



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, March 26, 2021 – 2:00 p.m.

Commission Members Present

Chief Justice James Hardesty, Co-Chair
Justice Kristina Pickering, Co-Chair
Connie Akridge
Bobbette Bond
Justice Elissa Cadish
Julie Cavanaugh-Bill
Deonne Contine
Annamarie Johnson
Bronagh Kelly
Judge Joanna Kishner
Noah Malgeri
Victoria Mendoza
Joseph McEllistrem
Judge Bridget Robb
Judge John Schlegelmilch
Doreen Spears Hartwell
Judge Connie Steinheimer
Glen Stevens
Judge E. Alan Tiras
Anne Traum
Adam Tully
Judge Nathan Tod Young

Guests Present

Sarah Bates
Gillian Block
Barbara Buckley
Shannon Chambers
Diane Fearon
Phyllis Gurgevich
Chanteyl Hasse
Emily Reed
Susan Splan
Katerine Stocks

Staff Present

Brad Lewis



Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Chief Justice Hardesty welcomed all with a special thanks to Shannon Chambers, Nevada Labor Commissioner and Home Means Nevada President, appointed Administrator of the Eviction Mediation Program. A roll call was conducted and approval of the November 6, 2020 minutes was requested. The minutes were adopted for the record.

Legislative Update

The legislature is in session and Gillian Block, UNLV extern for the Nevada Coalition of Legal Service Providers, provided an update on behalf of Bailey Bortolin. There was a focus on AB 357, designed to support consumer protection work through Nevada Attorney General settlement funds. Barbara Buckley shared the importance of the timing of this measure due to the waning national mortgage settlement funds. The Commission voted unanimously to have a representative(s) of the Commission speak in support of the bill at the hearing scheduled for March 31.

Other matters of relevance to the Commission include an education focus for those experiencing trauma or who are in healthcare facilities, consumer protection, auto leasing, medical care and frivolous liens.

Specific to evictions, various eviction measures, including eviction record sealing, are being advanced. While Nevada's unemployment numbers are improving, particularly when looked at on a statewide basis, in fact, if focusing solely on Las Vegas and including those who have exhausted their unemployment insurance, it is estimated the real unemployment rate may be near 23%. So the focus on eviction related measures and mediation, particularly when \$320 million in rental assistance is available, remains a key focus. All relevant parties have been working together and it is believed can make a difference getting landlords paid and keeping tenants house as the pandemic wanes, the economy improves and jobs are restored.

Eviction Mediation Program

Shannon Chambers, Nevada Labor Commissioner and president of Home Means Nevada (HMN), appointed by the Court to administer the eviction mediation program, joined the Commission for a brief update. Ms. Chambers shared that from October 15 – December 31, 2020, 1300 cases were mediated. It is not as simple as mediating every court case as cases must be eligible and qualify under Federal funding rules. The program has seen that landlords really need and want the rental money and mediation is an avenue to help. HMN has been working with all the relevant parties to make the program most efficient for all. In Clark County, this includes both the County and the courts. A key area of need that has been seen is the requirement of some tenants and landlords to get help with fully completing applications and providing all information necessary to receive rental assistance. While the



application process and document uploading is easy for some, moving forward, some effort will need to be applied to help those who struggle with technology, etc.

Chief Justice Hardesty shared that 20,000 cases are in queue for rental assistance, with 4585 cases pending in Las Vegas Justice Court. \$2 million remains to be spent from initial dollars assigned to the eviction mediation program with only \$170,000 being spent. He thanked Shannon Chambers for taking on the program, successfully administering it, adapting with all the changes and creating successes.

Statewide Technology and Forms Committee

The last Commission meeting saw survey results and agreement to the most used civil court forms statewide. The meeting materials for this meeting included a report from the co-chairs of the Forms Drafting Committee. In addition to discussing forms, the group discussed the feasibility of rolling out statewide forms along with statewide use of Odyssey Guide & File. Due to disparate court case management systems, it was discussed that the system could allow self-represented litigants to complete court forms through the guided questions. Once the form is completed if it cannot be “filed” it could be emailed to the court if the form format is accepted by every jurisdiction. Essentially, to better serve those who represent themselves, the “guide” portion could be used to complete the form with the “file” part being handled as acceptable. Further discussions and work will continue with a small Committee comprised of co-chairs James Conway and Lauren Pena, Judge Tiras and Ricardo Cordova.

