



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, June 19, 2020 – 2:00 p.m.

Commission Members Present

Chief Justice Kristina Pickering
Justice James Hardesty
Connie Akridge
Latoya Bembry
Bobbette Bond
Julie Cavanaugh-Bill
Deonne Contine
Annamarie Johnson
Judge Joanna Kishner
Noah Malgeri
Joseph McEllistrem
Victoria Mendoza
Judge John Schlegelmilch
Judge E. Alan Tiras
Anne Traum
Adam Tully
Sugar Vogel
Judge Nathan Tod Young

Guests Present

Bailey Bortolin
Barbara Buckley
Chanteyl Hasse
Kelii Ota
Azra Ozdemir
Emily Reed
Greer Sullivan
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 Deonne Contine, the new Washoe Legal Services executive director, and Greer Sullivan, the new president of the UNLV Public Interest Law Association. A roll call was conducted and approval of the March 6, 2020 minutes was requested. The minutes were adopted for the record.



Pro Bono and CLE for Pro Bono

The new CLE for pro bono rule promotions hit right at the beginning of COVID-19 and got lost in the shuffle. Chief Justice Pickering suggested reminders should be shared with/through NVCLE, the Clark County Bar Association, Washoe County Bar Association Elko County Bar Association, specialty associations, and sections, as well as in the State Bar of Nevada's eNews and *Nevada Lawyer*. Judge Kishner said she could communicate the availability of CLE via pro bono through her auspices. It was agreed a survey could help gauge knowledge of the program.

Most legal aid providers have seen an increase in demand for legal services with the onset of COVID-19. Legal Aid Center has seen a 20 percent increase in slots taken for Ask-A-Lawyer sessions. Nevada Legal Services reported a 50 percent increase in family law and landlord/tenant calls. In the north the numbers have been steadier but the concern is over what's to come. Southern Nevada Senior Law Program has been affected by the lockdown of long-term healthcare facilities.

Judicare

Justice Hardesty sought to better understand Nevada Legal Services (NLS) program, Judicare. Using CARES Act funds, the program offers up to 10 hours of attorney work paid at 50 percent of a standard hourly rate (currently \$150) to encourage case-taking during COVID-19. If the 10 hours is exceeded, generally a request for more hours is granted. It has been promoted throughout the state mostly by email, with two advertisements in *Communique* and *The Writ*. There was confusion about it being described as pro bono, which is to be provided without compensation or the expectation of compensation. Legal Aid Center and Washoe Legal Services believe the Judicare program may divert pro bono attorneys from meritorious cases. NLS shared the program has existed for 40 years. Nine cases have been placed.

The question was raised whether Judicare counted for CLE. After discussion, the verdict was no, as the new CLE for pro bono rule clearly states "uncompensated". NLS will notify those involved and Brad will clarify same with providers and NVCLE.

Statewide Technology and Self Help Forms

Brad shared that he met with Lauren Pena of the Civil Law Self Help Center, Stephanie McDonald of the Family Law Self Help Center and Emily Reed of the Second Judicial District Court to review statewide forms. That discussion concluded that the only truly statewide form was the protection order form. However, the Commission discussion confirmed other forms were also statewide such as guardianship.

A lengthy discussion ensued culminating in a recommendation to create a subcommittee. Goals will be to increase access to justice in Nevada for self-represented litigants by:



1. Developing statewide recommendations for courts to make it easier for self-represented litigants to handle their cases, including customized solutions, drop boxes, emailing, simplified electronic filing, automation, etc., with the goal to encourage and share information and best practices.
 - a. Assess changes to filing post COVID-19 that enhance access to justice
 - b. Assess what's working that can be replicated.
 - c. Identify key agencies and encourage them to provide the public with a better ability to understand the legal processes relevant to their matter and improve upon their ability to represent their own interests.
2. Adding more forms and instructions on how to use to the statewide website.
 - a. Assure education is included, including detailed descriptions of legal processes and instructions on how to interact with the courts. Instructions may include both written and video guides.
 - b. Can begin with eviction, if agreed.
3. Assess and make recommendations related to filing electronically statewide.
 - a. Identify potential grants to support identified initiatives.

The Committee will also be informed by the Conference of Chief Justices/Conference of State Court Administrators guidance related to court technology, as follows.

1. Ensure principles of due process, procedural fairness, transparency, and equal access are satisfied when adopting new technologies.
2. Focus on the user experience.
3. Prioritize court-user driven technology.
4. Embrace flexibility and willingness to adapt.
5. Adopt remote-first or remote-friendly planning, where practicable, to move court processes forward.
6. Taken an open, data-driven, and transparent approach to implementing and maintaining court processes and supporting technologies.

The subcommittee will likely include Judge Tiras, Judge Shirley 11 and 7 JDC (recommended by VARN as handles two courts and more tech friendly as result), Judge Young IT person, Mike Doan IT EJDC or stand-in, Craig Frandon IT SJDC or stand-in, Lauren Pena and/or Stephanie McDonald and/or Emily Reed, Jason Sowards, AOC's Vicki Elefante, Clerk's Office contact, other?

