

NEVADA SUPREME COURT



ACCESS TO JUSTICE
COMMISSION
LEGAL ASSISTANCE FOR NEVADA

Civil Legal Aid in NV



New Commission Member Orientation

Justice Kristina Pickering
Co-Chair

Brad Lewis
Director

Justice Lidia Stiglich
Co-Chair

Nevada Supreme Court
Access to Justice Commission

An American Promise



Equal Justice Under Law



And a Question



Who is more likely to win in court:

- A.) A person who represents themselves?
- B.) A person who is represented by a lawyer?



What is the Access to Justice Commission?



Mission

- The Access to Justice Commission works with Nevada's legal aid providers to improve access to civil justice for people of limited means in Nevada
- What we do
 - Assess needs
 - Develop policies
 - Improve self-help and pro bono
 - Increase awareness
 - Pursue funding
 - Recommend rules and legislation

Nevada's Five Core Legal Aid Providers



Who are our clients?



- Nearly 1 million (990,000) Nevadans are eligible for legal aid (based on 200% of the federal poverty level).



What is the Poverty Landscape in Nevada?

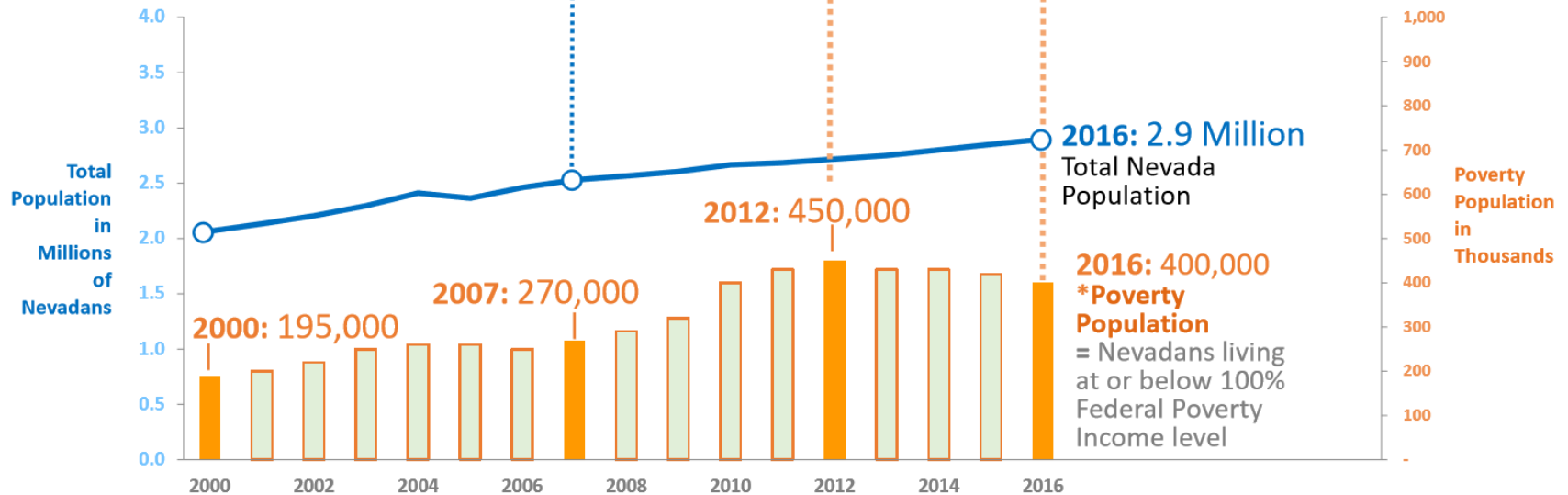


Population Trends: *Poverty soared during the Great Recession... and then persisted after*

2007-2011:
Total Nevada Population
 grew steadily through the Great Recession of 2007-11

2012:
Poverty Population*
 peaked at **67%** above 2007

2016:
Poverty persisted
 remaining at **48%** above 2007



Who are our clients?



- Vulnerable populations served

- People with disabilities
- Seniors 60+
- Children
- Homeless
- Domestic violence
and sexual assault victims



Who are our clients?



- Populations served
 - Veterans and military families
 - Families with children
 - Native Americans
 - Immigrants
 - Inmates
 - Victims of Violence
 - Persons living with HIV/AIDS



What do we do?



- Provide legal representation to those with limited means*
 - Legal advice
 - Brief or limited legal services
 - Negotiation
 - Litigation
 - Appeals
 - Advocacy targeted to systemic issues for our clients
- *Nevada ranks 29th out of 50 states in poverty.



