

ADOPTION OF DISTRICT COURT RULE 26

Rule 26. Limited scope representation.

1. "Limited scope representation" may be commenced either by:

(a) An attorney entering into a private agreement with a person involved in a court proceeding that creates an attorney-client relationship where the attorney and the person seeking legal services have agreed that the scope of legal services will be limited to specific tasks that the attorney will perform for the person. The creation of a limited scope agreement shall be in writing. ~~and shall not bind the court or limit the court's ability to deny a request to withdraw as attorney except as provided by this rule; or~~

~~(b) An attorney seeking leave of court to engage in limited scope representation in the permitted cases described in subsection 2 may do so as long as the appearance meets all of the requirements of this rule.~~ The attorney engaging in limited scope representation shall clearly and with particularity describe the specific tasks that the attorney will perform on the record. If consent is given orally on the record in court, the limited scope attorney shall file the Notice of Limited Scope Representation no later than 48 hours after the hearing.

2. Limited scope representation shall be permitted in the following areas: divorce, annulments, dissolution of domestic partnerships, separate maintenance, child custody, paternity, child support, minor name change petitions, guardianships pursuant to NRS Chapter 159 or NRS Chapter 159A, and protection orders issued pursuant to NRS Chapter 33.

3. An attorney who contracts with a person involved in a court proceeding to limit the scope of representation shall:

(a) File a Notice of Limited Scope Representation, in a form substantially similar to Form 1 in the Appendix of Forms, signed by both the attorney and the limited scope party, with the court stating:

(1) The scope of the limited representation with particularity, including a list of the specific services the attorney will perform;

(2) That any other party or their attorney is authorized and required to serve the limited scope party directly with any pleadings or papers filed with the court; and

(3) That the opposing party or their attorney may communicate directly with the limited scope party for matters not stated in the scope of representation to the extent not otherwise prohibited.

(b) Notify the court of that limitation at the beginning of each hearing in which the attorney appears and identify pleadings filed on behalf of the limited scope party in the signature block that the attorney is acting in a limited scope representation.

4. Service of all papers after the filing of a notice of limited scope appearance as provided in this rule must be made upon both the attorney making such limited scope appearance and the party on whose behalf the appearance is made. The limited scope party must be added to any electronic filing system utilized by the court and included in any electronic service list for service of papers or pleadings. The attorney must take all necessary steps to notify the court or register the party for electronic service to effectuate the requirements of this provision.

5. The court may make any further additions or revisions to the limited scope representation as necessary to conclude or resolve any matter or hearing subject to the limited scope representation.

6. An attorney who contracts with a party to limit the scope of representation, or is given leave by the court to act in a limited capacity, shall be permitted to withdraw ~~only upon order of the court~~ by complying with the Notice of Completion of Services in Limited Scope Representation in a form substantially similar to Form 2 in the Appendix of Forms.

(a) The ~~attorney shall file a~~ Notice of Completion of Services in Limited Scope ~~Representation, in a form substantially similar to Form 2 in the Appendix of Forms, containing~~ Representation containing a statement that:

(1) All services required by the agreement and the court are complete, including any post-hearing settlement discussions and preparation or review of the hearing order;

(2) Lists all the services completed;

(3) Identifies the name of successor counsel or the address, email address, and telephone number of the party acting in proper person; and

~~(4) Notifies the party subject to the limited scope representation and all other interested parties shall have 7 days to file an objection to withdrawal stating the reasons for the objection and requesting a hearing.~~

~~(b) The party subject to the limited scope representation and all other interested parties shall have 7 days to file an objection to withdrawal stating the reasons for the objection and requesting a hearing.~~

(c) The Notice of Completion of Services in Limited Scope Representation must be served upon the party subject to the limited scope representation and all other parties to the action.

~~(d) The limited scope attorney shall then be allowed to withdraw from the matter if no objection is filed and the court determines the services in the limited scope representation are complete.~~

~~7. If the attorney fails to comply with these requirements:~~

~~(a) The attorney shall be deemed to have made a general appearance and shall be responsible for all aspects of the case until order of the court.~~

~~(b) The court may, on motion or on its own, order sanctions, including a requirement that the party failing to comply pay the reasonable expenses, including attorney fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.~~

8. Nothing in this rule shall prevent an attorney acting in a limited scope from otherwise withdrawing on order of the court pursuant to RPC 1.16 prior to the completion of the limited scope of services.

9. These rules are adopted to facilitate a pilot program with respect to the provision by attorneys of unbundled legal services in Nevada. These rules take effect November 1, 2022, and shall expire on November 1, 2024, unless further extended by the court.

10. The provisions of these pilot rules apply in every judicial district; to the extent a district has preexisting rules concerning unbundled representation, those rules do not apply to representation undertaken after and during the effective period of these pilot rules. To that extent, D.C.R. 5 is suspended.



ACCESS TO JUSTICE COMMISSION

Unbundling Committee Call Recap Thursday, May 2, 2024

Present

Giovanni Andrade
Annette Bradley
Lisa Evans
Doreen Spears Hartwell
Justin Iverson
Susan Myers

Staff Present

Brad Lewis

This was a late phase update call of the Access to Justice Commission Unbundling Committee. The call was set to discuss feedback received on the pilot rule which is set to expire or update on November 1, 2024.

Brad briefly recapped that feedback was distilled from Justice Cadish and Judge Kishner judicial and attorney inquiries, input from the late 2023 CLE, and general feedback received on the program. The biggest issue is essentially the rule is not being followed and there is no desire to enforce it. While many see positives in the rule, it is believed to be cumbersome, confusing, and difficult to follow. In particular, the procedure for withdrawal has the most questions. The full feedback document is available from the Commission.

Here was the agenda:

- Review and see if any actions should be recommended to the Commission for consideration at our June 14 meeting before the pilot program expires or transitions on November 1, 2024.
- Discuss issues raised as to clarity for the process for withdrawal and various filing fee costs.
- Any of the other feedback of concern determined by the committee.

Giovanni Andrade commented that the filing fee in the EJDC is \$3.50 and that there is no fee for pro bono cases so this should not be a major concern.

Lisa Evans shared that the key focus of the CLE shifted from unbundling to sealed cases and the inability to look at the file. This is borne out by the CLE chat comments that were focused on sealed cases v. unbundling.

Doreen Spears Hartwell shared that many of the unbundling-specific comments did focus on the rule being cumbersome and confusion over case withdrawal. Does one have to wait for an objection? It may be more feasible to remove or change rule language portions that are confusing.



Susan Myers echoed the refrain that the rule is needed but that some of the provisions are cumbersome and wasn't sure of the solution. She liked the Notice of Limited Scope Representation, which outlines the scope and states exactly what will be done.

Ms. Evans said that if people are not using it and it is found too cumbersome then perhaps we need a recommendation for improvement.

Professor Iverson's (who first researched how other states were addressing) review of other states is that 30 states (and EJDC in Nevada) allow for automatic termination of a limited scope representation upon filing notice to the court of the completion of their services. The court is not required to approve termination in these cases. 19 states (and SJDC in Nevada) require court approval. The rule we drafted follows the SJDC's approach.

Mr. Andrade said, yes, automatic withdrawal is true with regular cases, but not with unbundling.

Ms. Myers said she liked the Order of Withdrawal and thought attorneys should do.

Ms. Evans suggested that the Order of Withdrawal could be automatic after seven days unless objection.

Ms. Hartwell stated that no "new" affirmative action should be necessary.

Mr. Andrade said when we originally discussed this, we considered the rule for pro bono attorneys only, but it was decided that we should not put more burden on pro bono attorneys than private attorneys, especially when issues surrounding unbundled services were so often present. That being said, he's happy to do an update, but whatever we do should be focused on protecting the client and engaging the bar in specific service delivery.

Ms. Myers emphasized that practice improvement is needed on the private attorney side.

A discussion ensued about how to address the basic issues of the rule not being followed or enforced, and how to simplify and create clarity on the withdrawal process. Ms. Hartwell said she'd be willing to work on a redraft focused on reducing the complexity while retaining the spirit and concept of the rule.

