



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, June 25, 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
Deonne Contine
Annamarie Johnson
Judge Joanna Kishner
Judge Bridget Robb
Judge John Schlegelmilch
Raine Shortridge
Doreen Spears Hartwell
Judge Connie Steinheimer
Glen Stevens
Judge E. Alan Tiras
Anne Traum
Adam Tully

Guests Present

Sarah Bates
Barbara Buckley
James Conway
Ricardo Cordova
Diane Fearon
Margaret Lambrose
Christine Smith
Michael Wendlberger

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. A roll call was conducted and approval of the March 26, 2021 minutes was requested. The minutes were adopted for the record after an attendee name was noted for correction.



Nominating Update

During roll call it was noted that Noah Malgeri, formerly the Legal Aid Center of Southern Nevada Commission member representative is leaving his post. Consequently, previously the Commission Nominating Committee had recommended Christena Georgas-Burns to be the new Legal Aid Center representative. However, subsequently Michael Wendlberger was hired as the new pro bono director at Legal Aid Center. The Nominating Commission updated their recommendation and Chief Justice Hardesty requested a vote to amend the submission. It was moved, seconded and voted unanimously.

Additionally, Chief Justice Hardesty recognized Connie Akridge for her Medal of Honor Award received at the State Bar of Nevada Annual Meeting. He also acknowledged her hard work as Chari of the Nominating Committee and years of service to the Commission as the Nevada Bar Foundation representative. Chief Justice Hardesty requested that Ms. Akridge continue as a member of the Commission, while welcoming Margaret Lambrose, the new Nevada Bar Foundation president of the Board of Trustees. Ms. Akridge agreed to continue to serve and is planned to be voted in with the next Nominating Committee slate in November. Justice Pickering thanked Ms. Akridge for her service.

Legislative Update

Chief Justice Hardesty outlined the many efforts, initiatives and challenges at hand with the continuing impact of COVID-19. He requested that Barbara Buckley offer a legislative update to the group. Ms. Buckley recognized Bailey Bortolin, statewide advocacy, outreach and policy director of the Nevada Coalition of Legal Service Providers for her efforts.

AB 107 was enacted. It helps clarify eligibility for fee waivers and will help to promote consistency in the application of same. AB 357 sets aside certain Nevada Attorney General settle funds as consumer protection funds for legal aid. It is part of a long-term solution to the expiring Bank of America mortgage grant sunset. AB 486 repealed and replaced SB 1. SB 1 allowed a 30-day stay in certain evictions to allow time for mediation now occurring under the Eviction Mediation Program (EMP). AB 486 continues to divert eviction cases to alternative dispute resolution efforts through the EMP. The goal is to have time so that \$365 million in federal rent relief dollars can get paid to landlords while keeping tenants housed during the continuing COVID-19 pandemic. The U.S. Department of Justice has recommended states and municipalities engage in eviction diversion programs and work toward the efficient distribution of available rental assistance dollars to affected parties. AB 141 automatically seals eviction records during the COVID-19 pandemic emergency.

Other matters addressed included victim arrest avoidance in instances of human trafficking, extending foster care assistance, continuing children's education in the case of acute care medical needs, enhanced autism services, reduced medical debt collection burdens, and TPO confidentiality.

Chief Justice Hardesty also shared an update related to Nevada's China Spring Youth Camp. The juvenile facility for boys has shut down due to lack of funding. The girl's facility remains open for now. A



working group has been established to address continuing funding problems. Judge Schlegelmilch shared Judge Young has been working on this issue extensively, and the goal is not to admit children into state care, rather an interim program for youth is needed in Nevada.

Eviction Mediation Program (EMP)

Chief Justice Hardesty thanked the Commission and staff for input and support of the EMP. The program input and building has been very involved and well supported. He also emphasized the great importance the U.S. Justice Department is putting on eviction diversion and all the bills that have been passed in support of the initiative. It is well known in Nevada and throughout the nation the great burden that has been placed on both landlords and tenants due to COVID-19, and billions of dollars are allocated to avoid the worst problems during the pandemic. He shared that Nevada has been a model of how various courts, agencies, and organizations can work together and he thanked everyone for their efforts. He did share that the responsiveness and flow of rental assistance needs to improve and flow more rapidly but was confident that the team assembled was up to the task.

Ms. Buckley echoed the need to use rental assistance funds to avoid evictions and get landlords paid. She shared that the joint meetings have been very helpful and remarked that it is one of the best partnerships she's seen come together in Nevada. All legal aid organizations are involved. Eight UNLV law students are assisting. Judge Bell and Steve Grierson have been instrumental by offering access to 14 available Regional Justice Center traffic walk-up desks to support eviction assistance including computer terminals, etc. Legal aid, Clark County, governmental representatives, nonprofits and more have all cooperated in support of "pop-up" eviction help centers in locations of need. Pop-ups have occurred in east Las Vegas, west Las Vegas, and Laughlin. Multiple future locations are planned.

