



## **ACCESS TO JUSTICE COMMISSION**

---

### **Access to Justice Commission Meeting Minutes Friday, November 5, 2021 – 1:00 p.m.**

#### **Commission Members Present**

Chief Justice James Hardesty, Co-Chair  
Justice Kristina Pickering, Co-Chair  
Connie Akridge  
Justice Elissa Cadish  
Milan Chatterjee  
Deonne Contine  
John Fortin  
Mary “Kate” Groesbeck  
Annamarie Johnson  
Judge Joanna Kishner  
Margaret Lambrose  
Judge Cynthia Lu  
Augusta Massey  
Victoria Mendoza  
Joseph McEllistrem  
Judge Bridget Robb  
Marissa Rodriguez  
Judge John Schlegelmilch  
Doreen Spears Hartwell  
Judge Connie Steinheimer  
Judge E. Alan Tiras  
Anne Traum  
Steven “J.T.” Washington  
Michael Wendlberger  
Judge Nathan Tod Young

#### **Guests Present**

Barbara Buckley  
Elana Graham  
Emily Reed  
Susan Splan  
Sugar Vogel

#### **Staff Present**

Brad Lewis



### **Call to Order/Roll Call/Minutes**

The Access to Justice Commission meeting was called to order. Chief Justice James Hardesty welcomed all and congratulated Anne Traum on her nomination to the federal bench. A roll call was conducted and approval of the June 25, 2021 minutes was requested. The minutes were adopted for the record after typographical errors were noted for correction.

### **Nevada Supreme Court Recognition of Sugar Vogel and Elana Graham**

Chief Justice Hardesty welcomed Sugar Vogel and Elana Graham, recently having left their long-term posts at Southern Nevada Senior Law Program. He thanked and congratulated them on their – not only service – but devotion, support and shepherding of the program from a City of Las Vegas agency to an important, self-sustaining nonprofit organization. Justice Kristina Pickering thanked Ms. Vogel and Ms. Graham and recognized them for their inspiring work and having done so much good for so many in southern Nevada. Ms. Vogel and Ms. Graham thanked the Justices and the Commission for the time and attention to legal matters for those less fortunate. They outlined that the extraordinary efforts on IOLTA over the years have made such a difference to legal aid outcomes for low-income Nevadans. A certificate of appreciation was bestowed upon both from the Court.

### **Nominating Committee**

The Nominating Committee recommended that the Commission vote in four new members. Marissa Rodriguez, City of North Las Vegas Senior Deputy City Attorney as referred for participation by the State Bar of Nevada Board of Governors under SCR 15 2(f), and John Fortin, attorney with Pisanelli Bice as referred for participation by the State Bar of Nevada's Young Lawyers Section under SCR 15 2(g). Connie Akridge - SCR 15 2(i), and Adam Tully - SCR 15 2(i), will continue their service to the Commission under the updated slots noted. It was so moved and voted unanimously. Chief Justice Hardesty welcomed Ms. Rodriguez and Mr. Fortin and thanked Ms. Akridge and Mr. Tully for continuing to serve the Commission. He encouraged all recent and new Commission members to become engaged with the Commission and encouraged outreach to Brad. Brad will follow up with a list of engagement opportunities.

### **Eviction Mediation Program (EMP)**

The EMP continues with rental assistance mostly remaining available. Court case volume has reduced from its peaks and is returning to more normal, though slightly elevated levels. It does seem the case types have been changing, including more true hardship cases and even senior fraud cases being seen. In 2022, the EMP is planned to transition to Home Means Nevada (HMN - Nevada Supreme Court-appointed program administrator) contracting with the most successful mediators and running all daily aspects of the program. Long term it has been recognized that some sort of social services intervention and assistance with, minimally, difficult cases may be necessary. Chief Justice Hardesty indicated that mediator and interpreter funding for 2022 has been secured. Mediator payments will also transition from the Nevada Supreme Court to HMN in January 2022. EMP program financial sustainability is secure for 2022.



