



Nevada Supreme Court Access to Justice Commission

Meeting Agenda

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 220 B
Elko 4th Judicial District Court		

Conference Call: Conference Call Number: 877.594.8353 / Participant Code: 356-882-81

- I. Opening Statements from Co-Chairs & Commission Roll Call** **5 minutes**
- II. Consent Agenda** **5 minutes** **Tab 1**
 - Approval of June 10, 2016 ATC Commission Meeting Minutes
 - Approval of September 1, 2016 ONE Campaign Subcommittee Minutes
- III. IOLTA Rate Review** **15 minutes** **Tab 2**
 - IOLTA Program/Nevada Bar Foundation
 - **Connie Akridge and Kim Farmer**
 - Economic Condition Updates/Financial Institution Feedback
- IV. Discussion Items** **Tab 3**
 - Civil Legal Needs Assessment Presentation and Discussion **45 minutes**
 - **Ken Smith, Ph.D., President, The Resource for Great Programs, Inc.**
 - ATJ Commission Resolution in Support of Southern Nevada Senior Law Program **5 minutes**
 - **Justice Hardesty and Sugar Vogel**
 - Correction and Approval of Statewide Legal Service Delivery Plan **30 minutes**
 - **Justice Hardesty and Justice Douglas**
 - ATJ Commission Membership Vacancies and Expansion **15 minutes**
 - **Justice Douglas**
 - Dues Check Off Program Concentration/ Campaign **15 minutes**
 - **James Conway, Justice Douglas, Justice Hardesty**
 - Statewide Self Help Website & Existing Self-Help Website(s) **15 minutes**
 - **Judge Tod Young, Barbara Buckley, AnnaMarie Johnson**
- V. Other Business**
- VI. Informational Items** **Tab 4**
 - **ADKT 0520** – Petition to Adopt Addition to Rules of Professional Conduct Regarding Judicial Law Clerks Licensed to Practice Law Performing Pro Bono Service – “Melanie’s Rule”
 - **Statewide Legal Service Delivery**
 - Legal Aid Center of Southern Nevada
 - Nevada Legal Services



Nevada Supreme Court Access to Justice Commission

Meeting Agenda

- Southern Nevada Senior Law Program
- VARN
- Washoe Legal Services & I-80 Corridor Project
- **Program Reports**
 - Appellate Pro Bono Program
 - PILA
- **Pro Bono Tracking**
- **Self-Help Statistics**



Nevada Supreme Court Access to Justice Commission



Minutes

Friday, June 10, 2016 11:00 am – 12:04 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 James Hardesty
Justice Michael Douglas
Julie Mogensen
John Desmond
Judge Patrick Flanagan
James Conway
AnnaMarie Johnson
Ira David Sternberg
Judge Frank Sullivan
Anne Traum
Sugar Vogel
Connie Akridge
Judge Elizabeth Gonzalez
Judge James Wilson
Doreen Spears Hartwell

Attending Guests

Andy Mierins
Terry Bratton
Sally Ramm
Summer Youngquist
Shelly Newton

Staff Members Present

Angela Washington
Jamie Gradick

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 11:00 am by Justice Douglas and a roll call was conducted thereafter.

Consent Agenda

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

Approval of March 11, 2016 ATJ Commission Minutes
Approval of May 24, 2016 IOLTA Rate Review Meeting Minutes

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



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Minutes

Discussion Items

Clark County Filing Fee Discussion and Access to Justice Commission Resolution In Support of Southern Nevada Senior Law Program. Sugar Vogel provided background information on the history of legislatively mandated fees that support legal aid and specifically Southern Nevada Senior Law Program's receipt of funds generated by NRS 19.031. Additionally, she noted that over the course of the last six months questions from a Clark County government official have surfaced regarding the Senior Law Program's receipt of these funds. After strategic discussions with Justice Douglas, Justice Hardesty, the Access to Justice Commission legal service providers as well as other governmental officials, the Senior Law Program determined that the next course of action would be to obtain a resolution from the Access to Justice Commission that supports the Senior Law Program continuing to receive funds generated from NRS 19.031. Justice Douglas added to the background discussion that legal services programs were never county programs, but were instead free standing programs that do not fall under the umbrella of the county. Justice Hardesty referenced previous meetings in which it was discussed that an Attorney General's opinion as well as a District Attorney's opinion exist which supports the current expenditure of funds. He further made the motion that the Access to Justice Commission adopt the resolution to be provided to the county to address the concerns regarding the funds at issue subject to the pertinent language from the Attorney General's and District Attorney's opinion being included in the resolution. The motion was seconded and the vote was taken. The matter passed unanimously.

Update on Providers Summit and Statewide Service Delivery Plan. Justice Hardesty provided the update on the recent Providers Summit and the Statewide Service Delivery Plan that has been established as a result of several discussions that occurred at Summits taking place since 2014. Participation at the Summits included the executive directors and board presidents of: Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, VARN and Washoe Legal Services. Among the several items that were discussed at the Summits was legal service delivery in the state, and as a result, the plan was developed. An outline detailing the topics to be discussed in the plan was provided to the Commission for review and input. Once the plan is completed, it will need to be reviewed and updated at least annually to meet current service delivery needs. Additionally, it is the intent of the Commission to publish the plan and invite public comment for the next meeting in November in order for ratification.

Consideration of New Pro Bono Survey. Justice Douglas led the discussion on the need for a new legal needs assessment. The last assessment was conducted in 2007 and published in 2008. Many things have changed since then, including the state having gone through foreclosure mediation and the employment crisis and new data is needed to support the current need in Nevada. Additionally, it is very important to have current data available when the State Legislature, the county and city officials are contacted for funding support. AnnaMarie Johnson added that Nevada Legal Services whole heartedly supports a new legal needs assessment considering that such assessments are regularly requested through grant applications. Regarding the cost of the last assessment, it was believed that the Supreme Court, the Foundation, the State Bar of Nevada and each legal aid organization contributed to the cost of the assessment; however there was no definite amount recalled for the cost of the last assessment. The Commission will look into organizations that conduct such assessments; James Conway of Washoe Legal Services will provide recent information on organizations that provide such services as well.

Equal Justice Conference. Justice Douglas led the discussion regarding the 2016 Equal Justice Conference held in Chicago, Illinois in May. He noted that there has been a major shift with the ABA and its view of access to justice initiatives within the last three years as evidenced by the topics that were discussed at the Access to Justice Chairs meeting during the conference. Specifically, there were many discussions that



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centered on fundamental rights in the civil context. For example the National Civil Gideon focus addresses the issue of unrepresented litigants of modest and medium needs; one of the ways that this focus is accomplished is through the sharpening of technology and messaging, including legal assistance portals, online legal assistance and call-in telephone services. The portal concept is designed so that there is one portal in a community and people in the community call in to that portal in order to receive direction on the issue that they are facing in one central area as opposed to calling or visiting several areas to meet the need. Also, the self-help center concept was addressed at the chairs meeting, which is very good for people of modest means with completing forms and dealing with simple issues, but may be a challenge ultimately once the individual makes it to the courtroom. The self-help center concept prepares the individual with documents; however he or she may be at a disadvantage when it comes to meeting the judge, which brings the discussion back to the need of an attorney to help with explaining to the individual how the process works. Capacity building, in the areas of communication and messaging were discussed as well. It is important that the message of what commissions is shared with the community so that people in need are aware of the resources available to them. Also, the messaging is important as it relates to how state, county, and city governments are addressed. Specifically, when addressing governments, messaging explains what commissions and legal providers do and how they benefit the governments' constituents. Additionally, funding appears to be available for commissions and legal aid providers with some money already coming to the states. Special populations, including veterans, Native Americans and in Nevada's case, children continue to be a topic for the messaging discussion and was so at the chairs meeting as well. Lastly, Access to Justice Commission structure was a topic for discussion at the chairs meeting. Membership inclusivity is very important in order to be more beneficial to the people who are served. Representatives from the elected communities and individuals from the business and nonprofit communities are needed as well. Lastly, Justice Douglas noted that the issue of making courts more accessible was a discussion topic at the Chairs meeting. Accessibility included removing all barriers, including ensuring that litigants understood court procedure so that courts could be viewed as a useful place for all.

Angela Washington provided feedback on the Equal Justice Conference as well. Among her takeaways from the preconference staff meeting were discussions on: 1) national online legal interactive program; 2) opt-out and mandatory add-on fees and 3) pro bono surveys and the need to assess how the legal community views pro bono. Additionally, regular session discussions included successful strategies for engaging law firms and lawyers in private practice for pro bono, giving and other support and included the following tips: work in a "sales" capacity, establish familiarity, recognize the individuality of law firms, remember that the time of year that donation requests are made is important, maintain a presence in the Bar and general community, develop unique events to draw support and seek support, aside from money and volunteers, from law firms. Additionally, sessions were provided on the utilization of civil legal needs data to drive delivery innovation, sponsored by the Washington State Access to Justice Commission and the Bank of America Settlement.

Judge Sullivan noted that he and his colleagues at Clark County Family Court have put the concept of making court accessible for all into practice by looping a video of what litigants can expect in court and of the process while they are waiting for their cases to be called.

Official Recognition from the Access to Justice Commission of Melanie Kushnir's Service on the Access to Justice Commission

The Commission was asked for suggestions on how to honor Melanie Kushnir's service and legacy to the Commission and to the community. Judge Sullivan noted that if a proclamation is prepared, each member of the Commission needs to sign it and the language of the proclamation has to be personal. Justice Hardesty suggested that the Commission request the Nevada Bar Foundation to organize and host an annual fundraiser in Melanie Kushnir's name to raise funds for pro bono services. Such a fundraiser would serve as a tremendous tribute for her work in expansion of legal aid services. Doreen Hartwell agreed with Justice



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Minutes

Hardesty's suggestion and added that this fundraiser could take place during National Pro Bono Week. Justice Douglas noted that the Commission would need to have a discussion with Legal Aid Center of Southern Nevada as the organization has already created a charitable website program in her name; the Commission would need to coordinate. Also, Justice Douglas suggested perhaps extending the Access to Justice Award started at the Ely Family Conference this year, which included access to justice awardees from the northern, southern, eastern and western areas of the state. These awards could be housed in the Supreme Court buildings in Carson City and Las Vegas. Anne Traum noted that whatever is done, the recognition needs to acknowledge how Melanie Kushnir connected people and how she brought people and programs together. Lastly, Ira Sternberg noted that perhaps the Commission could consider acknowledging people regularly throughout the year. This matter will be included on the November agenda for discussion.

Written Reports

Organizations that provided written reports were provided the opportunity to offer any supplemental information to Commission:

Nevada Legal Services (NLS) – Nothing to add.

Southern Nevada Senior Law Program (SNSLP) – Executive Director, Sugar Vogel expressed gratitude for the support from the Commission on the filing fee matter.

Washoe Legal Services (WLS) – Nothing to add.

Legal Aid Center of Southern Nevada (LACSN) – Terry Bratton reported that the LACSN's Guardianship Program has started and one full time attorney has been dedicated to the program. More staff will be added and the scope of the program will be increased once additional funding is secured. One of LACSN's consumer attorneys has been promoted to development director and another attorney has been hired to take her place in the Consumer Department. Additionally, LACSN has received accreditation from BIA with respect to its immigration work, specifically for LACSN's VISA and VAWA work.

VARN – Executive Director, Julie Mogensen had nothing significant to report.

Program Reports

Statewide Self Help Centers / Website – Justice Douglas noted that the first phase of divorce forms had been completed and that he is meeting with the committee and rural judges in the coming weeks to discuss the direction of the forms.

Nevada Bar Foundation/IOLTA Program Report – Nevada Bar Foundation President Connie Akridge noted that she was looking very forward to seeing the Commission members at the State Bar of Nevada office on July 12, 2016 and that the Statewide Plan outline would be included on the July agenda.

Public Comment

There was no public comment.

It was moved and seconded that the meeting be adjourned. A vote was conducted and the matter passed unanimously. The meeting was adjourned at 12:04 pm.



Access to Justice Commission

ONE Promise Nevada Subcommittee Meeting

Draft Minutes



Thursday, September 1, 2016, 2:00 PM

Present

Justice Michael Douglas
Barbara Buckley
Sara Feest
AnnaMarie Johnson
James Conway
Sugar Vogel
Julie Mogensen

Staff Present

Angela Washington

The ONE Promise Nevada Subcommittee meeting was called to order at 2:05 pm and a roll call was conducted thereafter.

The meeting began with a review of the legal services organizations' 2016 statistics to date and a review of the State Bar of Nevada's pro bono reporting. Based upon the report from the State Bar, 41% of the members reported that they provided pro bono service in 2015. This report represents an 8% increase in members who reported providing pro bono service in 2014. Also, the subcommittee reviewed pro bono donations resulting from the State Bar of Nevada's 2016 membership renewals. As of the date of the meeting, \$144,228.42 in pro bono donations from the 2016 State Bar of Nevada membership renewals had been distributed to the legal aid organizations.

The subcommittee reviewed its meeting with the Nevada Bar Foundation that took place on July 12, 2016. As a means of follow up and further discussion on the legal aid organizations' role in Nevada, Justice Douglas is scheduled to address the Nevada Bar Foundation at its November 16th meeting. Additionally, the group discussed the request of their financial projections and how those projections would be provided to the Nevada Bar Foundation. In addition to providing the projections, the group discussed inviting members of the Nevada Bar Foundation to their legal aid organizations so that the Foundation could gain a better understanding of what the organizations do.

Further, the subcommittee discussed the Nevada Bar Foundation's Colleague Program and whether the dollars of the Program would be rolled into an endowment program. Justice Douglas noted that he would follow up on this particular suggestion. Also, the group discussed their applications for the Bank of America grant that will be opened in the coming weeks.

Following the review of the Nevada Bar Foundation meeting, the subcommittee discussed a pro bono survey sponsored by the American Bar Association (ABA). After review of the proposed survey and process the subcommittee decided to not take part in the ABA's survey, but to instead devise its own pro bono survey. Thereafter, the subcommittee discussed a possible dues check off campaign as there are growing concerns that the contribution amounts have diminished over the last few years. Several ideas for the campaign were discussed, including a mandatory contribution push instead of a campaign

or a voluntary contribution “pop-up” with the electronic and paper renewal forms. This matter will be added to the Access to Justice Commission meeting agenda, scheduled for November 4th, for further discussion.

Lastly, the subcommittee discussed the Ambassador lunches and reviewed other business, including the Pro Bono Celebration 2016 CLEs and the Pro Bono Celebration schedule.

The meeting was adjourned at 3:18 pm.



Nevada Supreme Court ACCESS TO JUSTICE COMMISSION

To: Access to Justice Commission
From: Angela Washington, Access to Justice Director
Date: October 31, 2016
Re: IOLTA Rate Review

I. IOLTA Interest Rate Review Process

- **45 days in advance of review date:** E-reminder to banks soliciting written comments within **ten** days for submission to ATJC.
- **30 days in advance of review:** Bank comments compiled and forwarded to designated ATJC staff who shall be responsible to review and forward to the ATJ Commission.
- **At least 10 days in advance:** Relevant economic condition updates such as a sampling of comparable rates on local bank products and IOLTA offering elsewhere is compiled. Such information shall be considered work product and disseminated only to the Commission.
- **Within 5 days post meeting.** Notice of rate is provided to banks with effective date (which shall be no sooner than 30 days from notice).

II. Comments

One financial institution submitted a comment to the Nevada Bar Foundation regarding the fixed interest rate:

- a. **Nevada State Bank (446 accounts)***, Randy Boesch, Executive Vice President provided the following comment: *"Please be advised that Nevada State Bank will remain as a participant in the IOLTA program. It is our recommendation that the interest rate that financial institutions pay for IOLTA deposit accounts remain unchanged at .70%. Thank you for the opportunity to participate and to comment this year."*

** Nevada State Bank has offered feedback for past rate reviews.*

Note: US Bank opted to discontinue opening new IOLTAs as of January, 2014.

III. Economic Condition Updates

- A. *Federal Interest Rates*
 1. 30 Day LIBOR: **0.54**
 2. 90 Day LIBOR: **0.89**
 3. Federal Fund Target Rate: **.50**
 4. Federal Discount Rate: **1.00**



Nevada Supreme Court ACCESS TO JUSTICE COMMISSION

B. Sampling of Comparable Rates on Local Bank Products

Local financial institution bank products were researched and the results showed that the average interest rate is between .01% and .15% depending on the average daily account balance.

C. IOLTA Offerings Elsewhere

A sampling of IOLTA Programs was compiled and showed the average IOLTA Interest Rate to be between the low end of .0699% (Kansas) and .103% (Maine) and the high end of .81% (Maine) and .92% (New Hampshire).

D. Interest Rates and the IOLTA Remittance Impact¹

Average Amount on Deposit	.70	.65	.60	.55	.50
\$408,414,178² <i>(May 2016)</i>	\$242,811	\$225,467	\$208,123	\$190,780	\$173,436
\$358,350,050³ <i>(July 2016)</i>	\$213,046	\$197,829	\$182,611	\$167,394	\$152,176
\$383,382,114⁴ <i>(Average of highest and lowest months.)</i>	\$227,929	\$211,648	\$195,367	\$179,087	\$162,806

Average Amount on Deposit & Projected Annual Remittance	.70	.65	.60	.55	.50
\$383,382,114⁴ <i>(Average amount on deposit of highest and lowest months.)</i>	\$227,929 <i>(Monthly)</i>	\$211,648 <i>(Monthly)</i>	\$195,367 <i>(Monthly)</i>	\$179,087 <i>(Monthly)</i>	\$162,806 <i>(Monthly)</i>
	\$2,735,148 <i>(Annual)</i>	\$2,539,776 <i>(Annual)</i>	\$2,344,404 <i>(Annual)</i>	\$2,149,044 <i>(Annual)</i>	\$1,953,672 <i>(Annual)</i>

¹IOLTA remittance is calculated using the following formula: (average amount on deposit)*(interest rate)*(number of days in month)/365

² Highest monthly average amount on deposit since March 2016.

³ Lowest monthly average amount on deposit since March 2016.

⁴ Average of the highest and lowest average amount on deposit since March 2016.

Banking Survey: IOLTA Interest Rates and Yields, All Financial Institutions, as of March 1, 2015

Number of Programs Reporting: 36

STATE	Average Rate	Lowest Rate	Highest Rate	Institution with Highest Rate	Average Yield	Lowest Yield	Highest Yield	Institution with Highest Yield
Alabama (ACJF)	0.15%	0.009%	0.55%	Town & Country	0.12%	0.009%	0.55%	Town & Country
Alabama (ALF)								
Alaska								
Arizona								
Arkansas	0.103%	0.01%	0.81%	Community First Bank	0.101%	0.01%	0.81%	Community First Bank
California	0.17%	0.01%	1.36%	First National of So. Cal	0.16%	0.1%	1.36%	First National of So Cal
Colorado	0.23%	0.01%	1%	ANB	0.23%	0%	1%	ANB
Connecticut	0.28%	0.01%	1%	9 Banks paying Leadership Rate	0.23%	0.23%	1.07%	Torrington Savings
Delaware	0.33%	0.03%	1%	Fulton & Midcoast	0.33%	0.03%	1%	Fulton & Midcoast
District of Columbia	0.25%	0.05%	1%	Multiple	0.25%	0.05%	1%	Multiple
Florida	0.16%	0.01%	0.6%	Bank of Florida	0.12%	0%	0.58%	Bank of Florida
Georgia								
Hawaii	0.17%	0.05%	0.2%	Pacific Rim Bank	0.17%	0.05%	0.2%	Pacific Rim Bank
Idaho	0.18%	0.02%	0.79%	Bank of the Cascades	0.14%	0.02%	0.79%	Bank of the Cascades
Illinois		0.001%	3.625%	Schuler State Bank	0.126%	0%	1%	Private Bank
Indiana	0.2273%		6%	irst Federal Savings Bank	0.2162%	0%	6%	
Iowa								
Kansas	0.0699%	0.001%	0.8%		0.0692%	0.001%	0.8%	
Kentucky								
Louisiana								
Maine	0.81%	0.05%	3%	Bar Harbor Bank & Trust				
Maryland	0.29%	0.01%	1%	Honor Roll Banks	0.27%	0%	1%	Honor Roll Banks
Massachusetts	0.45%	0.01%	1.1%	Randolph Savings Bank	0.38%	0.01%	1.1%	Randolph Savings Bank
Michigan	0.161%	0.01%	1.02%	The Private Bank	0.159%	0.01%	1.02%	The Private Bank
Minnesota								
Mississippi	0.1428%	0.015%	0.6%	Community Trust Bank	0.1378%	0.015%	0.6%	Community Trust Bank
Missouri								
Montana	0.34%	0.01%	1%	Yellowstone Bank	0.21%	0.01%	0.96%	Yellowstone Bank
Nebraska								
Nevada	0.7%	0.65%	0.73%	U.S. Bank	0.7%	0.65%	0.73%	Bank of Nevada/First Independent Bank
New Hampshire	92%	0.01%	2%	9 Banks				
New Jersey	0.5%	0.05%	1%	Kearny Bank	0.48%	0.05%	1%	Kearny Bank
New Mexico								
New York	0.22%	0.01%	1%	Access, Asia Bank, Bank NY, Hudson City	0.21%	0.01%	1%	Access FCU
North Carolina	0.257%	0.0025%	1.09%	Great State Bank	0.238%	0.00155%	0.99%	Premier Fed Credit Union

Banking Survey: IOLTA Interest Rates and Yields, All Financial Institutions, as of March 1, 2015

Number of Programs Reporting: 36

STATE	Average Rate	Lowest Rate	Highest Rate	Institution with Highest Rate	Average Yield	Lowest Yield	Highest Yield	Institution with Highest Yield
North Dakota								
Ohio								
Oklahoma	0.12795	0.00999%	0.375%	Bank of Oklahoma	0.125%	0.00999%	0.375%	Bank of Oklahoma
Oregon	0.5%	0.01%	1.08%	Washington Trust Bank	0.5%	0.5%	0.5%	Washington Trust Bank
Pennsylvania	0.27%	0.01%	1%	Fulton Bank	0.26%	0.01%	1%	Fulton Bank
Rhode Island	0.12%	0.04%	1%	Santander				
South Carolina	0.26%	0.0005%	0.75%	FNB of SC, South Coast Community Bank	0.24%	0%	0.75%	South Coast Community Bank
South Dakota								
Tennessee	0.22%	0.01%	1.49%	Community Bank	0.18%	0%	1.49%	Community Bank
Texas	0.61%	0.01%	1%	Prime Partner Banks	0.61%	0.01%	1%	Prime Partner Banks
Utah								
Vermont	0.8%	0.03%	2%	VSECU				
Virgin Islands								
Virginia	0.16%	0.01%	1%	HSBC Bank	0.15%	0.1%	1%	MainStreet Bank
Washington								
West Virginia	0.4%	0.005%	0.9565%	FNB Bank	0.4%	0.005%	0.9565%	FNB Bank
Wisconsin	0.0894%	-0.00999%	2.38782	Security Financial Bank	0.0827%	0%	.98477%	Bank of Wisconsin Dells
Wyoming	0.29%	0.01%	1.5%	1st Bank	830.33%	0.53%	2919.06%	First Interstate Bank

Memorandum

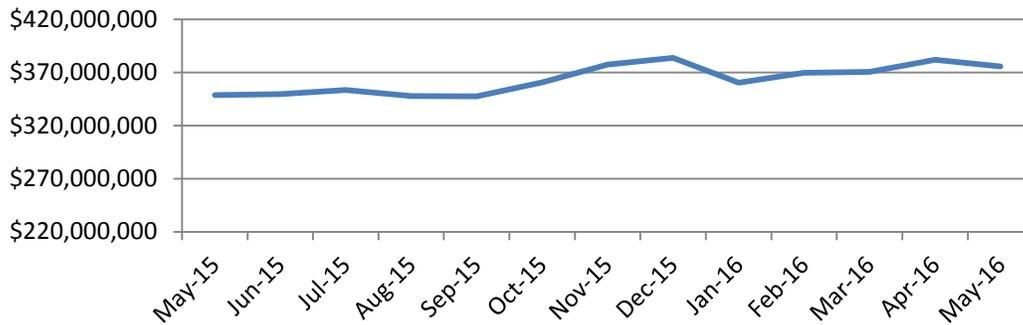
To: Access to Justice Commission and State Bar of Nevada
From: Nevada Bar Foundation
Date: 11 Jul 2016

Re: Monthly IOLTA Update

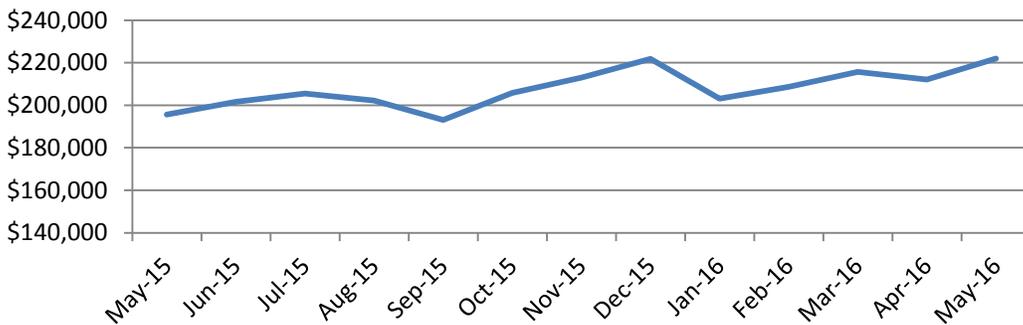
I. May 2016 IOLTA at-a-glance

	2016	2015
Total IOLTAs	3,037	2,972
Amount on deposit	\$375,589,794	\$348,693,782
Total reported interest accrued	\$221,967	\$195,634
Year-to-date remittance	\$1,061,585	\$958,606

