



# Nevada Supreme Court Access to Justice Commission

Meeting - Friday, March 28, 2025 2:00 PM – 4:00 PM

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If your computer does not have speakers/microphone or you are in a location where audio would disturb others you may use your phone for audio.

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Meeting ID: 898 4941 0385

## Meeting Agenda

<b>I. Opening Statements from Co-Chairs &amp; Commission Roll Call</b>	<b>5 minutes</b>	
<b>II. Minutes Approval</b>	<b>5 minutes</b>	<b>Tab 1</b>
• Approval of November 15, 2024 Commission Meeting Minutes		
<b>III. Discussion Items</b>		<b>Tab 2</b>
• <a href="#">Pew Courts &amp; Communities Project</a>	<b>15 minutes</b>	
• CLE Requirements for Inactive EAPB 49.1(1)(b) Attorneys	<b>5 minutes</b>	
• Ethical Approach to Judicial Clerk Pro Bono	<b>10 minutes</b>	
• <a href="#">ATJC Application for Approved Status - Beta</a>	<b>7 minutes</b>	
○ New Applicant & Existing Provider Annual Report		
○ Update Statewide Service Delivery Plan		
• Peremptory Challenges	<b>10 minutes</b>	
• Commission Membership Vote	<b>5 minutes</b>	
• IOLTA Formula	<b>5 minutes</b>	
• 2025 Section Pro Bono Challenge & Pro Bono Profiles	<b>5 minutes</b>	
• Legislative and Eviction Diversion Update	<b>5 minutes</b>	
• Supervised Task Force	<b>5 minutes</b>	
• <a href="#">Commission Dates and Times Feedback</a>	<b>5 minutes</b>	
<b>IV. Legal Aid Provider Reports</b>	<b>15 minutes</b>	
<b>V. Other Business</b>	<b>5 minutes</b>	
<b>VI. Informational Items</b>		<b>Tab 3</b>
• Legal Aid Provider Highlights		
• Self-Help Center Statistics		
• Triannual Provider Call Recap		



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## **Upcoming Access to Justice Commission Meetings**

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

### **2025 meetings**

March 28

June 20

November 21

### **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.

### **Key Nevada Supreme Court Strategic Plan Strategies**

- Simplify and improve public access to the courts while continuing to ensure that all parties are treated fairly.
- Support sustainable and user-focused court innovations to improve the delivery of court services.



**ACCESS TO JUSTICE COMMISSION**

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Access to Justice Commission Meeting Minutes  
Friday, November 15, 2024 – 2:00 p.m.

**Commission Members Present**

Justice Kristina Pickering, Co-Chair  
Justice Lidia Stiglich, Co-Chair  
Sr. Justice James Hardesty  
Annette Bradley  
Mark Brandenburg  
Alex Cherup  
Judge Cynthia Cruz  
Diane Fearon  
Judge Kriston Hill  
Ann Walsh Long  
Dr. Joseph McEllistrem  
Victoria Mendoza  
Judge Bridget Robb  
Marisa Rodriguez  
Raine Shortridge  
Doreen Spears Hartwell  
Glen Stevens  
Steven “J.T.” Washington  
Michael Wendlberger  
Judge Nathan Todd Young

**Guests Present**

Bailey Bortolin  
Angel Graf  
Chantyel Hasse  
Margaret Lambrose  
Erica Marquez  
Casey Mitchell  
Susan Myers  
Emily Reed  
David Spitzer  
Skyler Young

**Staff Present**

Brad Lewis

**Call to Order/Roll Call/Minutes**

The Access to Justice Commission meeting was called to order. Justice Stiglich welcomed all and recognized Alex Cherup and David Spitzer as the newly named executive directors of Nevada Legal Services and Northern Nevada Legal Aid. Justice Stiglich then asked that a roll call be conducted. She then asked for approval of the minutes. Brad advised that there were two corrections noted by Victoria Mendoza and Susan Myers. Those have been updated in the final version. Hearing no other changes she requested approval. The minutes were voted unanimously and adopted for the record.

**ATJC Application for Approved Status**

Senior Justice Hardesty recounted to the Commission that earlier this year he was asked to Chair an ATJC Application Committee for potential new legal service entities to seek approval to become approved by the Commission. The committee was formed to discuss criteria and an application. By unanimous vote of the committee, the draft application is in today’s meeting materials for review, comment and discussion. The committee would then recommend a vote of the Commission to advance. He then called for comment. Doreen Spears Hartwell asked if we had anyone interested. Justice



Hardesty replied that we've had several inquiries over the years. Ms. Spears Hartwell noted that she appreciated the robust outline indicating cooperative work and noted the ability to expand legal service coverage in gap areas. Brad noted we do have one currently interested party, the Immigration Center for Women and Children, and that directing attorney, Ms. Angel Graf has joined the call today with her team.

Ms. Graf shared that the organization has been in operation since 2004 in Los Angeles and since 2019 in Las Vegas. They mainly work in Federal court on immigration matters. In 2023 they were approached to apply for a grant to offer legal services to unaccompanied undocumented minors, but they would need Nevada licensed attorneys to do that and sought the potential to be approved by the Commission. Since then she's inquired about the application process and appreciates that we are discussing.

Alex Cherup thanked Justice Hardesty and the committee members for their work. Bailey Bortolin believes it's important for any new providers to work closely with existing providers. In particular, all legal aid organizations struggle to find enough attorneys to meet the need and with limited resources it's important that we're not simply rearranging staff between providers.

Justice Pickering asked how IOLTA funding would be handled. Justice Hardesty referred her to item nine on the Criteria and Application document (available from the Commission) that outlines that new providers "cannot have the effect of reducing funding to existing providers", and that "any IOLTA fund eligibility must be derived from funds that exceed the previous year's granting and then are subject to a revised distribution formula to be developed and ratified by the Nevada Coalition of Legal Service Providers."

Hearing no further questions, Justice Stiglich asked for a vote. Judge Young moved that the criteria and application to become approved by the Commission be adopted, which was seconded by Judge Robb. All voted in favor.

### **Emeritus Attorney Pro Bono (EAPB) CLE Requirements**

When the bar updated limited admissions practices in 2019, an important negative consequence for legal aid was discovered. Changes standardized CLE for all limited practice areas, including EAPB, to be the same "as may be prescribed for active members of the State Bar of Nevada". This became true even for retired attorneys on "inactive" status performing pro bono services through EAPB which previously was not the case. Inactive members of the bar have no CLE requirement. This has proven to be a hindrance to engaging retired attorneys in pro bono. A discussion ensued.

Alex Cherup shared that the services of retired attorneys are a meaningful part of pro bono, that this change is negative for legal aid, and that we should be enhancing the ability for lawyers to provide pro bono, not discouraging it. Michael Wendlberger added Legal Aid Center organized a *Legal Legends* program to recruit retired attorneys, engaged about 30 attorneys, and when some heard of the



requirement for 13 CLE hours they said, “count me out”. Judge Robb shared that attorneys must have training in the areas in which they are providing services.

Brad shared that Bryan Scott is one example of an attorney who would be turned away from pro bono due to the 13-hour CLE rule and that it would seem this is exactly the type of person we would hope to engage. Also, that poverty law is unique, that relevant CLEs are essentially not offered outside of legal aid, and that legal aid does a terrific job of delivering top notch education in their practice areas. Mr. Cherup said that legal aid CLEs are directly related to the case types retired attorneys would take and that legal aid is uniquely positioned to provide CLE on these narrow topics.

Judge Young noted that it always seems that special rules are only for rural areas and the poor and in the perfect world that would not be the case. While he is not against relaxed CLE measures due to fostering access to justice, it is unfortunate that this is necessary. He said perhaps access to justice deserves reduced requirements.

Doreen Spears Hartwell shared that the Senior Law Program offers estate planning CLE and landlord/tenant CLE and that they’re both great. She said that legal aid can provide specific training needed when attorneys are volunteering pro bono, and that proper training is the key.

Brad attempted to sum up the conversation suggesting perhaps language about CLE being provided by legal aid and pro bono for retired, inactive attorneys be limited to “under the auspices of a legal service organization approved by the Access to Justice Commission” may be language that could be agreed upon.

Judge Kishner suggested that perhaps we should list specific categories that can be performed without the standard CLE requirement such as CAP, family, landlord/tenant, etc. Judge Cruz shared that the Eighth Judicial District Court’s pro tem program offers a “civil rules update” refresher once or twice a year and something like that could be replicated by legal aid organizations.

Bailey Bortolin said when you consider the great number of self-represented litigants (SRLs) needing help and how many are totally unprepared to navigate their issue, we’ve seen in other jurisdictions that even non-attorney advocates are deemed better than people going it alone. Mr. Cherup echoed that sentiment saying that recent Legal Service Corporation statistics show that 92% of people don’t have a lawyer and that retired attorneys are very well placed to help. Judge Robb believed that when these programs are run under an institutional umbrella such as District Attorneys or legal aid, and supervision is in place, the issue becomes less concerning.

Brad asked for next steps and Judge Robb wanted to make clear she was not hostile to the issue and would be happy to serve on a committee to discuss. She believed that with appropriate guardrails in place that she sees a way forward to retain the engagement of retired attorneys in pro bono and



proposed the committee could draft language. Ms. Bortolin said she could draft language so the committee can discuss on the first call. Mr. Wendlberger suggested we should move quickly as this is an important issue and Diane Fearon suggested that perhaps the committee could meet before the end of the year. At a minimum, the following people would compose the committee: Justice Stiglich, Judge Robb, Judge Young, Bailey Bortolin, and Annette Bradley.

### **Statewide Self-Help Rollout with Ask-A-Lawyer**

The Administrative Office of the Courts (AOC), in conjunction with Legal Aid Center's Stephanie McDonald from the Family Law Self Help Center, have developed great new self-help tools for the public. This includes new guided interviews to complete common forms, explainer videos, live chat and more. A public relations rollout is planned for 2025. Barbara Buckley had the idea to add an Ask-A-Lawyer component to the rollouts to bolster the message and involve more of the public, attorneys, court personnel, judges and more. Brad will plan to meet with Katherine Stocks and Stephanie McDonald in December to discuss.

### **Unbundling**

This work is complete but further discussions are necessary to advance. Brad suggested taking the conversation offline.

### **Peremptory Challenges**

Preliminary discussions have been held around fee waivers for legal aid and self-represented (SRLs) litigants to make the opportunity fairer for all. Issues raised have been misuse and potential cost implications. However, after a review, cost implications seem not to be an issue. After a brief discussion and questions, Justice Stiglich suggested that we reconvene the committee for further discussion.

### **Sealed Cases**

This related to the continuing issue of the Eighth Judicial District Court (EJDC) automatically sealing family law cases which prevents legal aid from viewing, pro bono attorneys from accepting due to the unknowns, and preventing the public from accessing their own case. The good news on this front is that workarounds have been developed for both SRLs and for attorneys in appellate pro bono cases. Mr. Wendlberger thanked Justice Pickering for her efforts with appellate cases.

Andres Moses of the EJDC has been participating with the committee in a productive way, reducing turnaround of case access approvals from two days to about an hour in most circumstances. Mr. Wendlberger is working with Mr. Moses on EDCR 5.213 authorizations via a "signed statement of permission" that will allow for enhanced access. Judge Kushner, the Sealed Cases Committee chair, said that she appreciates the efforts to balance privacy and access.



