



Nevada Supreme Court Access to Justice Commission

Quarterly Meeting

Date: Friday, March 9, 2012

Time: 1 pm- 4 pm



Three main video-conference locations

<p>Las Vegas Court Room, 17th Floor Regional Justice Center 200 Lewis Ave., Las Vegas, 89101</p>	<p>Carson City Court Room Supreme Court Building 201 S. Carson Street, Carson City, 89701</p>	<p>Reno Large Conference Room, #214 2nd Judicial District Court 75 Court Street, Reno, 89501</p>
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Commission members in attendance:

Justice Michael Douglas	Co-Chair
Justice James Hardesty	Co-Chair
Barker	Hon. David
Cooney	Valerie
Doherty	Hon. Francis
Elcano	Paul
Goldsmith	Dara
Hancock	Emily
Johnson	AnnaMarie
Kandt	W. Brett
Kushnir	Melanie
Perlick	Jessica
Sternberg	Ira David
Traum	Professor Anne
Vogel	Sugar

Staff:

Marzec	Kristina	Director
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Invitees/guests in attendance:

Ackridge	Connie	President, State Bar of Nevada
Anderson-Fintak	Heather	NLS, Pro Bono Coordinator, Southern Nevada
Atkin	Trevor	Nevada Law Foundation Trustee
Berchtold	Jim	Supervising attorney, Family Law Self Help Center, 8 th Judicial District
Buckley	Barbara	Executive Director, Legal Aid Center of Southern Nevada
Farmer	Kimberly	Executive Director, State Bar of Nevada
Goldsmith	Dara	President, Nevada Law Foundation
Gudenkauf	Gregory	Nevada Law Foundation Development Director
Hancock	Emily	Interim Supervising attorney, Washoe Senior Law Project
Hardy	Dean	President, LACSN Board of Directors
Hatch	Elana	Southern Nevada Senior Law Project
Neilson	Ernie	Washoe Senior Law Program- retired
Phenix	Shannon	UNLV Boyd School of Law, PILA
Ramm	Sally	Division for Aging Services
Roberts	Lee	Nevada Law Foundation Trustee
Mckelvey	Kim	ALPS Foundation services (by telephone)
Winckler	Garth	Nevada Law Foundation Trustee
Leung	Hon. Cynthia	Las Vegas Municipal Court
Weiss	Hon. Jerry	8 th Judicial District Court

Meeting called to order at 1:10.

Nevada Law Foundation Report

Board. The Board plans on filing an ADKT request to lower the maximum required board members and provide for a range in size allowed under the rule to facilitate quorums. Mr. Mckelheny resigned. A report will be filed with the Court in advance of June 2012 addressing open trustee appointments and reappointments.

Fundraising and Development. Garth Winckler summarized recent changes in the fundraising and development committee. It is now a committee of the whole, the previous fundraising and development policies to be sunsetted, and adding the position of chair to the executive committee. Identified funds from building revenue and board fundraising were used to hire Gregory Gudenkoff, the new Development Director, who is working three days a week at present with a view towards growing to a full time position. Mr. Gudenkoff was in attendance.

The Committee is putting together three action teams with an aggressive agenda to raise funds throughout the community. The first effort will be the financial committee, with a goal of at least a million over the next four years. Agenda includes donor development (to identify specific people for cultivation, young lawyers, experienced lawyers, and population segments yet to be identified) and acquired donor development software. Another team will be looking at rebranding and case development, image, and logo. The third team will review strategy, timetables, and working without competing with others. The goal is to grow donor directed and other funds beyond IOLTA, building long term relationships with donors.

Financials. ALPS summarized the written financial reports provided in the agenda.

Fixed Rate/Bank of Nevada. The Foundation apprised the Commission that Bank of Nevada asked to lower the fixed IOLTA rate to .40 APY, and was expecting action no later than the summer Commission meeting. The NLF Board talked about the request, noting there were no requests to lower the rate from any other participating bank. A Trustee suggested the possibility of obtaining CRA status for the amount the banks are paying over and above comparability, which is being done in California. The NLF discussed with Bank of Nevada, which was amendable to considering it in lieu of lowering the rate. Also noted that detailed, exhaustive grantee reporting would be necessary if this goes through, and thus NLF may have to amend reporting forms again to ensure CRA compliance. ALPS commented that historically banks are not getting CRA credit so if we do this, the reports will need to highly localized and focused on detailed service and poverty demographics.