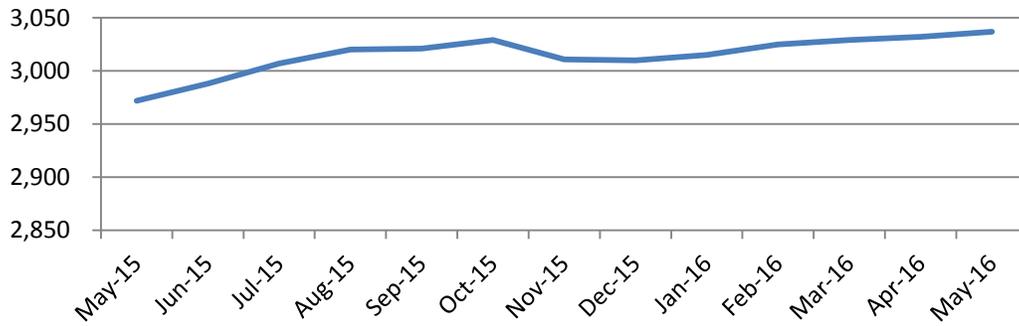
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance
Bank of America	564	0.70%	\$ 56,663,224.48	\$ 33,684.52
Bank of George	29	0.70%	\$ 6,114,676.75	\$ 3,636.77
Bank of Nevada/First Independent	386	0.70%	\$ 93,259,768.36	\$ 57,121.89
Bank of the West	45	0.67%	\$ 6,901,353.76	\$ 3,899.10
Chase Bank	112	0.60%	\$ 9,885,670.00	\$ 5,164.97
Citibank	66	0.70%	\$ 4,271,179.24	\$ 2,516.87
City National Bank	94	0.70%	\$ 31,617,091.00	\$ 19,404.63
Heritage Bank	45	0.70%	\$ 5,990,571.85	\$ 3,676.39
Meadows Bank	27	0.70%	\$7,204,978.37	\$4,115.61
Nevada State Bank	450	0.70%	\$ 53,883,075.32	\$ 32,098.80
U.S. Bank	263	0.75%	\$ 18,009,978.60	\$ 11,440.20
Wells Fargo	853	0.70%	\$ 72,600,218.91	\$ 38,029.30
TOTAL	2,934		\$ 366,401,786.64	\$ 214,789.05

B. Financial institutions with fewer than 25 IOLTAs[#]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance	Remittance
American First National Bank	1	0.70%		
First Foundation Bank	1	0.70%		
First Savings Bank	3	0.75%		
First Security Bank of Nevada	12	0.70%		
Mutual of Omaha Bank	16	0.70%		
Nevada Bank & Trust	8	1.25%		
Northern Trust Bank, FSB	4	0.69%		
Plaza Bank	9	0.70%		
Plumas Bank	2	0.70%		
Royal Business Bank	2	0.75%		
Silver State Schools Credit Union	7	0.70%		
Town and Country Bank	5	0.70%		
Umpqua Bank	11	0.70%		
Valley Bank of Nevada	11	0.70%		
Washington Federal Bank	11	0.70%		
East West Bank*	0	0.00%		
TOTAL	103		\$9,188,007.24	\$7,178.22

*East West Bank does not currently hold any active IOLTA accounts

[#]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

Memorandum

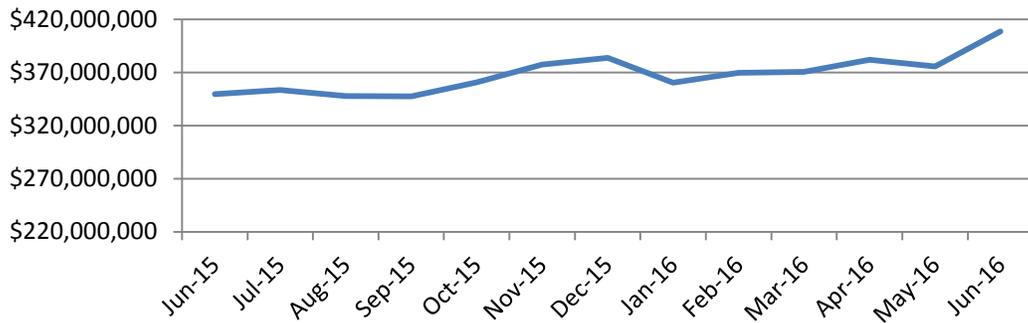
To: Access to Justice Commission and State Bar of Nevada
 From: Nevada Bar Foundation
 Date: 18 August 2016

Re: Monthly IOLTA Update

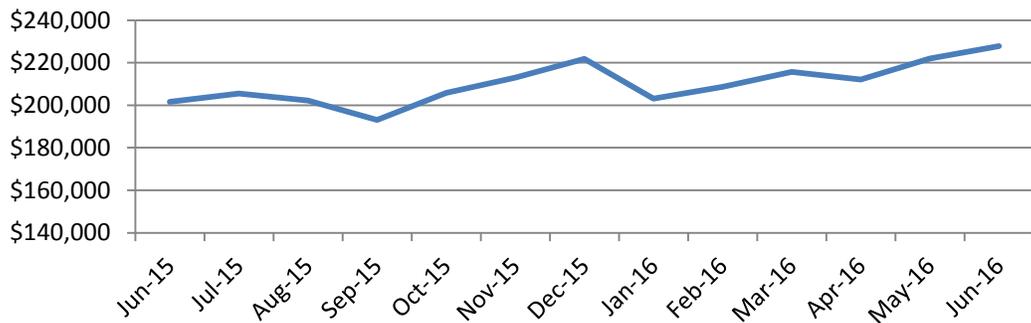
I. June 2016 IOLTA at-a-glance

	2016	2015
Total IOLTAs	3,037	2,988
Amount on deposit	\$408,414,178	\$349,488,116
Total reported interest accrued	\$227,813	\$201,640
Year-to-date remittance	\$1,289,398	\$1,160,247

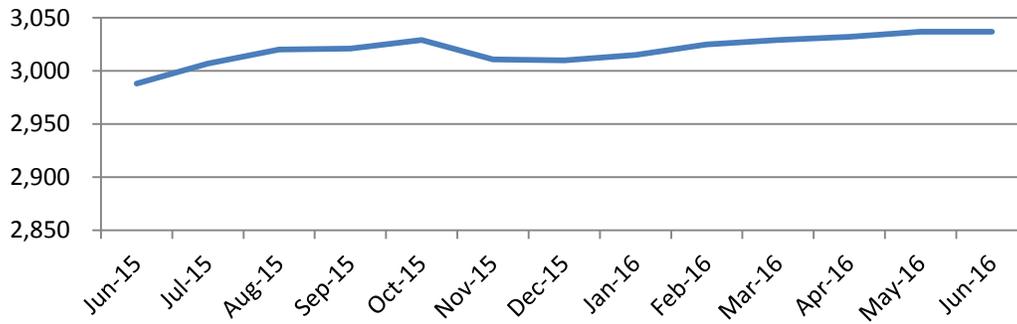
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance
Bank of America	568	0.70%	\$ 58,246,967.86	\$ 33,509.37
Bank of George	29	0.70%	\$ 7,086,320.13	\$ 4,078.22
Bank of Nevada/First Independent	387	0.70%	\$ 122,940,859.12	\$ 69,212.96
Bank of the West	46	0.70%	\$ 6,945,169.04	\$ 3,864.62
Chase Bank	112	0.58%	\$ 9,635,782.00	\$ 4,563.75
Citibank	66	0.70%	\$ 4,936,082.23	\$ 2,819.49
City National Bank	94	0.70%	\$ 31,508,244.00	\$ 18,123.66
Heritage Bank	45	0.70%	\$ 5,765,307.11	\$ 3,317.01
Meadows Bank	27	0.70%	\$4,942,928.38	\$2,836.86
Nevada State Bank	447	0.70%	\$ 52,182,340.57	\$ 29,289.29
U.S. Bank	263	0.75%	\$ 18,705,380.26	\$ 11,498.56
Wells Fargo	853	0.70%	\$ 74,330,615.97	\$ 37,828.50
TOTAL	2,937		\$ 397,225,996.67	\$ 220,942.29

B. Financial institutions with fewer than 25 IOLTAs[‡]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance	Remittance
American First National Bank	2	0.70%		
First Foundation Bank	1	0.70%		
First Savings Bank	1	0.75%		
First Security Bank of Nevada	10	0.70%		
Mutual of Omaha Bank	16	0.70%		
Nevada Bank & Trust	8	1.50%		
Northern Trust Bank, FSB	4	0.69%		
Plaza Bank	9	0.70%		
Plumas Bank	3	0.70%		
Royal Business Bank	2	0.75%		
Silver State Schools Credit Union	7	0.70%		
Town and Country Bank	5	0.70%		
Umpqua Bank	11	0.70%		
Valley Bank of Nevada	10	0.70%		
Washington Federal Bank	11	0.70%		
East West Bank*	0	0.00%		
TOTAL	100		\$11,188,180.95	\$6,870.37

*East West Bank does not currently hold any active IOLTA accounts

[‡]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

Memorandum

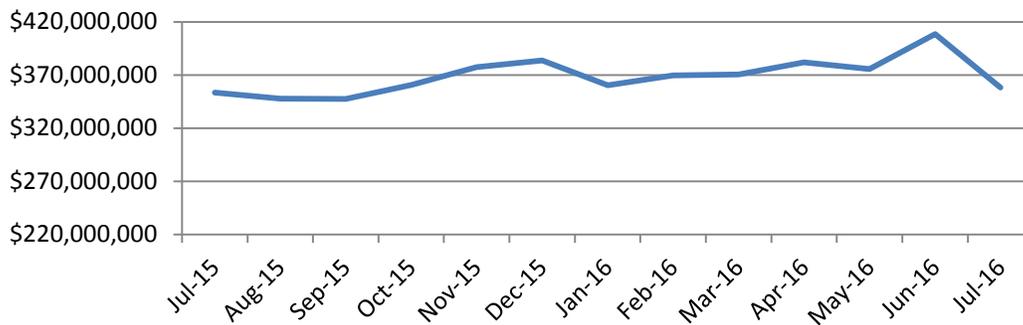
To: Access to Justice Commission and State Bar of Nevada
From: Nevada Bar Foundation
Date: 08 September 2016

Re: Monthly IOLTA Update

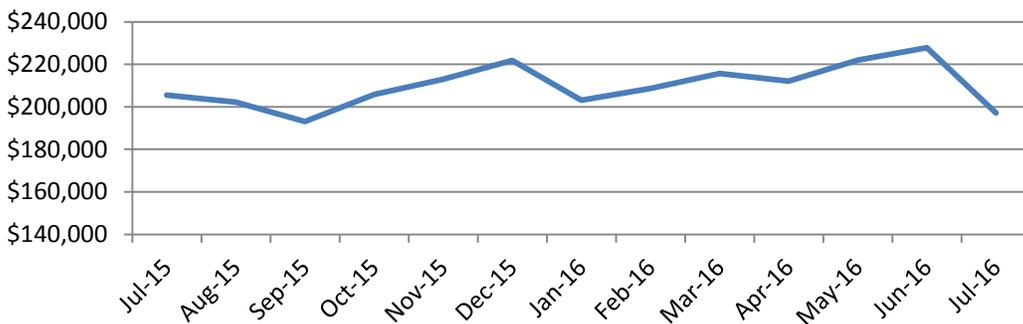
I. July 2016 IOLTA at-a-glance

	2016	2015
Total IOLTAs	3,042	3,007
Amount on deposit	\$358,350,050	\$353,438,129
Total reported interest accrued	\$197,192	\$205,459
Year-to-date remittance	\$1,486,590	\$1,365,706

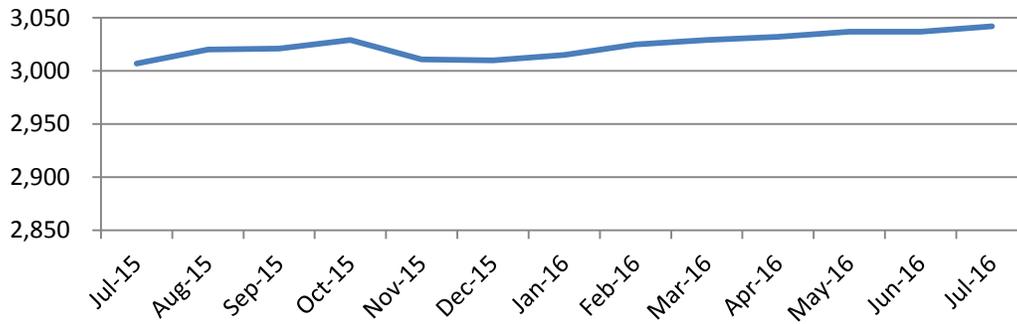
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance
Bank of America	568	0.70%	\$ 54,850,581.19	\$ 29,659.41
Bank of George	27	0.70%	\$ 6,210,391.02	\$ 3,693.67
Bank of Nevada/First Independent	382	0.70%	\$ 93,188,174.72	\$ 51,807.71
Bank of the West	45	0.69%	\$ 6,456,953.42	\$ 3,780.86
Chase Bank	115	0.58%	\$ 10,848,370.00	\$ 4,618.65
Citibank	66	0.70%	\$ 4,668,297.64	\$ 2,751.49
City National Bank	94	0.70%	\$ 29,287,545.00	\$ 16,288.69
Heritage Bank	46	0.70%	\$ 5,389,766.87	\$ 2,997.63
Meadows Bank	27	0.70%	\$ 4,212,935.80	\$ 2,497.62
Nevada State Bank	447	0.70%	\$ 44,301,290.31	\$ 23,781.07
U.S. Bank	262	0.75%	\$ 19,246,066.77	\$ 12,200.95
Wells Fargo	863	0.70%	\$ 68,138,337.65	\$ 36,087.03
TOTAL	2,942		\$ 346,798,710.39	\$ 190,164.78

B. Financial institutions with fewer than 25 IOLTAs[‡]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance
American First National Bank	2	0.70%	
First Foundation Bank	1	0.70%	
First Savings Bank	3	0.75%	
First Security Bank of Nevada	9	0.70%	
Mutual of Omaha Bank	15	0.70%	
Nevada Bank & Trust	8	1.50%	
Northern Trust Bank, FSB	4	0.69%	
Plaza Bank	9	0.70%	
Plumas Bank	3	0.70%	
Royal Business Bank	2	0.75%	
Silver State Schools Credit Union	7	0.70%	
Town and Country Bank	5	0.70%	
Umpqua Bank	11	0.70%	
Valley Bank of Nevada	10	0.70%	
Washington Federal Bank	11	0.70%	
East West Bank*	0	0.00%	
TOTAL	100		\$11,551,339.87

*East West Bank does not currently hold any active IOLTA accounts

[‡]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

Memorandum

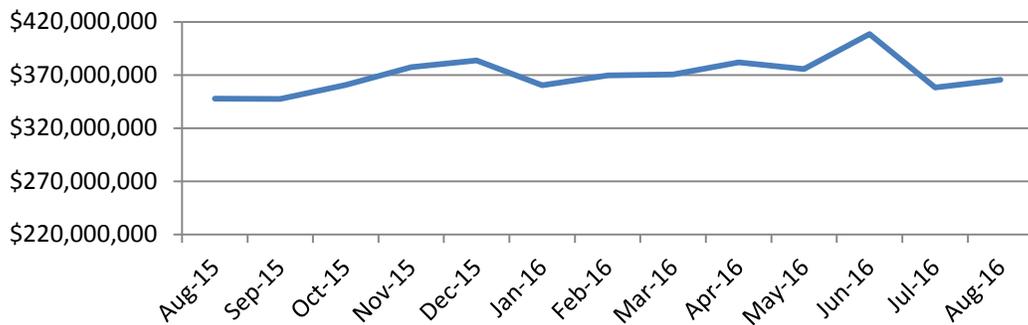
To: Access to Justice Commission and State Bar of Nevada
 From: Nevada Bar Foundation
 Date: 13 October 2016

Re: Monthly IOLTA Update

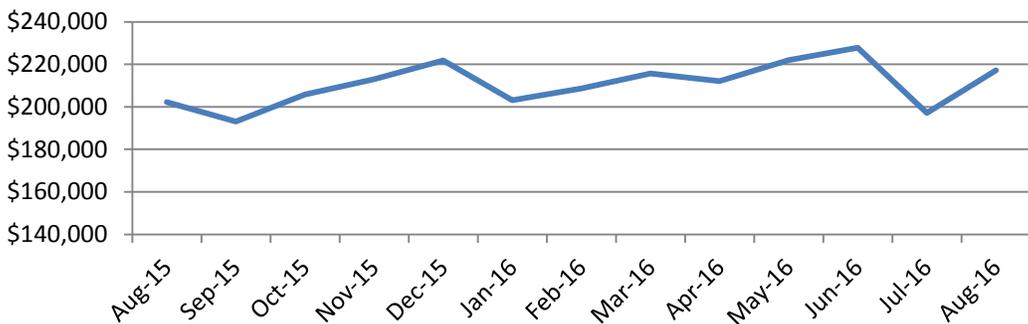
I. August 2016 IOLTA at-a-glance

	2016	2015
Total IOLTAs	3,048	3,020
Amount on deposit	\$365,409,385	\$347,644,735
Total reported interest accrued	\$217,259	\$202,235
Year-to-date remittance	\$1,703,849	\$1,567,941

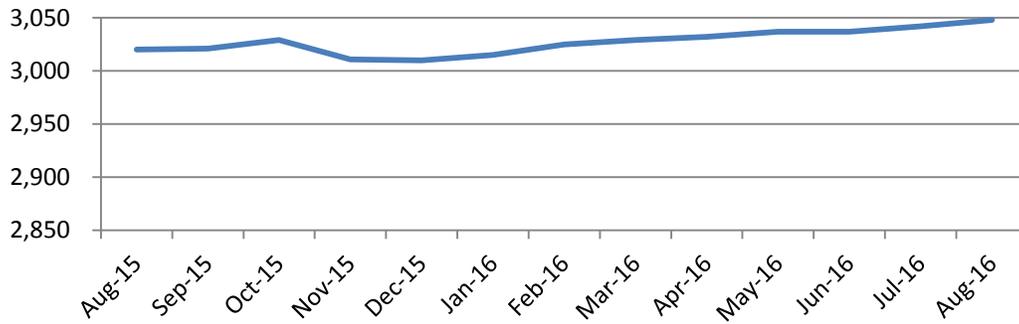
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance
Bank of America	570	0.70%	\$ 53,169,831.92	\$ 31,488.70
Bank of George	28	0.70%	\$ 6,914,438.44	\$ 4,111.93
Bank of Nevada/First Independent	380	0.70%	\$ 95,976,696.89	\$ 60,649.05
Bank of the West	44	0.67%	\$ 5,803,528.71	\$ 3,403.86
Chase Bank	118	0.46%	\$ 12,385,335.00	\$ 6,136.28
Citibank	65	0.70%	\$ 3,857,525.73	\$ 2,273.90
City National Bank	94	0.70%	\$ 32,382,974.00	\$ 20,494.44
Heritage Bank	49	0.70%	\$ 6,702,046.32	\$ 3,815.92
Meadows Bank	28	0.70%	\$6,612,374.31	\$3,854.17
Nevada State Bank	447	0.70%	\$ 46,804,482.98	\$ 28,485.42
U.S. Bank	262	0.75%	\$ 18,423,277.98	\$ 11,671.82
Wells Fargo	864	0.70%	\$ 65,840,387.08	\$ 34,702.81
TOTAL	2,949		\$ 354,872,899.36	\$ 211,088.30

B. Financial institutions with fewer than 25 IOLTAs[‡]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance	Remittance
American First National Bank	2	0.70%		
First Foundation Bank	1	0.70%		
First Savings Bank	3	0.75%		
First Security Bank of Nevada	9	0.70%		
Mutual of Omaha Bank	15	0.70%		
Nevada Bank & Trust	7	1.50%		
Northern Trust Bank, FSB	4	0.69%		
Plaza Bank	9	0.70%		
Plumas Bank	3	0.70%		
Royal Business Bank	2	0.75%		
Silver State Schools Credit Union	7	0.70%		
Town and Country Bank	5	0.70%		
Umpqua Bank	11	0.70%		
Valley Bank of Nevada	10	0.70%		
Washington Federal Bank	11	0.70%		
East West Bank*	0	0.00%		
TOTAL	99		\$10,536,485.61	\$6,171.09

*East West Bank does not currently hold any active IOLTA accounts

[‡]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

Memorandum

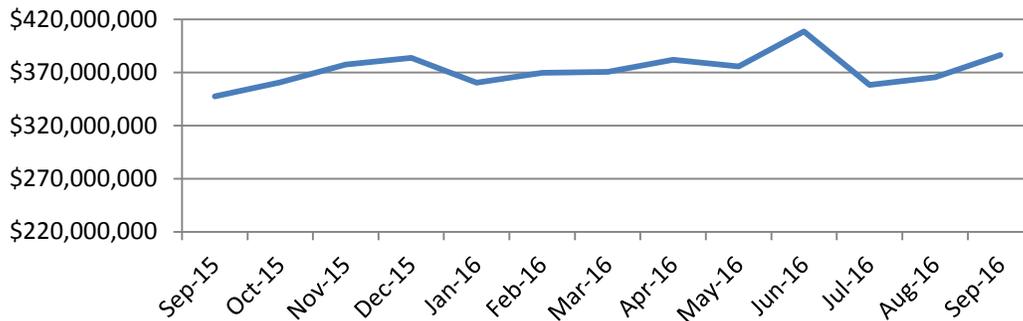
To: Access to Justice Commission and State Bar of Nevada
 From: Nevada Bar Foundation
 Date: 25 October 2016

Re: Monthly IOLTA Update

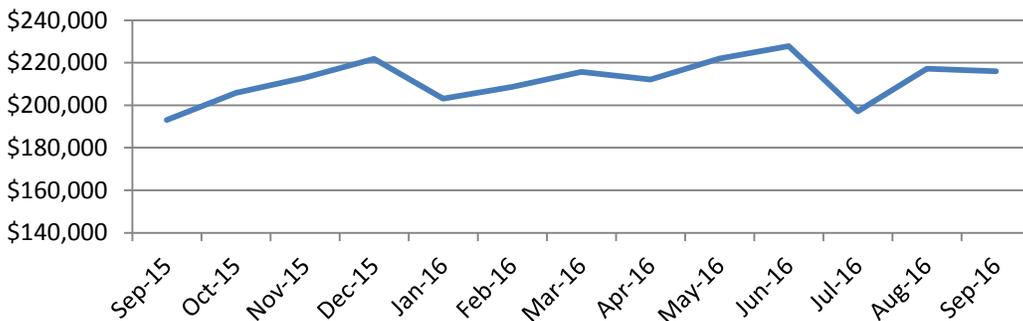
I. September 2016 IOLTA at-a-glance

	2016	2015
Total IOLTAs	3,033	3,021
Amount on deposit	\$386,491,486	\$347,318,455
Total reported interest accrued	\$215,960	\$193,116
Year-to-date remittance	\$1,919,809	\$1,761,057

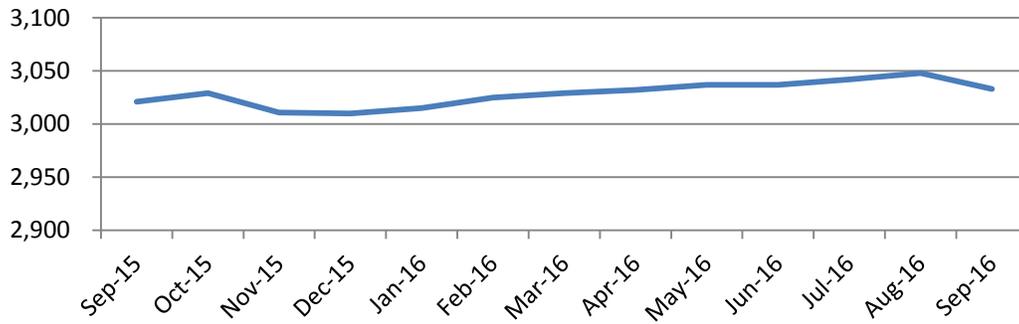
Amount On Deposit



IOLTA Revenue



IOLTA Accounts



II. Financial institutions meeting requirements set forth in Rule 217

A. Financial Institutions with *at least* 25 IOLTAs

Financial Institution	Accounts	Weighted Avg. Interest Rate	Total Bank Principal Balance	Remittance
Bank of America	567	0.70%	\$ 52,721,962.76	\$ 30,330.71
Bank of George	28	0.70%	\$ 6,908,422.94	\$ 3,975.80
Bank of Nevada/First Independent	378	0.70%	\$ 112,283,944.60	\$ 63,457.23
Bank of the West	43	0.58%	\$ 4,522,347.16	\$ 2,538.01
Chase Bank	119	0.46%	\$ 13,001,110.00	\$ 5,762.36
Citibank	63	0.70%	\$ 3,990,726.61	\$ 2,280.27
City National Bank	95	0.70%	\$ 29,215,848.00	\$ 16,759.18
Heritage Bank	47	0.70%	\$ 5,722,952.54	\$ 3,919.97
Meadows Bank	29	0.70%	\$7,632,032.43	\$4,645.80
Nevada State Bank	446	0.70%	\$ 52,266,524.28	\$ 28,941.02
U.S. Bank	258	0.75%	\$ 18,526,826.77	\$ 11,371.23
Wells Fargo	861	0.70%	\$ 69,617,980.86	\$ 35,633.04
TOTAL	2,934		\$ 376,410,678.95	\$ 209,614.62

B. Financial institutions with fewer than 25 IOLTAs[†]

Financial Institution	Accounts	Weighted Average Interest Rate	Total Bank Principal Balance	Remittance
American First National Bank	2	0.70%		
First Foundation Bank	1	0.70%		
First Savings Bank	3	0.75%		
First Security Bank of Nevada	9	0.70%		
Mutual of Omaha Bank	15	0.70%		
Nevada Bank & Trust	7	1.50%		
Northern Trust Bank, FSB	4	0.69%		
Plaza Bank	9	0.70%		
Plumas Bank	3	0.70%		
Royal Business Bank	2	0.75%		
Silver State Schools Credit Union	7	0.70%		
Town and Country Bank	5	0.70%		
Umpqua Bank	11	0.70%		
Valley Bank of Nevada	10	0.70%		
Washington Federal Bank	11	0.70%		
East West Bank*	0	0.00%		
TOTAL	99		\$10,080,806.78	\$6,344.96

*East West Bank does not currently hold any active IOLTA accounts

[†]IOLTA remittance or average amount on deposit is not reported for financial institutions with fewer than twenty-five IOLTAs to maintain attorney-client and financial institution-attorney confidentiality.