### **Service Rule Clarification**

The Service Rule Committee has been discussing the issue of many judges requiring service by publication, even in instances where other methods may be successful. Service by publication is a very expensive option and unrealistic for many SRLs. After some discussion, it seemed there was agreement that to advance, a good case for litigation should be surfaced due to the continuing issue.

### **Commission Membership**

Doreen Spears Hartwell referred the Commission to the nominations slate in the meeting materials and asked for a vote on new members. Margaret Lambrose will replace Marisa Rodriguez as the board liaison from the State Bar of Nevada and David Spitzer, the new executive director of Northern Nevada Legal Aid, will replace Lisa Evans. The vote passed unanimously.

### **IOLTA**

Justice Hardesty shared that twice this year, the total IOLTA total principal balance has exceeded \$1 billion, a first for the Nevada IOLTA program. Also, that the IOLTA Rate Review Committee determined at the October meeting to retain the current rates. He is also happy to report increased participation at the *Leadership Institution* and Platinum Partner levels, with banks paying premium rates. Ms. Bortolin, Diane Fearon, Mark Brandenburg, and Mr. Cherup all thanked Justice Hardesty and the committee for their efforts. Mr. Brandenburg shared that Justice Hardesty's strategy of not attempting to achieve the highest rates possible, but rather the highest reasonable sustainable rates seems to work well. Brad recognized Commission member and IOLTA Rate Review Committee member, Raine Shortridge of Nevada State Bank, for his helpful engagement and support of the Nevada IOLTA program.

### **2025 Section Pro Bono Challenge**

Brad shared that the section challenge will continue in 2025 from February 1 – May 31. The first communications will begin in the new year.

### **2025 Initiatives**

The 2025 goals and initiatives document was briefed to all with time for concurrent or follow up ideas and suggestions. There was agreement on a wait-and-see approach to any areas of focus which may be needed with a new administration related to the potential working groups, such as funding or immigration working group. Glen Stevens suggested that he has received questions about immigration as a potential area of focus. Margaret Lambrose echoed her support for this issue.

### **Legislative and Eviction Diversion Update**

Ms. Bortolin shared that the Nevada Coalition of Legal Service Providers is currently finalizing the legislative agenda for the upcoming session. The Coalition is looking at things that may be beneficial to codify in state law like the Institutional Development Award (IDeA). Great outcomes are being seen on the eviction diversion program and a statewide appropriation to sustain and expand the program will be sought. Reno visited to shadow the Las Vegas Justice Court eviction diversion program and has been able



to launch their own, thus they're looking for a statewide appropriation from the legislature. For the Las Vegas program, current funding will run out by June. The size of the appropriation will determine what populations are able to be included or expanded.

### **Legal Kiosks in Libraries**

Susan Myers shared that four new kiosks were installed in Northern Nevada in August, specifically at the Douglas County Library in Minden, the Humboldt County Library in Winnemucca, and the Downtown Reno and Sparks libraries in the Washoe County Library System. These, and two additional kiosks anticipated to be installed later in November, will be the last kiosks installed under the current funding.

Trainings were conducted for staff of the new host libraries by web developer A2J Tech on the technical aspects of using the kiosks, and Ann Walsh Long, Director of the Nevada Supreme Court Law Library, joined Project Manager Susan Myers to conduct a virtual training on using the kiosks to provide patrons with legal information (vs. legal advice) and referrals to resources. The top five kiosk locations in terms of usage to date are Churchill County, East Las Vegas, Elko County, Carson City, and Pahrump. The reallocation of the Justice Bus funds to the kiosk project made it possible to engage a public relations firm, and advertisements are being strategically placed around the state.

### **Legal Aid Reports**

- **Nevada Legal Services** – Alex Cherup reported that the Access to Justice Commission was the recipient of NLS's Champions of Justice award for the 2024 Partner Organization of the Year. In northern Nevada, NLS's cooperation with NNLA and the Reno Justice Court continues to see success with the new self-help center on its one-year anniversary. Housing remains a key issue representing 70% of cases. Now is also the one-year anniversary of NLS's engagement with the North Las Vegas eviction court.
- **Northern Nevada Legal Aid** – David Spitzer repeated Mr. Cherup's excitement about the new RJC self-help center. He shared that former NNLA staffer, Jennifer Richards, is now Judge Richards, sitting on the Reno Justice Court. NNLA is sorry to see her go. He thanked Justice Stiglich for today's announcement of himself being named executive director and looks forward to working with the Commission.
- **Southern Nevada Senior Law Program** – Diane Fearon said that SLP has run out of the grant funding supporting outreach to Las Vegas' Hispanic community but retains bilingual staff. She thanked and congratulated Justice Pickering for accepting the SLP's Access to Justice Advocate Award. She's pleased to report that this year's SLP Salutes Senior Advocates event raised more than \$100,000 for the first time. It will help to increase the number of seniors served and is great recognition of pro bono advocates. SLP now has seven attorneys on staff, has increased their education outreach, and have partnered with adult protective services. Justice Stiglich added that it was a wonderful event.
- **Volunteer Attorneys for Rural Nevadans** – Victoria Mendoza added her thanks for the IOLTA efforts. She states that most VARN funds come from Victims of Crime Act (VOCA) and Violence



Against Women (VAWA). VARN saw an increase of at least 1000 more client inquiries in 2024 than in 2023. She just recently hired a lawyer that will begin next week. Judge Young offered to help VARN get more pro bono attorneys. She shared that she plans to revamp pro bono efforts in 2025.

- *Second Judicial District Court Resource Center and Washoe County Law Library* – Emily Reed said that on February 5, 2025, the Law Library will be celebrating the 25<sup>th</sup> Anniversary of Lawyer in the Library with their annual luncheon. She also shared that the Resource Center received Trial Court Improvement ARPA subgrant funding to lower one workstation to make it more accessible to those with limited mobility. Additionally, in 2024, the Resource Center’s in-person traffic increased by 17% over 2023.
- *Legal Aid Center of Southern Nevada* – Bailey Bortolin congratulated Mr. Cherup and Mr. Spitzer on their executive director appointments. Legal Aid Center’s Pro Bono luncheon is Friday, December 13. Legal Aid Center is also finishing up the end of the first year of our partnership with UNLV to offer a Tenant's Rights Legal Residency Clinic. The program is going well. Their special education unit has been filing a record number of due process cases against CCSD, and strategic planning is advancing to adjust to meet the community's needs for the next four years. Discussions surrounding rapid response to critical issues with the new administration have occurred, including lessons learned from the first term and other funding squeezes and issue spikes.

### **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

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENT TO  
SUPREME COURT RULE 49.1(5)  
REGARDING PRO BONO SERVICE BY  
INACTIVE ATTORNEYS SERVING  
THROUGH THE EMERITUS  
ATTORNEY PRO BONO PROGRAM

ADKT 0623

**FILED**

MAR 05 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER AMENDING SUPREME COURT RULE 49.1(5)*

WHEREAS, on February 11, 2025, Kristina Pickering and Lidia S. Stiglich, Justices of the Nevada Supreme Court and Co-Chairs of the Access to Justice Commission, filed a petition to amend Supreme Court Rule (SCR) 49.1(5) to exempt inactive attorneys serving through the Emeritus Attorney Pro Bono Program (EAPB) from the annual continuing legal education requirement; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on March 5, 2025; accordingly,

IT IS HEREBY ORDERED that the proposed amendments to the SCR 49.1(5) shall be adopted and shall read as set forth in Exhibit A.

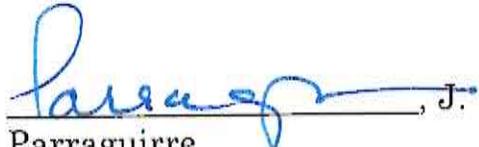
IT IS FURTHER ORDERED that the amendments to SCR 49.1(5) shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the *Nevada Reports* and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment

of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the amendment and publication of the foregoing rules.

Dated this 5<sup>TH</sup> day of March 5, 2025.

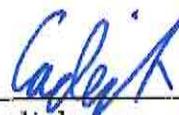
  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Cadish

  
\_\_\_\_\_, J.  
Lee

cc: Richard Dreitzer, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
All District Court Judges  
Legal Aid Center of Southern Nevada  
Northern Nevada Legal Aid  
Nevada Legal Services  
Southern Nevada Senior Law Project  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Douglas County Bar Association  
Elko County Bar Association  
Administrative Office of the Courts

## EXHIBIT A

### AMENDMENT TO SUPREME COURT RULE 491(5)

#### **Rule 49.1. Limited practice certifications for certain attorneys; temporary certification for military spouses.**

1. **Eligibility.** Notwithstanding the provisions of Rule 49, an attorney admitted to practice law in any other jurisdiction may apply for limited practice certification if the attorney is:

(a) Employed by the William S. Boyd School of Law and either (i) teaches in the clinical law program or (ii) provides pro bono or court-appointed assistance to clients;

(b) Volunteering with an Emeritus Attorney Pro Bono (EAPB) program or is an inactive member of the State Bar of Nevada and volunteering with an EAPB program, as defined in Rule 49.2;

(c) Employed by or associated with an organized legal services program approved by the Access to Justice Commission or its designee and funded from state, federal, or recognized charitable sources that provides legal assistance to indigents in civil matters;

(d) Employed as a deputy district attorney by a county whose population is fewer than 100,000 persons;

(e) Employed by the State Public Defender, the county equivalent of such an office, or a private firm contracted to provide public services in a county whose population is fewer than 100,000 persons;

(f) Employed by the Nevada Attorney General;

(g) Employed by the United States Attorney for the District of Nevada or the Federal Public Defender for the District of Nevada;

(h) Employed exclusively as in-house counsel for a single corporation (including its subsidiaries and affiliates), association, partnership, or other business entity situated in or qualified to do business in Nevada, whose lawful business consists of activities other than the practice of law or the provision of legal services; or

(i) A spouse of a member of the United States Uniformed Services who is present in Nevada pursuant to military orders.

**2. Requirements.** An attorney applying for certification under this rule must:

(a) Have been admitted to practice law in another U.S. state, territory, or the District of Columbia;

(b) Not have been denied admission to the practice of law in Nevada;

(c) Demonstrate the qualifications for admission set forth in Rule 51(1)(a)-(j) and comply with the fingerprinting requirements pursuant to Rule 53, unless applying for certification as a volunteer with an EAPB program under Rule 49.1(1)(b);

(d) Establish that the applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;

(e) Have taken the Multistate Professional Responsibility Exam and obtained a scaled score of at least 85.00 on the exam within the three years preceding the filing of an application under this rule, except for those applying for certification under Rule 49.1(1)(a), (b), or (c); and

(f) Reside, or intend within the next six months to reside, within the State of Nevada, except for those applying for certification under Rule 49.1(1)(d) or (e).

3. **Application.** Application for certification to practice law in this state under the provisions of this rule shall be filed with the admissions director of the state bar and accompanied by:

(a) An affidavit from the attorney's immediate supervisor, unless applying for certification as a military spouse attorney under Rule 49.1(1)(i), or as a volunteer attorney under Rule 49.1(1)(b), attesting that:

(1) The attorney is a full-time employee;

(2) The nature of the employment conforms to the requirements of this rule; and

(3) The affiant will notify the State Bar of Nevada within fifteen (15) days after the applicant ceases to be so employed.

