



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes
Friday, November 6, 2020 – 2:00 p.m.

Commission Members Present

Chief Justice Kristina Pickering
Justice James Hardesty
Connie Akridge
Bobbette Bond
Kelly Bronagh
Julie Cavanaugh-Bill
Deonne Contine
Annamarie Johnson
Judge Joanna Kishner
Noah Malgeri
Joseph McEllistrem
Judge John Schlegelmilch
Judge Connie Steinheimer
Greer Sullivan
Judge E. Alan Tiras
Adam Tully
Sugar Vogel

Guests Present

Jim Berchtold
Bailey Bortolin
Barbara Buckley
Emily Reed
Jennifer Richards
Christine Smith
Summer Youngquist

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Hardesty welcomed all with a special thanks to Shannon Chambers, Nevada Labor Commissioner and Home Means Nevada President, appointed Administrator of the Eviction Mediation Program. A roll call was conducted and approval of the June 19, 2020 minutes was requested. The minutes were adopted for the record.



Eviction Mediation Program

The meeting began with a review of the Eviction Mediation Program and a demonstration of the www.TheRenterConnect.org website. Ms. Chambers shared that the main issue and concern has been how to manage the volume. Brad shared that a new round of mediator appointments were occurring soon and requested that Commission members make experienced mediators aware of the program and encourage them to apply.

Chief Justice Pickering shared that it seemed the program was accomplishing some good results and was curious about program statistics. (The statistics below are from after the meeting as of 12/31/20.)

- 1349 - Cases sent to Home Means Nevada, Inc. for mediation
- 1260 - Assigned to mediators (Clark County 999/Rest of State of Nevada 261)
- 611 - Agreements = Tenant and landlord reached agreement. 56% of agreements had rental assistance as part of the agreement.
- 613 - No-Agreements = Eviction Hearing to proceed as scheduled by court
- 89 - Cases Withdrawn
- 36 - Cases Active

A discussion ensued about how much rental assistance had been spent and remained available. It was emphasized that getting rental assistance answers before mediations occurred were important to securing agreements to keep tenants housed during COVID-19.

Statewide Technology and Forms Committee

The survey of Justice Courts was discussed. It will be temporarily delayed as there are currently several asks out to the courts and the Nevada Judges of Limited Jurisdiction (NJLJ). We will revisit the desire to collect information about electronic and alternative filing methods as soon as appropriate as a part of advancing this initiative.

Unbundled Services

Nevada Legal Services is seeking courts in the north/rurals to agree to unbundled services in order to offer better access to justice. In particular, it has been difficult to place contested family law cases due to the significant time burden placed on pro bono attorneys. Justice Hardesty suggested it would be reasonable to look at the local rule in Clark County, though any “dangling issue” concerns should be addressed. Julie Cavanaugh-Bill said there has been a preference for pro bono appointments being made for an entire case v. only for specific hearings as the courts in the north might have issues with attorneys popping in and out of a case for only one hearing. Judge Schlegelmilch shared that it is difficult in rural communities with unbundled services due to inconsistency in representation. On the whole, and taking into account concerns raised, there was a consensus that - provided the code of professional conduct can be upheld - beginning outreach and conversations with northern and rural court judges can advance. For the next Commission meeting, Brad to gather the ABA Model Rule and how other states handle for review.



Legal Services Corporation Request

Annamarie Johnson of Nevada Legal Services requested the assistance from Access to Justice Commission member rural judges and representatives due to a request for participation at LSC's *Forum on Increasing Access to Justice*. Members of Congress and the general public join this well attended Forum to address the key issues of the day and how various states and locales are advancing access to justice. Justice Hardesty suggested that anyone interested reach out.

