



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, March 22, 2019 – 2:00 p.m.

Commission Members Present

Justice James Hardesty
Justice Kristina Pickering
Connie Akridge
Julie Bobzien
Randy Boesch
Julie Cavanaugh-Bill
John Desmond
Doreen Spears Hartwell
Annamarie Johnson
Judge Joanna Kishner
Noah Malgeri
Judge Bridget Robb
Glen Stevens
E. Alan Tiras
Anne Traum
Adam Tully
Sugar Vogel
Judge Nathan Tod Young

Guests Present

Barbara Buckley
Phyllis Gurgevich
Shelly Newton
Emily Reed
Christine Smith
Summer Youngquist

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission (Commission) meeting was called to order. Justice Hardesty welcomed the new Commission Co-Chair Justice Kristina Pickering, as well as recent appointee Glen Stevens, Senior Associate General Counsel, United Healthcare. A roll call was conducted and approval of the November 9, 2018 minutes was requested. The minutes were unanimously adopted with no changes.



Nominations

Justice Hardesty shared that several new Commission nominees were present and welcomed them. He then asked for a vote for the following to become members of the Commission:

- E. Alan Tiras, Incline Village Justice of the Peace
 - Nevada Judges of Limited Jurisdiction (NJLM) replacement for Judge Tammy Riggs
- Bronagh Kelly, Attorney, Woodburn and Wedge

Each was voted in unanimously. Justice Hardesty invited all new members to take a tour of their local legal aid organization offices, where a solid understanding of the work at hand can be gained.

Nevada Civil Legal Needs Assessment

A key action from the November, 2018 meeting was to have a letter from the Justices about the study issued to legislators for the upcoming session. It outlined key findings and an encouragement to keep the findings in mind as legislators consider the many matters before them.

Two other items were the elevator speech/talking points and the infographic brochure. A communications sub group of the Legal Needs Study Committee convened several times to draft talking points and an infographic brochure for discussion. A good part of the meeting was spent getting insights and feedback from the full Commission. That feedback is to be incorporated, reviewed once more by a group named by Justice Hardesty, to arrive at final versions. This information is important to be able to have at hand and will be useful as we discuss study findings and present to target audiences throughout Nevada to tell the access to justice story.

Finally, Justice Hardesty asked if all Commission members would be willing to send a photo and complete the Commission profile questionnaire. None objected. Profiles will be used by selecting key Commission profiles to appear in target Nevada publications. This will raise the profile of the Commission and become part of educating the public on the importance of access to justice and encourage support of Nevada's legal aid providers.

IOLTA Rate Review

The Nevada IOLTA interest rate was discussed. Justice Hardesty began with a brief outline of Nevada IOLTA for new Commission members. He then shared the numerous conversations and Nevada Bar Foundation liaison meetings with banks that occurred over the past few months in an effort to gather relevant information from a variety of sources. In an increasing interest rate environment it is appropriate to consider a change to Nevada's IOLTA interest rate.

Justice Hardesty noted that if a change does occur, the target date may be June 1, 2019. If that is to happen, the IOLTA Rate Review Committee would need to meet the week of April 22 to have time to act. Before that time we will need to conduct an analysis of remittances at various interest rates to



project receipts for help with decision making. A tiered rate where differing rates are applied to certain account balances should be developed and reviewed.

Further, Justice Hardesty shared that several financial institutions have already voluntarily agreed to increase IOLTA on all or some accounts by approximately 50 basis points from 0.70% to approximately 1.20%, including Bank of Nevada, First Independent Bank, Meadows Bank and City National Bank. He then invited feedback on the Nevada IOLTA program and the current discussions.

Commission member Randy Boesch shared that it likely was time to take a fresh look at the Nevada IOLTA rate based on the Federal Funds rate increases in the last three years. He referenced and encouraged review of the Nevada Bankers Association (NBA) memo. (Previously shared and available from the Commission.) He was encouraged that three banks had already voluntarily increased rates. He thought looking at a tiered rate would be reasonable, but reminded the Commission that banks, too, have goals, expenses, and look at the bottom line. In the case of Nevada State Bank, he suggested matching the increase of the other banks would have a cost of \$200,000. He referenced the desire of the banks to get Community Investment Act (CRA) credit for IOLTA and to continue to think about recognition.