(b) A certificate of good standing for each jurisdiction in which the attorney is admitted indicating that the attorney has been admitted to practice law and is a member in good standing in that jurisdiction.

(c) A non-refundable application fee, equivalent to the fee charged pursuant to Rule 54(2), unless applying for certification under Rule 49.1(1)(a), (b), or (c). For those admitted under Rule 49.1(1)(d), (e), (f), or (g), the application fee will be applied to the first bar examination for which the attorney sits.

(d) Applications for certification to practice law in this state pursuant to Rule 49.1(1)(b) shall be filed on a form provided by the State Bar of Nevada and shall include an EAPB Provider Declaration that the attorney is volunteering with that EAPB program.

4. **Limited practice.** Attorneys certified under Rule 49.1(1)(a)-(g) or (i) may practice before all courts of this state subject to the conditions of this rule and to such further conditions as the court may hereafter direct. All

attorneys certified under Rule 49.1(1)(a)-(i) shall be permitted to perform pro bono services through an EAPB program, as defined by Rule 49.2.

(a) An attorney certified under Rule 49.1(1)(a) shall perform no legal services within the State of Nevada except for under the auspices of the clinical law program of the William S. Boyd School of Law, or pro bono or court-appointed assistance, and for such purposes only.

(b) An attorney certified under Rule 49.1(1)(b) or (c) shall perform no legal services within the State of Nevada except for clients aided under the auspices of the organized legal services program by which the attorney is employed or with which he or she is associated and for such purposes only.

(c) An attorney certified under Rule 49.1(1)(d), (e), or (f) shall perform no legal services within the State of Nevada except for the state or for the county employing the attorney, or for the county contracting with a private firm that employs the attorney to provide public defense services and under the supervision of an attorney, or in the employer's office who is an active resident member of the State Bar of Nevada. An attorney certified under Rule 49.1(1)(d), (e), or (f) shall additionally be permitted to provide pro bono legal services through an EAPB program, as defined by Rule 49.2.

(d) An attorney certified under Rule 49.1(1)(g) shall perform no legal services within the State of Nevada except for the federal agency employing the attorney, or pro bono services through an EAPB program, as defined by Rule 49.2.

(e) An attorney certified under Rule 49.1(1)(h) may not:

(1) Appear as counsel of record for the employer in Nevada in any court; before any administrative or political agency unless authorized by law; or in any arbitration, mediation, or alternative dispute resolution proceeding that is court ordered or annexed or authorized by law or administrative rule;

(2) Render legal advice or services to the public or to anyone other than the attorney's employer, other employees, or the employer's subsidiaries and affiliates, except when providing pro bono services through an EAPB program, as defined by Rule 49.2; or

(3) Hold himself or herself out to the public as an attorney authorized or engaged in offering legal services to the public in Nevada.

(f) Excepting those certified to practice under Rule 49.1(1)(a), (b), and (i), attorneys certified to practice under this rule shall not accept any compensation for such services except such salary as may be paid by the employer. All pleadings signed by an attorney certified to practice under this rule, except those certified to practice under Rule 49.1(1)(h), shall bear the name and address of the employer, or if teaching in a clinical law program at the William S. Boyd School of Law, the name of the clinical law program.

**5. Discipline; bar membership; continuing legal education.** An attorney certified to practice under this rule does not qualify for active membership in the State Bar of Nevada, but shall be subject to the jurisdiction of the court and disciplinary boards of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as members of the State Bar of Nevada. Pending final disposition of any disciplinary matter, the court or the state bar may suspend any right to practice that is granted under this rule, without notice or hearing. During the time any attorney is certified under this rule, the attorney shall comply with the same requirements for continuing legal education as may be prescribed for active members of the State Bar of Nevada except for attorneys certified under Rule 49.1(1)(b) associated with a nonprofit organization providing pro bono legal services.

6. **Temporary certification.** The state bar, pending its review of an application for limited practice certification, may temporarily certify an attorney to practice under this rule, except for those applying for certification under Rule 49.1(1)(i). Temporary certification shall in no event remain in effect longer than one year.

7. **Termination of certification.** Certification to practice under this rule shall terminate whenever the attorney ceases to be employed by the employer for which this certification was granted, or associated with an EAPB program. The employer or EAPB program shall notify the state bar in writing within fifteen (15) days of when the attorney's employment ceases or association with an EAPB program ends.

(a) In no event shall certification for those admitted under Rule 49.1(1)(f) remain in effect longer than two years.

(b) For those attorneys certified as a spouse of a member of the United States Uniformed Services present in Nevada pursuant to military orders, certification shall remain in effect no longer than four years. Additionally, certification to practice under this rule shall terminate by any of the following events:

(1) The servicemember separates or retires from the United States Uniformed Services;

(2) The military spouse attorney is no longer married to the servicemember;

(3) The servicemember is permanently transferred outside Nevada pursuant to military orders, except if the service member has been assigned to an unaccompanied or remote assignment with no dependents

authorized, but only until such time as the servicemember is assigned to a location with dependents authorized;

(4) The military spouse attorney is admitted to the general practice of law under any other rule; or

(5) The military spouse attorney fails to meet annual licensing requirements for an active member of the state bar.

**8. Certification fees.** Certification fees cover the calendar year and shall be due and payable by those attorneys certified under Rule 49.1(1)(a) and (d)-(i) at the time of certification. No part of the certification fee shall be apportioned to fractional parts of the year and no part of the certification fee shall be rebated. The annual certification fee is equivalent to the annual membership dues paid by active members of the State Bar of Nevada of comparable longevity.

**9. Renewal of certification.** An attorney certified by the State Bar of Nevada to practice under this rule who otherwise remains eligible to practice must annually renew the certification in accordance with Rule 49.4.

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

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### **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><a href="#">Alaska R. Civ. P. 42(c)(1)</a></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><a href="#">Alaska Rules of Administration 9(c)(1)</a></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><a href="#">Alaska Rules of Administration 9(f)(1)</a></p> <p>Persons will not be charged filing fees if they are determined indigent under Rule 10. <i>Id.</i></p>	<p><a href="#">Alaska Rules of Administration 10(c)</a></p> <p>If an individual is represented by a legal aid organization, waiver of filing fees is required.</p>
Arizona	<p><a href="#">Ariz. R. Civ. P. 42.1</a></p> <p><b>(a)</b> 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>(b)</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><a href="#">Ariz. Rev. Stat. § 12-284:</a></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><a href="#">Ariz. Rev. Stat. § 12-302(C):</a></p> <p>The court may defer or waive filing charges for indigent persons.</p>	<p><a href="#">Ariz. Code of Judicial Administration § 5-206(E)(b):</a></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><a href="#">Cal. Code of Civil Procedure § 170.6.</a></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.” <a href="#">Maas v. Super. Ct.</a>, 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><a href="#">Varies by region.</a> 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><a href="#">Ca. Rules of Court, Rule 3.55.</a></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><a href="#">Cal. Gov’t Code § 68632 (West).</a></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><a href="#">Idaho Rule of Civil Procedure 40(a)</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 <a href="#">BrunoBuilt, Inc. v. Erstad Architects, PA</a>, 528 P.3d 531, 546-47 (Idaho 2023).</p>	<p><a href="#">Appendix A of IRCP</a>.</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><a href="#">IRCP 10.1</a>.</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><a href="#">IRCP 10.1</a>.</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><a href="#">735 Ill. Comp. Stat. 5/2-1001(2)</a>.</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 <a href="#">Circuit Court of Cook County</a> range from \$250-\$388.</p> <p>Motion fees are \$40.</p>	<p><a href="#">735 ILCS 5/5-105</a>.</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><a href="#">735 Ill. Comp. Stat. 5/5-105.5(b)</a>.</p> <p>Applies to persons represented by legal aid organizations or a “court-sponsored pro bono program.”</p>
Indiana	<p><a href="#">Indiana Trial Procedure Rule 76(b)</a>.</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><a href="#">IC 33-37-4-4(a)</a>.</p> <p>\$100.</p> <p>However, the <a href="#">Indiana Legal Help Website</a> says to file a new case in civil court costs</p>	<p><a href="#">IC 33-37-3-2</a>.</p>	<p><a href="#">IC 33-37-3-2</a>.</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><a href="#">K.S.A. 20-311d.</a></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><a href="#">K.S.A. 60-2001.</a></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><a href="#">2023-RL-017.</a></p> <p>Pro se litigants must pay filing fees unless they are deemed indigent by affidavit.</p> <p><a href="#">K.S.A. 60-2001.</a></p>	<p>No direct statute addresses this. However, the <a href="#">Kansas Legal Services</a> website and the University of <a href="#">Kansas School of Law Legal Aid Clinic</a> 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	<a href="#">Minn. R. Civ. P. 63.03</a> Allowing a judge to be removed once as a matter of right without a showing of disqualification.	<a href="#">District Court Fees</a> Motion fees \$75 Initial filing fees \$285	<a href="#">MN ST § 563.01</a>	<a href="#">MN ST § 563.01.</a>
Mississippi	No rule found.			
Missouri	<a href="#">Sup. Ct. R. 51.05.</a> Limited to one change of judge without cause per party.	<a href="#">\$83.50.</a> Many statutes and court rules determine the filing fee for civil actions.  “Any petition on a civil claim” is <a href="#">\$108.</a>	<a href="#">V.A.M.S. 514.040(1).</a> 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.	<a href="#">V.A.M.S. 514.040(3).</a>  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><a href="#">MCA 3-1-804(1)(a)</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><a href="#">\$100</a>.</p> <p>IMPORTANT: Montana has a specific filing fee for motions to substitute judge. <a href="#">MCA 25-1-201(p)</a>.</p> <p>Initial filing fees are \$90.</p>	<p><a href="#">MCA 25-10-404(1)</a></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><a href="#">MCA 25-10-404(3)</a></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><a href="#">Nev. Sup. Ct. Rules 48.1(2)</a></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><a href="#">\$450</a></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 <a href="#">Eighth Judicial District Court</a>.</p>	<p><a href="#">Nev. Rev. Stat. 12.015</a></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><a href="#">Nev. Rev. Stat. 12.015</a></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	<a href="#">NMRA 3-106.</a>  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.  <a href="#">N.M.S.A. 1978 § 34-6-40</a> says the filing fee is \$117.  However, a civil <a href="#">filing fee chart</a> from the first judicial district of New Mexico says the filing fee is \$132.	<a href="#">NMRA 23-114(B)(2)</a>	<a href="#">NMRA 23-114(B)(2)</a>
New York	Peremptory challenges only for criminal cases.  For civil, must be for-cause.			
North Carolina	No rule found.			
North Dakota	<a href="#">NDCC § 29-15-21.</a>  “The demand for change of judge must state that it is filed in good faith and not for the purposes of delay.”	\$80.  <a href="#">NDCC 27-05.2-03.</a>  No motion fees found.	Must be indigent.  <a href="#">NDCC 27-01-07.</a>	No statute exists providing a fee waiver for persons represented by legal aid.
Ohio	No rule found.			
Oklahoma	No rule found.			
Oregon	<a href="#">O.R.S. § 14.260(1).</a>	<a href="#">O.R.S. § 21.135</a>	<a href="#">O.R.S. §21.682.</a>	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 <a href="#">fee waiver application</a> , 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	<a href="#">SDCL § 15-12-21.1.</a> <a href="#">SDCL § 15-12.25.</a>  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.	<a href="#">\$70</a> for filing fees.  No motion fees found.	Must be indigent.  <a href="#">SDCL § 16-2-29.2</a>  Fee waiver statute  <a href="#">SDCL § 16-2-29.3</a>  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	<a href="#">URCP 63A.</a>  Each party is entitled to one change of judge as a matter of right.	<a href="#">Utah Code Annotated § 78-2-301.</a>  Depends on the value of the case. Ranges from \$90-\$375.	<a href="#">Utah Code Annotated 78-A-302</a>  Indigency standard (effective 10/1/24 but fundamentally the same before that).	<a href="#">Utah Code Annotated 78-A-302</a>  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	<a href="#">RCW 4.12.050</a>  Each party entitled to one change of judge. Parties must give notice of disqualification.	\$240.  <a href="#">RCW 36.18.020(1), 5(c).</a>  No motion fees found.	<a href="#">Washington State Court General Rule 34</a>	<a href="#">Washington State Court General Rule 34</a>
Washington D.C.	No rule found.			
West Virginia	No rule found regarding change of judge (only for-cause).			
Wisconsin	<a href="#">W.S. § 802.58</a>  Each party is entitled to one change of judge without cause.	<a href="#">\$265.50.</a>  The breakdown is also available on this <a href="#">filing fee chart</a> .	Must be indigent.  <a href="#">W.S. §814.29</a>	<a href="#">W.S. §814.29.</a>  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><a href="#">WRCP 40.1(b)(1)</a>.</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><a href="#">W.S.1977 § 5-3-206</a>.</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 <a href="#">filing fee waiver application</a> for guardianship cases.</p>



