



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, November 4, 2022 – 2:00 p.m.

Commission Members Present

Justice James Hardesty, Co-Chair
Justice Kristina Pickering, Co-Chair
Justice Elissa Cadish
Connie Akridge
Bobette Bond
Diane Fearon
Doreen Spears Hartwell
Ann Walsh Long
Augusta Massey
Joseph McEllistrem
Victoria Mendoza
Judge Bridget Robb
Marisa Rodriguez
Judge John Schlegelmilch
Raine Shortridge
Judge Connie Steinheimer
Glen Stevens
Judge E. Alan Tiras
Steven "J.T." Washington
Michael Wendlberger
Peter Wetherall
Judge Nathan Tod Young

Guests Present

Sarah Bates
Barbara Buckley
Shay Digenan
Rhea Gertken
Chanteyl Hasse
Dawn Jensen
Susan Myers
Jonathan Norman
Jennifer Richards
Tara Zimmerman

Staff Present

Brad Lewis



Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Hardesty welcomed all and a roll call was conducted. Justice Pickering thanked Justice Hardesty for his years of service to the Court, access to justice, and 16 years as Access to Justice Commission (Commission) Co-Chair, and shared that the Commission would present an award. As the call was held by Zoom, Justice Cadish was also at the Carson City Court and presented the award to Justice Hardesty in person which read, “In recognition of your unparalleled leadership and enduring commitment to access to justice.”

Justice Hardesty accepted the award, thanked Justice Pickering and Justice Cadish, and expressed that he was honored to receive the award. He applauded everyone’s efforts, outlined the success of the IOLTA program increasing funding for legal aid in Nevada, the legal aid providers’ commitment to those in need and respect for them growing legal services programs, and concluded with recognizing the judges who have delivered stalwart support of access to justice over many years.

Justice Hardesty then requested approval of the March 25, 2022 minutes. The minutes were adopted.

Justice Hardesty welcomed Ann Walsh-Long, the new Nevada Supreme Court Law Librarian, and began the meeting.

Commission Membership Nominations

Nominating Chair Doreen Spears Hartwell presented two new Commission members for a vote. Dawn Jensen to replace Nic Danna in the new Nevada Attorney General Office of Military Legal Assistance slot, and Tara Zimmerman to replace Deonne Contine in the Northern Nevada Legal Aid (formerly Washoe Legal Services) slot. The nominations were moved, seconded, and voted unanimously. Justice Hardesty welcomed the new members to the Commission.

Pro Bono Reinvigoration

Justice Cadish thanked members of the judiciary for their involvement in renewed pro bono efforts and Brad shared recent print and digital advertising along with media exposure. Marisa Rodriguez and Jennifer Richards shared their efforts at the Public Lawyer Conference. Approximately 250 attended the conference in person and by Zoom and a fun Jeopardy-style game generated 27 pro bono cases taken. There was a good rivalry between the City of North Las Vegas and the City of Henderson which generated the best pro bono participation of public lawyers in years. Brad outlined a next push via a State Bar of Nevada Pro Bono Section Challenge to kick off early in 2023 and run through May 31 ahead of the State Bar of Nevada annual bar conference in June.

Legislative Update



Jonathan Norman, through the Nevada Coalition of Legal Service Providers, has advocated for an update to Nevada’s summary eviction process, especially related to the first court action being required by the tenant versus the landlord. Other key actions include updates to the Durable Power of Attorney for Healthcare. Highly requested by clients of legal aid, the current document is difficult for clients to understand. Service by Publication is no longer believe most useful in today’s world but would require a change to NRCP.

Barbara Buckley shared that the Las Vegas Justice Court, through a \$1.25 million grant from the National Center of State Courts Eviction Diversion Initiative, has been working with Clark County to help stabilize housing for at-risk families. The newly funded program started November 1. The press conference was well attended with Governor Sisolak, Justice Hardesty, Chief Judge Saragosa, and many other leaders attending. With the COVID rent subsidies ending, the court and county teams will focus efforts on seniors and the disabled. Some rental funding will continue with more than \$15 million from the state and Clark County. Ms. Buckley stated that both the apartment association and Realtors supported the national model and trends in eviction diversion. Justice Hardesty thanked Judge Saragosa for her hard work and efforts in collaboration with all, and her work on the complex operating guidelines. He stated that Clark County is key to this effort and shared his thanks for their interest and involvement.

ADR and Short Trials

UNLV Professor Lydia Nussbaum and Lena Rieke, UNLV Law Library, were unable to attend today’s meeting but wanted to thank everyone for efforts related to the findings from the Committee to Study the Rules Governing Alternative Dispute Resolution and Nevada Short Trials (ADKT 0595). They submitted a letter for consideration and discussion outlining two key questions.