The Commission noted the timeline is very short to resolve this in time for the next Commission meeting in summer. The NLF agreed this is a top priority for them and they will come back with more information within the next 30-60 days.

Colleagues program. The NLF sent 159 letters to current colleagues to clarify their understanding regarding whether donations were restricted. Among the 20% responding, there was an even split between those intending a restricted endowment vs. unrestricted funds. The current interest benchmark for that restricted fund is 2 million. Once it reaches that mark the endowment will release the interest for granting.

The Co-Chairs thanked the Foundation for its hard work and for coming through on the promise of what the Commission had requested.

Public Lawyers

Brett Kandt discussed his efforts to increase participation, awareness, and reporting of pro bono service by public lawyers. Referencing a detailed report of public lawyers' 6.1 reporting for the prior calendar year (provided to the

Commission under separate cover), there is still a long way to ensure that public lawyers are accurately reporting the work currently being done. Noted that this likely can be extrapolated to all lawyers.

Mr. Kandt reported on his efforts to increase the education to public lawyers regarding what they can report and what falls under the rule, including the NDA association, prosecution counsel, advisory council, and public lawyers section of the Bar. Justice Hardesty has also spoken at some of those meetings.

On a positive note, the offices to which these efforts to reach out were made have better reporting based on this report so the process is working. All stakeholders are encouraged to continue to provide information on opportunities whether that be through legal aid, direct cases, during law week or otherwise, or Law Related Education. The more we promote and advertise those opportunities the easier it is for those attorneys to identify what they are interested in and might want to do.

Judge Doherty suggested that a similar education be kept in the forefront of the court when and that judges should be reporting improving the law work that they do.

Legal Aid Center advised that they recently met with the AG and all of the individual team leaders in that office, which as a result is now participating in homeless ask a lawyer. LACSN also has great participation with both the US Attorney and the Federal Public Defenders Offices. Suggested that providers should collaborate on a specific resource for public lawyers.

Las Vegas Senior Law Project

Sugar Vogel announced that the program is going public. City management informed it can no longer fund the general contribution, and the city council approved the formation of a non-profit. The council also approved in-kind and direct assistance. As such, they have incorporated the Southern Nevada Senior Law Program. Justice Shearing is the Chair, the 501(c)(3) is pending with the IRS, and the program is situated with the Nevada Community Foundation so funds can be processed immediately. Because they have secured the ability to remain in their current location, that will save relocation dollars. There are three full time and three part time attorneys staying on. Clerical staff has been reduced for efficiencies. There will be no interruption in services, and services are funded at current levels through the next two years. The city will be providing software and computers. The SNSLP will be looking at upgrading software. Same location, same attorneys, all services stay the same, going from a four day work week to a five day work week, with just a slight name change to launch on July 1, 2012.

Legal Aid Center noted that it had offered to merge as an option, and that it was disappointing an agreement could not be reached in that regard. It is the feeling of the LACSN board such a merger would save administration costs that could be used for attorneys. The Board was very enthusiastic about the merger and looking at new ways of doing things. Their concern is still about efficient utilization of resources and serving the community.

Sugar Vogel thanked LACSN for its candor and noted time was a factor in the current decision to go non-profit, along with the strong feedback they had received from the local senior community. They, stakeholders, and the city were very concerned about keeping senior services seamless, separate, and intact. The SLP remains open to further conversations going forward and is not precluding anything in the statewide service delivery scheme going forward.

Washoe Senior Law Project

Emily Hancock reported on behalf of the Washoe Senior Law Project. The WSLP is in fairly stable condition. Ernie Nielson, who retired as of January, is still volunteering, and the program has one full time attorney, two paralegals, and two clerical staff. They will be adding a half-time contract attorney. The foreclosure program is primarily run by contract employees, and will transition to Nevada Legal Services at the end of June (that program serves everyone,

not just seniors). They are in the process of hiring a full time directing attorney to replace Emily, who is leaving this month.

