



Nevada Supreme Court Access to Justice Commission

Meeting - Friday, November 3, 2023 2:00 PM – 4:00 PM

Join Zoom Meeting

<https://nvbar.zoom.us/j/81800637574>

- 877 853 5257 US Toll-free
- 888 475 4499 US Toll-free

Meeting ID: 818 0063 7574

You may simply click the link to join with computer audio if your computer has speakers/microphone.

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.

Meeting Agenda

I. Opening Statements from Co-Chairs & Commission Roll Call	5 minutes	
II. Consent Agenda	5 minutes	Tab 1
<ul style="list-style-type: none">• Approval of June 9, 2023 Commission Meeting Minutes		
III. Discussion Items		Tab 2
<ul style="list-style-type: none">• Pro Bono Promotion Update	10 minutes	
<ul style="list-style-type: none"><ul style="list-style-type: none">○ Nevada Lawyer challenge results spread○ Recognition events (NSC/NCOA, EJDC, SJDC)○ 2024 Section Pro Bono Challenge○ 2023 Celebrate Pro Bono		
<ul style="list-style-type: none">• IOLTA	15 minutes	
<ul style="list-style-type: none"><ul style="list-style-type: none">○ IOLTA Rate Review Committee<ul style="list-style-type: none">▪ Grant request to Nevada Bar Foundation▪ Law firms with \$10+ million IOLTA balances○ Financial institution outreach○ Co-Chairs Bank of Nevada meeting 9/11○ Nevada Bankers Association (NBA) Board 9/12○ NBA CRA Officers 12/7		
<ul style="list-style-type: none">• Legislative and Eviction Diversion Update	5 minutes	
<ul style="list-style-type: none">• Commission Membership Vote	5 minutes	
<ul style="list-style-type: none">• 9/26 Unbundling CLE Feedback	5 minutes	
<ul style="list-style-type: none">• ADKTs: Limited Practice Rule, 1.8(e)	5 minutes	
<ul style="list-style-type: none">• Medical-Legal Partnership Next Step	5 minutes	
<ul style="list-style-type: none">• Elder Grant – Library Legal Kiosk Program Update	5 minutes	
<ul style="list-style-type: none">• Court Forms and Translations Update	5 minutes	
<ul style="list-style-type: none">• State Bar of Nevada Dues Check Off Donations	5 minutes	
IV. Legal Aid Provider Reports	10 minutes	



Nevada Supreme Court Access to Justice Commission

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V. Other Business

5 minutes

VI. Informational Items

Tab 3

- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Triannual Provider Call Recap
- Nevada Bankers Association *The IOLTA Report*
- Public Awareness

Upcoming Access to Justice Commission Meetings

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

2024 meetings TBD

Our Purpose

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



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, June 9, 2023 – 2:00 p.m.

Commission Members Present

Justice Elissa Cadish, Co-Chair
Justice Kristina Pickering, Co-Chair
Connie Akridge
Rachel Anderson
Annette Bradley
Diane Fearon
John Fortin
Dawn Jensen
Judge Cynthia Lu
Ann Walsh Long
Joseph McEllistrem
Victoria Mendoza
Judge Bridget Robb
Marisa Rodriguez
Judge John Schlegelmilch
Steven "J.T." Washington
Michael Wendlberger
Peter Wetherall
Judge Nathan Tod Young
Tara Zimmerman

Guests Present

Constantine Arhontas
Mark Brandenburg
Barbara Buckley
Ciara Clark
Rhea Gertken
Chanteyl Hasse
Judge Kriston Hill
Justin Iverson
Barbara Keyl
Maggie Moon
Susan Myers
Jennifer Richards
Susan Splan

Staff Present

Brad Lewis



Call to Order/Roll Call/Minutes

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

Pro Bono Reinvigoration

Justice Cadish shared that the Section Pro Bono Challenge went well. Michael Wendlberger said that the challenge was successful and Legal Aid Center of Southern Nevada generated participation from many new attorneys and saw several attorneys who have not participated in a long time return.

Brad shared the challenge highlights, including that the LGBT section was the winner with the most points as a percent of section membership. Total challenge points were 1457. Cases were awarded three points, Ask-A-Lawyer or Lawyer in the Library sessions two points, and every \$500 in section donations earned one point. This helped award points for the highest effort contributions. 198 lawyers participated taking 111 cases and reflecting 556 Ask-A-Lawyer or Lawyer in the Library sessions. 3115 hours will be contributed which will serve more than 2000 clients. \$6335 was raised, 100 percent of which will be distributed directly to legal aid providers based on the IOLTA formula. [Final statistics.](#)

Winning volunteers and sections will be featured in an upcoming *Nevada Lawyer*, in SBN eNews and social media. The Nevada Supreme Court and Court of Appeals will host a lunch for the winners and the EJDC and SJDC will host receptions for all volunteers.

Limited Practice Rule

The Committee's next draft of the Limited Practice Rule incorporating previous Commission feedback was shared. The goal is to provide a hiring pipeline for legal aid by allowing law school graduates to work for legal aid organizations for up to 18 months, even after having failed a bar exam, as "supervised legal practitioners". Justice Cadish sought feedback from Commission members ahead of a potential vote for proceeding with an ADKT and public hearing. General feedback was that it is prepared to proceed. Judge Young moved to advance, seconded by Judge Lu. A vote was taken and passed unanimously.

Gaps in Services

Identifying gaps in services is always important, but particularly in the near term when available IOLTA dollars may increase significantly. As a periodic touch-base on legal service needs, Justice Cadish invited Barbara Buckley to start this discussion. Ms. Buckley shared that the ATJC and all legal aid providers had discussed gaps in services and agreed good progress has been made in general. One area of agreement for more emphasis is habitability. While the simmering eviction crisis had pushed this issue to the back burner, continued issues from leaks to infestations, HVAC problems to general upkeep, this issue –



combined with increasing evictions – has become overwhelming and is seen by all Nevada legal aid providers.

Other areas of discussion included opioid settlements. Previous research on the significant impact of opioid addiction on legal aid was compiled. Funds could support many issues, including the potential to expand or build Medical Legal Partnership (MLPs).

Related to habitability, Judge Young shared the idea of hosting a free CLE on habitability, to include a request for pro bono assistance for this “trending need”. It could be on Zoom to engage the entire state. Peter Wetherall suggested we may consider impact legislation so legal aid can avoid tying up limited resources on similar cases.

John Fortin added that improving and standardizing statewide court forms and allowing all court documents to be electronically filed could enhance pro bono participation. Currently, it is difficult for attorneys to serve pro bono, especially in the rural areas. Judge Schlegelmilch noted that advancements have been made in Lander, Mineral, Pershing, and other rural counties on court forms.

Diane Fearon said that senior resources are important to include. Brad asked if Commission members think legal aid has any blind spots or are seeing areas to address not discussed. No one had immediate feedback but Brad shared all could email at any time with key areas for potential funding.

Ms. Buckley shared that the AOC is advancing on court technology. She shared that a key area of focus continues to be evictions with packed dockets and very speedy dispositions which cause concern. 1400 cases are in the queue in EJDC, and suggested perhaps we need a Justice Hardesty-type eviction leadership replacement who might address the bureaucracy around rental assistance and evictions. Constantine Arhontas shared that evictions visits to the Civil Law Self Help Center are up substantially. Judge Young asked, with 1400 eviction cases pending, is this a general question of access to justice? Justice Pickering and Justice Cadish shared they can discuss once the legislative session winds down, and suggested that perhaps a statewide legal aid Ask-A-Lawyer, combined with a self-help fair could be helpful.

IOLTA

Justice Cadish shared she was pleased to see the strength of the Nevada IOLTA program. In light of recent bank failures and IOLTA-related inquiries, Justice Hardesty recommended a CLE. The Commission partnered with the bar to host an IOLTA Town Hall. The panel included Bank of Nevada CEO, Bob Cerminaro and Senior Director, Corporate Banking Manager, Sarah Guindy; Nevada State Bank Senior Vice President and Professional Banking Manager (and Commission member), Raine Shortridge; Legal Aid Center Chief Financial Director, Terry Bratton; and State Bar of Nevada Bar Counsel, Dan Hooze. The CLE covered the steps lawyers can take to assure due diligence with client IOLTA funds. More than 80 registered to attend and the [CLE is available on demand](#).



Justice Hardesty, ATJC IOLTA Chair, has requested the opportunity to meet with the board of the Nevada Bankers Association in the coming months with the goal to continue to work on Nevada financial institutions receiving credit for IOLTA through the Community Reinvestment Act credits. Finally, Brad will be joined by Mark Brandenburg, Nevada Bar Foundation Board of Trustees President in Las Vegas, and Paul Matteoni in Reno, for personal outreach to Nevada financial institutions for IOLTA. A legal aid representative will join as we continue to communicate the value of IOLTA and thank banks for their participation.

Commission Member Term Expirations

With Doreen Spears Hartwell unable to attend, Connie Akridge shared that numerous Commission members' terms expire on July 1, 2023. She presented a slate and recommended that all be voted in, as follows:

<u>Nominated, slot:</u>	<u>Reappoint or replace/organization:</u>	<u>Term to expire:</u>
Bobbette Bond, 2(h)	Reappointment/Culinary Health Fund	7/1/26
Annett Bradley, 2(i)	Reappointment/Southern NV Health Dist. Ret.	7/1/26
Milan Chatterjee, 2(i)	Reappointment/Milan's Legal	7/1/26
Diane Fearon, 2(e)	Reappointment/Southern NV Sr. Law Prog.	7/1/26
Courtney Kinsella, 2(g)	Constantine Arhontas /UNLV PILA President	5/1/24
Judge Joanna Kishner, 2(a)	Reappointment/EJDC	7/1/26
Margaret Lambrose, 2(e)	Mark Brandenburg /Nevada Bar Foundation	7/1/26
Augusta Massey, 2(i)	Jennifer Richards /NV DHHS, ADSD	7/1/26
Judge Cynthia Lu, 2(a)	Reappointment/SJDC	7/1/26
Judge Bridget Robb, 2(a)	Reappointment/SJDC	7/1/26
Judge John Schelgelmilch, 2(b)	Judge Kriston Hill /Elko County (4JDC)	7/1/26
Raine Shortridge, 2(i)	Reappointment/Nevada State Bank	7/1/26
Glen Stevens, 2(h)	Reappointment/United Healthcare	7/1/26
Steven "J.T." Washington, 2(i)	Reappointment/ Holland & Hart	7/1/26
Michael Wendlberger, 2(e)	Reappointment/Legal Aid Ctr. of So. NV	7/1/26
Judge Nathan Todd Young, 2(i)	Reappointment/Douglas County (9JDC)	7/1/26

Judge Schelgelmilch moved to vote in the slate, John Desmond seconded, and the slate was voted in unanimously. Ms. Akridge thanked all those agreeing to be reappointed and welcomed the new members.

Dues Check Off

Voluntary dues check donations off during State Bar of Nevada annual license fee renewal has recently trended down. After engineering a reversal of a similar downward trend in 2019, over the last two years voluntary donations to pro bono and the Nevada Bar Foundation are again waning, as follows:

- 2019 \$70,483
- 2020 \$99,652
- 2021 \$116,425



- 2022 \$102,772
- 2023 \$73,092

Justice Cadish asked if it might be more successful to target firms rather than lawyers. Marisa Rodriguez asked if it could be an opt out versus and opt in. Brad shared related relevant information in response and shared key items from bar and legal aid discussions including:

- Increase clarity that 100 percent of contributions go to legal aid and/or NBF
- Implement an automatic donor thank you letter for a near immediate thank you vs. lag time
- Develop alternate email schedule targeted directly to lawyers “if you don’t renew yourself” with NBF link to donate (options for pro bono or NBF)
 - Transparency - Being transparent that only about 500 of 10,000 members donate (see other memo)
- Email former donors at dues renewal launch with both dues reminder and direct donation link
- Messaging strategy – brief, concise promotion language, quotes/testimonials, value donations deliver

Unbundling

Justice Pickering and Justice Cadish requested that Brad and the legal aid providers keep them updated on the ADKT advanced regarding unbundling to smooth the acceptance of pro bono cases, particularly for complex family law matters. Rhea Gertken shared that little feedback has been received and it seems as if many lawyers are unaware of the change and recommended a CLE. Justices Pickering and Cadish agreed to participate if by Zoom. A judicial CLE on the same topic may also be considered. Brad will organize a small working group to pre-plan and hold the CLE. The CLE will be widely disseminated to include SBN eNews, *Nevada Lawyer*, *Communique*, and *The Writ*. Will investigate the rule text being included in bar materials.