The Resource

For Great Programs, Inc.

Visit Us on the Web at www.GreatPrograms.org

Memorandum

Date: October 3, 2016
To: Angela Washington, Access to Justice Director, State Bar of Nevada
From: Ken Smith, President, The Resource for Great Programs, Inc.
Subject: Justice Gap and Economic Impact Studies of Legal Aid in Nevada

Angela, this memorandum provides further information to supplement my 2015 *Management Information Exchange Journal* article on legal needs assessment for civil justice programs. Below are some key points about the technical assistance our firm potentially could provide in support of an update in 2017 of the previous legal needs assessment that was conducted in 2008 for Nevada.

The next legal needs assessment can build on the foundation provided by the 2008 study.

- The 2008 study provides baseline data regarding such important issues as the incidence of general civil legal problems among low-income Nevadans, the distribution of the population in various parts of the state, and demographic characteristics of major segments of the population. By comparing and contrasting this information with current data, the 2017 study can flag trends and raise issues for discussion in future strategic planning efforts.
- It may be feasible to apply the 2008 survey data as inputs to legal needs models that will provide useable estimates of significant changes in the low-income population that have occurred in the intervening eight years, thereby saving \$25,000 to \$50,000 in data collection costs that a new survey would require.

The Resource would apply a “client-owned research” approach in updating the 2008 study.

- To the greatest extent feasible, we endeavor to involve our clients in hands-on data collection (“community listening”) efforts in a legal needs assessment. This approach can stretch the project budget and bring legal aid staff into direct engagement with stakeholders in conducting focus groups, town hall meetings, community partner meetings, and interviews with community leaders. These are activities that are expensive to staff with consultants, and the results can be more powerful when staff are directly engaged in leading these conversations rather than reading the information in consultant reports.
- In the planning process, we will work with the Nevada study team to find the sweet spot where the investment of staff time is optimally balanced with expert analysis by consultants to maximize the return on investment of dollars in the study.

The Resource for Great Programs, Inc. • 526 West 14th Street, Suite 164 • Traverse City, MI 49684
Phone :(231) 947-3280 • <http://www.GreatPrograms.org>
E-mail: Mail@GreatPrograms.org

Some of the cost savings produced by this approach could be reinvested to add an economic impact component to the study.

- As outlined in the *Management Information Exchange Journal* article, our recent experience indicates that a combination of legal needs data and economic impact data can provide a powerful case for expansion of funding for legal aid.
- We would recommend including a legal needs component in the Nevada legal needs study if funds will permit.

An important issue is how the study findings will be applied.

- We recommend planning for implementation as part of design process at the onset of the study.
- This planning would include bringing people into contact with the Nevada study team who have been successful in applying the results of legal needs assessments and legal needs studies to raise significant amounts of funding for legal aid in their states. We can identify individuals who can play this role.

Range of Costs for Technical Assistance Options by Time Investment Required of Client			
Assistance We Provide	Option 1 Least Cost Greatest Time	Option 2 Mid Cost Moderate Time	Option 3 Most Cost Least Time
A. We help you design the study.			
B. We design the instruments & methodology.	\$5K - \$10K	\$5K - \$10K	\$5K - \$10K
C. We coach your staff & volunteers to collect the data.	\$5K - \$10K	\$5K - \$10K	
D. We collect the data.			
• On-site facilitation of "community listening" activities			\$15K - \$25K
• Implementation of self-administered survey of the low-income population		\$5K - \$10K	
• Implementation of scientific telephone survey of the low-income population			\$25K - \$50K
E. We analyze the data.	\$10K - \$15K	\$10K - \$15K	\$15K - \$20K
F. We produce a Fact Sheet summarizing key findings for legislators & funders.	\$3K - \$5K	\$3K - \$5K	\$3K - \$5K
G. We produce a full report with findings, conclusions & recommendations.		\$10K - \$20K	\$10K - \$20K
H. We help you develop funding proposals that target the needs that were identified.		\$5K - \$10K	\$5K - \$10K
Total Cost Range	\$23K - \$40K	\$43K - \$80K	\$78K - \$140K

- The final phase of the study would consist of work sessions in which the Nevada study team leads discussions aimed at generating fundable proposals for applying study findings to address the legal needs that have been identified.
- We could facilitate these sessions or coach the study team on how to conduct the meetings.

Angela, I hope you will find this information to be helpful. Please feel free to contact me at any time if you have questions or need further information. I will be happy to provide a full proposal and budget addressing the specific elements you consider most appropriate.



Legal Needs Assessment: A Powerful Tool for Expanding Resources and Directing Legal Advocacy

By Ken Smith, President¹
The Resource for Great Programs

Introduction

Legal needs assessment is a powerful tool for expanding resources and directing strategic advocacy that is being successfully applied by civil justice groups



across America. By combining solid research with smart campaign strategies, civil justice advocates are generating tens of millions of additional dollars for meeting their clients' needs, and in the process informing and enrolling more and more partners in their efforts.

This article addresses four questions:

- WHAT is a legal needs study?
- WHY do you do it?
- HOW do you do it?
- What do you do with the RESULTS?

The article concludes with examples of a state-wide initiative (New York) and a local campaign (York County, Pennsylvania) that illustrate how a compelling, fact-based case, applied in a campaign that presents clear, concrete action proposals to the decision-makers who control resources, can produce extraordinary results. The examples suggest that an expansion of the “justice gap” story to include the “economic impact” story can help access-to-justice groups raise money and focus their advocacy on the most compelling needs of low-income communities.

1. What Is a Legal Needs Study?

Mid-1980s to 2000: State and national studies first document a vast “justice gap” between legal needs and the resources available to meet them. Legal needs assessments based on scientific surveys, public hearings, and structured interviews were used to produce a strong appeal for legislative appropriations aimed at reducing

the wide disparity between need and resources.

2000s to present: Increasing use of market research tools broaden the scope and sharpen the focus of legal needs assessments. Civil justice advocates at the local, regional, and statewide levels are expanding their efforts to seek support from the business community, health care organizations, human services agencies, and other stakeholders. The methods used for this work encourage civil legal services advocates to get out of the office and into direct conversations with potential partners and supporters. “Community listening” is a term used to capture the spirit of these efforts, aimed at simultaneously collecting data and engaging community partners in the effort to discover solutions to problems of the low-income community that are more holistic and creative than simply hiring more lawyers.²

2009 to present: Expansion of the case for support to include the “economic impact” story. Estimates of economic impact were added to legal needs data to tell a bigger story about why legislatures, courts, foundations, businesses, and individual donors should support legal aid.³ Civil justice advocates began making the case, supported by data, that in the process of addressing compelling legal needs, civil justice programs deliver economic benefits far in excess of the funding they receive.⁴

2. Why Do a Legal Needs Study?

Making a case for funding. Legal needs studies are widely used for documenting the numbers and types of legal problems that the low-income population experiences each year and the percentage of those needs that go unmet due to lack of resources. While the story that emerges is almost always the same – most studies find the unmet need to be around 80 percent – advocates continue to feel that data specific to their state, region, and/or target population is needed to make a persuasive case to decision-makers interested primarily in a

particular constituency.

Informing strategic advocacy efforts. The Legal Services Corporation, IOLTA, and other funders — and indeed, the American Bar Association *Standards for Providers of Civil Legal Services* — call for periodic assessment of legal needs to ensure that a program's resources are aligned with the most compelling needs of the target community. Many programs take steps beyond mere priority setting by engaging their staff and board members every few years in a variety of “community listening” activities aimed at informing both day-to-day representation and broad-scope strategic advocacy.

3. How Do You Do a Legal Needs Study?

Robert Spangenberg, author of many of the legal needs studies conducted in the 1980s and 1990s, describes the traditional approach as follows:

[The] methodology ... combines three primary elements: a telephone survey of low-income individuals within the jurisdiction under review; a mail questionnaire to all providers of free civil legal services in the area; and extensive on-site interviews with individuals familiar with the legal needs of low-income people, individuals who directly provide these services, and members of the three branches of government who are involved with legal services policy, funding and case adjudication.⁵

This approach has produced important results, and telephone surveys continue to be at the core of many large-scale (statewide) legal needs studies today. However, telephone surveys are both expensive and increasingly difficult to implement due to the impact of cell phones and the use of Caller ID by consumers to screen out calls from telemarketers, bill collectors, and pollsters.

These limitations of telephone surveys, coupled with a growing sophistication in the resource development capabilities of legal aid organizations, have resulted in expansion of legal needs assessment methods to include such market research tools as focus groups, web surveys, and informal, face-to-face interviews with individuals at laundromats, bus transfer stations, and other gathering places in the low-income community. An array of methods is being applied either to supplement or to entirely replace telephone surveys, especially at the local and regional levels where

the resources needed to fund a full-blown telephone survey often are lacking.

A detailed, how-to discussion of these methods is beyond the scope of this article, but the table on the next page summarizes some of the highlights of the principal methods now in use for legal needs assessment.

4. What Do You Do with the Results?

Applying the results of a legal needs assessment begins with clarity about the purposes of the study and building a strategy for application of the findings into the project design right from the onset.

If the purpose is to guide and direct legal advocacy, engaging program staff as members of the research team can yield rich dividends. A “community listening” approach gets legal aid staff out of the office and into action as interviewers, focus group facilitators, and meeting leaders. After having heard directly from stakeholders and being energized by these conversations, staff members are ready to contribute insights and ideas when the strategic conversations take place about realigning priorities and launching new strategic initiatives.

“Community listening” produces results that contrast sharply with the traditional approach of hiring consultants to conduct a study and deliver a report. All too often, consultant reports are met with indifference, or even resistance, from advocacy staff when the findings and recommendations are delivered. A community listening approach treats program advocates, client-eligible community members, and community partners as the experts, and uses outside consultants in a support role as trainers, coaches, and specialized data analysts. Direct engagement in the research enables program staff to develop a better understanding of community needs and to buy into the solutions that are created.

If the purpose is to power the case for funding, then the strategy for application of the findings looks like a campaign. The design process begins with a focus on identifying who the decision-makers will be and uses the study process to generate the kinds of information that will move these audiences toward “yes.” As the examples below illustrate, the most powerful outcomes have been achieved when the study findings are woven into a campaign that augments the “Justice Gap” story with the “Economic Impact” story. The message is: *Legal aid is a vital “economic engine” that creates jobs and social stability and saves money for taxpayers. Your support will produce “X” dollars of benefit for every dollar invested.*

Methods Used for Legal Needs Assessment

Method	Target Respondents	Strengths	Challenges	Application
1. Computer Assisted Telephone Interview	Low-income population	<ul style="list-style-type: none"> • Best scientific accuracy & reliability 	<ul style="list-style-type: none"> • High cost - \$50-\$100 per completed interview • Requires outside firm to accomplish 	Statewide legal needs assessment
2. Mail Survey	Low-income population	<ul style="list-style-type: none"> • Low cost • Programs can do themselves 	<ul style="list-style-type: none"> • Low scientific accuracy & reliability • Care needed to avoid unreliable results 	Local legal needs assessment
3. Informal, in-person interviews at community gathering places (e.g., bus transfer stations)	Low-income population	<ul style="list-style-type: none"> • Low out-of-pocket cost • Programs can do themselves • Good for getting in-depth, nuanced information 	<ul style="list-style-type: none"> • Time-consuming • Requires attention to interviewer selection & training 	Local, regional, or statewide legal needs assessment
4. Web Surveys (e.g., SurveyMonkey™)	People who work in jobs where the Internet is a basic tool	<ul style="list-style-type: none"> • Low cost • Programs can do themselves 	<ul style="list-style-type: none"> • Unreliable for use with low-income population • Close tracking & follow-up needed to get decent response rate 	Legal aid staff, board, pro bono lawyers, community partners, etc.
5. Structured interviews (by phone or in-person)	People (e.g., judges) who are hard to reach by other methods	<ul style="list-style-type: none"> • Low cost • Programs can do themselves • Educational for interviewers • Builds rapport with interviewees 	<ul style="list-style-type: none"> • Time-consuming to conduct interviews & compile results • Requires attention to interviewer selection & training 	Key stakeholder groups that are hard to reach, e.g. judges, business leaders

Continued

Methods Used for Legal Needs Assessment (Continued)

Method	Target Respondents	Strengths	Challenges	Application
6. Community meetings & public hearings	<ul style="list-style-type: none"> • Low-income population • Variety of other stakeholders, e.g., business community 	<ul style="list-style-type: none"> • Programs can do themselves • Good for building awareness & support • Credibility of findings 	<ul style="list-style-type: none"> • Time-consuming • Logistically challenging • Require attention to process factors, e.g., staging & facilitation 	Use for strengthening case for funding with business community & other important constituencies
7. Focus groups	<ul style="list-style-type: none"> • Low-income population • Variety of other stakeholders, e.g., business people 	<ul style="list-style-type: none"> • Programs can do themselves • Good for getting in-depth, nuanced information 	<ul style="list-style-type: none"> • Caution needed in extrapolating results to the larger constituencies represented 	Use for gaining in-depth awareness of key stakeholder groups' perspectives (e.g., business leaders)

5. Examples

New York: The Chief Judge's Task Force to Expand Access to Civil Legal Services

In 2010, the civil justice system in New York was experiencing a growing crisis due to the confluence of legislative resistance to increased spending on civil legal services, a growing demand for legal aid, and congestion in an already overburdened court system stemming in part from a flood of unrepresented litigants. In response, Chief Judge Jonathan Lippman took a leadership role, appointing a blue-ribbon Task Force of civil justice leaders to convene hearings across the state and to provide him with a plan for expanding access to civil legal services.⁶

Using formal public hearings, a statewide survey of the low-income population, and an economic impact study, the Task Force not only documented the growing justice gap, but built a compelling case describing how increased funding for civil legal services would benefit *all* New Yorkers, even in a time of budget crisis. The Task Force made a number of recommendations about how to improve access to civil legal services in New York. The centerpiece was a proposal that would eventually provide \$100 million per year in new funding for legal aid. The increase would be phased in over four years, with a \$25 million line item for FY 2011–12 and

a further \$25 million increase each successive year until the budget reached \$100 million in year four.

The amount that was finally approved by the legislature and governor for FY 2011–12 was \$12.5 million. While this was only half of the amount that the Chief Judge had requested based on the Task Force proposal, in the context of the worst budget crisis in New York history, it was an important first step.

In subsequent reports issued each year, the Task Force has updated its findings regarding the human impacts of the justice gap and the positive economic impacts generated by legal assistance programs across the state.⁷ For FY 2015–2016, the total funding allocated in the judiciary budget to civil legal services providers had grown to a total of \$70 million.⁸

York County, Pennsylvania: The "Shelter from the Storm" Campaign

In 2012, the York County Bar Foundation (YCBF) sponsored a study with both legal needs and an economic impact components.⁹ Empowered by the study findings, the YCBF mounted a campaign called "Shelter from the Storm."¹⁰ Within seven months of launching the campaign, the YCBF announced it had already raised 70 percent of its \$1 million, 5-year goal.

In the York County study, an estimate of the "justice

gap” was produced by extrapolating the findings from the ABA Legal Needs Study to the low-income population of York County, thereby avoiding the need for an expensive and time-consuming telephone survey. The resulting estimate of the incidence of legal problems was compared with data provided by the legal services providers indicating the total numbers of people they were serving annually. Consistent with the findings of virtually every legal needs study conducted since the mid-1980s, this analysis documented an overwhelming disparity between the numbers of legal problems experienced by low-income families each year and the capacity of the civil justice system to address them.

Conclusion

The success of the efforts to boost funding for legal services in New York State and York County, Pennsylvania, highlights the importance of combining smart campaign strategies with solid research. Research studies by themselves, in the absence of effective, campaign-based fundraising strategies, often fail to produce funding results strong enough to justify the substantial investments they require. Similarly, legislative or fundraising campaigns lacking a strong research foundation that anticipates the needs of skeptical decision-makers for solid data all too often fall short of the sponsors’ expectations. Taken together, an investment in a powerful, fact-based case, coupled with a campaign that presents a clear, concrete action proposal to the decision-makers who control resources, can produce a result far more powerful than either studies or exhortation alone.

The expansion of legal needs assessments to include methods borrowed from market research, and to add the “economic impact” story to the “justice gap” story, is providing a powerful new capability for civil legal services funders, administrators, providers, and access-to-justice groups across America. Civil justice advocates are generating tens of millions of additional dollars for their work, and in the process informing and enrolling more and more partners in their efforts. The practice of legal needs assessment deserves a central place in the toolkit of every civil justice community.

- 1 Ken Smith is president of *The Resource for Great Programs* (www.GreatPrograms.org), a national consulting firm serving civil justice programs and their funders across North America. Since 1997, he has conducted economic impact analyses and legal needs assessments for civil justice organizations, and served as consultant for the studies in Pennsylvania and New York cited as examples in this article. Ken may be reached at ken@greatprograms.org.
- 2 I first heard the term “community listening” in 2010 from Hannah Lieberman, then a consultant and now Executive Director of Neighborhood Legal Services Program in Washington, DC, to describe the eclectic approach for legal needs assessment she has used and which nicely captures the purpose and methods I believe will be most successful for this work.
- 3 Legal aid advocates began using estimates of the economic impacts of legal aid in making their case for funding in the early 1990s — see, for example, Jane Hardin, “Disability Advocacy Projects: *Programs that Assist Low-Income Clients and Ease State Government Fiscal Problems*,” *Clearinghouse Review*, November, 1992, page 776. However, economic impacts began to be integrated with legal needs as a bigger story about legal aid starting around 2009.
- 4 See, for example, *A Report on Pennsylvania’s Access to Justice Act, FY 2004-2011*, by The Resource for Great Programs, Inc., available at <https://www.paiolta.org/wp-content/uploads/2014/05/Report-on-Pennsylvanias-Access-to-Justice-Act.pdf>
- 5 Quoted from the Spangenberg Group website at http://www.spangenberggroup.com/work_civil.html
- 6 See Ken Smith, Barbara Finkelstein, and Christopher O’Malley, “Economic Impacts of Legal Aid: *Civil Justice for Low-Income People Creates Ripple Effects That Benefit Every Segment of the Communities We Serve*,” *MIE Journal*, Fall 2011, page 14; available at http://www.greatprograms.org/mie_article/pdfs/Economic%20Impacts%20of%20Legal%20Aid_MIE%20Journal_Fall%202011.pdf
- 7 The reports of the New York Chief Judge’s Task Force issued from 2010 through 2015 are archived on the Web at <https://www.nycourts.gov/accesstojusticecommission/annual.shtml>
- 8 See the 2015 report at page 8, available on the web at https://www.nycourts.gov/accesstojusticecommission/PDF/2015_Access_to_Justice-Report-V5.pdf
- 9 See Ken Smith and Kelly Thayer, “An Assessment of the Economic and Societal Impacts of Civil Legal Services Programs Funded by the York County Bar Foundation,” available on the Web at https://c.ymcdn.com/sites/ycba.site-ym.com/resource/resmgr/Legal_Aid/YCBF-Econ_Impacts_of_Legal_S.pdf
- 10 See the website of the York County Bar Foundation at <http://www.yorkbar.com/?page=YCBFShelterFromStorm>

Angela Washington

From: Ken Smith <ken@greatprograms.org>
Sent: Thursday, October 20, 2016 9:58 PM
To: Angela Washington
Cc: Kelly Thayer; andrea@greatprograms.org
Subject: RE: Legal Needs Study - RESPONSES TO YOUR QUESTIONS INSIDE
Attachments: Dialogue Article on Outcomes.pdf

Hi, Angela,

Following up on my email from yesterday (see copy of our e-mail chain below,) below are responses to the questions you posed on October 5:

1. **Outcome measurements** – *What are they? Would you discuss further?* Outcome measurement is a powerful tool for describing the RESULTS legal aid clients receive as a result of investments made in a state's legal aid delivery system. Outcome measures enable a civil justice community to address questions such as:
 - How many clients and their family members received protection from domestic violence as a result of legal assistance?
 - How many people avoided eviction from their homes?
 - How many dollars did clients receive as a result of Social Security Disability appeals, child support petitions or other successful legal assistance efforts?

Virtually all legal aid programs measure outputs – for example, how many cases were closed during a particular year, but fewer programs measure the outcomes achieved in those cases, such as the number of evictions that were successfully prevented.

When we evaluate a legal aid program, or when we assess its economic impacts on clients and their communities, we rely heavily on outcomes data. For programs that do not capture those kinds of data, we can apply proprietary estimation models that we have developed over the years, but we are able to come up with more accurate estimates when the programs are able to provide us with measured outcomes data.

Our firm has been a pioneer in creating and implementing outcome measures in civil legal assistance programs. The attached copy of our 2000 article in the American Bar Association's *Dialogue* magazine provides an overview of the systems that began with our 1993 project with the IOLA Fund of New York, in which we launched the first mandatory, statewide outcome reporting system in the United States. To date, we have assisted seven statewide legal aid systems implement statewide outcome measurement systems as well as scores of legal aid programs in states where mandatory statewide systems have not yet been adopted.

2. **Scope of Work** – *How is this determined? Will the Commission be involved in developing the scope of work with your organization? What are the types of needs that we can include in the study? How will different pockets/priority areas be determined (for example, we are looking at whether electronic service delivery will be beneficial in Nevada)?* These are all questions that will be addressed in the conversations we have with potential clients in the process of developing the plan for a study. In my opinion, it will be essential for the Commission to be involved in this process. There are several ways of approaching the task of developing the scope of work to be accomplished – for example, your Commission could appoint a small working group to meet with us in one or more on-line (GoToMeeting) work sessions in which we explore in more detail the ideas and questions that have come up thus far in your discussions of the legal needs study. Following those work sessions, and in response to the needs, interests, and concerns we have heard from the Commission representatives, my firm would submit a preliminary, "menu" proposal that outlines the kinds of work we could do to address the

interests we have heard from you, and provides cost estimates for each of the services we are suggesting. From this menu, your working group could select for further development a combination of options based on your needs and your budget constraints. Usually following this stage, a potential client is ready to indicate the combination of services that most accurately fits the situation and budget, and a final contract can be negotiated.

3. **Outreach** – *Will / can outreach to attorneys be included in the assessment?* Definitely this would be feasible, and likely would be useful as well. Both staff attorneys in the legal aid provider organizations and private attorneys who work with low-income clients (either on a pro bono basis or as reduced-fee, contract attorneys) have important perspectives on the legal needs of the low-income residents of communities across Nevada. Information from these important players can be obtained inexpensively from on-line surveys, focus groups, or telephone interviews on a sampling basis.
4. **Captured Information** – *How can you assist us with utilizing the captured information?* We can help you both in the analysis stage and in the post-study, implementation stage. The former - analysis of the captured information and aggregation into a compelling narrative, with graphs and tables that summarize the findings, is an essential part of the study itself, and a service we have successfully performed many times. The latter – utilization of the study's findings through the development of fundable proposals for strategic initiatives that address the legal needs identified by the study – is a service that we have successfully provided as well. For example, following a 2003 legal needs study in Southwestern Pennsylvania, we facilitated a two-day work session engaging the leaders and staff of three legal aid programs that had collaborated in the study. From this session, we developed two outline proposals for strategic initiatives – a comprehensive intake and referral system linking community agencies into a single referral network, and a regional housing initiative aimed at growing the supply of affordable housing in Southwestern Pennsylvania. Both initiatives ultimately received funding and were successfully implemented over the several years following the legal needs assessment.

Angela, I hope this information will be useful to the Commission. Please feel free to reach out to me if you'd like additional information about any of these topics in advance of the November 4 Commission meeting.

Best regards,

Ken

From: Ken Smith [mailto:ken@greatprograms.org]
Sent: Wednesday, October 19, 2016 11:53 AM
To: 'Angela Washington'
Cc: Kelly Thayer (kelly@greatprograms.org)
Subject: RE: Legal Needs Study - SAMPLE REPORTS and REFERENCES for Our Firm

Good morning, Angela,

As you have requested, attached are three samples of our firm's work which demonstrate the integration of the two themes – the “Justice Gap” between legal needs and resources available for meeting them, and the economic return-on-investment that flows from efforts to reduce the Justice Gap – that I outlined in my article for the Management Information Exchange Journal.

Here are some past clients you can contact regarding their experience with our firm:

1. **Bob Racunas**, Executive Director, Neighborhood Legal Services Association (Pittsburgh)
 - Email: racunasr@nlsa.us
 - Phone: 412-586-6100
2. **Victoria Connor**, Executive Director, York County Bar Foundation (PA)
 - Email: victoria.connor@yorkbar.com
 - Phone: 717-854-8755x206
3. **Patti D'Angelo Juachon**, Director of the Environment, Marin Community Foundation (CA)
 - Email: pjuachon@marincf.org

- Phone: 415-464-2547

I will send by Friday (October 21) responses to the other questions about which you requested further information from me:

- Outcome measurements – What are they? Would you discuss further?
- Scope of Work – How is this determined? Will the Commission be involved in developing the scope of work with your organization? What are the types of needs that we can include in the study? How will different pockets/priority areas be determined (for example, we are looking at whether electronic service delivery will be beneficial in Nevada)?
- Outreach – Will / can outreach to attorneys be included in the assessment?
- Captured Information – How can you assist us with utilizing the captured information?

Thanks again for the opportunity of meeting with the Nevada Access to Justice Commission on November 4. I will look forward to that presentation; in the meantime, please feel free to reach out to me at any time if there is further information I can provide that will be useful.

Best regards,

Ken

Ken Smith, Ph.D., President

The Resource for Great Programs, Inc.

