

**Access to Justice Commission
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, Nevada 89104**

**Friday, April 25, 2008
10:00 a.m.-1:00 p.m.**

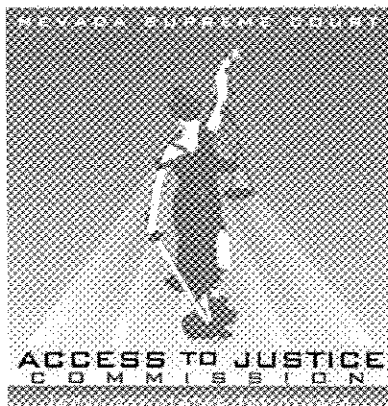
Call in: 1-866-779-0774

Passcode: *1043736*

Items may be taken out of order at the discretion of the Chairs

1. **Opening comments**, introduction of new Director
2. **Approval of minutes**, February 1, 2008
3. **Commission Documents**
 - a. 2008 Projects and Goals
 - b. ATJ Roster, Standing Committee & Subcommittee lists, organizational chart, Rule 15
4. **501(c)(3) Update** (see memo at tab)
 - a. Formation of potential subcommittees (conflict of interest and legislation)
 - b. Discussion regarding election of officers
 - c. Finalized Bylaws
5. **Communications Standing Committee**
 - a. Legal Needs Assessment
 - i. Interim Report by SEI (note request for strategic planning subcommittee)
 - ii. Press release update
 - b. SJI Grant Update and Krupa Invoice
6. **Development Standing Committee**
 - a. Cy Pres update
 - b. Large Law Firm Initiative (see memo at tab regarding *Lewis and Rocca* inquiry)
7. **Legal Services Standing Committee**
 - a. **Ron Titus**- speaker (Lawyers Helping Homeowners)
 - b. Rural Services Delivery update
 - c. Lecture Series Update
 - d. Ghostwriting response to EPR Committee due October 2008 (See memo at tab)
 - e. Emeritus Attorney Program. ADKT 425 Filed 04/10/2008 (copy included)
8. **Nevada Law Foundation, IOLTA, and Financial matters**
 - a. **Carolyn Myers**- speaker (See Talking Points at tab, additional info to be provided)
 - b. IOLTA Comparability project update (see informational items at tab)
 - c. Future relationship between ATJ and the NLF
 - d. Statewide fundraising
 - e. Rule Change Initiatives
 - i. Pending [Emeritus (filed) & Cy Pres]. Identify additional rule changes for 2008.
 - f. Dues Check off. SBN needs direction on allocation of 2007 funds.
9. **Other business**
 - a. Annual Convention
 - i. 1 hour CLE 6/19/08. Kelly Marschall & Justice Douglas
 - ii. Next ATJ meeting- 6/20/08 in the morning, Santa Barbara.
 - b. Items of interest included at tab.

TAB 1



**NEVADA SUPREME COURT
ACCESS TO JUSTICE COMMISSION**

210 South Carson St.
Carson City, NV 89701-4702

Judicial Members:

Co-Chairs: Justice Michael L. Douglas & Justice James W. Hardesty
Hon. Stephen Dahl • Hon. Frances Doherty • Hon. Elizabeth Gonzalez • Hon. Richard Glasson
Hon. Andrew Puccinelli • Hon. Connie Steinheimer • Hon. William Voy

Attorney Members:

Kim Mucha-Abbott • Valerie J. Cooney • John Desmond • Paul Elcano • Cam Ferenback
AnnaMarie Johnson • Brett Kandt • Ernest Nielsen • Sheri Cane Vogel

Director

Kristina Marzec
State Bar of Nevada
600 E. Charleston Blvd., Las Vegas, NV 89104

Public Members:

Tom Warden

April 25, 2008

From: Kristina Marzec, Director

To: Access to Justice Commission and Subcommittees

I've now had a few weeks to meet several of you, begin to wrap my mind around the many subjects pertinent to Access to Justice and provision of legal services both here and around the country, and delve into the substantial work-in-progress of this Commission and its subcommittees.

Additionally, I've had the opportunity to speak with several colleagues from other states and our ABA Staff Resource Liaisons. The universal response I've received to our list of achievements is that we are impressive here in Nevada. I was reminded more than once by my colleagues that ATJ Commissions in particular benefit from reminders of accomplishments. As I'm sure no surprise to you, this is primarily because the needs are so great and the attendant issues so varied (and often divergent) that the mission takes on monumental aspect. Understandably the ATJ sector often loses any sense of proportional achievement in the face of these challenges.

Accordingly, my first friendly reminder: we are doing *extraordinarily* well (see Emeritus Attorney Program, Mandatory IOLTA, and the Legal Needs Assessment, to name but a few). And we will get better. We have so many opportunities to succeed and excel.

Nevada is frequently in a leadership role comparative to other states. Coming from the disciplinary and enforcement sector, I note Nevada is consistently in the front of the pack for rule changes in response to ABA initiatives. Our bench and bar leadership and government policymakers consistently take strong and fresh approaches to Nevada's unique demographic needs. I have no doubt when I attend the Equal Justice Conference in a few weeks I will be reporting back on the many areas in ATJ where Nevada is in the forefront.

In my decade-plus of serving as lead paralegal to Bar Counsel and General Counsel, I experienced first-hand the strong leadership and dedicated resources the Office of Bar Counsel and the Board of Governors bring to bear in advancing the legal profession and service to our citizens. I look forward to a dynamic partnership between the ATJ and the State Bar of Nevada advancing the many goals of the Commission in the coming years.

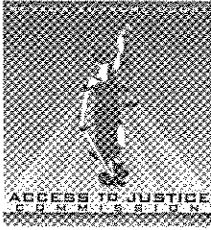
As we will be discussing, there is of course a daunting list of project goals, both short and long term. We will need to prioritize those projects and efficiently allocate our resources to continue the precedent you've set of bringing initiatives to fruition. We will not always agree on how to get there- *but that's perfectly okay*. Absolute agreement does not in my opinion forge innovative responses. Conflicting views and heat can be extremely productive if properly channeled.

This Commission, and our subcommittees, comprises passionate, dedicated, and experienced leaders in our communities with a common goal. Those goals are going to take tremendous resources and effort, but they are absolutely attainable. It is my mission to serve as your lynchpin. You can rely upon me to liaise with the State Bar, to provide you with legal research and support, to lend an ear or a shoulder, and to provide the support necessary to get you where you need to be. I am committed to getting to know you all and what is important to you. For the providers, I will take the time to learn in more detail the day-to-day of how you do what you do, which will help me understand what you need to do it.

Together we will forge ahead and in five years look back with great pride on the accomplishments of this Commission. Let's get to it.

Kristina Fayer

TAB 2



DRAFT Minutes

Access to Justice Commission Meeting

State Bar of Nevada, Northern Nevada Bar Center

February 1, 2008

A regular meeting of the Supreme Court Access to Justice Commission was convened on February 1, 2008 at the Northern Nevada Bar Center, Reno, Nevada

The following members were in attendance:

Justice Michael Douglas
Justice James Hardesty
Kimberly Farmer
Kimberly Abbott
Valerie Cooney
John Desmond
Judge Stephen Dahl
Judge Frances Doherty
Paul Elcano
Brett Kandt
Ernie Nielsen
Judge Connie Steinheimer

The following members participated by telephone:

Cam Ferenbach
Anna Marie Johnson
Judge Andrew Puccinelli
Sugar Vogel
Judge William Voy
Tom Warden

The following persons participated as guests of the Commission:

Ernie Adler
Nancy Alf
Bruce Beesley
Barbara Buckley
Dean Hardy
David McElhaney
Todd Torvinen
James Puzey
Audrey Damonte

1. **CALL TO ORDER**

The meeting was called to order by Justice Michael Douglas at 10:00 am.

2. **APPROVAL OF MINUTES**

It was moved, seconded and approved to approve the minutes of September 21, 2007 as amended.

3. **COMMISSION 2008 STRATEGIC PLANNING**

Justice Hardesty reported on the accomplishments of the Commission in 2007. The Commission then moved into a discussion of issues before the Commission in the upcoming year. The brainstorming session covered many areas including funding, pro bono and communications. Some key points included:

Funding

- Increase/expand sources of funding, i.e. jury fees; IOTLA
- Develop a coordinated effort for fundraising
- Legal services need alternative sources for funds
- Utilize the results of the legal needs assessment study to obtain funding

Pro Bono

- Delivery of services to the rural counties is a significant problem
- There needs to be a plan to foster statewide cooperation/plan for delivery of services statewide
- The firms need to encourage an environment for attorneys to contribute more pro bono hours
- The Commission should identify and respond to the obstacles firms face in doing pro bono work, i.e. conflicts
- The Commission should review the some of the rules that create barriers with respect to access to justice matters
- There are regional differences in firms doing pro bono work

Communications

- There is an opportunity in 2008 to for a strong communications campaign that communicates the results of the legal needs assessment
- Look to develop a plan to encourage pro bono by lawyers
- The commission should develop a consistent identity and message

4. **ADMINISTRATION**

Kimberly Farmer reported the status of the search for the AJC director. After discussion of the job requirements of the position, it was recommended that the position responsibilities be dedicated solely to the Commission. The goal of the Commission is to have the position filled by March 2008. Kimberly Farmer, Barbara Buckley and Justice Douglas will be involved in the interview process.

