



ACCESS TO JUSTICE COMMISSION

Access to Justice Commission Meeting Minutes Friday, March 25, 2022 – 2:00 p.m.

Commission Members Present

Justice James Hardesty, Co-Chair
Justice Kristina Pickering, Co-Chair
Connie Akridge
Justice Elissa Cadish
Milan Chatterjee
Diane Fearon
John Fortin
Annamarie Johnson
Judge Joanna Kishner
Judge Cynthia Lu
Augusta Massey
Victoria Mendoza
Raine Shortridge
Doreen Spears Hartwell
Judge Connie Steinheimer
Glen Stevens
Judge E. Alan Tiras
Adam Tully
Steven “J.T.” Washington
Michael Wendlberger
Judge Nathan Tod Young

Guests Present

Giovanni Andrade
Barbara Buckley
Rhea Gertken
Phyllis Gurgevich
Chanteyl Hasse
Jonathan Norman
Emily Reed

Staff Present

Brad Lewis

Call to Order/Roll Call/Minutes

The Access to Justice Commission meeting was called to order. Justice Hardesty welcomed all. A roll call was conducted and approval of the November 5, 2021 minutes was requested. The minutes were adopted for the record.



Unbundling

Justice Cadish recapped the work of the Unbundling Committee and Drafting Subcommittee who were designated to advance the limited scope representation draft ADKT designed to make unbundled services available in all areas of Nevada outside of Clark County and to address legitimate issues being seen in practice. Two approaches were identified and discussed. One would be to limit any new rule to pro bono only. The other would be to make a new rule applicable to all attorneys. In either case, while the Committee discussed certain non-complex civil law cases, ultimately it was determined to focus on enumerated family law matters. An important part of the conversation was how to address the only current Nevada rule in place in the Eighth Judicial District Court (EJDC), particularly if a different strategy was implemented with respect to pro bono and private attorneys. It was noted that a limited number of cases sometimes proceed in the Second Judicial District Court (SJDC) on a limited scope representation basis. Part of the goal of the Committees was not to overrun local rule. Therefore, in the pro bono draft version, an exception was written so as not to prevent a case from advancing under local rule.

However, one of the difficulties with this direction is that pro bono attorneys would need to advance under a rule with more requirements than for private attorneys, which is the opposite of the goal which is to encourage the acceptance of pro bono family cases outside of EJDC. Rhea Gertken outlined that, as presented, the two options are “pro bono, adding a private practice exception by local rule”, and “all attorneys”. Justice Pickering shared that whatever is agreed to by the Commission would be made available for public comment to assure the feedback of the wider community. She added a thanks to the University of Nevada Boyd School of Law for engaging in 50-state research in support of this effort.

Finally, a key part of the new rules proposed is to have both a Notice of Representation form as well as a Notice of Completion of Services in Limited Scope Representation form which would outline with particularity what is and what is not included in the scope. Giovanni Andrade added that, including these forms, the rule addresses the current difficulties being seen in practice in EJDC. For example, the rule also includes a requirement to register the client for any electronic service so that pro se litigants get filings after the unbundled service which has been an issue.

Judge Lu shared that she had no objection to the rule but suggested that perhaps the remedy language should be “may” instead of “shall” to allow the court discretion in applying any remedy.

Justice Hardesty suggested the program may operate best as a pilot program for all attorneys. Doreen Spears Hartwell moved that the Commission vote to adopt the all-attorneys draft as a pilot program by temporary rule and make available for public comment. Connie Akridge seconded the motion. Justice Hardesty called for any comment. Brad shared that Mr. Andrade suggested that in the final draft “legal separation” be replaced by “separate maintenance”. With that change Justice Hardesty called for a vote. All were in favor; none were opposed and there were no abstentions. Justice Hardesty thanked



the Committee and asked that Justice Cadish and Justice Pickering work to advance a draft for public comment as agreed.