Barbara Buckley stated that evictions continue to be the number one issue being seen at legal aid. With COVID-19 still affecting the Las Vegas economy and employment, Legal Aid Center of Southern Nevada continues to receive about 5000 inquiries each month. Simultaneously, housing market conditions are such that some tenants are seeing substantial rent increases, some as much as \$900 increases.

Fortunately, the EMP did avert the predicted tsunami. However, negative effects continue. Negative effects within the low-income community are seen with health and even suicide. There are continuing problems with the first court process being the tenant answer rather than the landlord complaint, causing wide confusion among the public. Affecting change and transitioning to a more workable scenario must be sought. Doreen Spears Hartwell inquired about the number of mediators engaged. Brad replied that currently there are about 80 and if HMN contracts with select mediators that number is expected to be reduced with each accepting more cases. No further new mediator outreach is anticipated.

Chief Justice Hardesty suggested the need to reexamine mediator compensation and noted the continuing concern with cases being continued for 30 days while rental assistance is taking six weeks. He noted that U.S. Treasury Department has relaxed requirements for proof of COVID and documentation with the goal to get rental assistance to those in need. Ms. Buckley noted that it is important to discuss the next chapter and suggested Bailey Bortolin could share recommendations with the Governor. An evictions specialty court may be among the recommendations, and could feature rental assistance, mediation, social services and more. Part of the solution is likely to require a legislative fix, and part is likely a judicial fix. Chief Justice Hardesty suggested we may need to consider a Commission committee to discuss and submit meaningful recommendations and, if so, perhaps this is an opportunity for a new Commission member or two to engage.

### **Unbundling**

At the last meeting the Commission voted to advance with the Nevada Legal Services unbundling ADKT draft redlined by Justice Elissa Cadish. Chief Justice Hardesty thanked Justice Cadish and Justice Pickering for engaging in next steps. He did see the intervening communications that noted substantive concerns relating to negative effects seen with unbundled cases in the Eighth Judicial District Court and referenced the meeting materials outlining the purpose of the initiative, background, and concerns provided for review. (Available from the Commission.) Ms. Buckley believed it was necessary to put the concerns on the record before the Commission before proceeding with the draft for public comment.

Based on the problems outlined, inquiries were made regarding the degree to which the judges and courts are involved in overseeing the issues outlined. It was noted that not all attorneys are honoring notices required in writing and finishing the work as prescribed. Here it was outlined that some jurisdictions required court approved forms for entry and exit from cases. Questions were raised about the rules' best applicability to all civil, only family, or even only pro bono cases. Chief Justice Hardesty



suggested that in light of these issues, a subcommittee should be formed to research, review and sort out these items. It was agreed that Justice Cadish, Judge Kishner, Judge Robb, Connie Akridge, Annette Bradley, Annamarie Johnson, Ms. Hartwell, and a representative appointed by Legal Aid Center should meet to discuss this issue further with the goal to bring a revision to the March 2022 Commission meeting. Brad to follow up.

### **Statewide Technology and Forms Committee**

This committee was created to make court forms commonly used by the self-represented public the same for use and acceptance in any justice court statewide. The goal was to begin with the five most commonly used forms. Statewide forms use was researched and the committee narrowed down the first forms needed for consideration. (Background available from the Commission.) The committee then agreed to mostly use existing forms used in Clark and Washoe Counties. This was agreed to by Commission member Judge E. Alan Tiras as the committee's representative and contact with Nevada Judges of Limited Jurisdiction. The committee also felt it was critical to have the Commission vote on these forms and encourage their acceptance at the time of dissemination. During the discussion Justice Cadish requested that the forms first be shared with the Commission for review before voting. Brad will send to the full Commission. It was also noted that the fee waiver form is different between Justice and District Courts and that matter should be addressed in advance of the next Commission meeting.

### **IOLTA**

IOLTA continues apace in a tough rate environment. Chief Justice Hardesty outlined that he would be personally thanking Nevada IOLTA-participating financial institutions for their support prior to yearend. In addition, a letter in support of Nevada financial institutions earning Community Reinvestment Act (CRA) credit for IOLTA would be drafted for submission to Nevada Senators in the first quarter of 2022. CRA credit for IOLTA is offered in some regions but not Nevada and it would make IOLTA contributions more favorable for Nevada banks.