Ms. Farmer presented the Commission with an update on the status of the 501(c) (3) paper work. She presented the draft bylaws; it was moved, seconded and approved to approve the bylaws of the Commission.

5. **COMMUNICATIONS STANDING COMMITTEE**

Ms. Farmer reported that the first phase of the legal needs assessment is complete. The report has been distributed to all Commission members. The second phase of the assessment – focus groups –

is scheduled to begin in April. Ms. Farmer reported that phase one came in higher than quoted, \$15,000 over budget. Through negotiations, the vendor has agreed to meet the Commission halfway on the cost overruns. It was noted that the AOC has applied for a grant from the State Justice Institute to offset the cost of the legal needs assessment; and if received, funds from the grant could be used towards the cost overruns. It was moved, seconded and approved to authorize the AOC to negotiate and pay the excess amount incurred, if the AOC receives the grant.

The Commission reviewed drafts of the logos submitted by Watkins and Associates. It was moved, seconded and approved to endorse the "Working for Nevadans" logo as the official Access to Justice Commission logo.

6. DEVELOPMENT STANDING COMMITTEE

David McElhaney, board member of the Nevada Law Foundation, gave a report on the Comprehensive IOLTA ADKT. Mr. McElhaney also reported that the Nevada Law Foundation has started talks with banks with the goal of getting a better interest rate for the IOLTA accounts. The Commission suggested the NLF look at a statewide approach to working with the banks.

The Commission discussed firm trust accounts noting that many national firms are doing business in Nevada. The Commission thought that there may be a need for a MJP rule change with respect to trust fund accounts. It was moved, seconded and approved to request the State Bar to explore a rule change that directs all dollars generated in Nevada be placed in a Nevada trust account until dispersed.

The Commission discussed the issue of jury fees. The Court has requested input from the Clark County DA's office on the legal basis for holding this money. This issue is evolving, thus the Commission tabled the jury fee discussion until the next meeting of the Commission.

Paul Elcano gave status on Cy Pres. Mr. Elcano has contacted the Nevada Justice Association (NJA) asking for their assistance. Mr. Elcano has requested that the Justices of the Supreme Court write a letter to the NJA following up on this issue.

7. LEGAL SERVICES STANDING COMMITTEE

After discussing the issues of legal services to the rural areas it was determined that this is a significant issue for the Commission in 2008. The standing committee will continue discussions on this matter. It was determined that discussions should involve the AOC, thus the committee will request that John McCormick, Coordinator of the AOC of the Rural Court, be involved in future discussions.

The Commission discussed the matter of Ghostlawyering. The State Bar Ethics and Professionalism Committee is working on an opinion on this and other limited engagement issues. The Commission will request that the Ethics and Professionalism Committee hold off on an opinion on this issue until the Commission has had an opportunity to weigh-in on the matter. It was noted that the limited engagement issue is not only a legal services matter, but also an issue for the firms/lawyers handling pro bono matters. The Commission will continue to review this issue and requests input from the State Bar on limited engagement rules.

Ms. Farmer presented the ADKT Petition on the Emeritus Attorney Pro Bono Program. It was moved, seconded and approved to approve the ADKT as presented.

8. 2008 COMMISSION GOALS

Justice Hardesty took a moment to summarize the earlier discussion regarding issues and presented goals and objectives of the Commission. The goals he would like accomplished by the Commission in 2008 are:

- Complete the legal needs assessment and develop a strategic plan based on the results of the assessment
- Develop alternative sources of funding; solidify mechanisms for statewide funding to increase funding by \$1.5 million
- Expand the involvement of large and medium firms in supporting legal services; review issues within the rules that impede pro bono work by members
- Improve the interest rate on IOLTA accounts
- Increase delivery of services to the rural population
- Develop a communication plan for the Commission

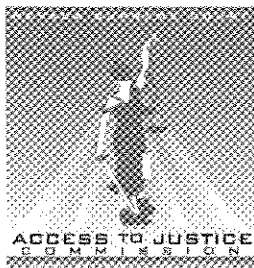
9. Other Business

The main topic to be on the agenda for the next meeting will be statewide funding issues.

The next meeting has been scheduled for April 25, 2008 in Las Vegas at 10:00 am

TAB 3

2008 PROGRAMS AND PROJECTS ACCESS TO JUSTICE COMMISSION



- **501 (C) 3.** Complete application process and finalize
 - Develop conflict policy and scope of lobbying/legislative activities
- **ATJC PR efforts.**
- **Attorney recognition programs.** In particular continue to develop recognition for northern members, research and develop state-wide program(s)
- **Cy Pres funding.**
- **Delivery/Performance Standards for provision of civil legal aid services.**
- **Emeritus Attorney Program.** Once enacted, implement operating rules and develop comprehensive plan to solicit participation. Tap eligible out of state attorney resources.
- **Ghostwriting.** Response due to the Ethics & Prof. Resp. Committee Oct. 2008
- **IOLTA Comparability.** Develop relationships with Nevada banks to enforce Nevada SCR 217 (competitive rates). See California & Texas implementation process of similar rule.
- **Jury fees – NRS 355.210.**
- **Large law firm initiative.** Move forward, short term goal meetings in the North and South.
- **Legal Needs Assessment.** Finish in June, complete and implement strategic plan, advertise findings, apply findings to goal projects
- **Loan repayment assistance program.**
- **NLF and the ATJC.** Continue to define and develop the future relationship between NLF and the ATJC; discuss potential rule changes and investment strategies; identify best use of available resources
- **Rule Changes.** Eg. IOLTA/NLF/Unbundled & other legal services delivery
- **Public Interest Lecture Series.** Continue efforts to add and expand, consider new audiences and resources. Define goals and objectives of the series.
- **Rural legal services delivery**
- **Statewide fundraising.** Catalogue planned events, identify new resources
- **Website.** Director to expand SBN website to function as resource center for both the ATJC and the public

Access to Justice Commission
April 2008

Last	First	Title	Position	Firm	Phone	Email
Abbott	Kimberly		Pro Bono Project Director	Clark County Legal Services	702-386-1070	kmucha@clarkcountylegal.com
Thronson	David	Professor		UNLV Boyd Law School	702-895-2080	David.thronson@unlv.edu
Cooney	Valerie		Executive Director	Volunteer Attorneys for Rural Nevadans	775-883-8278	vcooney@vavn.org
Dahl	Stephen	Hon.		Justice Court, North Las Vegas Township	702-455-7804	dahlsj@co.clark.nv.us
Desmond	John			Jones Vargas	775-786-5000	jpd@jonesvargas.com
Doherty	Frances	Hon.		Second Judicial District Court	775-328-3470	frances.doherty@washoe courts.us
Douglas	Michael	Justice		Supreme Court of Nevada	702-486-3205	mdouglas@nvcourts.nv.gov
Elcano	Paul		Executive Director	Washoe Legal Services	775-287-0329	pelcano@ashoelegalservices.org
Glasson	Richard	Hon.		Tahoe Township Justice Court	775-586-7200	rglasson@douglas.nv.gov
Goff	Betsy	Hon.		Eighth Judicial District Court	702-671-4378	gonzale@co.clark.nv.us
Ferenbach	Cam		State Bar of Nevada, Board of Governors	Lionel, Sawyer & Collins	702-383-8888	cferenbach@lionslaw.com
Hardesty	James	Justice		Supreme Court of Nevada	775-684-1590	jhardestv@nvcourts.nv.gov
Kandt	W. Brett			Nevada Dept. of Justice	775-688-1966	wbkandt@ag.state.nv.us
Nielsen	Ernest			Washoe Co. Senior Law Project	775-328-2592	enielsen@washoe county.us
Johnson	Anna Marie		Executive Director	Nevada Legal Services	800-323-8666	ajohnson@nls law.net
Puccinelli	Andrew	Hon.		Fourth Judicial District Court	775-753-4602	apuccinelli@elkocountynv.net
Steinheimer	Connie	Hon.		Second Judicial District Court	775-328-3183	judge.steinheimer@washoe court.us
Vogel	Sheri Cane		Executive Director	Senior Citizens Law Project	702-29-6644	svogel@lasvegasnevada.gov
Voy	William	Hon.		Eighth Judicial District Court	702-455-5990	JensenL@clarkcountycourts.us
Warden	Tom		Vice President, Community & Government Relations	The Howard Hughes Corporation	702-791-4267	twarden@ggp.com
Marzec	Kristina		Director	State Bar of Nevada	702-382-2200 702-317-1404	kristinam@nvbar.org

NEVADA SUPREME COURT ACCESS TO JUSTICE
STANDING COMMITTEES

COMMUNICATIONS

David Thronson
Judge Dahl
Judge Gonzalez
Brett Kandt
Judge Glasson
Judge Doherty
Christine Smith
William Heavilin
Trevor Hayes
Cassandra Chapdelaine