**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**

## **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.]

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



**ACCESS TO JUSTICE COMMISSION**

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**MEMO**

**Date:** March 28, 2025  
**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 a Commission member reappointment is needed. Below is recommended for a vote by the ATJC Nominating Committee.

<u>Nominated, SCR 15 slot:</u>	<u>Reappoint or <b>replace</b>/organization, slot:</u>	<u>Term to expire:</u>
Dawn R. Jensen, 2(d)	Dawn R. Jensen/public attorney by AG, 2(d)	7/1/27

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

**Section Pro Bono Challenge:**

The challenge kicked off February 1 and runs through May 31. Early points are 53% ahead of last year. Already 104 attorneys have pledged to accept 72 cases, and join 127 Ask-A-Lawyer, Lawyer in the Library, or clinic events. Donations to date include the Construction Law Section pledging \$500. Nevada's legal aid providers are leveraging the challenge visibility to recruit new and returning pro bono volunteers.

## Access to Justice Highlights 4th Quarter 2024

### Overall Stats

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Category	
Children’s Attorneys Project	7,441
Consumer Rights Project	14,246
Family Justice Project	2,572
Guardianship Advocacy Project	3,330
Immigration Advocacy Project	2,638
Legal Service Fund Program	1,250
Pro Bono Project Cases, AAL	8,182
Christine Smith Community Service Program	3,450
Community Outreach Events	4,545
Civil Law Self-Help Center	57,845
Family Law Self-Help Center	90,531
Resiliency & Justice Center	4,981
<b>TOTAL CLIENTS SERVED</b>	<b>201,011</b>

### Advocacy & Justice Complex

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Legal Aid Center’s work to right wrongs and change lives is critical, and to continue this work, additional space is vital. We have quadrupled the number of clients we have served and the staff to serve them over the past ten years. Our effort is close to being a reality. A few updates:

- 82% towards our updated goal - \$28,754,334.
- Building designs are in process.
- Fencing around the construction site is being designed, with CAP clients’ drawing of what hope means to them.
- Barbara highlighted the Advocacy & Justice Complex at the Pro Bono Awards Luncheon and debuted a video produced by R&R - *Everyone deserves to have hope for the future, everyone deserves justice.*
  - Raiders were so touched, they are sending Arturo and his son to the Super Bowl in New Orleans.
- Announced construction will begin in 2025.
- Ground breaking in April.

## Overall Highlights

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Our staff and attorneys participated in 34 outreach events in the last quarter of 2024 – connecting with **1,250** people. We served a record number of people (178) at our annual Pro Bono Celebration Week Ask-A-Lawyer event. Our Legal Services Fund team went to five properties to tell over 200 casino employees about legal services available to them. In 2024 our outreach efforts connected us to approximately **5,200** people in our community.

### New Initiatives

- As part of the Clark County School District Family Engagement Program, Legal Aid Center attorneys presented programs to students’ parents on a number of legal topics.
- In hopes of expanding education outside of Clark County, our Resiliency & Justice Center staff presented a program on Psychological First Aid & Skills for Psychological Recovery to the Douglas County Emergency Management Behavioral Health Coalition.
- To capture the talent and legal expertise of retired attorneys, the Pro Bono Project has developed the Legal Legends program. Attorneys not actively licensed in Nevada can become certified through the State Bar of Nevada’s Emeritus Program, take pro bono cases, participate in the Ask-A-Lawyer Program or mentor a law student or less-experienced lawyer.
- To provide more hands-on experiences to law students, the Pro Bono Project, through the Christine Smith Community Service Program and our partnership with the William S. Boyd School of Law, included law students in telephonic Ask-A-Lawyer consultations. This program is a pilot and continues in Spring 2025.

### Publications

**CAP Attorney Denise Glasgow** was featured in a December ABA Journal article **“Moms in Law – Millennials demand work-life balance more than their predecessors, but challenges persist”**.

**Michael Wendlberger, Pro Bono Project Director** wrote **Empower a Child’s Future** featured in the December 2024 *Communique*.

## Awards



**Peter Aldous and our Consumer Rights Project were recognized by the Nevada Affordable Housing Assistance Corporation for helping and educating people experiencing housing problems in Clark County.**

**Pro Bono Project** was awarded the **Boyd School of Law Public Interest Law Association (PILA) Silver Embrace Award** - a prestigious honor recognizing organizations dedicated to advancing public interest work. PILA chose the Pro Bono Project in recognition of their impactful efforts, including promoting pro bono legal work across Nevada's legal community, sharing compelling stories to emphasize the importance of pro bono services, educating law firms on implementing pro bono practices, and fostering vital connections between pro bono attorneys and the broader legal community. The award will be presented at the annual PILA Auction on February 27, 2025.



**Debra Bookout, Directing Attorney of our Guardianship Advocacy Project, was awarded the Vegas Legal Magazine Legal Excellence Award and honored at an event at Circa on December 19.**

**Ilka Fisher, Lead Education Advocate; Education Legal Advocates Patricia Fernandez and Tara Dye; Jennie Albarado, Education Advocacy Attorney; and Kim Abbott, Mental Health Initiatives Manager** (honorary team member) were honored by the CCSD Foster Care Department for their amazing work this year on behalf of students in foster care.

## **Presentations**

- **Ellie Roohani, Human Trafficking Attorney, Resiliency & Justice Center**, presented to the Nevada Resorts Association in early October.
- **Haley Box, LSF Attorney and Lupe Ledezma, Lead Advocate, Consumer Rights Project**, presented at the Culinary & Bartenders Unions Legal Clinic on October 8.
- **Jordan Savage Consumer Rights Attorney and Stephany Achach Dominguez, Tenants' Rights Advocate, Consumer Rights Project**, presented a Solar Panel Fraud workshop in Spanish on October 9.
- **Amy Honodel, Strategic Initiatives Manager, Children's Attorneys Project**, presented the Introduction to Representing Children in Abuse & Neglect Cases CLE on October 10.
- **Debra Bookout, Directing Attorney of our Guardianship Advocacy Project**, presented at the UNR Extension Summit: Shared Responsibility – Combatting Elder Fraud on October 16.
- **Marcus Brouwers, Minor Guardianship Advocacy Program Attorney**, presented the Introduction to Minor Guardianship CLE on October 21.
- **Jackie Harris, Resiliency & Justice Center Behavioral Health Coordinator** presented Beyond Self-Care: Model for Secondary Trauma and Burnout to Legal Aid Center staff.
- **Peter Aldous, Consumer Rights Project Attorney**, presented the Buyer Beware: Scams, Fraud & Legal Options workshop on November 20.
- **Tyler Winkler, Supervising Attorney, Resiliency & Justice Center, and Jackie Harris, Resiliency & Justice Center Behavioral Health Coordinator** presented Reducing Secondary Trauma & Burnout for Helping Professionals training on December 5.
- **Jordan Savage, Consumer Rights Project Attorney**, presented Coping with Depression CLE on December 18.
- **Nick Haley, Consumer Rights Project Attorney**, presented the Know Your Rights as a Renter workshop on December 18.

Here is feedback on Ellie's presentation from the Nevada Resorts Association - YOU ROCK! Thank you for spending your morning with us and for giving an incredibly well-received presentation – it was a huge hit with attendees. We appreciate the work you do and for being a trusted partner. Here when you need us. With much gratitude and respect, Dawn (Christensen).”

## **Noteworthy Articles and Videos Mentioning Legal Aid Center of Southern Nevada**

In 2024 there were **77 articles that mentioned Legal Aid Center and/or the Resiliency & Justice Center in a noteworthy manner.**

See below for all the 4<sup>th</sup> Quarter articles and videos that mention us in a noteworthy manner.

1. <https://lasvegassun.com/news/2024/oct/01/resiliency-center-born-out-of-oct-1-an-aid-in-wake/>
2. <https://lasvegassun.com/news/2024/oct/01/unlv-hockey-coach-an-oct-1-survivor-pays-respect-t/>
3. <https://nevadabusiness.com/2024/10/around-the-state-october-2024/>
4. <https://nevadabusiness.com/2024/10/celebrate-pro-bono-2024-offers-free-legal-help-sessions-throughout-nevada-in-october/>
5. <https://www.ktnv.com/news/fighting-together-get-help-on-the-issues-that-impact-you-at-channel-13s-locals-advocacy-fair>
6. <https://news3lv.com/news/local/legal-aid-center-offering-help-to-those-looking-to-seal-criminal-record>
7. <https://www.fox5vegas.com/2024/10/25/evictions-across-las-vegas-valley-remain-high-years-after-pandemic/>
8. <https://www.ktnv.com/13-investigates/unsafest-instead-of-hope-and-healing-we-encountered-violence-and-hurt>
9. <https://news3lv.com/news/local/local-attorney-weighs-in-on-immigration-policies-after-rise-in-concerns>
10. <https://www.ktnv.com/sports/golden-knights/vgk-fans-donate-holiday-gifts-for-foster-kids-at-foster-the-future-private-skate>
11. <https://www.8newsnow.com/news/local-news/hoa-fee-increase-has-las-vegas-residents-on-edge/>
12. <https://www.ktnv.com/positivelylv/giving-tuesday-las-vegas-nonprofits-featured-in-channel-13-reporting-this-year>
13. <https://cdcgaming.com/san-manuel-palms-casino-resort-award-grants-totaling-100000/>
14. <https://lasvegassun.com/news/2024/dec/06/beam-hall-murals-channel-healing-remember-victims/>
15. <https://www.bhfs.com/news-and-events/2024/brownstein-recognized-at-legal-aid-center-of-southern-nevada-s-2024-pro-bono-awards>
16. <https://www.reviewjournal.com/crime/north-las-vegas-school-comes-to-rescue-of-victims-of-rental-fraud-3255781/>
17. <https://www.ktnv.com/morningblend/grant-a-gift-gala-11-4-24>
18. <https://www.abajournal.com/magazine/article/moms-in-law>
19. <https://clarkcountybar.org/empower-a-childs-future>
20. <https://www.mcdonaldcarano.com/news/john-fortin-receives-vince-consul-memorial-pro-bono-award/>

### **Noteworthy Excerpts from Articles and Videos**

Excerpts below correspond with numbers in the list above.