Mr. Andrade said he would be happy to work with Ms. Hartwell on a rewrite.

The committee will plan to reconvene in late May or early June ahead of the June 14 ATJC meeting to review the redraft and finalize the unbundling agenda item.

Next steps:

- Mr. Andrade and Ms. Hartwell to re-draft an updated unbundling rule
- Brad to reconvene the committee in late May or early June



ACCESS TO JUSTICE COMMISSION

MEMO

To: Justice Cadish, Justice Pickering, Giovanni Andrade, Lisa Evans, Susan Myers
Cc: Judge Kishner, Doreen Spears Hartwell, Justin Iverson, Tara Zimmerman
From: Brad Lewis, Director, Access to Justice Commission
Date: February 12, 2024
RE: Digest of Judicial and Attorney Feedback on Unbundling Pilot Rule

This memo is a digest of judicial and attorney feedback to DCR 26, the pilot unbundling rule which was filed 8/16/22, became effective 11/1/22, and expires 11/1/24 unless further extended by the court.

The feedback summarized below includes general feedback requests, feedback from the CLE Zoom chat comments, and from emails initiated by Justice Cadish and Judge Kishner. The comprehensive raw email and Zoom chat comments are available from the Commission. This memo attempts to recap the frequent and key issues.

- Rule not being followed for the most part
- Many appreciate the concept, spirit and attempt to improve process
 - E.g., when an attorney on a case, when not, when opposing counsel can contact client, registering clients for electronic filing, etc.
- Rule considered unduly burdensome, a hassle to follow
- No interest in compelling rule requirements
 - “Cannot compel and attorney to work for free”
 - Effectively forces attorneys into additional motion practice
- Confusion over how to exit the case and cost of filing motions. Needs rewrite for clarity.
- Limits cost-effective limited scope representation, reducing affordability
- May reduce willingness to perform unbundled services, drive up fees
- For those using, clients seem to have a better understanding of the attorney’s role
- Avoids late withdrawals which prohibit client contact, eliminates settlements and forces trials

Interestingly, the feedback contained many restatements of the need for the rule, but then focused on it being too burdensome, unclear about the procedure to withdraw, and added filing fee cost.

P.S. The CLE Zoom comments included more comments about custody/paternity case sealing in EJDC than unbundling. That issue is being worked separately.



ACCESS TO JUSTICE COMMISSION

MEMO

Date: June 14, 2024
To: Access to Justice Commission
From: Doreen Spears Hartwell, Chair, ATJC Nominating Committee
CC: ATJC Nominating Committee, Brad Lewis

RE: Access to Justice Commission Nominating Committee Recommendation

A vote on new and reappointment of Commission members is needed. Below is recommended for a vote by the AJTC Nominating Committee.

<u>Nominated, SCR 15 slot [see new]:</u>	<u>Reappoint or replace/organization[slot¹]:</u>	<u>Term to expire:</u>
Zeynep Akgedik, 2(g)	Ciara Clark /UNLV PILA President	5/1/25
Rachel Anderson, 2(g)	Rachel Anderson/UNLV	7/1/27
John Desmond, 2(f)	John Desmond/private attorney	7/1/27
John Fortin, 2(g)	John Fortin/Young Lawyers Section	7/1/27
Doreen Spears Hartwell, 2(i)	Doreen Spears Hartwell/private attorney	7/1/27
Ann Walsh Long, 2(i)	Ann Walsh Long/NSC Law Library	7/1/27
Dr. Joseph McEllistrem, 2(h)	Dr. Joseph McEllistrem/non-attorney community	7/1/27
Victoria Mendoza	Victoria Mendoza/VARN	7/1/27
Marisa Rodriguez, 2(f) ¹	Marisa Rodrigues/public attorney [2(i)] ¹	7/1/27
Judge Steinheimer, 2(i)	Judge Steinheimer/Second Jud. Dist. Court	7/1/27

¹Fomerly State Bar of Nevada board representative. Continuing as non-bar representative. Bar recommendation forthcoming in November after late June bar conference.

<u>Rolling Off:</u>	<u>Reappoint or replace/organization:</u>	<u>Term to expire:</u>
Connie Akridge, 2(i)	None	None
Adam Tully, 2(i)	None	None

This continues the full Commission membership above our target of 30 with 33 total members, 34 when the new bar recommendation is approved.

We are happy to answer any questions. Thank you for your consideration.

2024 Section Pro Bono Challenge Final Results –

The Section Pro Bono Challenge ended on May 31 with 1137 points. The LGBTQ+ Section is once again the challenge winner and will be recognized at the State Bar of Nevada’s annual bar conference this month in Santa Fe. The 2024 challenge saw an increase of 43 cases taken.

184 attorneys accepted 154 cases, 334 Ask-A-Lawyer or Lawyer in the Library sessions or donated in lieu of pro bono. \$4200 dollars were raised with 100 percent being donated to legal aid based on the IOLTA formula. Cases earned three points, “Asks” two points, and donations one point for every \$500.

Top 10 Sections Ranked – Top Section Volunteer

- LGBTQ+ – Bonnie Smith
- Bankruptcy – Sean Patterson
- Family Law – Robert Cerceo
- Probate and Trust – Carmen Avello
- Public Lawyers – Homa Woodrum
- Solo and Small Practice – Sharon Green
- Real Property – Keith Routsong
- Appellate Litigation – Timothy Wiseman
- Labor and Employment – Doreen Spears Hartwell
- Cannabis – Carly Krygier

In addition to recognition at the State Bar of Nevada annual bar conference, the top 10 volunteers from the top 10 sections will be invited to a lunch with the Nevada Supreme Court and Nevada Court of Appeals this fall. Finally, top sections and volunteers will be featured in an upcoming issue of *Nevada Lawyer*.

More information including detailed results and participants are available on the [webpage](#).



4/26/24

The Honorable Chief Justice Elissa F. Cadish
Nevada Supreme Court
201 South Carson Street
Suite 201
Carson City, NV 89701

VIA EMAIL

Dear Chief Justice Cadish,

Each year, more people are representing themselves in Nevada’s family courts without the assistance of a lawyer. This is a nationwide trend; increasing numbers of self-represented litigants (SRLs) are not unique to Nevada. In response, some states have begun to experiment with ways to address the realities in the courtroom while increasing perceived fairness by all involved.

On March 22, 2024, Judge Gregory Gordon, District Court Judge for the Family Division of the Eighth Judicial District Court, presented the Access to Justice Commission with some early work that he and other Nevada judges have undertaken to meet this need.

In practice, judges see many SRLs who are completely lost in court and who do not know or follow procedural rules. At the same time, many judges regularly follow a more SRL-friendly approach to arrive at the best outcome. These judges have proposed new court rules that recognize the situation at hand and craft a workable system. If adopted, these new rules would be optional; parties must opt-in for such use, and the option would require the consent of both parties and the court. These judges’ draft rules formalize and organize a practice already commonly in place, while offering clear and consistent guidelines.

SRLs in Nevada’s family courtrooms continue to create a changing landscape that would benefit from change.

The Access to Justice Commission voted to support draft rules agreed to by a consensus group of Nevada family judges. A petition for one such rule draft from the Family Law Sub-Committee of the Judicial Council of the State of Nevada was advanced by Associate Justice Patricia Lee as ADKT 0619 and was filed on Monday, April 22, 2024. The Commission supports this petition in principle, and we expect any potential public hearings or discussions to arrive at an opportunity to put measures like the proposed into effect.

The Commission thanks the court for the many initiatives that it has advanced to support access to justice for all Nevadans. The continued support of these ideas are part of creating a fairer, more just Nevada.