Current projects:

Legal Needs Assessment; Public interest lecture series;
Loan Assistance Repayment (development);
Mandatory Pro Bono Reporting results; Fellowships

DEVELOPMENT

Ernie Nielsen
Paul Elcano
Valerie Cooney
Judge Voy
Wayne Pressel
Cam Ferenbach
Tom Warden
Terry Bratton
Suzy Baucum
Nancy Becker

Current projects:

IOLTA; Loan Assistance Repayment (funding); NRS 355.210;
Cy Pres

FUND DISTRIBUTION

TBD

LEGAL SERVICES DELIVERY

Paul Elcano (ED)
Sugar Vogel (ED)
John Desmond
Kimberly Abbott
Judge Steinheimer
AnnaMarie Johnson (ED)
Ernie Nielsen (ED)
Valerie Cooney (ED)
Judge Puccinelli
Barbara Buckley (ED)
Odessa Ramirez
Renee Kelly
Kendal Sue Bird
Christopher Reade
Megan Sackstedar
Beth Cannon-Lynch
Karen Palmer

Current projects:

Large Law Firm Initiative; Emeritus Program;
Pro Bono Attorney Recognition; Self Help

****Bold = Current ATJ Commission members.**

Nevada Supreme Court
Access to Justice Commission
Sub-Committee List

ORGANIZATIONAL
INTERRELATIONSHIP

Chair: William Voy

Barbara Buckley

Stephen Dahl

Andrew Puccinelli

Dean Hardy

LEGAL SERVICE PROVIDERS

Chair: Paul Elcano

Barbara Buckley

AnnaMarie Johnson

Sugar Vogel

Ernie Nielsen

Valerie Cooney

COMMUNITY AWARENESS

Chair: Betsy Gonzalez

Rew Goodenow

Richard Glasson

Brett Kandt

Trevor Hayes

FUNDING

Chair: Ernie Nielsen

Paul Elcano

Suzy Baucum

Nancy Becker

AnnaMarie Johnson

Terry Bratton

LAWYER PARTICIPATION

Chair: John Desmond

Kimberly Abbott

Sheri Vogel

Connie Steinheimer

Mary Brock

Odessa Ramirez

PROVIDER PROMOTION

Chair: David Thronson

AnnaMarie Johnson

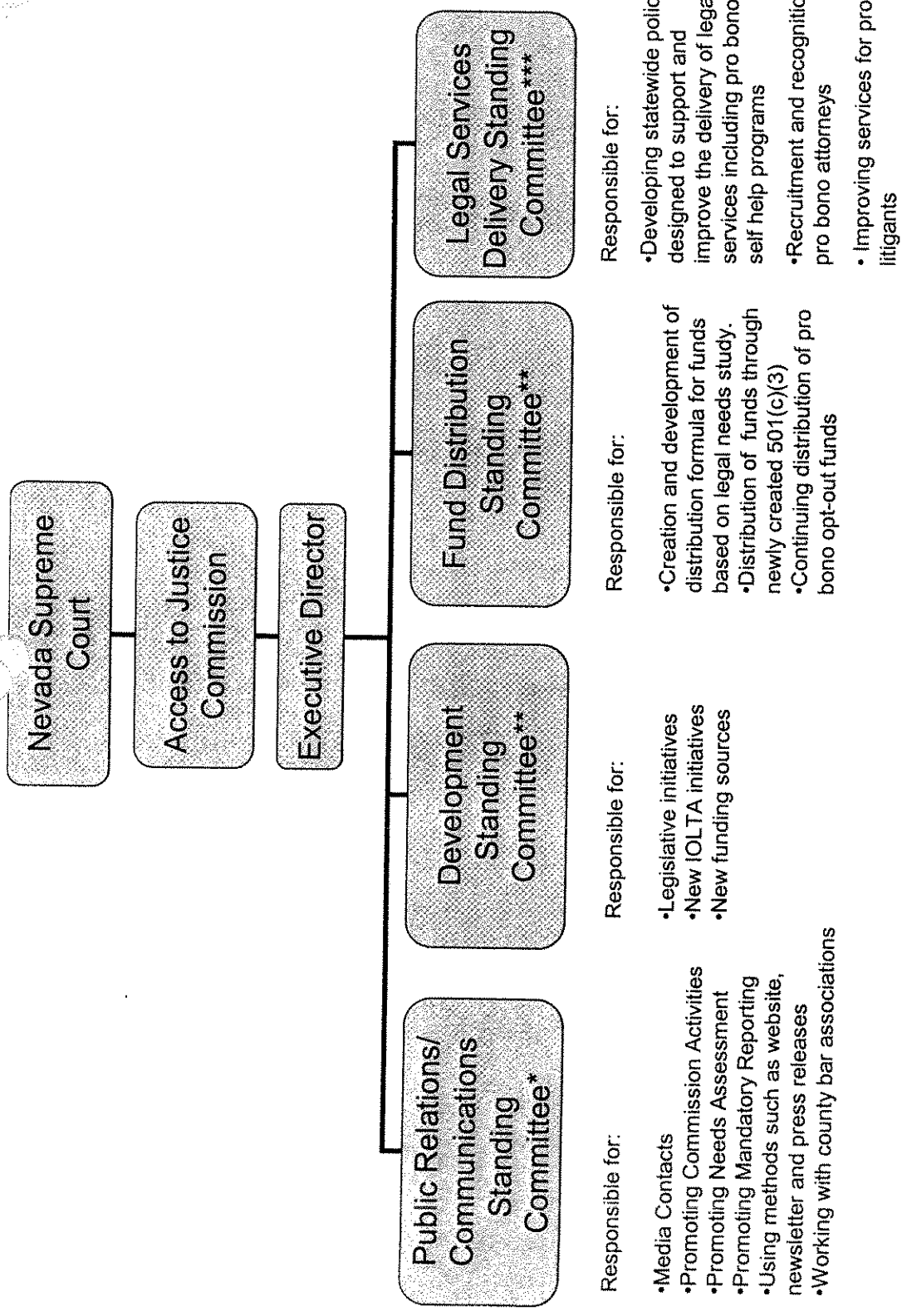
Valerie Cooney

Frances Doherty

William Heavilin

Christine Smith

Terry Bratton



*Standing Committee will be comprised of at least one representative from the North and South.
**Standing Committee will be comprised of a representative from the North, South and the Rurals.
***Standing Committee will be comprised of 7 members including all 5 Executive Directors.

RULE 15 OF THE NEVADA SUPREME COURT*

"This court agrees with the petition's allegations regarding the importance of access to justice in a democratic society; the lack of sufficient access to justice for thousands of Nevada citizens of limited means despite the efforts of numerous public and private organizations, attorneys, and other individuals, the critical need for statewide strategic planning and coordination of efforts to expand services and impose access to justice; and the effectiveness of supreme court commissions on access to justice created in other jurisdictions to respond to similar challenges..."

PURPOSE OF THE ACCESS TO JUSTICE COMMISSION

- 1) Assess current and future needs for civil legal services for persons of limited means in Nevada.
- 2) Develop statewide policies designed to support and improve the delivery of legal services.
- 3) Improve self-help services and opportunities for proper person litigants and increase pro bono activities.
- 4) Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society.
- 5) Investigate the availability of and pursue increased public and private financing to support legal services organizations and other efforts to provide legal services to persons of limited means.
- 6) Recommend legislation or rules affecting access to justice to the Supreme Court.

*condensed

IN THE SUPREME COURT OF THE STATE OF NEVADA

**IN THE MATTER OF THE CREATION OF THE NEVADA SUPREME COURT
ACCESS TO JUSTICE COMMISSION.**

ADKT 394

ORDER CREATING THE NEVADA SUPREME COURT ACCESS TO JUSTICE COMMISSION AND ADOPTING RULE 15 OF THE SUPREME COURT RULES

WHEREAS, the Honorable Robert E. Rose, Chief Justice of the Nevada Supreme Court, and the Honorable Nancy A. Becker, Justice of the Nevada Supreme Court, have petitioned this court on its administrative docket to adopt a rule creating the Nevada Supreme Court Commission on Access to Justice; and

WHEREAS, this court agrees with the petition's allegations regarding the importance of access to justice in a democratic society; the lack of sufficient access to justice for thousands of Nevada citizens of limited means despite the efforts of numerous public and private organizations, attorneys, and other individuals; the critical need for statewide strategic planning and coordination of efforts to expand services and improve access to justice; and the effectiveness of supreme court commissions on access to justice created in other jurisdictions to respond to similar challenges; and

WHEREAS, it therefore appears to this court that amendment of the Supreme Court Rules is warranted to establish a permanent Supreme Court Commission on Access to Justice; accordingly,

IT IS HEREBY ORDERED that new Rule 15 of the Supreme Court Rules shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this new rule shall be effective immediately. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dis-

semination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

Dated this 15th day of June, 2006.

