



Nevada Supreme Court Access to Justice Commission



Minutes

Friday, November 4, 2016 2:00 pm – 4:30 pm

Video Conference Sites:

Las Vegas

Regional Justice Center, 17th Floor
Supreme Court, AOC Room B

Carson City

Supreme Court
Law Library, Room 107

Reno

2nd Judicial District Court
75 Court Street – Room 220B

Elko

4th Judicial District Court

Commission Members in Attendance

Justice Michael Douglas
Justice James Hardesty
Julie Mogensen
John Desmond
Judge Patrick Flanagan
James Conway
AnnaMarie Johnson
Noah Malgeri
Julie Cavanaugh-Bill
Ira David Sternberg
Anne Traum
Sugar Vogel
Connie Akridge
Judge Elizabeth Gonzalez
Judge Connie Steinheimer
Doreen Spears Hartwell

Attending Guests

Andy Mierins
Kimberly Farmer
Summer Youngquist
Shelly Newton
James Puzey
Dr. Ken Smith
John Sasser
Ryan McDonald
Barbara Buckley
Stephanie McDonald

Staff Members Present

Angela Washington

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 2:10 pm by Justice Douglas and a roll call was conducted thereafter. Justice Douglas suggested that the items on the agenda be taken out of order to accommodate the guest speaker, Dr. Ken Smith of the Resource for Great Programs, Inc. There were no objections.



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Discussion Items

Civil Legal Needs Assessment Presentation and Discussion. Dr. Ken Smith, President of The Resource for Great Programs made a presentation on the civil legal needs studies and strategic planning that his organization conducts. His introductory remarks included background information on *The Resource for Great Programs* noting that this program is the only one that works in the civil justice field. Also, he noted that the organization has instituted what it calls a “community listening” approach as a major part of how it does its work. Community listening, as provided in Smith’s article, “Legal Needs Assessment: A Powerful Tool for Expanding Resources and Directing Legal Advocacy” refers to “...treat[ing] program advocates, client-eligible community members, and community partners as the experts and us[ing] outside consultants in a support role as trainers, coaches, and specialized data analysts.” Also, Dr. Smith educated the group on the uses for legal needs studies, which include improving performance and raising money. In response to questions, Dr. Smith noted that the time it would take to complete an assessment depends on what the Nevada Access to Justice Commission wants in an assessment and he noted that information from previous assessments could be included in the present assessment.

Additional discussion took place once Dr. Smith exited the meeting and it was moved and seconded that a formal proposal to conduct a legal needs assessment in Nevada be requested of Dr. Smith and that the Commission make application to the Nevada Bar Foundation for funding to support the cost of the assessment. Additional discussion included requesting options with pricing so that the Commission could determine what it wants. Also the Commission discussed that it would be beneficial to have the same facts and figures from which everyone could work and quote, good sound bites for marketing purposes and facts that match the mission of the Access to Justice Commission. A concern was raised centering on the fact that many organizations utilize pre-existing data for the construction of the assessment. Following the discussion, a vote was taken and the motion to request a formal proposal was passed unanimously.

Correction and Approval of Statewide Legal Services Delivery Plan. Justice Douglas led the discussion on the statewide plan for legal services delivery by asking for any edits to the plan. The request was made to edit the existing filing fee allocations page to denote the difference between NRS 19.031 (4)(a)1 and (4)(b)1 and the difference between NRS 19.031 (4)(b) 2 and NRS 19.031 (4)(b) 2. Each legal services executive director noted approval of the statewide plan, after which, it was moved and seconded to approve the statewide plan for legal services with the noted additions. A vote was taken and the motion passed with no opposition.

ATJ Commission Resolution in Support of Southern Nevada Senior Law Program. A review of the changes made to the Access to Justice Commission Resolution in support of the Southern Nevada Senior Law Program was discussed. Specifically, the changes included specification of programs for elderly persons pursuant to NRS 19.031 and its section number, as opposed to “programs pursuant to NRS 19.031”. It was moved and seconded that the resolution be accepted with the changes discussed. A vote was taken and the motion passed unanimously.

