



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, November 3, 2023 – 2:00 p.m.

Commission Members Present

Justice Elissa Cadish, Co-Chair
Justice Kristina Pickering, Co-Chair
Connie Akridge
Rachel Anderson
Mark Brandenburg
John Desmond
Diane Fearon
John Fortin
Judge Kriston Hill
Dawn Jensen
Judge Kishner
Ann Walsh Long
Judge Cynthia Lu
Joseph McEllistrem
Victoria Mendoza
Jennifer Richards
Raine Shortridge
Doreen Spears Hartwell
Steven "J.T." Washington
Michael Wendlberger
Peter Wetherall
Judge Nathan Tod Young
Tara Zimmerman

Guests Present

Sarah Bates
Bailey Bortolin
Barbara Buckley
Ciara Clark
Judge Cynthia Cruz
Lisa Evans
Krissta Kirschenheiter
Susan Myers
Jonathan Norman

Staff Present

Brad Lewis



Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Cadish welcomed all, and a roll call was conducted. She asked if changes to the minutes were necessary. Hearing none she requested approval. After being moved by Judge Young and seconded by John Desmond, the minutes were voted unanimously and adopted for the record.

Section Pro Bono Challenge

Justice Cadish briefly shared that the Section Pro Bono Challenge went well. She appreciated that there was full attendance by the winners at the Nevada Supreme Court and Nevada Court of Appeals thank you luncheon.

IOLTA

Justice Cadish updated the Commission on the recent IOLTA Rate Review as Senior Justice Hardesty, the IOLTA Rate Review Committee Chair, could not attend today. She thanked him for graciously agreeing to continue as the Committee Chair. She then outlined the Committee requested a vote of the full Commission to agree to a Committee recommendation to request a grant from the Nevada Bar Foundation to enter into an IOLTA research study with one of two firms nationally who offer this service. It is deemed wise at this time of increased interest rates to scan the national landscape and purchase some data to help analyze optimal rates for the Nevada IOLTA program.

Brad briefly highlighted the details of the request. Peter Wetherall inquired about why there was such a wide range of estimates from the two proposals. Brad shared that one included a variety of long term, continuing analyses along with a dashboard for continued monitoring. However, the focus of this effort will be on a single investigation so we'd expect the finally selected provider to be on the lower end. Justice Cadish asked for a vote which was moved by Doreen Spears Hartwell and seconded by John Desmond. All voted in favor and the motion passed.

Justice Cadish and Justice Pickering both commented on the recent Bank of Nevada meeting held at the Southern Nevada Senior Law Program. Both felt it made an impact and was a great opportunity to both get to know the new CEO of Bank of Nevada, Robert Cerminaro, and also thank them for their leadership position in the Nevada IOLTA program.

Legislative and Eviction Diversion Update

Barbara Buckley reported that while funds for rental assistance are available, getting rental assistance to landlords before an eviction has been slow and difficult. The Civil Law Self Help Center is busy with most pro se litigants requesting eviction forms. The eviction and housing bills sought by legal aid and passed were vetoed. The eviction diversion program targeted to seniors and the disabled has had very few successes. Justice Cadish shared that Chief Justice Stiglich and Justice Bell have been assisting to get eviction diversion on track. A pilot 2.0 version is to soon be in operation.



Lisa Evans asked about the availability of rental assistance in Reno/Sparks and Ms. Buckley suggested she connect with Jonathan Norman. Ms. Buckley noted the cost of housing, especially in Reno, is a hurdle to keeping people housed.

Commission Membership

Doreen Spears Hartwell, ATJC Nominating Chair, referred to and reviewed the nominations for new members of the Commission. Justice Cadish asked for a discussion and vote. Hearing no objections, Justice Cadish asked for a motion. Judge Kishner moved that the slate be adopted, it was seconded by John Desmond, and all voted in favor. Judge Cynthia Cruz will replace Judge E. Alan Tiras as the appointee of the Nevada Judges of Limited Jurisdiction, Ciara Clark will replace Constantine Arhontas as the appointee of the UNLV Public Interest Law Association President, and Lisa Evans replaces Tara Zimmerman as the new executive director of Northern Nevada Legal Aid.

Judge Cruz suggested she may be able to help with evictions. Ciara Clark noted that PILA's 25th Annual Silver State Auction would be held on February 29th, 2024. She noted Senior Justice Hardesty will receive the Silver Staircase award for lifetime achievement and Priscila Venzor, Legal Aid Center's 2021 Melanie Kushnir Access to Justice Fellow, will receive the Silver Student award. Justice Cadish welcomed all and introduced Lisa Evans as the new NNLA executive director.

Unbundling

To create awareness of the pilot unbundling rule and gain feedback, a CLE was held on September 26. Justice Cadish and Justice Pickering participated, along with others. One key discovery was a question over whether an order needed to be entered to finalize the case. Additional feedback will be consolidated for review.

