



# NEVADA ATTORNEYS AND BANKS WORK TOGETHER TO HELP THOSE IN NEED

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NEVADA LAW FOUNDATION TRUSTEES AND IOLTA COMMITTEE CO-CHAIRS

*U.S. Attorney General Eric Holder is quoted as saying that “Today, the current ... gaps in legal services for the poor and middle class constitute not just a problem, but a crisis. And this crisis appears as difficult and intransigent as any now before us.”<sup>1</sup>*

Nevada’s legal community has recognized the crisis in access to justice for the poor, and is increasing its efforts to pull down impediments to accessing Nevada’s justice system that often weigh most heavily on Nevada’s most vulnerable citizens. One of the leading contributors to this effort is the Nevada Interest on Lawyers Trust Accounts (IOLTA) Program.

Nevada Supreme Court Rule 217 requires Nevada attorneys to place certain client funds in an IOLTA-approved financial institution meeting the minimum guidelines set by the Supreme Court. This requirement not only protects clients by segregating their funds into accounts with unlimited FDIC insurance, but also results in a substantial pool of money made available each year to support access to justice initiatives across the state.

Since its incorporation in 1990, the Nevada Law Foundation<sup>2</sup> has been responsible for administering, safeguarding and distributing the money generated from Nevada’s IOLTAs. The majority of these funds are used to support programs that provide direct legal services to the poor, with an emphasis on victims of domestic violence, senior citizens, and children protected or in need of protection by the courts. In just the last five years, the foundation has distributed more than \$6.9 million in direct grants to qualified Nevada organizations in the pursuit of equal access to justice for all Nevadans, regardless of income or social status.

In the last three years, legal aid programs across the country have experienced a decrease in federal and state grants, funds from IOLTAs and other revenue sources. At a time when low-income families are increasingly seeking legal assistance with domestic violence, foreclosure, veterans’ benefits and other matters, the decline in funding has led to reduced services for the most vulnerable among us.

The Nevada IOLTA program helps hold the line against declining program budgets, providing funding essential to maintaining and improving access to justice for Nevada’s disadvantaged citizens. Thanks to the support of our lawyers and the financial institutions which have agreed to meet Nevada Supreme Court requirements, Nevada is one of the few states in the country that was able to avoid a substantial decline in IOLTA revenues in 2011. Programs funded by IOLTA have offered critical assistance, including direct legal aid, CASA programs supporting at-risk children state-wide, domestic violence victim support services, legal services for senior citizens, and educational initiatives for teens, seniors and the public. The foundation is proud of the impact its grantee organizations have on the lives of Nevada’s citizens.

Nevada’s IOLTA program exists thanks to the partnership between Nevada financial institutions and attorneys. Without either partner, the IOLTA program would be unable to continue funding the critically important work of foundation grantees. Across the state, 25 financial institutions currently participate in the Nevada IOLTA program, holding trust account funds for nearly 3,000 Nevada attorneys.

## Looking Forward

While Nevada's IOLTA program is making a very real impact on grantees' capacity to provide legal aid to at-risk populations, and while provider agencies are finding innovative ways of stretching dollars to serve as many people as possible, a significant gap between supply and demand for legal assistance across Nevada continues to exist. And, while the Nevada Law Foundation has been able in the past to use funds to support important law-related education initiatives, our ability to fund these programs has suffered under the strain caused in these difficult economic times. Using our continued IOLTA success as a springboard, the foundation is launching new initiatives aimed at adding financial resources available to invest in expanding programs and services.

The foundation is renewing its efforts to broaden its base of support beyond IOLTA and the current level of attorney contributions of time and money. The core of this approach will be to educate the community about the real need for increased funding to the organizations we support and demonstrating to donors that the foundation can provide accountability for the use of the public's contributions and a real return on investment, both in terms of the impact on the clients served and our communities as a whole.

## A New Identity More Consistent With Our Mission

One of the challenges that we have faced in broadening the current level of support is educating the community on our mission. We are not a foundation designed to benefit and support lawyers or the legal profession. We are an organization whose existence is dedicated to helping all citizens of Nevada, regardless of socioeconomic status, achieve access to a basic level of justice. In 1948, the United Nations defined access to justice as a fundamental human right as set out in Article 8 of the Universal Declaration of Human Rights:

*"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."*

Guaranteeing this basic human right is crucial to the proper functioning of society. Not only does it hold individuals, organizations and governments accountable for their specific actions, but it also sets norms of behavior for other citizens and meaningful access to a fair and peaceful means of resolving disputes. The Nevada Law Foundation is dedicated to ensuring that our system of justice is available to even the most disadvantaged.