BY THE COURT

ROBERT E. ROSE, *Chief Justice*

NANCY A. BECKER
Associate Justice

A. WILLIAM MAUPIN
Associate Justice

MARK GIBBONS
Associate Justice

MICHAEL L. DOUGLAS
Associate Justice

JAMES W. HARDESTY
Associate Justice

RON D. PARRAGUIRRE
Associate Justice

EXHIBIT A

NEW RULE 15 OF THE SUPREME COURT RULES

Rule 15. Commission on Access to Justice.

1. Creation, purpose. *The supreme court shall appoint a commission on access to justice. The commission shall:*

(a) Assess current and future needs for civil legal services for persons of limited means in Nevada.

(b) Develop statewide policies designed to support and improve the delivery of legal services.

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(e) Investigate the availability of and pursue increased public and private financing to support legal services organizations and other efforts to provide legal services to persons of limited means.

(f) Recommend legislation or rules affecting access to justice to the supreme court.

2. Composition. *The access to justice commission shall be composed of the chief justice of the supreme court or the chief justice's designate and the following members, to be appointed by the supreme court to four-year terms:*

(a) One district judge each from the Second and the Eighth Judicial District Courts. At least one of those judges must be assigned to the family division of the district court.

(b) One additional district judge to be selected from the First, Third, Fourth, Fifth, Sixth, Seventh, or Ninth Judicial District Courts.

(c) One limited jurisdiction judge, who shall serve as liaison to the Nevada Judges Association.

(d) One representative designated by the Nevada Attorney General.

(e) One representative each from the City of Las Vegas Senior Citizens Law Project, Clark County Legal Services/Pro Bono Project, the Eighth Judicial District Pro Bono Foundation, Nevada Legal Services, Volunteer Attorneys for Rural Nevadans/Domestic Violence Project, the Washoe Access to Justice Foundation, the Washoe County Senior Law Project, and Washoe Legal Services/Pro Bono Project.

(f) One representative each from the Clark County Bar Association, the State Bar of Nevada, and the Washoe County Bar Association.

(g) One representative from the clinical program at the William S. Boyd School of Law of the University of Nevada, Las Vegas.

(h) Two persons who are not members of the legal profession.

The commission may appoint nonvoting members, including, but not limited to, judges and representatives from other direct service providers, county bar associations, and neighborhood pro bono projects.

3. Meetings. *The commission shall meet at least semi-annually and shall have additional meetings, as the commission deems appropriate. The commission may form separate subcommittees to address specific issues.*

H

RULE 15 OF THE NEVADA SUPREME COURT*

"This court agrees with the petition's allegations regarding the importance of access to justice in a democratic society; the lack of sufficient access to justice for thousands of Nevada citizens of limited means despite the efforts of numerous public and private organizations, attorneys, and other individuals, the critical need for statewide strategic planning and coordination of efforts to expand services and impose access to justice; and the effectiveness of supreme court commissions on access to justice created in other jurisdictions to respond to similar challenges..."

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Dated this 15th day of June, 2006.

BY THE COURT

ROBERT E. ROSE, *Chief Justice*

NANCY A. BECKER
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Associate Justice

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2. Composition. The access to justice commission shall be composed of the chief justice of the supreme court or the chief justice's designate and the following members, to be appointed by the supreme court to four-year terms:

(a) One district judge each from the Second and the Eighth Judicial District Courts. At least one of those judges must be assigned to the family division of the district court.

(b) One additional district judge to be selected from the First, Third, Fourth, Fifth, Sixth, Seventh, or Ninth Judicial District Courts.

(c) One limited jurisdiction judge, who shall serve as liaison to the Nevada Judges Association.

(d) One representative designated by the Nevada Attorney General.

(e) One representative each from the City of Las Vegas Senior Citizens Law Project, Clark County Legal Services/Pro Bono Project, the Eighth Judicial District Pro Bono Foundation, Nevada Legal Services, Volunteer Attorneys for Rural Nevadans/Domestic Violence Project, the Washoe Access to Justice Foundation, the Washoe County Senior Law Project, and Washoe Legal Services/Pro Bono Project.

(f) One representative each from the Clark County Bar Association, the State Bar of Nevada, and the Washoe County Bar Association.

(g) One representative from the clinical program at the William S. Boyd School of Law of the University of Nevada, Las Vegas.

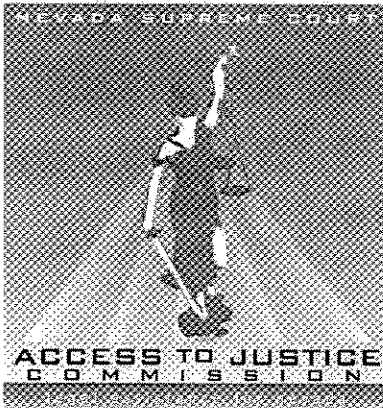
(h) Two persons who are not members of the legal profession.

The commission may appoint nonvoting members, including, but not limited to, judges and representatives from other direct service providers, county bar associations, and neighborhood pro bono projects.

3. Meetings. *The commission shall meet at least semi-annually and shall have additional meetings, as the commission deems appropriate. The commission may form separate subcommittees to address specific issues.*

H

TAB 4



MEMORANDUM

From: Kristina Marzec, Director
To: Access to Justice Commission
Date: April 10, 2008
Re: 501(c)(3)

I have been in touch with John Sande Jr. and gotten both of us back on track with the 501(c)(3) formation.

Mr. Sande provided me with a checklist of items needed. I reviewed the same with Justice Douglas and the status of each item is noted below. Two items are identified by Justice Douglas for ATJ discussion and potential subcommittee action:

- (1) A stand-alone conflict-of-interest policy; and
- (2) Parameters of how ATJ will "influence legislation"

a. I note I have an excellent tax law treatise Mr. Sande provided to me at my request on this subject (lobbying by tax exempts). If anyone is interest I have it in PDF.

501(c)(3) Application

1. Identification of Applicant (Done)

a. Employer ID – (Pending Sande)

Mr. Sande advised this was necessary for formation. Primarily used by people when writing off donations to the organization, rather than any real connotation of "employment"

b. Form 2848 (COMPLETED)

c. Was a professional paid to advise on structure or activities of the organization?

No as to structure, have engaged professional advice identifying our needs

d. Organization Website (do we have one)

*Not directly, involved in two indirectly.
Supreme Court/State Bar*

- e. Are we excused from filing Form 990 or 990-EZ (tax question)
Believe so, Mr. Sande to advise

2. Organizational Structure- COMPLETED

3. Required Provisions in Your Organizing Document

- a. Provide copy of Articles and Bylaws
See this agenda, Bylaws executed by Justice Douglas and forwarded

4. Narrative Description of your Activities

- a. We have the ruling from the SC which should suffice, but perhaps another description would be better?

Enabling order suffices.

5. Compensation and Other Financial Arrangements with your Officers, Directors, Trustees, Employees, and Independent Contractors

- a. Any compensation paid by the organization?

None.

- b. Any officers, directors, or trustees related to each other through family or business relationships?

None

- c. List of officers, directors, trustees, highest compensated employees, and IC's which states qualifications, average hours worked and duties.

Technically have no compensated employees

- d. Do the same people listed in (c) receive compensation from any other organization that is related through common control?

No

- e. Conflict of interest policy. **Action item- subcommittee**

There is a conflict policy in the by-laws, but there should be a stand alone policy, particularly addressing money management. By-laws state:

Section 1.1 Conflicts of Interest. If any person who is a director or officer of the Corporation is aware that the Corporation is about to enter into any business transaction directly or indirectly with himself or herself, any member of his or her family, or any entity in which he or she has any legal, equitable or fiduciary interest or position, including without limitation as a director, officer, shareholder, partner or beneficiary, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Corporation of his or her interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within his or her knowledge that bear on the advisability of such transaction from the standpoint of the Corporation, and (c) not be entitled to vote on the decision to enter into such transaction.

f. How will compensation be established?

There is none

6. Your Members and Other Individuals and Organizations That Receive Benefits From You

a. Will the non-profit provide goods or services to other organizations?

Services yes educational training & donating funds

b. Do any individuals who receive goods or services through our programs have a family or business relationship with any officer, director, etc?

No

7. Your History

a. *No information needed*

8. Your Specific Activities

a. Will the organization attempt to influence legislation?

Action item, parameters

Intents and purposes yes

b. Will the organization undertake fundraising? And if so how?

Yes. TBD. (grant/direct fund raising/solicitation for public and private sources)

c. Will the organization enter into joint ventures with other entities that are not non-profit and where profits will be shared?

No.

*How structured with joint ventures- IT etc. web based joint ventures.....
not looking to go there.*

- d. Will we accept contributions of: real property; conservation easements; closely held securities; intellectual property such as patents, trademarks, and copyrights; works of music or art; licenses; royalties; automobiles, boats, planes, or other vehicles; or collectibles of any type.

No.

- e. Will we make grants or loans to other organizations

Yes as to grants.

9. Financial Data

- a. Statement of Revenues and Expenses

None.

10. Public Charity Status

- a. We must qualify as a public charity by either an advance ruling or definitive statement

After speaking with Justice Douglas I spoke with Mr. Sande again about this, he is fairly certain he can obtain a definitive statement. This is his action item.