1. “This is kind of a living memorial, in a way, to those that suffered through 1 October, but as well as other victims in Nevada,” Pereira said. “We have been able to change a lot and make

things a lot better, so kind of the way I look at it is, it's true resiliency and ... we have become even better than we were before in our victim services."

7. "A lot of our clients are getting hit on all sides. It isn't just that the rent is going up, but all of their expenses are going up," said Nick Haley, an attorney with Legal Aid Center of Southern Nevada. "Even the ones that do have regular employment are facing higher and higher costs that they just can't match," he said.

...

Haley tells FOX5, statistics show that Nevada still has a dire need for affordable housing. According to the Nevada Housing Coalition, the state lacks 78,000 units for extremely-low income individuals; there is roughly one available unit for every ten families in need.

9. Nonetheless, Alonso says even if undocumented, people who have immigrated to the U.S. have rights and says the Legal Aid Center of Southern Nevada is there to help.

10. "I've worked on a lot of cases where I've been helping kids who have been abused and neglected, and what they just need is hope," Anthem Injury Lawyers managing partner Puneet Garg said. "What we thought is, since there's always about 3,000 kids in foster care, why not help get them gifts during the holidays? That's what we're doing right here."

16. Rodriguez and her family were evicted from the home on Dec. 4, and their stuff was thrown into the garage. "It was like the floor was ripped out from under us," Rodriguez said. The moments following the eviction are a rapid blur: Deven Crews, 14, grabbed his laptop. Carmelo, 3, grabbed some action figures he had gotten for his recent birthday. Rodriguez called the parents of the kids in her day care and told them to come get their kids immediately.

## Consumer Rights Project Case Highlights

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**Cheryl\***, age 51, is a disabled single mother and grandmother. She went to Vegas Valley Auto Sales\*\*, seeking to purchase a reliable van to transport her large family, which includes seven grandchildren.

The dealer gave her a pre-sale inspection report showing that the engine and drivetrain (including the transmission) were "good to go." Relying on that report, Cheryl signed a contract and made a \$3,000 down payment. Unfortunately, the transmission malfunctioned the following day. The dealer told her to go to a shop of her choice and use her warranty. Coincidentally, she selected the shop where the van was inspected prior to sale.

When she arrived at the shop, a mechanic recognized the van. This was the same mechanic who had performed the pre-sale inspection. He told Cheryl that he had warned Vegas Valley's salesman not to sell it because its transmission was slipping. The mechanic advised Cheryl to call the dealer and get her money back, but Vegas Valley refused.

Cheryl then took the van to two other mechanic shops, both of which diagnosed transmission failure and recommended a complete replacement. The full cost was not covered by warranty, and would be more than the amount for which she purchased the van—which she couldn’t afford on her fixed income.

Understanding that she had been sold a defective vehicle, Cheryl lawfully revoked her acceptance of the van and tried to return it to the dealership. However, Vegas Valley’s owner prevented her from doing so. Eventually, he arranged for the van to be picked up from her home and delivered to the original shop. The van was later sold to another buyer, allegedly after only a simple transmission flush. Vegas Valley still refused to refund Cheryl’s money.

Frustrated and defrauded, Cheryl came to Legal Aid Center for assistance. Cheryl’s Legal Aid Center attorneys made a claim against the dealer’s \$100,000 surety bond for the return of her down payment. When the claim was denied, her attorneys appealed the denial to the Nevada DMV. An administrative law judge held a two-day hearing. During the hearing, the judge heard testimony from the dealer, the salesman, and a transmission specialist who had inspected the van.

The judge found in Cheryl’s favor, concluding not only that Vegas Valley Auto Sales’ owner’s testimony was not credible, but also that the dealer had committed several deceptive trade practices in knowingly selling her a van with a defective transmission. The judge ordered the dealer’s bond company to refund her down payment, plus the money she had paid out-of-pocket for diagnostic tests that revealed the extent of the transmission issue.

Cheryl was extremely grateful to her attorneys and looks forward to receiving her funds back so that she can purchase a new vehicle.

*\*Name changed to protect client’s confidentiality*

*\*\*Name of opposing party changed*

## **Guardianship Advocacy Project Case Highlights**

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**David\*** When David turned 18 years old, his parents filed a petition for guardianship. At that time, protected persons were called “wards” and there was no Court-appointed counsel nor a Protected Persons’ Bill of Rights. There was little to no education about alternatives to guardianship, nor were there many options for someone like David, who was diagnosed with Down Syndrome.

David’s father passed away and his mother was getting older. His mother asked David’s sister to serve as co-guardian, and so David’s sister filed the petition for guardianship. The court noticed that David had no counsel and appointed a Legal Aid Center attorney to serve as his voice. The Legal Aid Center attorney met with David. David was incredibly bright, observant, and expressive of his wishes. David stated that he loved his family but that he did not want a guardianship forever. David was now in his thirties and wanted his independence. The Legal Aid Center attorney counseled David about his options, and David said that he wanted to explore alternatives but he wanted his mother and sister involved in his care.

After some time had passed, David's mother contacted the Legal Aid Center attorney and said that David and the family wanted to explore alternatives. The Legal Aid Center attorney met with David and his family (as David waived his right to privilege), and explained the different options. Ultimately, David decided that he wanted to execute a Power of Attorney (POA) for people with intellectual disabilities, which is a simplified version of a POA that the Legislature created so that those with disabilities can have a voice and more autonomy.

The Legal Aid Center attorney drafted and filed a stipulation and order to terminate the guardianship case and later met with David so that he could review and execute a POA. After 15 years of being under a guardianship, David finally had his freedom and independence, and he had a support system in place so that he could make his own decisions with help where needed. David executed the POA just in time for the holidays and said that this felt like the best Christmas present.

*\*Names have been changed to protect confidentiality*

## Family Justice Project Case Highlights

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**Christie\*** responded to a Custody complaint filed by Daryl in May, 2022. She had escaped and went into hiding with their two small children to avoid abuse by Daryl. Christie reported in her protection order application that in March, 2021, Daryl threatened to stab her and twice tried to snap her neck. The Legal Aid Center program accepted Christie in July, 2022. A few months later, at a hearing for temporary custody, Daryl was awarded supervised visitation with the two minors. He failed to attend the supervised visits but was still granted temporary unsupervised visits, wherein he picked up the children on Saturday morning and returned them on Sunday evening. The parties met at a neutral and public location to facilitate safe exchanges.

Shortly after entering the temporary order, Christie's work schedule changed. Daryl eventually agreed to change the exchange times by a couple of hours to accommodate her work schedule. Under the temporary orders, on many weekends, Daryl would not show up to the exchange location on time. He would later arrive at Christie's house intoxicated and without child safety seats for both children and expected to get the children. Christie contacted Child Protective Services (CPS) about her concerns regarding Daryl driving drunk with the minors, unsecured in the vehicle. CPS ignored Christie's concerns and reported that Christie was neglectful and the children screamed out for her attention. A few months later, when Daryl missed the exchange and time and again showed up at Christie's house intoxicated, he snatched one of the children from her arms and drove off; Christie reported the incident to the police and sought a protection order. The police went to Daryl's house and noted that he had one car seat in the car, and it was his custodial time. Christie's application for a protection order was denied. The protection order Hearing Master cited the report from the CPS worker and decided it was a custody matter, not domestic violence. Back in family court, the custody matter was set for trial in July, 2024. In October, 2023, Daryl was arrested for Driving Under the Influence and cited for child abuse and neglect because Daryl had the half-sibling of Christie's children in the car while driving intoxicated. At the hearing, to make sure the parties were ready for trial, Daryl admitted that the parties never exercised exchanging the children at the times of the temporary order, but he now wanted to enforce those exchange times. The judge stated that the temporary order is the court's order, and if the parties could not agree to an alternative arrangement, they should follow the

order or file a motion. Christie immediately filed a motion for custody. Daryl insisted on the exchanges occurring at times when Christie was still at work and unable to exchange the children. Daryl did not oppose her motion, and Christie was awarded the exchange time that worked with her work schedule and visits were changed to every other Saturday to Sunday instead of every Saturday to Sunday. Two years and a few months later, at trial, Christie was awarded sole legal and sole physical custody of the minor children, with visitation to Daryl at her discretion. Daryl was admonished for his parenting decisions and his conduct during the case.

*\*Names have been changed to protect confidentiality*

## Immigration Advocacy Project Case Highlights

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**Maria\*** came to Legal Aid for immigration assistance in August. She is an elderly woman who does not speak English. She had lost her Lawful Permanent Resident card, and was experiencing difficulty in proving her status. She had previously applied for citizenship in the past, but was unable to furnish necessary information, and the application was ultimately denied. Because citizenship was not possible for her, she needed to replace her lost green card in order to have reliable proof of her immigration status and to verify her ability to remain in the United States with her loved ones.

Because I-90 applications are expensive, with filing fees of \$465, our immigration attorney reached out to our Family Services Specialist, a worker from the Nevada Department of Health and Human Services, Division of Welfare and Supportive Services who assists Legal Aid clients, to see if it would be possible to qualify “Maria” for a fee waiver. USCIS grants fee waivers to those who are receiving means-tested benefits. A fee waiver was important for “Maria,” as her only income was Social Security, and the filing fee would have been challenging.

Our Family Services Specialist informed our immigration attorney that the client had previously applied for benefits, but her case was denied due to lack of proof of eligible Lawful Permanent Resident status. Our immigration attorney was able to explain the situation to the Family Services Specialist, who gave the attorney benefits applications for the client to complete. The Family Services Specialist advised that she would process the completed applications if the attorney could get proof of “Maria’s” A# and her eligible Lawful Permanent Resident status.

Our attorney was able to provide the A# and proof of status using the denial notice from the previously unsuccessful citizenship application, and gave the benefits applications to the client, who filled them out during the I-90 review appointment with the attorney. Our attorney then helped arrange for client and her family to meet with the Family Services Specialist to finalize the applications. The Family Services Specialist was able to get the client approved for the Supplementary Nutrition Assistance Program (SNAP, or food stamps) and the Medical Assistance for the Aged, Blind, and Disabled program, and even helped one of “Maria’s” sisters get signed up for benefits that she was eligible for as well.

Thus, in the course of an afternoon, Legal Aid helped “Maria” file for her new green card and obtain medical and food assistance, and even helped a family member get assistance they qualified for too. The I-90 was ultimately approved, and “Maria” obtained her new green card.

