



Nevada Supreme Court Access to Justice Commission



Draft Minutes

Friday, November 20, 2015 2:00 pm – 4:00 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 214

Elko 4th Judicial District Court

Commission Members in Attendance

Chief Justice James Hardesty
Justice Michael Douglas
Julie Mogensen
Judge Patrick Flanagan
AnnaMarie Johnson
Nic Danna
Melanie Kushnir
Julie Cavanaugh-Bill
Ira David Sternberg
Anne Traum
Sugar Vogel
Heather Caliguire
Connie Akridge
Judge Elizabeth Gonzalez
Judge Eileen Herrington
Judge James Wilson
Doreen Spears Hartwell
Judge Gary Fairman

Attending Guests

Judge Elliott Sattler
Kimberly Farmer
Barbara Buckley
David Spitzer
Valerie Cooney
Jim Berchtold

Staff Members Present

Angela Washington

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 2:04 pm by Justice Douglas. A roll call was conducted thereafter. Justice Douglas made opening remarks and acknowledged that many ATJ Commission members attended Nevada Legal Services' Champions of Justice Award Ceremony that was conducted earlier that day.

Consent Agenda

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

Approval of July 9, 2015 ATJ Commission Minutes
Approval of August 19, 2015 ONE Promise Nevada Campaign Minutes



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

Statewide Legal Service Delivery Reports

Legal Aid Center of Southern Nevada (LACSN) – Barbara Buckley and Melanie Kushnir provided the report for Legal Aid Center of Southern Nevada. A comparison of past statistics showed an increase of 762% of those served at Legal Aid Center of Southern Nevada since 2007. There have been 3,036 children served in the Children’s Attorney Project, with 889 represented by pro bono attorneys. The Family Justice Project has seven attorneys who are representing victims of domestic violence who are facing critical issues in Family Court. LACSN has expanded its presence in TPO Court in conjunction with Safe Nest and Safe House, especially in situations where TPOs are being extended for only thirty days. LACSN has extended its work in Immigration, representing victims of domestic crime and child victims and it started its free Immigration Class in conjunction with William S. Boyd School of Law in September. Within the first sixty days of the class, 102 people attended the class and forty-five requested individual consultation. The Consumer Rights Project is busy and has been approached to consider representation in the Guardianship Court for those facing guardianship. LACSN will soon present to the Guardianship Commission on how the representation from LACSN could work. The Civil Law Self Help Center is very busy and will serve over 50,000 people in 2015. Probate has been added at the request of the District Court, so the staff is currently learning it. The Family Law Self Help Center is very busy as well. LACSN has recently recruited four hundred pro bono lawyers and has had the highest recruitment ever in one month.

Melanie Kushnir reported on pro bono statistics from LACSN’s fiscal year (October, 2014-September, 2015) noting that LACSN has placed more cases than it ever has in the past – 800 cases. Since the ONE Campaign started, more attention has been paid to new lawyers who have never taken a case. Over the course of the year, LACSN has recruited 173 lawyers who have taken a case for the very first time and another sixty new attorneys were recruited to participate in Ask-A-Lawyer Programs. Also, regarding clinic programs, there were seven Ask-A-Lawyer Programs that were running monthly and quarterly and 3,400 clients were served in those programs. The Family Law Program statistics have continued to grow and the Veteran’s Program has continued to grow as well. CLE’s have been conducted as well as a number of firm visits have been conducted as well, thanks to Justice Douglas and Judge Gonzalez. Also, the Nevada Defense Bar adopted the Children’s Attorneys Project and had about fifteen attorneys to take cases through the CAP program. A volunteer mixer took place and was very well attended and was sponsored by Hartwell Thalacker and LACSN’s Advisory Council. The Federal Pilot Program and the Appellate Program are continuing to grow and are very successful.

Nevada Legal Services (NLS) – AnnaMarie Johnson provided the report for Nevada Legal Services. NLS has been busy the last couple of months hosting awards luncheons in Reno, Las Vegas and a new awards luncheon in Elko. In honor of Veteran’s Day, NLS held Project Salute at Palace Station (in Las Vegas) and in Reno. In Las Vegas there were twenty volunteers who were very busy all day. Most of the cases dealt with Veteran’s benefits and there were a variety of issues that presented that day as well. In Reno there were several attorneys who were kept busy all day long as well. Additionally, NLS has continued its pro bono appreciation lunches in Reno and Las Vegas, Carson City, Fallon and Elko where pro bono attorneys are invited out to meet each other and staff. The NLS organization has grown as large as it has ever been with 25 attorneys and six offices. NLS has received publicity through mention in the Las Vegas



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Review Journal regarding its cases against the Southern Nevada Regional Housing Authority in federal court.

