



**ACCESS TO JUSTICE COMMISSION**

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Access to Justice Commission Meeting Minutes  
Friday, November 15, 2024 – 2:00 p.m.

**Commission Members Present**

Justice Kristina Pickering, Co-Chair  
Justice Lidia Stiglich, Co-Chair  
Sr. Justice James Hardesty  
Annette Bradley  
Mark Brandenburg  
Alex Cherup  
Judge Cynthia Cruz  
Diane Fearon  
Judge Kriston Hill  
Ann Walsh Long  
Dr. Joseph McEllistrem  
Victoria Mendoza  
Judge Bridget Robb  
Marisa Rodriguez  
Raine Shortridge  
Doreen Spears Hartwell  
Glen Stevens  
Steven “J.T.” Washington  
Michael Wendlberger  
Judge Nathan Todd Young

**Guests Present**

Bailey Bortolin  
Angel Graf  
Chantyel Hasse  
Margaret Lambrose  
Erica Marquez  
Casey Mitchell  
Susan Myers  
Emily Reed  
David Spitzer  
Skyler Young

**Staff Present**

Brad Lewis

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

The Access to Justice Commission meeting was called to order. Justice Stiglich welcomed all and recognized Alex Cherup and David Spitzer as the newly named executive directors of Nevada Legal Services and Northern Nevada Legal Aid. Justice Stiglich then asked that a roll call be conducted. She then asked for approval of the minutes. Brad advised that there were two corrections noted by Victoria Mendoza and Susan Myers. Those have been updated in the final version. Hearing no other changes she requested approval. The minutes were voted unanimously and adopted for the record.

**ATJC Application for Approved Status**

Senior Justice Hardesty recounted to the Commission that earlier this year he was asked to Chair an ATJC Application Committee for potential new legal service entities to seek approval to become approved by the Commission. The committee was formed to discuss criteria and an application. By unanimous vote of the committee, the draft application is in today’s meeting materials for review, comment and discussion. The committee would then recommend a vote of the Commission to advance. He then called for comment. Doreen Spears Hartwell asked if we had anyone interested. Justice



Hardesty replied that we've had several inquiries over the years. Ms. Spears Hartwell noted that she appreciated the robust outline indicating cooperative work and noted the ability to expand legal service coverage in gap areas. Brad noted we do have one currently interested party, the Immigration Center for Women and Children, and that directing attorney, Ms. Angel Graf has joined the call today with her team.

Ms. Graf shared that the organization has been in operation since 2004 in Los Angeles and since 2019 in Las Vegas. They mainly work in Federal court on immigration matters. In 2023 they were approached to apply for a grant to offer legal services to unaccompanied undocumented minors, but they would need Nevada licensed attorneys to do that and sought the potential to be approved by the Commission. Since then she's inquired about the application process and appreciates that we are discussing.

Alex Cherup thanked Justice Hardesty and the committee members for their work. Bailey Bortolin believes it's important for any new providers to work closely with existing providers. In particular, all legal aid organizations struggle to find enough attorneys to meet the need and with limited resources it's important that we're not simply rearranging staff between providers.

Justice Pickering asked how IOLTA funding would be handled. Justice Hardesty referred her to item nine on the Criteria and Application document (available from the Commission) that outlines that new providers "cannot have the effect of reducing funding to existing providers", and that "any IOLTA fund eligibility must be derived from funds that exceed the previous year's granting and then are subject to a revised distribution formula to be developed and ratified by the Nevada Coalition of Legal Service Providers."

Hearing no further questions, Justice Stiglich asked for a vote. Judge Young moved that the criteria and application to become approved by the Commission be adopted, which was seconded by Judge Robb. All voted in favor.

### **Emeritus Attorney Pro Bono (EAPB) CLE Requirements**

When the bar updated limited admissions practices in 2019, an important negative consequence for legal aid was discovered. Changes standardized CLE for all limited practice areas, including EAPB, to be the same "as may be prescribed for active members of the State Bar of Nevada". This became true even for retired attorneys on "inactive" status performing pro bono services through EAPB which previously was not the case. Inactive members of the bar have no CLE requirement. This has proven to be a hindrance to engaging retired attorneys in pro bono. A discussion ensued.