11. User Fee Information

- a. Must pay \$750 or \$300 depending on annual gross revenue.

Should be \$300

BYLAWS
OF
ACCESS TO JUSTICE FOUNDATION, INC.

ARTICLE 1.
Offices

Section 1.1 Business Offices. The principal office of ACCESS TO JUSTICE FOUNDATION, INC. (hereinafter called the "**Corporation**") shall be located at 600 East Charleston Blvd., Las Vegas, Nevada 89104. The Corporation may change the location of said office and have such other offices, either within or outside Nevada, as the Board (as defined for purposes of these bylaws in Section 3.1) may designate or as the affairs of the Corporation may require from time to time.

Section 1.2 Registered Office. The registered office of the Corporation required by the Nevada Revised Statutes to be maintained in Nevada may be, but need not be, the same as the principal office if in Nevada, and the address of the registered office may be changed from time to time by the Board.

ARTICLE 2.
Purpose

Section 2.1 The primary purpose of the Corporation is to provide Nevadans with access to the judicial system. The Corporation shall be permitted to engage in any lawful activity within or without the State of Nevada in furtherance of its primary purpose. In addition, the Corporation may engage in any other charitable, religious, education, and/or scientific purposes contemplated by 501(c)(3) of the Internal Revenue Code. In no event may the Corporation engage in any activity that would jeopardize the Corporations taxable status as a 501(c)(3) entity.

ARTICLE 3.
Members

Section 3.1 Members. The Corporation shall have no members.

ARTICLE 4.
Board of Directors

Section 4.1 General Powers. The business and affairs of the Corporation shall be managed by its board of directors (the "**Board**"), except as otherwise provided in the Nevada Revised Statutes, and the articles of incorporation or these bylaws.

Section 4.2 Number; Classification; Election; Tenure and Qualifications. The number of directors of the Corporation shall consist of at least one (1) director and no more than twenty five (25) directors, who shall be elected at the annual meeting of the Board and shall serve a term of three (3) years. Directors must be at least eighteen years old. Any action of the Board to increase or decrease the number of directors, whether expressly by resolution or by implication through the election of additional directors, shall constitute an amendment to these bylaws effecting such increase or decrease. If any annual meeting of the Board is not held or the directors are not elected

at the annual meeting of the Board, the directors may be elected at any meeting of the Board. Each director shall hold office until his or her successor is elected and qualified, or until his or her earlier death, resignation or removal by the Board.

Section 4.3 Removal. Any director may be removed by a majority vote of those directors entitled to vote for the director being removed, whenever the Board determines that, in its judgment, the best interests of the Corporation will be served thereby. Just cause for such removal shall include but not be limited to unexcused failure by a director to actively participate in the activities of the Board and the Corporation.

Section 4.4 Vacancies. Any director may resign at any time by giving written notice to the president or to the secretary of the Corporation. Such resignation shall take effect at the time specified therein, and the acceptance of such resignation shall not be necessary to make it effective. Any vacancy occurring in the Board shall be filled by a majority of the remaining directors, though less than a quorum. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. Any directorship to be filled by reason of an increase in the number of directors shall be filled by the affirmative vote of a majority of the directors then in office, and a director so chosen shall hold office until the next election of directors and, thereafter, until his or her successor shall have been elected and qualified, or until his or her earlier death, resignation or removal by the Board.

Section 4.5 Regular Meetings. A regular annual meeting of the Board shall be held at the time and place determined by the Board, for the purpose of electing directors and officers and for the transaction of such other business as may come before the meeting. The Board may provide by resolution the time and place for the holding of additional regular meetings.

Section 4.6 Special Meetings. Special meetings of the Board may be called by the president, and shall be called by the president or the secretary upon the request of any one (1) director. The person or persons authorized to call special meetings of the Board may fix any place as the place for holding any special meeting of the Board called by them.

Section 4.7 Notice. Notice of each meeting of the Board stating the place, day and hour of the meeting shall be given to each director at his or her business address at least seven (7) days prior thereto by the mailing of written notice by first class, certified or registered mail, by personal delivery or fax transmission of written notice or by e-mail (and the method of notice need not be the same to each director). If mailed, such notice shall be deemed to be given one (1) day after deposited in the United States mail, with postage thereon prepaid. Any director may waive notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at, and the general purpose of, any meeting of the Board shall be specified in the notice or waiver of notice of such meeting.

Section 4.8 Presumption of Assent. A director of the Corporation who is present at a meeting of the Board at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his or her abstention or dissent shall be entered in the minutes of the meeting or unless he or she shall file his or her written abstention or dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such abstention or dissent by registered mail to the secretary of the Corporation immediately after the adjournment of the meeting. Such right to abstain or dissent shall not apply to a director who affirmatively voted in favor of such action.

Section 4.9 Quorum and Voting. A majority of the directors shall constitute a quorum for the transaction of business at any meeting of the Board, and the vote of a majority of the directors present in person at a meeting at which a quorum is present shall be the act of the Board. If less than a quorum is present at a meeting, a majority of the directors present may adjourn the meeting from time to time without further notice other than an announcement at the meeting, until a quorum shall be present. No director may vote or act by proxy at any meeting of the directors; however, an absent director may vote on any issue presented at a meeting of the Board by submitting to the Secretary prior to such meeting, his vote in a writing signed by the director and which clearly discloses the issue being voted upon.

Section 4.10 Compensation. Directors shall not receive a fee nor compensation for their services as a director, except that they shall be entitled to reasonable expenses incurred while acting on behalf of the Corporation. Directors shall not be disqualified to receive reasonable compensation for services rendered to or for the benefit of the Corporation in any other capacity.

Section 4.11 Authority of the Board and Establishment of Committees.

(a) The power and authority to control, invest and dispose of the assets, property and funds of the Corporation for purposes of conducting the Corporation's day-to-day business shall be vested exclusively in the Board. The day-to-day business of the Corporation shall consist of, but not be limited to, all activities necessary to operate any facilities owned or leased by the Corporation, the investment and management of the Corporation's assets, property and funds for purposes of preserving and producing reasonable income from such assets, property and funds, and such other day-to-day business matters as shall be consistent with the purposes of the Corporation, as set forth in the articles of incorporation and these bylaws.

(b) By one or more resolutions, the Board may appoint from among its members one or more committees, each of which, to the extent provided in the resolution establishing such committee, shall have and may exercise all of the authority of the Board, except as prohibited by statute. Each committee must have at all times one director among its members. One member of each committee shall be appointed chairman by recommendation of the Board. The chairman of each committee shall be subject to the direction and supervision of the Board.

(c) The delegation of authority to any committee shall not operate to relieve the Board or any member of the Board from any responsibility imposed by law. Rules governing procedures for meetings of any committee of the Board shall be as established by the Board, or in the absence thereof, by the committee itself. Any committee appointed by the Board under this Section 3.11 shall have the power and authority to delegate all or part of its duties to outside persons, as it deems necessary or advisable. Such delegation shall not, however, in any way operate to relieve any member of such committee from his or her responsibility to the Board or the Corporation.

Section 4.12 Meetings by Telephone. Members of the Board or any committee thereof may participate in a meeting of the Board or committee by means of conference telephone or similar communications equipment by which all persons participating in the meeting can hear each other at the same time. Such participation shall constitute presence in person at the meeting.

Section 4.13 Action Without a Meeting. Any action required or permitted to be taken at a meeting of the directors or any committee thereof may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by the number of directors that would be required at a meeting to constitute the act of the directors or a majority of committee members entitled to vote with respect to the subject matter thereof. Whenever action is taken by written

consent, a meeting of directors or of the committee members need not be called or notice given. The written consent may be signed in counterparts and must be filed with the minutes of the proceedings of the directors or the committee.

Section 4.14 Annual Reports. The Treasurer shall submit, within ninety (90) days of the end of the Corporation's fiscal year, an annual report to the Board setting forth information pertaining to the Corporation's operations during the previous year.

ARTICLE 5.

Officers and Agents

Section 5.1 Number and Qualification. The officers of the Corporation shall be a president, a secretary, and a treasurer. The Board may also elect or appoint such other officers, assistant officers and agents, including a chairman of the Board, an executive director, a controller, one or more vice-presidents, assistant secretaries and assistant treasurers, as it may consider necessary. One person may hold more than one office at a time. All officers must be at least eighteen years old. Officers need not be directors of the Corporation.

Section 5.2 Election and Term of Office. The elected officers of the Corporation shall be elected by the Board at each regular annual meeting of the Board. If the election of officers shall not be held at such meeting, such election shall be held as soon as convenient thereafter. Each officer shall hold office until his or her successor shall have been duly elected and qualified or until his or her earlier death, resignation or removal.

Section 5.3 Compensation. The compensation of the officers shall be as fixed from time to time by the Board; provided that the salaries shall be reasonable and given in return for services actually rendered to or for the Corporation, and no officer shall be prevented from receiving a salary by reason of the fact that he or she is also a director of the Corporation.