Visit us on the Web at GreatPrograms.org

West Coast Field Office

1420 NE Heritage Drive

Grants Pass, OR 97526

Phone (231) 631-1432 (cell)

E-Mail: Ken@GreatPrograms.org

Main Office:

526 West 14th Street, Suite 164

Traverse City, MI 49684

Phone (231) 947-3280

From: Ken Smith [<mailto:ken@greatprograms.org>]

Sent: Wednesday, October 05, 2016 4:11 PM

To: 'Angela Washington'

Subject: RE: Legal Needs Study

Hi, Angela,

Thanks so much for this opportunity. I will be delighted to attend the Commission meeting on November 4, and to provide the requested materials by October 21. In the meantime, I will provide 2-3 references ASAP so that you can reach out to those folks as soon as it is convenient for you.

Thanks again,

Ken

Ken Smith, Ph.D., President

The Resource for Great Programs, Inc.

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West Coast Field Office

1420 NE Heritage Drive

Grants Pass, OR 97526

Dialogue

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Outcome Measurement: An Integral Part of an Effective Statewide Legal Services System

by Ken Smith and Lorna Blake

Outcome measurement is a powerful tool for examining how clients benefit as a result of services they receive from legal services programs. Led by IOLTA programs in four states, statewide legal services systems are implementing outcome measures as a cornerstone of their efforts to support program improvement and resource development at local and statewide levels. These measures spotlight the results delivered by programs, addressing questions such as:

- How many clients and their family members received protection from domestic violence as a result of a program's services?
- How many people avoided illegal or unfair eviction from their homes?
- How many dollars did clients receive as a result of Social Security disability appeals, child support petitions and other successful income support advocacy?
- How effective are a program's efforts to improve these kinds of outcomes for clients?



Only a handful of state legal services systems have implemented outcome measures that cover the full range of programs serving clients in a state. State leadership groups such as IOLTA programs, bar foundations, access-to-justice committees, and state planning groups can do much to promote greater utilization of outcome measurement. Models are in place; investments by IOLTA programs in New York, Virginia, Maryland, and Texas have created an intellectual asset that any program and any state can tap into.

Installing outcome measures should be a priority of every state legal services community

Legal services programs have a great story to tell. Being able to present facts and examples to show potential partners (such as legislators, bar leaders, judges and local officials) what kinds of results are being delivered in their own "communities of interest" by legal services programs is a powerful asset. The ability to specify

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DIALOGUE

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Robert N. Weiner
Chair, ABA Standing Committee on Pro Bono and Public Service

John E. Busch
Chair, ABA Standing Committee on Lawyer Referral and Information Service

Doreen D. Dodson
Chair, ABA Standing Committee on Legal Aid and Indigent Defendants

David C. Hague
Chair, ABA Standing Committee on Legal Assistance for Military Personnel

Herbert S. Garten
Chair, ABA Commission on IOLTA

.....
Terry Brooks
Director, ABA Division for Legal Services

David Holtermann
Director of Periodicals
ABA Division for Legal Services

Gail Thompson
Division Designer/Webmaster
ABA Division for Legal Services

.....
Comments, suggestions, proposed articles and address changes should be directed to:

David Holtermann
ABA Division for Legal Services
541 N. Fairbanks Ct.
Chicago, IL 60611
312/988-5744
fax: 312/988-5483
holtermd@staff.abanet.org

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Outcomes

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results is key to expanding resources and enrolling a bigger cast of players to help in this work.

In addition, maximizing the return on society's investment in legal services is a public responsibility. Tracking results—and taking effective action to improve them—demonstrates good stewardship over the public dollars entrusted to legal services.

Advocates also can use information about outcomes for clients to improve performance.

At the program level, outcome measures can shed light on several questions. How well are the management and advocacy systems that are in place serving the needs of clients? Do a program's results align with its priorities? Do intake workers or case handlers need training or other intervention to improve the outcomes they can deliver to clients?

Measuring the results legal services programs can deliver

Legal services programs seek three broad kinds of outcomes. The first two encompass the core mission of legal services: seeking

individual solutions for individual clients, and solving problems affecting broad segments of the low income community. At the same time, however, a program's ability to achieve these direct results depends on its success in achieving a third kind of outcome: expanding the core capacity of the program itself.

Measuring the results of investments in a program—such as developing new funding sources, enrolling new partners, recruiting pro bono lawyers, training staff, improving technology, and incorporating new delivery models—can help a program make a real difference in expanding access to justice in its community.

Four IOLTA programs lead the way in measuring the results of direct legal assistance

Until 1993, the only legal services case statistics system in general use was the Legal Services Corporation's Case Service Report (CSR) system. When it was introduced in 1980, the CSR system provided an important tool for statistically describing outputs of the LSC programs to Congress, state legislatures, the

(continued on page 4)

Three Kinds of Outcomes We Measure:



- ... For Individuals
 - Protection from domestic violence
 - Prevented illegal eviction from home
- ... For Low Income Communities
 - Bigger supply of affordable housing
 - Better access to special education
- ... For Building Capacity to Serve More People
 - Recruited pro bono lawyers
 - Expanded funding support

Outcomes

(continued from page 2)

courts and the public. For two decades the CSR has supported grant-making, fund-raising and public relations efforts at national, state and local levels. However, it has two serious shortcomings that limit its usefulness. First, while it tracks kinds of matters, it does not measure outcomes for clients. The CSR reflects a *lawyer's* perspective—what the legal problem was (eviction, child custody dispute, debt collection...), and how it was resolved (by advice, brief service, court or administrative agency decision...). What the CSR does not indicate is the number of clients who obtained solutions to the problems that led them to seek legal help.

Secondly, the CSR covers a limited range of legal services. It focuses on the kinds of matters for which LSC provides funding. It may provide little or no detail about advocacy areas that may be very important to state and local program managers, and it does not include information about matters that LSC programs cannot handle—such as prisoners' rights and welfare reform cases. Specialized programs and state funders have had to supplement CSR statistics with other information to describe the services they provide.

In 1993, the IOLA Fund of New York decided to develop a new approach to tracking legal services provided by programs. The Fund launched a pioneering effort that ultimately produced a practical model for measuring client outcomes in both general-purpose and specialized legal services programs.

Because of the size and diversity of the state, New York is a good

place to see the vast range of services and needs covered by legal organizations serving the poor. Although a large portion of IOLA funds go to LSC-funded general civil legal services programs, the Fund also supports more than 70 specialized projects and programs operating in all sizes and types of communities across the state. To make sure that its outcome measurement effort would take this diversity into account, the Fund convened a pilot group of IOLA grant recipients reflecting the full range of programs supported by IOLA funds.

This group devised a simple system by which advocates could code the most significant benefits received by clients at the time each matter was completed. The measure was tested in 1994 in the pilot group member programs. After review and comment by the IOLA grantee community, a final measure was incorporated into the Fund's annual grantee reporting process and implemented in 1995 by all of the 90-plus IOLA-funded agencies in New York.

The New York system enabled programs to accurately track and report the following information on an annual basis:

- How many people are benefiting from specific kinds of case outcomes? More than 100 categories of outcomes were included in the IOLA report.
- How many dollars are being produced for clients? For example, what was the total sum of monthly child support awards obtained by programs for their clients?
- How many dollars are saved by taxpayers? For example, what are the annual savings from successful homelessness prevention and eviction

defense efforts that avoid the expense of state- or city-mandated emergency housing?

- What results were produced by grantees' legal assistance to community-based organizations serving low-income people?

Building the intellectual asset: major improvements by Virginia, Maryland and Texas

The New York model was adopted and further refined in 1996 and 1997 by legal services evaluation committees in Virginia and Maryland. These committees were in the process of upgrading their own evaluation and monitoring systems. The Legal Services Corporation of Virginia made its outcomes system mandatory for all funded programs. The Maryland Legal Services Corporation invited its grantees to participate on a voluntary pilot basis. The New York IOLA Fund then incorporated these states' features into its system.

In 1999, the Texas Equal Access to Justice Foundation (TEAJF) decided to incorporate outcome measures in an update of the program assessment system it had used since 1992. A committee of TEAJF staff, board members and grantee representatives reviewed the New York/Virginia/Maryland model in light of the special features of Texas legal services practice. Recently the committee began pilot-testing a system with several significant enhancements to capture the work of Texas programs in better detail. For example, the new system will:

- identify multiple-benefit outcomes;
- distinguish contested from non-contested matters;
- improve the reporting categories; and

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Outcomes

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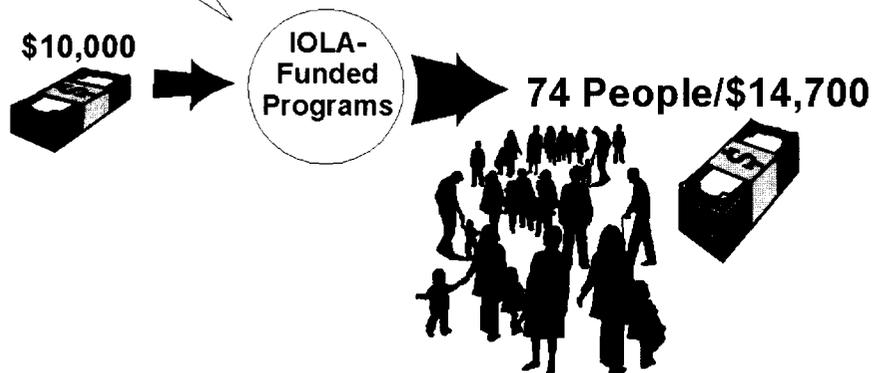
- compare what the client wanted with what he or she actually got.

Telling our story: using outcomes information to market legal services

Outcomes data provides three themes equal justice advocates can include in their talking points. First, programs can send the message that *we deliver solutions*. For years, legal services advocates have told legislatures and community leaders that there is an overwhelming unmet need for legal services. While this message can motivate some people to provide resources (funding, volunteers, political support), there is another story that needs to be told: *legal services programs get dramatic results with the resources they are given!* The graphic

Leverage...

Every \$10,000 invested in IOLA-funded programs provides legal assistance benefitting 74 low income people and generating \$14,700 in direct dollar benefits to pay for such necessities as food, rent, heat, lights and health care.



Source: Grantee Activity Report, 1998; The IOLA Fund of the State of New York (March 1999)

below illustrates how the IOLA Fund of New York has used outcomes information (dollar benefits generated, numbers of people helped) as part of a bigger success story.

We make a life-changing difference ... for lots of people is a second theme. Legal services advocates have long used compelling vignettes in reports and funding proposals to describe how legal assistance is helping people pull themselves out of poverty or escape the devastating grip of abusive relationships. With outcome measures in place, programs can add a sense of scale to those stories.

Finally, outcome measures can help programs say: "we are aligned with your mission." One of the challenges faced by state access-to-justice groups is showing a wide array of potential partners and funders how support of legal services for the poor fits in with their own mission. Armed with good data about the results that are produced and a bold dash of creativity, legal services leaders can easily draw these connections.

Conclusion: outcome measures are a crucial part of an effective statewide legal services system

The IOLTA programs in New York, Virginia, Maryland and

Texas have performed a vital service for their grantees and for legal services clients by installing performance measures in the programs they fund. Individual programs are unlikely to make this investment without the impetus of a mandate from a major funding source. Yet once the system is in place it can yield valuable information for program improvement and resource development at both local and statewide levels. These states have produced models that other states now can follow.

Experience to date shows that a statewide system is a good place to implement outcome measures. State-based systems can capture the diversity of programs and services across a state without the compromises that adjusting to a national reporting system such as the LSC's CSR has proven to require. A statewide approach aligns with LSC's push for integrated, state-led legal services systems that engage a full range of stakeholders in meeting the unique needs of a statewide community.

Outcome measures are not perfect, but they are available and getting better. They are an integral part of an effective statewide legal services system.

Ken Smith is president of IOLTA Information Services, a firm that provides market research and strategic analysis services to state funders and legal services provider organizations nationwide.

Lorna Blake has been Executive Director of the Interest on Lawyer Account (IOLA) Fund of the State of New York since 1983. She currently is serving as President of the National Association of IOLTA Programs.

The Resource

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Memorandum

Date: October 2, 2015
To: Pam Dalton, Clay Nester, Robert Racunas, and Renee Williams
From: Ken Smith and Kelly Thayer
Subject: The “Justice Gap” in Southwestern Pennsylvania

In the survey of client-eligible residents of Southwestern Pennsylvania conducted for our legal needs study, we asked respondents to indicate whether in the past three years anyone in their households had experienced any of a list of the 35 legal problems deemed most compelling by staff and board members of your three programs – Neighborhood Legal Services Association, Southwestern Pennsylvania Legal Services, and Laurel Legal Services.

This memorandum presents our findings based on responses to the survey. The figures presented here reflect a simple statistical extrapolation of the responses by survey takers to the entire eligible low-income population of the 14-county region served by your three programs.

Applications of these results:

- Funding proposals
- Strategic planning
- Program evaluation

A caveat: These results are based on very small sample sizes. While this information can provide a useful, order-of-magnitude indication of how many legal problems arise each year in your service areas, we would caution against making fine distinctions between small differences in the estimated incidence of legal problems based on this data.

In total, 302 people responded to the survey. For some legal problems, the number of people responding that their household had experienced a particular legal problem was quite large – for example, 37 people – more than 12 percent of our sample – reported having Social Security Disability problems. For problems where five percent or more of the respondents reported having experienced them, we have good confidence that extrapolations from the survey data to the population of eligible low-income households in your service area indicate high incidence of those problems.

On the other hand, for problems where the reported numbers were much smaller, our confidence in our estimates is lower. For example, only three people (one percent of our sample) indicated they had experienced Veterans Benefits problems in the past three years. In this case, extrapolating that result to the total population of over 157,000 low-income households yields an estimate of 521 problems per year. With a sample size this small, one should not make fine distinctions based on small differences in the estimated incidence of legal problems per year in the 14-county region. With estimates based on a sample of only 302 respondents, differences smaller than 500 cases per year could easily occur strictly by chance.

A. Overview - The Need for Civil Legal Services in Southwestern Pennsylvania

1. Demographics of the low-income population. In Southwestern Pennsylvania, 17 percent of residents¹ – about one in six – are living on “extremely low” incomes – that is, at or below 125 percent of the federal poverty level.² Selected demographic characteristics of this population are summarized in **Exhibit 1** below.

Exhibit 1: Selected Characteristics of Low-Income People in Southwestern Pennsylvania³ Incomes at or below 125 percent of the Federal Poverty Guidelines

	Number	Percent of Total
A. Low-Income Population		
1. Total number of persons living on incomes at or below 125 percent of the Federal Poverty Limit	472,348	100%
2. Number of Households	157,449	NA
B. Gender		
1. Female	270,052	57%
2. Male	202,674	43%
C. Living Arrangement		
1. Female-headed household with no husband present	154,906	33%
2. Married couple family	113,074	24%
3. Other living arrangements	170,924	36%
D. Age		
1. Under 18 years	129,247	27%
2. 18-64 years	275,512	58%
3. 65 years or older	67,506	14%
E. Disability Status		
1. With any disability	116,838	25%
2 No disability	355,741	75%

¹ Source: American Community Survey (ACS), 2013; five-year estimate for the period 2009-2013.

² For brevity, we refer to people throughout this report as “low-income” or “living in poverty” whose incomes are at or below 125 percent of the Federal Poverty Guidelines; see: www.federalregister.gov/articles/2015/01/22/2015-01120/annual-update-of-the-hhs-poverty-guidelines. This is the general income limit for eligibility under LSC and IOLTA guidelines, although higher incomes are allowable under some funding programs such as Title III (Area Agency on Aging) and Violence against Women Act (VAWA) programs.

³ Source: American Community Survey 2013, 5-year estimates.

- **472,350 Southwestern Pennsylvania residents** in 157,450 households live on “extremely low” incomes – that is, at or below 125 percent of the federal poverty level.⁴ There is no room in such a budget to pay for a private lawyer’s help in addressing a legal problem such as foreclosure or family dissolution. Accordingly, low-income residents can look only to providers of free or low-cost legal assistance, such as Neighborhood Legal Services Association (NLSA), Southwestern Pennsylvania Legal Services (SPLAS), and Laurel Legal Services (LLS), for help with these problems. More often than not, they are unable to get that help because the volume of legal needs exceeds the capacity of legal services programs to address it. In effect, they have limited access at best to the system presumed to provide “justice for all” members of our society.
- **A significant majority of the low-income population are women.** In the 14 counties served by the three Consortium programs, 57 percent of the total low-income population – 270,000 people in all – are women.
- **Poverty is high among female-headed households.** Over 154,900 people (33 percent of those in poverty) live in female-headed households with no husband present.
- **Poverty is high among children.** Approximately 129,250 of those in poverty (27 percent) are children under 18.
- **Poverty is high among the aged.** Over 67,500 people (14 percent of the total low-income population) are 65 and older.
- **Poverty is high among people with disabilities.** More than 116, 800 (25 percent) of those in poverty have one or more disabilities.

2. Incidence of legal problems among this population. Approximately 108,200 “general” civil legal problems are experienced every year by this population (see **Exhibit 2**, next page). This figure is derived by extrapolating the findings of the survey of the income-eligible population that was done for this study to the total low-income population of Southwestern Pennsylvania.⁵

⁴ Source: ACS 2013; five-year estimate.

⁵ Source: 2015 survey of the income-eligible population in the 14-county Southwestern Pennsylvania, prepared for this report.

Exhibit 2:
Incidence of Civil Legal Problems among
Low-Income Households in Southwestern Pennsylvania
(Excluding Immigration-related Legal Problems⁶)

Type of Need	Total Problems/Year Per 100 Households	Problems/Year in Service Area
Economic Stability		
Social Security Disability	5.2	8,168
Food Stamps	5.1	7,994
Supplemental Security Income (SSI)	4.2	6,604
Welfare Benefits	3.8	5,909
Criminal record as a barrier to employment	1.9	2,954
Debt Collection	1.9	2,954
Not getting paid when you should	1.1	1,738
Medicare Problems	1.0	1,564
Garnishment of Wages	1.0	1,564
Medicaid Problems	0.9	1,390
Problems with medical or family leave	0.9	1,390
Telephone, Mail or Internet Scams	0.9	1,390
Bankruptcy	0.8	1,216
Unemployment Compensation	0.7	1,043
Discrimination in workplace	0.4	695
Veterans Benefits	0.3	521
Car Repossession	0.1	174
Subtotal for Problem Area:	30.0	47,270
Housing and Utilities		
Eviction or Lockout from Private Rental Housing	2.1	3,302
Utility Shut Off	1.8	2,781
Other Rental Housing Issues	1.7	2,607
Discrimination in Renting	1.0	1,564
Mortgage Foreclosure	0.8	1,216
Eviction or Lockout from Public Housing	0.8	1,216
Housing Subsidy Problems	0.6	869
Subtotal for Problem Area:	8.6	13,555
Family		
Domestic Violence	3.8	5,909
Child Custody	3.5	5,561
Child & Spousal Support	3.3	5,214
Divorce	1.9	2,954
Children & Youth Services matters	1.8	2,781
Child Guardianship	0.7	1,043
Spousal Support	0.7	1,043
Subtotal for Problem Area:	15.6	24,504
Health & Elder		
Other Legal Problems - specify	3.6	5,735
Prescription Drug Benefits	1.0	1,564
Denial of Medical Care	0.9	1,390
Wills & Advance Directives	0.8	1,216
Disability Insurance Policy Issue	0.6	869
Adult Guardianship	0.2	348
Nursing Home Rights	0.1	174
Subtotal for Problem Area:	7.2	11,296
All Other Legal Problems	7.3	11,553
Total Problems/Year per 100 Households	68.7	108,177

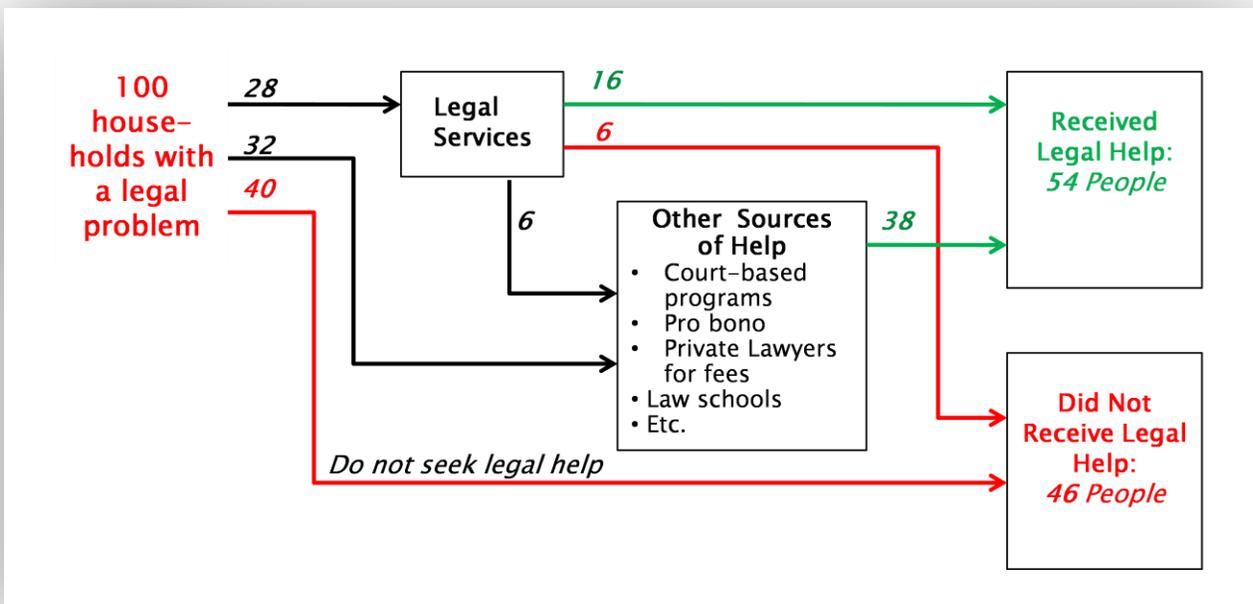
⁶ There is a significant population of unauthorized immigrants in Southwestern Pennsylvania; however, LSC restrictions prevent Consortium programs from providing legal assistance to this population. Accordingly, the survey performed for this study did not include legal matters such as work permit applications on behalf of immigrants.

B. The Challenges Faced by Those Seeking Legal Assistance

(1) **The “Awareness Gap.”** Approximately three out of every 10 respondents to the survey of the client-eligible population performed for this legal needs study said they were unaware they could get free help from Legal Services if they had a legal problem. This finding from our survey confirms what legal needs studies across the country have consistently found: the availability of free legal assistance is not universally known among those eligible for this service.⁷

(2) **Difficulty finding the help one needs.** Even those who know about legal assistance programs face significant hurdles in obtaining help. Exhibit 3 below shows the various paths followed by those among survey respondents who had a legal problem.

**Exhibit 3:
Where People Go to Get Legal Help in Southwestern Pennsylvania**



As indicated in the figure above, for every 100 households with a legal problem, 60 (28 plus 32) households sought legal help. Twenty-eight of those applied to the three Legal Services programs comprising the Southwestern Pennsylvania Legal Services Consortium, while 32 sought help from other sources. Ultimately, 54 households received legal assistance (see the green box at right in the figure); they comprised 54 percent of all those with legal problems and 90 percent of the 60 households with legal problems that sought help.

⁷ Studies often reveal an “awareness gap” that is even higher than found in this survey. For example, in a study we performed for a legal aid program in New Jersey, we found that one out of every two respondents was unaware they were eligible for free legal aid. Possibly the greater awareness we found in the SW PA survey was due to the manner of distributing the survey questionnaires – that is, through community agencies such as Community Action agencies, whose clients may be more aware of resources in the community such as Legal Services than the average low-income person in the community.

(3) Lack of resources for providing legal services. As indicated in Exhibit 3, 12 out of the 28 people (or 42 percent) who requested legal assistance from Legal Services were turned away. Of the 12 people who were refused service, six went on to seek help from other sources while another 6 people – 21 percent of those with legal problems who requested help from Legal Services – did not receive any help at all, likely because of not meeting income or other eligibility requirements or because legal services lacked the resources to provide the type of help needed.

C. The Gap Between Need and Capacity for Legal Assistance

Exhibit 4 on the next page summarizes the “justice gap” – the disparity between the incidence of general civil legal problems in the 14-county Southwestern Pennsylvania region and the capacity of legal services providers serving this region to address them. This table compares the estimated number of legal problems arising each year (as indicated in **Exhibit 2** above) with the number of problems that were addressed by the output of cases closed by Consortium in 2013.

As Exhibit 3 shows, Southwestern Pennsylvania’s low-income residents receive individualized legal assistance with a little over half (54 percent) of the legal problems they experience each year. And as indicated in Exhibit 3, only 16 of those receive that assistance from Legal Services. The rest (38 out of every 100 with a legal problem) receive their assistance from other sources, including the courts, private lawyers, law school clinics, and others. It is unknown what types and levels of services those are, or what outcomes they produce for the people experiencing the legal problems. The three Consortium programs comprise the primary legal services delivery system serving low-income people in the 14-county region.

As indicated in Exhibit 4, the gap between need and capacity of Consortium programs ranges from 71 percent (in the “Housing and Utilities” category) to 98 percent (in the “Health and Elder” category). In this situation, people who fall outside the priorities of Legal Services, or who do not know they are eligible for Legal Services, must seek help elsewhere or go without.

As discussed in section E below, the disparity between the number of people seeking help from Legal Services and the number actually receiving that help is a result of years of chronic under-funding of legal assistance for low-income people in Pennsylvania and across the country.