Medical Legal Partnerships (MLP)

Brad shared that the concept of Nevada improving and potentially expanding MLPs has come up a few times recently. Jennifer Richards is a proponent, as are Tara Zimmerman, Ms. Gertken, and others. The Commission also has other members with an interest and medical industry experience. This includes Ms. Akridge, Annette Bradley, and Bobbette Bond. Ms. Zimmerman shared that Maggie Moon could join any working group, and Jonathan Norman was mentioned. Maggie added that [the National Center for Medical-Legal Partnership](#) has a helpful website for review. She also shared the goal is to embed legal help at the medical site. Ms. Buckley shared that many issues seen by legal aid do have a medical link. From opioid-related matters to child welfare. She suggested that perhaps the committee could develop a case statement with the goal to collectively ask for relevant funding. Ms. Richards added that MLPs are an interest area for Richard Whitley, Director, Nevada Department of Health and Human Services. Brad will assemble a working committee for discussions later this summer.

Legislative and Eviction Diversion Update

Ms. Buckley shared that Jonathan Norman, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers, is still in Carson City and has had some late nights working on many



of the challenges and issues facing legal aid. Work continues on, particularly, eviction-related bills in light of the current housing situation in Nevada.

Elder Grant Legal Kiosks in Libraries

Susan Myers, legal kiosk project manager, Nevada Legal Services stated that 22 kiosks have now been installed around the state. 10 are in southern Nevada, Las Vegas, and Pahrump, and 12 are elsewhere in Nevada including the more rural areas of Elko, Ely, Fallon, and Hawthorne. Ms. Myers has been joined by Nevada Supreme Court Law Librarian, Ann Walsh Long, to train librarians on the new kiosks. Ms. Myers shared some kiosk photos and referred people to the [Nevada Legal Kiosk website](#). You can see the locations on the location drop down menu. Ms. Richards noted that public relations outreach is in the works and requests that legal aid providers assist in spreading the word. Justice Cadish and Justice Pickering thanked Ms. Myers for her work and shared that it is very helpful to have legal self-help electronically as more people become comfortable with technology.

Court Forms and Translations Update

Ms. Long shared that a \$95,000 grant was received to translate the most used court forms into languages other than English, to include Spanish, Tagalog, Vietnamese and others. All of the new translations are now available on the Nevada Supreme Court's self-help website. She shared that it was great to be a part of the kiosk project. Ms. Buckley shared she believed it important to share this information in the press including all of the language options.

Reports

- Legal Aid Center of Southern Nevada - Ms. Buckley reported that she's excited that issues involving the intersection of minor guardianship and child welfare are being examined. There have been cases where the child welfare agency has purportedly urged a relative to accept a child outside of the foster care system using coercion, depriving the biological parent of a lawyer, and the child/relative caregiver of any services. This phenomenon is called hidden foster care. In some cases, the guardianship petition is then denied, leaving the children at risk. We do want children to avoid the foster care system where appropriate, but not under coercion or unsafe circumstances. Judge Wiese issued an administrative order establishing a study committee to establish a better way to address this case type. The Vegas Strong Resiliency Center will be renamed the Nevada Resiliency and Justice Center. R&R Partners is rebranding on a pro bono basis. A groundbreaking is tentatively planned for September. The funding need has been targeted at \$30 million, with \$16 million raised and \$4 million in pledges.
- Nevada Legal Services – Peter Wetherall commended his fellow legal aid executive directors on their cooperation and collaboration to improve efficiencies. Ms. Gertken thanked Ms. Myers for her efforts on the legal kiosk project and outlined the need for sustainability and potential funding long term. She informed the group that Ms. Myers is on contract through year end.
- Southern Nevada Senior Law Program – Diane Fearon detailed that SNSLP's goals are advancing and they now have 13 staff in place with four conversant in Spanish to help serve the southern



Nevada population, part of expanding their culturally competent service outreach. SNSLP has seen a marked increase in pro bono attorney volunteers as their expanded pro bono outreach has become a priority. They have hired a strategic advisor to help them with this effort. The SNSLP Will-A-Thon served 75 seniors through 17 lawyer volunteers. She outlined a lunch this summer with Bank of Nevada that will be joined by Justice Cadish and Justice Pickering. She is pleased with the ongoing support of SNSLP by the ATJC and Commission members.

- Northern Nevada Legal Aid – Ms. Zimmerman shared that NNLA had a record year for number of clients served. NNLA has a number of positions open, and plans are in place to expand the MLP and self-help, and that the court forms updates and translations help. NNLA has seen an uptick in minor guardianship cases.
- Volunteer Attorneys for Rural Nevadans – Victoria Mendoza was having audio problems, so Judge Lu of the Second Judicial District Court shared that the Lawyer in the Library program has been going well and includes interpreters to assist. Landlord/tenant questions are common, and they get good volunteer support from the Family Law Section.

Announcement

Ms. Buckley shared that UNLV student Ciara Clark is the Legal Aid Center of Southern Nevada 2023 Melanie Kushnir Access to Justice Fellow. Ms. Clark proposed amending NRPC 1.8(e) so that the rule would allow a lawyer representing an indigent client on a pro bono basis through a nonprofit legal service provider, public interest organization, or law school clinic, to provide modest gifts and humanitarian aid to clients, or those undertaking the care and support of the client. Justice Pickering indicated that she would be happy to sponsor an ADKT. Ms. Clark thanked her and plans to submit the proposed draft change later this summer.

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
- Nevada Bankers Association *The IOLTA Report*
- Public Awareness

Section Pro Bono Challenge

Provided Boost to Statewide Pro Bono Service

Congratulations to the winners, and thanks to all who participated!



Winning Section: LGBT

The LGBT Section earned the most points based on percentage of section membership.

- **Top Volunteer from Winning Section:** Bonnie Smith, Vergara Miller Law Firm
- **LGBT Section Chair:** Kevin Kampschor

◀◀ Kevin Kampschor

Challenge By the Numbers

Points Earned:
1,457



Lawyers Participated:

 **198**

Hours Contributed:

3,115



Cases Taken:

111



**Ask-a-Lawyer/
Lawyer in the
Library Events
Joined:**

556



People Served:

 **2,000+**

Dollars Donated:

\$6,335



**Sections
Participated:** **13**



Top 10 Participating Sections, Ranked

Special thanks to the top volunteer from each section!

1. **LGBT:** Bonnie Smith, Vergara Miller Law Firm
2. **Family Law:** Robert Cerceo, Cerceo Law
3. **Probate & Trust:** Kendal Weisenmiller, Dawson & Lordahl, PLLC
4. **Public Lawyers:** Homa Woodrum, Nevada Attorney General's Office
5. **Appellate Litigation:** Timothy Wiseman, Ocampo Wiseman Law
6. **Alternative Dispute Resolution:** Fran Fine, Kristina Wildeveld & Associates
7. **Cannabis: Tie** – Amanda Connor, David Connor, Amy Meyer
8. **Young Lawyers:** Monique Jammer, Brownstein Hyatt Farber Schreck LLP
9. **Solo and Small Practice:** Max Stovall, Law Offices of Maximilian A. Stovall
10. **Real Property:** Michael Kalish, Reisman Sorokac



Since COVID-19, pro bono volunteerism and donations have been down. The State Bar of Nevada's Section Pro Bono Challenge created a friendly competition among sections to rebuild pro bono support. Check out the amazing results and congratulations to all participating sections and the top section volunteers! You can learn more about the challenge at: www.nvbar.org/sectionsprobonochallenge

WINNERS



Sections that Took MOST CASES:

LGBT, runner-up Probate & Trust

Sections that Participated in the MOST ASK-A-LAWYER/ LAWYER IN THE LIBRARY Events:

Family, runner-up Probate & Trust

Sections that Provided the MOST DONATIONS:

Family, runner-up Solo and Small Practice

Participating Sections

THANK YOU for supporting Nevadans in need!

- Alternative Dispute Resolution
- Appellate Litigation
- Cannabis
- Creditors Bar
- Family
- Gaming
- LGBT
- Litigation
- Probate and Trust
- Public Lawyers
- Real Property
- Solo and Small Practice
- Young Lawyers



The Section Pro Bono Challenge put pro bono front and center in the legal community. It inspired new attorneys to get involved and reinvigorated prior volunteers.

— Michael Wendlberger, Director,
Pro Bono Project, Legal Aid Center
of Southern Nevada



LEGAL AID CENTER
Since 1958
of Southern Nevada



NLS
NEVADA LEGAL SERVICES



There's More Help Needed!

The need for pro bono services is still very high, and the next opportunity to participate is the ABA's Celebrate Pro Bono Week, coming up on **Oct. 22 through 28!** Contact one of these legal providers for more opportunities.

www.nvbar.org/probono



Scope of Work for Nevada IOLTA Program - Access to Justice Commission

Potential Grantor: Nevada Bar Foundation (NBF)

Potential Grantee: Access to Justice Commission (ATJC)

Executive Summary: Until recently, interest paid on IOLTA accounts has been low due to the Federal Reserve holding interest rates near zero. Over recent months, interest rates have increased significantly, with many non-IOLTA accounts paying interest in the 5% range with IOLTA interest in some states paying 3% or more. At this unique time for interest rates, and with our publicly available interest rate tool gauges being somewhat blunt, it is believed an investigation into the ability to raise interest rates in Nevada should be explored through technical support and proprietary paid information. A full summary is available from the Commission.

Objectives:

- A. Review how Nevada can optimize IOLTA interest rate potential while preserving program stability and our positive partnership with financial institutions.
- B. Obtain real-time information on interest rates paid by financial institutions on IOLTA accounts nationwide, and in the Nevada market on similarly situated or comparable accounts at varied interest rates.

Deliverable Musts: **Note: The primary scope does NOT include direct contact with Nevada financial institutions.**

- A. Analysis of the IOLTA interest rate environment nationwide.
 - Item A. to include a review of agreed upon account sizes, E.g. \$100,000, \$250,000, \$500,000 and \$1 million plus. Your experience and expertise will help establish thresholds.
- B. Information on IOLTA interest rates paid by 1.) national, 2.) regional, and 3.) local banks.
 - This includes both small and large banks.
- C. Outline the pros and cons of establishing a floating rate (with or without other options) based on the Federal Funds Target Rate (FFTR).
- D. Guidance on optimal IOLTA interest rates that would likely retain 100% of financial institution participation (32 of 32) and optimal rate that would likely retain 94% of financial institution participation (30 of 32) to include all financial institutions with total principal balances of at least \$7 million. Consultant review of analysis.
- E. The purchase of third party (Curino, etc.) interest rate data for the large banks.
- F. Recommend:
 - A benchmark (minimum) rate for all banks, to also include:
 - A benchmark (minimum) rate for small banks.
 - A benchmark (minimum) rate for large banks.
 - A Leadership Institution rate as a voluntary option for all banks, to also include:
 - A Leadership Institution rate as a voluntary option for small banks.

- A Leadership Institution rate as a voluntary option for large banks.
- A Platinum Partner rate as the premium voluntary option.
- A floating rate as a percentage of the FFTR, including a floor and ceiling suggestion.
- IOLTA remittance estimate versus current receipts based on consultant-recommended optimal rate.

Deliverable Options: (Each item below must be estimated separately.)

- A. Interest rate survey of Nevada financial institutions.
- B. Known interest rates in other states:
 - a. Listed by state.
 - b. Grouped by U.S. regions using provided *National Geographic* regions map.
- C. Review all states with “leadership institution”- type programs for 1.) program names, 2.) category (level) names, and 3.) associated IOLTA interest rates.
- D. Review of and pricing for any proprietary analytical and monitoring tools.

Scope boundaries and program risks:

- A. Boundaries: We seek an analysis of “optimal”, not “maximum” rates, however complete information and analysis is encouraged in the final report.
- B. Program risks: The Nevada IOLTA program, while functioning well, has a limited number of participating financial institutions with limited ability for us to increase participation due to the size of our state and the number of financial institutions operating within our borders. Also, insurance limits make it difficult for the largest accounts to be fully insured. Therefore the optimal rate would preserve virtually full financial institution participation.