Southern Nevada Senior Law Program (SNSLP) – Sugar Vogel provided the report for Southern Nevada Senior Law Program. The fiscal year has gone very well and the organization has opened up new areas of service. The Older American Act annually provides priorities for its grantees, of which SNSLP is one; public entitlements was a limited item under the grant while other new areas were set as priorities. SNSLP staff stepped up and picked up the new areas while not diminishing its work with the other areas. The collaboration of the other legal aid providers in Clark County was essential in this transition as some of the cases that came to SNSLP had to be referred to pro bono attorneys. For example, an estate planning workshop was organized during pro bono week which allowed for seniors to meet with pro bono attorneys and leave with a document after their consultation at the workshop. The Clark County District Attorney's Office added an Elder Abuse Unit to one of their specialty units and the District Attorney will assign to Deputy District Attorneys to the prosecution of these cases. Also, the District Attorney will be taking referrals from law enforcement on elder abuse cases.

Washoe Legal Services (WLS) and the I-80 Corridor – Judge Elliott Sattler and David Spitzer provided the report for Washoe Legal Services. Judge Sattler noted that both he and David Spitzer were representing Washoe Legal Services as John Desmond would not be attending. An agreement is in place for Paul Elcano's separation from Washoe Legal Services. The Board of Directors is committed to Washoe Legal Services and the organization is still exploring leadership options. The Board of Directors have become more keenly aware of the services provided by the staff attorneys and are very pleased about the services provided.

David Spitzer reported on the I-80 Corridor project and noted that WLS has been able to maintain and even increase the service in some areas of the project, particularly in Elko and Lyon Counties. In Elko County, WLS currently has one full time attorney for child advocacy and one part time attorney who works in the field of child advocacy. The part time attorney will start to work on senior issues and guardianship issues for children and seniors. In Lander County there is a part time attorney who is working on senior issues. In Lyon County, WLS has a full time attorney working on child advocacy and guardianship cases; WLS is very proud of the work done in Lyon County as the service spreads over a large geographical area. Funding is from county grants and some IOLTA money as well as filing fee dollars. In Washoe County, WLS continues to have a robust child advocacy department that serves a little more than 400 children a year, while the caseload is over 1,000 a year. In the last two months, WLS has been able to add an attorney who is an experienced bilingual professional who can serve several populations. Also, WLS has a vibrant Domestic Victim's Program, Consumer Division and a Senior Guardianship Division. Like Clark County, WLS was able to get the Aging and Disability Grant to support two attorneys to represent people who have been petitioned to become wards of the court. This project is ongoing. WLS hosts weekly clinics that are very well attended on subjects such as divorce and custody matters and preparation clinics

Volunteer Attorneys for Rural Nevadans (VARN) – Julie Mogensen provided the report for VARN. Ben Albers, the former Executive Director has left the organization to start his own law practice in Reno. Ms. Mogensen has been with the organization for two years where she served in grants management. She will continue that role, while focusing on administration and outreach for the organization as well. Victoria Mendoza has been promoted to the position of managing attorney and will maintain her pro bono duties as well. VARN hopes to hire a new attorney with an immigration focus by the beginning of next year. VARN had a very successful fundraising event in Carson City where the organization was able



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to raise more than \$3,000 and hopes to continue the fundraiser in years to come. Also, VARN hosted its annual Legal Aid Fair on October 10th in Carson City and two legal aid fairs in Winnemucca and has an upcoming fair in Douglas County. The organization will pull together a grant writing plan for 2016 and 2017 for potential projects including supporting self-help clinics in the rural areas and website updates.

IOLTA Rate Review

Connie Akridge and Kim Farmer provided the report for the Nevada Bar Foundation. Ms. Akridge reported that the Nevada Bar Foundation had \$2,437,854 in IOLTA dollars, \$260,313 from the sale of the former Justice League of Nevada building and \$116,400 in "rainy day" reserves from Justice League of Nevada. The Foundation voted to grant \$2,658,853 to the core legal aid providers and \$155,064 to non-core legal aid providers.

Discussion on the IOLTA rate review included ideas surrounding the acknowledgement of participating IOLTA Program financial institutions and perhaps introducing a bifurcated rate plan whereby interest rates would be increased for the larger participating financial institutions and reduced for the smaller financial institutions. A suggestion was made to reduce the rate to .65% and to maintain the rate throughout the year regardless of the federal rate change and to couple the rate reduction with an acknowledgement effort. Additionally, it was suggested that an aggressive plan to meet with the banks and to thank the banks publicly be instituted. Additionally, a three prong attack was suggested for working with the IOLTA financial institutions:

1. Increase the level of recognition;
2. Drill down into the Community Reinvestment Program
3. Formulate a business plan that includes the bank's participation, which could include a plan that differentiates between small and large banks

The formal motion was made to reduce the IOLTA Program interest rate to .65% and to employ the three prong plan moving forward. The motion was seconded and discussion on the matter ensued. A vote was conducted and the matter passed with one vote against and one abstention. Thereafter, a motion for reconsideration was made to remove the previous motion. The motion was seconded and discussion followed on the motion. Thereafter, a vote was conducted and the motion passed with no oppositions and no abstentions. A new motion was made to maintain the rate the IOLTA Program interest rate at .70%, understanding that the federal rate will increase, and to employ the three prong plan for working with the IOLTA financial institutions, also understanding that the IOLTA Program interest rate will be reconsidered in May. The motion was seconded. Thereafter a vote was conducted and the matter passed unanimously.

