



**Nevada Supreme Court Access to Justice Commission  
Quarterly Meeting**

**Date: Friday, June 29, 2012  
9:50-12:45 pm**

**State Bar Annual Convention  
San Diego, California**



**Commission members in attendance:**

**Justice Michael Douglas            Co-Chair**  
**Justice James Hardesty            Co-Chair**

Doherty	Hon Francis	
Sternberg	Ira David	
Kushnir	Melanie	
Traum	Professor Anne (phone)	
Barker	Hon. David	
Desmond	John (WLS Board)	
Cooney	Valerie	
Elcano	Paul (phone)	
Johnson	Anna	
Tierney	Keith	
Kandt	W. Brett	
Steinhiemer	Hon. Connie	
Sullivan	Hon. Frank	
Vogel	Sugar	
Marzec	Kristina	Access to Justice Commission Director

**Non-voting invitees/guests in attendance:**

Buckley	Barbara	Executive Director, Legal Aid Center of Southern Nevada)
Goldsmith	Dara	President, Nevada Law Foundation (by telephone)
Mckelvey	Kim	ALPS Foundation services (by telephone)
Flaherty	Keegan	(by telephone)
Hatch	Elana	
Winckler	garth	
Hatch	Elena	

**Scheduled Guest- Jeremy Bosler (special phone appearance)**

**Call to Order 9:50**

Nevada Law Foundation announced it has officially changed its name to Justice League of Nevada (JLN) and is in the process of rebranding and messaging.

The Legal Aid Provider Executive Directors reported on their ongoing collaborations, including continuing discussions towards an IOLTA negotiated split agreement and suggestions regarding the JLN reporting forms and block granting.

Statewide support through Jon Sasser is now funded under a separate IOLTA grant. Ongoing projects for the coming months include: Multiform advocacy to increase services; Medicaid; Preparing for 2013 legislature; State

development of LSC budget; training services for legal aid staff, including pro se litigation support and unemployment; daily general phone advice to help legal aid staff.

Rural providers noted there remain some discrepancies in application of particular allowable costs under SOLA fee waivers (statement of legal aid) in the rural counties. Rural providers were asked to meet and provide more information to the co-chairs for a potential letter to the chief judges and clerks in the relevant jurisdictions.

Southern providers noted unresolved cost issues concerning service of process, which for several reasons is currently being effected through a private service in family court matters rather than the sheriff, at a significant cost. There will be ongoing discussions with the sheriff and the new district attorney to find a way to reduce those costs in future. Providers to advise the Commission if additional support is needed on this item.

NLS reported it passed all federal audits in recent weeks. The new Indian Law program is well attended and staffed with volunteers. The Elko public defender is teaching and mentoring new attorneys. New staff is hired for the low income tax clinic. NLS is also working with the two senior law programs on a new grant through the Federal Administration on Aging for a pilot project to reduce elder abuse.

VARN reported on its videoconferencing project. Funding was awarded and equipment purchased. Working with the Supreme Court AOC staff, they have identified libraries and colleges in the rurals with similar equipment and will start looking at comparability. The short term goal is to ID various locations and start with one or two. VARN got DOJ recognition and accreditation in immigration VAWA cases. VARN will also be offering new POD casts on a weekly basis in future. Val Cooney met with the Law Library and DA office to discuss services. A Latin Lawyer in the Lobby has been added in alternating weeks. It was recently announced Nevada Hispanic Services will be closing.

Noted that the Supreme Court law librarian is going to undertake updating all online legal forms for the entire state, and will be reaching out to all providers and the courts.

The Washoe Senior Law Project replaced the retiring Ernie Nielson with Keith Tierney who reported on behalf of the program. The current case level for the year is 1500, clinics at 350. The project is seeing a large number of judicial foreclosure complaints.