Timeline:

- A. Complete – ATJC Rate Review Committee vote to request grant from the Nevada Bar Foundation.
- B. November 3 – Full ATJC vote to approve scope of work for submission to Nevada Bar Foundation.
- C. November 6 – if yes vote and no changes, email to bidders. If changes email 11/6 or ASAP.
- D. December 15 – proposal deadline.
- E. December 18-19 – proposal evaluation and ATJC recommendation to Nevada Bar Foundation.
- F. December 20-21 – Nevada Bar Foundation conducts electronic vote to approve/reject.
- G. December 22 – winning proposal announced. Other bidders notified.
- H. February 15 – final report delivered.
- I. Week of March 6 – work product included in ATJC IOLTA Rate Review Cmte. advance materials.
- J. Date TBD – ATJC IOLTA Rate Review Committee meeting.
- K. On or before May 1 – notice of rate to Nevada financial institutions for IOLTA.
- L. On or before June 1 – new rate, if any, effective date.

Resources required: Describe the data resources you will need from the Nevada IOLTA program and include timeline requests. Data requests and timeline feedback should be made no later than Dec. 6.

Proposal deadline: December 15.

Proposal evaluation: Proposals will be evaluated based on the most effective and cost-efficient approach that achieves the outlined objectives.

Contact: Brad Lewis, Access to Justice, bradl@nvbar.org. We are happy to answer any questions.



ACCESS TO JUSTICE COMMISSION

IOLTA Rate Review Meeting Recap
Tuesday, October 10, 2023 – 4:00 p.m.

Present

Justice James Hardesty
Justice Elissa Cadish
Justice Kristina Pickering
Connie Akridge
Mark Brandenburg
Barbara Buckley
John Desmond
Doreen Spears Hartwell
Raine Shortridge
Adam Tully

Staff Present

Brad Lewis

This was the regular fall IOLTA rate review for the Access to Justice Commission to set the rate for the period December 1, 2023 through May 31, 2024.

Here was the agenda: (Materials available from the Commission.)

- Rate Review Memo Overview
 - Continued Bank of Nevada commitment at 2.25%
 - Statistics on largest balance banks and accounts
- Discussion
 - Minimum rate
 - *Leadership Institution* rate
 - *Platinum Partner* rate (2.25%)
- Approve potential (not confirmed) NBF-funded IOLTA research for ATJC consideration/vote
- Community Reinvestment Act (CRA) credit efforts

Justice Hardesty began the call by welcoming the group and mentioning visits to banks. Brad shared that targeted banks were visited the week of September 25 in Reno with Nevada Bar Foundation Treasurer, Paul Matteoni, and visits were underway in Las Vegas with NBF President, Mark Brandenburg. New this year is having legal aid executives join to share an on-the-ground perspective and compelling stories of the benefits derived from legal intervention in the most critical cases. The goals of our meetings are to thank banks for their participation in the Nevada IOLTA program, and to assure they know where IOLTA funds go and the good they do in Nevada communities.



Justice Hardesty shared that, recently, a higher interest environment is being seen which has not been seen in some time. Mr. Brandenburg related that, due to the current interest rate environment, discussions have ensued that it may make sense to spend some funds on investigating IOLTA interest rates being paid nationwide, and what might be reasonable for Nevada. For example, early inquiries showed Wells Fargo paying 3.9% in Texas, with Bank of America and Chase each paying 3.4%. One idea discussed previously is that it could make sense to set an interest rate that would float with the Federal Funds Target Rate.

Justice Hardesty shared that an RFP has been discussed to seek this information and shared that individual law firms encouraging their banks to increase their rates through participation in the Leadership Institution program has generated benefits. Also, that being able to receive Community Reinvestment Act (CRA) credit for IOLTA could encourage higher rates.

To that end Justice Hardesty shared they he and Brad recently attended a board meeting of the Nevada Bankers Association sharing the value of IOLTA and seeking their feedback on the program, rates, and CRA. It was evident most were not overly familiar with either IOLTA or the potential for expanded CRA credit. However, they were encouraged and welcomed Justice Hardesty's next meeting with a group of Nevada CRA officers at a meeting in December.

Justice Hardesty paused and sought feedback from information shared.

Barbara Buckley shared that Clark Wook, Market President, U.S. Bank recently attended Legal Aid Center's Advocacy & Justice Complex kick-off, and shared that U.S. Bank was generous with the purchase of the building adjacent to their current offices for the expansion. Also, that Clark Wook and his wife wanted to personally donate to the project and cause.

Raine Shortridge shared his view not to tie the Nevada IOLTA rate to the FFTR. In addition to requiring frequent adjusting, he believed, we would see a much quicker downside in remittances than with the current biannual review. He also shared that while interest rates are certainly higher at this time, for banks, their net interest margins are getting squeezed as they are forced to pay higher rates, and at the same time have outstanding loans and much lower rates

Brad shared that, at this time, Bank of Nevada, while agreeing to continue at a 2.25% rate, is not prepared to offer a floating rate tied to the FFTR. Mr. Shortridge added that he didn't believe that a Platinum Partner rate should be floating, but that perhaps a flat Platinum Partner rate of 1.75% could be considered.

Justice Hardesty thanked Mr. Shortridge and shared his thoughts for feedback:

- Standard base rate – 1.25%
- Leadership Institution rate – 1.50%
- New – Platinum Partner rate – 2.00% or more

Connie Akridge and John Desmond shared they are good with this layout and Mr. Brandenburg shared that it probably works for our current timing. Justice Pickering asked if this is OK with Bank of Nevada. Justice Hardesty said, yes, that both Bob Cerminaro and Sarah Guindy are fine with their rate remaining



at 2.25%. Mr. Shortridge shared that Bank of Nevada uses their rate for marketing and that they like to know they are the highest rate in the program. Justice Hardesty stated that Bank of Nevada currently has seen deposits increase with their IOLTA interest rate commitment and promotion at 2.25%.

Justice Hardesty called for a vote on the rates proposed. All voted yes.

Justice Hardesty also requested a motion to propose an IOLTA consultancy to gather proprietary information and obtain paid financial institution interest rate information on comparable accounts. Barbara Buckley moved and Ms. Akridge seconded. Mark Brandenburg asked Brad to share preliminary estimates from early bids received. Brad shared that the low bid was \$12,000 without Curino data cost included, and the highest bid came in at \$150,000, but that included add-on services not required. Without those add-on services the higher estimate was \$40,000-70,000. That information being shared all were still supportive. A vote was taken and all voted yes.

Justice Hardesty also recommended that outreach to law firms with account balances of \$10 million or more should be asked to consider talking with their banks to earn higher rates if not at a Leadership Institution.

Mr. Shortridge outlined that banks might not appreciate having funds removed from their accounts, even if they are not Leadership Institutions. Justice Hardesty shared that the goal is for law firms to encourage their own banks to pay Leadership Institution rates at least on their large accounts and that there is a record of that happening.

Ms. Buckley shared that the anticipated increase in IOLTA dollars have been a considered component in Legal Aid Center increasing staff salaries. Pre-pandemic legal aid salaries, while low, were competitive for people interested in legal aid work. There was very little turnover. However, post-pandemic, with starting salaries at around \$60,000, turnover increased and staffing has been a major concern. The ability to increase starting salaries to \$70,000 has been a game changer for staff retention, and with 80 lawyers the increase in IOLTA funding is transformational.

Brad will notify Nevada IOLTA-participating financial institutions of the new rates effective December 1 within five business days, will work with the Nevada Bar Foundation on outreach to law firms with accounts of \$10 million plus, and will prepare a scope of work for an IOLTA consultancy for a vote at the November 3 Access to Justice Commission meeting.



ACCESS TO JUSTICE COMMISSION

MEMO

Date: November 3, 2023
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 three Commission members is needed. Below are recommended for a vote by the AJTC Nominating Committee.

<u>Nominated, slot:</u>	<u>Reappoint or replace/organization:</u>	<u>Term to expire:</u>
Judge Cynthia Cruz, 2(c) ¹	Judge E. Alan Tiras/NJLJ	7/1/26
Ciara Clark, 2(g) ²	Constantine Arhontas/UNLV PILA President	5/1/24
Lisa Evans, 2(e) ³	Tara Zimmerman/NNLA	7/1/26

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

¹Recommendation of NJLJ President Judge Miller

²Ms. Clark is now President of UNLV PILA

³New NNLA Executive Director

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF SUPREME COURT RULE 49.5

ADKT 0611

FILED

OCT 19 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY
CHIEF DEPUTY CLERK

ORDER ADOPTING SUPREME COURT RULE 49.5

WHEREAS, Elissa F. Cadish, Associate Chief Justice of the Nevada Supreme Court and Co-Chair of the Access to Justice Commission, petitioned the Nevada Supreme Court on its administrative docket to adopt Supreme Court Rule (SCR) 49.5 to allow limited practice of law under the supervision of organized legal services programs and rural district attorney and public defender offices by law school graduates for a limited time; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on October 2, 2023; and

WHEREAS, this court concludes that the proposed adoption of SCR 49.5 is warranted; accordingly,

IT IS HEREBY ORDERED that SCR 49.5 shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this rule 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 adoption and publication of the foregoing rule.

Dated this 19TH day of October, 2023.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

Lee, J.
Lee

Parraguirre, J.
Parraguirre

Bell, J.
Bell

cc: Julie Cavanaugh-Bill, 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
ADOPTION OF SUPREME COURT RULE 49.5

Rule 49.5. Limited practice for Supervised Legal Practitioners.

1. **Eligibility.** Law school graduates with a “qualified employment” may apply for limited certification as supervised legal practitioners. “Qualified employment” shall mean the graduate is:

(a) 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;

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

(c) Employed by the State Public Defender or the county equivalent of such an office to practice in a county whose population is fewer than 100,000 persons;

and supervised by a member of the State Bar of Nevada who meets the eligibility requirements as a supervising lawyer.

2. **Requirements.** A graduate applying for limited certification as a supervised legal practitioner under this rule shall:

(a) Have completed a full course of study and graduated with a juris doctorate or equivalent law degree from a law school approved by the American Bar Association;

(b) Intend to become a member of the Nevada bar;

(c) Not have been denied admission to the practice of law in any state based on failure to meet applicable character standards;

(d) Certify that the applicant is not currently subject to discipline for academic dishonesty or the subject of a pending disciplinary matter in any jurisdiction; and

(e) Apply for certification with the Nevada state bar pursuant to this rule using the attached form or a different form furnished by the Nevada state bar.

(1) The application shall include a written certification that the applicant has read and is familiar with the Model Rules of Professional Conduct of the American Bar Association and the Rules of Professional Conduct of this court and will abide by the same in the activities permitted by this rule. The filing of an application pursuant to this rule is deemed a consent by the applicant to be subject to all disciplinary processes of the court and the state bar. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by suspension or forfeiture of the applicant's privilege of taking the bar examination and being licensed to practice law in this state.

(2) The application must be accompanied by a statement from the applicant's supervising attorney, on a form substantially similar to the form Declaration of the Supervising Lawyer Pursuant to Rule 49.5, attesting that the applicant will be a full-time employee or otherwise associated with the organization in a full-time capacity except for periods when studying or sitting for the Nevada Bar examination and that the nature of the employment conforms to the requirements of this rule.

3. Certification.

(a) Unless sooner withdrawn or terminated, certification under this rule shall remain in effect as long as the supervised legal practitioner remains eligible to participate in the activities permitted under this rule.

(b) The certification may be terminated by the state bar at any time without notice or hearing and without any showing of cause by mailing a notice of such termination to the supervised legal practitioner and the supervising lawyer.

(c) The certification terminates automatically whichever occurs sooner:

(1) Twelve (12) months after the supervised legal practitioner has graduated from law school or

(2) The supervised legal practitioner leaves the qualified employment as described herein.

4. Supervision. A “supervising lawyer” shall mean a member of the state bar in active practice employed with qualified employment. A supervising lawyer shall:

(a) Be an active resident member of the state bar and, before supervising the activities specified in subsection 5, shall have actively practiced law in Nevada as a full-time occupation for at least five (5) years.

(b) Supervise not more than two (2) supervised legal practitioners concurrently.

(c) Personally assume professional responsibility for all work undertaken by the supervised legal practitioner while under the lawyer’s supervision.