Sealed Cases

The unbundling discussion quickly morphed into a discussion about sealed family law cases. Justice Pickering noted that some issues have arisen with pro bono attorneys accepting appellate cases because the records are sealed. Ms. Buckley indicated the sealing of all custody and paternity cases has become a significant issue. It is difficult to evaluate if it's even a case legal aid would accept, and hard to get a pro bono attorney to accept when they know nothing about the case. Judge Kishner added that she is uncertain precisely what to do when there are calls to her department asking for a case to be unsealed. What is the process for getting access? A local rule in the Eighth Judicial District Court seems to be at issue and guidance is needed for how self-represented litigants can get access and how judges can know how to properly comply with requests to unseal.

Justice Pickering said that parsing through these details is important if issues are at hand. Michael Wendlberger said self-represented litigants don't even have access to their own files.



It was suggested that we should form a committee to investigate this. Judge Kishner said she would be happy to be involved but suggested a family court judge also join. John Fortin, Doreen Spears Hartwell, and Michael Wendelberger also agreed to serve on the committee. Justice Pickering suggested that she can only be marginally involved due to pending litigation but would like to have a full understanding of the issues at hand.

Limited Practice Rule

The Commission's proposed ADKT to allow limited practice for law school graduates was ordered on October 19. Ms. Buckley thanked the Justices and the Commission, and shared clarification on proposed Rule 1.8(e) that the intention is modest gifts and humanitarian aid from legal aid organizations. Justice Pickering asked about the origin of the language, was it the ABA model rule? A discussion ensued it was determined that it could be extended to criminal matters, for example, appropriate clothing for a court appearance. Judge Lu commented that, as a former public defender there are times when assistance is warranted. Judge Cruz shared that the Office of Appointed Counsel struggled with having proper attire and transportation for incarcerated individuals.

Medica Legal Partnerships

While there is interest in MLPs, it may not be statewide or appropriate in the current resource mix with all legal aid providers. Jennifer Richards shared that her four-year appointment to the Nevada Department of Health and Human Services was coming to an end and that she joined Northern Nevada Legal Aid where her duties would involve the NNLA MLP with NNHOPES. Jonathan Norman noted that committee discussions included the recognition that the potential volume inflow may be difficult to accommodate for many programs. However, different models could be used. For example, instead of embedding staff at medical facilities legal aid could train existing onsite staff to refer clients based on agreed parameters. Regardless, advancing will be difficult without cornerstone funding.

Legal Kiosks in Libraries

Susan Myers reported that 1280 kiosk sessions were completed at participating libraries. This does not include non-library website visits. There were no video hearings or meetings. Nevada's kiosks have been well used compared to many other states.

Court Forms and Translation

Ann Walsh Long reported that common, mostly family court forms have now been translated into Spanish, Tagalog, Mandarin, and Vietnamese.

Dues Check Off

The main attempt to strengthen and increase voluntary dues check off during license fee renewal this year is to provide an easy way for people who do not renew themselves an option to donate outside the renewal process. Also, an automatic thank you is now sent upon donating.



Reports

- *Legal Aid Center of Southern Nevada* – Evictions continue to be the number one issue being seen. Another trending issue has been violence involving students. Legal Aid Center believes it's a good use of Commission time and engagement to address court processes and procedures that are part of delivering on access to justice goals.
- *Southern Nevada Senior Law Program* – 52 attorneys from 48 law firms have helped SNSLP to expand pro bono programs and offerings to seniors by 24% in 2023. The DHHS ADSD grant to assist SNSLP conduct outreach to the Hispanic community has driven better service to Nevada's large Latino market. Ms. Fearon reported great success with the pro bono event in October.
- *Nevada Legal Services* – Peter Wetherall shared that the NLS Champions of Justice Events went well and they took an opportunity to thank all other providers this year for the combined efforts. NLS has also seen an uptick in evictions and adult guardianships. He commended the North Las Vegas Justice Court for improving their eviction services, noting efficiencies and expansion of services.
- *Northern Nevada Legal Aid* – Lisa Evans reported on new NNLA hires including Jennifer Richards, supervising attorney of the NNLA senior law center, who will also oversee the MLP. Krista Kirschenheiter was brought on a bit earlier as director of operations and human resources. Lee Elkins was also hired as impact litigation and strategic advocacy director. Jon Sasser has acted as a housing and consumer advisor with evictions putting a strain on resources. Tara Zimmerman continues with NNLA as an executive team member. A formal announcement for a new self-help center at the Reno Justice Center is forthcoming.
- *Volunteer Attorneys for Rural Nevadans* – Victoria Mendoza reported that an ADSD grant helped to update VARN's case management system to *Legal Server*. Several pro bono outreach events have been held including five Lawyer in the Lobby sessions, two family law events, two senior events and one general law event. So far in 2023 VARN has serviced approximately 500 clients. Staff retention has been difficult with VARN losing two lawyers since June. One lawyer has since been hired. VARN has seen more domestic violence cases starting this summer, including some more severe cases.
- *John Desmond* reported that he has been working with Ms. Buckley on Supervised Legal Practice and a meeting of all legal aid providers including Brad was held this fall. More is forthcoming.
- *Bailey Bortolin* shared that perhaps a poll regarding access to justice barriers in court could help to legal aid providers identify court processes needing improvement.

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