What do we do?



- Offer other services
 - Community education, clinics and “Ask-A-Lawyer” events
 - Volunteer (pro bono) attorney recruitment, training, mentoring, and management
 - Public policy advocacy
 - Investigation and monitoring
 - Communications



How do clients apply for services?



- Office walk-ins
- Self-Help Centers
- Online applications
- By phone
- By mail
- Referrals



Who gets help? And the “Justice Gap”



- Need: Each year 147,000 legal problems are experienced by low-income Nevadans
- Capacity: 35,000 cases are closed by Nevada’s five core legal aid providers each year.
- The “Justice Gap”: 112,000
- 76% of all legal needs go unmet.



What types of cases do we handle?



- Income & Employment
- Eviction
- Health
- Consumer
- Family, Juvenile & Education
- Housing
- Immigration
- And more...



Who provides the services?



Nevada's Five Core Legal Aid Providers

- 214 staff located across Nevada including:
 - 84 lawyers
 - 28 paralegals
 - 102 other staff
- 1 legal aid attorney for every **6,000** eligible clients
- How does this compare to attorneys available for a fee?
 - 1 private attorney for every **400** people

What challenges does legal aid face?



- Low salaries/recruitment/competitive market
- High case loads
- Limited litigation budgets
- Lean support staff
- Fundraising
- Funding restrictions
- Reporting requirements by funders
- Clients' personal limitations

How many clients do we represent annually?



- Close 35,000+ cases
- Touch thousands of additional clients each year through legal clinics, Ask-A-Lawyer, events, and more

How are we funded?



- Filing fees
- Federal, state, and local governments
- IOLTA
- Private and public including bar organizations
- Individual donations
- Events
- Dues Check-Off
- Other



Who benefits from legal aid?



- Clients and their families
- Judges and Courts in all counties
- All communities across Nevada
- **Anyone needing a court** remedy

by speeding proceedings
and avoiding delays caused
by un-represented clients



What are the economic benefits of legal aid?



- \$24.8 million in new federal benefits, including food stamps, SSI, disability and federal tax refunds
- \$8.3 million in Medicare and Medicaid reimbursements
- \$4.6 million in veterans' benefits
- \$2.2 million in child support



What are the economic benefits of legal aid?



The Bottom Line

2016 Estimated Impact of Legal Aid in Nevada: **\$128 Million**

A **\$7** return for every **\$1** in funding

Legal Aid Funding

Program Funding
from All Sources

**\$18
Million**



Economic Impact

Impacts &
Cost Savings

**\$128
Million**



Challenges clients face to get a legal aid lawyer



- Knowledge – identification of legal problem and where to go for assistance
- Personal limitations
- Geography
- Eligibility for services
- Case type
- Staffing



Benefits of Legal Aid



Impacts of **NOT** Addressing Needs in **Income and Employment**

WITHOUT Legal Help, People...

- ✓ Are unaware of legal rights
- ✓ Have difficulty navigating the complex appeal process
- ✓ Usually give up or lose
- ✓ Continue in poverty

WITH Legal Help, People Can...

- ✓ Exercise legal rights
- ✓ File a timely legal appeal
- ✓ Win their appeal (80% success)
- ✓ Get an income stream averaging
\$830/mo. for 11 years...
\$109,000 total

Example:
Denial of Disability Benefits



Benefits of Legal Aid



Impacts of **NOT** Addressing Needs in Family

WITHOUT Legal Help, People...

- Continue in abusive situations
 - ✓ Miss work
 - ✓ Lose their jobs and income
 - ✓ Can't pay rent and lose their homes
 - ✓ Have children's schooling disrupted
 - ✓ Struggle with addiction
- Are **unaware** of programs that could help

WITH Legal Help, People Can...

- Get independence from abuser
 - ✓ Order of Protection
 - ✓ Custody of children
 - ✓ Child support
 - ✓ Divorce
 - ✓ Show up at work and school
- Get **referrals** to housing, employment, education and other support programs

Example: Domestic Abuse



Benefits of Legal Aid



Impacts of NOT Addressing Needs in Housing

WITHOUT Legal Help, People...

- ✓ Miss work and schooling
- ✓ Usually lose by default
- ✓ Are unaware of programs that could help
- ✓ Have children's schooling disrupted
- ✓ Wind up couch-surfing or in shelters

WITH Legal Help, People Can...