(d) Assist and counsel the supervised legal practitioner in the activities permitted by this rule and review such activities to the extent necessary for the proper training of the practitioner and protection of the person on whose behalf the legal practitioner is appearing.

(e) Not be required to be continuously personally present throughout the activities permitted under subsection 5 after a period of time deemed appropriate by the supervising lawyer.

(f) Be responsible to the court for all filings, and the supervising lawyer's name must be on all pleadings, briefs, or other papers prepared by the supervised legal practitioner for filing; and the supervising lawyer must read and approve any documents prepared by the supervised legal practitioner for execution by any person before submission to that person.

(g) Notify the state bar in writing promptly whenever supervision of the supervised legal practitioner pursuant to this rule ceases, unless by reason of automatic termination pursuant to section 3(c)(l).

5. Activities permitted under this rule. Under the limited application of this rule, the supervised legal practitioner may, under the supervision of a supervising lawyer, but without requiring the supervisor's continued presence after a period deemed appropriate by the supervising lawyer, engage in the following activities:

(a) Appear in any state court, a legislative body or an administrative tribunal without the presence of the supervising lawyer. The supervised legal practitioner shall announce their appearance as a supervised legal practitioner at the beginning of any hearing or proceeding.

(b) Prepare documents to be filed in any state court or with a legislative or administrative body.

(c) Prepare transactional documents such as contracts, incorporation papers and by-laws, and filings required by a state, federal, or other governmental body.

(d) Negotiate and mediate the settlement of claims and disputes.

(e) Prepare and mail correspondence.

- (f) Counsel and give legal advice.

The qualified employment office shall notify the client that a supervised legal practitioner may represent them during the pendency of the case.

6. Use of supervised legal practitioner's name. The name of a supervised legal practitioner under this rule may properly be:

(a) Signed and printed or typed on briefs, pleadings, and other similar documents on which the supervised legal practitioner has worked under the direction of the supervising lawyer if the supervised legal practitioner is clearly identified as certified under this rule.

(b) Signed to letters written on the supervising lawyer's letterhead that relate to the supervised work if the supervised legal practitioner is clearly identified as certified under this rule.

7. Compensation. A supervised legal practitioner may neither ask for nor receive any compensation or remuneration of any kind directly from the person on whose behalf he or she renders service. This shall not prevent the qualified employment office from compensating the supervised legal practitioner for his or her services and from applying to the court for fees for such services in appropriate cases.

8. Other Lawful Acts. Nothing in this rule shall affect the right of any supervised legal practitioner who is not admitted to practice law to engage in any legal-related services he or she might lawfully do otherwise.

9. Place of filing. All documents required to be filed with the state bar by this rule shall be filed with the admissions director of the state bar.

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: AMENDMENTS TO NEVADA
RULES OF PROFESSIONAL
CONDUCT.

ADKT 0445

FILED

AUG 03 2023

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

PETITION

Elissa F. Cadish, Associate Chief Justice, and Kristina Pickering, Associate Justice, of the Nevada Supreme Court petition the Supreme Court on its administrative docket to amend Nevada Rules of Professional Conduct (NRPC) 1.8(e), which prohibits lawyers from providing financial support to clients in connection with pending or contemplated litigation, with limited exceptions.

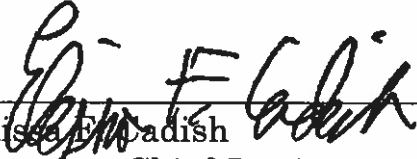
The legal aid organizations in Nevada provide a wide variety of legal services to low-income and indigent clients. However, client needs often extend beyond their immediate legal concerns. Legal aid organizations serve clients who cannot afford transportation to legal aid offices or court buildings or suitable courtroom attire, experience housing and food insecurities, or do not have access to basic essentials. Currently, NRPC 1.8(e) prohibits lawyers from providing financial support to clients except for certain expenses related to litigation or court costs. The proposed amendment allows legal aid organizations to provide modest financial assistance to clients, which facilitates access to justice for a vulnerable segment of Nevada citizens.

Accordingly, petitioners request that the Supreme Court place this matter on its administrative docket, hold such hearings as it deems necessary and consider the proposed amendment to NRPC 1.8(e) as set forth

23-24950

in Exhibit A. A letter of support for the amendment from the Legal Aid Center of Southern Nevada, which includes a table setting out how other states have amended their cognates to NRPC 1.8(e), is attached to this petition as Exhibit B.

Respectfully submitted,


Elissa F. Ladish
Associate Chief Justice


Kristina Pickering
Associate Justice

EXHIBIT A

AMENDMENT TO NEVADA RULE OF PROFESSIONAL CONDUCT 1.8(e)

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(3) A lawyer representing an indigent client through a nonprofit legal service provider may provide or facilitate modest gifts and humanitarian aid to a client or those undertaking the care and support of the client.

EXHIBIT B

To: Justice Cadish & Justice Pickering
From: Alexandra Archambeau & Ciara (Keira) Clark
Date: July, 2023
Re: Nevada Rule of Professional Conduct 1.8(e)

Dear Justice Cadish and Justice Pickering,

We are writing to you regarding Nevada Rule of Professional Conduct 1.8(e). At Legal Aid Center of Southern Nevada, Northern Nevada Legal Aid, Nevada Legal Services, and the Southern Nevada Senior Law Project, free legal services are provided to a wide variety of indigent clients. Legal aid organizations function as humanitarian organizations, representing low-income and indigent clients. The clients who seek legal services with our offices often are incredibly impoverished and disproportionately include individuals of color. While assisting clients, legal aid attorneys and pro bono attorneys hear heartbreaking stories on a daily basis.

Imagine representing a client who does not have a pair of shoes, a client who cannot afford eyeglasses, or a client who cannot afford transportation to get to court. These are real-life examples legal aid organizations see. Other common scenarios we see are clients unable to afford reliable transportation to reach our offices or court, professional courtroom attire, housing assistance, support for food insecurities, and access to other basic essentials.

The underlying purpose and intent of the existing rule is to prevent clients from selecting lawyers based on improper factors and to prevent or reduce conflicts of interest. *United States v. Georgievski*, No. 2:12-cr-00004-APG-GWF, 2017 U.S. Dist. LEXIS 227234, 31 (D. Nev. Oct. 31, 2017). Although this rule was created to align with the professional responsibility of all practicing attorneys, it is inapplicable to the unique practices of non-profit legal service

providers. The potential factors and conflicts resulting from monetary assistance provided by private attorneys are not present in legal services work. Recognizing this in the rules would not be a first, as a similar exception has been made for similar reasons in Rule 7.3 regarding solicitation of clients. Notably, the element of pecuniary gain is absent where nonprofit organizations make legal services available to the qualifying public. *Cnty. Legal Servs., Inc.*, 43 Pa. D. & C.2d 51, 71 (C.P. 1967). Legal aid organizations could provide this humanitarian assistance through charitable donations they receive for that purpose or from the lawyer assisting them on those rare but necessary occasions, but that behavior could be seen as a violation of Rule 1.8(e) of Nevada's Rules of Professional Conduct (hereinafter "NRPC").

Rule 1.8(e) has been modified and modernized by the ABA and other jurisdictions to allow for the possibility. At this time, we are proposing Rule 1.8(e) of the Nevada's Rules of Professional Conduct, read:

A lawyer representing an indigent client through a nonprofit legal services provider may provide or facilitate modest gifts and humanitarian aid to a client or those undertaking the care and support of the client.

Providing humanitarian aid or modest financial assistance should not be a violation of NRPC 1.8(e) because indigent clients have unique challenges that need to be addressed with financial support. The ABA and other states have supported amending Rule 1.8(e) to create a narrow exception permitting pro bono attorneys to provide their clients with modest assistance. This proposed amendment aims to promote access to justice and serve the public interest while ensuring that lawyers are not entangled in their clients' financial matters or compromising their ability to provide unbiased professional advice.

Below is a chart showing similar steps taken by other jurisdictions:

State	Modernization of 1.8(e)
Massachusetts	<p>“When a non-profit organization that provides free legal and other services to indigent clients has received donations or other funding to provide humanitarian aid to persons in need, such as financial assistance to pay for food, clothing, shelter, or transportation, the organization's use of such donations or other funding to provide humanitarian aid to its clients, or the clients' families, shall not be deemed a violation of Rule 1.8(e) of the Massachusetts Rules of Professional Conduct.” Mass. R. Prof. C. 1.8(e)</p>
Washington D.C.	<p>Permits attorneys to provide "[o]ther financial assistance which is reasonably necessary to permit the client to institute or maintain the litigation or administrative proceedings." D.C. R. Prof. Conduct 1.8(d)(2). Clients are not responsible for paying back any financial assistance, and "that a lawyer may also pay certain expenses of a client that are not litigation expenses." D.C. R. Prof. Conduct 1.8, Cmt. 9.</p>
New York	<p>“A lawyer providing legal services without fee, a not-for-profit legal service or public interest organization, or a law school clinical or pro bono program, may provide financial assistance to indigent clients but may not promise or assure financial assistance prior to retention, or as an inducement to continue the lawyer-client relationship. Funds raised for any legal services or public interest organization for purposes of providing legal services will not be considered useable for providing financial assistance to indigent clients, and financial assistance referenced in this subsection may not include loans or any other form of support that causes the client to be financially beholden to the provider of the assistance.” N.Y. R. Prof. Conduct 1.8(e)(4) (2020).</p>
New Jersey	<p>“A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that: ... (3) a legal services or public interest organization, a law school clinical or pro bono program, or an attorney providing qualifying pro bono service as defined in R. 1:21-11(a), may provide financial assistance to indigent clients whom the organization, program, or attorney is representing without fee.” N.J. R. Prof. Conduct 1.8(e)(3).</p>
Mississippi	<p>“A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, or administrative proceedings, except that: ... (2) A lawyer representing a client may, in addition to the above, advance the following costs and expenses on behalf of the client, which shall be repaid upon successful conclusion of the matter;</p>

	<p>(a) reasonable and necessary medical expenses associated with treatment for the injury giving rise to the litigation or administrative proceeding for which the client seeks legal representation; and</p> <p>(b) reasonable and necessary living expenses incurred.” Miss. R. Prof. Conduct 1.8(e)(2).</p>
Texas	<p>“(d) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation or administrative proceedings, except that:</p> <p>(1) a lawyer may advance or guarantee court costs, expenses of litigation or administrative proceedings, and reasonably necessary medical and living expenses, the repayment of which may be contingent on the outcome of the matter; and</p> <p>(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.” Tex. R. Prof. Conduct 1.08(d).</p>
Louisiana	<p>Attorneys can provide financial assistance outside of court and litigation expenses to clients "in necessitous circumstances." La. R. Prof'l Conduct 1.8(e)(4). That specific financial assistance is permitted in "the minimum sum necessary" to address a client's need for food, utilities, and "other document expenses necessary for subsistence." <i>Id.</i> The assistance is not limited to the client, but may also be extended to the client's spouse and dependents. <i>Id.</i></p>
California	<p>“A lawyer may pay the cost of prosecuting or defending a claim or action, or of otherwise protecting or promoting the interest of an indigent person in a matter in which the lawyer can represent the client.” Cal. rules of Prof. Conduct Rule 1.8.5.</p>



ACCESS TO JUSTICE COMMISSION

Medical Legal Partnership Committee Call Recap Friday, September 22, 2023 – 2:00 p.m.

Present

Bobbette Bond
Alex Cherup
Dawn Jensen
Krissta Kirschenheiter
Jonathan Norman
Lydia Nussbaum
Jennifer Richards
Stacie Weeks

Staff Present

Brad Lewis

This was the second call of the Medical Legal Partnership Committee (MLP Committee). The Committee was formed by the Commission to review the status of MLPs in Nevada. The agenda is below:

- Update
 - Subcommittee - core team
 - Bandwidth – no case assessment yet
- Opportunities discussion - Focus:
 - Housing?
 - VA hospitals?
 - Opioid matters due to funding potential?
 - Mental health?
- Open discussion
- Next steps
- Report for ATJC meeting 11/3

The key update is that we were unable to schedule the intended interim call to work on plan details, including a case assessment, as the two key MLP champions, Rhea Gertken of NLS, and Maggie Moon of NNLA both left their positions. So this meeting became the next step with the agenda above.

Brad's concern was, do we continue to have the interest necessary to advance? Do we have the resources? Do we have the bandwidth?