Exhibit 4: Comparison of Incidence of Legal Need with Case Output of Consortium Partners in 2013

Problem Area	Need (Note 1)	People Provided with Individualized Legal Assistance in 2013 (Note 2)				Gap	
	A. Problems Per Year	B. Consortium Programs - Cases Closed in FY 2013-14 (Note 3)				C. Problems Not Served (A - B)	Need NOT Met by Legal Services (C/A x 100%)
		NLSA	LLS	SPLS	Subtotal		
A. Problems Historically Handled by Legal Aid							
Economic Stability							
74 Social Security Disability	8,168	14	2	8	24	8,144	100%
73 Food Stamps	7,994	104	21	2	127	7,867	98%
75 Supplemental Security Income (SSI)	6,604	241	164	70	475	6,129	93%
71 Welfare Benefits	5,909	48	13	11	72	5,837	99%
93 Criminal record as a barrier to employment	2,954	42			42	2,912	99%
2 Debt Collection	2,954	233	91	128	452	2,502	85%
22 Not getting paid when you should	1,738	29		1	30	1,708	98%
52 Medicare Problems	1,564	4		1	5	1,559	100%
51 Medicaid Problems	1,390	171	48		219	1,171	84%
29 Problems with medical or family leave	1,390	194	19	81	294	1,096	79%
5 Telephone, Mail or Internet Scams	1,390					1,390	100%
1 Bankruptcy	1,216	319	35	3	357	859	71%
76 Unemployment Compensation	1,043	315	90	69	474	569	55%
21 Discrimination in workplace	695	39			39	656	94%
77 Veterans Benefits	521	1			1	520	100%
Subtotal for Problem Area:	47,270	1,754	483	374	2,611	44,659	94%
Housing and Utilities							
63 Eviction or Lockout from Private Rental Housing	3,302	876	217	353	1,446	1,856	56%
7 Utility Shut Off	2,781	127	2	4	133	2,648	95%
69 Other Rental Housing Issues	2,607	31	1	609	641	1,966	75%
66 Discrimination in Renting	1,564		2	24	26	1,538	98%
67 Mortgage Foreclosure	1,216	162	68	504	734	482	40%
64 Eviction or Lockout from Public Housing	1,216	251	51	31	333	883	73%
61 Housing Subsidy Problems	869	579	13	21	613	256	29%
Subtotal for Problem Area:	13,555	2,026	354	1,546	3,926	9,629	71%
Family							
37 Domestic Violence	5,909	2,526	711	766	4,003	1,906	32%
31 Child Custody	5,561	596	397	249	1,242	4,319	78%
38 Child & Spousal Support	5,214	3	1	13	17	5,197	100%
32 Divorce	2,954	7	6	220	233	2,721	92%
42 Children & Youth Services matters	2,781			210	210	2,571	92%
44 Child Guardianship	1,043					1,043	100%
Subtotal for Problem Area:	24,504	3,132	1,115	1,458	5,705	18,799	77%
Health & Elder							
99 Other Legal Problems - specify	5,735	82		2	84	5,651	99%
52 Prescription Drug Benefits	1,564	4		1	5	1,559	100%
59 Denial of Medical Care	1,390	3		2	5	1,385	100%
95 Wills & Advance Directives	1,216	19			19	1,197	98%
55 Disability Insurance Policy Issue	869	1			1	868	100%
33 Adult Guardianship	348	59	43	1	103	245	70%
56 Nursing Home Rights	174	4			4	170	98%
Subtotal for Problem Area:	11,296	172	43	6	221	11,075	98%
Subtotal	96,624	7,084	1,995	3,384	12,463	84,161	87%
B. Other Legal Problems							
All Other Problems	11,553	470	37	46	553	11,000	95%
Subtotal	11,553	470	37	46	553	11,000	95%
Total	108,177	7,554	2,032	3,430	13,016	95,161	88%

NOTE 1: Problems per Year - Estimated by measuring the incidence of legal problems via the 2014 survey of the client-eligible population (302 respondents), and then extrapolating those results to the number of low-income households in the 14-county Southwestern Pennsylvania region living on incomes of 125 percent of the federal poverty level or less.

NOTE 2: People Provided With Individualized Legal Help in 2013 - consists of cases closed in 2013 by Consortium programs in all categories, including "limited representation" cases. Does not include legal assistance OTHER than "cases," such as community legal education, which may have been identified by some survey respondents as legal help received from Legal Aid.

NOTE 3: Consortium Programs - Number of Cases Closed in 2013 - Source: Case Service Reports (CSRs) submitted to the Pennsylvania Legal Aid Network (PLAN) for FY 2013-14.

D. Cause of the Justice Gap and Efforts at Mitigating It

The principal cause of the justice gap is lack of adequate funding for civil legal assistance.

Against the backdrop of such pressing needs, funding shortfalls from state, federal, and private sources have resulted in layoffs, salary reductions, and elimination of specific programs or entire legal aid offices. In Pennsylvania, despite a burgeoning demand for legal services, the Pennsylvania Legal Aid Network in 2011 employed 266 lawyers providing free legal services to people in poverty, down from 358 attorneys employed 22 years earlier, according to a national study.⁸

Pennsylvania Supreme Court Chief Justice Ron Castille has argued that the solution is obvious: Pay for the services by carving out a dedicated line item in the state budget.

"We should be treating legal services for indigent individuals and families as an important government service," Justice Castille said. *"Like roads, like police services, like the courts."*⁹ The absence of adequate legal aid services is clogging the courts and forcing them to make decisions without having the necessary information.

The access-to-justice community in Southwestern Pennsylvania and across the state – including funders, service providers, courts, legislators, and bar leaders – has been working hard in recent years to address the need for more resources. Much has been accomplished, but much more is needed.

The Impact of Pro Bono Assistance

Southwestern Pennsylvania law firms and individual private attorneys help to reduce the Justice Gap by providing *pro bono* services. Data provided by the three Consortium programs indicate that in 2013, volunteer attorneys in Southwestern Pennsylvania donated a total of **7,750 hours** of services valued at **\$1.2 million**.

Pro Bono Services by Southwestern Pennsylvania Private Attorneys in 2013

Cases Closed	1,830
Volunteer Attorneys	476
Hours Donated	7,750
Dollar Value*	\$1.2 million
<small>* Estimated by programs at average billing rates charged by private attorneys for comparable services in Southwestern Pennsylvania</small>	

Pro bono assistance is particularly important because many parts of Southwestern Pennsylvania are relatively small communities covered with only a single legal services organization, a situation that often results in clients being turned away because a particular organization is already representing a party to the matter and therefore faces a conflict of interest. While local bar associations have helped by setting up "conflict panels" of pro bono private attorneys, there still remains a significant gap between the need for these services and available capacity for meeting that need.

⁸ See "Cuts Threaten Civil Legal Aid," Nabanita (Neeta) Pal, Brennan Center for Justice, April 22, 2011, at www.brennancenter.org/analysis/cuts-threaten-civil-legal-aid.

⁹ As quoted in "Judges, lawyers say poor still lack sorely needed legal aid," May 23, 2013, at <http://www.newsworks.org/index.php/local/the-latest/55137-judges-lawyers-say-poor-people-still-lack-sorely-needed-legal-aid>.

Within the constraints of available resources, Southwestern Pennsylvania’s legal services programs have taken significant steps to mitigate the justice gap. For example:

- **Setting priorities** – Each provider strategically focuses its services on certain types of legal problems and refers people needing help outside its specialty areas to its partner agencies that might be able to provide some of the assistance needed.
- **Coordinating efforts** – The providers closely coordinate their efforts to avoid duplication and maximize the benefits of specialization. They have received strong support in this effort from partner agencies such as local bar associations, Community Action agencies, domestic violence and homeless shelters, and other community-based organizations.
- **Employing innovative service delivery strategies** - The programs have deployed innovative service delivery methods as a strategy for maximizing services within the limits of available resources. For example:
 - *Neighborhood Legal Services Association* has developed a Medical Legal Collaborative at UPMC-McKeesport hospital where NLSA staff train hospital staff and physicians on the legal needs of clients and substantive areas of the law impacting their patients [e.g. utility terminations, medical certifications, Medicaid etc.]. NLSA in July 2015 launched a second Medical Legal Collaborative at UPMC-Children’s Hospital of Pittsburgh in Oakland.
 - *Southwestern Pennsylvania Legal Services* conducts Mortgage Foreclosure Diversion programs within the Washington, Fayette, and Somerset county courts to assist borrowers in finding ways to avoid foreclosure. NLSA conducts similar programs within the Allegheny and Butler county courts. The reasons for mortgage defaults are numerous and include: rising interest rates, unemployment and underemployment, and unforeseen circumstances beyond the control of the owner as well as the fact that some of the mortgage loans may have been "subprime" or "predatory."

Unfortunately, funding for these initiatives has diminished in recent years. The recession that began in 2009 continues to be felt in the form of shrinking government funding for legal assistance, continued historically low IOLTA funding, and pressure on private foundations to reduce grants.

E. Implications of the Justice Gap

The resources available for legal services historically have fallen far short of the amounts needed to fully serve even those who show up as applicants for legal assistance at legal services offices. Many of those who experience a legal problem do not bother to apply for legal assistance because it is well known in the low-income community that legal service providers have only enough resources to handle emergency cases and a few other high-priority matters, the latter often requiring long waits for service. As a result, many of those experiencing legal problems attempt to resolve them on their own on a self-represented basis, or simply do nothing and hope for the best.¹⁰

¹⁰ This pattern is shown in study after study. See, for example, “Ocean-Monmouth Legal Services Legal Needs Assessment 2009,” by The Resource for Great Programs; page 17; available at: www.greatprograms.org/nlada_2009/Item%205_OMLS%20Final%20Legal%20Needs%20Study%20Report_Augus

The shortage of resources faced by legal services programs represents both a tragic flaw in the justice system and a lost opportunity for Southwestern Pennsylvania and its residents.

A flaw in the justice system: The chronic shortfall in legal services programs' capacity to help people in emergencies involving their legal rights and most basic survival needs leaves deep and lasting impacts on Southwestern Pennsylvania's low-income residents and local communities. Eviction, for example, splits families, uproots children, and destroys the ability of families to be self-sustaining. Without legal help, people in crisis clog the courts and further impair the ability of the justice system to perform its role of resolving conflicts fairly through due process of law.

A lost opportunity: Despite their inadequate budgets, legal services programs are producing profound economic and societal benefits for low-income residents and the entire community. Closing the gap between need and capacity would strengthen low-income families by enabling them to fairly resolve conflicts, escape domestic violence, and keep families intact. It would strengthen communities by securing millions of dollars in federal and state benefits for which low-income residents are eligible but fail to receive because legal services programs lack the resources to address more than a fraction of the need that exists. And closing this gap would help the court system to address the congestion that arises from people attempting to navigate the courts on their own who lack the basic resources they need to have any chance of success.

Room for hope: If the economy continues to improve slowly, it is possible that the funding challenge will diminish somewhat, as foundations see the value of their investments rise and IOLTA interest rates and revenues return to more "normal" levels. External events such as the recent Bank of America and Citibank settlements that are producing new dollars for mortgage foreclosure prevention and community redevelopment legal assistance may produce new opportunities for funding much-needed legal services.

The information revealed by our analyses regarding the previously unrecognized but extremely significant economic and societal impacts of legal assistance programs serving low-income people will provide powerful information for making the case that reducing the "justice gap" is not only the right thing to do but an excellent economic investment.

**An Assessment of the Economic
and Societal Impacts
of Civil Legal Services Programs
Funded by the York County Bar Foundation**



**Prepared for:
The York County Bar
Foundation**

**By
Ken Smith, Ph.D
Kelly Thayer, M.A.**

**The Resource for Great Programs, Inc.
October 27, 2014**

About this Project

This report is the centerpiece of an effort by York County Bar Foundation (YCBF) and the Legal Services Task Force (LSTF) to quantify and publicize the economic impacts of the YCBF-funded civil legal services programs serving York County. The information produced by this project will provide a strong base of factual information that can be deployed by the Task Force throughout 2014 and beyond, in support of efforts to implement the recommendations of its September 2013 report. In particular, this report should prove valuable in efforts to increase public awareness of the economic and societal impacts of legal services, reverse the attrition in funding for MidPenn Legal Services (MPLS), and secure additional funds from York County government for the Pennsylvania Immigrant Resource Center (PIRC).

The York County Bar Foundation

As the charitable arm of the York County Bar, the York County Bar Foundation helps the Bar fulfill its mission *to provide justice to all through funding and service, from supporting legal services that help our most vulnerable citizens in their time of greatest need, to helping people learn how to become productive citizens.*

YCBF has advanced this mission by:

- Providing financial and volunteer support to MidPenn Legal Services and the Pennsylvania Immigrant Resource Center, the two major providers of legal aid to low-income county residents.
- Providing financial and volunteer support to the Truancy Prevention Initiative, a coalition of teachers, parents, students, judges, service providers, government agencies, and the medical and business communities that has dramatically reduced the truancy rate by seeking and implementing innovative solutions to York County's stubbornly high rate of truancy.
- Providing financial support to the adult treatment courts, consisting of the Drug, Mental Health, and Veterans courts, which seek to enable county residents struggling with addiction and other serious mental health problems to get back on their feet.
- Providing financial support for start-up of the York County Court Self-Help Center, with matching funds granted by the State Justice Institute. This is a self-help center for people who represent themselves in civil court cases.
- Encouraging diversity in York County's legal profession through scholarships and internships to promising minority law students.

In 2012, the YCBF conducted a strategic planning process, with funding provided by the Bar to convene a Legal Services Task Force, with the goal of addressing the impact of rising poverty and falling funding on efforts to meet the legal needs of the underserved.

The Resource for Great Programs

This report was prepared for YCBF by The Resource for Great Programs, Inc., a national corporation delivering analytical and evaluative services to providers and funders of legal aid in the United States and Canada. Co-authors Ken Smith, president of The Resource, and Kelly

*An Assessment of the Economic and Societal Impacts of Civil Legal Services Programs
Funded by the York County Bar Foundation
By The Resource for Great Programs*

Thayer have a combined 40 years' experience meeting the needs of the legal aid community. Prior to starting his consulting practice, Dr. Smith served for seven years as a research director at the Legal Services Corporation in Washington, D.C. Kelly Thayer served as the project's lead interviewer, researcher, data analyst, and copy editor, and assisted in the application of statistical models to estimate the economic benefits of YCBF's grantees. For more information about The Resource, visit www.GreatPrograms.org.

Executive Summary

This report describes the economic and societal impacts of the civil legal services provided by two nonprofit organizations funded by the York County Bar Foundation – *MidPenn Legal Services and the Pennsylvania Immigration Resource Center* – and by three additional initiatives funded by the Foundation – the Truancy Prevention Initiative; the adult treatment courts, consisting of the *Drug, Mental Health, and Veterans courts*; and the *York County Court Self-Help Center*.

These organizations and initiatives comprise a network of legal service organizations that provides access to the civil justice system for residents of York County, Pennsylvania.

This analysis has shown that the legal services programs funded by YCBF are providing essential services that help approximately 1,500 low-income residents of York County each year to address critical legal issues directly affecting their families, homes, incomes, jobs, and access to vital services. The gap between the need for these services and the capacity of these programs to address them is profound. The findings of this study demonstrate that additional investments aimed at bridging this “justice gap” will not only help many more people, it also will have dramatic economic impacts that radiate outward to benefit all segments of the York community.

The assessment sought to generate answers to these fundamental questions:

- **What’s working?** In what ways are YCBF’s legal service grantees achieving the results that are sought, such as improved accessibility to the justice system for low-income residents?
- **What is the size and nature of the “justice gap”?** How many and what types of legal needs are going unmet (i.e. the “justice gap”) each year in York County, considering the limited capacity of legal services programs to address them?
- **What can be added or changed to make the legal services programs funded by YCBF work better?** What insights does the assessment provide that can be applied to produce even better results for the clients and communities that the funder and its grantees are serving?

To address these questions, YCBF commissioned this assessment from *The Resource for Great Programs*¹ to measure and assess the economic and societal benefits derived by low-income residents and York County communities as a result of the legal services provided by the YCBF-funded legal services programs and other civil justice initiatives. The data were collected and the analysis was performed between June and August of 2014.

Major Findings of the Assessment

The major findings of the assessment were as follows:

- **Funding for legal services programs provides critical, day-to-day legal assistance to York County’s most vulnerable people.** During the one-year period examined in this study (2013), the two primary legal service providers MPLS and PIRC provided individualized

¹ The Resource for Great Programs is a national corporation dedicated to providing strategic support to civil justice programs that seek to expand access to justice for low-income people. Details about The Resource may be obtained at www.GreatPrograms.org.

*An Assessment of the Economic and Societal Impacts of Civil Legal Services Programs
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By The Resource for Great Programs*

legal assistance to 1,469 York County residents and provided 2,780 immigrants detained at York County Prison with legal orientation and assistance – crucial legal services that combined to enable low-income residents, domestic violence victims, vulnerable immigrants, and older adults to address legal issues directly affecting their families, homes, incomes, jobs, and access to vital services such as health care and utilities. Several hundred additional people were provided with information and assistance by the YCBF-funded Self-Help Center at the York County courthouse, launched in the fall of 2013.

- **In several substantive areas, the YCBF-funded providers are the only sources of legal help in York County for those unable to afford the services of a private lawyer.** These areas include family, housing, consumer, employment, and immigration law. In York County, almost 50,000 individuals qualify for civil legal services, but only four full time lawyers are employed to provide general civil legal assistance to this population, resulting in a staggering ratio of one lawyer for every 12,500 low-income residents, in contrast to one lawyer for every 768 individuals living above the poverty line.²
- **The YCBF-funded legal services programs produce economic impacts that far exceed the investment made in their programs.** A total of \$1.1 million from all sources invested in these legal services programs in 2013 produced an estimated \$9.9 million in economic benefits and savings to clients and communities, yielding an economic return of \$9 for every \$1 invested.
- **Legal services programs are working to bridge a critical “justice gap” in York County that affects everyone.** Legal services programs in York County struggle every day, as do their counterparts across the nation, to overcome the disparity between the legal needs that people face and the legal resources available to meet them. This disparity – known as the “justice gap” – represents both a challenge to the justice system and an unrealized opportunity for legal services programs to produce even more profound economic and societal benefits for low-income York County residents and the entire community. Every additional \$100,000 of funding that can be raised enables legal services programs to serve an additional 120 York County residents and generating an additional \$900,000 in economic benefits.
- **Legal services programs help ease the burden on the York County court system.** Legal services advocates enable the York County court system to operate more efficiently by helping self-represented litigants prepare for navigating the courts and by hosting community legal education events to inform residents how the legal process works. A 2009 study in the California courts indicated that pro se assistance services returned more than \$4 in savings for every dollar spent on them. In addition – and potentially much more significant in terms of cost savings for courts – legal services advocates negotiate solutions in many cases that otherwise might result in litigation, counsel applicants against bringing non-meritorious cases to court, and refer clients to other sources of help (such as social service providers) when their cases lack legal merit. In addition to these

² See York County Legal Services Task Force Final Report, September 3, 2013, at www.pabar.org/public/probono/Final%20Report.pdf. In addition to the four lawyers employed by MPLS in York County to serve the general low-income population, there are an additional four lawyers employed by PIRC to serve immigrants residing in nine counties in Central Pennsylvania, including the 2,780 detainees at York Prison and the Berks County Residential Center.

impacts of legal assistance, other YCBF-funded civil justice programs such as the Truancy Prevention Initiative unburden the courts by keeping children in school and out of trouble with the law.

- **York County’s legal services programs support the significant efforts of York County private lawyers to narrow the Justice Gap.** Legal services programs collaborate with the York County Bar to recruit law firms and individual private attorneys to provide *pro bono* services to low-income York residents. As a result of these recruitment and coordination efforts, in 2013, volunteer attorneys in York County completed 320 cases for legal services clients, donating \$336,000 worth of their professional time in the process.

Recommendations Derived from the Study

Based on the evidence produced by this study, we are making the following observations and recommendations, organized into three broad areas:

- Opportunities for expanding impacts specifically in York County;
- Opportunities for expanding impacts throughout the Central Pennsylvania region; and
- Steps for improving the tracking of economic benefits going forward

a. Opportunities for expanding impacts specifically in York County

To capitalize on the opportunities identified in this study, the Legal Services Task Force could consider the following strategies that combine *high unmet need* with *high economic impact*:

- **Continued foreclosure legal assistance** aimed at preventing the enormous social disruption and economic cost that foreclosure causes for families, lenders, neighborhoods, and the entire York County community.
- **Emphasis in fundraising efforts on legal aid’s critical role in dealing with the issue of domestic violence.** Not only does legal aid provide emergency protection for victims of domestic violence, but it also plays a follow-up role in helping clients obtain divorce, custody and child support that is crucial in enabling women and children struggling with the devastating impacts of domestic violence to become independent of their abusers, back in school and back to work at their jobs. As our study has shown, this assistance enhances economic as well as personal independence and helps to launch new lives for clients and their families as economically self-sustaining members of the community rather than remaining trapped as victims of a debilitating social reality.
- **Seeking funding for expanding legal assistance to immigrants.** More funding is needed to support PIRC’s program services aimed at obtaining work permits for unauthorized immigrants and citizenship for legal permanent residents (LPRs). Both of these types of legal assistance can have a profound “catalyst” effect, opening the door to higher wages as well as additional benefits such as health insurance for immigrant families, with enormous economic ripple effects that benefit the entire community.

- **Expanding public benefits legal assistance**, aimed at increasing the numbers of low-income York County residents enrolled in programs such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), and Medicaid, outcomes which bring vitally needed state and federal dollars into York County. These are dollar benefits for which county residents are entitled under the law but all too often are denied.³ These dollars can be of enormous help in addressing the basic economic needs of especially vulnerable residents such as older adults, people with disabilities, and children, and in the process (through the economic multiplier effect) generate dollars for local businesses and jobs for working York County residents. Our study has indicated a significant un-met need for this type of legal assistance in York County.
- **Providing the health care eligibility that comes with public benefits**, which could provide many low-income York residents with the medical treatment they are able to get only in hospital emergency rooms at great community expense or not at all. By helping more people to achieve eligibility for Medicaid and other health insurance programs, often as a byproduct of obtaining work authorization for immigrants or public benefits such as SSI and SSDI, legal services advocates not only improve the health of low-income families but also generate dollar reimbursements to York County health care providers for services they currently have to write off.

b. Opportunities for expanding impacts throughout the Central Pennsylvania region

- **Consideration can be given to expansion of the economic impact analysis to cover the entire Central Pennsylvania legal service network, not just York County.** A broader analysis could provide the data needed to place efforts to address the “justice gap” within a broader regional context. Since both MPLS and the CPIP serve not just York County but the entire Central Pennsylvania region, a broader, region-wide study would undoubtedly reveal an even greater economic impact and potentially bring in more partners and funding for the entire civil legal services delivery system.
- **A bigger impact:** If the analysis were to be expanded to cover the entire service areas of MPLS and PIRC, we have no doubt that the economic impacts that could be documented would be extremely compelling to legislators, funders, local bar associations, local governments, other regional foundations, courts, and other stakeholders of the legal services network.
- **A region-wide analysis could be efficiently done.** The experience that has been gained in this study provides templates and data that could readily be applied for an expanded analysis with relatively little additional effort.

c. Steps for improving the tracking of economic benefits going forward

Both MPLS and PIRC have been able to produce the basic data needed for this study. That said, further improvements in data production capacity could make it significantly easier

³ The fact that agencies often err in denying benefits is underscored by the extremely high success rate of legal aid programs – over 90 percent – in overcoming denials of SSI and SSDI benefits to low-income clients.

for both programs to track their results going forward and provide a stronger platform from which to tell a powerful story to funders and partners in the future.

- **MPLS: A good system is in place... Now advocates need to use it more consistently.** One impact of this study that we are hoping for is that lawyers and paralegals will see the importance of capturing accurate data when they close their cases. Their close attention to recording the benefits received by clients in each case will enhance the reliability and validity of information that can be documented regarding the impact of legal assistance that has been provided.
- **PIRC: The data systems are being put into place.** The program is in the process of installing a new casework tracking system that hopefully will make it much more efficient to capture and aggregate meaningful data about services and outcomes. PIRC leaders have indicated they have found this study to be helpful in identifying specific types of services and outcomes that will be useful to track on an ongoing basis to make the production of the kinds of data we have used in this study less burdensome in the future.

This analysis has shown that the legal services programs funded by YCBF are providing essential services that help thousands of low-income residents of York County each year to address critical legal issues directly affecting their families, homes, incomes, jobs, and access to vital services. The gap between the need for these services and the capacity of these programs to address them is profound. The findings of this study have demonstrated that additional investments aimed at bridging the “justice gap” will not only help many more people, it will have dramatic economic impacts that benefit the entire York County community.

This Report at a Glance

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I. Introduction

The shared primary mission of York County’s civil legal services programs is to enable access to the civil justice system for people in poverty who lack the means to hire a lawyer. Representation by legal services advocates fulfills one of our society’s most basic promises: *Equal Justice under Law*.⁴

This mission also produces economic outcomes that ripple outward to benefit many other segments of society. For example, by helping parents secure child support payments, legal assistance triggers a stream of revenue and spending that benefits local economies throughout York County. Legal services advocates save dollars for everyone by keeping families in their homes, by helping women and children escape domestic violence, and by making public programs and the court system work more efficiently and effectively.

A. Overview of this Report

This report describes the economic and societal impacts of the civil legal services provided by the two nonprofit legal assistance organizations funded by the York County Bar Foundation – MidPenn Legal Services (MPLS) and the Pennsylvania Immigration Resource Center (PIRC), as well as summarizing the related services provided by three YCBF-funded civil justice initiatives – the Truancy Prevention Initiative, the adult treatment courts, consisting of the Drug, Mental Health, and Veterans courts, and the York County Court Self-Help Center.

The assessment sought to generate answers to two fundamental questions:

- 1. What’s working?** In what ways are YCBF and its civil justice grantees achieving the results that are sought, such as positive outcomes for clients and/or significant economic impacts on the community?
- 2. What can be added or changed to strengthen the impacts of these programs?** What insights does the assessment provide that can be applied to produce even better results for the clients and communities that the YCBF and its grantees are serving?

In summary, this report finds:

- **Funding for legal services programs supports day-to-day legal assistance to York County’s most vulnerable people.** In the most recent year for which comprehensive data were available (2013), York County’s legal services programs handled 1,469 legal cases for low-income York County residents and their families,⁵ enabling clients to address

⁴ Quote over the entrance to the U.S. Supreme Court building in Washington DC.