NBA President & CEO Phyllis Gurgevich outlined to the Commission that the current Nevada IOLTA rate is not a market rate, it is seven to ten times a “like” account, which is the banks’ contribution to IOLTA. While she noted that Nevada IOLTA is voluntary and she is very proud of her members for participating, that if the rate increases, banks without a large portfolio may have to drop out of the program.

Justice Hardesty thanked them for their feedback and shared that in addition to the Commission signing on with 17 other states to a CRA comment to the Office of the Comptroller of the Currency, that he also spoke about the importance of this issue with Nevada U.S. Senator Catherine Cortez Masto and asked for support from the Federal delegation.

Eviction Clinic Discussion

Annamarie Johnson, executive director of Nevada Legal Services (NLS), outlined an initiative that resulted from the legal needs study. Housing, housing affordability, and housing retention have grown to be a significant issue in Nevada. NLS has proposed a program to the Las Vegas and North Las Vegas Justice Courts to be onsite on landlord/tenant court days to represent those in need. Some hurdles have been experienced. The Commission was generally supportive of the effort but would like to see more information. The NLS proposal and Court response will be shared so Commission members can review and consider. If most are in favor, the Commission may support a recommendation to the Court(s) to advance on this proposal on a trial basis. NLS is interested in running programs in the Las Vegas and Reno metropolitan areas.



Barbara Buckley commented that this was a good discussion and assistance of the Commission would be appreciated. Additionally, she suggested that perhaps for each meeting, a similar topic of importance could be outlined and strategies to tackle could be created. For example, a similar initiative is on Legal Aid Center of Southern Nevada's goals related to bankruptcy.

Electronic Filing by Non-Lawyers

Judge Kishner recapped her efforts in the Eighth Judicial District Court (EJDC) related to advancing on E-Filing for pro se litigants. She shared that Judge Joe Hardy is now taking over the mantle on this initiative. She stated that at the moment, NRCP local rules have been suspended, including E-Filing but that the concept remains alive, she has urged continued work on the subject, and will press for its passage.

Other Business

Justice Hardesty asked if there was other business and if the legal aid providers had anything to share. While there was no new business, the following are highlights of provider sharing:

- Legal Aid Center of Southern Nevada
 - Seeing organizational growth, along with the growth in legal needs continuing
- Nevada Legal Services
 - Working on a strategic plan required by the Legal Services Corporation
- Southern Nevada Senior Law Program
 - Have now moved into their new building on West Sahara
- Volunteer Attorneys for Rural Nevadans (VARN)
 - January Pro Bono Awards event was a success. They have open positions to fill.

A housekeeping item was mentioned related to Commission leadership attendance at the May Access to Justice Commission Chairs meeting in Louisville. Justice Hardesty asked for a volunteer to attend in place of himself and Justice Pickering as neither is able to attend this year. Interested parties were to respond to him soon.

Informational Items

Informational items included the following:

- Legal Aid Provider Highlights & Quarterly Meeting Recap
- Nevada Supreme Court Legislator Letter on Legal Needs Study
- *Nevada Lawyer* Article "Your IOLTA Account: What You Might Not Know"
- Commission Highlights
 - Meadows Bank IOLTA Rate Increase
 - Nevada Bar Foundation Liaison Meetings with IOLTA Banks Wells Fargo & Umpqua Bank
 - Family Law Section ONE Campaign Pro Bono Thank You Event
 - Family Law Conference
 - ABA Midyear/National Association of IOLTA Programs
 - Pro bono survey actions plan



- Nevada Bankers Association SaverLife Financial Education Partnership
- Justice Douglas Retirement Dinner
- ATJC New Facebook Page
- IOLTA Highlights
 - Rate Review Subcommittee Call Recap 1/14/19
 - IOLTA Summary
- Self-Help Center Statistics
- Appellate Law Pro Bono Program
- AG Military Pro Bono Program
- State Bar of Nevada Annual Report
- Nevada Bar Foundation Annual Report
- Public Awareness