However, before that feedback, UNLV Professor Lydia Nussbaum expressed interest and joined the call, as we learned in the interim she also has interest in MLP. Prof. Nussbaum shared that her husband is a pediatrician and often sees patients in need of legal help. She said at Wake Forest in North Carolina



embedded staff is trained to screen for legal needs and refers them for help, including legal help. She suggested an investigative option early on could be to do a needs assessment of medical centers with which we expect are potential partners. Many of the referrals in North Carolina are undocumented workers, housing issues, unemployment benefits/job/social support, domestic violence and TPO.

We then continued with the interest and resources conversation.

Jennifer Richards shared that this may be an opportunity to include a legal risk detector. Alex Cherup shared that NLS does have interest and expects that there are tie ins with their current eviction defense and veteran initiatives. It certainly fits with LSC interests. Jonathan Norman shared that if we advance, a somewhat limited scope would likely be necessary to be accommodated with current resources. It was noted that Southern Nevada Senior Law Program currently has a cooperative program with UNLV social services where students are part of triaging assistance.

Stacie Weeks shared that Medicaid could be a potential funder of pieces of work. For example, certain “in lieu of service” waivers exist currently for issues such as housing, prisoners, etc. This could be discussed further. Dawn Jensen said that while many programs are income focused, that in the case of active military and veterans, they may not qualify for certain programs. She also shared the differentiation of services at, for example, various primary care providers and the VA.

Ms. Weeks also noted that if we do partner with health care organizations, they will need to be “Federally Qualified Health Centers”. If we were to begin with a pilot or trial program we’d need to target the fundable facilities that are interested and would make for good partners with legal aid. Brad mentioned that there may be some opportunities related to the Justice Bus that could travel the state, especially to urban medical/legal deserts or rural communities.

Alex shared that counsel and advice and limited action could be a way to streamline to match resources. Bobbette Bond shared that the Culinary Union’s non-Medicaid workers and workman’s compensation members could be served by a self-help mode. Stacie felt that “legal limited access” could frame potential funding.

Group feedback on potential action areas/Next steps (# of mentions):

- Northern Nevada HOPES (4)
- Rural option in northeast Nevada, with older Americans, or in the south in a low-income location
- Elko
- Prison(s)
- UMC (1)
- UNLV
- VA



- NNHOPES, south, and rural (1)

The key was determined to be targeting “Federally Qualified Health Centers” (FQHC) and Brad will find and share that list with the legal aid providers for their preferred potential partner(s). The overall sentiment was to focus on existing Medicaid waiver funding and focus efforts, at least initially, in those areas. Northern Nevada HOPES, currently engaged with NNLA, is a FQHC.

After other FQHC facilities are identified an informal needs assessment could be conducted, with next steps discussed and formulated based on interest and responses. This assumes that legal aid organizations beyond NNLA are interested and assign a champion to advance, otherwise the MLP concept more broadly statewide cannot proceed.

An update can be shared at the full Commission meeting on November 3 with any additional feedback taken into account before proceeding.



Access to Justice Highlights 3rd Quarter 2023

Overall Stats

Total Cases/Clients Helped				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Consumer Rights Project	2,185	2,939	2,671	
Guardianship Advocacy Project	2,346	2,600	2,646	
Minor Guardianship Advocacy Program	565	544	679	
Family Justice Project	819	981	1,006	
Immigration Advocacy Project	1,519	1,389	1,428	
Children's Attorneys Project	2,654	2,746	2,786	
Education Advocacy Program	166	275	261	
Volunteer Education Advocacy Program	141	186	195	
Civil Law Self-Help Center	16,520	17,388	18,814	
Family Law Self-Help Center	22,621	22,610	22,179	
Vegas Strong Resiliency Center	861	1,554	810	
Community Legal Education Classes	600	820	929	
Pro Bono Cases Placed	141	159	126	
AAL Clients Served	901	1,058	1,011	
TOTAL SERVED	52,039	55,249	55,541	

Overall Highlights

Community Outreach Events

In this quarter, Legal Aid Center staffed tables at 33 events attended by 3,636 people. We are on track to participate in over 150 events by the end of this calendar year – nearly twice the number of events we attended last year.

Record Sealing

Our most important event this quarter was the record sealing event, which was in the works since March 2023. After months of hard work, on August 18, the Court entered Orders to Seal the criminal records of 155 Legal Aid Center clients. The Record Sealing team, Legal Aid Center

staff, and our community partners working together made this event happen and changed the lives of so many people. Amazing! We hope to make this an annual event.

Below are some comments from the grateful clients.

How important was the outcome of this case to you? How did it affect your life?	Please provide any other comments you would like to share with us.
The outcome of this case has helped me so much. I'm very grateful for Mr. Fischer for being able to assist me in sealing my record. My life can only continue to get better.	I sincerely thank everyone that was involved with this case. The judge, the District Attorney, Mr. Fischer, everyone involved. You are all wonderful people and I'm very blessed to be able to get the help I had in getting my record sealed.
Life changing	Thank you for giving me my life back. This has been a stressful 5 years for me!
This is very important to me to seal my record . I appreciate you guys so much i can finally move on with my life and get an absolute fresh start	Thank you for everything
I am extremely thankful for this opportunity it will make a huge difference in my life now and moving forward	Thanks for this opportunity that was given to me Jason is an amazing person to work with we the community need more people like him and his team
Very important. With my criminal record being sealed I am able to more confidently navigate seeking employment. I am also able to socially and personally move forward from my past with a clean slate.	
It's was very important. I can get a good job now.	
I didn't realize how important it was to me until the days got closer. This moment was life changing!	Your process was super easy and very detailed. I was always informed of every step and updated regularly. This tpye of service should be duplicated by all!
Extremely important. My life has been hard because of my record	Im extremely grateful for This opportunity. I look forward to new horizons. All Praises to The Most High God!
Very important, my records were sealed, that is life changing for me	
Very important for my future.	Thank you

This allows me to maintain my work license. So it is imperative for my income.	Having my record sealed helps me to maintain my job and I feel very grateful to have all of my rights restored. Thank you
Job	Thanks
This meant the world to me. I'm so happy that legal aid helped me with this	This process was smooth and was. Everyone was great
Very!!!	The process and team were exceptional & Jason kept me in the loop every step of the way!
Extremely as I wanted to put that part of my life behind me. I believe I'll have more job opportunities now.	I'd like to thank everyone who helped make this possible. Forever grateful!
Greatly!!! Now I can apply for housing and a job if my husband passes away before me. I'm getting older so I don't need any more stricks against me.	This whole program was very helpful. I would of never been able to afford a lawyer. They never treated me like I was a criminal. My Lawyer explained every step of the way. He was also straight and firm about me staying out of trouble. I was blessed to be part of this opportunity. Thank you!!!
I have a clean record know thanks to you guys. It will definitely help my life.	

Legal Aid Center in the News

This quarter the biggest news “event” was the press conference announcing our growth plans for the Advocacy and Justice Complex. We are grateful to those of you who were able to attend. If you were not at the event, here is a link to the program on our YouTube page

https://youtu.be/qLKr9q_YzxY

Michael Kostrinsky, staff attorney in our Consumer Rights Project, authored an article – “How Lawyers Protect the Protected Person: A Lawyer’s Role in Adult Guardianships” featured in the **September issue of Nevada Lawyer magazine**. **Patty Walsh**, a guardianship attorney in our Guardianship Advocacy Program, was the lead editor on this excellent Nevada Lawyer issue.

Also, check out the article in this issue on trailblazer **Xavier Planta**, Deputy Directing Attorney in our Children’s Attorneys Project! So incredibly wonderful to see Xavier highlighted as a Nevada attorney trailblazer. Xavier’s rock solid leadership and mentorship has been a game changer for our organization!

Here is a list of articles and videos that mention Legal Aid Center in a noteworthy manner.

1. [***https://www.8newsnow.com/news/local-news/changes-to-come-for-vegas-strong-resiliency-center/***](https://www.8newsnow.com/news/local-news/changes-to-come-for-vegas-strong-resiliency-center/)

“So, when someone goes through a trauma like that it doesn’t just impact them, it impacts their circle of family and friends,” Pereira shared. “We actually expanded our services because we recognize that when people are dealing with significant trauma as a result of a violent crime, it’s really difficult to navigate the victims’ services.”

2. [***https://www.nevadacurrent.com/2023/07/21/a-day-at-north-las-vegas-eviction-court-shows-aftermath-of-eviction-protections-expiring/***](https://www.nevadacurrent.com/2023/07/21/a-day-at-north-las-vegas-eviction-court-shows-aftermath-of-eviction-protections-expiring/)

When businesses were shut down in 2020, she lost her job at Mandalay Bay. With just one job, she relied on family support to get by. Earlier this year, she contracted COVID and lost her job. She fell behind on rent, which jumped from \$1,690 to \$1,895 in December.

3. [***https://www.ktnv.com/news/know-your-rights-what-to-do-when-your-air-conditioning-goes-out-and-no-one-will-help***](https://www.ktnv.com/news/know-your-rights-what-to-do-when-your-air-conditioning-goes-out-and-no-one-will-help)

...the Legal Aid Center of Southern Nevada stepped in, helping her combat a poorly functioning air conditioning unit and a landlord who hasn’t remedied the problem.

4. [***https://www.ktnv.com/news/las-vegas-residents-say-their-dogs-died-after-air-conditioning-broke-in-their-rental-homes***](https://www.ktnv.com/news/las-vegas-residents-say-their-dogs-died-after-air-conditioning-broke-in-their-rental-homes)

“There’s no way I should be paying extremely high rent and basically live in a place that’s inhumane,” Hart said. Both Brooks and Hart said they wanted to prevent their dogs’ deaths but could not find a way to merge the high cost of keeping their pets cool with their already tight budgets.

5. [***https://www.fox5vegas.com/2023/08/03/surge-evictions-coming-las-vegas-valley-after-protections-expire-new-resources-available/***](https://www.fox5vegas.com/2023/08/03/surge-evictions-coming-las-vegas-valley-after-protections-expire-new-resources-available/)

Legal Aid Center of Southern Nevada operates a clinic at the Regional Justice Center, which handles 70% of the state’s evictions. “We are seeing huge spikes. What used to be a busy day, 300 people coming in on evictions, now we are seeing over 400 to 500 a day. The people this is impacting by the sunset of these protections, the elderly, adults with disabilities, and then families who had fallen behind one to two months, they could have been helped,” said Jonathan Norman, policy director of the Nevada Coalition for Legal Service Providers.

6. [*https://www.reviewjournal.com/news/politics-and-government/las-vegas/a-veterans-eviction-was-halted-at-the-last-minute-many-more-arent-as-fortunate-2897475/*](https://www.reviewjournal.com/news/politics-and-government/las-vegas/a-veterans-eviction-was-halted-at-the-last-minute-many-more-arent-as-fortunate-2897475/)

...hours before the deadline, thanks to a referral from the legal aid center, the United Labor Agency of Nevada nonprofit stepped up to pay Hall's back-owed rent, prompting the complex to halt the eviction. His church also pitched in to keep him afloat while he regains his footing.

With the payment, the landlord rescinded the eviction, and the court dismissed and sealed the case, a Las Vegas Justice Court administrator said Thursday. But Hall is one of the many faces of Clark County's eviction crisis, where filings for the proceedings have exploded since the onset of the COVID-19 pandemic.

7. [*https://www.8newsnow.com/news/local-news/grant-funding-to-end-for-vegas-strong-resiliency-center-but-they-plan-to-stick-around/*](https://www.8newsnow.com/news/local-news/grant-funding-to-end-for-vegas-strong-resiliency-center-but-they-plan-to-stick-around/)

"We've evolved because the needs have evolved," Vegas Strong Resiliency Center Director Tennille Pereira explained. "We've seen a lot of healing in our community, but there are still needs that are out there." The center staff said they continue to encounter victims who continue their healing journey and need this center to connect to resources. Now, the team at the center is working to secure more funding.

