



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, March 28, 2025 – 2:00 p.m.

Commission Members Present

Justice Kristina Pickering, Co-Chair
Sr. Justice James Hardesty
Rachel Anderson
Mark Brandenburg
Alex Cherup
Diane Fearon
John Fortin
Judge Kriston Hill
Judge Joanna Kishner
Ann Walsh Long
Victoria Mendoza
Judge Bridget Robb
Doreen Spears Hartwell
David Spitzer

Michael Wendlberger

Guests Present

Lester Bird
Bailey Bortolin
Barbara Buckley
Giulia Duch Clerici
Chelsea Crowton
Chantyel Hasse
Elisha Lisson
Emily Reed
Susan Splan

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Pickering welcomed all and recognized Justice Hardesty on his 50-Year Club recognition by the Clark County Bar Association. In addition, she recognized the following who earned State Bar of Nevada awards including John Fortin for Young Lawyer of the Year, Mark Brandenburg for Volunteer of the Year, and Justice Douglas for the Trailblazer award. She congratulated them all. She then asked that a roll call be conducted. She asked for changes or approval of the minutes. Hearing no changes she requested approval. Judge Robb moved, Doreen Spears Hartwell seconded, a vote was called, and the minutes were voted unanimously and adopted for the record.

Pew Courts & Communities

The Pew Charitable Trusts' Courts & Communities project works to build open, effective, and equitable state and local legal systems. The focus is to allow everyone to meaningfully participate in court proceedings, with the goal to expeditiously resolve cases and avoid unnecessary court interactions. They do this by using data-driven research to identify and advance improvements.

The Commission received a presentation from the Pew team, including Giulia Duch Clerici and Lester Bird. They shared Pew conducts court data analyses, brings in national context, engages stakeholders,



and builds support for solutions. They shared information which revealed that the same businesses file the most lawsuits across the U.S. These primarily include banks, bill collectors, debt collection and recovery agencies, and payday lenders. Pew collects and lists business names by state and city. For example, Midland Funding is the top lawsuit filer in at least Michigan, Minnesota, Oklahoma, Virginia and Philadelphia. They shared statistics such as how courts handle the cases has a direct impact on the outcomes. For example, states that use “answer courts” for default judgments in collections cases have a much higher default judgment rate than states using “appearance courts”. An example is Minnesota’s district “answer courts” has a default judgment rate of 82%, however Minnesota’s conciliation “appearance court” has a 54% default judgment rate.

One project that has turned into a national campaign is court text reminders. Evidence-based research has demonstrated the efficacy of court text reminders. By analyzing court data, Pew can trace what courts are doing and where they’re struggling and catalyze support for change.

The Pew team then outlined free technical assistance that is sometimes available to courts. This includes evictions and debt, trial court funding, and court appearance. Additionally, they have a Rural Research Project initiative that may be available to an interested Nevada court. Finally, initiatives that can support traffic and family courts are projects that may be pursued if interest.

Ms. Clerici shared that Pew likes partnering with willing state court partners to analyze court data. She says you can see from the default judgement analysis the difference seemingly small changes can make to outcomes for the public. They can also identify outdated processes or processes that have not adapted to the way the public interacts today, such as the court text reminder program. They can ask, who’s coming to court, why, and how to streamline and improve outcomes.

Justice Pickering stated that the rural areas of Nevada are vast, and that sometimes the internet is an issue, or no broadband is available. Also, some travel long distances to their nearest court. Mr. Bird shared Pew’s process is to look at drivers of rural court dockets and to understand the court customer’s journey. He shared that Pew’s Rural Research Project initiative can identify issues and solutions.

Barbara Buckley asked a question about vacating cases and stated it’s important for pro se litigants to have a hearing v. a default judgment. Ms. Clerici stated that Pew has learned that for self-represented litigants (SRLs), filing paper is often difficult. If the goal is to increase appearances, building guardrails for SRLs can help.

Alex Cherup liked the text message reminders and noted that if they included the Zoom link for the hearing that would advance appearances. He also shared he and Nevada Legal Services serve and are interested in the rurals so if Pew is interested, they may be able to help.



