



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, March 17, 2023 – 2:00 p.m.

Commission Members Present

Justice Elissa Cadish, Co-Chair
Justice Kristina Pickering, Co-Chair
Justice James Hardesty
Connie Akridge
Annette Bradley
Milan Chatterjee
Diane Fearon
John Fortin
Dawn Jensen
Doreen Spears Hartwell
Margaret Lambrose
Judge Cynthia Lu
Ann Walsh Long
Joseph McEllistrem
Victoria Mendoza
Judge Bridget Robb
Marisa Rodriguez
Judge John Schlegelmilch
Judge Connie Steinheimer
Judge E. Alan Tiras
Adam Tully
Steven "J.T." Washington
Michael Wendlberger
Peter Wetherall
Judge Nathan Tod Young
Tara Zimmerman

Guests Present

Mark Brandenburg
Barbara Buckley
Ciara Clark
Rhea Gertken
Justin Iverson
Barbara Keyl
Susan Myers
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 noted two revisions to the November 4, 2022 minutes and requested approval. After being moved by Judge Young and seconded by Doreen Spears Hartwell, the minutes were voted unanimously and adopted for the record.

Pro Bono Reinvigoration

Brad highlighted the progress on the Section Pro Bono Challenge. Members of participating sections earn points based on their activities. Cases earn three points, Ask-A-Lawyer or Lawyer in the Library events earn two points, and for every \$500 in section donations one point is awarded to the sections. As of March 15, there were nine sections with points on the [leaderboard](#). It's a friendly competition that challenges sections to engage in pro bono supported by the State Bar of Nevada, all legal aid providers, the judiciary, and the Commission.

Judges Kishner and Steinheimer hosted the kickoff events to encourage section leaders to engage with the challenge. Many judges attended the kickoffs, including Commission member Judges Lu and Robb. Additionally, judicial recognition for the leaders and winners was determined to be the best reward for participating. The Nevada Supreme Court and Nevada Court of Appeals will host a recognition luncheon and the Eighth Judicial District Court and Second Judicial District Court will host receptions this fall. Sections and section members will also be recognized at the State Bar of Nevada annual Bar Conference in June and featured in *Nevada Lawyer*.

Justice Cadish thanked members of the judiciary for supporting pro bono efforts and Judge Young shared he is glad to see this initiative. Diane Fearon said the challenge has been important to Southern Nevada Senior Law Program's new pro bono push.

Limited Practice Rule

A draft Limited Practice Rule and forms developed by the Limited Practice Rule Committee were shared with the Commission for feedback. Justice Cadish requested that Rhea Gertken of Nevada Legal Services, the primary Committee drafter, share an overview. Ms. Gertken outlined that 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". She highlighted the details of the draft and Justice Cadish sought feedback from Commission members.

Annette Bradley asked if the intention was to allow supervised legal practitioners to not only prepare documents but also file them. Regarding Section 5, Justice Pickering asked if the supervising attorney must always be present in court. Doreen Spears Hartwell shared she believed the draft rule did a good job of outlining the details, and questioned the intent related to the ability of the supervised attorney practitioners to appear in court versus only file in court, and which courts are most appropriate, Justice



Courts and/or District courts. She noted, for example, that consumer fraud cases are heard in District Court. Michael Wendlberger asked if capacity was considered related to consent.

Each matter received feedback related to the value the supervising attorney brings to this rule and it seemed most believed in allowing significant supervising attorney discretion. Judge Young shared that if part of the goal is to expand the ability to represent the underserved in court, then the discretion of the supervisor promotes the ability to maximize representation. It also promotes the concept under discussion that to qualify to pass the bar more internship-type approaches and experiences are valuable. Barbara Buckley echoed those sentiments.

Justice Hardesty thanked the Limited Practice Rule Committee for their work and urged the Committee to resolve the ambiguity related to supervised legal practitioners and supervising attorney appearances and oversight discretion and it was agreed the Committee would further consider how the elements discussed might best be handled.

Legislative and Eviction Diversion Update

Barbara Buckley reported that Jonathan Norman, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers, was busy in Carson City for the legislative session. She noted two eviction-related bills under consideration, and shared that a rental assistance appropriation is needed targeted to the elderly, disabled, and emergency cases to cover one to two months or rent in crisis situations to prevent homelessness. One housing initiative is to prevent the need for multiple credit/background checks and application fees. Overall, she shared that the pandemic wreaked havoc on mental health and this is affecting many areas of legal aid services.

IOLTA

Justice Hardesty, IOLTA Rate Review Committee Chair, referenced the meeting materials for a broad update. He outlined a meeting scheduled for March 21 with Bank of Nevada to consider pursuit of a “prime rate” premium tier IOLTA interest rate that could be based on some formula tied to the Federal Funds Target Rate. The plan is to gain feedback and seek discussions with additional financial institutions. The Community Reinvestment Act (CRA) credit discussions continue. In some states, IOLTA is eligible for CRA credit but not in Nevada. Advancement will include discussions with Bank of Nevada new CEO Bob Cerminaro, former CEO John Guedry, the Nevada Bankers Association and more.