Sincerely,

/s/ Kristina Pickering

Justice Kristina Pickering
Co-Chair
Access to Justice Commission

/s/ Lidia S. Stiglich

Justice Lidia S. Stiglich
Co-Chair
Access to Justice Commission

CC: Elizabeth A. Brown, Clerk of Supreme Court



Access to Justice Highlights 1st Quarter 2024

Overall Stats

Total Cases/Clients Helped				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Consumer Rights Project	3,407			
Guardianship Advocacy Project	2,777			
Minor Guardianship Advocacy Program	560			
Family Justice Project	844			
Immigration Advocacy Project	1,510			
Children’s Attorneys Project	2,687			
Education Advocacy Program	321			
Volunteer Education Advocacy Program	171			
Civil Law Self-Help Center	15,426			
Family Law Self-Help Center	21,893			
Vegas Strong Resiliency Center	1,054			
Community Legal Education Classes	979			
Pro Bono Cases Placed	137			
AAL Clients Served	1,558			
TOTAL SERVED	53,324			

Overall Highlights

Community Outreach Events

In the first quarter of 2024, Legal Aid Center participated in 41 outreach events serving 1,118 people in our community. The Resiliency and Justice Center team interacted with over 100 people at UMC’s Annual Car Show and Resource Fair in March.

New Initiatives

In recognition of Consumer Protection Week, we held our first Consumer Protection Ask-A-Lawyer event at Legal Aid Center offices. Boyd law students assisted and shadowed attorneys during consultations.

Legal Aid Center attorneys are now available weekly at the Civil Law Self Help Center to meet with clients facing eviction and struggling with habitability issues.

Publications and Elections

Bailey Bortolin, Director of Advocacy and Strategic Initiatives, published “[Five Things About Legal Aid Center of Southern Nevada](#)” in the January 2024 “Five Things” issue of the Clark County Bar Association *Communique*.

Michael Wendlberger, Director of the Pro Bono Project, was elected to the Clark County Bar Association Board of Directors.

Genevieve Galman, Associate Director of the Pro Bono Project authored “[Five Legal Aid Center of Southern Nevada Pro Bono Project Opportunities](#)” in the January 2024 “Five Things” issue of the Clark County Bar Association *Communique*.

Presentations

January

Tyler Winkler recorded narrations in a PowerPoint presentation, "Meet the Resiliency & Justice Center," to be distributed by Clark County for staff trainings.

Lorea Arostegui recorded narrations in a PowerPoint presentation, "Meet the IPD," to be distributed by Clark County for staff trainings.

Jackie Harris presented a webinar for UNLV faculty, "Trauma-Informed Care in Higher Education".

February

CAP Attorneys, Denise Glasgow (who was a featured panelist) and Gillian S. Barjon spoke at an event about careers in law at Canyon Springs High School.

Stephany Garcia recorded a brief presentation about Legal Aid Center's housing resources at For Our Future's "Housing Insecurity Resource Fair" at Eastern Las Vegas Community Center.

Jonathan Norman and Stephany Garcia spoke about housing issues at For Our Future's "The Fight for Housing Rights" event at Nevada Partners.

March

Jackie Harris spoke at a mental health event at the UNLV Student Union, "Trauma, Resiliency & Coping Resources: A Rebel Recovery Event," on March 20.

Debra Bookout presented on “Alternatives to Guardianship and How to Avoid Court Intervention “ at the African American Heritage group in Sun City Anthem.

Noteworthy Articles and Videos Mentioning Legal Aid Center of Southern Nevada

<https://lasvegasweekly.com/news/2024/feb/29/breaking-down-summary-evictions-in-southern-nevada/>

As of February 1, evictions have increased 155% since before the pandemic. And North Las Vegas, Sunrise Manor, Paradise, Las Vegas and Henderson all made Eviction Lab’s top 100 list of “evicting large cities in the U.S.”

...
“Would you agree that you are significantly behind on rent?” Westmeyer asks the tenant. She explains to the judge that she works for the school district and recently had her hours cut. She promises she can have a payment by tomorrow afternoon.

<https://nevadacurrent.com/2024/03/01/when-rentals-arent-livable-tenants-remedies-can-be-confusing-burdensome-and-costly/>

“We have people living in terrible circumstances that plead their cases, show evidence of roaches and sinks that don’t work, but the eviction is carried out,” said Jonathan Norman, the policy director for the Nevada Coalition of Legal Service Providers.

...
“Most of the people we see are not in the situation to deposit the rent because at this point they might be displaced or spending that money they would pay on rent for other things such as a temporary air conditioning or a space heater for their home,” Haley (Legal Aid Center attorney) said. “They don’t have the money for rent because they are dealing with the issue that was wrong in the first place.”

1. <https://lasvegassun.com/news/2024/jan/02/clark-county-partnering-with-group-that-aids-victi/>
2. <https://www.reviewjournal.com/crime/courts/pro-bono-attorney-of-the-year-advocates-for-representing-children-2977579/>
3. <https://vegasinc.lasvegassun.com/business/2024/jan/22/the-notes-jan-22-2024/>
4. <https://www.ktnv.com/news/new-fridge-stops-working-attorney-says-customer-cant-demand-refund>
5. <https://www.reviewjournal.com/business/housing/need-help-with-rent-facing-eviction-heres-where-to-get-help-3022080/>
6. <https://www.bu.edu/sph/news/articles/2024/las-vegas-mass-shooting-survivors-continue-to-struggle-with-major-depression-ptsd/>
7. <https://www.ktnv.com/news/unlv-police-release-hours-of-new-bodycam-footage-audio-recordings-after-campus-shooting>
8. <https://www.ktnv.com/news/1-october-survivor-speaks-on-supreme-court-gun-accessory-dispute>
9. <https://www.lgbtqnation.com/2024/02/sen-dallas-harris-is-a-martial-arts-master-who-co-founded-nevadas-lgbtq-caucus/>

10. <https://nevadabusiness.com/2024/02/around-the-state-10/>
11. <https://www.cincinnati.com/story/news/crime/2024/01/29/bail-scam-deer-park-resident-loses-thousands-in-professional-scam/72399730007/>
12. <https://www.unlv.edu/news/article/unlv-program-helps-children-find-their-voice-courtroom>

Social Media Impact

There were 150,948 impressions (views on screen) of posts from all our accounts on Facebook, Instagram, LinkedIn, TikTok, and YouTube. Our Instagram account grew by 200 new followers – making our total Instagram followers 1,933. We are now near the top of similar organizations with active accounts (see below).

1. Legal Aid Foundation of Los Angeles: 3,396
2. The Legal Aid Society: 17,630
3. Legal Aid of Southeastern Pennsylvania: 1,175
4. Legal Aid of the Bluegrass: 508
5. Legal Aid of Western Missouri: 652
6. Legal Aid of Western Michigan: 1,077
7. Center for Arkansas Legal Services: 511
8. Legal Aid Society of San Diego: 1,096
9. Legal Aid of North Carolina: 1,121
10. Legal Aid of Nebraska: 1,203
11. Legal Aid Chicago: 2,473
12. Mid-Minnesota Legal Aid: 1,239
13. Atlanta Legal Aid Society: 1,724

Consumer Rights Project Case Highlights

Rhonda* is a senior with serious health problems. She is confined to her bed, on oxygen, and is frequently hospitalized. Last fall she met a woman at the hospital who claimed to be a home health aide and who promised she could take care of Rhonda. After moving into Rhonda's mobile home this woman terrorized Rhonda, attempting to steal her identity and threatening her. Rhonda evicted the woman, who then threatened Rhonda resulting in the police being called.

Adult Protective Services referred Rhonda to Legal Aid Center of Southern Nevada after Rhonda received a small claims complaint from the woman, alleging that Rhonda owed her a refund of rent and a security deposit. Rhonda never charged or collected any rent or security deposit and was confused why she had been sued.

The Legal Aid Center attorney arranged for Rhonda to appear by video at the small claims trial so she could explain her side of the story and defend the lawsuit. The judge ruled in Rhonda's favor and did not award any money to the woman. Rhonda was very relieved and grateful to the Legal Aid Center attorney for protecting her from this baseless lawsuit.