Justice Hardesty asked if Pew had recommendations for technology-challenged rural courts. Mr. Bird said that if SRLs are in remote areas, Pew has seen that it's also best for courts to allow persons to attend in person v. only by Zoom. Also that, unfortunately, one can't "technology" themselves out of court problems.

Judge Robb said that 75-80% in her courtroom are SRLs and noted that the Las Vegas Justice Court appears to text SRLs. The Second Judicial District Court texts jurors, but not litigants. She noted some reservations about the process for appearances in evictions and debt matters v. family matters, and shared that one issue may be causing confusion if different cases are handled in different ways. She concluded by sharing that in her court, if litigants show up but haven't filed, the case is set aside with time for them to file and then return to appear.

CLE Requirements for EAPB

Justice Pickering reported that the Commission's ADKT 0623 to relax CLE requirements for Emeritus Pro Bono Attorneys (EAPB) was Ordered and filed on March 5. The amendment will allow attorneys certified under Rule 49.1(1)(b) associated with a nonprofit organization providing pro bono legal services to waive the CLE rule as is required of other categories of limited practice. This will advance the volunteer service of retired attorneys willing to help with pro bono cases. She thanked the committee for their work.

Ethical Law Clerk Pro Bono

This item was added to the agenda at the request of Elisha Lisson, law clerk in the Eighth Judicial District Court. The hope was that perhaps rules and guidelines in Nevada may be eased so that interested law clerks can accept pro bono cases. Currently, law clerks may only represent themselves or their families, or act as a mediator or arbitrator. After a brief discussion, Ms. Buckley suggested that perhaps UNLV could assist with research into what other states are doing, and that perhaps a subcommittee could be formed. John Fortin echoed this idea. Justice Pickering noted that certainly a law clerk could participate in improving the law, or as an example, working with organizations like Pew, the Administrative Office of the Courts, etc.

Justice Hardesty agreed on all shared and added that it would seem reasonable to do most work outside of case work. For example, participate in an Ask-A-Lawyer session. Perhaps we could catalog opportunities that do not present a conflict. For example, work in a Federal v. State court. He believed it would offer an opportunity to learn a lot for law clerks. He related a story about his granddaughter drafting a will and trust. With so many law clerks, perhaps it's a good opportunity.

Bailey Bortolin raised her hand to work with Brad and coordinate with UNLV and potentially her students to be involved. It was agreed to proceed on research with a subcommittee.



ATJC Application for Approved Status

Brad shared that the draft application shared at the Commission's November 2024 meeting had been tentatively finalized and included in the materials for review. It is currently on the Commission's webpage in beta form.

Peremptory Challenges

Preliminary discussions have been held around fee waivers for legal aid and self-represented (SRLs) litigants to make the opportunity to change a judge fairer available to all. A discussion ensued with Judge Kushner noting that one concern is judge-shopping. Ms. Buckley said that if there are concerns, perhaps the committee could continue their work. Ms. Bortolin shared that she would be happy to be part of a committee and Mr. Cherup also offered. John Fortin said that \$450 is a high fee for many. Ms. Buckley said that one option for a rule change is to include reference to in forma pauperis and/or SOLA. Judge Kushner said that one option is to reference 12.015(8).

Judge Robb suggested that perhaps rather than a rule change, we could consider a pilot program for one year to gather data, as it seems the use estimates referenced in the materials are mostly guesstimates. Ms. Buckley said that a pilot worked in the case of unbundling and we could do something similar. Justice Pickering pointed out that pilots can sometime cause sunseting issues. Justice Hardesty felt that perhaps the way to go was simply to develop a draft and pass it on to the Supreme Court and let them discuss and decide. Justice Pickering agreed that \$450 is a lot of money. Ms. Buckley agreed proceeding with a draft was probably the simplest way.

Commission Membership

Doreen Spears Hartwell, Commission Membership Chair, referred the Commission to the nomination memo in the meeting materials and asked for a vote. Dawn Jensen, in the Nevada Attorney General's public attorney slot, term expires soon and Ms. Jensen would like to renew her membership on the Commission. The vote passed unanimously.