With the foundation's true mission at heart, the trustees are considering whether to rebrand the organization to more accurately reflect the foundation's purpose and goals. Other states have successfully rebranded their organizations with descriptive and compelling names such as Utah's "And Justice for ALL" and Montana's "Equal Justice Task Force." Other less inspirational but accurate names include other states' "Joint Committee on Legal Services to the Poor" and the "Committee on Legal Services for Low-Income People." We welcome your creative

input and suggestions for a new identity as we embark on our renewed efforts to broaden community support for our foundation and the organizations that depend on us.

## Nevada's Champions

One year after the inception of the U.S. Attorney General's Access to Justice Initiative, the Department of Justice and the White House publicly honored some of the leading access to justice advocates, calling them "Champions for Change." The Nevada Law Foundation would like to recognize its own champions – the financial institutions that have voluntarily complied with the Nevada Supreme Court requirements for IOLTA accounts.

The financial institutions that have made the commitment to partner with the legal profession in supporting the legal needs of vulnerable Nevadans are essential in Nevada's access to justice efforts. These institutions have expressed their dedication to building a stronger Nevada by meeting the requirements necessary to offer IOLTAs in support of equal access to justice for all of Nevada's citizens. Working together, the financial and legal communities of Nevada have shown that even in difficult economic times; when money and volunteers are in short supply for many legal aid organizations, we *can* make a positive difference in the lives of those that need it most.

Please join the Nevada Law Foundation in tendering our sincere appreciation for the commitment of the following financial institutions. They have committed to offering IOLTAs at the minimum required .75 percent interest rates necessary for lawyers to comply with Supreme Court Rules, at a time when meeting these guidelines often requires the financial institution to pay higher interest than offered on similar accounts. They deserve our thanks. We urge you to show your support by using one of these partners in justice for all your banking needs.

For more information on Nevada IOLTAs, please visit the Nevada Law Foundation website at [www.nevadlawfoundation.org](http://www.nevadlawfoundation.org). Any suggestions on a new trade name which will convey our mission in an accurate and exciting way should be sent to [LRoberts@wwhgd.com](mailto:LRoberts@wwhgd.com) and [TAtkin@atkinwinnersherrod.com](mailto:TAtkin@atkinwinnersherrod.com).

### PARTICIPATING IOLTA BANKS

Bank of America  
Bank of George  
Bank of Nevada  
Bank of the West  
Citibank  
City National Bank  
Financial Horizons  
Credit Union  
First Independent Bank  
First Savings Bank  
First Security Bank  
of Nevada  
Heritage Bank  
M & I Bank  
Meadows Bank  
Mutual of Omaha Bank  
Nevada Bank & Trust  
Nevada State Bank  
Northern Trust  
Plaza Bank  
Service 1st Bank  
of Nevada  
Silver State Schools  
Credit Union  
US Bank  
Umpqua Bank  
Valley Bank of Nevada  
Wells Fargo

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## **TREVOR ATKIN**

received his bachelor's degree from Arizona State University in 1984 and his Juris Doctor

in 1987 from McGeorge School of Law at the University of the Pacific in 1987. Atkin's primary practice for the past 24 years has been as a litigation and trial attorney, predominantly in the area of personal injury defense. He received his AV rating from Martindale-Hubbell in 2004 and was recently admitted into the American Board of Trial Advocates. He is also former adjunct legal instructor with the University of Nevada system.



## **D. LEE ROBERTS, JR.**

is a partner with the law firm of Weinberg, Wheeler, Hudgins, Gunn and Dial and

focuses his practice on tort and commercial litigation. Roberts is a member of ABOTA and has acted as lead counsel in many high-stakes trials and, notably, participated in the longest civil jury trial in Nevada history. Roberts earned his undergraduate degree from the University of Virginia and received his Juris Doctor from the College of William and Mary. ■

<sup>1</sup> Remarks made at the Shriver Center Awards Dinner, October 14, 2012. Quote taken from the Department of Justice Website: <http://www.justice.gov/atj/about-atj.html>.

<sup>2</sup> [www.nevadalawfoundation.org](http://www.nevadalawfoundation.org).