⁵ Throughout this report, we use the terms, “handled” cases and “completed cases” (also called “closed cases”) as basic measures of the output of legal services programs. “Handled” cases consist of all cases on which activity was performed during a period, and include all cases that were completed during the period as well as new cases that were carried over into the next period. The term, “closed” (or “completed”) cases is a de facto standard established by the federal Legal Services Corporation, the largest funder of civil legal services in the United States, and whose 135 grantees cover every U.S. county. LSC grantees collect client and case data using “closed cases” as the standard measure of output and report those figures to LSC and their other funders annually according to the definitions and requirements of the Case Service Report (CSR) system, which has been in place since 1980. Most state and local funders of civil legal services, including Pennsylvania IOLTA and the Pennsylvania Legal Aid Network (PLAN), have aligned their reporting requirements, including the use of key measures such as the “case” and “closed case,” with the standards established by LSC’s CSR. As a grantee of Pennsylvania IOLTA, PIRC is aligned with these

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critical legal issues directly affecting their families, homes, incomes, jobs, and access to vital services such as health care and utilities. Private lawyers participating in the York County Bar Volunteer Lawyer Program handled 320 of these cases.

- **The two York-based legal services programs funded by YCBF produce economic impacts in York County that far exceed the investment made in their programs.** A total of \$1.1 million from all sources (YCBF, other foundations, courts, state funds, contributions, attorney fees, etc.) invested in legal services programs in 2013 produced \$9.9 million in economic benefits and savings to clients and communities within York County, yielding a return on investment of 9-to-1. In addressing legal problems of clients, legal services programs secure millions of dollars in direct benefits for clients, stimulate local spending, sustain private sector jobs, and spare state and local budgets the costs of responding to family crises triggered by such issues as foreclosure, eviction, and domestic violence.
- **Legal services programs help ease the burden on the York County court system.** The civil justice programs funded by YCBF enable the York County courts to operate more efficiently by helping self-represented litigants navigate the court system and by hosting community legal education clinics to inform residents about how the legal process works. Legal services advocates negotiate solutions in many cases that otherwise might result in litigation, counsel applicants against bringing non-meritorious cases to court, and refer clients to other sources of help (such as social service providers) when their cases lack legal merit.
- **York County’s legal services programs recruit and coordinate pro bono assistance.** To help narrow the justice gap, both MPLS and PIRC collaborate with the York County Bar Association to recruit private attorneys and law firms to contribute *pro bono* or free services. As a result of these recruitment and coordination efforts, in 2013, legal services volunteers in York County donated a total of 2,960 hours of services valued at \$336,000.
- **Legal services programs are confronting a critical “justice gap” in York County that affects everyone.** Legal services programs struggle every day to overcome the disparity between the volume of legal needs faced by applicants for their services and the legal resources available to meet them. Every additional \$100,000 of funding that can be raised enables legal services programs to complete 120 more cases benefiting York County residents and generating an additional \$900,000 in dollar benefits and cost savings.

B. Methodology

The methodology used in this assessment included a high degree of engagement with the YCBF-funded legal service providers. This section briefly describes the methods used for grantee involvement, the data collection methods that were used, the major elements of the analysis, and the limitations of the methodology and how they were addressed.

1. Grantee Involvement in Design and Implementation

definitions for purposes of quantifying its case output insofar as these definitions apply to the highly specialized legal services provided to immigrants. In some respects, such as PIRC’s services to detainees at York County Prison, the definitions do not directly apply, and we have described in footnotes the methods we have used to estimate PIRC’s output of these services in terms that align with generally accepted legal services reporting practice.

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Throughout the course of the project, YCBF and The Resource engaged the grantees in the design and conduct of the research. An introductory joint meeting of Resource staff with grantees and subsequent web sessions were held to review preliminary findings and obtain feedback on the methods, data sources, and assumptions being applied. The grantees also were asked to review and comment on a draft of the findings, observations, and conclusions of the study, and their feedback was incorporated in the final draft of this report.

2. Data Collection Methods

The assessment was designed to utilize, wherever possible, reports and other data that already had been provided to the Foundation by grantees, supplemented with data that grantees could easily produce from their files and computer systems, such as financial audit reports and Case Service Reports (CSRs⁶).

The Foundation forwarded to The Resource a series of documents that clearly would be useful for the assessment, such as grantee reports, papers that had been produced by the Legal Services Task Force (LSTF) prior to our study, and other readily available data, as well as references to potential sources of additional information – for example, key staff in local courts and public agencies with whom the Foundation has frequent contact.

That information was augmented with Internet research and contacts by telephone and email with sources in other agencies in York County referred to us by the Foundation and grantees. The study drew heavily on the work of other researchers across the country whose contributions are acknowledged in footnotes throughout the report.

The study also relied on previous work that The Resource had done in quantifying and evaluating the work of legal services programs across the United States and Canada. For example, we used models derived from our evaluation studies in New York, Virginia, and Pennsylvania to estimate the success rates⁷ of the YCBF-funded legal services programs in handling cases, such as domestic violence prevention and eviction defense, for which the YCBF-funded programs did not collect contemporaneous outcomes data.⁸

3. Analysis

The analysis had three components:

- **Analysis of case statistics.** Statistical data on cases handled during 2013, the most recent year for which comprehensive data were available, were used in the assessment. Data were provided in aggregated form by the YCBF-funded programs from their case management

⁶ Appendix C is available from YCBF upon request and contains a glossary of terms related to civil legal services used in this report.

⁷ By “success rate,” we mean the percent of cases that produce positive outcomes having the kinds of economic impacts we are seeking to quantify. For example, in an eviction defense case, a “successful” outcome would consist of the client avoiding eviction or obtaining additional time to seek alternative housing, thereby avoiding the need for emergency shelter at public expense. . In our analysis, the “success rate” is defined in terms of the specific outcomes that produce economic impacts for the types of cases being analyzed, as identified in the footnotes accompanying each exhibit in this report.

⁸ Note that our recommendations include simple steps that the Foundation and its grantees can take to improve outcomes reporting in the near future so as to make easier the quantification of economic impacts and other important results.

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systems. These provided the inputs for our economic impact analysis as well as snapshots of the numbers and types of cases handled by the programs over the period covered by the assessment.

- **Economic impact analysis.** The analysis applied three types of data:
 - *Numbers of cases of types known to produce economic impacts* – for example, “child support” cases in which the divorce settlement includes a monthly dollar amount to the custodial parent.
 - *The “success rate”– the percentage of cases completed by the program that produced the economic impact* – Where there were gaps in the outcomes data collected by YCBF-funded programs, we estimated success rates using financial estimation models we have developed using data from other states such as New York, Virginia, and Pennsylvania, wherein case output data is collected by legal services programs using systems mandated by their state funders. In this report, we have flagged those figures that are based on estimates derived from financial models rather than outcomes tracked by the programs in York County. The assumptions and methods used for these modeling efforts are described in detailed notes accompanying the tables in the economic impact sections of this report.
 - *The magnitude of the impact per successful case* – for example, the average child support award made to custodial parents in the jurisdictions being served by the legal services programs. The data sources and assumptions we used for estimating the magnitude of economic impacts are documented in the notes to the tables in this report. Wherever possible, we applied average figures derived from agencies overseeing these matters – for example, key information for estimating the average cost of providing emergency shelter for families rendered homeless through eviction or foreclosure were obtained from the Bell Family Shelter in York County. Where figures specific to York County were not available, we used data from state and/or national sources that approximated as closely as possible the conditions that applied in York County. In some cases, adjustments were required; for example, for child support, we adjusted the average award by the percentage of awards that are actually collected by award recipients, based on national statistics reported by the Census Bureau.
- **The “justice gap.”** For the general low-income population, we estimated the number and type (family, housing, consumer, etc.) of legal problems occurring each year in York County. We formed our estimate by extrapolating the findings of the most comprehensive national study on this topic to date – the American Bar Association’s Comprehensive Legal Needs Study⁹ – to the specific low-income population of York County, applying a model developed by The Resource for this purpose.¹⁰ To estimate legal services capacity in each

⁹ The figures on numbers of legal problems used in this section were extrapolated by The Resource from, “Legal Needs and Civil Justice. A Survey of Americans Major Findings from the Comprehensive Legal Needs Study,” Consortium on Legal Services and the Public for the American Bar Association (1994), applying the U.S Census Bureau’s 2011 American Community Survey data and York County figures for the “Extremely Low Income” population as defined by 2011 HUD income limits.

¹⁰ The Resource has developed a statistical model based on the findings of the 1994 national legal needs study by the American Bar Association, which found that the incidence of legal problems among members of the low-income population is approximately 101 legal problems per year per 100 households. (This order of magnitude has also been

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of these legal problem areas, we applied the case statistics provided by MPLS and PIRC, the primary legal services programs serving York County.

4. Limitations

Since the assessment was designed to utilize, wherever possible, reports, studies, and other data that were already available rather than data collected specifically for this study, our analysis required the application of numerous adjustments and assumptions.

This is always the case when applying secondary data for addressing real-world questions rather than collecting new data to achieve a specific scientific or policy purpose.¹¹

Our approach in studies like this is to fully document our data sources and to specify as clearly as possible the assumptions we have applied in bridging the gaps inevitably found in the data and studies that we have been able to find.

Our rule of thumb is always to err on the conservative side when making these assumptions. For example, in our analysis of the cost savings achieved through successful representation in foreclosure cases in Chapter III, we used the “25th percentile” home value (\$74,500 for York County) rather than the “50th percentile” (median) home value (\$181,000) as an estimate of the average property value in a legal services foreclosure case.¹²

Accordingly, our findings generally represent the *lowest* reasonable estimates of economic impacts; in reality, the *actual* impacts are likely many times higher than the figures asserted in this report.

As another example of our conservative approach, a key assumption used in our analysis of child support payments resulting from legal representation in family law cases (Chapter III) was the average monthly amount of child support that was achieved in each successful case. For this factor, we used an estimate of \$204 rather than the national average, \$504 per month.¹³ Accordingly, our analysis represents a *low* estimate and the true impact likely would be significantly higher.

found in subsequent legal needs surveys in many states.) The ABA Study further produced data on the distribution of these problems by legal problem type – for example, divorce, custody, eviction, Medicare/Medicaid, etc. Our model is useful for producing a rough estimate of the incidence and distribution of legal problems in a specific service area, using as inputs readily available data regarding the numbers of low-income households in that area.

¹¹ The ABA Legal Needs Study is an example of a study designed and executed from scratch to address a policy question – in that case, to determine the incidence of legal needs among the low-income U.S. population. As with many efforts of that type, the ABA study required five years to complete and a budget of hundreds of thousands of dollars.

¹² Under the terms of its funding for foreclosure prevention, MPLS is able to serve clients with incomes up to 187.5 percent of the federal poverty line, which for a family of four translates to an annual income of \$44,000. At this income level, the family could potentially qualify for a \$200,000 property, financed with a 7 percent, 80% loan-to-value, 30-year mortgage. In the days leading up to the foreclosure crisis of 2009-2013, many low-income clients were trapped in mortgages on properties valued at much more than the \$74,500 we conservatively assumed in our analysis.

¹³ The figure of \$204 was derived by adjusting the national average (\$504, according to the U.S. Census) by the ratio of a low-income payee’s average income (\$22,980 for an individual at 200 percent of poverty) to the median income in York County (\$58,747). This adjustment seemed reasonable inasmuch as the amount of child support that is applicable in a specific case is derived by a formula in which the income of the payee is a principal factor.

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Wherever possible, we used figures based on contemporaneous recordkeeping by the legal services providers included in the study. For example, the study relied heavily on case statistics captured by the case management systems of YCBF grantees, compiled according to the conventions and definitions required by their principal funders, which are subject to audit by funding entities such as the Legal Services Corporation and the U.S. Department of Justice. These data are as close to *measured* values as can be obtained for a study of this kind.

Where measured data were not available, we used figures produced by the most credible external studies we could find that were based on data collected under circumstances as similar as possible to those existing in York County. For example, in estimating the success rates achieved by legal services programs in advice-only and brief-service cases, we applied the findings of our 2012 study of these kinds of cases among 10 legal services programs in Pennsylvania.¹⁴ That study was based on a scientific survey of 400 legal services clients who had been provided with this kind of legal assistance in the second half of 2011 across Pennsylvania, and was accordingly directly on point for use in the present study.

Although it is not possible to assign a margin of error to the findings of a study based on such a wide array of secondary data, we believe that it is safe to say that with the conservative approach we have applied, the true economic impacts of legal assistance in York County are if anything many times *higher* than those we have presented in this report.

¹⁴ See, “Final Report on the Survey of Clients Provided with Advice or Brief Services by Pennsylvania Legal Aid Programs Funded under the Access to Justice Act,” Pennsylvania IOLTA, at <https://www.paiolta.org/wp-content/uploads/2014/05/Report-on-Telephone-Based-Legal-Assistance.pdf>

II. Overview and Achievements of the Civil Legal Services Delivery System Serving Low-Income Residents of York County

Two nonprofit organizations funded by the York County Bar Foundation – MidPenn Legal Services (MPLS) and the Pennsylvania Immigrant Resource Center (PIRC) – deliver free or low-cost civil legal services having profound societal and economic impacts on their low-income clients in York County who are fighting to keep their homes, solve their financial problems, and keep their families intact. Their mission also produces economic outcomes that ripple outward to benefit many other segments of society.

These two groups, along with three additional YCBF-funded civil justice initiatives – the Truancy Prevention Initiative, the adult treatment courts, consisting of the Drug, Mental Health, and Veterans courts, and the York County Court Self-Help Center – comprise a collaborative network of legal services organizations providing access to the civil justice system for local residents and immigrants.

This section briefly describes York County’s legal services programs and summarizes the aggregate impacts of MPLS’ and PIRC’s services in 2013, the legal assistance provided, the benefits received by clients in 1,469 cases, and the \$9.9 million in economic benefits and cost savings that the groups sparked for their clients and the entire York community.

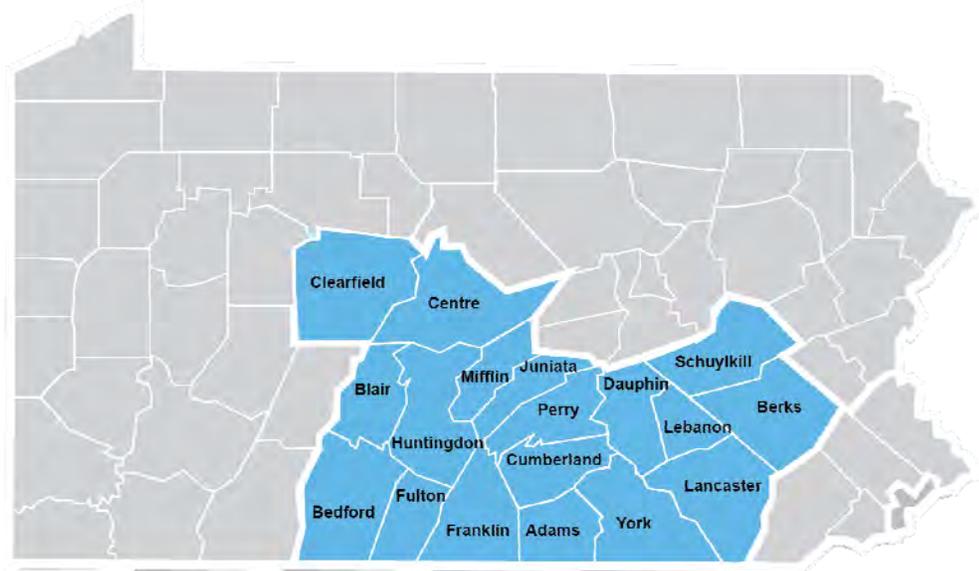
A. YCBF Helps Fund Two Nonprofit Legal Services Organizations and Three Additional Civil Justice Initiatives in York County.

Here is a brief description of the legal services programs supported, in part, by YCBF:

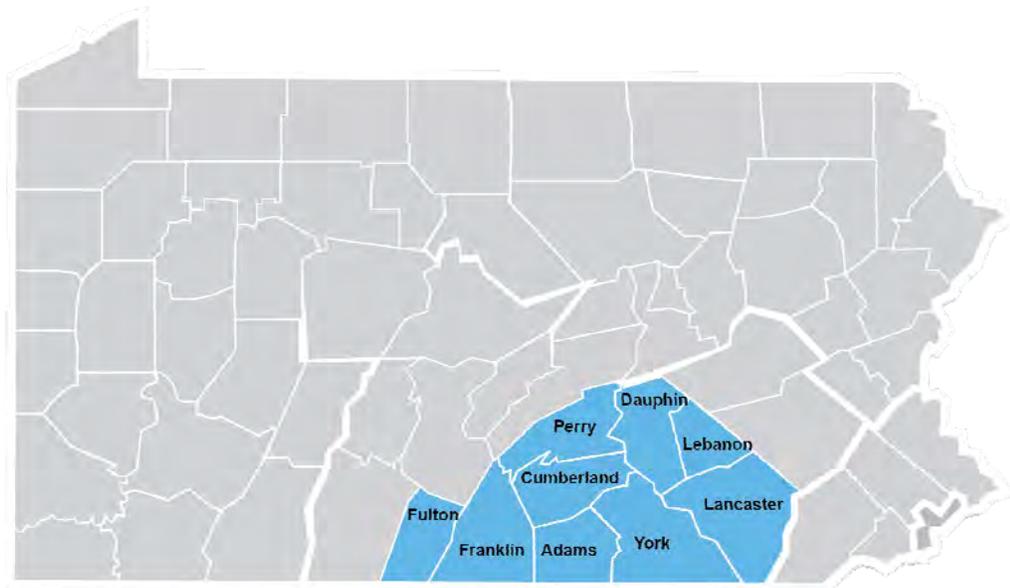
- **MidPenn Legal Services (MPLS)** – York County is one of 18 counties in Pennsylvania served by MPLS, the primary organization established to provide civil legal services to the poor. MidPenn Legal Services is a non-profit, public-interest law firm dedicated to providing equal access to justice and high quality legal services to low-income residents and survivors of domestic violence in the counties indicated in **Exhibit 1** on the next page, MidPenn’s clients include the working poor, seniors, veterans, and people with disabilities.
- **Pennsylvania Immigrant Resource Center (PIRC)** – PIRC is the leading source of legal services to immigrants detained by the Department of Homeland Security (DHS) in Pennsylvania.¹⁵ PIRC also provides holistic civil legal services to non-detained immigrant victims of domestic violence, sexual assault, and other crimes through the Central Pennsylvania Immigration Project (CPIP). CPIP serves the nine counties indicated in **Exhibit 2** on the next page. Like MidPenn Legal Services, PIRC relies in part on funding from the York County Bar Association and Foundation.

¹⁵ In a contract with York County, DHS detains approximately 800 immigrants at the York County Prison on a daily basis.

**Exhibit 1: MidPenn Legal Services (MPLS)
Serves 18 Counties in Central Pennsylvania**



**Exhibit 2: Pennsylvania Immigration Resource Center (PIRC)
Serves Nine Counties in Central Pennsylvania**



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- **The York County Truancy Prevention Initiative** – The Truancy Prevention Initiative is a coalition of 30-plus school teachers and administrators, parents, students, judges, service providers, government agencies, the medical and business communities, and others who have been meeting for years to seek innovative solutions to York’s stubbornly high rate of truancy. Truancy, defined as three or more unexcused absences from school, has a high correlation with school drop-out rates and criminal activity. The work of the Truancy Prevention Initiative has correlated closely with a dramatic decline in York County’s statewide truancy ranking - from 9th worst among Pennsylvania’s 67 counties in 2007-2008 to 29th worst in 2012-13.¹⁶
- **York County Adult Treatment Courts** – York County operates four specialized treatment, or diversionary, courts: Drug, Adult Mental Health, Driving Under the Influence, and Veterans Treatment courts. The goal of these programs is to help defendants stay out of the criminal justice system by addressing underlying causes of criminal behavior. They also save taxpayer money by keeping offenders out of York County Prison.
- **The York County Court Self-Help Center** – The Self-Help Center is a resource for individuals who are representing themselves in civil litigation. The Self-Help Center provides assistance and information on legal procedure and issues, but not legal advice. The Self-Help Center was established in late 2013 and provided assistance to 900 people by year’s end. It is operated and funded by the Administrative Office of York County Courts (AOYCC). The York County Bar Foundation and State Justice Institute provided matching grant funds for the establishment of the Self-Help Center. The Self-Help Center is located on the first floor of the York County Judicial Center in York City.

B. Combined Goals of the Legal Services Providers Receiving YCBF Support

For many years, the York County Bar Association and Bar Foundation has been committed to supporting and supplementing the work of the legal assistance providers serving York County. The Bar Association and Foundation provides financial support as well as organizing members of the private bar to serve as pro bono volunteers, primarily in the area of family law. but in other areas as well. The Bar’s own Strategic Plan prioritizes support of legal services and access to justice issues, including the following:

- **Providing a legal safety net for low-income persons and for domestic violence survivors in York County.** MPLS advises and represents low-income people on general civil legal issues: domestic violence, custody, housing, health care, consumer, elder law, and public benefits. PIRC’s primary focus in its Community Programs is the provision of legal services to immigrant victims of domestic violence, sexual assault, human trafficking, and other serious crimes.
- **Giving voice to the most vulnerable immigrants and their families in York County.** PIRC provides free, effective legal representation, legal services, education, and advocacy to help immigrants obtain or protect their legal status. In its Legal Orientation

¹⁶ Final grant report to YCBF by the York County Truancy Prevention Initiative, September 30, 2013, page 3. At this writing, YCBF has reported that the most recent data indicate the York County truancy rate has been further reduced to 38th in the state for 2013-14.

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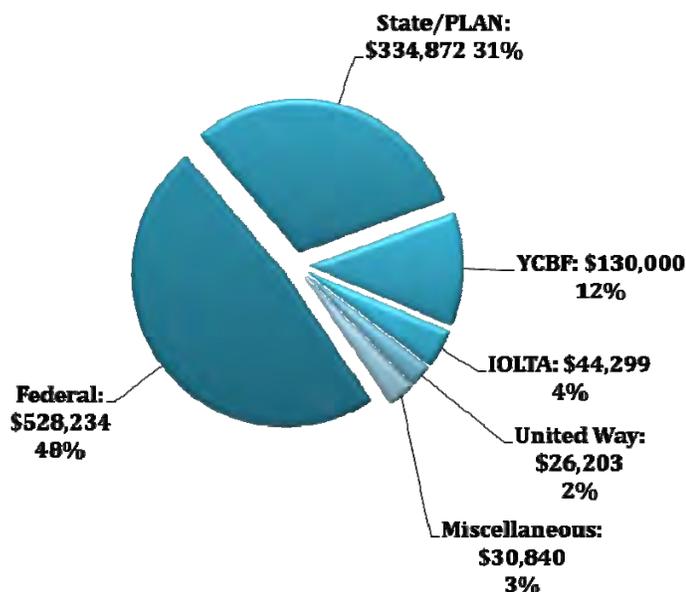
Program (LOP), PIRC provides legal education and “know your rights” classes that allow immigrants detained at the York County Prison to recognize their potential remedies and PIRC staff to identify the most vulnerable among them. PIRC serves as an advocate to vulnerable immigrants by providing direct legal assistance as well as pro se assistance when direct representation is not possible. PIRC also serves as a resource to community partners on language access policies and practices.

- **Providing opportunities for pro bono service.** Through the Pro Bono Partnership, MidPenn advocates and York County Bar Association pro bono attorneys work together to meet the growing need for legal services by providing legal representation to low-income residents of York County through direct representation, brief advice, clinics, community education, and pro bono representation. PIRC engages private attorneys practicing in immigration, family, criminal, and other areas of law to provide direct representation to vulnerable immigrants. PIRC also works with private attorneys (and law school and university volunteers) to provide pro se workshops and assistance at the York County Prison. PIRC provides continuing legal education classes to pro bono attorneys and training to attorneys and social service providers in the community to educate and promote language access and cultural competency.
- **Making legal aid more accessible.** In the fall of 2012, the York County Bar Association and Bar Foundation created and funded the York County Legal Services Task Force (LSTF). The Task Force issued a final report in September, 2013, laying out a holistic, sustainable plan to increase access to civil legal services for low income residents of York County. On August 30, 2013, the York County Bar Association and Foundation adopted all 15 recommendations, with an investment of \$427,833 over a 2.25 year period for the YCBA's access to justice initiatives. Among the implementation steps completed are the hire of a pro bono coordinator to work with MPLS in expanding pro bono involvement by York County lawyers and the launch (in October) of the Self-Help Center at the York County courthouse with the help of a matching grant from the YCBF.

C. Total funding for Civil Legal Services Programs for Low-Income York County Residents Totaled \$1.1 Million From All Sources in 2013

As indicated by **Exhibit 3** below, YCBF provided \$130,000 (12 percent) of this total.¹⁷ Other sources included statewide entities such as Pennsylvania IOLTA (\$44,299) and the Pennsylvania Legal Aid Network (\$334,872); federal sources (LSC, Title III, totaling \$550,499); and a variety of other sources.

**Exhibit 3:
Funding for the Legal Services Grantees of YCBF, 2013**



Funding, By Source, 2013			
	MPLS Report 2013	PIRC Report 2013	Total
Federal	\$245,168	\$283,066	\$528,234
State/PLAN	\$334,872		\$334,872
YCBF	\$80,000	\$50,000	\$130,000
IOLTA		\$44,299	\$44,299
United Way	\$26,203		\$26,203
Miscellaneous	\$30,840		\$30,840
Totals:	\$717,083	\$377,365	\$1,094,448

¹⁷ Included in the \$130,000 total were YCBF funds reported by MPLS and PIRC as applying to the 2013 services whose impacts were quantified in this study. As indicated in its 2014 Annual Report, YCBF granted a total of \$185,197 to MPLS and PIRC in 2013, including a \$108,997, 18-month grant for the MPLS family law attorney. In total, YCBF distributed \$264,502 in 2013 to programs that help people whose lives intersect with the legal system. Initiatives funded by YCBF included the Truancy Prevention Initiative, the “Leave a Legacy” program, need-based scholarships, and funding for the Legal Services Task Force.