Bobbette Bond inquired about forms in Spanish which should be discussed by the subcommittee.

Nominations

The new Nominating Chair, Connie Akridge, and Brad met. All Commission members with terms expiring July 1, 2020 were reappointed except for Judge Sullivan. Justice Hardesty will review and recommend a replacement.



NLS Video Idea

Nevada Legal Services recommended a high school-produced access to justice video contest, like one in New Mexico, be considered. Most liked the concept. It was determined to proceed as possible in light of COVID-19 limitations and through potential programs such as NLS's Lawyer-in-the-Schools program, Legal Aid Center's school education initiative. Annamarie Johnson felt if a couple of key schools could be identified to help with the program. Latoya Bemby offered to assist.

IOLTA

Brad offered a brief update, sharing that due to COVID-19, on March 17, 2020 the Nevada IOLTA rate implemented an emergency drop on all accounts at all balances to the SCR 217 minimum of .70 percent. Additionally, that beginning June 1, 2020 by Nevada Supreme Court Order, IOLTA rates would be further reduced, temporarily, to .65 percent on all accounts at all balances.

Separately, the National Association of IOLTA Programs (NAIP) wrote two letters to the Office of the Comptroller of the Currency in support of banks receiving Community Reinvestment Act (CRA) credit for IOLTA interest above basic rates paid on similarly situated accounts. The Nevada Bar Foundation, along with other state IOLTA programs, signed the letters. We were notified recently that IOLTA did not make the list of credits outlined for CRA. However, we will continue to seek opportunities to support Nevada financial institutions gain CRA credit for IOLTA.

Potential Eviction Crisis

Bailey Bortolin of the Nevada Coalition of Legal Service Providers shared that they are recommending the eviction moratorium be extended until September 1, 2020 in order to allow for rental assistance systems to be put into place and for more time for some to receive unemployment insurance, including gig workers. Significant dollars are available via CARES Act funding through Clark County and the Nevada Treasurer's Office. With potentially 100,000 evictions pending, further time would also allow time to build a potential mediation process.

Chief Justice Pickering shared that discussions have occurred statewide between courts, Realtors, apartment community managers, landlords, and police and community organizers. Similar conversations have happened in both the north and south. While originally there was a consensus on a recommended emergency order, it fell apart based on not all agreeing to various dates and timelines. Justice Hardesty suggested that perhaps this topic could be a part of a COVID-19 special legislative session. A major concern is the speed of the eviction process and if no avenues for settlement are provided, it could worsen and already daunting problem.

Mediation was discussed as a potential good avenue for pursuit, allowing a bit more time and assistance in the eviction process to help both tenants and landlords be able to pay and get paid. Deonne Contine of Washoe Legal Services has touched base with the Neighborhood Mediation Center, but their resources are limited. Virginia passed a law providing for a 60-day continuance to buy time to sort things out to avoid mass evictions. A concern is how to fund potential mediators and extra judges.



Brad will inquire with the Nevada Judges of Limited Jurisdiction on their concerns, how the courts can help, concerns about what's coming with evictions, how many eviction cases are pending and any plans to help avoid mass evictions.

Bobbette Bond shared that the unemployment crisis has had an outsized impact on the Culinary Union. She shared that not only what's happened is critical, but what is coming is of great concern. Currently, only 30 percent of Union members are back to work. Challenges are workplace safety, unemployment, and healthy workplaces.

Informational Items

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

- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Bishop Family Law Conference
- Quarterly Legal Aid Provider Call Recap
- CLE for Pro Bono Procedure Recap
- Nevada Coalition of Legal Service Providers Efforts
 - Evictions - [http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-29 - COVID-19 Declaration of Emergency Directive 008 \(Attachments\)/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-29_-_COVID-19_Declaration_of_Emergency_Directive_008_(Attachments)/)
 - COVID-Related Garnishments - [http://gov.nv.gov/News/Emergency_Orders/2020/2020-04-30 - COVID-19 Declaration of Emergency Directive 017 \(Attachments\)/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-04-30_-_COVID-19_Declaration_of_Emergency_Directive_017_(Attachments)/)
- IOLTA Rate Review Recap
- Nevada Justice Index Submission
- Nevada Letter of Support for Potential Additional Legal Services Corporation Funding
- March and May Nevada Bankers Association eNews COVID-related *The IOLTA Report*
- Nevada Legal Services Statement on Racial Justice
- Public Awareness

Action Items

- Brad will send reminders of the new CLE for pro bono rule should be shared with/through NVCLE, the Clark County Bar Association, Washoe County Bar Association Elko County Bar Association, specialty associations, and sections, as well as in the State Bar of Nevada's eNews and *Nevada Lawyer*.
- Brad will look into getting gauging knowledge of the CLE for Pro Bono program.
- Judge Kishner will communicate the availability of CLE via pro bono through her auspices.
- Brad will develop, and have approved, a charge and committee for the Statewide Technology and Self Help Forms initiative.
- Justice Hardesty will consider a replacement for Commission member Judge Frank Sullivan.
- Brad will review the the potential ATJ video pending COVID-19 realities.
- Brad to gain feedback from NJLJ, and review nationally, eviction diversion program efforts.