**Name changed to protect client's confidentiality*

Guardianship Advocacy Project Case Highlights

Mr. Burton* is an 80-year-old veteran who served during the Vietnam War. His second wife filed a Petition for Guardianship seeking to become Mr. Burton's guardian, alleging that he needed to be placed in a skilled nursing facility.

A Legal Aid Center attorney was appointed by the Court to advocate for Mr. Burton. Our attorney met with Mr. Burton at his home and learned that he was an active and alert man who looked much younger than his age. Mr. Burton was retired and stayed at home by himself most days, while his wife was out of the home. Mr. Burton took care of all of his daily needs, including taking needed medication from the ongoing pain and health issues caused by his military service.

Mr. Burton was deeply upset to learn about the guardianship petition filed by his wife. Mr. Burton strongly objected to the guardianship and wanted to remain in his home. Sadly, his wife had falsely told him that his adult daughters wanted to put him in a nursing home and that allowing her to become his guardian was the only way to stop this from happening.

Mr. Burton's attorney reached out to his daughters to make sure they were aware of what was happening in the guardianship case. They did not want to place their father in a nursing home and wanted to make sure that he was able to choose where he wanted to live for his remaining years, whether that was in Las Vegas with his wife, or with them in another state.

At the hearing, Mr. Burton's attorney advocated for denial of the guardianship petition and ensured that Mr. Burton had the opportunity to speak to the judge about his concerns. The judge denied the petition for guardianship at this hearing.

Unfortunately, Mr. Burton's wife attempted to get a second bite at the apple and requested the judge reconsider the petition. She also wanted to allocate a majority of Mr. Burton's income to herself. Mr. Burton's attorney met with him again to discuss these requests, and he was adamant that no one be able to control his finances, including his veteran's benefits, which he sacrificed so much for. Legal Aid Center filed a detailed objection to the request arguing for Mr. Burton's continued independence.

The Court agreed, denying the wife's petition and noting that she seemed motivated by her own benefit, rather than Mr. Burton's. Mr. Burton continues to live independently and with full control of his finances.

**Names have been changed to protect confidentiality*

Family Justice Project Case Highlights

Maria's* case had been ongoing for almost three years. Though the parties resided in the same home, her husband continued to pursue sole legal and primary physical custody of their children.

Though the parties lived together throughout the case, they stayed in separate bedrooms. Husband attempted to alienate the minor child from client, including making the child sleep in his bedroom with him (child was 14). He further alleged that our client was an unfit mother, though both parties equally cared for the child. If Maria did not lock things in her bedroom, her husband would throw them away. After multiple settlement conferences, the husband conceded to the parties sharing joint legal and joint physical custody. Maria was also awarded the residence following a refinance where she will continue to live with her son.

*Names have been changed to protect confidentiality

Immigration Advocacy Project Case Highlights

Sayed* was born in Kabul where he was raised his entire life. He grew up during the U.S. occupation of Afghanistan which offered security from the Taliban who previously occupied and ruled the country. Seeking opportunity and a way to financially help his family, Sayed worked with a surveying company that worked on projects with the U.S. military to rebuild Afghanistan. However, after the Taliban took over, Sayed was forced to go into hiding because he was considered a traitor for working on projects with the U.S. military. The Taliban was actively seeking individuals who they considered traitors in order to punish them or kill them.

Sayed was fortunate enough to flee the dangers of Afghanistan and came to Las Vegas, Nevada where he began his new life. He was LACSN's first Afghan individual to be granted asylum. Sayed was so thankful for the care and opportunity that the United States gave him that his wish was to enroll in the U.S. military. With the help of the office of the Senator, Catherine Cortez Masto, Sayed's case was expedited in order for him to become a Legal Permanent Resident and to be eligible to join the armed forces. Sayed is currently a proud member of the United States Army.

*Names have been changed to protect confidentiality

Children's Attorneys Project Case Highlights

Jamie and Casey* are 14 and 13-year-old siblings who came into care for profound neglect. It is alleged that the parent was not giving the children prescribed psychiatric medications, the home was many steps beyond filthy, and Jamie and Casey were not allowed to go to school because they were forced to watch their younger siblings during the day. Once the kiddos came into care, they started going to school and really enjoyed it. Unfortunately, after school one day, a bus driver outed them as children in foster care. He stood by the bus and kept asking for the "foster kids!" to please come to his bus. Jamie and Casey were mortified and did not want to go to school after that. Legal Aid Center's attorney sprang into action that same day, got our education team involved, filed a complaint with the school, and got the bus driver reassigned and trained so, hopefully, he will know not to do this to any other child ever again.

**Names changed to protect clients' confidentiality.*

Education Advocacy Program Highlights

For many of our clients in foster care, school can be a safe haven, a place that is consistently reliable and predictable. A positive educational experience may counteract daily personal stressors such as separation, impermanence, and fractured family relationships. Foster care children with disabilities are particularly vulnerable in the school. The Education Advocacy team ensures that children who require special education services do not sit alone. We are there to guide the process and provide zealous advocacy.

Recently, our team advocated for a child in the 7th grade who has been placed in the foster care system for over two years and currently lives in a group home. Our client is diagnosed with autism spectrum disorder, fetal alcohol spectrum disorder, post-traumatic stress disorder, and has suffered a personal history of physical and sexual abuse in childhood.

In less than nine months, our client attended three different schools. The first two schools indicated they could not support our client's needs and behaviors. Our team had so much hope for his new school which has sensory rooms, a fabulous mental health counselor, and all teachers are trained in the therapies that are proven to support children with neurodevelopmental and cognitive disorders. However, after only a month of having our client enrolled, the administrators started to lose hope and give up our kiddo. The school indicated they were relinquishing responsibility and proposed to move our client back to behavior school, where we knew he would, once again, be unsupported.

Immediately, we intervened and provided fervent advocacy requesting that the school district fund an independent education evaluation and requested that our client remain in his current school.

Fortunately, the school district agreed to fund an independent education evaluation in the amount of \$2000.00 to determine what disabilities are affecting our client's ability to learn and thrive. However, the school's team remained insistent on returning our client to a behavior school that would not have the resources to support his neurodevelopmental and cognitive needs. We alerted the school to the robust research that indicates transitions and changes in routine are particularly disruptive and difficult for children with autism, and we knew this to be the case for our vulnerable client. Our pleas and concerns went unanswered.

Our team started the arduous process of gathering evidence and drafting a due process complaint pursuant to the Individuals with Disabilities Education Act. During the drafting process, we determined that it was worth one last effort to mediate the issue by making a phone call to the school's special education region coordinator. We explained to the region coordinator the detrimental effects that a sudden school placement change would cause on our client emotionally and behaviorally. We discussed keeping him in the school while we await the professional education evaluation report findings prior to volleying him once again. We shared the personal side of our client's history and struck the right chord. The region coordinator agreed with our recommendations and determined that our client needed to stay put in his current school.

Upon this decision, our team started to have fruitful conversations with his education team about providing our client an individualized experience and education which he is afforded by state and federal law.

As of the current date, our client is doing well at school, and we routinely receive positive behavior reports. Additionally, the independent education evaluation has commenced. We anticipate that the evaluation's findings will provide keen insight as to how we can further tailor our client's educational environment.

If our team had not intervened, this child would be in a school that could not support him and ultimately this may have led to an even more restrictive learning environment and potentially jeopardize an upcoming placement with his grandmother.

We continue to stand by our clients and creatively problem solve. Often this looks like picking up the phone, being authentic with our pleas, and meeting others where they are at. When we approach these tough conversations with understanding and compassion, the other side can truly hear and empathize with our perspective as well.

Resiliency & Justice Center Case Highlights

Lily* is a young woman who fled to Las Vegas to escape her trafficker only to find herself victimized again during the UNLV shooting. Lily was at UNLV in Beam Hall on December 6. She heard the shots, had to lock down in fear for her life, and she was eventually evacuated by law enforcement. When Lily came to us, it was for mental health resources because of the UNLV shooting. During the intake process, our trauma-informed advocate realized that the things Lily kept mentioning were consistent with a survivor of human trafficking. Through trauma-informed questioning, Lily disclosed that she is a survivor who fled to Las Vegas to escape her trafficker almost 6 years ago. The UNLV shooting and the extensive press coverage – including videos of Lily's evacuation – had Lily spooked that her trafficker would find her in Las Vegas and hurt her again.