D. YCBF-Funded Legal Services Programs Deliver Day-To-Day Legal Assistance to Low-Income Community Members.

In 2013, legal services programs funded by YCBF provided individualized legal assistance to 1,469 residents and their families, thereby enabling them to address critical legal issues directly affecting their families, homes, incomes, jobs, and access to vital services such as health care and utilities.¹⁸

As shown in **Exhibit 4** and **Exhibit 5** below, about four out of every ten cases addressed family problems, such as child custody, divorce, and support, many of them involving domestic violence. Housing problems, including eviction and foreclosure, accounted for another two out of every ten cases.

Exhibit 4:
Individualized Legal Assistance Was Provided to 1,469 York County Residents and Their Families in 2013
Breakdown by Legal Problem Area

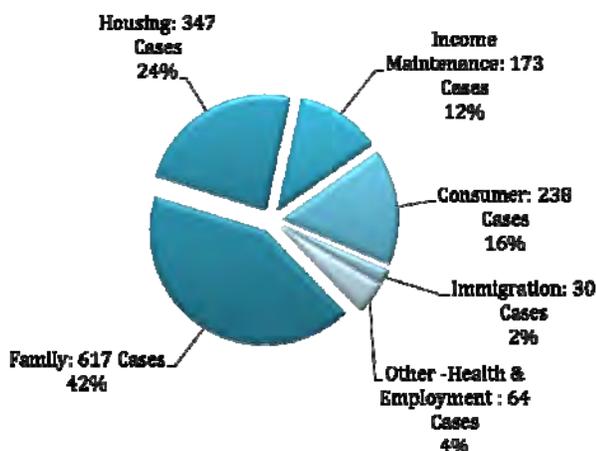


Exhibit 5:

Individualized Legal Assistance Provided for York County Residents in 2013, by Program and Legal Problem Area				
	MPLS	YCVLP	PIRC CPIP*	Total
Family	441	176		617
Housing	324	23		347
Income Maintenance	141	32		173
Consumer	159	79		238
Immigration			30	30
Other - Employment, Health, & Misc.	54	10		64
Totals:	1,119	320	30	1,469

* Cases completed by PIRC's Central Pennsylvania Immigration Project (CPIP) for York County residents. Does not include services provided under PIRC's Legal Orientation Program (LOP) for detained immigrants at York Prison, which served 2,799 detainees in 2013.

¹⁸ In this report, “individualized legal assistance” included “handled” cases, which consisted of all cases on which activity occurred during the period, as well as pro bono private attorney cases and individualized assistance provided at legal clinics. The 1,469 figure does NOT include 177 youth who were assisted through the York County Truancy Initiative in 2013 or the approximately 900 people who received pro se assistance at the Self Help Center at the York County courthouse between October 2013, when the Center was launched, to the end of 2013.

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Types of services provided include:

- Legal advice and brief services
- Extended legal representation – for example, serving as attorneys of record in court and administrative proceedings and negotiating with opposing parties
- Clinics and workshops for assisting self-represented litigants in local court proceedings
- Educational materials and outreach
- Referrals to other service providers

E. Legal Services Programs Are Confronting A Critical “Justice Gap” In York County That Affects Everyone.

York County’s legal services programs struggle every day to reduce a “justice gap” which is the disparity between the volume of legal needs faced by those needing their services and the resources available to the providers for meeting those needs. Approximately nine out of every ten York County low-income residents experiencing a “general” legal problem each year do not receive individualized legal assistance. The great majority do not even seek help, either because they do not know they are eligible for free legal aid or because it is common knowledge in the low-income community that legal aid providers lack the resources to serve more than a fraction of the people who apply for services.

This disparity is a result of chronic under-funding of legal assistance for low-income people in Pennsylvania and across the country.

The resources available for legal services historically have fallen far short of the amounts needed to fully serve even those who show up as applicants for legal assistance at legal services offices. Legal service providers have only enough resources to handle emergency cases, such as eviction or domestic violence, and a few other high-priority matters such as child custody in cases where domestic violence is involved. Lower priority situations often require long waits for service or no service at all. As a result, many of those experiencing legal problems attempt to resolve them on their own or simply do nothing and hope for the best.

The result can be a lost opportunity for the individuals involved to get a positive outcome for their situations, and in some cases, a devastating result such as homelessness when a problem is allowed to linger beyond the time when it could have been resolved.

The gap varies significantly by type of legal need, ranging from 73 percent of family problems unmet at the low end to virtually all legal matters unaddressed in areas such as health care and children’s schooling.

Moreover, only a tiny fraction – less than one percent of York County’s unauthorized immigrants, a population with a complex set of legal problems that potentially could be addressed through very small amounts of legal intervention – are provided with legal assistance each year.

Please see section V of this assessment for a full description of the justice gap in York County.

F. YCBF-Funded Legal Service Programs Produce Economic Impacts that Far Exceed the Funding They Receive.

In addressing legal problems of clients, legal services programs secure child support for their clients, stimulate local spending, sustain private sector jobs, and spare state and local budgets the costs of responding to family crises triggered by such issues as foreclosure, eviction, and domestic violence. A total of \$1.1 million from all sources invested in legal services programs in 2013 produced \$9.9 million in economic benefits and savings to clients and communities, yielding a return on investment of 9-to-1.

Please see section III of this assessment for a full description of the economic impacts of legal services in York County.

G. York-Based Legal Services Programs Ease the Stress on Overburdened Court Systems.

Legal services advocates enable the courts in York County to operate more efficiently by helping low-income litigants navigate the court system and by hosting community legal education events to inform residents how the legal process works. Legal services advocates negotiate solutions in many cases that otherwise might result in litigation, counsel applicants against bringing non-meritorious cases to court, and refer clients to other sources of help (such as social service providers) when their cases lack legal merit.

One of the civil justice programs funded by YCBF is the Pennsylvania Immigration Resource Center (PIRC), which includes among its services a legal orientation program (LOP) for immigrants detained at York County Prison while their deportation cases are working their way through the immigration court system. Individuals in detention must wait 4 months or more for their Merits Hearing. PIRC's LOP classes prepare immigrants to appear pro se and provide an improved understanding of their rights and potential remedies. This orientation results in fewer continuances and helps to create a "faster" docket.

A 2012 national study by the Vera Institute provides strong evidence that programs similar to PIRC's provide significant savings for the immigration courts in the form of reductions in the length of proceedings required to reach a decision. PIRC served 2,780 detained immigrants with legal orientation, advice, and pro se assistance, and, based on the findings of the Vera study, saved courts an average of 12 days in elapsed processing time per detainee.

Please see section IV of this assessment for a full description of the impacts of legal services in easing the burden on the court system in York County.

H. York County's Legal Services Programs Support the Significant Efforts of York County Private Lawyers to Narrow the Justice Gap.

Legal services programs collaborate with the York County Bar to recruit law firms and individual private attorneys to provide pro bono services to low-income York residents.

As a result of the recruitment and coordination efforts provided in 2013, legal services volunteers in York County included 93 attorneys who completed 320 cases for legal services clients while donating a total of 2,960 hours of services valued at \$336,000.

III. Economic Impacts: YCBF-Funded Civil Legal Services Programs Produce an Excellent Return on Investment for Their Funders and Partners.

The shared primary mission of York County’s legal services programs is to deliver access to the civil justice system for people in poverty who lack the means to hire a lawyer. Representation by legal services advocates fulfills one of our society’s most basic promises: *Equal Justice under Law*.

Yet this mission also produces economic outcomes that ripple outward to benefit many other segments of society. For example, by helping low-income people qualify for public benefit programs, legal assistance brings a stream of state and federal tax dollars into the county that not only provides food, shelter, and health care to vulnerable residents, but also boosts local economies throughout York County through the economic multiplier effect. Legal services advocates save dollars for everyone by keeping families in their homes, by helping women and children escape domestic violence, and by helping public programs and the court system work more efficiently.

A. Overview: YCBF-funded Legal Services Programs Produced \$9.9 million in Economic Impacts in 2013, a Nine-Fold Return on Investment.

While it is difficult to place a dollar amount on many of the societal benefits that legal services programs produce, such as fair administration of justice or the correction of discriminatory practices, legal services programs achieve an array of financial outcomes that are readily quantifiable. The case management systems of these programs have made it possible to track dollar benefits awarded directly to clients through successful casework, while economic modeling reveals the further cost savings and other impacts that legal services have on clients and local communities. Comparing legal services programs’ overall financial impacts with their total funding provides a measure of the significant economic impact of investing in legal assistance.

Exhibit 6 on the next page summarizes the impacts of the two primary legal services programs funded by YCBF in 2013.¹⁹ The chart shows that together, MPLS and PIRC produced \$9.9 million in economic impacts – about a nine-fold return on a total of \$1.1 million from all sources invested in the York County operations of these legal services programs during the period.

¹⁹ The economic impacts summarized in this chapter were achieved by MPLS and PIRC, the principal legal service providers that serve York County residents. Additional economic benefits are surely being provided by the other civil justice initiatives funded by YCBF – the Truancy Prevention Initiative, the adult treatment courts, and the Self-Represented Litigant Center – but the data that would be required for quantifying those impacts were not available for this study, and accordingly their economic impacts are described only in qualitative terms in this report.

Exhibit 6: Summary of Economic Impacts of YCBF-Funded Legal Services Programs, 2013

Summary of Economic Benefits and Savings	Total Impact, Millions	PIRC	MPLS
I. Direct Dollar Benefits to Clients and Their Families	\$1.4	\$0.4	\$1.0
<i>A. Child and Spousal Support (MPLS)</i>	<i>\$0.4</i>		<i>\$0.4</i>
<i>B. Wage Impacts of Helping Immigrants Achieve Legal Resident Status (PIRC)</i>	<i>\$0.3</i>	<i>\$0.3</i>	
<i>C. Public Benefits for Needy Immigrants Upon Achieving Eligibility (PIRC)</i>	<i>\$0.1</i>	<i>\$0.1</i>	
<i>D. Unemployment Compensation (MPLS)</i>	<i>\$0.4</i>		<i>\$0.4</i>
<i>E. Health Care Under Medicare/Medicaid (MPLS)</i>	<i>\$0.2</i>		<i>\$0.2</i>
II. The Economic Multiplier Effect	\$1.6	\$0.6	\$1.0
III. Increased Tax Revenues for State & Local Government	\$0.3	\$0.3	
IV. Cost Savings for the Community	\$6.6	\$1.5	\$5.1
<i>A. Prevention of Foreclosure (MPLS)</i>	<i>\$4.8</i>		<i>\$4.8</i>
<i>B. Prevention of Domestic Violence (MPLS & PIRC)</i>	<i>\$0.4</i>	<i>\$0.1</i>	<i>\$0.3</i>
<i>C. Reduction in Cost of Detention at York Prison (PIRC)</i>	<i>\$1.4</i>	<i>\$1.4</i>	<i>\$0.0</i>
Total Economic Impact (Sum of Lines I through III)	\$9.9	\$2.8	\$7.1

The economic impacts include the following (summarized briefly here and explained in more detail on the following pages):

- **\$1.4 million in direct-dollar benefits for low-income families**, including child and spousal support, higher wages for immigrant workers, public benefits for needy immigrants (essentially the elderly, people with disabilities, and children), unemployment compensation for laid-off workers, and health care provided under Medicare and Medicaid. These direct outcomes of legal assistance provided income to pay for daily necessities such as food, rent, electricity, and transportation, and for access to medical care for otherwise uninsured low-income families.
- **\$1.6 million in the economic multiplier effect**, produced by dollars coming into York from outside the county each year – including child support and public benefit payments, as well as operating grants for the legal services programs themselves from outside the county – that are spent and circulate in the local economy creating revenue for businesses and jobs for working York County residents. Without the efforts of legal services advocates, these dollars would be lost to communities across York County.
- **\$0.3 million in additional tax revenues for state and local governments**, primarily resulting from the taxes paid on increased wages of immigrants who have gained work authorization with the help of PIRC advocates and by higher compliance with tax withholding by employers for whom authorized immigrants are likely to work.
- **\$6.6 million in cost savings** from legal services’ success in reducing problems that are costly for everyone, such as foreclosure, domestic violence, and lengthy detention of immigrants at York County Prison at public expense due to delays in the legal process caused in part by a lack of the resources necessary to efficiently move their cases forward.

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B. Direct-Dollar Benefits – Child Support: \$0.4 million

Exhibit 7 below indicates the computations and assumptions used in deriving the impact of child support produced through the efforts of MPLS. Court orders for child support were obtained through successful representation of clients in divorce, separation, paternity, and custody proceedings.

Exhibit 7:

Estimated Direct-Dollar Benefits for Clients - Child Support	
1. Number of cases closed by program potentially involving child support (divorce, custody, support and/or domestic violence) - <i>see Note 1</i> :	118
2. Estimated number of the above cases for which child support order was awarded (<i>see Note 2</i>):	27
3. Average monthly amount of child support (<i>see Note 3</i>):	\$204
4. Average percent of child support awards that are actually received (<i>see Note 3</i>):	62%
5. Assumed duration of payments in months (<i>see Note 4</i>):	108
Total Estimated Revenue Received by Clients in 2009-2012 ("2" x "3" x "4" x "5"), Millions:	\$0.4

Note 1: Source: Program's case tracking data system.

Note 2: This estimate is based on an assumed "success rate" composed of a weighted average of measured success rates from two sources: (1) a scientific survey by The Resource in which 400 legal aid clients in Pennsylvania randomly sampled from all who had received advice or brief services in the latter half of 2011 were interviewed by phone to determine the outcomes of their cases; and (2) measured outcomes of extended representation cases handled by all general civil legal service providers in New York and Virginia in 2011. We assumed for purposes of this analysis that the success rate of the subject program was this same as the composite success rates of the programs determined from these two sources.

Note 3: Estimate by The Resource based on Census figure for U.S. average (2011) child support of \$504 per month. We adjusted this figure for income by multiplying it by the ratio of the income of a low-income individual (\$22,980 at 200 percent of the federal poverty guideline) to the median income for York County households (\$58,747). Source of Census figure: <http://www.census.gov/prod/2013pubs/p60-246.pdf>

Note 4: Assumed duration of child and spousal support: 9 years. This is the average time elapsed from the average age of children at divorce (9 years) to age 18. Source of figure for average age of children at divorce: Liu, Shirley H., "The Effect Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach," page 17; available at the following website: http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.

C. Direct-Dollar Benefits – Wage Impacts for Immigrants: \$0.3 million

When an immigrant receives authorization to work legally in the U.S., his or her employment prospects become significantly better, and the immigrant’s wages reflect this fact. One’s ability to get a decent job improves, and the chances of being exploited by an unscrupulous employer decreases.

Studies in California and elsewhere have quantified the impact of work authorization. One study by Manuel Pastor and Justin Scoggins, et al. focusing on Latino immigrant workers in 14 occupation categories in California, found that that the wages earned by authorized immigrant workers were 9.5 percent higher than those of unauthorized immigrant workers, controlling for differences in human capital characteristics and specific jobs.²⁰

Exhibit 8 below summarizes the results of applying these studies to estimate the aggregate wage impacts achieved by PIRC’s *Central Pennsylvania Immigration Project (CPIP)* in assisting York County immigrants to obtain work authorization in 2013.

Exhibit 8:

Estimated Wage Impacts of Authorization	
1. Number of Immigrants Who Received Authorization:	
Number of program clients who achieved authorization in the 4-year period 2009-2012 as a result of program's legal assistance (see Note 1)	
A. Through VAWA based permanent resident filings:	3
B. Through U visa filings:	19
C. Total who received authorization ("1.A" + "1.B"):	22
2. Impact on Working Immigrant Women	
A. Number of the total in line 1.d who were female (see Note 2):	22
B. Percentage of authorized immigrant women who are employed (see Note 3):	100%
C. Number of employed women who received authorization ("2.A" x "2.B"):	22
D. Assumed differential in average annual wages between unauthorized and authorized female immigrant workers (see Note 4):	\$1,278
E. Estimated annual wage impact for women ("2.C" x "2.D"), millions:	\$0.03
Assumed Duration of Wage Impact in Years (see Note 5):	
	10
3. Estimated Net Present Value of Wage Impact ("4" x "5"), Millions:	
	\$0.3

See next page for Notes to Exhibit 8.

²⁰ Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California," Center for the Study of Immigrant Integration, University of Southern California (USC), 2012, page 1.

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Notes to Exhibit 8:

Note 1: The program's case tracking data system was used to determine the actual number of applications that were filed by the program on behalf of clients. Based on the intake experience and professional judgment of program advocates, the rate of acceptance by the U.S. Citizenship and Immigration Services (USCIS) was assumed to be 85 percent for family LPR applications filed by clients who received brief legal assistance and 100 percent for U-Visa applications filed by clients who received extended representation.

Note 2: The program reported that 100 percent of its U-Visa clients and 85 percent of other clients were female.

Note 3: According to the program, all female clients were employed.

Note 4: Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. That study found an average wage differential between unauthorized and authorized immigrant workers to be 9.5 percent controlling for human capital and other characteristics. To estimate the impact for men we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Building Maintenance and Groundskeeping" industry. To estimate the wage impact for women we applied the differential to the average wage for unauthorized Latino immigrants working in California's "Personal Care and Service" industry. We assumed the workers were employed 35 hours per week, 50 weeks per year, or 1,750 hours per year. The figures are in 2009 dollars and were not adjusted for inflation.

Note 5: The duration of the wage impact of authorization was assumed to be ten years. This is a conservative assumption considering that at least one author has argued that a time horizon of 20 years should be applied, based on the fact that most unauthorized immigrant workers are young and are likely to stay in the United States throughout their working lives once achieving authorized status.

D. Public Benefits for Needy Immigrants: \$0.1 million

Exhibit 9 on the next page summarizes the estimated public benefits generated by the work of PIRC's Central Pennsylvania Immigration Project (CPIP) for immigrants residing in York County in 2013.

Immigrants who are not authorized to live and work legally in the U.S. qualify for only the most basic humanitarian services, such as treatment for serious injuries or illness at emergency medical facilities. Authorized immigrants, on the other hand, qualify for a larger umbrella of public services and benefits when they experience the challenges of illness, disability, age, or poverty.

As a matter of public policy, this umbrella acknowledges the significant contributions that immigrants are making to the well-being of the community as a whole by working, paying more taxes, and supporting the local economy through spending of their earnings. PIRC helps to implement this policy by helping immigrants who meet eligibility criteria to overcome the significant hurdles presented by the complex application process for immigrant authorization.

In addition to the value of these public benefits in providing a safety net for vulnerable York County residents, these benefits return state tax revenue to the county that otherwise would go elsewhere and generate revenue and jobs through the economic multiplier effect (which is discussed in greater detail later in this section).

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Exhibit 9: Public Benefits Achieved for Needy Immigrants

	Total Number of Completed Immigration Matters in Period <i>(See Note 1)</i>	Number of Households, by Benefit Program, for which ILS Clients Are Eligible <i>(See Note 2)</i>					TOTAL
		State Cash Assistance for Disabled Immigrants	FOOD (SNAP, Other Food Assistance)	State Income Assistance	Adult Health (Medicaid, etc.)	Child Health	
A. Clients Who Received Lawful Permanent Resident (LPR) Status							
Total clients who became authorized - all income levels (from wage impacts model)							
Low-income seniors:	0						
Low-income disabled adults:	0	0	0		0		
Low-income households with children:	3		3	3	3	3	
Low-income adults without children - not seniors, not disabled:	0				0		
Other clients, none of the above:	0						
B. Clients Who Applied for U Visas							
Total applicants:	20	20	20	20			
Applicants with children:	20				20	20	
Applicants without children:	0				0		
C. Clients Who Renewed TPS Status							
Total clients who become authorized - all income levels:							
Low-income seniors:	0						
Low-income disabled people:	0	0					
Low-income households with children:	0			0	0	0	
Low-income adults without children - not seniors, not disabled:	0						
Other clients, none of the above:	0						
D. Total Eligible for Program >>		20	23	23	23	23	
E. Assumed Utilization Rate - Percent of eligible beneficiaries who apply and are accepted for benefit (see Note 3):		3%	37%	3%	25%	49%	
F. Average Benefit per Household per Month (see Note 4):		\$634	\$151	\$634	\$532	\$85	
G. Average Duration of Benefit in Months (see Note 5):		24	24	24	24	24	
Estimated Total Benefits ("D" x "E" x "F" x "G"), Millions:		\$0.01	\$0.03	\$0.01	\$0.07	\$0.02	\$0.14

Note 1: Source of figures for numbers of cases completed: program's case management system.

Note 2: Assumptions regarding eligibility for specific programs were derived by the authors from "Immigrants' Rights to Public Benefits in Pennsylvania;" Community Legal Services, Inc. (Philadelphia), 2012.

Note 3: The assumed utilization rates (which include the percentage of eligible people who apply for benefits and their success rate in having their applications accepted by the relevant agency) were derived by the authors from data presented in Ku and Bruen, "The Use of Public Assistance Benefits by Citizens and Non-citizen Immigrants in the United States," The CATO Institute, 2013.

Note 4: The figures used for the average benefits per household were derived from Ku and Bruen, cited in Note 3.

Note 5: The average duration was assumed to be 24 months, based on a study by Caroline Danielson as described in "California's Welfare Recipients: Family Circumstances, Income, and Time on Aid among CalWORKs Families," Public Policy Institute of California, May 2012, available on the web at http://www.ppic.org/content/pubs/report/R_512CDR.pdf. This same figure was assumed for other programs in this analysis, for which figures on average duration of benefits were not available.

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E. Direct-Dollar Benefits – Health Care under Medicare and Medicaid: \$0.2 million

By helping people establish eligibility for Medicaid each year, legal aid enables York County hospitals, doctors and other health care providers to be reimbursed for the cost of treatment they would otherwise have to write off. In 2013, the Medicaid benefits produced by YCBF-funded legal services programs totaled \$200,000. These were benefits for which low-income people – and health care providers – were legally entitled but, in the absence of legal aid, would have been lost to York County families and their health care providers through denials of Medicaid eligibility.

In 2013, 54 percent of the cost of Medicaid was reimbursed by the federal government; the remainder was provided by the state.

**Exhibit 10:
Health Care Benefits under Medicaid and Medicare**

Total Projected Medicaid Benefits	
1. Estimated number of cases in which Medicaid benefits were obtained or preserved (see Note 1)	3
2. Estimated monthly benefits resulting from extended representation, per case (see Note 2):	\$7,798
3. Assumed duration of monthly benefits, months (see Note 3):	9
4. Projected benefits from extended representation, non-nursing home cases = (1) + (2) x (3), per case	\$70,200
5. Total benefits from extended representation cases = (1) x (4), \$M:	\$0.2
B. Medicaid Benefits From Successful SSI Cases	
1. Total estimated successful SSI/SSDI cases that produced benefits:	0
2. Average Annual Benefit (non-nursing home cases):	\$7,798
3. Assumed duration of benefits (months)	116
4. Waiting period before eligibility begins (months)	0
5. Duration of benefits after waiting period ends (months) = "3" minus "4":	116
6. Projected total benefit per case = "2" x "5":	\$905,000
7. Total projected benefit from SSI/SSD cases = "1" x "6" (\$M):	\$0.0
Sum of Benefits from Medicaid Cases and SSI/SSDI Cases (\$M)	\$0.2
Federal Share in This State***	54%
Total Federal Share (\$Million)	\$0.1

Note 1: Source: Program outcomes data

Note 2: Source: J. Keiser Foundation at <http://kff.org/state-category/Medicaid-chip/Medicaid-spending/>. For example, for Pennsylvania in FY2010 the average across all enrollment groups was \$7,288 – see table at <http://kff.org/Medicaid/state-indicator/Medicaid-payments-per-enrollee/>. The figure from that source was adjusted to 2013 dollars.

Note 3: Congressional Research Service. (2010, September 24). Medicaid: The Federal Medical Assistance Percentage.

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F. Direct-Dollar Benefits – Unemployment Compensation: \$0.4 million

Many York County residents work at, or near, minimum wage. When they get laid off, some qualify for unemployment compensation, but often they encounter difficulties in obtaining this benefit that they and their employers have paid for.

In 2013, MPLS was able to obtain over \$35,000 per month in unemployment benefits for clients that otherwise would not have received them. A conservative estimate of the aggregate amount received in 2013 totals \$436,000.²¹

G. The “Economic Multiplier Effect”: \$1.6million

Exhibit 11 below indicates the computations and assumptions used in our study for computing the economic multiplier effect for the YCBF-funded legal services programs. Our application of the U.S. Department of Commerce “Regional Input-Output Modeling System” indicates that every dollar brought into York from the outside circulates in the local economy 1.4 times before leaving.²² Application of that multiplier to the dollars brought into York as a result of the benefits achieved for clients and the grants received by the two principal legal services programs, MPLS and PIRC, from sources outside the county produces a finding that the economic multiplier effect amounted to \$1.6million in 2013.

Exhibit 11:

Economic Multiplier Effect	Total	PIRC	MPLS
1. Direct dollar benefits received by legal services clients from sources outside York County (see Note 1), \$M:	\$0.2	\$0.1	\$0.1
2. Funding for Legal Services Programs From Outside York County (\$M):	\$0.9	\$0.3	\$0.6
3. Total Funds Brought Into York County From Outside:	\$1.1	\$0.4	\$0.7
2. Economic multiplier for York County - Dollars circulating in local economy per dollar brought in from the outside:	\$1.4		
3. Total economic multiplier effect ("1" x "2"), millions:	\$1.6	\$0.6	\$1.0
Total Impact of Dollars from Outside York County, 2009-2012,	\$1.6	\$0.6	\$1.0

Note 1: The dollar benefits flowing into the service area from outside the service area are comprised of state and federal public benefits and a small portion (10 percent) of child support that is assumed to come from payers residing outside the service area. No distinction is made between federal and state dollars for this computation - for example, the share of Medicaid payments that are reimbursed to the state by the federal government via the "FMAP Percentage."

The “economic multiplier effect” is created when dollars flow into York County from the outside (for example, from state-supported public benefits) as a result of the operations and

²¹ We say this estimate is conservative because we have assumed an average duration of only 12 months for this income stream. Since the Great Recession began in 2009 there have been numerous extensions to the 26-week normal limit, and many have received this benefit for periods much longer than 12 months.