*\*Names have been changed to protect confidentiality*

## Children’s Attorneys Project Case Highlights

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Thanks to Janice Wolf, Xavier Planta, and Jaymie Junsay, for granting Jamaal’s wish to attend his school-organized Washington D.C. trip in March! Thanks to their generosity in extending extra Sunny Day funds and for Jaymie’s tireless work with our community foundations to raise the remaining funds, we were able to make this dream a reality!

Jaymie and Jackie had the pleasure of sharing the GREAT news and surprise Jamaal at school. They presented him with the check, and when he realized that he was going to DC, his face lit up, and he smiled ear to ear. Jamaal gave Jackie the biggest hug of gratitude and was overwhelmed with joy and thanks.

Jamaal’s school will share the pictures from the DC trip with us. Jamaal is especially excited to fly on an airplane, room with his best friends, see the monuments, and potentially meet with Senator Rosen!

It’s so nice to have these warm and fuzzy moments, especially during these challenging times.

Hope\* is a teenager whose mother passed away unexpectedly, father is a registered sex offender, adult sibling is physically abusive of Hope, and stepfather left her to fend for herself and find her own food. When Hope was removed from her stepfather’s care because he failed to protect Hope from the adult sibling’s repeated physical abuse, Clark County Family Services’ plan was to reunify Hope with her stepfather. Hope has never felt loved or supported by her stepfather, who tried to cut her off from her mother’s family. Hope had to beg for food and often stayed with a friend whose parents would feed her and give her shelter. Within days of being assigned the case and meeting Hope, Hope’s Legal Aid Center attorney worked diligently to establish that the step-

father had no legal custody or guardianship of Hope. This opened the door to Family Services considering other options for Hope aside from reunifying with her stepfather.

Hope has one light in her life, and that is her Auntie Laticia,\* who is mom's sister. Hope's attorney counseled Hope on the benefit of an aggressive plan to convince Family Services and the District Attorney to support Hope's request to live with Auntie Laticia permanently. During a very long meeting, Hope's attorney drew out from her all the reasons stepfather was not safe, was not supportive, and was actively neglectful, as well as all of the reasons why Hope wanted to stay with Auntie Laticia. Hope's Legal Aid Center attorney crafted a lengthy email to Family Services and the District Attorney detailing Hope's wishes and all of the reasons she so desperately did not want to return to stepdad and wanted to live with Auntie Laticia, and it worked! Less than one week after receiving that email, Family Services confirmed that they were on board with Hope's plan and would be working towards a permanency plan with Auntie Laticia. So now, less than 60 days after Hope was removed from stepdad's care, Hope knows that her entire team will be working towards permanency with an Auntie who loves her dearly and is committed to meeting her needs.

*\*Names changed to protect clients' confidentiality.*

## Education Advocacy Program Highlights

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**Danny\*** We filed a Due Process Complaint. Danny's mom came to us because her son is 8 years old, is completely deaf, has a chromosomal different, and has autism and an intellectual delay. Danny was found eligible for services at 3 years old, but that was during the 2019-2020 school year, so when COVID hit, upon the advice of medical professionals, his parents placed him in a full time ABA therapy center until he was old enough to have to go to school. In his two years in CCSD, the school district has never even attempted to teach him ASL or how to use an assistive technology device. In fact, his school, though he is in a self-contained program, has no DHH teachers on site. Again with the advice of her son's medical team, mom requested that Danny be moved to Helen J. Stewart, which is a special school in Clark County with a DHH program. That request was denied and instead he was slated to be moved to a Living Skills Program at another school with, again, no DHH teachers on staff. Throughout his IEPs, Danny has also only had one goal related to functional communication. Danny has also shown the ability to communicate in ASL, albeit at a slower pace. US Department of Education guidance from 1992 states that fundamental to any deaf student's IEP is a focus on the ability to communicate, going so far as to say that an IEP for a deaf child that does not provide goals and services relating to communication neither provides a FAPE, nor the least restrictive environment. Nevada has also passed a Deaf Student Bill of Rights setting forth required considerations that must be considered for any deaf student's IEP. Based on the universal failure to teach Danny any ability to communicate, we filed a due process complaint on November 27.

## Resiliency & Justice Center Case Highlights

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### **Summary #1 of victim assistance:** Wendy

Wendy is a victim of human-trafficking who came to the Resiliency & Justice Center seeking assistance with getting custody of her son fathered by her trafficker. It was discovered that Wendy had not reported the trafficking to police which would make her case for full custody weaker.

The Resiliency Center's Human Trafficking Attorney counseled Wendy on the weakness of her case and the benefits of reporting the victimization to law enforcement. Wendy agreed to be interviewed in the presence of the Attorney at the Resiliency Center by law enforcement to report her victimization. The interview was very fruitful and led to the identification of additional victims of the trafficker. One of those victims is now receiving assistance from the Resiliency Center.

Wendy's custody case was prepared for representation by the Family Justice Project. She now has a strong case for full custody of her son with charges being brought against her trafficker and her victimization corroborated by additional victims. Wendy is also receiving assistance with mental health resources, a consumer debt matter and obtaining new employment. Wendy has new hope and is looking forward to a new life for her and her son, free from the control and abuse of her trafficker.

### **Summary #2 of victim assistance:** Anita

When Anita, a survivor of domestic violence, applied for victim compensation benefits to escape her abusive situation, her claim was denied due to an incomplete police report that failed to properly document her victimization. Left without the resources to relocate, Anita felt trapped in a dangerous environment. The Resiliency Center stepped in, providing critical support. The Center's advocate assisted Anita in obtaining a Temporary Protective Order (TPO) against her abuser, and the attorney used the TPO as evidence of her need for compensation. Through their tireless efforts, Anita's claim was successfully reinstated. With the awarded benefits, Anita has relocated to a safe, stable home where she can begin to heal and rebuild her life. Her story highlights the power of advocacy in ensuring survivors receive the support and justice they deserve.

*\*Names changed to protect client's confidentiality*



Access to Justice Commission  
 Summary Report for March 28, 2025, Meeting

<b>Case Statistics</b>			
<b>Assigned Program</b>	<b>Cases Closed CY 2024</b>	<b>Cases Opened YTD 2025<sup>1</sup></b>	<b>Cases Closed YTD 2025<sup>2</sup></b>
Clean Slate Project	120	9	27
Consumer Law Project	390	65	43
Core Services	1,506	288	243
Worker's Rights	7	6	0
General	31	12	0
HIV Impact/LGBT+ Initiative	166	29	20
Indian Law	130	18	5
Pro Bono	626	84	94
Senior Law Project	318	67	47
Tenant's Rights Center	2,136	533	526
Veterans Law Project	185	20	15
<b>TOTAL</b>	<b>5,615</b>	<b>1,131</b>	<b>1,020</b>

Highlights

- As of March 18, 2025, NLS has 1,079 cases in open status with an additional 305 pending case acceptance review.
- We continue to see a steady need for assistance with housing matters at North Las Vegas Justice Court and Reno Justice Court.
- January marked the beginning of our “17 in ‘25” initiative, in which NLS Executive Director Alex Cherup and other members of leadership will visit all 17 counties this year to meet with local stakeholders and hold listening sessions regarding community needs.
- NLS participated in rural outreach initiatives designed to provide Ask-A-Lawyer opportunities as well as create awareness of enhanced self-help resources provided through the Nevada Legal Kiosks and Nevada Administrative Office of the Courts, with additional events planned in the coming months.

<sup>1</sup> Figures as of March 17, 2025

<sup>2</sup> Figures as of March 17, 2025

- NLS lead the legal section at the Veterans Stand Down hosted by U.S. Vets in Las Vegas where over 600 veterans were able to access a wide variety of services on-site. In addition to providing legal information and resources, 42 case intakes were completed at the event, with a majority receiving on-site advice and consultations through our Veterans Law Project. We were grateful to have the participation and support of our legal community partners and the local courts who were in attendance to provide warrant quashing and other assistance.
- NLS partnered with Silver State Fair Housing Council to conduct a CLE on fair housing law entitled “Principles of Fair Housing Litigation: Harassment and Retaliation Issues in Housing.”
- Our Indian Law Project partnered with Tribal Law and Policy Institute to provide a national webinar for tribal courts entitled “Empowering Tribal Courts through Self Help Resource Development.”
- NLS partnered with LACSN, SNSLP, and the UNLV William S. Boyd School of Law for Third Annual Guardianship Community Law Day focusing on guardianship and supported decision making needs for seniors and individuals with disabilities.

DAVID SPITZER ESQ.  
Executive Director



Tuesday, March 18<sup>th</sup>, 2025

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](mailto:atj@nvbar.org)

*Re: Access to Justice Commission 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. We are in the process of re-establishing a vigorous Pro Bono program, having recently hired a Pro Bono program manager. Efforts to expand our services to more northern Nevada counties continue. In spite of uncertainty regarding our grant funding for some programs, we remain committed to growing our services and continuing the excellent work our attorneys and staff do every day.

### **Recent developments**

In the last nine months Northern Nevada Legal Aid has stabilized its operations, reduced significantly employee turn-over and expanded its programs. While we have a couple of unfilled attorney positions, we have successfully recruited staff for several positions, including a Pro Bono program manager whose mission it will be to re-vitalize our presence in the Pro Bono space in Northern Nevada and a new supervisor in the Senior Center and Housing/Consumer unit, who has lead those units to several important victories for our clients in unlawful eviction cases. Our Immigration department recently saw tow of our staff achieve partial certification with the Department of Justice allowing them to expand their services to our clients.

Although a union was certified to represent our employees last June, they have not made any contact with management to begin negotiations on a collective bargaining agreement.

It is possible we may have an opportunity to expand the scope of our work to provide Guardian Ad Litim services to the Second Judicial Court, fulfilling a need the Family Court Judges in that jurisdiction have longed for.

The following are some statistics and highlights of our work since June of 2024.

**Matters worked from June 2024 through February 2025**

Date of Service: June 2024-February 2025

Row Labels	Count of Matter/Case ID#
Adult Guardianship	1096
Child Ad	1032
Consumer-Housing (General)	724
General (Misc)	4
Immigration (General)	519
Intake	6
Jail	905
MLP	2
Not Entered	2
Pro Bono	6
Self Help	9921
SLC	606
Victim Advocacy	64
<b>Grand Total</b>	<b>14887</b>

**Client Stories**

**Stories that Highlight the good work NNLA has done from June 2024 through February 2025** Names and details have been changed to preserve anonymity.

NNLA staff attorneys helped tenants with a variety of issues, including habitability matters and tenant evictions. One of these cases included Elana Butko of the Civil Self Help Center assisting a disabled client with terminating her lease under VAWA (Violence Against Women Act) as a result of domestic violence and correcting the tenant’s ledger.

**NNLA helps disabled nursing home resident avoid eviction to the homeless shelter**

A case involved the threatened eviction of a nursing home resident for non-payment. The local nursing home issued an eviction notice to the resident that would have discharged the disabled resident to the homeless shelter, which is in violation of the Federal Nursing Home Reform Law. Attorney Sarah Molleck successfully prevented eviction by negotiating with the facility and resolving the payment issues, which resulted in dismissal of the pending eviction case.