Section 5.4 Removal. Any officer or agent may be removed by the Board whenever in its judgment the best interests of the Corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not in itself create contract rights.

Section 5.5 Vacancies. Any officer may resign at any time, subject to any rights or obligations under any existing contracts between the officer and the Corporation, by giving written notice to the president or to the chairman of the Board. An officer's resignation shall take effect at the time specified in such notice, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. A vacancy in any office, however occurring, may be filled by the Board for the unexpired portion of the term.

Section 5.6 Authority and Duties of Officers. The officers of the Corporation shall have the authority and shall exercise the powers and perform the duties specified below and as may be additionally specified by the president, the Board or these bylaws, except that in any event each officer shall exercise such powers and perform such duties as may be required by law.

(a) **President.** The president shall, subject to the direction and supervision of the Board, (i) be the chief executive officer of the Corporation and have general and active control of its affairs and business and general supervision of its officers, agents and employees; (ii) preside at all meetings of the Board; (iii) see that all orders and resolutions of the Board are carried into effect; (iv) execute all contracts and obligations on behalf of the Corporation as authorized by the Board; and

(v) perform all other duties incident to the office of president and as from time to time may be assigned to him or her by the Board.

(b) Vice-President. The vice-president or vice-presidents shall assist the president and shall perform such duties as may be assigned to them by the president or by the Board. The vice-president (or if there is more than one, then the vice-president designated by the Board, or if there be no such designation, then the vice-presidents in order of their election) shall, at the request of the president, or in his or her absence or inability or refusal to act, perform the duties of the president and when so acting shall have all the powers of and be subject to all the restrictions upon the president.

(c) Secretary. The secretary shall: (i) keep all minutes of the proceedings of the Board and any committees of the Board; (ii) see that all notices are duly given in accordance with the provisions of these bylaws or as required by law; (iii) be custodian of the corporate records and of the seal of the Corporation; and (iv) in general, perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him or her by the president or by the Board. Assistant secretaries, if any, shall have the same duties and powers, subject to supervision by the secretary.

(d) Treasurer. The treasurer shall: (i) be the principal financial officer of the Corporation and have the care and custody of all its funds, securities, evidences of indebtedness and other personal property and deposit the same in accordance with the instructions of the Board; (ii) receive and give receipts for moneys paid in on account of the Corporation, and pay, out of the funds on hand, all bills, payrolls and other just debts of the Corporation of whatever nature upon maturity; (iii) unless there is a controller, be the principal accounting officer of the Corporation and as such prescribe and maintain the methods and systems of accounting to be followed, keep complete books and records of account, prepare and file (or hire an independent certified public accountant to prepare and file) all local, state and federal income tax returns and related documents, prescribe and maintain an adequate system of internal audit, and prepare and furnish to the president and the Board statements of account showing the financial position of the Corporation and the results of its operations; (iv) upon request of the Board, make such reports to it as may be required at any time; and (v) perform all other duties as from time to time may be assigned to him or her by the president or the Board. Assistant treasurers, if any, shall have the same powers and duties, subject to supervision by the treasurer.

ARTICLE 6.

Indemnification

Section 6.1 Indemnification of Directors, Officers, Etc. The Corporation hereby declares that any person who serves at its request as a director, officer, employee, chairman or member of any committee, or on behalf of the Corporation as a director or officer of another corporation, whether for profit or not for profit, shall be deemed the Corporation's agent for the purposes of this Article and shall be indemnified by the Corporation against expenses (including attorneys' fees), judgments, fines, excise taxes, and amounts paid in settlement actually and reasonably incurred by such person who was or is a party or threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of such service, provided such person acted in good faith and in a manner he or she reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. Except as provided in Section 5.3, termination of any such action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself

create either a presumption that such person did not act in good faith and in a manner which he or she reasonably believed to be in the best interests of the Corporation or, with respect to any criminal action or proceeding, a presumption that such person had reasonable cause to believe his or her conduct was unlawful.

Section 6.2 Indemnification against Liability to Corporation. No indemnification shall be made in respect of any claim, issue or matter as to which a person covered by Section 5.1 shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Corporation unless and only to the extent that the court in which such action, suit or proceeding was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnification for such expenses which such court shall deem proper.

Section 6.3 Indemnification in Criminal Actions. No indemnification shall be made in respect to any criminal action or proceeding as to which a person covered by Section 5.1 shall have been adjudged to be guilty unless and only to the extent that the court in which such action or proceeding was brought shall determine upon application that, despite the adjudication of guilt but in view of all the circumstances of the case, such person is entitled to indemnification for such expenses or fines which such court shall deem proper.

Section 6.4 Other Indemnification. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which any person may be entitled under the articles of incorporation, any agreement, any other provision of these bylaws, vote of the disinterested directors or otherwise, and any procedure provided for by any of the foregoing, both as to action in his or her official capacity and as to action in another capacity while holding such office.

Section 6.5 Period of Indemnification. Any indemnification pursuant to this Article shall (a) be applicable to acts or omissions which occurred prior to the adoption of this Article, and (b) continue as to any indemnified party who has ceased to be a director, officer, employee or agent of the Corporation and shall inure to the benefit of the heirs and personal representatives of such indemnified party. The repeal or amendment of all or any portion of these bylaws which would have the effect of limiting, qualifying or restricting any of the powers or rights of indemnification provided or permitted in this Article shall not, solely by reason of such repeal or amendment, eliminate, restrict or otherwise affect the right or power of the Corporation to indemnify any person, or affect any right of indemnification of such person, with respect to any acts or omissions which occurred prior to such repeal or amendment.

Section 6.6 Insurance. By action of the Board, notwithstanding any interest of the directors in such action, the Corporation may, subject to Section 5.8, purchase and maintain insurance, in such amounts as the Board may deem appropriate, on behalf of any person indemnified hereunder against any liability asserted against him or her and incurred by him or her in his or her capacity of or arising out of his or her status as an agent of the Corporation, whether or not the Corporation would have the power to indemnify him or her against such liability under applicable provisions of law. The Corporation may also purchase and maintain insurance, in such amounts as the Board may deem appropriate, to insure the Corporation against any liability, including without limitation, any liability for the indemnifications provided in this Article.

Section 6.7 Right to Impose Conditions to Indemnification. The Corporation shall have the right to impose, as conditions to any indemnification provided or permitted in this Article, such reasonable requirements and conditions as the Board may deem appropriate in each specific case, including but not limited to any one or more of the following: (a) that any counsel representing the person to be indemnified in connection with the defense or settlement of any action shall be counsel

that is mutually agreeable to the person to be indemnified and to the Corporation: (b) that the Corporation shall have the right, at its option, to assume and control the defense or settlement of any claim or proceeding made, initiated or threatened against the person to be indemnified; and (c) that the Corporation shall be subrogated, to the extent of any payments made by way of indemnification, to all of the indemnified person's right of recovery, and that the person to be indemnified shall execute all writings, and do everything necessary to assure such rights of subrogation to the Corporation.

Section 6.8 Limitation on Indemnification. Notwithstanding any other provision of these bylaws, the Corporation shall neither indemnify any person nor purchase any insurance in any manner or to any extent that would jeopardize or be inconsistent with qualification of the Corporation as an organization described in Section 501(c)(3) of the Internal Revenue Code.

ARTICLE 7.

Miscellaneous

Section 7.1 Accounts Books; Minutes; Etc. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board and committees. The books of account shall be audited annually by a certified public accountant and a copy of the complete audit shall be distributed to each member of the Board. Books shall be kept in accordance with sound accounting principles. All books and records of the Corporation may be inspected by any director or by his or her accredited agent or attorney, for any proper purpose at any reasonable time.

Section 7.2 Fiscal Year. The fiscal year of the Corporation shall end on December 31.

Section 7.3 Conveyances and Encumbrances. Property of the Corporation may be assigned, conveyed or encumbered by such officers of the Corporation as may be authorized to do so by the Board, and such authorized persons shall have the power to execute and deliver any and all instruments of assignment, conveyance and disposition of all or substantially all of the property and assets of the Corporation shall be authorized only in the manner prescribed by applicable statute.

Section 7.4 Designated Contributions. The Corporation may accept any designated contribution, grant, bequest or devise consistent with its general tax-exempt purposes, as set forth in the articles of incorporation. As so limited, donor-designated contributions will be accepted for special funds, purposes or uses, and such designations generally will be honored. However, the Corporation shall reserve all right, title and interest in and to control of such contributions, as well as full discretion as to the ultimate expenditure or distribution thereof in connection with any special fund, purpose or use. Further, the Corporation shall retain sufficient control over all donated funds (including designated contributions) to assure that such funds will be used to carry out the Corporation's tax-exempt purposes.

Section 7.5 Conflicts of Interest. If any person who is a director or officer of the Corporation is aware that the Corporation is about to enter into any business transaction directly or indirectly with himself or herself, any member of his or her family, or any entity in which he or she has any legal, equitable or fiduciary interest or position, including without limitation as a director, officer, shareholder, partner or beneficiary, such person shall (a) immediately inform those charged with approving the transaction on behalf of the Corporation of his or her interest or position, (b) aid the persons charged with making the decision by disclosing any material facts within his or her knowledge that bear on the advisability of such transaction from the standpoint of the Corporation, and (c) not be entitled to vote on the decision to enter into such transaction.