Chief Justice Hardesty noted that Jason Sowards of the Nevada Supreme Court Law Library has plans to update and translate forms and suggested that a regular review date be set to assure continual updates. Brad shared that Jason is a member of the Statewide Technology and Forms Committee and that efforts would be coordinated moving forward. Funding has been requested for the Administrative Office of the Courts to advance on court technology. Brad will keep in contact with new Director Katherine Stocks.

Commission Membership

Several terms are expiring July 1, 2021. Members whose terms are expiring are to express interest in continuing to Nominating Committee chair Connie Akridge. The Committee will meet in April or May to discuss candidates for consideration by the full Commission.

Unbundled Services

Nevada Legal Services is seeking courts in the north/rurals to agree to unbundled services to offer better access to justice. It has been difficult to place contested family law cases due to the significant time burden placed on pro bono attorneys. A brief discussion ensued related to acceptable case types (particularly family v. other), how various courts handle, what might be required in advance, etc. It was felt that unbundling is an excellent way to get pro bono attorney participation but that it must be a formal process which is understood up front. Chief Justice Hardesty recommended an interim Commission meeting be set to discuss. Annamarie Johnson of Nevada Legal Services will have a draft ADKT as a basis for that discussion. Once a draft is agreed by all a public hearing could be set for comment.



IOLTA

The IOLTA Rate Review Committee will meet soon to set the Access to Justice Commission minimum interest rate for Nevada IOLTA accounts. An update will be provided at the interim meeting which will be set to discuss unbundling. Chief Justice Hardesty suggested the week of May 24th in the late afternoon.

Bishop Family Law Conference

Though the Family Law Conference in Bishop, California will not happen in person this year, the Family Law Section (FLS) has agreed to continue to thank pro bono attorneys and use individual testimonials to encourage pro bono outreach during 2021. This will occur at various FLS webinars during the remaining part of 2021.

CLE for Pro Bono 2020 Results

The first partial year with the new CLE for pro bono rule in place, though affected by the pandemic, resulted in 591 attorneys earning 1932 CLE credit hours. Of that, 46 were attorneys new to pro bono, earning 355 hours.

Provider Updates

Legal Aid Center of Southern Nevada

- COVID-19 affected the economy greatly, especially in Las Vegas, and economic issues equal legal issues. Increased need seen across all segments. Evictions and family issues at forefront.
- The Civil Law Self Help Center is to reopen April 1.
- The Family Law Self Help Center is to reopen May 3.
- Would like pro bono encouragement from all ATJC members. Attorneys can assist easily with Ask-A-Lawyer's now being conducted by phone.

Washoe Legal Services

- Hired a new pro bono coordinator.
- Child's Voice Luncheon not held this year due to COVID-19.
- Pro bono efforts include delivering gift baskets to Reno area firms.

Volunteer Attorneys for Rural Nevadans (VARN)

- VARN office hit hard by COVID-19 with five full time attorneys and eight full time staff affected.
- Consultations are being conducted by phone.
- VARN offices moved in February and technology has been updated.

Nevada Legal Services.

- Theron McNeil, longtime NLS client board member passed.



Southern Nevada Senior Law Program

- New executive director Diane Fearon thanked the Commission for a warm welcome.
- COVID-19 forced change and created extra anxiety for seniors.
- Now, 80% of consultations are by phone or Zoom versus in person.
- Offering eviction support.
- Many seniors have been more isolated than pre-COVID and food insecurity has increased.

Chief Justice Hardesty concluded the meeting by sharing as much as possible is being done to see that rental assistance is delivered. Justice Pickering shared that her key takeaway from the Legal Services Corporation panel discussion is that many changed their approach during this past pandemic year and most ended up setting aside fears to adapt to new technology and many changes.

Informational Items

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

- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Justice Pickering and Brad Lewis Eviction Mediation Program presented at Legal Services Corporation (LSC) *Forum on Increasing Access to Justice* on February 4
- Nevada Bankers Association *The IOLTA Report*
- Public Awareness