Alex Cherup shared that the services of retired attorneys are a meaningful part of pro bono, that this change is negative for legal aid, and that we should be enhancing the ability for lawyers to provide pro bono, not discouraging it. Michael Wendlberger added Legal Aid Center organized a *Legal Legends* program to recruit retired attorneys, engaged about 30 attorneys, and when some heard of the



requirement for 13 CLE hours they said, “count me out”. Judge Robb shared that attorneys must have training in the areas in which they are providing services.

Brad shared that Bryan Scott is one example of an attorney who would be turned away from pro bono due to the 13-hour CLE rule and that it would seem this is exactly the type of person we would hope to engage. Also, that poverty law is unique, that relevant CLEs are essentially not offered outside of legal aid, and that legal aid does a terrific job of delivering top notch education in their practice areas. Mr. Cherup said that legal aid CLEs are directly related to the case types retired attorneys would take and that legal aid is uniquely positioned to provide CLE on these narrow topics.

Judge Young noted that it always seems that special rules are only for rural areas and the poor and in the perfect world that would not be the case. While he is not against relaxed CLE measures due to fostering access to justice, it is unfortunate that this is necessary. He said perhaps access to justice deserves reduced requirements.

Doreen Spears Hartwell shared that the Senior Law Program offers estate planning CLE and landlord/tenant CLE and that they’re both great. She said that legal aid can provide specific training needed when attorneys are volunteering pro bono, and that proper training is the key.

Brad attempted to sum up the conversation suggesting perhaps language about CLE being provided by legal aid and pro bono for retired, inactive attorneys be limited to “under the auspices of a legal service organization approved by the Access to Justice Commission” may be language that could be agreed upon.

Judge Kishner suggested that perhaps we should list specific categories that can be performed without the standard CLE requirement such as CAP, family, landlord/tenant, etc. Judge Cruz shared that the Eighth Judicial District Court’s pro tem program offers a “civil rules update” refresher once or twice a year and something like that could be replicated by legal aid organizations.

Bailey Bortolin said when you consider the great number of self-represented litigants (SRLs) needing help and how many are totally unprepared to navigate their issue, we’ve seen in other jurisdictions that even non-attorney advocates are deemed better than people going it alone. Mr. Cherup echoed that sentiment saying that recent Legal Service Corporation statistics show that 92% of people don’t have a lawyer and that retired attorneys are very well placed to help. Judge Robb believed that when these programs are run under an institutional umbrella such as District Attorneys or legal aid, and supervision is in place, the issue becomes less concerning.

Brad asked for next steps and Judge Robb wanted to make clear she was not hostile to the issue and would be happy to serve on a committee to discuss. She believed that with appropriate guardrails in place that she sees a way forward to retain the engagement of retired attorneys in pro bono and



proposed the committee could draft language. Ms. Bortolin said she could draft language so the committee can discuss on the first call. Mr. Wendlberger suggested we should move quickly as this is an important issue and Diane Fearon suggested that perhaps the committee could meet before the end of the year. At a minimum, the following people would compose the committee: Justice Stiglich, Judge Robb, Judge Young, Bailey Bortolin, and Annette Bradley.

### **Statewide Self-Help Rollout with Ask-A-Lawyer**

The Administrative Office of the Courts (AOC), in conjunction with Legal Aid Center's Stephanie McDonald from the Family Law Self Help Center, have developed great new self-help tools for the public. This includes new guided interviews to complete common forms, explainer videos, live chat and more. A public relations rollout is planned for 2025. Barbara Buckley had the idea to add an Ask-A-Lawyer component to the rollouts to bolster the message and involve more of the public, attorneys, court personnel, judges and more. Brad will plan to meet with Katherine Stocks and Stephanie McDonald in December to discuss.