- ✓ Get time to seek alternative housing
- ✓ Stay at work
- ✓ Access emergency assistance programs
- ✓ Keep children in their own school
- ✓ Avoid homelessness

Example: Eviction Notice



Thank You and Questions



Thank You



A word cloud featuring various terms related to law, social justice, and community support. The words are arranged in a dense, overlapping pattern. The largest words include 'justice', 'civil', 'cases', 'client', 'lawyer', 'poverty', 'legal', 'attorney', 'aid', 'services', 'protection', 'advocacy', 'system', 'community', 'Veterans', and 'representation'. Other visible words include 'collaboration', 'immigrants', 'inmates', 'housing', 'stakeholders', 'collaborative', 'network', 'income', 'Alliance', 'asylum', 'assistance', 'courts', 'military', 'litigation', 'need', 'evictions', 'funding', 'screening', 'fairness', 'appeals', 'advice', 'Equal', 'violence', 'comprehensive', 'clients', 'consumer', 'education', 'policy', 'eligibility', 'domestic', 'employment', 'brief', 'development', 'victims', 'farmers', 'access', 'limited', 'benefits', 'intake', 'people', 'children', 'advocacy', 'training', 'clinics', 'farmworkers', 'service', 'healthcare', 'monitoring', 'statewide', 'centralized', 'seniors', 'volunteer', 'providers', 'expungements', and 'attorney'.

Only if Time...



- Story on next slides 29-35

Meet Nancy



- Single mother with daughter
- Worked as a customer service representative
- Suffered a stroke and slipped into a coma
- Hospitalized and in a coma for 3 days
- Fired from her job for missing 3 days of work without calling to report an absence
- Asked employer for job back but employer said “no”
- Cannot pay rent, food, utilities, gas for her car, etc.
- Filed for unemployment benefits
- Denied unemployment benefits

What does Nancy do?



Nancy needs a lawyer to handle this complex legal matter. How does she find one?

The first hurdle: knowledge

Decision denying benefits includes a pamphlet with information about legal services

- Nancy calls toll-free number on pamphlet

What does Nancy do?



The second hurdle: Personal Limitations

- No transportation
 - Difficulty remembering details after stroke
 - Doesn't know how to appeal denial and the 10-day deadline to do so
 - Providing copies of her unemployment paperwork to lawyer
- Nancy talks to legal aid lawyer; legal aid lawyer sends her follow up letter and envelope with address and postage to send paperwork

Does Nancy qualify for services?



Next hurdle: Eligibility for services

- Does she meet income and asset eligibility?
 - Does the household income including wages and child support exceed \$19,913 pre tax (125% of poverty guidelines for two-person household)?
- Good news! Nancy qualifies to receive services.

Is Nancy's case one that legal aid will handle?



Next hurdle: Case type

- Legal aid providers handle different types of cases.
- Has Nancy contacted a legal aid provider that will handle her particular case type?
- Yes, her local legal aid office handles this type of case.

Will Nancy get a lawyer?



Final hurdle: Staffing limitations

- Does her local legal aid office have a staff attorney to take her case?
- The legal aid office has an attorney who can represent Nancy to appeal the denial of her unemployment benefits.

How does Nancy's story end?



- Legal aid agreed to represent Nancy to appeal the decision denying her unemployment benefits.
- Without her job and without unemployment benefits, Nancy could not pay her rent.
- Nancy and her daughter were evicted before her case was heard.
- Nancy won her appeal and got unemployment benefits. She used the benefits to get another apartment.

A word cloud featuring various terms related to law, social justice, and community support. The words are arranged in a non-uniform, overlapping manner. The largest words are 'justice', 'civil', 'cases', 'client', 'lawyer', 'poverty', 'legal', 'aid', and 'attorney'. Other prominent words include 'Veterans', 'community', 'protection', 'services', 'advocacy', 'system', 'Equal', 'domestic', 'access', 'representation', 'volunteer', 'providers', 'legal', 'aid', and 'attorney'. Smaller words include 'collaboration', 'immigrants', 'inmates', 'housing', 'stakeholders', 'collaborative', 'network', 'income', 'Alliance', 'asylum', 'assistance', 'courts', 'military', 'litigation', 'need', 'evictions', 'funding', 'screening', 'fairness', 'appeals', 'advice', 'comprehensive', 'violence', 'clients', 'consumer', 'education', 'policy', 'eligibility', 'disabilities', 'employment', 'brief', 'development', 'victims', 'farmers', 'access', 'limited', 'benefits', 'intake', 'people', 'children', 'advocacy', 'training', 'clinics', 'farmworkers', 'service', 'healthcare', 'monitoring', 'statewide', 'centralized', 'seniors', 'expungements', and 'representation'.