8. [*https://www.8newsnow.com/news/local-news/vegas-strong-resiliency-center-to-be-renamed-as-legal-aid-center-expands/*](https://www.8newsnow.com/news/local-news/vegas-strong-resiliency-center-to-be-renamed-as-legal-aid-center-expands/)

"We are excited for this growth opportunity to both expand legal aid to the most vulnerable in our community as well as to create a resource and referral center for survivors of violent crime," Barbara Buckley, Esq., executive director of Legal Aid Center of Southern Nevada said. "Whether it's providing support to survivors of violent crimes, providing advocacy to victims of domestic violence, helping abused or neglected children navigate through the foster care system, or offering a helping hand, the new Legal Aid Center of Southern Nevada Advocacy & Justice Complex will allow us to move into the future, providing help and hope to those in need."

Over the past 10 years, the number of clients the Legal Aid Center of Southern Nevada serves has nearly quadrupled. The center provides a plethora of legal services including the Family Justice Project, the Guardianship Advocacy Project, the Children's Attorneys Project, and the Vegas Strong Resiliency Center.

9. <https://www.ktnv.com/news/legal-aid-center-of-southern-nevada-announces-new-30-million-complex-expansion-of-services>

Helping families with the grieving process is one of the goals for the Legal Aid Center of Nevada.

"Without justice, crime echoes through generations, we want to construct a beacon of hope to provide that justice," Barbara Buckley, executive director of Legal Aid of Southern Nevada, told us.

10. <https://www.reviewjournal.com/local/vegas-strong-resiliency-center-to-expand-services-2913728/>

The award-winning Vegas Strong Resiliency Center offers free legal advice and connects survivors of the mass shooting, and others affected by it, with compensation programs and mental health resources. "The Center is a nationwide model in how to serve survivors of mass violence," the nonprofit said. "This consistent and urgent need has resulted in the decision to grow and serve victims of all violent crimes throughout Southern Nevada, while also serving as a blueprint for other communities around the country dealing with similar tragedies."

Consumer Rights Project Case Highlights

Claimant's mother came to Legal Aid for assistance in representing her son at his Administrative Law Judge (ALJ) hearing regarding his claim for Supplemental Security Income benefits. Mother claimed she was unable to obtain representation from private attorneys and was advised to contact the Legal Aid Center of Southern Nevada for assistance.

Claimant is an 11 year old who was diagnosed with ADHD (attention deficit hyperactive disorder), ODD (oppositional defiant disorder), Disruptive Mood Disorder, Anger Outbursts, and Adjustment Disorder. Claimant's mother reported that his father abandoned the family due to claimant's violent and destructive behavior at home which included multiple visits by the police. Claimant was also expelled from school due to defiance and repeated suspensions due to anger outbursts involving destruction of school property. Mother reported that she and claimant will have to find new housing due to his behavior and destruction of their current rental home. Claimant's mother contacted Legal Aid in March 2023 requesting assistance in representing them at his ALJ hearing scheduled for July 18, 2023. Legal Aid accepted Claimant's case and updated his medical/school records and submitted them to Social Security prior to his ALJ hearing. At his ALJ hearing on July 18, 2023, Claimant was represented by Legal Aid Center. A brief was submitted on the claimant's behalf noting the severity of his multiple mental health diagnoses, his poor academic performance, multiple suspensions for hitting other students and

destroying school property resulting in his expulsion from school. Following the hearing, the Administrative Law Judge issued a favorable decision on the claimant's behalf allowing his mother to use his SSI benefits to obtain additional mental health treatment for the claimant in order to help alleviate the claimant's symptoms and improve the quality of his and his family's life.

Norma*

Norma*, age 79, experienced ignition problems with her only vehicle, a 1997 Plymouth Voyager. She took the van to Speedy Auto Service** for a diagnostic test. The mechanic at Speedy Auto examined the van and recommended at least 16 different repairs for a total of \$3,400. Norma, however, could not afford that amount, as her only income is Social Security of \$970 per month, and she lives in public housing.

When Norma told the mechanic that she could not afford the bill, Speedy Auto signed her up for financing through Link Finance.** Norma never signed or even saw the Link Finance contract, nor did she realize that she had entered into a lease-purchase agreement for auto repairs. At the end of the 18-month contract, she would have paid over \$8,000, which includes the price of the repairs plus interest.

Additionally, the repairs that Speedy Auto performed left the van in worse condition than before. She then had to finance additional repairs through another auto body shop.

Unable to keep up with the payments, and disappointed by the quality of the repairs she received from Speedy Auto, Norma came to Legal Aid Center for help. After reviewing her documents, Norma's Legal Aid Center attorneys informed her that she had actually *leased* auto repairs through Link Finance. She was astonished not only that her agreement was a lease, but also that she had leased something intangible.

Her attorneys then contacted Link Finance, explaining that in Nevada it is a deceptive trade practice to lease items with little to no residual value. Here, auto repairs have absolutely no residual value, so they cannot be leased. After negotiations, Link Finance offered to take no further action on the lease-purchase agreement and to release Norma from further financial obligation.

Norma was overjoyed that she would no longer have to struggle to afford groceries and other necessities because of having to pay Link Finance.

**Name changed to protect client's confidentiality*

*** Name of opposing parties changed*

Guardianship Advocacy Project Case Highlights

Betty*

Betty is 95 years old, and she served as a nun for many years. She has taken care of herself throughout her adult life, and she resides in a very tight-knit and supportive community. Additionally, Betty is an independent, intelligent, and strong-willed woman who has cared for her own affairs. Betty became ill, and ended up in Hospital A. Concerns arose, within the hospital, about Betty's ability to return to her home without some assistance. In fact, the hospital wanted Betty to be placed in a locked skilled nursing facility. Betty rejected their recommendations.

Shortly thereafter, John, a friend and neighbor of Betty, filed a Petition for Appointment of Guardian Over Adult. Betty wanted John to serve as her guardian and trusted him to help her with matters pertaining to her person and estate. John completed all the procedural requirements to be awarded guardianship and he made clear to the hospital that he planned to honor Betty's wishes to return home. Betty's supporters and friends volunteered to provide the round the clock assistance she needed. Hospital A filed its own Petition requesting that the Clark County Public Guardian be appointed because it did not agree with John's plan.

Betty's counsel convinced the Clark County Public Guardian to support John's Petition and zealously advocated for Betty's rights before the District Court. The Court agreed with Betty and appointed John to be the guardian of her person and estate.

As soon as she is medically ready, Betty will be released to return to her life, in the comfort of her own home.

*names have been changed to protect confidentiality

Family Justice Project Case Highlights

Tiffany*

Tiffany divorced her husband several years ago. However, they were still in contact with one another regarding visitation for their youngest daughter who is 16 years old. Throughout their relationship, her husband physically, verbally and sexually abused Tiffany. He tried to cut her thumb off and beat her so badly that she lost hearing in one ear. At this time in her life, he continued to harass her and kept trying to turn her youngest daughter against her. Tiffany was terrified that at some point, he would kill her. She filed an application for a TPO that was based on a weak harassment issue. Her ex-husband avoided service and the Hearing Master allowed Tiffany multiple continuances to effect service. Her ex-husband was finally served with the TPO and failed to show up at the extension hearing. The Hearing Master considered the long-standing domestic abuse history, Tiffany's continued fears and anxiety and her ex-husband's continued

harassment and disregard for the TPO and granted her request for a one- year extension. With the continuances, Tiffany's TPO will be in effect for almost two years.

*names have been changed to protect confidentiality

Immigration Advocacy Project Case Highlights

Client was an attorney in Afghanistan. She worked representing victims of domestic violence. In general, domestic violence is not a crime recognized in Afghanistan. In fact, families often discourage victims from reporting abuse because they don't want to bring shame to the family. Client decided to work in this field because her first husband's family was abusive towards her because she decided to attend law school. They felt her place was at home taking care of the home. Often the perpetrators she prosecuted were members of the Taliban. They would threaten her and her family. She was shot at once and believes it was a message from the Taliban. Once Kabul fell and the Taliban took over the government, she couldn't return to work. It wasn't safe. Moreover, as a woman, she was no longer permitted to work as an attorney for the government. She fled Afghanistan to protect her daughter. She has said that she would rather die than not help the women in Afghanistan but she just couldn't subject her daughter to harm. She has lost her ability to work and basic freedoms because she is a woman. Legal Aid Center filed a TPS for the client and her daughter and are waiting for the interview to be scheduled. This application is likely to be approved and our client will be able to move forward in this country.

Children's Attorneys Project Case Highlights

Taylor*

Taylor is a 7-year-old boy whose mother has spent the past several years dodging DFS involvement by moving from state to state and placing him into a temporary guardianship every time investigators started coming around. He was eventually caught and Taylor was removed from care. The past few years have been very traumatic on Taylor, but he is now in the care of a family friend where he is happy and feels safe. A problem arose, however, when Taylor's mother began trying to manipulate the relatively inexperienced DFS caseworker who seemed to believe everything the mother told her – which included allegations about the placement denying the mother her rights and abusing Taylor. As a result, DFS made it known they were actively seeking to remove Taylor from his 'fictive kin' caregiver to place him with another of the mother's friends who would allegedly be more willing to facilitate the reunification process. In court, Taylor's CAP attorney was able to establish that while the mother knew her friend well, Taylor had only met her once more than half his life ago. The CAP attorney successfully argued that no fictive kin relationship was formed based on this one meeting long ago, and consequently the mother's friend had a lower priority as a placement than Taylor's current fictive kin caregiver. Taylor's judge therefore issued an order precluding DFS from moving Taylor away from the home where he is comfortable and safe.

*names have been changed to protect confidentiality

Education Advocacy Program Highlights

Recently, our Education Advocacy Program team, represented by attorney Jackie Deam, advocated for a child who suddenly found herself living in a group foster home as a result of her mom's long term hospitalization. This young child, like many of our clients, was disciplined for a behavior that was clearly a manifestation of her disability and the trauma of her family's separation. The school proceeded to exclude our client from school and remand her to online distance education, all without the participation of her legal educational decision maker. Not only did the school unlawfully deny the child her special education rights, but she was also removed from the one consistent place that had great potential to offer her positive adult and peer relationships.

Another client was repeatedly sent home early because the same school did not have the necessary behavioral supports in place to ensure his success. Our client, a child who resides in a group home and has special education needs, was denied education and excluded from his classroom. Repeatedly, the school staff, which consisted of untrained teachers and inexperienced long-term substitutes, demanded that he leave and return to his group home prior to the end of the school day.

Our team intervened and demanded more with the filing of a systemic complaint against this particular Clark County School District school. The 173 page complaint, drafted by Jackie with the tremendous help of Boyd Law Clerk, Emily Kunz, led to an investigation, which was completed in just over three months. As a result of the investigation, the State ordered corrective action to address numerous violations with both systemic and individual relief for the multiple children named.

For example, our client who was disciplined without participation of her educational decision maker, the State awarded her a remanded hearing, so that her educational decision maker may meaningfully advocate on her behalf. For the young boy who was repeatedly removed from school, the State ordered the school to provide him extra instructional hours outside the school day where he will be provided additional behavioral services so that he has a real chance to succeed. Other remedies provided for other named students included renewed evaluations, behavioral assessments, and updated individualized special education plans.

Systemic remedies were also imposed on the school, including forcing the school to submit a plan to attract, prepare, and retain special education teachers, and to provide special education professional development and trainings for teachers and long-term substitutes. Additional systemic relief directs the school to review the records of all the students in care attending the school to confirm the correct identification of the students' legal educational decision makers.

We know that many concerns are ongoing, but every inch that we move the dial for students with disabilities counts!

Vegas Strong Resiliency Center Case Highlights

Natalie*

Natalie is a Route 91 survivor who works in setting up live music and other events. The Center had previously assisted Natalie in successfully extending mental health benefits through the Nevada victims of crime program in the fall of 2022. Natalie has consistently been working with behavioral health specialists, and has been taking medication prescribed for her. Following a center wellness check, Natalie reached out to the center because she had lost her most recent job that had provided health insurance. On top of that, Natalie lives in a State where they have not expanded Medicaid, meaning that even though she was low income and would likely qualify for mental health and prescription benefits in another State, she would have to come out of pocket where she lived. Natalie had an outstanding balance with her mental health provider who was writing her prescription. Natalie felt trapped because she was out of her prescription, but could not make an appointment with the balance and get the prescription refilled. When she tried to access victims of crime benefits to cover the more expensive provider bills, she was told she had exhausted her benefits. She felt like a door had been closed on her. The Resiliency Center worked to address Natalie's most acute needs--including leveraging the Center's emergency financial assistance for immediate support--and communicated to the victims of crime program on her behalf. The Compensation program extended benefits, and the resiliency center advocate collected all the necessary information to have Natalie be reimbursed. Further, the Resiliency Center Behavioral Health Navigator spoke with Natalie and found trauma-informed counseling, and a psychiatrist, who would both bill the crime compensation program directly moving forward, and successfully resolved the prescription refill issue quickly to avoid a lapse in medication. The Resiliency Center continues to work with Natalie to identify long-term solutions.