Because of our trauma-informed training, our advocates were able to identify a human trafficking survivor and connect her with a Resiliency & Justice Center attorney to help rebuild her life. Our Resiliency & Justice Center attorney filed a name change petition for Lily, and requested complete sealing to help keep Lily safe from her trafficker, while also giving her the space to heal from the tragic circumstances of her past.

Because of the reputation our attorneys have with the Court, the order was signed before the close of business the same day it was filed. Our Resiliency & Justice Center advocates also assisted in connecting Lily with a trauma-informed therapist specific to the criminal violations perpetrated against her. Finally, we assisted Lily with applying to the Confidential Address Program to further give her peace of mind.

When our attorney told Lily all the good news, she responded: *"I cannot thank you enough. It feels like you just took a building off of my chest. I've been trying so hard to get my life back*

after all these years and thought I was losing it again but you have just restored faith in me.”
Lily chose her new name to reflect the traits she wanted to foster as she rebuilt her life – positivity, strength, and resilience. In Lily’s words, *“Because of you, I feel like I finally found me.”*

**Name changed to protect client’s confidentiality*



Compassion for Our Clients and Passion for Their Interests

Friday, June 14, 2024

Attention: Brad Lewis
Nevada Supreme Court Access to Justice Commission
State Bar of Nevada
3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
Phone: 702-382-2200
Toll Free: 800-254-2797
E-mail: atj@nvbar.org

*Re: Access to Justice Commission June 2023 Meeting
Northern Nevada Legal Aid July 2023-May 2024 Report*

Honorable Justices and Members of the Commission:

Northern Nevada Legal Aid continues to serve thousands of individuals in our community, conduct important community outreach, and develop new and innovative programs such as our Self-Help Center in partnership with Nevada Legal Services at the Reno Justice Court. This report touches upon all areas we serve but highlights our Senior Law Center and our Self-Help Center recently relocated to the Reno Justice Court.

Case Statistics July 2023 – May 2024

Row Labels	Count of Matter/Case ID#
Adult Guardianship	1256
Child Ad	1212
Consumer-Housing (General)	683
General (Misc)	7
Immigration (General)	568
Intake	9
Jail	1001
MLP	5
Not Entered	2
Pro Bono	43
Self Help	605
SLC (Senior Legal Center)	1026
Victim Advocacy	81
Miscellaneous	386
Grand Total	6884

SENIOR LAW CENTER

By the Numbers

- From July 2023 through May 2024, our office has handled 1,026 unique cases.

In the News & Good Stories

- Channel 2 News featured case handled by Dave Russell, Esq. of NNLA
 - https://www.2news.com/news/contractor-scam-victims-speak-out/video_abcbd9b6-4fba-5e4e-94d4-ea19e05a2427.html

NNLA Preserves Housing Voucher and Defends in Reno Justice Court

NNLA assisted an 81-year-old disabled client on a Section 8 voucher who received a 30-day eviction notice and purportedly owed over \$6,000 in back rent. Our office defended the client at a contested hearing in Reno Justice Court.

Landlord was attempting to illegally charge tenant for rent abated by Reno Housing Authority over 2 years ago due to habitability issues with bed bugs. The landlord's actions violated federal law. The case was dismissed outright.

61-year-old Cancer Survivor seeks help from NNLA to terminate lease

Client sought assistance from NNLA for help terminating her lease due to ongoing hardships with her battle with cancer. Attorney agreed to assist in sending letter to landlord informing them of client rights and requesting a break of lease. Landlord agreed to allow client to break lease without any negative repercussions. Client can now focus on healing as she moves in with family who will care for her during this difficult time.

Outreach and Community Events

- Power of Attorney/Estate Seminars
- Monthly "Ask a Lawyer" events at Washoe County Senior Centers/congregate meal sites in Washoe County
- Senior Fest, OAA Info Fair, Reno Seniors Engaged, Nutrition Fair

RENO JUSTICE COURT SELF HELP CENTER

By the Numbers

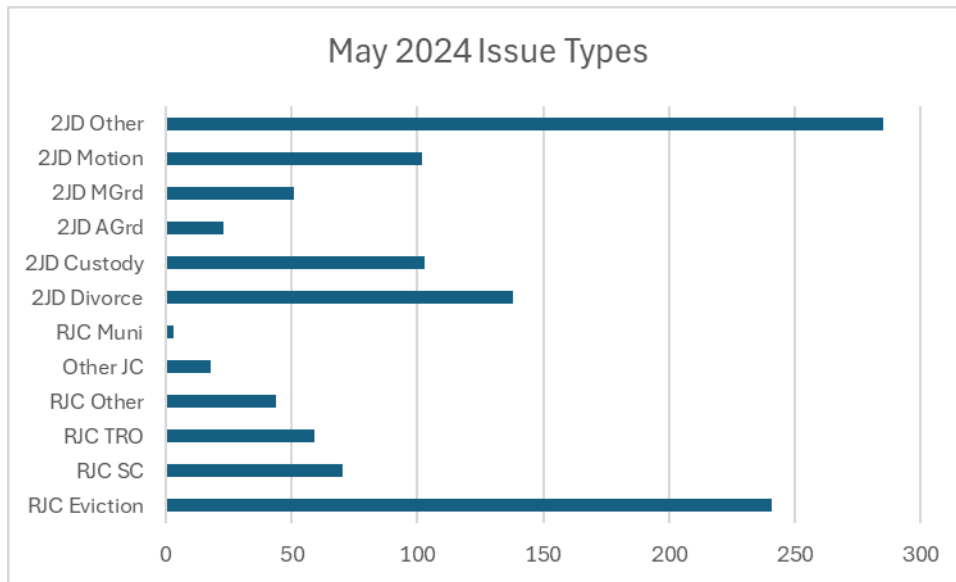
- From December 2023 through May 2024, our center has assisted 5,705 clients.
- Our Self-Help Center assisted 1,138 people for the month of May.
 - 160 of those were older adults over 60.
 - 78 of those were non-English speakers.

In the News

- This Is Reno Interview on Self Help Center Opening and Services
 - <https://thisisreno.com/2024/01/video-self-help-center-at-reno-justice-court-opens-to-the-community/>

Referrals to Nevada Legal Services (NLS) and direct representation

In May 2024, NLS took on 13 clients for further legal services and representation as a direct result of client walk-ins to the Self-Help Center. NLS consulted with another 21 individuals who did not become clients.



“SC” stands for Small Claims Court. “Other JC” refers to Justice Courts in other jurisdictions or states. “RJC Other” refers to any other justice court matter. “2JD Other” refers to any non-family law or guardianship District Court matter.

CONSUMER/HOUSING

638 total clients served including debtor relief (11), collection relief and creditor harassment (37), general consumer and finance issues (128), and federally subsidized housing matters (108).

DOMESTIC VIOLENCE

75 current DV cases open, with that being 57 unique individuals (several clients have more than one case, like both a TPO and a Divorce). Of these, 38 were new cases opened since July 2023 consisting of 28 individual persons.

Plus 52 DV cases closed (unique count, were open at some point during that time period and closed during that time period, but are not the same people/cases), with that being 46 unique individuals, during that same time period.

Total of 127 cases, 103 unique individuals.

IMMIGRATION

The immigration department handled 568 matters of various types including U-Visas, Green Card and Amnesty applications, and DACA issues. Here are some stories about the clients we served:

1. Client worked at the US Embassy in Kabul. Once the Embassy shut down and the Afghanistan government fell, he and his family (consisting of his pregnant wife and 3 young children) were forced to flee Afghanistan. NNLA has assisted his family in obtaining their green cards by filing their green card applications, attending their interview with them, and addressing any follow up with USCIS.
2. Client’s minor daughter was a victim of rape by her daughter’s then-boyfriend, who was also a minor at the time of the crime. NNLA recently submitted a U-Visa application on behalf of the client as an indirect victim of the crime committed against her daughter. Although U-Visa pending times are long (around 6-7 years at this point), if the

application is granted, she will have access to a work authorization card as well as a path to permanent residency (i.e., green card) after 3 years.