### **Unbundling**

This work is complete but further discussions are necessary to advance. Brad suggested taking the conversation offline.

### **Peremptory Challenges**

Preliminary discussions have been held around fee waivers for legal aid and self-represented (SRLs) litigants to make the opportunity fairer for all. Issues raised have been misuse and potential cost implications. However, after a review, cost implications seem not to be an issue. After a brief discussion and questions, Justice Stiglich suggested that we reconvene the committee for further discussion.

### **Sealed Cases**

This related to the continuing issue of the Eighth Judicial District Court (EJDC) automatically sealing family law cases which prevents legal aid from viewing, pro bono attorneys from accepting due to the unknowns, and preventing the public from accessing their own case. The good news on this front is that workarounds have been developed for both SRLs and for attorneys in appellate pro bono cases. Mr. Wendlberger thanked Justice Pickering for her efforts with appellate cases.

Andres Moses of the EJDC has been participating with the committee in a productive way, reducing turnaround of case access approvals from two days to about an hour in most circumstances. Mr. Wendlberger is working with Mr. Moses on EDCR 5.213 authorizations via a "signed statement of permission" that will allow for enhanced access. Judge Kushner, the Sealed Cases Committee chair, said that she appreciates the efforts to balance privacy and access.



### **Service Rule Clarification**

The Service Rule Committee has been discussing the issue of many judges requiring service by publication, even in instances where other methods may be successful. Service by publication is a very expensive option and unrealistic for many SRLs. After some discussion, it seemed there was agreement that to advance, a good case for litigation should be surfaced due to the continuing issue.

### **Commission Membership**

Doreen Spears Hartwell referred the Commission to the nominations slate in the meeting materials and asked for a vote on new members. Margaret Lambrose will replace Marisa Rodriguez as the board liaison from the State Bar of Nevada and David Spitzer, the new executive director of Northern Nevada Legal Aid, will replace Lisa Evans. The vote passed unanimously.

### **IOLTA**

Justice Hardesty shared that twice this year, the total IOLTA total principal balance has exceeded \$1 billion, a first for the Nevada IOLTA program. Also, that the IOLTA Rate Review Committee determined at the October meeting to retain the current rates. He is also happy to report increased participation at the *Leadership Institution* and Platinum Partner levels, with banks paying premium rates. Ms. Bortolin, Diane Fearon, Mark Brandenburg, and Mr. Cherup all thanked Justice Hardesty and the committee for their efforts. Mr. Brandenburg shared that Justice Hardesty's strategy of not attempting to achieve the highest rates possible, but rather the highest reasonable sustainable rates seems to work well. Brad recognized Commission member and IOLTA Rate Review Committee member, Raine Shortridge of Nevada State Bank, for his helpful engagement and support of the Nevada IOLTA program.

### **2025 Section Pro Bono Challenge**

Brad shared that the section challenge will continue in 2025 from February 1 – May 31. The first communications will begin in the new year.

### **2025 Initiatives**

The 2025 goals and initiatives document was briefed to all with time for concurrent or follow up ideas and suggestions. There was agreement on a wait-and-see approach to any areas of focus which may be needed with a new administration related to the potential working groups, such as funding or immigration working group. Glen Stevens suggested that he has received questions about immigration as a potential area of focus. Margaret Lambrose echoed her support for this issue.

### **Legislative and Eviction Diversion Update**

Ms. Bortolin shared that the Nevada Coalition of Legal Service Providers is currently finalizing the legislative agenda for the upcoming session. The Coalition is looking at things that may be beneficial to codify in state law like the Institutional Development Award (IDeA). Great outcomes are being seen on the eviction diversion program and a statewide appropriation to sustain and expand the program will be sought. Reno visited to shadow the Las Vegas Justice Court eviction diversion program and has been able



to launch their own, thus they're looking for a statewide appropriation from the legislature. For the Las Vegas program, current funding will run out by June. The size of the appropriation will determine what populations are able to be included or expanded.