Jane*

Jane came to the Vegas Strong Resiliency Center after being a victim of sex trafficking. Jane was referred to the VSRC by the Salvation Army when their resources weren't able to help Jane any more. Jane's long history of sexual abuse, domestic violence, forced marriage, and sex trafficking made it difficult for her to trust anyone, but she commented that she could feel our sincerity and commitment to helping her from the first meeting. Jane needed help with housing and employment. Because of our community connections, including with the Native American tribes, we were able to connect Jane quickly with resources. We are also helping Jane with confidential address program and name change to help her escape her traffickers once and for all.

*names have been changed to protect confidentiality



Date: October 24, 2023

To: Access to Justice Commission

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

Re: Updates for May – September 2023 period

Highlights of May – September 2023

Senior Law Program is pleased to report progress on our **Goals for 2023** listed below:

- ❖ Seek funding support to add staffing of a bilingual attorney and a bilingual paralegal, in addition to the current two SLP staff members who are bilingual.
 - **SLP has made progress in expanding the Spanish-speaking services we make available to senior clients through recruiting Spanish-speaking pro bono attorneys and partnering with the UNLV Boyd School of Law Immigrant's Rights Center. SLP Board Member Mariteresa Rivera-Rogers has been an invaluable resource in guiding our program enhancements. We continue to diligently pursue additional funding to add a bilingual attorney to our staffing model.**
- ❖ Increase the number of Hispanic seniors served by SLP to align more closely with the percentage of Hispanic population in Southern Nevada.
 - **Since May 2023, we have actively pursued our Hispanic Senior Outreach Initiative in collaboration with Ericka Aviles Consulting, with messaging to targeted audiences that SLP is here to help them. We have conducted four (4) informational presentations in Spanish to seniors in low-income communities and welcomed our first Spanish speaking Basic Estate Planning/POA Health Care clinic for seniors on September 19, with a pro bono attorney.**
- ❖ Continue to seek improvements in how SLP collaborates with other legal aid organizations and community organizations.
 - **SLP has had a number of discussions with Nevada Legal Services and Legal Aid Center of Southern Nevada regarding aligned messaging to possible pro bono attorneys and we have engaged in the first steps of developing materials that describe to all attorneys what pro bono opportunities have in common, such as CLEs for training and CLEs for service hours, experienced attorney mentors, as well as what the differences**

are in pro bono commitments at each of the Southern Nevada legal aid organizations. This collaboration over time has the potential to reach and motivate the estimated 72% of attorneys who currently do not report any pro bono service to the State Bar.

- ❖ Expand the Senior Advocates Pro Bono Program with external attorneys committing to volunteer a minimum of 6 hours annually, including Spanish-speaking attorneys, and increasing internal staffing to support the administrative responsibilities related to a robust pro bono program.
 - **At the second annual SLP Salutes Senior Advocates special event on October 25, we acknowledged the 52 pro bono volunteers from 43 law firms who have made it possible to increase the number of clients served by 24% in the past 12 months, without adding to our staff attorney roster. We are grateful to the 27% of our pro bono volunteers who volunteer beyond our requested minimum of 3 clinics annually and that we have had the support of UNLV Boyd Law School Spanish-speaking students to assist us in translating client materials for Spanish-speaking clients. In June 2023, we filled a FT position that is 50% Pro Bono Coordinator, and 50% eviction-matters support Legal Assistant. By mid-August, all our volunteer slots for the rest of the year for our Basic Estate Planning/POA Health Care Clinics were filled. Kara Kelley, Pro Bono Program Senior Advisor, also added Solomon Dwiggin Freer & Steadman, LTD. as a Senior Advocate Sustaining Sponsor to financially support the continued expansion of the program along with obtaining commitments for pro bono service from the attorneys at their firm.**
- ❖ Launch tri-annual “Will-a-Thon events” that utilize pro bono attorneys who are affiliated for a group activity, for example; CCBA, Young Lawyers’ Section of the State Bar, Public Lawyers, etc., along with senior centers located in areas of high need, to increase the reach of legal services support to vulnerable seniors.
 - **SLP partnered with the CCBA Community Service Committee and the Martin Luther King Jr., Senior Center on June 15 (World Elder Abuse Day) to host our second Will a Thon with the original goal of recruiting 12 attorneys and serving 36 seniors. We actually had 20 volunteer attorneys and helped 53 seniors during the three-hour event, with 76% of the clients ultimately receiving both a Will and a POA Health Care. Our third Will a Thon for 2023 will take place on December 11 at the VA Center in partnership with OMLA, and an estimated 10 Deputy Attorney Generals will volunteer to help 21-30 senior Veterans.**

SLP Numbers for January – September 2023

✓ Clients Served YTD 2023	1959
✓ Assisted Without Litigation	1889
✓ Represented in Litigation	70
✓ Participants in Clinics	448
✓ Participants at Seminars	1394
✓ Clinics with Pro Bono Attorneys	43
○ Types of Client Matters	
✓ Abuse/Elder Exploitation	61
✓ (DGDN) Estate Planning/Guardianship	1096
✓ Housing/Foreclosure	491
✓ (Other) Consumer/Utilities	178
✓ Income/Public Benefits/LTHC	79
✓ Healthcare	52
✓ Civil Litigation	16
✓ Family Law	9

Community Outreach Activities 2023 next page:

Community Outreach by Region/Zip-2023					
Region	Zip	Date	Location	Legal Code	# Attend
Northwest	89131	7/18/2023	Centennial Hills Active Adult Center	Estate Plan Intro	30
North LV	89032	1/3/2023	MLK Jr. Senior Center	Intro	44
		6/15/2023	MLK Jr. Senior Center	DGDN	53
		7/18/2023	Destinations Alexander	Scams	30
	89081	4/21/2023	Centennial Senior Center	DGDN	4
Summerlin	89134	4/25/2023	Desert Vista Community Center	DGDN	62
	89135	10/3/2023	Nat. Night Out Downtown Summerlin	Other	
Downtown	89101	2/4/2023	East Las Vegas Library	DGDN	8
		3/9/2023	SNVRHA	HOUS	40
		8/29/2023	Nevada Hand- Monsignor Pines	Intro	10
	89102	3/16/2023	COLV Senior Citizens	Intro	5
		3/22/2023	Thesman Communities-Meadows	DGDN	5
	89103	6/29/2023	West Flamingo Senior Center	Scam	63
	89106	4/22/2023	Victory Baptist Church	Intro	50
		7/20/2023	Archwell Resource Fair	Intro	30
		10/11/2023	Doolittle Senior Center	DGDN	
	89107	5/11/2023	Lieburn Senior Center	DGDN	7
		9/8/2023	Senior Wellness Fest	Hea	200
		11/13/2023	Nevada Hand-Stella	Other	
	89108	4/5/2023	Helping Hands of Vegas Valley	Intro	18
		6/23/2023	Vietnam Veterans Hall	DGDN	11
	89169	9/16/2023	Fiestas Patrias-Boulevard Mall	Other	
East	89110	9/21/2023	Nevada Hand-Bonanza Pines	Other	
	89115	4/12/2023	Walnut Community Center	Intro	8
	89122	11/8/2023	SNVRHA-Dorothy Kidd Mobile Park	Other	
	89156	2/2/2023	Cora Coleman Senior Center	Intro	15
		10/5/2023	Cora Coleman Senior Fair	Other	
Southwest	89117	7/12/2023	SNSLP	Estate Plan/Real	3
		8/1/2023	Metro Scam Event	Financial Crime	60
		8/15/2023	SNSLP	DGDN	1
Central/Sou	89119	5/2/2023	Cambridge Rec Center	Estate Plan/SS	0
		9/26/2023	Nevada Hand-Trop & McFarland	Other	
Henderson	89015	4/6/2023	SNVRHA-Espinoza Terrace	Housing Topic	0
	89105/89	11/16/2023	Henderson Outreach	Other	
Laughlin	89029	2/2/2023	Laughlin Public Library	DGDN	7
Boulder City	89005	3/24/2023	Boulder City Will-a-Thon	DGDN	9
Indian Sprin	89018	5/4/2023	Creech Air Force Base	DGDN	300
Zoom		5/2/2023	NV Bar Incubator	DGDN	4

Success Stories

1. Juan* and Gemma* came to SLP for an update to their estate planning documents. Their story is not unique based upon their needs, but rather upon the challenges they face and the sacrifices they make to remain as self-sufficient as possible. Juan is confined to a motorized gurney, which is how he and his wife arrived at SLP. They were accommodated in our large conference room, which gave him ample room for maneuverability, which he accomplished on his own. Gemma is his full-time caregiver and their commitment to each other was very evident.

Juan has his full faculties cognitively and verbally, however, physically he is entirely dependent upon his wife to meet his needs, which she does without making him feel diminished. They freely conversed and exchanged opinions regarding their Estate Planning, and as this is a second marriage for both of them, they each had distinct inheritance patterns besides each other. Together they weighed options and coordinated their plan and Senior Staff Attorney Carol Kingman was able to craft updated documents to reflect their changing family dynamics. They were a wonderful example of independence and positivity and expressed gratitude for the respectful and caring manner in which their legal needs were met.

2. SLP assisted Janet*, a sixty-nine (69) year-old widow with her timeshare difficulty. She purchased a timeshare in 2013, with the hope that her partner and she would be able to travel in the golden years of their lives. However, recently Janet has experienced financial hardship due to her declining health and the sudden death of her partner. Due to the health issues and loss of her partner (and extra income), our client fell behind on her timeshare payments and started receiving collection calls from creditors. Janet owed in excess of \$2,000 to the timeshare/collection company, which was overwhelming to her. Scared and unable to determine her next steps with regards to the timeshare, she contacted our office to seek legal assistance. Senior Staff Attorney Chelsea Crowton reviewed her paperwork and wrote a demand letter to the timeshare seeking payment for the debt owed to the collection companies/timeshare be waived and the timeshare be surrendered back to the company. After several discussions and letters, the timeshare company agreed to take back the timeshare and waive the full debt totaling \$2,419.01. If not for our office, Janet would have been forced to struggle to pay the debt or face the threat of a lawsuit. Luckily, she was able to reach out to SLP and have the dedication of our elder law attorneys to champion a resolution on her behalf and remove the terrible burden from her shoulders.

SECOND JUDICIAL
DISTRICT COURT
RESOURCE CENTER

ATJC
REPORT



The Resource Center is a proverbial “one stop shop” for information and assistance with court matters for self-represented litigants. We collect and receipt payments for fines and fees, administer oaths, issue Letters and Writs, lodge wills, provide certified copies, set up eFlex accounts, assist patrons with electronic filing, provide court-approved forms and packets, answer general and procedural questions about court processes, and direct patrons to appropriate community resources. The Resource Center recently extended its lobby hours, thereby increasing access to the community. Since then, the number of in-person patrons assisted has increased by 16%.

Average wait time per transaction: 4:48 minutes
Average transaction time: 7:42minutes

January - September Totals:

20,900

In person visits

16,084

Phone calls

13,911

Emails

SECOND JUDICIAL
DISTRICT COURT
WASHOE COUNTY LAW LIBRARY

ATJC REPORT

November 2023

Children's Corner

The IMLS grant-funded Children's Corner is now complete. The colorful, fun area includes a computer loaded with educational games, toys, books, and seating. Both children and parents are enjoying the new space. We've received many positive comments from patrons like, "This was such a great idea!" Photos are included on page 3.

Community Outreach

We participated in the Washoe County Sheriff's Office Community Resource Fair on Saturday, October 7th at the Reno Town Mall. The annual event features vendors representing local resources from healthcare providers, to substance use, mental health specific programs, and more. It caters to families and included trick-or-treating, giveaways, and raffles. We staffed a table with SJDC Specialty Courts to help provide information and resources to attendees. The event was very well-attended by many families and we spoke to 98 people. Photos are included on page 3.

Grant Award to Upgrade Internet Speed

We recently received a grant award of \$41,479.