### **NNLA recovers monetary damages in multiple illegal lockout cases**

November was a big month for the Housing & Consumer Unit. On October 30, 2024, a property that rents weekly/monthly housing to low income persons was condemned by the City of Reno and Northern Nevada Health Department due to blight, human waste, and drug paraphernalia in the common areas of the premises. This resulted in the immediate homelessness of an estimated 200-300 persons. While the City of Reno had some housing resources available, the majority of residents at this complex were left unhoused and without any community resources. The problem was exacerbated when the landlords, who own several other properties in the area, temporarily re-housed residents in their other properties but then illegally evicted those residents several days later without proper notice. NNLA's Housing & Consumer Unit and the Senior Law Center united to provide immediate legal assistance to multiple clients, from disabled seniors to mothers with children. The team, comprised of Melody Luetkehans, Taylor Marie Bassell, Sarah Molleck, and Jennifer Richards, filed complaints for illegal lockout and attended multiple hearings. The hearings resulted in successful findings of illegal lockout on behalf of our clients against the landlords. Later, when counsel appeared on behalf of the landlords, the success continued with NNLA attorneys negotiating monetary settlements for the damages sustained by our clients. Some of the highlights are as follows:

- 81-year-old disabled veteran, court found that two illegal lockouts had occurred against him, client received maximum statutory damages, with a recovery of \$2,913.33.
- 62-year old senior citizen, represented to hearing stage of illegal lockout. After substantial briefing on damages, attorney negotiated settlement with total recovery of \$4,037.99, including statutory damages and attorney's fees. Client received \$3,513.47 and NNLA received \$524.52.
- 35-year old disabled mother with children, case proceeded to a hearing on the illegal lockout. After counsel appeared on behalf of landlord, attorney negotiated monetary settlement of \$1,207.50 to client, plus one month's free rent in client's new housing location. Client was thrilled to be able to provide Christmas presents to her children.

There are multiple other cases with this landlord pending as a result of the condemnation, and NNLA attorneys continue to provide legal services to clients, including negotiating the return of personal property left at the units and eviction sealing for prior evictions from the property.

DAVID SPITZER ESQ.  
Executive Director



### **Outreach and Community Events**

- Temporary Protection Order Classes weekly
- Custody Basics Classes weekly
- Power of Attorney/Estate Seminars monthly
- Monthly “Ask a Lawyer” events at Washoe County Senior Centers/congregate meal sites in Washoe County
- Senior Resource Fairs- Tabling events at the Neil Road community center and the Sparks Senior Center, among others.

### **Conclusion**

Despite an uncertain climate on some fronts, Northern Nevada Legal Aid remains committed to its mission to provide free legal services to the broadest possible population we can reach.



Date: March 17, 2025

To: Access to Justice Commission

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

Re: October 2024 – February 2025

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### **Highlights from calendar 2024**

- Enhanced our Senior Advocate Pro Bono Program by welcoming 24 new pro bono attorneys to our volunteer roster that is now 72 attorneys strong.
- Launched our Health Care Power of Attorney Mobile Workshops to bring critical legal services to seniors where they are at senior centers and communities, with the support of pro bono attorneys.
- As a result of greater IOLTA funding - increased our staffing by 2.5 attorneys (up from 4 attorneys in 2023) and 1 paralegal (up from 3 paralegals in 2023)
- Expanded number of direct service hours by 28% and provided assistance in more complex client matters such as Elder Abuse and Exploitation with referrals from Adult Protective Services as well as assisting with Wrongful Discharge cases referred from the Long-Term Care Ombudsman's office.

### **Goals for 2025**

- Increase visibility of SLP services through partnering with Nevada HAND, Coordinated Living of SNV (Ovations), and Silver-State Housing low-income senior housing communities to bring legal services and preventive presentations to older adults where they already are. This represents a connection with approximately 15,000 vulnerable seniors.
- Launch SLP Ask a Lawyer in the Senior Center pilot project at five (5) geographically dispersed locations for a half-day session monthly. Starting in April.
- Expand recognition of and response to Elder Abuse and Elder Exploitation matters through enhanced collaboration with Adult Protective Services and community education outreach.
- Being responsive to our at-risk older adults needing legal services by offering Expedited Appointments for urgent matters and maintaining a wait time of 90 days or less from client contact to client appointment.
- Continue broadening our revenue sources to ensure additional resources to support our work.

## SLP Numbers October 2024 through February 2025:

✓ Clients Served (Opened Files)*-(Non-Outreach)	959
✓ Outreach Numbers	1225
✓ Assisted Without Litigation	913
✓ Represented in Litigation	46
✓ Participants in Clinics	130
✓ Clinics with Pro Bono Attorneys	23

### Types of Client Matters (Closed Files)\*

✓ Abuse/Elder Exploitation	54
✓ (DGDN) Estate Planning/Guardianship	562
✓ Housing/Foreclosure	143
✓ (Other) Consumer/Utilities	125
✓ Income/Public Benefits/LTHC	50
✓ Healthcare	25
✓ Civil Litigation	9
✓ Family Law	3

### Outreach Activities:

#### October-2024

1. Tabling Event at Shared Responsibility Summit: Combating Elder Fraud-**89123** 122 Attendees
2. Ask-A-Lawyer at Parkdale Recreation Center-**89121** 178 Attendees

#### November- 2024

1. General Information Presentation with Retired Educators at NSEA Building-**89121** 20 Attendees
2. Spanish General Presentation at Desert Oasis Community-**89110** 25 Attendees

#### December-2024

1. General Presentation at the LGBTQ+ Center-**89101** 30 Attendees

#### January-2025

1. General Presentation at Helping Hands of Vegas Valley- **89032** 100 Attendees
2. General Presentation at Veterans Supporting Veterans- **89113** 35 Attendees
3. "Planning for Your Future" Presentation at Faith Community Lutheran Senior Adult Ministry- **89135** 46 Attendees
4. Tabling Event at 19th Annual Earned Income Tax Credit Awareness Day and Community Fair- **89101** 27 Attendees
5. Guardianship Law Day with Legal Aid Center of S. NV and Nevada Legal Services- **89101** 45 Attendees
6. Panelist at 2025 Virtual Caregiver Conference- **89117** 136 Attendees
7. Health Care Powers of Attorney Seminar at Helping Hands of Vegas Valley-**89032** 9 Attendees
8. Tabling Event at Aging Services Resource Fair- **89113** 50 Attendees

## February -2025

1. General Presentation with Centerwell Case Managers- <b>89121</b>	20 Attendees
2. Mesquite Interagency Meeting- <b>89117</b>	14 Attendees
3. General Presentation at Heritage Park- <b>89015</b>	15 Attendees
4. Latin Chamber of Commerce Breakfast- <b>89169</b>	50 Attendees
5. Senior Resource Fair at Consul of Mexico- <b>89101</b>	60 Attendees
6. ID Theft/Scam Presentation at Centennial Hills Active Adult Center- <b>89131</b>	20 Attendees
7. ID Theft/Scam Presentation at Silver State Housing- <b>89117</b>	15 Attendees
8. General Presentation with Case Managers at NV Hands- <b>89107</b>	28 Attendees
9. Solera Health and Resource Fair- <b>89122</b>	20 Attendees
10. ID Theft/Scam Presentation at Acapella Senior Apartments- <b>89104</b>	10 Attendees
11. NV Latino Bar Association Kickoff- <b>89104</b>	35 Attendees
12. 26th Annual Silver State Auction at PILA- <b>89154</b>	100 Attendees
13. Health Care Powers of Attorney Presentation at The Center- <b>89101</b>	15 Attendees

## Success Stories

### **Public Entitlements**

Jose\* is a 65-year-old Senior citizen who is originally from Guadalajara, Mexico. He came to the Senior Law Program because there was a freeze on both his and his wife's Direct Express cards, which are payment cards that many Social Security recipients use to receive and use their Social Security benefits instead of having them sent to a bank account. The client was sure that the freeze was due to fraudulent activity by a local merchant. Jose was very worried, as he and his wife needed the funds on the cards to pay their rent in less than a week. They had called Direct Express customer service, but been unable to resolve the problem. Senior Law Program attorney Jeff Arlitz reviewed the documentation provided by the client from Direct Express as well as from the local merchant. The attorney was able to ascertain that although there may have been an issue with the merchant, that did not appear to be the issue with the Direct Express cards. With the client, the attorney called Direct Express customer service and found out some additional information, and asked the client to look for some additional documentation when he returned home. Another obstacle was that Jose's California driver's license had expired and was not acceptable to Direct Express, so the SLP Staff Attorney discussed alternative documentation with them and achieved a resolution by having the client provide his naturalization papers and Social Security card. This enabled Direct Express to have both the client and his wife's Direct Express cards activated right away, giving the client just enough time to have sufficient funds to pay their rent. Client and his wife were extremely grateful and relieved for the advocacy of SLP.

### **Eviction Matter**

Jack\* and Rita\*, a married couple in their early 70's have both been deaf since birth. They communicate in person through American Sign Language. When communicating by telephone, they use a system

called “Sorenson”, which provides an American Sign Language interpreter that comes up on their TV screen when they make or receive a phone call. This couple came to Senior Law Program, because much to their surprise, they had received an eviction notice. Having faithfully paid their rent every month since they had moved into their rental home almost two years earlier, this eviction notice was confusing. The notice stated that “they had failed to perform a lease condition” without describing the condition referred to. In addition, the notice stated that they needed pay \$5000 immediately, not remedy any “lease condition”. Because SLP attorneys were familiar with this rental company they deduced what had occurred. Although Jack and Rita had been paying their rent, they had apparently overlooked a somewhat difficult to understand portion of their monthly invoice that separately bills them fees in addition to their rent, including utilities, renters insurance, and, in this case, a “smart home system service agreement “. Failure to pay these fees was the purported “lease violation”. Additionally, the amount purportedly due also included almost a years’ worth of month-to-month fees, which was charged at \$370 per month. This was another surprise to our clients since they believed they had agreed to renew their lease many months before to avoid just such a charge. On top of these charges were late fees of over \$100 per month for several months because our client switched to mailing rent payments to an out-of-state address to avoid paying the surcharge on credit cards that the leasing company implemented during their lease. There was no option for making the rent payment to a local office, which would have enabled our client to make on-time payments.

Jack and Rita were on the verge of tears when they came to our office. SLP staff attorneys immediately contacted the leasing company by phone and email and asked that the eviction be put on hold while they investigated what had happened and possible solutions. Concurrently, SLP inquired of the leasing company whether they had complied with the Americans with Disabilities Act (ADA) when explaining the lease terms and conditions to our clients. Immediately, the leasing company contacted our clients and waived all accumulated late fees, all accumulated month to month surcharges, and all the accrued “fee” charges (utilities, renters insurance, smart home service agreement, etc.). At the same time, they sent Jack and Rita the lease renewal that they had been expecting and provided a local address to pay their rent in person to help avoid future late charges.

The leasing company also promised our clients that they would be working and communicating with them in a manner that complies with the ADA going forward. Jack and Rita were very relieved to have all the purportedly past due fees and charges waived, and to be able to have a fresh start going forward, along with having received an ADA-compliant explanation of their lease and all its terms.

### ***Defense of Guardianship/Basic Estate Planning***

Alazar\* is a 70-year-old widower from Ethiopia who is in fragile health and of extremely limited means. He is cared for by his daughter, who essentially “rescued” him from another daughter who was neglecting their father. Alazar does not speak any English and is entirely reliant upon his daughter, who is fluent in both English and their Ethiopian dialect. They do not own a car, and because he is recovering from a hip fracture, he is unable to manage riding the bus. He needed POAs on an expedited basis to give his daughter the necessary authority, and to remove the other daughter from any documents. Following their initial appointment to gather information, SLP was able to provide transportation through an Uber program (because of grant funding received for this specific purpose) for them to return to our office to sign and finalize his documents. Alazar and he and his daughter were extremely

grateful, for both the critically needed legal documents we prepared and the extra support of transportation assistance.