IOLTA

For some time, by customary procedure, the Nevada Bar Foundation has granted 96 percent of IOLTA funds to civil legal service providers approved by the Commission. However, that practice has never been formalized. Justice Hardesty recommended that we embed this understanding more formally by Nevada Supreme Court rule. Barbara Buckley outlined the great value of IOLTA grant funds to Nevada legal service providers noting that half of their staff is funded by IOLTA. She shared with the group that four (4) percent is funded to other non-core legal service providers. She agreed that institutionalizing this practice is valuable. Connie Akridge shared that while the practice is customary, memorializing it makes sense. Justice Hardesty said that if the Commission also agrees, the court could file a petition in support of this practice. Justice Hardesty called for comment. Doreen Spears Hartwell voiced support for the idea and moved that the Commission vote to support the initiative. Judge Young seconded the motion. Judge Steinheimer said it was a great idea. A vote was taken and passed unanimously. Justice Hardesty thanked Phyllis Gurgevich of the Nevada Bankers Association for the support of Nevada financial institutions funding to support legal aid.

With Deonne Contine unable to attend today's meeting, Brad noted that Washoe Legal Services Child's Voice Luncheon is Friday, April 29 and Commission members are invited to attend. WLS will be recognizing the years long efforts in support of legal aid by Justice Hardesty at the luncheon. Justice Hardesty will also take the opportunity to thank Nevada IOLTA-participating financial institutions as part of the Commission's IOLTA financial institution thanks and outreach efforts.

Eviction Mediation Program

Justice Hardesty shared that the biweekly joint meetings of the courts, legal aid, Clark County, nonprofits, the Commission, and others which has continued for 10 months will soon switch to monthly meetings. A key focus has been how to get rent relief to the tenants and landlords who need it. At times, delays have exacerbated frayed nerves of all parties. A lot has happened, from the moratoriums to rapid rehousing to the continued escalation of rents. On Monday, March 28, an in-person eviction grant retreat will be held to discuss the Las Vegas Justice Court grant and prepare for a potential award that may help to improve the system for all moving forward. Ultimately, statutory consensus will be needed but the grant has landlord/association letters of support. The discussion has been that wrap-around services to address virtually any issue at hand can be a part of avoiding evictions which is hard on all parties.

Ms. Buckley shared that the goal of an eviction diversion court process is to allow time for intervention efforts including rental assistance, social services support and time for rehousing if needed. She noted that the U.S. Department of Justice and the National Center for State Court and others are devoting time to this effort that holds potential benefit for many.



Language Access Committee

NRS 1.530 outlines a “Committee to advise Court Administrator regarding regulations relating to certification or registration of interpreters” and has been staffed by the Administrative Office of the Courts (AOC). Recently, the Judicial Council of the State of Nevada approved a by-law change that may refer certain matters to the Commission for comment, edits, etc., before any ADKT is advanced. Please note that Katherine Stocks, director of the AOC and State Courts Administrator, may pass on certain tasks to the Commission.

Reinvigorate Pro Bono

COVID had a significant impact on pro bono volunteerism, including a varied but overall downward trend of case-taking. While overall Ask-A-Lawyer session participation by lawyers increased, a softening of pro bono support has been seen. It’s been discussed it’s time to refocus and reinvigorate pro bono promotional efforts. Ms. Buckley shared that key feedback includes lawyer workload throughout COVID. Michael Wendlberger noted that the involvement of the judiciary is key, as attorneys listen to judicial messaging and requests. Judge Young suggested that judges could take a moment to promote pro bono. Judge Kishner recalled success at previous firm visits and noted that firm visits are now or soon will be happening with discovery Commissioners and suggested a pro bono promo perhaps could be featured.

Brad shared that a pro bono promotion featuring a client thanks video and QR code to volunteer, to take a case, to join an ask a lawyer, for a firm to donate personnel, or for a donation to be made will be featured at the State Bar of Nevada annual meeting.