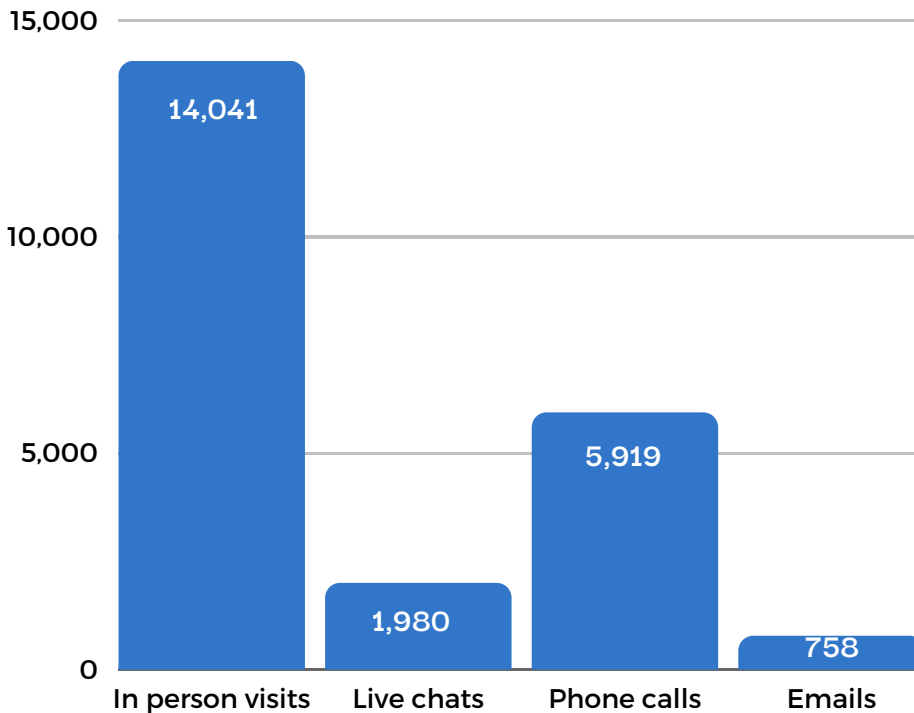
The funding will be used for purchase and installation of Cat 6+ cabling, a new computer switch, and other needed equipment for the public computers in the Law Library. This upgrade will dramatically increase the speed of the public computers, which will be a huge benefit to the patrons that use the computers.



Statistics

JANUARY - SEPTEMBER 2023

HOW MANY PEOPLE USED THE LIBRARY?



11,418

Total questions answered

1,116

Lawyer in the Library participants

Top Question Topics

1. Legal advice/talk to a lawyer (Lawyer in the Library program)
2. Law Library services - books, databases, computers, copy machines, etc.
3. Electronic filing questions & assistance (eFlex)
4. Divorce/Annulment/Legal Separation
5. General Family Court procedures/forms
6. Probate/Wills/Trusts/Estate Planning
7. Civil Complaints



Completed Children's Corner



WCSO Community Resource Fair



ACCESS TO JUSTICE COMMISSION

Triannual Nevada Legal Aid Provider/Pre-ATJC Meeting Recap Thursday, September 28, 2023

Attendees Present

Barbara Buckley
Diane Fearon
Krissta Kirschenheiter
Victoria Mendoza
Jonathan Norman
Peter Wetherall

ATJC Staff Present

Brad Lewis

This was a regularly scheduled triannual provider call. Agenda highlights:

- Status ahead of November 3 ATJC meeting
- Provider reporting (reported numbers down) and 2024 thematic plan for grants
- ED-led discussion – new strategic initiatives positions

Advocacy & Justice Complex

Brad opened the meeting sharing this morning's kick-off event at Legal Aid Center for the Advocacy & Justice Complex. Barbara shared that the center will assist Nevadans with VOCA applications from any area of the state. The center grew out of the Vegas Strong Resiliency Center from the Route 91 Harvest Festival mass shooting. Services will expand now to any victims of crime to include domestic violence, etc.

Supervised Task Force Legal Aid Input

John Desmond asked Brad to have Barbara share an update related to potential new adaptations of passing the bar in Nevada. Barbara shared that the task force has been charged by the Nevada Supreme Court to investigate the bar exam process and how supervised legal practitioners could become a part of the process. The new scope may become: professional knowledge, practice exam, and law school graduates engaging with law firms to include client consultations and court appearances. The goal is to shift from being question-taker focused to a more subject matter and experiential focus.

As part of this effort, John Desmond would like to encourage all Nevada legal aid executive directors to attend an informational session in person in Las Vegas, date and location forthcoming.

Medical Legal Partnerships

Recently added to the ATJ Commission agenda, there has been an interest in improving and/or expanding MLPs in Nevada. Opportunities exist with NNLA and Northern Nevada Hopes. UNLV is interested and there may be some nexus with Boyd and the new medical school and Professor Nussbaum has interest. Also, Jennifer Richards and DHHS have interest.



As discussions initially began we had two key champions, Rhea Gertken, NLS Directing Attorney, and Maggie Moon, NNLA Medical Legal Partnership Attorney. However, both have left their positions. This leaves the initiative without a clear champion. A meeting will be set after any input from the November 3 ATJC meeting to discuss interest level and bandwidth to move forward.

Jonathan Norman participated in these discussions and suggested we may focus on areas with funding. There are already Medicaid waivers “in lieu of services” in place for certain housing, food, and prisoner initiatives. It is possible that if we identify Nevada Federally Qualified Health Centers that we can use waiver resources to target specific areas of need, otherwise the demands could well exceed the ability of legal aid to reasonably assist. Jonathan agreed to touch base with Stacie Weeks. To prevent an avalanche of new cases, the goal may be to fit any new initiative into current priorities as a doorway to legal services. One area of discussion includes children with high behavioral health needs. Peter indicated some interest and said the new case flow would need to be modest. Diane said power of attorney for health care are currently Medicare eligible. Victoria said in her area there could only be one attorney available for MLP. Krissta Kirschenheiter suggested that one person on site at a medical facility is not sustainable, that two or three are needed, along with continuously stable funding.

Please take a look at the [Nevada Federally Qualified Health Center list](#) and share the one or two that you think would be good to partner with in your area. Please share by Friday, November 3.

Legal aid provider numbers reporting

Brad shared that he has heard questions from the Nevada Bar Foundation about slowly dwindling statistics related to number of clients served, and has seen it in reports shared with financial institutions. The goal is to make everyone aware of this potential negative and Brad will investigate further related to what is being requested.

A plan and approach for significant IOLTA fund increases

Brad asked for thoughts about how legal aid providers may cooperate on a coordinated, thematic approach to significantly more IOLTA dollars available for 2024 funding, as it may be expected that individual requests similar to those in the past may be perceived as just more of the same, especially in light of the appearance of a recent decline in clients served.

After group input and discussion, Barbara summed up the spirit of all comments into the following format that each provider could follow in addition to their normal program requests and expansions:

- **Talent Retention and Acquisition**
- **Critical Infrastructure**
- **Collaboration**

These thematics, when well crafted as a throughline with each legal aid provider, should help demonstrate both an awareness of significantly increased funding and legal aid provider coordination on building an enhanced footprint to serve more Nevadans through increased and expanded services.



New Strategic Initiatives Positions

Diane led a brief discussion of this for feedback after the meeting. Those with these positions can share job descriptions and other related information.

Future Meetings

It was confirmed that moving forward we'll retain the format of this meeting focusing on assuring advancement of previously identified issues, with the second part of the call being focused on new challenges and opportunities for advancement with the second segment being led by legal service provider executive directors on a rotating basis. Beginning with the next meeting the order will be Victoria, Peter, Lisa, Barbara.

The IOLTA Report: Justice for All?

New Legal Kiosks in Libraries Expand Self-Help Services for Nevadans

Nevadans looking for information or resources on legal questions will now be able to get more information, for free, at their local libraries.

IOLTA (Interest on Lawyer Trust Accounts) is an important funding mechanism for legal aid in Nevada, helping people who cannot afford a lawyer through critical legal assistance like protecting children from abuse or neglect, assuring veterans get the benefits they earned, and protecting low-income seniors from predatory consumer practices. In addition, the Nevada Supreme Court Access to Justice Commission actively seeks ways to enhance and support key legal help initiatives, such as promoting pro bono and leveraging dollars beyond IOLTA.

A recent key example of delivering on funding outside of IOLTA is making legal self-help information more widely available. The placement of [legal kiosks](#) in 22 Nevada libraries throughout the state marks a victory towards these goals. The kiosks offer free access to curated legal self-help information, court forms, and other resources for those facing a legal problem. Even some middle-class families cannot afford to access the legal help they may need, and seniors with fixed incomes are often particularly vulnerable. Also, the “digital divide” is real; not everyone has a computer, mobile device, or internet, and they may need help from someone to access legal information: in this case, a librarian.

All Nevada legal aid providers and the commission cooperated on the Nevada Legal Kiosks in Libraries Initiative, which was further supported by a grant from the Nevada Department of Health and Human Services Aging and Disability Services Division (ADSD). ADSD’s mission is to develop and deliver quality support service systems for Nevada’s elders. The recent Statewide Study of Legal Needs and Economic Impacts identified a 50 percent increase in senior poverty in Nevada since the Great Recession and outlined legal help as key to stabilizing seniors.

The legal kiosks in libraries feature resources such as “Seniors and Planning Ahead,” “Legal Help and Forms,” and “Going to Court.” There is also a “Join a Virtual Meeting or Court Hearing” option available in some locations. All locations have printers for court forms. You can view a 24-second video demonstration under “How to Use this Kiosk” at [Nevada Legal Kiosk](#). You can also use the kiosk’s resources from your own device.

The legal kiosks are available in libraries throughout the state and are free to use. Information and services are available in English and Spanish, and the kiosks are ADA-accessible. In addition, you can find legal help at all Nevada legal aid providers supporting this effort to include Legal Aid Center of Southern Nevada, Nevada Legal Services, Northern Nevada Legal Aid, Southern Nevada Senior Law Program, and Volunteer Attorneys for Rural Nevadans.

The commission thanks all Nevada financial institutions participating in the Nevada IOLTA program. IOLTA dollars, supported by other grant funds, are an important part of delivering access to justice for all Nevadans facing urgent legal needs.

NBA August 2023 Newsletter SNSLP -

IOLTA's Positive Impact on Supporting Vulnerable Seniors

Southern Nevada Senior Law Program (SLP) is very appreciative for the IOLTA program and the significant impact this funding has on the vulnerable seniors we serve. IOLTA represents approximately 33% of our annual budget and SLP is an invaluable resource for older adults with the greatest economic and social needs in Southern Nevada.

The average age of our clients is 73 years old, and the average income is just \$26,400. We served over 2100 seniors in 2022, up 20% from 2021, and provided legal assistance in the following areas of need:

Basic Estate Planning	Evictions/Housing	Scams/Fraud/Contract Disputes
Income/Public Benefits	Guardianship	Civil Litigation
Real Property	Elder Abuse/Exploitation	

Last year, SLP expanded support for clients by becoming an approved agency with the UNLV School of Social Work, which has enabled us to host a social work practicum student on-site. This has been extremely well received by the 70% of our seniors who have a social service need in addition to their legal issue, by providing an extra level of assistance in navigating community resources.

SLP continually seeks funding to increase our service to seniors in need and has launched a Hispanic Senior Outreach initiative with one-time grant funding from the Aging and Disabilities Services Division of Nevada HHS. We also have been able to expand our Spanish speaking staffing to over 30% of our current staffing model in recognition of this critically underserved population, while at the same time engaging with several Spanish speaking volunteer attorneys for stretching every dollar we have available.

Thank you to all Nevada IOLTA-participating financial institutions for helping to ensure access to justice for vulnerable seniors is more than an aspiration.

Public Awareness as of 110323 –

Since the June 2023 report...

Twitter - We increased from 231,950 to 235,548 impressions on Twitter. We encourage you to follow us ***@NevadaATJ***.

Top Tweet –

July '23 – Nevada Legal Kiosks – 1,056 impressions

Media Release –

Celebrate Pro Bono Free Nevada Legal Help Events

Legal Kiosk Project Media –

<https://www.kolotv.com/2023/06/20/nevada-install-kiosks-those-with-legal-questions/>