



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, June 17, 2022 – 2:00 p.m.

Commission Members Present

Justice Kristina Pickering, Co-Chair
Justice Elissa Cadish
Connie Akridge
Deonne Contine
Diane Fearon
John Fortin
Judge Joanna Kishner
Doreen Spears Hartwell
Judge Cynthia Lu
Joseph McEllistrem
Judge Bridget Robb
Marisa Rodriguez
Judge John Schlegelmilch
Raine Shortridge
Judge Connie Steinheimer
Judge E. Alan Tiras
Steven “J.T.” Washington
Michael Wendlberger

Guests Present

Rachel Anderson
Giovanni Andrade
Rhea Gertken
Phyllis Gurgevich
Chanteyl Hasse
Justin Iverson
Courtney Kinsella
Susan Myers
Lauren Pena
Katherine Stocks
Peter Wetherall

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Pickering welcomed all. A roll call was conducted and approval of the March 25, 2022 minutes was requested. Justice Cadish noted that the minutes should reflect the final “yes” vote of the Commission agreeing to the updated IOLTA



SCR 216 funding language from “substantially all” to “96 percent”. With the execution of that update, the minutes were adopted for the record.

Statewide Technology and Forms

The ATJC Statewide Technology and Forms Committee recommended that on a going forward basis the Committee should work in tandem with the Administrative Office of the Courts (AOC) to best fulfill the goals of standard commonly used statewide forms and to take advantage of AOC technology funding, including electronic filing. Justice Hardesty had encouraged the Committee’s continued cooperation with the AOC. While much good work was done including surveying courts for the most used forms and technology, it has been slow and difficult to gain widespread engagement and forms agreement. Part of the AOC initiative will require more standardization due to technological forms and guide-and-file advancements. Katherine Stocks, director of the AOC and state court administrator, joined the meeting to update the Commission. The AOC has both garnered budget funding and grants funding to advance on this initiative. The goal is to have a single, statewide Nevada Supreme Court website portal and it makes sense to combine our efforts. Examples of combined efforts include actively keeping portal forms up to date, cooperating on form instructions, and working together on allied initiatives such as the new legal kiosks in libraries grant initiative.

Justice Pickering noted that the newly hired law librarian, Ann Walsh-Long would be active in this effort and Ms. Long will be added to the Commission. Ms. Stocks outlined that the new guided interviews for forms completion will have a statewide focus and dedicated staff will be supporting the endeavor as it is important to keep forms up to date. This overall effort will assist the courts.

Pro Bono Reinvigoration

COVID has had a generally negative impact on pro bono participation. While some increases have been seen, particularly in Ask-A-Lawyer participation, overall pro bono efforts have been squelched over the past couple of years. As a result, the Commission agreed to review pro bono statistics and develop a draft pro bono reinvigoration plan for review, consideration, and feedback from the entire Commission. The draft plan is available from the Commission, but the focus is to collaboratively promote pro bono in conjunction with all of Nevada’s legal aid providers, hire a marketing firm to sharpen the messaging, and focus the pitch on the ability to earn CLE credit for pro bono service and determine how best to incorporate the persuasive power of the judiciary in the promotion.

After a brief review of the draft plan, Justice Cadish called for Commission feedback. Judge Kishner commented that she can help again with the front-of-line pass. Doreen Spears Hartwell liked the concept that we would promote that cases are curated for limited, accessible time commitments. Diane Fearon thanked the Nevada Supreme Court justices for supporting the Southern Nevada Senior Law Program effort to target probate and trust law attorneys with a recognition of SNSLP’s 10th anniversary as a standalone nonprofit. Justice Cadish shared that there can be a fear of how big the commitment is and suggested “most cases required only x hours” (less than five hours) might help case acceptance.



Annette Bradley thought that the opportunity for mentoring is a good tool for engagement. Ms. Fearon added that the CLE training earns credit and is a good inclusion. Augusta Massey, in Zoom chat, suggested that the pandemic has taken its toll and a lot of litigators are tired and overworked due to the legal shortage and struggle to keep up with deadlines as the courts try to catch up with litigation that has been on hold. It can be a mental health issue. Justice Cadish added that we have been seeing true mental health emergencies. Judge Kishner shared that on recent discovery law firm visits Michael Wendlberger from Legal Aid Center has joined to promote pro bono. She thought courthouse CLEs may be an option to promote taking a case. Mr. Wendlberger shared that some law firms have canceled their previous commitments due to time constraints. He noted in the courts' Blue Jeans chats, pro bono could be promoted. Jennifer Richards shared that she liked the idea of advance directives being a limited time frame option for volunteering.

Questions and feedback continued. Justice Cadish inquired if firm staff is working in offices. Mr. Wendlberger shared that many are still remote or hybrid. Justice Pickering liked the notion of gaining new pro bono attorneys from previously mostly untapped legal fields and making a specific "doable" pitch. Ms. Hartwell added that transactional lawyers can take cases and reinforced that helping someone makes you feel better and can improve mental health. Marisa Rodriguez shared that she is presenting a CLE at the Public Law Conference which may be an opportunity to pitch pro bono. Judge Kishner said that she believes retired lawyers are a good target market and Justice Cadish added that with the new CLE rule for lawyers 70 and over that the CLE for pro bono may be a draw. Judge Steinheimer agree that senior lawyers are untapped and might be encouraged if offered a digestible opportunity. She said a coffee club might be possible and CLE offers may help.