Justice Hardesty said that demand for associates is high and that perhaps revisiting a financial donation ask should be part of the strategy, which could include some sort of revised approach to the State Bar of Nevada’s dues check off process. The potential for monthly donations was mentioned along with the potential for law firm partnerships. He suggested convening a small group to focus on both a statistics recap and promotional brainstorming.

It was determined that recent pro bono statistics should be gathered, and a group of interested parties could be assembled to review, brainstorm strategies, and develop a plan focused on refreshing pro bono efforts.

Legal Kiosks in Libraries Grant

The Commission and all Nevada legal aid providers cooperated on and earned a grant from the Nevada Department of Human Services Aging and Disability Services Division. It will be formally administered by Nevada Legal Services in cooperation with all. Five program manager candidates were interviewed by a hiring committee and a person was selected to develop, manage and execute the program grant under the auspices of NLS. The dollars have been funded and the position is expected to launch in May.



Nominating Committee

Nominating Chair Doreen Spears Hartwell reported that 10 Commission members' terms expire July 1, 2022, advised members to review their term expiration, and to let herself or Brad know if they would like to continue with the Commission. Anne Traum, recently appointed to the Federal bench, is inquiring at the University of Nevada Boyd School of Law for a UNVL slot candidate.

Reports

- Legal Aid Center of Southern Nevada - Barbara Buckley reported the Legal Aid Center staff has been contributing enormously at this time of heightened need. The Vegas Strong Resiliency Center (VSRC) may relocate to the former bank building next to the main Legal Aid Center office. The goal is to turn the building and lot into a new complex where the VSRC and other departments from Legal Aid Center with a victim focus would work together to provide holistic, trauma-informed services. The Civil Law Self Help Center volume continues at elevated levels. Evictions continue to be an issue, especially now considering increasing rent costs. Hiring has been difficult. As a result, Legal Aid Center has begun a clerkship for new UNLV graduates, some of whom may stay after the clerkship.
- Southern Nevada Senior Law Program – Diane Fearon concurred with Ms. Buckley that hiring has been difficult, including for support positions with many hospitality positions delivering substantial pay and benefits. She shared that SNLSP's pro bono program launched last year needs to keep going and be refreshed so is supportive of the pro bono reinvigoration. She outlined a potential social work practicum opportunity with UNLV for social services engagement in support of legal work. She asked a question about eviction funds being made available for moving expenses, as that has been seen to be an issue. Justice Hardesty and Ms. Buckley reinforced the need for moving expense funds for evictions.
- Volunteer Attorneys for Rural Nevadans (VARN) – Victoria Mendoza reported that VARN has increased the number of clients being seen to more than 400 served in 2021. She reported a grant award for a mobile "justice bus" to be use for serving rural areas. Time is needed to design and equip the mobile unit. It should be particularly helpful for senior unable to travel. Domestic violence cases have been up during COVID, particularly in Elko and Lyon counties. The Great Resignation has also affected VARN, especially late last year. VARN has raised salaries closer to market but it has been difficult to compete with government jobs. VARN was able to hire two legal assistants. She also shared it has been difficult to get pro bono help and looks forward to the pro bono brainstorming.
- Nevada Legal Services – Annamarie Johnson reported that today is her last day with Nevada Legal Services. NLS has a new partnership with Prisoners of Hope providing criminal record sealing. Programs also continue with the Salvation Army, U.S. Vets, the Indian Law Project, the Farmworkers Project, and the Ryan White HIV/AIDS program. Caseloads are up.



Unemployment cases continue. The unemployment problem is not yet solved. In particular, problems are being seen with the Pandemic Unemployment Assistance program for gig workers.

Justice Hardesty and Justice Pickering wished Ms. Johnson good luck and thanked her for her inspirational work through NLS. Brad thanked Commission members, including the many new members and non-members, who have supported and served the Commission's efforts.

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