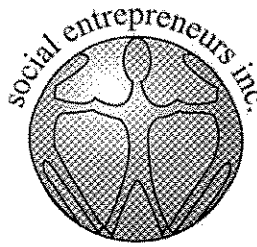
Section 7.6 Loans to Directors or Officers Prohibited. No loans shall be made by the Corporation to any of its directors or officers. Any director or officer who assents to or participates in the making of any such loan shall be liable to the Corporation for the amount of such loan until it is repaid.

Section 7.7 References to Internal Revenue Code. All references in these bylaws to provisions of the Internal Revenue Code are to the provisions of the Internal Revenue Code of 1986, as amended, and shall include the corresponding provisions of any subsequent federal tax laws.

Section 7.8 Amendments. The power to alter, amend or repeal the articles of incorporation or bylaws and adopt new articles or bylaws shall be vested in the Board; any such action shall require a two-thirds (2/3) majority vote of the Board present at a meeting called for such purpose. Notice of any alteration, amendment or repeal of the articles or bylaws, or of the adoption of new articles or bylaws shall require ten (10) days prior notice.

Section 7.9 Severability. The invalidity of any provision of these bylaws shall not affect the other provisions hereof, and in such event these bylaws shall be construed in all respects as if such invalid provision were omitted.

TAB 5



SEI PROJECT INTERIM STATUS REPORT

Client Name: Access to Justice Commission

Project Name: Civil Legal Needs Assessment

Date: April 4, 2008

Prepared By: Kelly Marschall

Client Contact: Kristina Marzec, Director
Access to Justice Commission
State Bar of Nevada
600 E. Charleston Blvd.

EXECUTIVE SUMMARY

In October 2007, Social Entrepreneurs, Inc. (SEI) commenced work on the Nevada Supreme Court Access to Justice Commission's statewide needs assessment of the civil legal needs of low-income Nevadans. This is a three phased project with deliverables or tangible outputs to be produced by SEI that include:

- ✓ A Needs Assessment Report that details the civil justice needs of low-income Nevada residents incorporating the telephone survey results demographic characteristics, and consumer focus group results.
- ✓ A Power Point presentation of the Needs Assessment suitable for high level presentations and discussions to engage other key stakeholders and educate the public.
- ✓ The final Strategic Plan document itself, covering all of the areas and conclusions described in this proposal.
- ✓ A knowledge base consisting of electronic/paper files that organize materials produced throughout the planning phases.

Phase 1 of the project was the telephone survey which was completed by Gene Kroupa & Associates in February 2008. SEI provided assistance in the design and questions included on the telephone survey during Phase 1.

Phase 2 of the project includes focus groups, key informant interviews and a minimal amount of targeted research. Research included demographics and a cost benefit analysis for Nevada. These results will be incorporated into a needs assessment report that will include the telephone survey results. SEI will document the results at the conclusion of Phase 2 in May 2008.

Phase 3 encompasses the strategic planning process. Strategic planning will occur with a Committee of the Access to Justice Commission, should one be approved at the April 2008 Commission meeting. Strategic planning will include three sessions of three hours in duration to establish priorities and select goals and strategies for the Commission's consideration. The final needs assessment report and draft strategic plan will be presented to the Commission in June 2008.

SUMMARY OF ACTIVITIES TO DATE

Project Task Description	Status of Task
<u>Phase 1—Telephone Survey.</u>	All activities to review, provide feedback and support in the development of the telephone survey have been completed
<u>Phase 2—Research and Consumer Focus Groups.</u> This phase will serve as the foundation for validating the telephone survey results by soliciting targeted consumer feedback regarding civil justice needs and services. SEI will conduct targeted research to complete the cost benefit study. During this phase, SEI will:	
<ul style="list-style-type: none"> Identify the demographic and situational characteristics of low-income residents in Nevada. This will be completed by accessing data from Clark and Washoe County, Carson City, the State demographer, the US Census and existing reports. Data collected will include race, age, ethnicity, employment status, and population projections for the next five years. 	All data has been collected
<ul style="list-style-type: none"> Work with the Nevada State Bar and Nevada Legal Services to: <ul style="list-style-type: none"> Identify the funding per capita for LSC per persons in poverty in Nevada. Document the potential clients that came to their offices that the programs could not serve due to lack of resources. 	All available data has been collected and gaps in data have been identified
<ul style="list-style-type: none"> Create GIS maps representing the comparison of persons living in poverty in Nevada to the location of LSC resources. 	To be completed and incorporated into report once report is finalized
<ul style="list-style-type: none"> Identify the self help services available in Nevada. 	Completed
<ul style="list-style-type: none"> SEI will document all results into the needs assessment report that incorporates the telephone survey results 	Telephone survey results have been incorporated into needs assessment and report is in process of being drafted
<ul style="list-style-type: none"> Define Focus Group Target Audiences. SEI will meet with the Executive Director and the telephone survey vendor to identify key informants that have content expertise related to the civil justice issues in Nevada or in a geographic area of Nevada and to set focus group target areas. Key informants may include judges, Commission members, State Bar staff and LSC providers. Focus groups will consist of 8 to 10 individuals that are representative of the stakeholders that the data has described. Scripted questions 	<p>Focus group approach and questions have been drafted, reviewed and approved</p> <p>Key informant interviews have been identified and scheduled. Key informant interview questions have been finalized</p>

<p>will be developed with the assistance of the Executive Director with answers tracked to validate or enhance the story told by the telephone survey data collected in Phase 1 of the project.</p>	
<ul style="list-style-type: none"> Conduct Focus Groups and Key Informant Interviews. SEI will conduct a series of up to six key informant interviews to obtain expert opinion on the elements being evaluated in Section A of this Phase. SEI will finalize focus group locations and times, arrange all logistics and conduct up to ten focus groups. Once concluded, SEI will assimilate, analyze, and synthesize data and public input gathered through the key informant interviews and focus groups specific to the results of the needs assessment. 	<p>SEI expanded the scope of key informant interviews and focus groups once the telephone survey was reviewed, to solicit information that would augment the survey results.</p> <p>Key informant interviews have been conducted with:</p> <p>Annette Appell Barbara Buckley Valerie Cooney Susan DoBeors Paul Elcano Lynn Etkins Anna Marie Johnson Jack Mayes Susan Meuschke Ernie Nielsen Judge Dan L Papez Wayne Pressel Sheri Cane-Vogel</p> <p>Key informant interviews to be conducted by end of April 2008 include:</p> <p>Karen Sabo</p> <p>Focus groups have been completed in Clark County with seniors, immigrants, financial-economic clients and by income level. In rural Nevada, a focus group has been completed with an income level specific group</p> <p>Focus groups still to be conducted include: Youth in foster care (Clark) LSC clients (Elko)</p> <p>Seniors, immigrants, financial and by income (Washoe)</p>

<ul style="list-style-type: none"> • Analysis. Following the completion of research activities, SEI will document the results and prepare a preliminary analysis of the research and consumer feedback to use during the strategic planning phase. This will include identifying the type, level and distribution of resources required to address the identified needs and gaps. 	To be completed at the conclusion of all focus groups
<ul style="list-style-type: none"> • Needs Assessment Report. SEI will document the results of Phases 1 and 2 into a Needs Assessment Report that will inform and accompany the strategic plan. It will be issued to the Commission at the conclusion of Phase 2. The report will include: <ul style="list-style-type: none"> ○ Executive Summary ○ Methodology ○ Assessment of Needs <ul style="list-style-type: none"> ▪ Demographics (include race, ethnicity, age, disability) ▪ Telephone Survey Results ▪ Consumer Feedback Results ○ Assessment of Available Services <ul style="list-style-type: none"> ▪ Self-help ▪ LSC ▪ Civil justice resources per 100 persons living in poverty ○ Recommendations 	Report template drafted and section 3 75% completed
To conclude this phase, all results will be forwarded to the Commission for their review and analysis.	

SUMMARY OF ACTIVITIES TO BE COMPLETED APRIL—JUNE

Phase 2—Research and Consumer Focus Groups To complete this phase, SEI will conduct the remaining focus groups and key informant interviews by April 15. SEI will document results into final needs assessment document and draft report as detailed above.

Phase 3—Strategic Planning. To complete the project, SEI will work with a committee to:

- A. **Evaluate and Prioritize Needs.** The Committee will review the needs assessment report and establish priorities to be addressed in the strategic plan. This discussion and decision making will be facilitated during a regularly scheduled three hour meeting.
- B. **Define Goals and Objectives.** Using the results of the facilitated meeting, SEI will work with the Executive Director to develop draft goals and objectives to address the priorities set by the Committee. At a follow up meeting, SEI will use a facilitated process with the Committee to refine the goals and develop tangible, measurable objectives that support the goals. The objectives may have varying timeframes, from one year up to five years.
- C. **Establish Plan.** Once goals and objectives have been developed and the characteristics of the system established, SEI would work with the Committee to establish timeframes, funding sources, and actions/decisions necessary to increase access to civil justice for low-income residents.