### **Celebrate Pro Bono Week**

It was reported that *Celebrate Pro Bono Week* in Nevada was successful this year, though altered for the second year due to COVID-19. All programs offered a variety of legal aid fairs and Ask-A-Lawyer sessions online and in person throughout the state. The Ferraro Group, the Nevada Supreme Court's public liaison, issued a statewide media release promoting the 2021 events.

### **Nevada Legal Services Ideas for Discussion**

- Legal Needs Study Refresh – Annamarie Johnson of Nevada Legal Services (NLS) suggested that the Commission may want to consider a refresh of the Nevada legal needs study finalized and published in 2018. The Legal Services Corporation has requested that all grantees conduct fresh research in light of COVID. It was suggested that it may be an item for further discussion.



- Disaster Plan – Ms. Johnson also suggested that the Commission may want to consider a disaster and emergency plan. NLS has one and it was recently implemented in working with California while planning potential services required due to the wildfires near Reno. She suggested that perhaps a Nevada statewide plan makes sense. NLS’s plan is based on the ABA model. It was noted that Clark County has an emergency and disaster plan based on the October 1 mass shooting. FEMA has plans for natural disasters. It was suggested that existing plans be submitted for review and discussion among the legal aid providers.
- Brad will include both items as agenda items on the next legal aid provider call.

### **Elder Grant**

Commission staff coordinated several meetings in the last half of 2021 with the Nevada Department of Health and Human Services, Aging and Disability Services Division and all Nevada legal aid providers to discuss a potential grant to support senior legal services. While a variety of initiatives were discussed, it was determined that a legal kiosk/library initiative held the most promise for serving the most people in every corner of the state. Grant awards are to be made in December of 2021. If awarded, this initiative could be supported by the Legal Services Corporation’s *Public Library Initiative* which will provide free national online training on civil legal information and services for public library staff. The grant proposes a program manager be hired under the direction of Nevada Legal Services in cooperation with the Commission and all of Nevada’s legal aid providers. The Commission co-chairs drafted a letter in support of this grant which is available upon request of the Commission.

### **Reports**

- Nevada Legal Services – Ms. Johnson related that Celebrate Pro Bono Week was a success with far fewer people engaging in person and more participating online.
- Washoe Legal Services – Deonne Contine reported that the nature of evictions changed before and after COVID. Before COVID evictions were one of the lesser issues being seen. During COVID many more resources needed to be applied. Nevada Assembly Bill 486 was needed and has helped prevent evictions in a serious time of need, but has also caused cases to take more time and require more resources. Also, foster cases have skyrocketed. Before COVID about 700 cases were being seen but now foster cases number more than 1000.
- Legal Aid Center of Southern Nevada – The key concern being seen is how to address the volume of evictions while simultaneously assisting with Afghanistan refugees. Ms. Buckley thanked the new Commission members for agreeing to serve the needs of low-income Nevadans. She added that a limited Legal Aid Center Pro Bono Luncheon would proceed in December of 2021 at the Wynn with COVID protocols in place.
- VARN – Victoria Mendoza shared VARN is seeing quite a lot of evictions and that domestic violence occurs as before but has gotten worse with COVID. Rural courts were more lenient with court appearances at the beginning of COVID but now appearance requirements are



becoming the norm. VARN's Lawyer in the Library program has exploded with more participation now that they are being conducted by phone. VARN has moved to its new location in Carson City.

- Washoe County Lawyer in the Library - Emily Reed reported that the virtual Lawyer in the Library program has attracted both attorneys and citizens alike and has been a great success.

### **Informational Items**

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

- Celebrate Pro Bono Week 2021 Media Placements
  - [Fox 5](#)
  - [KOLO TV](#)
  - [Nevada Business](#)
- State Bar of Nevada Dues Check Off Donations Progress
- Legal Aid Provider Highlights
- Self-Help Center Statistics
- Triannual Provider Call Recap
- Nevada Bankers Association *The IOLTA Report*
- Public Awareness