CARES Act Funding

Remaining CARES Act funding was discussed. If some funds are use-it-or-lose-it we should remember access to justice needs such as electronic filing technology, new computers, remote witness capabilities, etc. Justice Hardesty asked if legal aid providers had any "shovel-ready" projects which could be listed for consideration should such an opportunity exist. Examples shared included COVID-19 related spending such as electronic finger printing, plexiglass barriers for court, and visitation rooms which could be used by both attorneys and families for nursing home in-person visits. Also, perhaps temporary employment services are needed to support Home Means Nevada mediation or Clark County rental assistance. It was noted that Washoe Courts used some CARES Act funds to refurbish courtrooms, including enlarging some to meet social distancing guidelines during COVID-19. Brad will organize a call with providers to solicit needs feedback for Justice Hardesty.

Nevada Department of Health and Human Services Grant

Jennifer Richards, Chief Elder and Disability Rights Attorney, Nevada Department of Health and Human Services, Aging and Disability Services Division, joined the Commission meeting to share that a \$3 million grant was available through September 30, 2021. The grant funds programs for those over age 60. She shared examples of approved programs, including one state that used the funds for legal kiosks at medical centers during COVID-19. Brad to set a call with Ms. Richards and legal aid providers to discuss needs funding in Nevada.

IOLTA

Due to COVID-19, the Federal Reserve dropped interest rates to near zero. In response, the Access to Justice Commission notified Nevada IOLTA-participating financial institutions in March 2020 that interest on Nevada IOLTA accounts would be immediately reduced to 0.70%, the SCR 217 minimum. Further, in two stages by temporary order, Nevada's IOLTA rate was dropped below the SCR 217 minimum to 0.65% for the period 6/1/20 - 6/1/21. Reduced IOLTA interest rates will reduce available 2021 grant dollars. As a result, Justice Hardesty asked Connie Akridge, President of the Board of Trustees of the Nevada Bar Foundation, if they would review reserves and consider drawing down \$300,000 from the \$600,000 reserve to mitigate the shortfall. Ms. Akridge said she would. If approved, it would allow granting to be within approximately \$30,000 of 2020.



Legal Aid Provider Reports

- Southern Nevada Senior Law Program
 - Sugar Vogel reported that SNSLP has one to two shovel-ready projects to share for potential funding.
 - Ms. Vogel thanked Legal Aid Center of Southern Nevada for helping support SNSLP pro bono attorney needs.
- Legal Aid Center of Southern Nevada
 - Barbara Buckley shared some COVID-19 impact statistics
 - Civil Law Self Help Center
 - Pre-pandemic average inquiries per month – 3900
 - During pandemic average inquiries per month – 5100
 - #1 increase is in evictions
 - Family Law Self Help Center
 - Pre-pandemic average inquiries per month – 5400
 - During pandemic average inquiries per month – 6800
 - UNLV students have been helping triage call volume
- Washoe Legal Services
 - Deonne Contine shared their call volume is also up.
 - 2020 calls March-October were 2800 v. 1800 in 2019.
 - Resources can be described as strained, but meeting volume at present.
 - 50 people attended WLS evictions seminar.
- Nevada Legal Services
 - Annamarie Johnson shared that April 1 – October 31, 2020 NLS fielded 80,400 calls statewide, a 106% increase.
 - 83% of that volume is evictions and housing related.
 - COVID-19 seems to be making all legal issues worse.
 - Yerington, an office with a typically slower pace, has seen 20 calls per day plus walk-ins.

Informational Items

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

- Legal Aid Provider Highlights
- Self-Help Center Statistics
 - The Civil Law Self Help Center has been busy with tenants seeking help with evictions. The week of October 19, we helped more than 1,100 tenants in 4 days (the Center is closed on Fridays). On Monday, October 26, the Center saw a record 334 in-person customers in one day. These numbers do not include the customers who called in, online "chatted," and emailed.
- CLE for Pro Bono Procedure Update
- Nevada Bankers Association *The IOLTA Report*, June - October
- American Society of Association Executives Centennial Research Recognition of the *Statewide Study of Legal Needs and Economic Impacts*, ASAE Annual Meeting Session
- Public Awareness