The Senior Law Project is now an independent 501( c)(3) renamed Southern Nevada Senior Law Program. The program decided to keep the transition seamless to its customers and will be doing a grand opening at some point later in future. The building is being sold to Zappos, which is renovating it and has made a commitment to keep the SNSLP in the building. On May 16, the Las Vegas city council gave in kind donations for all computers, scanners and furniture, and also gave cash out the door.

#### **Emeritus petition of washoe public defender- Jeremy Bosler, Washoe Public Defender, joining by phone at 10:23**

The Washoe Public Defender applied to be approved as an EAPB provider under the Emeritus rule, SCR 49.2. The Commission provided an opportunity for Mr. Bosler to address the Commission and answer any questions.

Mr. Bosler referenced his petition and noted his office does do some civil work and has volunteers it would like to use. The only available rule of limited practice that seems to remotely fit is the emeritus rule. He opined the rule as written presently applies to certain cases the PD handles under 432B (parental rights juvenile delinquency, detainees for mental illness). Should the application for EAPBS provider status be approved, it is the PD's intent under *Strickland* that any volunteers would have to be trained in each area, supervised by a licensed NV attorney who would sign off on pleadings, and the office would give the same level of expertise that it would to any other employee or clerks. The urban PD has very organized central training. A lot of California new admittees can't find work (they can come here and get trained in indigent defense). The Pro Hac Vice route is not practical for his office

because we turn over cases so quickly. Because any volunteers are being supervised as agency volunteers, it is his understanding they would be covered by the PD statutory immunity (liability statutes as practicing public defenders) and also covered by the office malpractice policy. There are currently no applicable rules for urban volunteerism. The attorneys admitted under the rule would be short term, no more than a year.

**Mr. Bosler answered questions and ended his participation at 10:25.**

The Commission discussed this petition at length. The group was divided on whether the matter would be better deferred to the indigent defense commission and whether if it stayed under the existing rule it would require a rule change. Other topics raised included whether the individuals who would be represented under the scenarios as described in the presentation would have a right to counsel, and the potential constitutional underpinnings that may be present. All agreed that access to the courts is the primary objective.

**MOVED AND APPROVED to defer to a new emeritus subcommittee.** Justice Douglas will chair. The subcommittee may review the specific petition of the public defender along with a general discussion of how the emeritus rule is written, and may just come up with issues to present back to the Commission. Judge Steinheimer, Melanie Kushnir, Paul Elcano, and Val Cooney volunteered to participate. Dara suggested Bryan Scott may be a good fit to represent the board of governors. Mr. Bosler will be invited to participate. The group should also invite a representative from a government office.

#### **JUSTICE LEAGUE OF NEVADA/IOLTA.**

The JLN Board of Trustees met and thought about what was important. Since the end goal is fully funding LRE and Pro Bono to ensure justice, the Board felt the name needs to be different and reflect who they are and what they do. The messaging is that everyone can be superheroes by supporting the cause.

The Board Grant Committee reviewed all grantee reports and there will be some additional follow up, but otherwise those reports are truly impressive.

#### **Interest rate**

JLN advised that three banks had come back with comments about the fixed IOLTA interest rate. Back in march one bank suggested 40 basis points. JLN then did a follow up to take the temperature of other banks. At that point no one came forward and noone said anything. Therefore, there is only one affirmative request to reduce the rate.

JLN Board had a long discussion about the Commission's request to recommend a rate and came to the conclusion that this puts JLN in a difficult decision because they are going to banks for fund development. Further, the bylaws say JLN can only provide means to increase revenue, and thus can't come to ATJC with a proposal to decrease the rate. Accordingly, the JLN requests that the Commission or its designate take over the actual rate review and recommendation. The JLN will continue to provide input as appropriate.

**MOVED AND APPROVED** to defer to the IOLTA subcommittee to develop a formal rate review process. Justice Hardesty will chair and pick one or two bank representatives to participate.

**MOVED AND APPROVED** to lower the interest rate to .70 APY.

Ira Sternberg gave a brief report on his efforts to secure pro bono and low cost help with marketing and messaging, as well as the potential of having an intern in future.

**Adjourned 12:45.**