The Commission noted some concerns that were shared with stakeholders in the north, the largest being that current staffing configurations are sufficient to meet the need and the effect of service shortages on guardianships. The Co-Chairs suggested that the chief district court judge was open to having a meeting of the stakeholders from that district to discuss service concerns and would be contacting people to set that up. The Commission cautioned generally to remain mindful that competing for charity dollars among all access to justice stakeholders needs to be approached with caution.

Sally Ramm stated that independent living grants provide all of the funding for guardianship in Washoe (and Clark) County, and the Division for Aging Services is keeping an eye on those funds.

The Co-Chairs asked the providers to start providing a catalogue of services to the Commission, via Kristina, that can be distributed. Services given to seniors specifically should be listed independently.

Talking Points from Legal Aid Executive Directors. Paul Elcano noted that the executive directors had identified several talking points at their quarterly meetings that are relevant to the discussion about senior services as iterated below:

1. The role of the state Supreme Court and the Access to Justice Commission in approving and/or determining the entities who deliver legal services in the state of Nevada
2. The most efficient method by which senior law project legal services can be delivered in the state of Nevada
3. Economies of scale and salary structures in the private vs. public sector
4. Economies of scale via reduction of the number of service providers i.e.: common reception, reduced administration, etc.
5. Reduction in organizational conflict with fewer providers
6. Easier and better accountability as a result of private sector delivery mechanisms
7. Constitutional issues: i.e. separation of powers, whether Judicial arm can generate funds via IOLTA and Bar Dues as a mechanism for funding governmental entities.

VARN. Valerie Cooney advised that the rurals have lost the majority of its funding sources, including federal grants and LSC reductions in the support for the pro bono project. The rurals have experienced a disproportionate reduction in 6.1 dues-check off contributions as well. There is however a significant gain in VAWA grants. No staff reductions so far, holding at four attorneys and four support staff. VARN has reorganized responsibilities and cut down on expenses to maintain current services and staff. She is optimistic that they will receive funding for videoconferencing so they may expand partnerships with UNR extension offices and community colleges to support and expand ask a lawyer and other clinics, as well as reach attorneys that would otherwise have to travel large distances.

Nevada Legal Services. AnnaMarie Johnson noted everyone is suffering with cuts from the federal government. The biggest cuts to NLS are through LSC, in addition to HUD and other federal grants. NLS has lost well over 500K, and as a result had to make some serious decisions how to best continue to service clientele, as unemployment remains high and needs are still there. Their goal is to continue to have as close to the same amount of staff statewide as possible in 2012. One of the things NLS reluctantly had to do was to close one physical office in Carson City, although it was stressed there is no reduction in staff, just the physical office space. NLS is renting office space in Carson City (for 1\$/year at Circles), staffed 2 days a week (in kind support being received from Circles). Barring congress overturning the supercommittee, NLS will get another 10% funding cut at the end of the year.

NLS continues all clinics, held on a monthly basis and advertised in the local papers in Elko, Carson, and Ely. Good news to report is for the first time, NLS has an increase in funding for Indian services. They now have funds for two full time and two half time attorneys in Indian law in both criminal and civil tribal courts, along with quarterly training for tribal court advocates. Julie Cavanaugh-Bill has been helping with this very popular program. The low income tax payer clinic has also taken off. NLS is the first legal services organization in the nation to run the tax court calendar certification. NLS had more pro bono attorneys volunteer to man the booth on April 15 than there were slots for, so they took names for the next time it comes around in late September. Nevada has the highest rate of pro se litigants in tax courts in the nation. The clinics will take place in both Reno and Las Vegas tax courts.

Washoe Legal Services.

Paul Elcano reporting funding is holding relatively solid and they are still providing substantively same areas, recently adding bankruptcy and mortgage. There is a cut in the LAV grant.

LACSN

Barbara Buckley reported LACSN just finished its unit goal setting for this year.

Childrens unit is going to focus on mental health system- overmedicated and mental services, including a demand letter to the state.