VOLUNTEER ATTORNEYS FOR RURAL NEVADANS

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## **VARN UPDATE for ATJC March 19, 2025**

Many new things are happening at VARN. In February, 2025, VARN hired two (2) new employees, an attorney and an administrative assistant. The new attorney will be handling Domestic Violence cases for our DVVAP program and Senior cases for our RSLP program. One (1) of our bilingual legal assistants is taking the University of Nevada, Reno paralegal class. She will have her paralegal certificate by the Summer of 2025. She is very excited about becoming a certified Paralegal. VARN plans to send the other legal assistants to the paralegal program next year.

On March 31, 2025, VARN will be going “live” with their new Legal Server case management system. Hopefully, this case management system will take VARN out of the stone tablets days of case management!

On January 22, 2025, VARN hosted a reception for the Nevada Supreme Court and the Board of Bar Governors of the Nevada State Bar at the Nevada Supreme Court in Carson City. Several pro bono attorneys who have faithfully worked on VARN’s Lawyer in the Lobby program and Pro Bono Program during the pandemic years were honored.

During the calendar year 2024, VARN served 3,164 residents who reside in the Rural Counties of Nevada. This is the largest number of residents that VARN has ever served in one calendar year in its 29 year history! A copy of the VARN’s stats for 2024 is attached to this update.

One of VARN’s goal for this year is to be fully staffed by the end of 2025. VARN currently has 7 employees. VARN is aiming to be fully staffed with 11 employees. In 2025, VARN hopes to surpass the number of rural residents served by VARN in the 2024 calendar year.

VARN	DVVAP	Pro Bono	Online	IntL	LAF	Phone Logs	RSLP	Total
Carson City	40	0	9	207	0	793	133	1182
Churchill	13		3	26		51	0	93
Douglas	32	1	10	105		344	100	592
Elko	17		3	19		60	24	123
Esmeralda	0		1	0		2	0	2
Eureka	0		0	1		14	0	15
Humboldt	6		3	15		53	10	87
Lander	0		0	4		4	0	6
Lincoln	0		0	1		6	0	7
Lyon	52		7	86		188	32	365
Mineral	0		0	6		18	10	32
Nye	2		3	5		55	0	65
Pershing	1		1	5		8	0	15
Storey	6		0	4		13	7	26
Washoe	16		10	8		208	0	242
White Pine	3		0	8		9	1	21
Clark	5		12	2		200	15	234
out of state	0		0	6		41	15	57
Total Clients	193	1	62	508	0	2067	347	3164
Assisted w/ Litigation	27	1						28
Assisted w/o Litigation	166	0	62	508	0	2067	346	3149
Lawyer in the Lobby (F, G, Sp, Sr)				508			93	601
Guardianship			10	19		50	14	93
TPR/Adoption			0	1		0	2	3
Consumer/Finance			2	1		91	42	136
Housing/Foreclosure			11	35		287	35	358
Abused/Neglected Children		1	7	0		39	2	48
Family Law			48	146		333	12	540
Domestic Violence	193		5	52		98	0	348
Real Property			8	35		75	48	166
Estate Planning/Probate/POA			7	17		194	56	274
Employment			7	8		60	0	75
Income Maintenance/Public Benefits				3		37	7	10
Immigration				0		126	22	22
other(personal property)			30	139		122	53	344
Criminal			6	1		189	12	208
Medical				2		14	16	18
Legal Forms			10	12		352	26	400
totals	193		151	471		2067	347	3229

# SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY LAW LIBRARY

# ATJC REPORT

## March 2025

### 25 Years of Lawyer in the Library

December 2024 marked 25 years of the Lawyer in the Library program at the Washoe County Law Library. It's fitting that we celebrated this milestone by helping a record number of participants: 1,687. The importance and value of this community resource is evident.

### Annual Lawyer in the Library Volunteer Appreciation Lunch

The Law Library hosted our annual Volunteer Appreciation Lunch on February 5th, 2025. The event recognized the 51 lawyers who volunteered for our Lawyer in the Library program throughout 2024. Our Silverman award winner for Volunteer of the Year, Jennifer McMenemy, volunteered for 15 sessions of Probate and Landlord Tenant Law and over 29 hours throughout the year. We had a tie for top Family Law volunteer; both Max Stovall and John Keuscher volunteered for 27 hours last year. Our top General Law volunteer, Matt Morris, volunteered for 14 sessions and 25 hours in 2024. We also have 2 other lawyers who volunteered for over 20 hours in 2024: Michael Crisostomo and Chrissy Cullen.

In all, Lawyer in the Library volunteers provided access to justice by volunteering for 231 sessions last year, for a total of 450.25 hours.

### New Phone Charging Station

We frequently get requests for phone chargers in the Law Library. With cell phones being many people's lifelines, we purchased a cell phone charging locker to accommodate this need.

### Lexis+

The Law Library is excited to announce the addition of Lexis+ to our legal database offerings. Along with our robust Westlaw access, Law Library patrons now have the ability to perform legal research using the Lexis+ platform.



# Statistics

JANUARY - DECEMBER 2024

## HOW MANY PEOPLE USED THE LIBRARY LAST YEAR?



**450.25**

Lawyer in the Library  
Volunteer Hours

# Lawyer in the Library Annual Volunteer Appreciation Lunch



**The 2024 Silverman Award Winner for  
Lawyer in the Library Volunteer of the Year  
Jenny McMenemy**

## New Cell Phone Charging Locker



# ATJC REPORT

SECOND JUDICIAL  
DISTRICT COURT



RESOURCE CENTER

January - December 2024

**32,109**

In person visits

**20,872**

Phone calls

**18,246**

Emails

**The Second Judicial District Court's Resource Center plays the role of both a Self-Help Center as well as a front-facing Filing Office. Our team of deputy clerks serves self-represented litigants by providing them with certified copies of court documents, administering oaths and issuing letters in guardianship and probate matters, helping them electronically file their documents, providing court-approved forms and packets, processing payments for fines and fees, lodging wills, answering questions about court processes, and more.**

**The Resource Center experienced a 29% increase in the number of patrons seeking in-person assistance between 2022 and 2024. In the first part of 2025, the Resource Center already saw a 10% increase of in-person patrons compared with 2024. Based on our statistics, it appears that SRL's prefer in-person assistance over phone or email help.**



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## ACCESS TO JUSTICE COMMISSION

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### Triannual Nevada Legal Aid Provider/Pre-ATJC Meeting Recap Wednesday, February 26, 2025

#### **Attendees Present**

Barbara Buckley  
Alex Cherup  
Diane Fearon  
Victoria Mendoza  
Jonathan Norman  
David Spitzer

#### **ATJC Staff Present**

Brad Lewis

This was a regularly scheduled triannual provider call.

#### **Legislative Update**

With the legislature in session and Jonathan Norman being in Carson City, we began our call with his update. Please refer to your email updates from Jonathan for details and the latest.

Barbara requested that Jonathan develop a quick talking points list of potential impacts on Nevadans that legal aid organizations can use in messaging. It was commented that all should be thoughtful in communications due to the current environment.

All thanked Jonathan for his efforts. Jonathan shared that if anyone has relevant people who might testify on a particular topic, to please share that information. Diane thanked Jonathan for the quantity and quality of the feedback which she notes keeps improving, and that she appreciates SLP's inclusion and is happy to support at the legislature if needed.

Alex noted while he may be limited in his comments in a public forum and cannot take certain positions, he is able to help with testimony. Jonathan said Alex would be good for technical information needed from time to time.

Jonathan noted that if anyone needs a quick update on legal aid topics he is available to pitch in on a moment's notice. He also shared that the Carson City video connection to Las Vegas is now much improved so participating remotely is a better and easier option now than in the past.

Barbara shared that various partners and staff with expertise can participate by video and is an opportunity to reinvigorate staff as they engage with the legislature on topics where they have expertise.



### **Executive Director-Led Discussion**

Alex shared that with the current pace of activity and actions at the Federal level they've gotten some good input from LSC and how it may affect legal aid. Of course one potential effect is on Federal grants. It was discussed that certain subject matters may best be avoided at this time. This may involve reviewing statements on websites related to more sensitive subjects such as DEI, and to deemphasize potentially controversial material.

So one question is "how do we message". Another question is whether LSC funding is safe. Alex then opened the floor and a lengthy discussion ensued.

Barbara asked Alex to clarify if this discussion originated from LSC leadership and he confirmed yes. She then shared that NLADA has a webinar on February 26, and shared that it certainly makes sense to think about expectations and compliance. Alex shared that to the extent that compliance is an opportunity for review, communications should include positive, motivational content that is framed in outcomes and is universally appealing. Legal aid organizations can also focus on collaboration and education.

Finally, since funding changes are possible, it may be wise to consider alternate plans and options for differing scenarios.

Note: Discussion abridged for content.

### **EAPB CLE ADKT**

Brad reminded the group that the public hearing is March 5 if anyone from the north wants to participate. We have one letter from Judge Richards, Reno Justice Court, but then all of the comment is from the south.

### **Pew Courts & Communities Project**

Brad reported that they would present at the March 28 Commission meeting. Their project is focused on consumer debt and eviction and they have some resources and opportunities to share.

### **Statewide Service Delivery Plan (SSDP)**

Brad asked if the group would like to meet first to determine direction, or whether they'd like a first draft framework for discussion. All seemed to agree with the latter and Brad will begin work.

### **ATJC Applicant and Current Provider Annual Report**

Brad asked in which order the team would prefer to advance on the SSDP and annual report. Barbara shared that with increased funding it does seem to be reasonable to have an annual report in place for new and existing providers but did not have a preference as to order. No one seemed to think the order was important.

### **IOLTA Rate Review**

Brad shared that the spring rate review is forthcoming and that the Federal Funds Rate has dropped a full percentage point since spring of 2024. He shared that he plans to meet with Sarah Guindy soon to gauge where they are as part of early inquiries into financial institution thinking. He also welcomed any new ideas for refreshing our annual contact with financial institutions.



### **2025 Section Pro Bono Challenge**

Brad shared the challenge kicked off February 1 and seems to be going at least as well as last year at this early point. The real feel will come after compiling February statistics which will happen in early March.

### **IOLTA Formula**

Brad shared that Justice Pickerign suggested we more regularly review the IOLTA grant formula, so that will be added to the agenda for 2024.

### **Static Projects**

Brad reviewed projects that have either ended, are not advancing, or are at a point where a test case is needed to advance. No one had any feedback on next steps that are ready at this time.

- AOC self-help rollout/Ask-A-Lawyers – not great interest, but three rural events being held by NLS.
- Sealed cases – case for litigation
- Service rule - case for litigation
- Unbundling pilot – not pursuing
- Peremptory challenges – Barbara suggested Brad could check in with Bailey Bortolin

### **Future Meetings**

We'll continue the format of this meeting focusing on assuring the 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 Barbara, David, Diane, Victoria and Alex.

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