ATJ Commission Membership Vacancies and Expansion. Justice Douglas led the discussion on the current vacancies and the need to expand the Commission membership. Specifically, he noted that there were two current vacancies (a Limited Jurisdiction Judge vacancy and an At Large Representative vacancy) on the Commission. Additionally, Justice Douglas noted that perhaps the Commission should contact those individuals who have not been present for the majority of the year to see if they are still interested in serving on the Commission. Also, the Commission discussed expanding the membership on the Commission to include representation from corporations and community service organizations in



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Las Vegas. He asked that suggestions to fill the vacancies be submitted to Angela Washington. A representative from the Clark County Law Library expressed interest in becoming a member of the Commission on behalf of the library and Justice Hardesty suggested that the invitation be extended to the manager of the Washoe County Law Library. Also, Justice Hardesty noted that the Commission should reach out to the President of the Limited Jurisdiction Judges Association for suggestions as well. Justice Douglas noted that the Commission should consider people from the social services industry as the Commission shares clients with this industry. It was suggested that perhaps someone from the medical community could be considered for membership as well.

Dues Check Off Program Concentration/Campaign

James Conway, Washoe Legal Services Executive Director led the Dues Check Off discussion for the Commission. Mr. Conway noted that he had several questions about the history of the Dues Check Off Program and thought that perhaps a consideration of a mandatory dues check off effort, a Dues Check Off Campaign or donations from State Bar Sections should be considered by the Commission in order to increase revenue from these programs. Justice Hardesty noted that there is currently an ADKT before the Court regarding the CLE Board and "opt-out" fees to the CLE Board in order to provide other avenues for Board funding. Judge Flanagan provided background on mandatory fees, noting that in the past these types of fees engendered a great deal of resistance and he further suggested that perhaps relying on those members who regularly contribute to dues check off opportunities for giving could be the better avenue for donations from this program. Justice Hardesty noted that he would like this item tabled until the next meeting in order to gauge whether the Court supported the CLE fee change. With that request from Justice Hardesty, Justice Douglas tabled the issue until the next meeting.

Statewide Self-Help Website & Existing Self-Help Websites

Barbara Buckley provided the background on the Statewide Self-Help Website project noting that talks regarding the project were in existence for a couple of years and began with Judge Tod Young's request of Barbara Buckley to assist him with building a self-help website with court forms that could assist pro se litigants who live in rural communities. Ms. Buckley agreed to the request and enlisted the services of Legal Aid Center of Southern Nevada employee, Stephanie McDonald to assist with the project. Ms. McDonald shared that she and a small team had been working with Judge Young to develop forms that would be housed on the website. Ms. Buckley noted that at the request of Justice Douglas, she applied to the Nevada Bar Foundation for one grant in the amount of \$9,000 to support the cost of building the website. AnnaMarie Johnson noted that she objected to the building of a new site when a site currently exists that could support the project. Ms. Johnson noted that Nevada Legal Services has been maintaining www.NevadaLawHelp.org for several years after the legal services providers agreed that this particular site would serve as a statewide site and that each would regularly contribute content to the site. It was noted that the proposed site would be a court sponsored website as opposed to a legal services provider website. After further discussion, the matter was tabled.

IOLTA Rate Review

Connie Akridge, President of the Nevada Bar Foundation and Kimberly Farmer, Executive Director of the State Bar of Nevada provided a report on the IOLTA Program and the Nevada Bar Foundation. It was reported that \$2.4 million dollars from the IOLTA Program were available for granting from the IOLTA Program. Also, \$3.3 million dollars were available for granting from the Bank of America Settlement fund. There were a total of eight grant applications in the amount of \$5.2 million dollars made to the Nevada Bar Foundation for Bank of America funds.



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The Commission reviewed the feedback from the participating financial institutions, economic condition updates, a sampling of comparable rates on local bank products, and remittance impact on various interest rates. After discussion, it was moved and seconded that the Commission maintain the IOLTA fixed interest rate at .70%. A vote was taken and the motion passed.

Consent Agenda

The consent agenda included the approval of the following minutes from previous meetings:

Approval of June 10, 2016 ATJ Commission Minutes

Approval of September 1, 2016 ONE Campaign Subcommittee Meeting Minutes

It was moved and seconded that the minutes from both meetings be approved. A vote was conducted and the matter passed unanimously.

Informational Items

The legal services organizations were asked whether there was any additional information to the written reports that each provided for the meeting:

- Nevada Legal Services – In addition to its written report, Nevada Legal Services noted that it will be opening an office in Pahrump; adding attorneys and support staff in its Yerington office and addition staff to its Reno and Las Vegas offices. All new staff will begin July 1, 2017.

It was moved and seconded that the meeting be adjourned. A vote was conducted and the matter passed unanimously. The meeting was adjourned at 5:03 pm.