CHILD ADVOCACY

- 830 - Active/ Abuse Neglect Cases (includes Termination of Parental Rights Matters)
- 42 - Active/ Continuing Jurisdiction Cases (AB350)
- 108 - Active/ Minor GAR Cases
- 10 - Active/ Minor GAL Cases (Where we are Guardian Ad Litem only for Child)
- 9 - Active/ Adoption Cases – These are Fee for Service cases where Washoe County provides the client with payment
- 999 total cases currently open

ADULT GUARDIANSHIP

The five attorneys and two support staff in NNLA's Adult Guardianship unit provide full legal service to Protected Persons or Proposed Protected Persons in five counties in Northern Nevada. Of the 1,256 open cases approximately 990 are in Washoe county, with the others being in Lyon, Storey, Douglas, and Carson City. The goal of our representation is to give voice to the desires of the Protected Person client and, in appropriate circumstances, to end guardianship in favor of less restrictive means of protection, thereby fully restoring the individuals' rights.

While COVID still impacts some of our clients, it has not affected the ability of our attorneys to provide effective legal representation. Deaths from it have dropped dramatically and restrictions in facilities are less frequent.

The following represents some of the work our attorneys have done.

1. Client is a 32-year-old resident of a rural county who has been under the guardianship of his parents since turning 18. He has progressed in his ability to care for himself over the years to the point that he finished high school and became employed. While he still lives with his parents, he became more and more capable of handling his affairs on his own. With the assistance of Northern Nevada Legal Aid attorneys and staff, and after many meetings with his reluctant parents, he executed a supported decision-making agreement that provided him with support he needs and the independence from guardianship that he wanted. The guardianship was terminated.
2. Client is a 67-year-old man in Lyon County, who had been in jail for an extended period. A petition for guardianship was filed by the Public Guardian. His Northern Nevada Legal Aid attorney objected to his continued incarceration since his criminal charges had been dismissed. The Court disputed that he was held illegally, but that day, he was released to an appropriate facility for care and stabilization.
3. Client's daughter petitioned to become guardian. The client objected, claiming financial exploitation. NNLA attorneys were able to convince the court to appoint an investigator who substantiated the claims. Another relative was located and agreed, with our client's consent, to become guardian. An action initiated by NNLA under the guardianship statutes was able to recover some of the funds illegally taken.



Date: June 06, 2024

To: Access to Justice Commission

From: Diane Fearon, Executive Director, Southern Nevada Senior Law Program

Re: March 2024 – May 2024 Updates

Hispanic Senior Outreach Initiative update:

SLP was able to extend funding of this Initiative through September 30, 2024, courtesy of additional ADSD funding based on activities and outcomes produced since inception in May 2023. We have momentum on building visibility and trust with Hispanic and Spanish speaking seniors and we are enthusiastically seeking other funding to continue our Initiative for another 12 months.

In April 2024 we welcomed the largest percentage (22%) of Hispanic senior clients the organization has a record of serving in a single month. Historically SLP has helped on average 9-11% of total clients who identify as Hispanic, which is substantially below the community demographic of 30%+ Hispanic population. We engaged a uniquely qualified Latina owned consulting company with grant funding to help SLP increase our percentage by 30% in calendar 2024.

Since starting the initiative, we have accomplished:

- Bilingual staff now make up 33% of SLP staff
- Power of Attorney Health Care/Basic Estate Planning Workshops are scheduled to be held in Spanish every other month
- Calibrating our community outreach activities to be held 33% of the time in Spanish
- Translating our internal documents into Spanish
- Targeted social media campaign and website to be offered in Spanish and English

Senior Advocates Pro Bono Program update:

Director, Pro Bono Services Bill Voy has already recruited five (5) new pro bono attorneys to the SLP volunteer roster since joining SLP in mid-February. He is also overseeing the group events SLP offers powered by pro bono attorneys; our triannual Will a Thon events (for up to 50 clients with 18 PB attorneys) as well as a new offering for high need senior centers/communities – the POA Health Care seminar (for up to 20 clients with 6 PB attorneys). In addition, Bill has gained

the commitment of an estate planning law firm to have three (3) of their attorneys and three (3) of their paralegals spend from 9am to 3pm at SLP on August 22 in a Senior Sign a Thon to work through the large backlog of non-emergency documents such as Wills, Homesteads, Deeds upon Death Transfer, etc. The Sign a Thon model may be an ongoing way for law firms to have a team building experience and reduce the wait time for client appointments with our staff attorneys.

SLP reported 129 unique pro bono commitments during the State Bar of Nevada Sections Pro Bono Challenge between February 1 and May 31.

SLP Numbers:

✓ Clients Served (Opened Files)*-(Non-Outreach)	598
○ Outreach Numbers	422
✓ Assisted Without Litigation	639
✓ Represented in Litigation	43
✓ Participants in Clinics	206
✓ Participants at Seminars	422
✓ Clinics with Pro Bono Attorneys	21
○ Types of Client Matters (Closed Files)*	681
✓ Abuse/Elder Exploitation	12
✓ (DGDN) Estate Planning/Guardianship	478
✓ Housing/Foreclosure	97
✓ (Other) Consumer/Utilities	48
✓ Income/Public Benefits/LTHC	25
✓ Healthcare	21
✓ Civil Litigation	0
✓ Family Law	0

Outreach Activities:

March - NV Hand/Harmon Pines, 89103	
Health Care Power of Attorney Seminar	22 attendees
NV Hand/Flamingo Pines, 89147	
ID Theft/Scams/Fraud	23 attendees
Paseo Verde Library, 89012	
Will a Thon	41 attendees
April - NV Hand/Annabelle Pines, 89032	
SLP General Presentation	12 attendees
NV Hand/Decatur Commons, 89107	
ID Theft/Scams/Fraud	10 attendees
Immigrant Home Foundation, 89101	
POA Health Care Seminar	22 attendees

Senior Center, 89102	SLP General Presentation	30 attendees
YMCA, 89131	SLP General Presentation	75 attendees
UNLV OLLI program, 89119	SLP General Presentation	80 attendees
May – Law Day at Nellis AFB, 89191		8 attendees
Parkdale Recreation Center, 89121	Ask a Lawyer with Legal Aid Center of SNV	5 attendees
Victory Baptist Church , 89106	2-day Senior Health Fair	78 attendees
Archwell Health, 89142	SLP General Presentation	

Current Staffing Status:

SLP has two vacant positions out of our staffing model of 16. We are actively recruiting a staff attorney and a paralegal, and when the right team members are added we will expand our capacity to serve by 20%.

Success Stories

Eviction Matter

*Marie** is a 72-year-old cancer patient who came to SLP for assistance with a 30-Day “No Cause” notice. She has lived in her rental property for a number of years with her husband and her service dog. When Marie was served with the 30-Day “No Cause” notice her landlord tried to say that she was being served with an eviction notice due to having an animal in the residence. The landlord was well aware of her cancer diagnosis and the fact that the animal is a service animal, but the landlord was seeking to take advantage of a vulnerable senior. The landlord told Marie that if she paid him more rent each month, he would not move forward with the eviction process. SLP’s Tiffany Shaw assisted her in preparing a Request for Continuance on Thirty-Day Notice to Quit and served it to the landlord via USPS certified mail. Due to Marie being over the age of 60 and having a physical disability, she is entitled to an additional 30 days after the original 30-Day “No Cause” notice, by law. However, the landlord chose to ignore the Request for Continuance on Thirty-Day Notice to Quit, and he did not stop there, after accepting Marie’s full month of rent, he proceeded to threaten Marie and served her with a 5-Day Notice of Unlawful Detainer prematurely. SLP immediately assisted her in the preparation of a Tenant’s Affidavit in Opposition to Summary Eviction and Fee Waiver which was filed with the court and Marie got her day in court. SLP assisted Marie in preparing for her hearing and Marie was able to explain everything to a judge which got the eviction dismissed. Due to the dismissal, she not only avoided an eviction on her record, but the judge granted Marie the amount of time she was legally entitled to in order to find a new place and move out of the rental. Marie was one of the fortunate seniors who found SLP just in time to avoid being taken advantage of by an unethical landlord and avoid homelessness.