Discussion Items

Review of Asian American Advocacy Clinic Request to Become an ATJ Commission Recognized Legal Aid Organization. The Asian American Advocacy Clinic requested that the Access to Justice Commission recognize their organization as a legal aid provider within the state. After discussion on the matter, it was decided that the matter would be continued in order to gather more information about services provided by the organization and organizational procedures.

ABA Access to Justice Commission Capacity Building Project Invitation. The American Bar Association Resource Center for Access to Justice Initiatives launched a new program that is aimed at supporting the



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development and expansion of Access to Justice Commission around the country. The program will focus on three areas: Judicial Branch and Self-Help Services; Funding for Legal Aid and Communications and Messaging. Volunteers were requested of Access to Justice Commissions across the country to participate in one or all of the program areas. ATJ Commission member, Doreen Spears Hartwell volunteered to serve on the Funding for Legal Aid program area and Barbara Buckley will volunteer someone from Legal Aid Center of Southern Nevada to serve on the Judicial Branch and Self-Help Services program area.

Statewide Self Help Centers and Website Input and Feedback. Barbara Buckley shared that she had been in discussion with Judge Tod Young about ideas in which Legal Aid Center of Southern Nevada's website could be duplicated in the rural areas of the state in order to provide much needed services in those areas. Their discussion led to many questions regarding the best way and most efficient way to implement this project as well as a discussion as to what is already in place. Also, it was noted that the Technology Committee is currently working on a website that includes form templates that would cover many, if not all of the rural counties. This matter will be moved to the Rural Courts Subcommittee and will include the input of Justice Courts.

Reports

Attorney General Military Pro Bono Program. Nic Danna of the Attorney General's Office provided the report for the Attorney General Military Pro Bono Program. The Attorney General Pilot Program was launched in July and since, there have been 28 cases (mostly active duty cases) that have come through the program. The program has enlisted the commitment of 130 attorneys and there is a plan to launch into the rural areas of the state soon. Moreover, it was reported that the Attorney General recently offered a formal opinion that de-conflicts public attorneys engaging in pro bono work.

Appellate Law Section Update. Anne Traum provided the report for the Appellate Law Section. Ms. Traum noted that since the start of the program in 2013, 73 cases have been placed. The Court guarantees oral argument for the cases that come through the program, which is very appealing for pro bono attorneys. Additionally, published opinions as well as en banc opinions from this program are being seen, which will hopefully attract even more pro bono attorneys.

UNLV Boyd Law School PILA Report. Heather Caliguire, President of UNLV's PILA provided the report. Ms. Caliguire noted that the annual PILA auction is scheduled for Friday, March 4th and will honor Justice Kristina Pickering as the 2016 Silver Staircase Honoree and The Embracing Project as the Inaugural Silver Embrace Honoree. An invitation was extended to all to attend.

Speakers Bureau. Judge Frank Sullivan provided a written Speakers Bureau report:

- 1) Recently spoke at the Association of Legal Professionals conference on the urgent need for pro bono legal services. Also addressed legal professionals at a Bench Bar meeting on the need and benefits of performing pro bono services. The purpose for addressing the legal professionals (paralegals, legal secretaries, etc.) was that they do much of the legal work for their firms and, as such, they can have a favorable impact on their firms providing pro bone services since they will end up doing much of the work. As a result of such presentations, several firms committed agreed to performing pro bono services. Speaking to legal professional organizations will continue to be one avenue pursued by the Speakers Bureau.



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- 2) Met with members of the Family Law Section of the State Bar to discuss having judges partner with law firms that are actively performing pro bono services so that we can approach the law firms that are not actively engaged in pro bono services to “recruit” such firms to perform pro bono services. The idea behind this approach is to promote the ONE Program from the perspective of a colleague and the judiciary as to the need for pro bono services as well as the benefits from performing such services. The plan of action is to reach out to the various Sections of the State Bar to establish partnerships with the judiciary in the particular areas of the law to approach firms which are not actively engaged in pro bono services.
- 3) In the process of scheduling a Speakers Bureau teleconference (hopefully, for the week after Thanksgiving) with a Judge from each Judicial District in the State to address the process of establishing the “colleague and judicial” partnership to promote the ONE Program in each Judicial District.

A motion to adjourn was made and seconded and the meeting was adjourned at 3:55 pm.