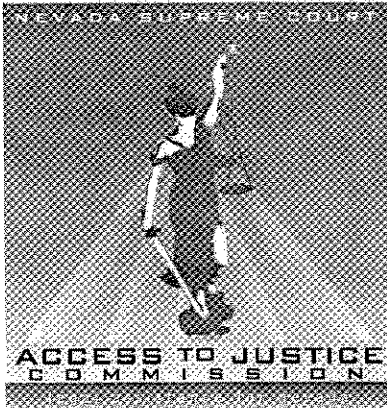
- D. **Draft Strategic Plan.** SEI will document all results and forward to the Commission for a final review of the strategic plan.
- E. **Finalize Plan.** SEI will present the needs assessment and plan to the Commission and revise the plan based on Commission feedback.
- F. **Prepare the Knowledge Base.** SEI will prepare a knowledge base consisting of comprehensive files or binders that organize all materials produced throughout the planning process. A CD-ROM with computer readable versions of materials available in a computerized format will be included in the knowledge base. This will serve as an outstanding resource for future staff and other participants involved in the planning process.

ISSUES TO BE RESOLVED

SEI is tentatively scheduled to present the needs assessment and draft strategic plan to the Commission in June. *Confirmation of the timing and approval to be on the agenda is requested.*

SEI will work with a Committee to complete the strategic plan. *Establishment of a Committee that can commit to three meetings of three hours each between April and June is requested.*

TAB 6



MEMORANDUM

From: Kristina Marzec, Director
To: Access to Justice Commission
Date: April 10, 2008
Re: Large Law Firm Initiative Update

Tom Ryan, the managing partner at Lewis and Roca's Las Vegas Office, contacted Kimberly Mucha Abbott and requested follow up on this initiative.

Mr. Ryan mentioned that he had attended the ATJ meeting at the Supreme Court last fall and was expecting perhaps a large law firm committee to be formed. He mentioned he had taken the initiative to speak with his national managing partner about the possibility of contributions in Nevada similar to what L&R already contribute in other states. The firm also designated people to participate in the law firm committee if formed.

Lawyer Participation Sub-Committee Meeting

Minutes

7/11/2007 12:00 p.m.

Teleconference participants:

John Desmond—Chair

Kimberly Abbott

Sugar Vogel

Lynn Etkins

Unable to Participate:

Judge Steinheimer

Mary Brock

Odessa Ramirez

Large Law Firm Initiative

Lynn will coordinate schedules with Douglas and Hardesty, one judge from the north and one judge from the south and then invite any others to attend when we have dates, including other judges and the State Bar President. We will ask the 8th and 2nd Commission Representatives to participate at this meeting and if they are unavailable, ask them to find a judge from their district who can attend the meeting. We will try and schedule these meetings for October.

We need to clarify our message. The message is the large law firms have more resources and need to do more. They are not contributing their fair share of pro bono work when compared with solos and small law firms. We would like them to take either a specific amount of cases per attorney, or do specific amount of hours per attorney. We would also like them to name a firm pro bono coordinator so the legal services pro bono coordinator will have someone to call and coordinate with.

Finally, we would like the firms to have a pro bono policy. Kim will provide Lynn with the sample policy used in the past and we can provide that as a sample at the meeting. Kim suggested the law firms adopt a firm policy where their associates get hour for hour billable hour credit so it will make their commitment clear. Lynn suggested that it didn't matter what policy the firms adopt. Firms have different beliefs about giving hour for hour credit, but that we would be better served if the firms agreed to provide so many hours or take so many cases. That will be something we can easily track.

The meeting will be at lunch provided by the Commission. Suggested locations are the Northern Nevada Bar Center and Supreme Court facility in Las Vegas. Lynn will coordinate with the justices for dates and room availability. We need to make sure that the managing partners who are invited to this meeting know who is making the request of them and who will be there. We can continue to work on our message up until the time of the meetings, but we need to pick a date and place and get letters out early enough so partners can put it on their calendar.

John Desmond has compiled a list of the large national and regional firms in Nevada and will get that to Lynn. Lynn will work further on the meeting agenda based on today's discussions. We need to make it clear to the law firms who to call to do pro bono (CCLS, WLS, VARN and names and contact info for those people.)

Lawyer Participation Sub-Committee Meeting
Minutes
8/23/2007 12:00 p.m.

Teleconference participants:

John Desmond—Chair
Kimberly Abbott
Sugar Vogel
Odessa Ramirez
Lynn Etkins

Unable to Participate:
Judge Steinheimer

Emeritus Attorney Program

John advised the group that Justice Hardesty spoke with an attorney who practiced in California for years and took the Nevada bar so he could do pro bono work. This is the type of attorney we want to target with this program.

Lynn spoke with David Clark and Rob Bare and they reviewed the program with her. They advised her to change the length of time we can go back to check discipline to 10 years. They also suggested putting together a packet for the BOG regarding other states programs and policies. Lynn will do that for the BOG meeting and will do a summary version for the Commission meeting.

Law Large Firm Initiative

The group went over the list of firms and contacts provided by Lynn. Some names were changed or added and some firms were added. The committee thinks we should invite all of these firms and see who RSVP's. If we think too many people RSVP for the Las Vegas meeting, we will either adjust our agenda or try and split the groups in two. We will address that issue if we need to. Lynn will add an "RSVP by" date to the letter. She also included a request to the law firms for a copy of their pro bono policy if they have one.

The group decided that it we would be better served trying to get as many firms to participate rather than to limit the number.

The Committee discussed the agenda and issues about follow-up. We do not want the firms to walk out of this meeting without us following up on their progress. John suggested we send a letter to the contact person in the firm and ask them to commit to a specific pro bono program. Maybe we should give them a menu of suggestions about how they can participate. It would be great to have the firms be on some sort of regular cycle of taking cases while agreeing to a specific number of cases for their firm for a year. Or, they could agree to a certain number of cases per month. The committee thought that agreeing to take one case per attorney was a good number, but then the group discussed the fact that such a large number might scare off the firms. Maybe we

should ask them to take half or one-third of the number of lawyers. Lynn suggested that we aim high and then have the firms suggest something lower. If they walk out of the meeting agreeing to take a certain number of pro bono cases which they came up with, they will be more likely to follow through with it.

We also need to define what "taking a case" means. Some cases will require litigation which some cases may not. Many cases are resolved with a phone call or a letter written by an attorney. Some firms will not want any sort of litigation cases because their attorneys only do transactional work.

Maybe we should include in the menu of choices for real estate transactional attorneys such as conducting seminars on home loans for low-income clients. We can identify some specific areas for non-litigators and show them that we do have alternatives. Other examples would be seminars on home loans, foreclosures, and landlord/tenant. Kim brought up the difficulty of seminar development. Who would develop the seminar? Who would staff them and who would update materials? Would this be a one time commitment or an ongoing commitment by the law firms? This might be a more complicated proposition than it sounds. Sugar does these types of seminars monthly. Could the firms help? Sugar also needs lawyers for dispute resolution.

We should also talk to the firms about PR for their efforts. We have suggested to firms in the past that they can take on a project, such as domestic violence, abused kids, predatory lending where the firm will take cases only in that area and promote their accomplishments to the legal community and the community at large. Other national firms do big programs with PR. John thought it would be great for a large law firm to help put a dent in domestic violence and challenge other law firms to do the same.

Kim also brought up that we should talk to the firms about recent law grads wanting to know how much pro bono work firms do in considering which firm to work for. John has also noticed an increase in these questions as he does recruiting. Lawyers are more public service minded and it is just as important as the type of work a firm does.

We should have introductory remarks from Justice Hardesty and/or Justice Douglas. They should discuss the ATJ Commission, the work we are doing, where the Commission is headed in order to put this in context and they understand that this is a big part of the legal services in Nevada. We are not going away, and there will be follow up.

The national Pro Bono Coordinator from Ballard Spahr is coming to the meeting. The committee asked Lynn to see if she would be willing to give a 5 minute presentation about their national program so the other firms begin to get it.

The committee needs to be mindful of time limitations for these meetings. We have 1 1/2 hours to get everyone together and get their food, introductions, etc. We want to make sure we don't have a long philosophical discussion about pro bono and leave with nothing concrete in place.

Lynn will put together a packet of information so the firms will walk out with something. We will include the ATJ Commission order, list of firms, pro bono policies, opportunities available, pro bono organization contacts, etc.

Do we want a follow up meeting or a pledge similar to Colorado? What are we going to do for follow up? Do we want an end prize or peer recognition? John likes scheduling a follow up meeting and so they can't ignore it. He suggests we have Commission members and or judges to meet with the firms a month or so after this meeting to see what they are going to do to participate. We are asking them to comply with the aspirational goals of Rule 6.1.

This committee will meet again on **September 11, 2007 at 9:00 a.m.** to discuss the agenda for the Large Law Firm Initiative.