- “how do Nevada’s self-represented litigants fare in ADR? If they are at a comparative disadvantage to represented litigants—meaning they win less often and receive smaller awards when they do win—then how can they best be helped?
- what are additional ways to support the third-party neutrals who work with this population of litigants?”

Justice Hardesty thanked the bar and the Eighth Judicial District Court for the update and adoption of the order. He shared that if there is a fee waiver that senior justices could be used so people don’t have to pay, and that CLE credit could be awarded in these cases. Brad will follow up with Professor Nussbaum.

IOLTA

The IOLTA Rate Review Committee agreed to increase Nevada IOLTA rates, letting the SCR 217 emergency ADKT authorizing a rate of .65% due to COVID (.05% below the SCR 217 minimum of .70%) to expire. (The *Leadership Institution* rate during the emergency was .70%.) The new rates were agreed to be a .75% minimum, with the *Leadership Institution* minimum at .80%.



Brad shared that IOLTA financial institution outreach continued from the north last spring, to now in the south this fall. Nevada Bar Foundation board of trustee's president, Mark Brandenburg has joined in the meetings to thank banks and share how funds support legal aid to assist low-income Nevadans. The final meeting of the year is scheduled with Bank of Nevada on November 8. Chief Justice Parraguirre, incoming Chief Justice Stiglich, and Justice Hardesty will join Mr. Brandenburg and Brad. Certificates of recognition will given to Bank of Nevada retiring CEO John Guedry in recognition of his leadership and commitment to higher IOLTA rates that have increased funding for legal aid in Nevada.

Justice Hardesty outlined that such leadership matters. For 2023, we expect IOLTA funds granted by the Nevada Bar Foundation will reach \$6.5 million, compared to the previous high in 2022 of \$5,030,000.

Unbundled Services

Unbundling ADKT 0597 was filed 8/16/22 but did not take effect until 11/1/22 so there is no feedback yet. Justice Cadish and Justice Pickering requested that legal aid providers monitor the program and keep in touch with pilot program feedback.

Elder Grant – Library Legal Kiosk Program

Susan Myers, grant project manager for the joint legal aid provider project lead and administered by Nevada Legal Services, reported that the project is advancing. Significant work has been done gathering bids from developers and communicating with other kiosk programs to see what is effective and pitfalls to avoid. Great feedback has been gathered on how best to deploy legal information to self-represented litigants. A final developer decision will be made soon, along with details of kiosk locations. The legal content gathering and building continues with good results to date. Jennifer Richards has recommended funds should be viewed with an eye toward long-term sustainability of the legal kiosks. Ms. Myers has been working closely with Stephanie McDonald and the Nevada Supreme Court law library team on the latest form updates for the kiosks.

Reports

- Nevada Supreme Court Law Library - Ann Walsh-Long reported that Shanna Pritchett on her team is currently administering a \$20,000 grant to translate 28 commonly used legal forms into the most needed languages, including Spanish, Tagalog, and Vietnamese. Word and PDF fillable form versions have been developed and are being placed on key webpages used by self-represented litigants. An additional grant will be pursued in 2023 to continue the project. Feedback on rural forms needed is sought. Judge Young volunteered to touch base with Ms. McDonald.
- Legal Aid Center of Southern Nevada - Ms. Buckley shared that she would like to see a limited practice rule that could act as a hiring pipeline for legal aid by allowing law school graduates to act as lawyers under supervision of a legal aid attorney for a defined time period. Brad to follow up.
- Nevada Legal Services – nothing in addition to their report to share.



- Southern Nevada Senior Law Program – Diane Fearon shared that their 10th anniversary program went well with a good turnout and thanked members of the judiciary for attending. She announced that SNSLP received a grant from the Nevada Bar Foundation for a pro bono coordinator to help with pro bono reinvigoration and outreach. The Legal Server case management system was purchased with a Nevada DHHS/ADSD grant.
- Northern Nevada Legal Aid – Tara Zimmerman thanked the Commission for voting her to represent NNLA and that it was her honor to participate and serve.
- Volunteer Attorneys for Rural Nevadans – Victoria Mendoza shared that VARN had hired a new, much-needed attorney to help serve their clients.

Justice Pickering asked Justice Hardesty if he would continue as chair of the Commission’s IOLTA Rate Review Committee, and he graciously accepted. Justice Pickering called for a vote which was moved and seconded to formally vote him to continue on the Commission. Justice Pickering thanked him for his service and continued commitment to access to justice.

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