There is a continuing scourge of petition preparers in the immigrant community- focus on creating alternatives:

- 1- adding a class in Spanish on BK and doing outreach in community
- 2- create a more comprehensive immigration legal delivery system
 - a. met with catholic charities and 2 UNLV professors. Thinking about doing a class in September. Clients would go to catholic charities, and LACSN would take VAWA and ERISA to free up the law school clinics. Website and docs will be developed to go along with it, along with a monthly class "do you have a path."
- 3- Once we do that, we have more to offer in the public service campaigns
- 4- Law day celebration- May. NLS and SLP will participate- 20 lawyers in a room at east las vegas community center
- 5- new pro bono opportunity for Sealing Of Records in partnership with FIT (training program). FIT will screen all the clients, do the paperwork.
- 6- PBS just taped divorce classes that will ship to everyone else around the State Bar of Nevada
- 7- LAV is very disappointing. Grant itself was reduced.
- 8- Noted that LACSN is very encouraged about NLF news relayed today and thanked NLF for its work.

Self Help Centers Referencing the report provided, the civil law self-help numbers continue to climb and satisfaction remains very high. NLS noted that the family law self-help center statistics went down about 40 thousand people because not as many people can afford to get divorced, although there are still a tremendous amount of people walking through the door at sixty thousand plus a year. The Center now has family law forms on the website, online, fill-in with automated e-filing. There is staff to help with forms in the kiosks during business hours.

Public Speakers Bureau

Justice Hardesty is overseeing a working group, chaired by Judge Sullivan, to develop and roll out a public speakers bureau. The working group is researching developing a video for statewide use (that might include editing existing videos currently in use by individual programs), marketing and presentation piece for uniform presentation, and a list of service organizations and others which will be our first focus. Kristina circulated the powerpoint and handouts used during the last marketing campaign as a jumping off point.

Project Salute-

As the first prong of the ATJC veterans' initiative, Nevada Legal Services and the Family Law Section have teamed up with Access to Justice to launch Project Salute in Nevada in fall 2012. Information about the national program is available at www.statesidelegal.org.

Emeritus attorney program

LACSN recently went to a meeting of all general counsel who qualify for emeritus service, and partnered with the State Bar to send out an email to all inactive members in the South highlighting Ask-a-lawyer opportunities, to some limited response. Kristina noted that Utah has a robust emeritus program that centers on three prongs: (1) member services staff actively soliciting members to consider emeritus status when they call to request to go inactive, (2) taking advantage of a large corporate presence and (3) amending the in-house counsel certification rule to automatically allow emeritus service (without having to separately apply under the emeritus rule as well). Some permutation of that might be effective in Nevada. Justice Douglas asked that Commissioners consider that as well as other ideas and bring them to Kristina's attention.

Ira David Sternberg

Mr. Sternberg was introduced as a new Commissioner and briefly outlined his hopes for 2012, to include working with the public speakers bureau group, crafting a definitive marketing plan and branding for the Commission as a separate entity, finding new sources of support for communications and marketing to include untapped support in addition to the legal community, and, securing pro bono PR assistance for the Commission.

Calendaring

Next Commission meeting- Annual Convention, June 29th, 9 am to 11:30. Phone conference will be available. This will be the one in-person meeting for 2012.

The Commission also discussed the Thursday pro bono session at the annual convention and proffered ideas for the format and substance of the session at the request of Barbara Buckley, who volunteered to coordinate the planning to be attended by LACSN, VARN, NLS, LVSLP, and WLS.

Justice Douglas directed that everyone get in the practice of copying Kristina with individual program event calendaring so we can develop a statewide event calendar for all ATJC and pro bono related activities statewide.

Kristina and the Justices to meet later in the afternoon to confirm dates for the large law firm meetings.

Other Business

UNLV Professor Christine Smith was honored in DC for her community service

Justice Hardesty announced the Court will be inviting all bar members to hear US Supreme Court Justice Kennedy speak at the Judicial State Summit on May 1 at the M Resort. Commissioners and stakeholders are enthusiastically encouraged to attend.

Liberty Bell Dedication- Friday May 4 at 3pm