For public lawyers, it may be necessary to get elected officials to agree to time spent on pro bono work and their encouragement to participate could be very valuable. Issues such as how to address public employees spending time on pro bono cases would need to be focused on. Previously, this seems to have been most successful in serving veterans. It was suggested that attorneys in state agency departments could be influenced to participate if the governor and elected officials encourage it. Justice Cadish thanked the group for the good feedback. Justice Pickering liked Ms. Hartwell's idea to include "you may be stressed but putting your skills to work is a kindness that makes you feel better". Brad asked each Commission member to share what they believed were the top three strongest strategies for pro bono promotion, and key legal fields ripest for outreach to engage them in pro bono and will follow up by email to those unable to join today's discussion.

IOLTA

It was briefly noted that the SCR 216 IOLTA ADKT was advanced and a public hearing held. It updated the language from "substantially all" to "96 percent" of IOLTA funds being earmarked for civil legal aid. The measure advanced and will likely be adopted in due course. Brad shared that the IOLTA outreach and thank you to Nevada financial institutions began with a visit to northern Nevada, recognition at Washoe Legal Services Child's Voice Luncheon, and in person visits to banks. Heritage Bank, an IOLTA



top 10 bank, agreed to become a Nevada IOLTA *Leadership Institution* paying premium rates on IOLTA accounts.

Unbundling

The unbundling ADKT developed by the ATJC Unbundling Committee and approved by the Commission was filed May 25 with a public hearing set for August 2. Public comment is welcomed through July 22. The ADKT is available from the Commission. Justice Pickering urged members to share the ADKT and asked for comment and feedback to create awareness of the potential changes to garner the best feedback. She hoped that it may be complete in time to include in the 2023 Michie's legal reference.

Eviction Mediation Program

Brad shared that the monthly meetings with courts, legal aid, Clark County, nonprofit organizations and realty and landlord representatives continue. Formerly on two tracks, on eviction mediation and the other eviction diversion, beginning in July the separate Zoom calls will be combined into one monthly meeting.

Nominating Committee

ATJC Nominating Committee Chair Doreen Spears Hartwell reviewed the work of the Nominating Committee and referenced the memo in the meeting materials. The Committee recommends that all members be voted for Commission membership. Justice Cadish moved to adopt the slate recommended by the Committee, Judge Robb seconded, and the member nominees passed unanimously. Ms. Hartwell shared that the Committee will be looking for northern Nevada representatives moving forward. She also let Commission members know that the Committee is seeking new members and to please reach out if interest. Justice Pickering welcomed the new Commission members.

Elder Grant Legal Kiosks in Libraries

The newly hired project manager, Susan Myers, shared the progress on the grant in service to self-represented litigants. Ms. Myers reported she is currently researching all relevant information, including outreach to libraries and other states with similar programs currently in place. Currently, a proposal similar to the method Minnesota used from A2J Tech is being reviewed. A comprehensive technology analysis is underway with an eye toward continual updates, the ability to accommodate changes over time and service sustainability. To keep the access to information as easy as possible to access, a "checkerboard" concept is being reviewed and a sample was shared - [Colorado General Civil, Probate, Family Law \(checkerboard.co\)](https://www.coloradogeneralcivilprobatefamilylaw.com/). Good progress has been made in the initial six weeks. Brad will connect Ms. Myers with Katherine Stocks and Ann Walsh-Long to coordinate with the AOC.



Reports

Justice Pickering then called for legal aid provider reports. She also noted it would be good for the great information in the reports to be shared more widely. Brad will develop a draft plan to share with the providers and State Bar of Nevada.

- Legal Aid Center of Southern Nevada – Michael Wendlberger reported that most important information is included in their written report. The focus on evictions and eviction diversion court opportunities continues.
- Nevada Legal Services – Peter Wetherall also reported the most important details are in the written report and then referred to Rhea Gertken. Ms. Gertken shared that NLS plans to develop a more robust annual report including success stories, videos, and more as a part of promoting access to justice and garnering pro bono support.
- Southern Nevada Senior Law Program – Diane Fearon once again thanked the Nevada Supreme Court for the certificate in support of SNLSPs new pro bono promotion efforts. The certificate has already been used to reach out to probate and trust attorneys to gain involvement in pro bono. She noted a new program with UNLV is advancing to leverage social service students to engage with legal issues. She said that it seems notices of evictions could improve to create a better understanding from seniors as to what they face and the timeline and wondered if an eviction hotline for tenants is something that could be considered. Jonathan Norman of Legal Aid Center has been involved in the new eviction diversion talks and said that the notice language is being rewritten. Work is also progressing on switching the first court-involved legal action from the tenant to the landlord and focusing diversion efforts on fixed income individuals to include seniors and disabled, and high eviction propensity zip codes.
- Washoe Legal Services – Deonne Contine said WLS will formally change its name to Northern Nevada Legal Services soon and WLS will revamp its website. She mentioned the northern Nevada eviction notice includes information about WLS and NLS. WLS is working with Washoe County on self-help services at the court, including for eviction matters and eviction sealing information. She also thanked Justice Hardesty for attending the WLS Child’s Voice Luncheon, which was sold out and the most successful ever, where Justice Hardesty was recognized and thanked IOLTA banks.
- Volunteer Attorneys for Rural Nevadans (VARN) – The written report from VARN and all other providers is available from the Commission.

Jennifer Richards shared that the Nevada Department of Health and Human Services, Aging and Disability Services Division newsletter *Legal News* often features successful legal aid outcomes and have been recognized by Federal funders. Also \$750 million over three years will help fund a legal risk assessment tool to try to preemptively change course to avoid legal issues.

Justice Pickering thanked all for the good reports and Brad will include the marketing of positive news in conversations with a potential pro bono promotion marketing firm.



Justice Hardesty and Justice Pickering wished Ms. Johnson good luck and thanked her for her inspirational work through NLS. Brad thanked Commission members, including the many new members and non-members, who have supported and served the Commission's efforts. Ms. Hartwell recognized Ms. Bradley and Ms. Rodriguez for volunteering for the Nominating Committee during the meeting.

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