The IOLTA Rate Review Committee meeting is set for April 18 where these items will be discussed further. Mark Brandenburg is the new president of the Nevada Bar Foundation (NBF), and former president Margaret Lambrose will end her service to the Commission on July 1. Mr. Brandenburg will be presented for nomination to the Commission at the June meeting. Mr. Brandenburg shared that the recent increase in interest rates has been dramatic and that he is committed to cooperating on a program that has the potential to increase NBF granting for 2024.



Unbundled Services

The two-year pilot rule was filed August 16, 2022, with an effective date of November 1, 2022. Little activity has been reported to date, but Justice Cadish did share recently at the Family Law Conference in Lake Tahoe. Ms. Gertken suggested it may be that not many attorneys know much about it and suggested a CLE to inform and educate attorneys on the benefits of the new rule to both attorneys and clients. Justices Cadish and Pickering are willing to review and discuss the CLE idea and potentially participate in the CLE if done by Zoom. Ms. Hartwell suggested that it could be promoted in the State Bar of Nevada eNews, *Communique*, *The Writ*, and *Nevada Lawyer*.

Nevada Attorney General Office of Military and Legal Assistance (OMLA)

New Commission member Special Assistant Attorney General and Director of the Office of Military Legal Assistance, Dawn Jensen, shared an update on OMLA which assists veterans, active military, and reserve service members with civil legal issues. OMLA started in 2015 and has gained good momentum over the years. Events and clinics, often in cooperation with Nevada's legal service providers, are offered statewide. OMLA has no income restrictions. OMLA has recently resumed broader engagement with both disabled and active military, especially through a new "virtual lawyer line" and freshened website. Ms. Jensen thanked the Commission for inviting her to serve.

Elder Grant – Library Legal Kiosks

Susan Myers, legal kiosk project manager for Nevada Legal Services, followed on from Ms. Jensen saying that she would add the updated OMLA website to the Nevada legal resources directory she is assembling. Ms. Myers reported that the first 10 kiosks have been committed for placement in Nevada libraries, and others are in the works. This includes Pahrump and additional rural communities of Carson City, Elko, Ely, and in Lyon County. Installations in Southern Nevada will start soon. Ms. Myers then shared a [web demonstration](#). You can access the kiosk legal information through "Please select your current Legal Kiosk location" on the home screen. The kiosks will also include Zoom and Blue Jeans access for court hearings and have printers for forms. She noted a couple of updates needed on the Nevada legal services directory brochure that Brad will update. Judge Young commended this work and offered to meet with Ms. Myers when she's in Douglas County. He noted that the Douglas County Law Library has moved to the Douglas County Public Library. Justice Pickering appreciated the great work.

Commission Member Term Expirations

Ms. Hartwell, Commission Nominating Committee Chair, referenced the roster in the materials and noted that several members terms expire July 1. She requested members reach out to her or Brad regarding reappointment or rolling off. We encourage members to continue if interested.

Creed of Professionalism and Civility

The State Bar of Nevada Board of Governors recently issued a [Creed of Professionalism and Civility](#). Ms. Buckley shared that she feels it is beneficial for the judiciary to support the creed. She shared a recent



example of a judge preempting bad behavior which was much appreciated by a staff attorney. Justice Pickering offered support for the creed and encouraged adoption and action.

Brad thanked Commission members for their engagement, and reminded all that we welcome additional committee involvement in areas appealing to members.

Reports

- Legal Aid Center of Southern Nevada – Ms. Buckley noted that demand for legal services is high, with 400-500 clients per day visiting the Civil Law Self Help Center. A large percentage of those customers are addressing eviction related matters. Referrals remain elevated. Finally, she referenced a Bloomberg Law series on guardianships, and noted Nevada’s success.
- Nevada Legal Services – Peter Wetherall shared that Linda Rincon recently filled a pro bono project manager position as efforts continue to enhance pro bono services. The Reno offices moved to Virginia Street in December. The Las Vegas offices flooded in August of 2022, and NLS has now leased the fourth floor of the Bridger Street building which is a dramatic improvement.
- Southern Nevada Senior Law Program – Ms. Fearon reported that the new LegalServer case management system implementation is improving case tracking and follow up. SNSLP is seeing more demand for services, and more staff and compensation pressure. Efforts are underway to assure SNSLP is a good career choice for interested attorneys. SNSLP is seeing transportation barriers with seniors as they try to access services. They are also working on outreach to the Latino market to have better service alignment with the southern Nevada population.
- Northern Nevada Legal Aid – Tara Zimmerman said that NNLA’s upcoming luncheon is on April 21. Formerly the “Child’s Voice Luncheon”, the lunch is now named “Voices for Justice” to better reflect the wide array of services offered.
- Volunteer Attorneys for Rural Nevadans – Victoria Mendoza shared that VARN continues to have staffing challenges and are currently seeking a receptionist and domestic violence attorney. Cases have returned to pre-pandemic levels. The VARN grant for the Justice Center van is expected to be up and running in six months.

Adjournment

Justice Cadish asked for a motion to adjourn. Ms. Hartwell moved, Judge Young seconded, a vote was taken and the meeting adjourned.

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