A key new development for eviction self-help allows tenants and landlords to file automated Tyler Guide and File eviction documents from home or office.

IOLTA

Chief Justice Hardesty thanked Commission member Raine Shortridge, Nevada State Bank, for his participation representing Nevada IOLTA-participating financial institutions and for serving on the IOLTA Rate Review Committee. It was reported that despite the IOLTA rate being reduced to .65% from the former SCR 217 minimum .70%, 19 of 30 financial institutions continue in the IOLTA program at .70% or greater. It was discussed that, given the rate environment, this is an outstanding commitment to the Nevada IOLTA program. It was further noted that the total principal balance of IOLTA accounts stands near \$620 million, an increase over last year. Still \$300,000 in Nevada Bar Foundation reserves were transferred to supplement 2021 granting.

Mr. Shortridge did share that bank margins are shrinking and the higher rates are a special effort on behalf of banks. Ms. Buckley thanked the Nevada Bar Foundation for allocating reserve funding to help mitigate reductions in 2020 IOLTA grant funding due to COVID-19.



Unbundling

Nevada Legal Services requested that unbundling be allowed outside of Clark County to make it easier to place pro bono cases and developed a draft ADKT for discussion and consideration by the Commission. The draft was discussed and it was voted to be proceeded unanimously. While there was agreement with the concept, continued discussion and input on the details of the logistics, court rules, where it best fits, all v. only family matters, etc., need to be decided. It was determined that Justice Cadish and Justice Pickering would review and a public hearing should be scheduled in the future for further input.

Statewide Technology and Forms Committee

The Co-Chair of the Forms Drafting Subcommittee, James Conway, (Co-Chair Lauren Pena) shared an update document for discussion and direction from the full Access to Justice Commission. The primary goal of this initiative is to provide better access to justice by making education and user-focused court forms available to Nevadans.

Based upon survey results and Committee input, we have identified the following forms to begin this trial recommendation:

- 1.) Fee waiver
- 2.) Eviction tenant answer
- 3.) Eviction landlord complaint
- 4.) Claim of exemption
- 5.) Small claims

Concepts/discussion items:

- Form changes to be coordinated by a continuing Forms Drafting Subcommittee including a representative of the Las Vegas Civil Law Self Help Center, the Reno Justice Court and Nevada Judges of Limited Jurisdiction. Accompanying education and instruction to be determined.
- Forms to be available on the [State of Nevada Self-Help Center \(nvcourts.gov\)](http://nvcourts.gov) website and/or a statewide portal.
- In the spirit of Nevada Supreme Court rulings, reinforce the expectation that forms available for statewide use are accepted in all justice courts.
- All civil v. civil and some criminal forms.

The Commission discussed and recommended advancement so that identified forms can be developed and reviewed at the next Commission meeting.

Chief Justice Hardesty shared that the Administrative Office of the Courts (AOC) is also advancing on court technology. \$6-7 million has/is being set aside over the next six years to support technology efforts. Brad will continue to keep in contact with new AOC Director Katherine Stocks.

Reports

- Southern Nevada Senior Law Program – Chief Justice Hardesty commended SNSLP on a good written report and mentioned that with Diane Fearon now voted to be the new SNSLP Commission representative and due to the retirement of Sugar Vogel and Elana Graham, that perhaps it would be appropriate to develop certificates of appreciation for both Ms. Vogel and



Ms. Graham and invite them to attend the next Commission meeting to thank them for their service. Justice Pickering echoed that sentiment and all agreed. Ms. Fearon thanked the Justices for that recognition and welcomed it. She also thanked Legal Aid Center and Nevada Legal Services for their help coaching the SNSLP team to become more engaged with eviction help for seniors. Ms. Fearon also appreciated the opportunity to be at her first State Bar of Nevada Annual Meeting. SNSLP is now accepting pro bono volunteers and a form was developed for use at the conference. SNSLP is happy to be able to make a larger pro bono contribution.

- Nevada Legal Services – Annamarie Johnson reported that the Raiders has provided a \$200,000 grant to fund a veteran project for NLS. It will focus on eviction prevention.
- Legal Aid Center of Southern Nevada – Barbara Buckley shared that Legal Aid Center has two new capital projects under development. One is the purchase of the U.S. Bank building adjacent to their current headquarters. Valued at more than \$3 million, in support of Legal Aid Center’s programs, it was purchased for \$1.1 million. Legal Aid Center also needs a home for a new Family/TPO project.
- Washoe Legal Services – Deonne Contine shared that WLS is now fully open to the public again, the first time since the start of the pandemic. WLS has an upcoming CLE on housing and immigration to seek more pro bono volunteers. She is also working with James Conway of the Reno Justice Court on a potential new self-help facility at RJC.

Chief Justice Hardesty finished the meeting by sharing court funding needs that may be able to be funded with COVID dollars. He requested that ideas, suggestion, and requests from legal aid providers are welcome to potentially be shared at an upcoming Interim Finance Committee meeting.

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