Elder Abuse/Exploitation

*Juri**, a 93-year-old widow, and her brother *Kenji**, aged 90, live together in an apartment. Kenji's English is a little better, so he handles communication, and Juri cooks and "takes care" of her brother. Neither have any children and they only have one sister (equally aged) who lives in Colorado. They are both very hard of hearing and we also utilized a Japanese interpreter (all of us speaking at high volume!) when they came to SLP for a revocation and revision of their estate planning. Neither of them drive, so we utilized our Uber transportation option to bring them to and from our office, which was also a challenge because of language and hearing impairment – the Japanese interpreter facilitated this.

Our clients had been befriended by two younger Japanese American women who offered to assist them with their banking and medical appointments. They ended up placing these women in critical roles in their estate planning because they simply had no one else to rely upon. They became suspicious when these women began charging them money to help them with small matters they had previously done as a courtesy, without any cost. Juri and Kenji met with Senior Staff Attorney Carol Kingman and a Japanese interpreter (who confirmed that there are many similar instances occurring within the Japanese American community), we revoked their existing POAs and revised their existing Wills, removing the potential exploiters before any financial damage was done to their bank accounts. We advised placing fraud alerts on their bank accounts and with Social Security, and the interpreter assisted them in accomplishing those tasks. Due to their advanced age and the urgency of the situation, Juri and Kenji were seen on an expedited basis, and we had them return to our office to sign their new documents with the assistance of the interpreter, within 48 hours. These are very sweet people who were enormously grateful for the assistance we were able to offer them at SLP.

Consumer Matter/Debt Collection

*Sandy**, 73 years old, came to SLP due to recent debt collection activity and met with SLP Supervising Attorney Chelsea Crowton. From the beginning, it was evident that she was very hesitant to discuss her legal problem and personal embarrassment. By expressing genuine empathy, SLP was able to gain Sandy's trust and she admitted that she had a severe reading disability and was ashamed to have her children know about it. She could not understand why a company was collecting a debt on a vehicle that was totaled several years ago. Chelsea explained the legal issues of the collection correspondence to Sandy in terms that she could understand. Sandy shared that gets "stuff" in the mail that she cannot read or understand as well as the fact she needed help in getting a bed to sleep in so she wouldn't have to keep sleeping on the floor. SLP's social work practicum student was introduced to Sandy, who connected her with long-term social services support that can help her with her reading disability and were able to coordinate a bed being provided for her.

SLP also proceeded with writing a demand letter to the creditor reporting on her credit reports. After receipt of the demand letter, the creditor provided SLP with documentation that proved the basis for the collection. However, the creditor decided to waive the residual debt owed under the account, totaling in excess of \$2,700, after the facts and circumstances of our client's condition were made known to them. Due to the waiver, Sandy's credit is being restored and she does not have to worry about the threat of being sued for a debt. Without the legal assistance of SLP, she would still be struggling with the many obstacles created by her reading disability and facing the fear of a lawsuit. By taking the time to create a "safe space" for Sandy, SLP was able to address her legal and social and legal issues.

Consumer Matter/HOA dispute

*Alan**age 89, lives in a small community with an active HOA. He has resided in this community for years with no issues. Recent changes to the HOA Board and increased financial expenditures caused Larry to request financial information from the Board and the Management Company. Once these requests were made Alan began to receive numerous communications, letters, and fines relating to activities that were within his rights as a homeowner. Larry was fined \$500, without any notice of violation, or ability to be heard, which prompted him to ask for documentation from the Board to support the fine. His requests went unanswered, however, within a few weeks Alan was served a notice of non-compliance relating to yet another, alleged unrelated violation.

Alan sought the help of the Senior Law Program and staff attorney Shari Kaufman reviewed the Governing documents of the HOA which established that there was no compliance with the Community Rules in assessing the initial \$500 fine. Further investigation revealed that the new unrelated violation referenced in the notice of noncompliance, was miscited, and not present anywhere in the community CC&Rs. SLP sent a letter to the Management Company and the Board regarding the lack of process, the illegality of the \$500 fine, and Larry's rights as a homeowner to request information concerning the financial expenditures of the Board.

As a result of SLP's advocacy on behalf of our client the Management Company has acknowledged deficiencies in the procedures employed in assessing the fine, as well as the failure of the Board to comply with the notice requirement. He expressed great relief for the assistance of SLP in protecting his rights and knows he has a resource available should additional problems arise.

SECOND JUDICIAL
DISTRICT COURT



RESOURCE CENTER

ATJC
REPORT

The Resource Center assists self-represented litigants navigate the complex legal system by helping them e-file documents, providing them with forms and packets, processing payments for fines and fees, providing certified copies, issuing writs and letters, administering oaths, lodging wills, answering questions about court processes, and much more. The Resource Center has seen an 18.8% increase in patrons in the last 12 months as compared to the prior 12 months.

January - May 2024

13,492

In person visits

9,164

Phone calls

8,249

Emails

ATJC REPORT

SEAL OF THE
**SECOND JUDICIAL
DISTRICT COURT**
WASHOE COUNTY LAW LIBRARY

June 2024

Law Day with Northern Nevada Women Lawyers Association

The Washoe County Law Library is proud to have partnered with the Northern Nevada Women Lawyers Association (NNWLA) for the past nine years to hold a special Lawyer in the Library event for Law Day. This year's theme was "Voices of Democracy." The ninth annual event was held in-person on May 1, at the Law Library.

Eleven NNWLA members took time out of their day to volunteer for the 3-hour walk-in clinic. They assisted community members with questions on a variety of topics including family law, criminal record sealing, probate, landlord/tenant issues, and civil/consumer law.

With the assistance of NNWLA volunteer attorneys, 102 community members participated in the program. Please join us in celebrating the below named individuals who helped make this program a success.