### **Legal Kiosks in Libraries**

Susan Myers shared that four new kiosks were installed in Northern Nevada in August, specifically at the Douglas County Library in Minden, the Humboldt County Library in Winnemucca, and the Downtown Reno and Sparks libraries in the Washoe County Library System. These, and two additional kiosks anticipated to be installed later in November, will be the last kiosks installed under the current funding.

Trainings were conducted for staff of the new host libraries by web developer A2J Tech on the technical aspects of using the kiosks, and Ann Walsh Long, Director of the Nevada Supreme Court Law Library, joined Project Manager Susan Myers to conduct a virtual training on using the kiosks to provide patrons with legal information (vs. legal advice) and referrals to resources. The top five kiosk locations in terms of usage to date are Churchill County, East Las Vegas, Elko County, Carson City, and Pahrump. The reallocation of the Justice Bus funds to the kiosk project made it possible to engage a public relations firm, and advertisements are being strategically placed around the state.

### **Legal Aid Reports**

- *Nevada Legal Services* – Alex Cherup reported that the Access to Justice Commission was the recipient of NLS's Champions of Justice award for the 2024 Partner Organization of the Year. In northern Nevada, NLS's cooperation with NNLA and the Reno Justice Court continues to see success with the new self-help center on its one-year anniversary. Housing remains a key issue representing 70% of cases. Now is also the one-year anniversary of NLS's engagement with the North Las Vegas eviction court.
- *Northern Nevada Legal Aid* – David Spitzer repeated Mr. Cherup's excitement about the new RJC self-help center. He shared that former NNLA staffer, Jennifer Richards, is now Judge Richards, sitting on the Reno Justice Court. NNLA is sorry to see her go. He thanked Justice Stiglich for today's announcement of himself being named executive director and looks forward to working with the Commission.
- *Southern Nevada Senior Law Program* – Diane Fearon said that SLP has run out of the grant funding supporting outreach to Las Vegas' Hispanic community but retains bilingual staff. She thanked and congratulated Justice Pickering for accepting the SLP's Access to Justice Advocate Award. She's pleased to report that this year's SLP Salutes Senior Advocates event raised more than \$100,000 for the first time. It will help to increase the number of seniors served and is great recognition of pro bono advocates. SLP now has seven attorneys on staff, has increased their education outreach, and have partnered with adult protective services. Justice Stiglich added that it was a wonderful event.
- *Volunteer Attorneys for Rural Nevadans* – Victoria Mendoza added her thanks for the IOLTA efforts. She states that most VARN funds come from Victims of Crime Act (VOCA) and Violence



Against Women (VAWA). VARN saw an increase of at least 1000 more client inquiries in 2024 than in 2023. She just recently hired a lawyer that will begin next week. Judge Young offered to help VARN get more pro bono attorneys. She shared that she plans to revamp pro bono efforts in 2025.

- *Second Judicial District Court Resource Center and Washoe County Law Library* – Emily Reed said that on February 5, 2025, the Law Library will be celebrating the 25<sup>th</sup> Anniversary of Lawyer in the Library with their annual luncheon. She also shared that the Resource Center received Trial Court Improvement ARPA subgrant funding to lower one workstation to make it more accessible to those with limited mobility. Additionally, in 2024, the Resource Center’s in-person traffic increased by 17% over 2023.
- *Legal Aid Center of Southern Nevada* – Bailey Bortolin congratulated Mr. Cherup and Mr. Spitzer on their executive director appointments. Legal Aid Center’s Pro Bono luncheon is Friday, December 13. Legal Aid Center is also finishing up the end of the first year of our partnership with UNLV to offer a Tenant's Rights Legal Residency Clinic. The program is going well. Their special education unit has been filing a record number of due process cases against CCSD, and strategic planning is advancing to adjust to meet the community's needs for the next four years. Discussions surrounding rapid response to critical issues with the new administration have occurred, including lessons learned from the first term and other funding squeezes and issue spikes.

### **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