IOLTA Formula

Justice Pickering shared that she believes the IOLTA formula should be reviewed more regularly with fresh eyes and that a discussion among Brad and the providers should happen this year. Ms. Buckley noted that we did discuss this on the Triannual Provider Call, sharing that with more dollars coming in, it is reasonable to look at this along with data from the new annual report. She also liked the idea of having a process in place should there ever be a concern over the service delivery model on progress on any front, noting there is always room to improve. Justice Hardesty was in support, while noting adjustments to the formula can be tricky, but a more regular review is reasonable.



Section Pro Bono Challenge

Brad reported that early points are 54% ahead of last year. So far, 107 lawyers have taken 72 cases and pledged to join 127 Ask-A-Lawyer or Lawyer in the Library sessions. The Construction Law Section has pledged \$500. The challenge runs February 1 through May 31.

Legislative and Eviction Diversion

Ms. Bortolin shared that Jonathan Norman is in Carson City and unable to join but offered an update. Housing is a major issue and the Nevada Coalition of Legal Service Providers is once again supporting having landlords file first in eviction cases. The Coalition is also supporting eviction record sealing, education, and a sizeable appropriation for eviction diversion to expand beyond seniors and the disabled to families with small children.

Supervised Practice

Ms. Buckley updated that the next generation Nevada bar exam has advanced, with an implementation plan currently being developed. A new feature will be 40 to 60 hours of supervised practice – where practitioners will be paired as co-counsel with experienced lawyers.

Future Commission Days and Times

It has been found that Friday afternoons are increasingly difficult for full attendance due primarily to travel and suggestions for more opportune days and times were sought. Ultimately, it was agreed that a poll should be conducted to see what days and times may be best for most.

Legal Aid Reports

- *Nevada Legal Services* – Alex Cherup shared that he has been very pleased with the collaboration among all of Nevada’s legal aid providers. The legal kiosks program is expanding and going well. He noted that tribal pro bono collaboration has been effective. Finally, he referred everyone to the NLS report submitted for specifics as to program numbers.
- *Southern Nevada Senior Law Program* – Diane Fearon said that increased IOLTA funding has allowed the Senior Law Program to boost staff. She thanked Doreen Spears Hartwell for her pro bono efforts. SLP hosted five geographically dispersed events at senior centers throughout the Las Vegas valley. She shared a story about helping a senior who received a social security overpayment followed by a demand letter that her attorneys were able to sort. She then outlined that the senior population in Nevada increased 40% between 2010 and 2020.
- *Northern Nevada Legal Aid* – David Spitzer also shared that increased IOLTA funding has allowed NNLA to increase hiring in both their adult guardianship and child advocacy programs. The funds have allowed opportunities for expansion. He reminded all of NNLA’s *Voices for Justice* luncheon on May 15 and a new 60th anniversary event set for October 2.



- *Volunteer Attorneys for Rural Nevadans* – Victoria Mendoza also emphasized the value of IOLTA funds. VARN’s goal for 2025 is to be fully staffed, with a second lawyer interview happening next week. She said VARN has seen early success with their new case management system, Legal Server. She said 2024 saw VARN serving the most people ever with a very high demand for services. She also shared that the call for domestic violence services is high with complex cases.
- *Legal Aid Center of Southern Nevada* – Barbara Buckley said that 2024 was a challenging year and we likely face another with changes underway including various Federal changes. She noted pressure on DEI policies and immigration. While there is potential for disruptive year, she’s confident in Legal Aid Center’s staff and legal aid organizations’ ability to address the challenges. She said in the last 12 years, Legal Aid Center increased people served from 58,000 to 200,000 and has increased staff from 63 to 202. She shared that a groundbreaking on Legal Aid Center’s new Advocacy & Justice Complex at the former US Bank building would be held on April 10.

Justice Pickering shared that she read each of the provider’s reports and thanked everyone for their work during these uncertain times.

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