Event Organizers

Bronagh M. Kelly, NNWLA President
NNWLA Board Members

Volunteer Attorneys

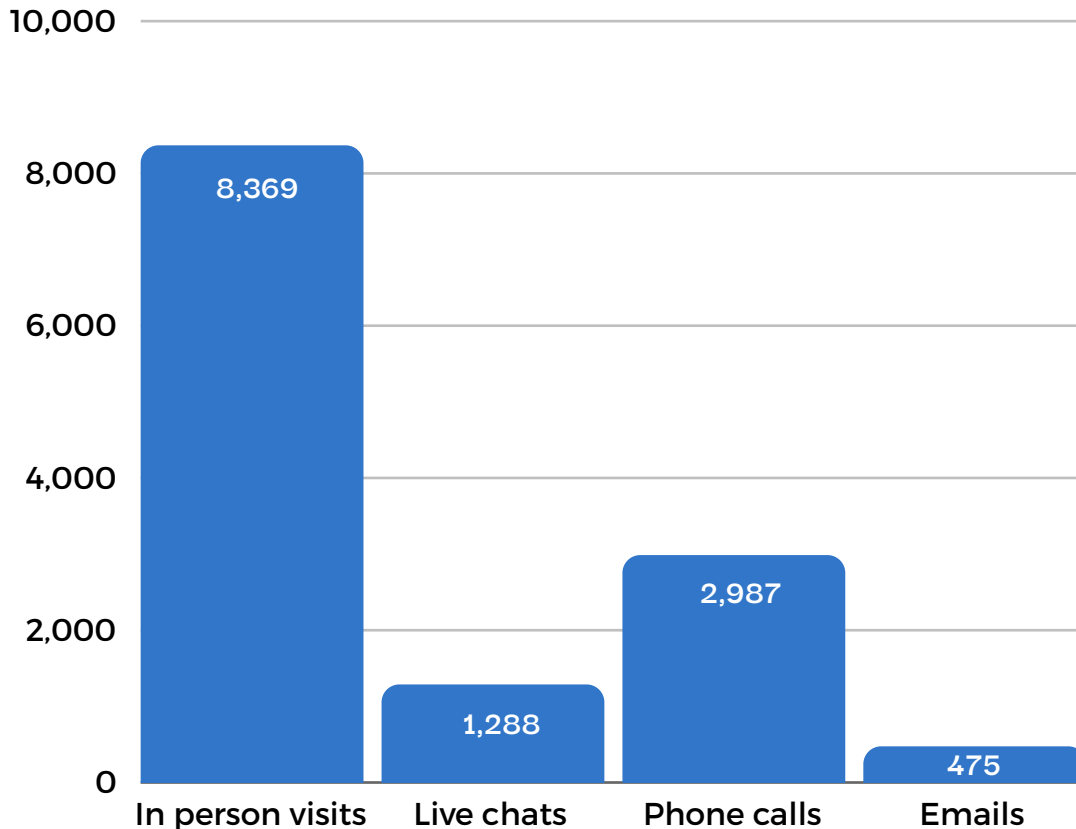
Briana N. Collings
Brittany N. Cooper
Christi T. Dupont
Anthony C. Gold
Bronagh M. Kelly
Patricia A. Lynch
Jennifer M. McMenemy
Mikye J. Miller
Ann Morgan
Samantha J. Reviglio
Jennifer M. Richards



Statistics

JANUARY - MAY 2024

HOW MANY PEOPLE USED THE LIBRARY?



6,493

Total questions answered

820

Lawyer in the Library participants

Law Library Legal Database Subscriptions

Available for the public to use at no cost to them!

1. **Westlaw** (in library use only)
2. **LexisNexis Digital Library**: 24-hours-a-day, 7-days-a-week access to eBook versions of all the current Lexis and Matthew Bender titles we have in print on the Law Library shelves.
3. **Wolters Kluwer VitalLaw**: Elder Law & Trust Law eBooks, estate planning forms including trust forms, Medicaid planning letters, wills, and more.
4. **EBSCO Legal Information Source**: do-it-yourself eBooks for the layman, plus forms and law journal articles.
5. **Gale Legal Forms**: legal forms templates and samples, many of which are available in Word format for easy editing.
6. **HeinOnline**: law journal articles, federal and state case law, government publications, and more.
7. **National Consumer Law Center Digital Library**: eBooks on consumer law, including Fair Debt Collection, Student Loan Law, Home Foreclosures, Consumer Law Pleadings, Automobile Fraud, and more.



ACCESS TO JUSTICE COMMISSION

Triannual Nevada Legal Aid Provider/Pre-ATJC Meeting Recap

Wednesday, May 15, 2024

Attendees Present

Barbara Buckley
Alex Cherup
Lisa Evans
Diane Fearon
Victoria Mendoza
Jonathan Norman

ATJC Staff Present

Brad Lewis

This was a regularly scheduled triannual provider call.

Lisa Evans began the meeting sharing that she attended an interesting session at the Equal Justice Conference that was focused on coordinated intake for legal aid. Examples were given including Maryland's Passport system along with other state's efforts. One idea is a single real-time portal for intake which could help to identify gaps in services as well as coordinate services. She suggested she'd hope to work with SJDC and NLS which could lead to potential grant opportunities, legal needs mapping, etc. Brad shared he can do a bit of research to see what other states are doing.

ATJC Application and IOLTA Funding

Barbara Buckley shared background on how the ATJC often gets inquiries to become approved by the Commission as a legal aid provider, very often to circumvent the State Bar of Nevada admissions rules in order to hire non-Nevada attorneys. Still, the 2017 Statewide Service Delivery Plan calls for the ATJC to have an application. While there has been agreement to advance on this discussion at the June 14 ATJC meeting, it is also a serious matter due to the potential for dilution of IOLTA funds to existing, already approved Nevada legal aid providers.

While new service providers may offer a benefit, we should consider whether the service is already in place, the value added in terms of the needs seen, statewide coordination of services, etc. What will the criteria be. Ms. Buckley shared an early draft of potential criteria which is available from the Commission.

The tentative plan is to have a discussion, form a committee to review, and name a chair with an appropriate focus and background to tackle this important issue. Finally, Rule 49 is critical for legal aid, and protecting that rule for the purpose for which it was designed and maintaining standards and oversight of attorneys admitted to practice under the rule are vital.

Sealed Cases Judge Kushner Request

Brad shared a brief update on the ATJC Sealed Cases Committee. Judge Kushner is the committee chair and requested detailed information for a potential workaround for legal aid and pro bono attorneys considering the continuing issues related to a lack of clarity of the recent Falconi decision. Ms. Buckley shared that a Falconi



rehearing was denied. She also said it seems some of the EJDC judges have convinced some of the SJDC judges to view and approach this issue as they have in Clark County. As a result, it was suggested that Brad send Judge Kishner inquiries to NNLA and VARN also.

A discussion ensued about how the Supreme Court requires sealing to be limited which may need to become part of future discussions. Alex Cherup said he will also monitor the situation in the rural counties. Ms. Evans to add an NNLA representative to the Sealed Cases Committee.

QDRO

This subject was discussed, both their planned training later in May and June, as well as their future intentions. Ms. Buckley shared she'd like to know more about the group. Who are they? What do they provide? What value do they add? What funding do they seek? Is this, or not, a potential for supporting QDRO needs when Marshall Willick retires? Vicotria Mendoza shared that if QDROs are ever done, generally people are hired to do them. The prices have ranged from \$750-1500. QDROs can present malpractice concerns. ERISA, the Employee Retirement Income Security Act, does provide for QDROs in the case of divorce. No standard forms exist which makes it difficult for SRLs to access and many attorneys are not well versed enough to be able to complete independently.

Ms. Evans said she met a QDRO representative at the EJC recently and would try to have Jill Whitbeck join the QDRO introductory call with Brad and Jonathan tomorrow. Brad to share a brief call review with this group.

Projects Underway or On Deck

- Service rule – The goal is to clarify and eliminate service by publication. Research other states.
- Electronic filing – Brad asked Katherine for an update to ATJC on June 14.
- Peremptory challenge fees – Research other states to see how much it costs, waivers if any, do waivers include legal aid, and do any states allow only waivers for legal aid. UNLV assisting with research.
- Unbundling – redraft underway via committee.
- IOLTA – committee questions answered awaiting Justice Hardesty for re-group meeting dates.
- Section Pro Bono Challenge, future pro bono ideas
- License fee renewal provider checks
- Medical Legal Partnerships potential Medicaid funding (Jonathan following up)
- Gaps in services – education advocacy
- Supervised Task Force, on deck
- Paralegal support interest, awaiting feedback
- Legal kiosk project update, need update

Next Steps

- Brad to research statewide/regionwide intake initiatives
- Brad to forward Judge Kishner email to NNLA and VARN
- Lisa to assign NNLA representative to the Sealed Cases Committee
- Brad to share QDRO call notes



Future Meetings

We'll continue the format of this meeting focusing on assuring advancement of previously identified issues as well as new challenges and opportunities. Part of the call will be led by a legal service provider executive director on a rotating basis. Beginning with the next meeting the order will be Lisa, Alex, Barbara, and Victoria.

If you have ideas for issues/solutions/opportunities/trends to discuss on a future agenda, please share.



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Public Awareness as of 060724 –

Since the March 2024 report...

Twitter - We increased from 238,599 to 239,653 impressions on Twitter. We encourage you to follow us **@NevadaATJ**.

Top Tweet – June 5 - “Sneak Peek of Winners” for 2024 Section Pro Bono Challenge - 258 impressions – 9.7% engagement rate.