²² The United States Department of Commerce reports that every dollar brought into the York County economy generates an extra \$1.40 of value in stimulus to the county economy overall. Applying this multiplier to the \$1.1 million in funds brought into York County by legal aid providers yields an overall positive impact on the county economy of \$1.6million. For details on the methodology used in deriving the economic multiplier effect, see “United States Department of Commerce, Regional Multipliers: A User Handbook For the Regional Input-Output Modeling System (RIMS II) (3rd ed. 1997),” available at <http://www.bea.gov/scb/pdf/regional/perinc/meth/rims2.pdf>.

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achievements of the YCBF-funded legal services programs. These are dollars which are then spent within the county to provide income for local businesses and support jobs for working York families.

Revenue flows into the county via several pathways. First, when legal advocates help their clients to qualify for benefits such as Medicaid, a flow of federal and state funds begins directly flowing into the county, either as payments to health care providers to reimburse them for services they provide to low-income York residents (as in the case of Medicaid) or as direct income to low-income York residents in the form of payments such as cash assistance or SNAP (food stamp) benefits.

A smaller source of funds into the county is created by child support payments to York County parents from payers living outside the county.

A further source consists of grants to the legal services programs themselves from state or federal agencies or from foundations or corporations located outside York County.

A portion of the dollars that flow in from the outside are spent within the county, providing income for businesses and supporting jobs. For example, legal services clients use a portion of their benefit and child support checks to pay for food, utilities, gas and rent from York County businesses. Legal services providers similarly spend some of their grant revenue in the local community to support their York County operations, and their employees in turn spend a portion of *their* paychecks locally. The funds continue to circulate in the local economy as one York County party spends a portion of its revenue to purchase goods and services from another party in the county.

H. Tax Revenues for State and Local Governments: \$0.3 million

The dollar impacts of higher wages for immigrants and the multiplier effect of revenues brought into York from outside the county benefit the state of Pennsylvania and local governments in the form of higher tax revenues. The additional revenue flows primarily from the taxes paid on increased wages of employees who have gained lawful immigrant status and from higher compliance (nearly 100 percent) with tax withholding by employers of authorized residents compared with that of employers of unauthorized workers (approximately 55 percent).

Additional tax revenues are also generated from the local spending associated with the multiplier effect. These impacts are summarized in **Exhibit 12** on the next page.

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Exhibit 12:

Tax Revenues for State and Local Governments	
A. Tax Impacts of Wage Increases for Authorized and Naturalized Workers	
1. Wage impact of authorization - estimated total differential in wages received by clients after successful filings for authorized status, millions (see Note 1):	\$0.3
2. Wage impact of naturalization - estimated total differential in wages received by clients after successful filings for citizenship status, millions (see Note 1):	\$0.0
3. Total increase in immigrant earnings ("A.1" + "A.2"), millions:	\$0.3
4. Average state and local tax burden (see Note 2):	10.3%
5. Increase in state and local tax revenues due to increased immigrant earnings ("A.3" x "A.4"), millions:	\$0.031
B. Tax Impacts of Dollars Circulating in the Community Due to the Multiplier Effect	
1. "Multiplier Effect" - estimated total dollars circulating in the local economy as a result of revenues brought in from the outside, millions (see Note 3):	\$0.6
2. Average state and local tax burden (see line A.4 above):	10.3%
3. Increase in state and local tax revenues due to multiplier effect ("B.1" x "B.2"), millions:	\$0.100
C. Impacts of Higher Tax Compliance by Employers of Authorized Immigrants	
1. Taxes paid by employed program clients prior to authorization	
a. Earnings of women	
(1) Number of employed women served by program in analysis period 2009-2012:	22
(2) Average hourly wage before authorization (see Note 4):	\$7.72
(3) Total annual earnings ("C.1.a.1" x "C.1.a.2" x 1,750 hours per year), millions:	\$0.30
b. Earnings of men	
(1) Number of employed men served by program in analysis period 2009-2012:	0
(2) Average hourly wage before authorization (see Note 4):	\$8.63
(3) Total annual earnings ("C.1.b.1" x "C.1.b.2" x 1,750 hours per year), millions:	\$0.0
c. Total annual earnings ("C.1.a.3" + "C.1.b.3"), millions:	\$0.3
d. Percent of tax liability actually paid by unauthorized workers via withholding by employers (see Note 5):	55%
e. Average state and local tax burden (see line A.2 above):	10.3%
f. State & local taxes collected on wages of unauthorized workers ("C.1.c" x "C.1.d" x "C.1.e"), millions:	\$0.02
2. Taxes paid annually by employed CA-ILS clients after authorization (see Note 1):	
a. Percent of tax liability actually paid by authorized workers (see Note 5):	100%
b. State & local taxes collected on workers' wages at higher compliance rate ("C.1.c" x "C.2.a" x "C.1.e"), millions:	\$0.03
3. Annual increase in taxes due to differential in tax compliance ("C.2.b" minus "C.1.f"), millions:	\$0.01
4. Duration of increase assumed for net present value computation in years:	10
5. Increase in Taxes due to differential in tax compliance by employers of CA-ILS clients served in 2009-2012 ("C.3" x "C.4"), millions:	\$0.138
Total Increase in Tax Revenues (sum of "A.5," "B.3," and "C.5"), Millions:	\$0.270

Note 1: See the total wage impacts of authorization and naturalization, Exhibits 3 and 4.

Note 2: Source: "Pennsylvania's State and Local Tax Burden, 1997-2011;" The Tax Foundation, data published on the web at <http://taxfoundation.org/article/pennsylvanias-state-and-local-tax-burden>.

Note 3: See the computation of total economic multiplier effect in the body of our report.

Note 4: Source: Pastor, Scoggins, Tran and Ortiz, "The Economic Benefits of Immigrant Authorization in California", 2012. For male workers, we used the median wage figures cited for Latino immigrants working in California's "Building Maintenance and Groundskeeping" industry. For women we applied the median wage figures cited for Latino immigrants working in California's "Personal Care and Service" industry.

Note 5: Researchers from the Urban Institute, the Migration Policy Institute, the Pew Hispanic Center, and the Center for Immigration Studies have assumed a 55 percent compliance rate payment of income, Social Security, and Medicare taxes by employers of unauthorized immigrants, according to the Congressional Budget Office - see "The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments," CBO, 2007, page 6. For authorized workers, we have assumed the same high level of compliance as native workers - 100 percent. See Passel and Clark, "Immigrants in New York: Their Legal Status, Incomes and Taxes;" The Urban Institute, 1998, page 18.

I. Cost Savings – Prevention of Foreclosure: \$4.8 Million

Avoiding foreclosure is an outcome of legal assistance having extremely important benefits not only for clients but also for their neighbors, for the lenders holding their mortgages, and for the local governments to whom they pay property taxes.

Exhibit 13 on the next page summarizes our estimate of the cost savings produced by MPLS through prevention of foreclosure during 2013. (PIRC does not handle housing cases.) Further details regarding the assumptions and data sources used in this computation are provided in the notes following Exhibit 13.

Each potential foreclosure that is avoided has the following direct economic impacts:

- **Savings for clients** – Foreclosure causes a massive reduction in a home’s value to its owners. A national study estimates that impact to be an average of 43 percent.²³ On a \$74,500 home, this amounts to a loss in value of \$32,035.²⁴ This can mean loss of an entire life’s savings. In addition, families who lose their homes suffer a damaged credit history and subsequently will be forced to pay more for any type of credit in the future. Research shows that after families give up homeownership for any reason, it can take a decade or more for them to be in a position to buy another home.²⁵
- **Savings for neighbors** – Foreclosure reduces the property values of nearby homes. This impact has been estimated at nine percent for homes in the immediate vicinity of a foreclosed property, and an additional nine percent if a second home in the neighborhood undergoes foreclosure.²⁶ For the five homes immediately adjoining a foreclosed property (the two next-door neighbors and the three homes directly across the street), each worth \$74,500, a nine-percent loss would mean a total impact of \$33,525. For people having the bulk of their net worth invested in their homes, this represents an enormous loss affecting the entire community.
- **Savings for lenders** – Foreclosures are extremely costly to lenders, amounting to an estimated 30 percent of the loan value.²⁷ For a \$74,500 home with a mortgage totaling 80 percent of its value, foreclosure would mean a \$17,880 loss to the lender.

Costs to lenders connected with foreclosure include lost principal and interest payments

²³ Source: Derived by the authors from data provided in Schloemer, Li, Ernst and Keest, "Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners," Center for Responsible Lending, 2006; Table 6.

²⁴ The average price in the lowest price quartile (the segment likely occupied by legal aid clients) was \$74,500 in 2009, the latest year for which data were available. Source of these figures: http://www.city-data.com/county/York_County-CA.html

²⁵ Donald R. Haurin and Stuart S. Rosenthal, *The Sustainability of Homeownership: Factors Affecting the Duration of Homeownership and Rental Spells*, p. 43; HUD Office of Policy Development, (December, 2004), at <http://www.huduser.org/Publications/pdf/homeownsustainability.pdf>.

²⁶ Source: Schloemer, Li, Ernst and Keest, *ibid*, page 24. In our computation of cost savings we have conservatively included only the impact of the first foreclosure in a neighborhood, not that of additional foreclosures.

²⁷ This is a figure widely used in articles about the foreclosure crisis of 2008-2012 – see, for example, "Thaddeus McCotter says lenders lose 30 percent on foreclosures," Politifact.com, August 23, 2011, which reviews a variety of sources to conclude that the 30 percent figure is a valid approximation of the losses to lenders.

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from the homeowner; continuing obligations for tax and insurance payments; costs for maintaining the property; lost service fees for handling normal mortgage payments; legal and administrative costs; costs for restoring the property to good condition for sale; and real estate commissions once the sale is complete.

Exhibit 13:

Estimated Cost Savings - Prevention of Foreclosure	
A. Foreclosures Avoided	
Total cases for which outcome was: "clients avoided foreclosure" (see Note 1):	53
B. Cost Savings for Homeowners	
1. Assumed average value of home before foreclosure (see Note 2):	\$74,500
2. Average reduction in value per foreclosure (see Note 3):	43%
3. Savings per foreclosure avoided ("B.1" x "B.2"):	\$32,035
4. Estimated total savings over study period ("A.3" x "B.3"), millions:	\$1.70
C. Cost Savings for Neighboring Property Owners	
1. Assumed number of neighboring properties affected per foreclosure (see Note 4):	5
2. Assumed average value of homes in neighborhood:	\$74,500
3. Total value of neighboring homes that would have been affected by foreclosure of LAM client's home ("C.1" x "C.2"):	\$372,500
4. Average reduction in property value of homes in neighborhood (see Note 5):	9%
5. Savings per foreclosure prevented ("C.3" x "C.4"):	\$33,525
6. Estimated total savings over study period ("A.3" x "C.5"), millions:	\$1.8
D. Cost Savings for Lenders	
1. Cost to lender, percent of loan on foreclosed property (see Note 6):	30%
2. Assumed average value of home before foreclosure:	\$74,500
3. Assumed loan-to-value ratio:	80%
4. Loss avoided by lender ("D.1" x "D.2" x "D.3"):	\$17,880
5. Estimated total savings over study period ("A.3" x "D.4"), millions:	\$0.90
E. Cost Savings for Local Governments	
1. Avoided loss in market value of LAM client's home ("B.3" above):	\$32,035
2. Avoided loss in market value of neighboring properties ("C.6" above):	\$33,525
1. Total avoided loss in market value per avoided foreclosure:	\$65,560
4. Assessed value as percentage of market value in Marin County (see Note 8):	100%
5. Avoided loss in assessed value per avoided foreclosure ("E.3" x "E.4"):	\$65,560
2. Assumed Tax rate per \$100 in assessed value (see Note 7):	\$2.58
7. Avoided loss in property tax revenues per avoided foreclosure ("A.3" x "E.5" x "E.6"):	\$1,693
8. Avoided loss in property tax revenues ("A.3" x "E.7"), millions:	\$0.10
9. Avoided cost/home in maintaining and policing vacant, foreclosed properties:	\$5,400
10. Total avoided cost of maintenance and policing ("A.3" x "E.9"), millions:	\$0.30
Total Estimated Cost Savings (Sum of B.4, C.6, D.5, E.8 and E.10), Millions:	\$4.8

See next page for Notes to Exhibit 13.

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Notes to Exhibit 13:

Note 1: Source: Program's outcomes case tracking system.

Note 2: Source: Computed by the authors from data obtained from City-Data.com for York County, PA. This figure was the average price in lower value quartile segment of the market. See http://www.city-data.com/county/York_County-PA.html

Note 3: Source: Derived by the authors from data provided in Schloemer, Li, Ernst and Keest, "Losing Ground: Foreclosures in the Subprime Market and Their Cost to Homeowners," Center for Responsible Lending, 2006; Table 6.

Note 4: For purposes of this computation, we assumed that only the homes adjacent to, or across the street from, a house undergoing foreclosure would be affected, amounting to 5 properties.

Note 5: Source: Schloemer, Li, Ernst and Keest, *ibid*, page 24.

Note 6: An article in Politifact.com reviews a variety of sources that indicate lender losses could be 30 percent, or even more. (See "Thaddeus McCotter says lenders lose 30 percent on foreclosures," Politifact.com, August 23, 2011).

Note 7: Source: "Comparing Property Tax Rates in York County," York Dispatch, August 30, 2012. The figure we used was the median tax rate in 67 York County tax assessment districts.

Note 8: Source: Schloemer, Li, Ernst and Keest, *ibid*, page 24. This is the lower bound of the range estimated by the Homeowner Preservation Fund for the costs of house inspections, additional policing of vacant properties, sheriff sales, etc., based on a study of Chicago-area foreclosures.

J. Cost Savings – Reducing Domestic Violence: \$0.4 million

Legal protection from domestic violence reduces crime, allows survivors to go back to living healthy and productive lives, and reduces the likelihood that children will become victims or perpetrators of violence in the future. It also saves thousands of dollars in medical, counseling, and law enforcement costs for each case that is successful.

As indicated by **Exhibit 14** below, savings secured by the three legal services programs by helping clients avoid domestic violence and the need for emergency care totaled about \$0.4 million in 2013.

Exhibit 14:

Cost Savings from Prevention of Domestic Violence	Total	PIRC	MPLS
1. Number of family law cases closed in 2013 (see Note 1):	277	20	257
2. Estimated number of the above cases that involve domestic violence (see Note 2):	99	19	80
3. Average cost per year of medical treatment, counseling, police protection and other support per DV victim (see Note 3):	\$4,115		
Total Estimated Cost Savings from Prevention of Domestic Violence, 2009-2012, ("4" x "5"), Millions:	\$0.4	\$0.1	\$0.3

Note 1: Source: Programs' case tracking data systems.

Note 2: Estimate by program based on intake priorities and professional judgment of advocates

Note 3: The above per-incident costs were derived from estimates by consultant Jeffrey Baliban for use in testimony to the Chief Judge's Task Force to Expand Access to Civil Legal Services in New York in 2011. Mr. Baliban estimated the total "potentially avoidable" cost of domestic violence against low-income women using data from a variety of national studies conducted by the Centers for Disease Control and Prevention ("CDC") in 1994 and updated in 2003, and the National Violence Against Women Survey ("NVAWS") funded by the National Institute of Justice ("NIJ") and CDC. See *Report of Jeffrey L. Baliban to the Task Force to Expand Civil Legal Services in New York Presented at the First Judicial Department Hearing September 26, 2011*. The "potentially avoidable" costs were derived from estimates of total cost per DV incident by assuming that Orders of Protection are effective 60 percent of the time. Mr. Baliban adjusted the national figures to New York, to account for the state-specific difference in the cost-of-living index. In the above table, we have used a similar method to adjust Mr. Baliban's figures for Georgia. All costs have been inflation-adjusted to reflect 2011 dollars.

K. Cost Savings – Reduction by PIRC in Cost of Detention at York Prison: \$1.4 million

PIRC is one of several immigration legal service providers across the country that provide Legal Orientation Program (LOP) services to detainees at federal facilities maintained by the Immigration and Customs Enforcement (ICE) agency. PIRC serves detained immigrants at York County Prison. A study by the Vera Institute has shown that the LOP program saves resources by shortening both the length of time that people must be detained and the court proceedings required to process their cases. The study showed that, on average, a detainee receiving LOP services spent six fewer days detained and had court proceedings that were twelve days shorter than those experienced by detainees not receiving the LOP services.

Exhibit 15 below estimates the cost savings achieved by the PIRC LOP services in 2013, applying the results of the Vera study.

Exhibit 15:

Cost Savings of the Legal Orientation Program (LOP) Through Reduction in Detention Time	
(1) Total people served by LOP and PVP programs in York County (See Note 1):	
	2,780
(2) Average reduction in detention time (days per person receiving LOP-PVP Services (See Note 2):	
	6.0
(3) Average cost of detention, per day, per detainee (See Note 3):	
	\$83
Total Cost Savings = (1) x (2) x (3), \$M:	
	\$1.4

L. Other, Non-Quantifiable Economic Impacts

The non-quantifiable results of YCBF-funded legal services programs’ work may be even more significant than the figures above suggest. Examples include:

- **Avoiding the devastating long-term impacts of eviction or foreclosure.** The impacts of homelessness on families can be devastating, and the strain on community services can be significant, with emergency shelter and other costs far exceeding the cost of legal assistance and other preventative measures. The following are just a few examples of the costs that are saved by the success of York County legal aid programs in preventing eviction or foreclosure:²⁸
 - **Foster care for homeless children** – The prevalence rate of childhood foster care among children experiencing homelessness is 34 times the childhood foster care prevalence rate among all U.S. children. The adjusted marginal cost associated with foster care is **\$60,422/child** annually.
 - **Mental health services** – By the age of 12, eighty-three percent of children experiencing homelessness have been exposed to at least one violent event. These children are 15 percent more likely to need mental health services to recover from the impact of trauma when compared to their peers. The average annual cost for mental health services for children is **\$2,865** per episode.

²⁸ The information presented in this bullet was taken from “The Cost of Homelessness,” by the National Center on Family Homelessness, December 2012, available at <http://www.homelesschildrenamerica.org/media/266.pdf>.

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- **Impact on schooling**—Children experiencing homelessness have higher drop-out rates than their stably housed peers. Only one in four students who have experienced homelessness graduate from high school. Students who drop out of high school earn on average \$200,000 less over their lifetime than high school graduates.
- **Contributing to a more stable workforce for employers.** The average annual cost to an employer due to unscheduled absenteeism by an hourly employee is approximately \$3,500.²⁹ By preventing legal problems such as eviction, foreclosure, and domestic violence from spiraling out of control for residents and immigrants, York County legal aid programs enable employers to avoid much higher rates of absenteeism and poor job performance, the economic impacts of which were not included in the figures presented in this study.

Helping children stay in school and on track. As indicated above, the work of the York County Truancy Prevention Initiative has correlated with a reduction in York County’s truancy ranking from 7th worst in the state in 2007-08 to 29th worst by the end of the 2012-13 school year, and as of this writing is reported to be 38th out of Pennsylvania’s 67 counties. The economic impacts of reducing truancy are difficult to quantify, but researchers agree that they can be wide-ranging:

A truant child is likely to be ill prepared for skilled work - an increasingly serious problem given the shrinking demand for unskilled labor in the United States. Residents who are unable to earn an adequate living look to various welfare programs for help such as income assistance (TANF), Medicaid, Food Stamps, and Women, Infants and Children (WIC). These programs are funded by taxpayers, and constitute a significant cost to society that could be reduced with effective programs such as [truancy prevention programs].³⁰

- **Easing the strain on the local court system.** By providing representation to low-income clients (MPLS and PIRC) and resources to help people prepare for representing themselves in court (*pro se* assistance and the York County Court Self-Help Center), YCBF-funded civil justice programs enable the York County court system to stretch resources and operate much more efficiently. As indicated in Chapter IV below, the cost savings for court budgets achieved as a result of *pro se* assistance programs such as those provided by the YCBF-funded programs have been estimated at between \$1.81 and \$4.35 per dollar spent on such programs.

The significant economic impacts – quantified and non-quantified – generated by YCBF-funded legal services programs present an enormous opportunity for funders and partners to realize an even greater return on their additional investments in the future. As outlined in Section V, the existing disparity between the total need for legal assistance and the capacity of the York County legal services programs to address it – the “justice gap” – represents both a challenge for the civil justice system and an opportunity for significant progress in the immediate future.

²⁹ “Absenteeism: The Bottom-Line Killer,” by Circadian International Limited Partnership, page 4; available at <http://www.workforceinstitute.org/wp-content/themes/revolution/docs/Absenteeism-Bottom-Line.pdf>.

³⁰ Ibid.

IV. Impacts of YCBF-Funded Legal Services Programs on the Courts

Courts across America are flooded with self-represented litigants, and York County is no exception. The dismal economy of 2008-2012 exacerbated this situation by increasing the volume of litigation around such issues as foreclosure, bankruptcy, and debt collection, and by making it harder for people to afford private lawyers for help in navigating the complexities of the court system.

Legal services programs help reduce the burden on the York County courts by negotiating settlements, serving as intermediaries between clients and third parties (for example, a landlord), and referring clients to other sources of help (such as social service providers) when their cases lack legal merit. Legal services eases court congestion in York County in two key ways:

A. Representation of the Poor by Legal Services Advocates Makes the Process More Efficient for All Parties.

Legal services programs ease the burden on the York County court system's resources by providing legal representation, information, and assistance to low-income clients each year. In 2013:

- MPLS staff lawyers served as attorneys of record in 967 cases and provided legal information and self-help assistance to an additional 152 people.
- PIRC provided full legal representation to 20 clients; limited legal assistance to another 10 clients, and served 2,780 detainees at York County Prison with legal orientation, legal advice, and pro se assistance.
- The York County Court Self-Help Center provided assistance to 900 people in the York County Courthouse. The Self-Help Center opened in fall 2013 and was pursued by York County President Judge Stephen P. Linebaugh to help make the court system more efficient. People representing themselves often don't understand what is involved, which can cause hearings to be rescheduled and costs to increase. "Even for those who have attorneys, this will save them money," Judge Linebaugh said. "It will make their time in court more productive."³¹ Moreover, it makes

The Court System in York County

Civil cases in York County are heard by the Magisterial District Courts and the Court of Common Pleas.

The jurisdiction of Magisterial District Judges in civil matters includes suits involving as much as \$12,000. District Judges also have jurisdiction over matters such as landlord and tenant cases.

The Court of Common Pleas hears cases involving more than \$12,000.

Magisterial District Judge decisions in cases involving smaller amounts are subject to appeal in the Court of Common Pleas.

Matters involving guardianships, marriage licenses, adoptions, birth and death records, and estates of decedents are handled by the York County Clerk of the Orphans' Court.

All civil and criminal matters, other than matters that by statute are heard by District Judges or in the Orphan's Court Division, are heard in the civil or criminal divisions of the Court of Common Pleas.

³¹ As quoted in the 2012 annual report of the York County Bar Foundation.

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the courts more productive as well; as outlined later in this section, studies have documented savings of \$1.81 to \$2.77 for every dollar spent on one-on-one assistance to self-represented litigants such as that provided by the York County Court Self-Help Center.

The York County Court Self-Help Center at the York County Courthouse

The York County Court Self-Help Center is a resource for individuals who are representing themselves in civil litigation. Administered by court personnel, the Self-Help Center provides assistance and information on legal procedure and issues, but not legal advice.

Staff at the Self-Help Center assist people in locating the correct legal forms based on their individual needs, provide information about how to navigate the legal system, and where possible, provide light case management by referring them to other community providers as appropriate.

Not only in York County, but throughout the country, there is an urgent need for self-help services because of the significant lack of legal services for civil issues available to low income and vulnerable people. Nationally, fewer than one in five of the legal problems of people who are poor are met either by a private lawyer (pro bono or paid) or a legal services attorney, and at least half of those who actively seek legal services are turned away due to lack of resources to meet their need.

In York County, almost 50,000 individuals qualify for civil legal services, but only four full time legal services lawyers are employed to serve the general low-income population, resulting in a staggering ratio of one lawyer for every 12,500 people, in contrast to one lawyer for every 768 individuals living above the poverty line.

The York County Court Self-Help Center was established and is operated and funded by the Administrative Office of York County Courts (AOYCC). The York County Bar Foundation and State Justice Institute provided \$10,000 matching grant funds for the establishment of the Self-Help Center.

The Self-Help Center is located on the first floor of the York County Judicial Center in York City and serves the public Monday through Friday. For more information, visit the Self-Help Center on the web <https://yorkcountypa.gov/courts-criminal-justice/self-help-center.html> or email CourtSelfHelp@YorkCountyPa.gov.

There is wide agreement regarding the benefit of legal assistance to the courts: Nationally, judges, court staff, and even opposing parties have testified that having a legal services lawyer “on the case” greatly improves efficiency of the court process as well as producing a result that is fairer for everyone. This effect was summarized as follows by the blue ribbon task force on legal aid in New York:

Evidence before the Task Force clearly establishes that the provision of civil legal services is the essential ingredient for resolving disputes before they get to court and settling them efficiently and effectively when cases do end up in court. The absence of counsel often results in just the opposite, which is in no one’s interest. Thomas Richards, the Rochester Corporation Counsel and the former CEO of Rochester Gas & Electric, put it this way:

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Relatively simple aspects of the process take more time and are more likely to be adjourned or repeated. The outcome is less likely to be understood and accepted by the unrepresented party.... All of this adds time and frustration and expense that's borne by everyone and ultimately leaves society with a less effective legal system.³²

B. Legal Assistance to Self-Represented Litigants Adds to the Efficiencies.

Additional savings in York County court time are achieved each year through legal assistance provided to self-represented litigants – for example, pro se (self-help) materials to people who otherwise might have entered the court system without any legal assistance at all in preparing papers for self-filing in court.

In 2013:

- MPLS delivered self-help assistance to 152 self-represented litigants³³ and provided community legal education and referral assistance to another 2,110 people³⁴ to deal with simple matters themselves or to find answers to legal questions before they grow into more serious legal problems.
- PIRC provided 2,780 immigrants with legal orientations and pro se workshops, and provided another 215 immigrants with community legal education and referral assistance.³⁵

Not only do these services enable legal services providers to serve more people with limited resources but they also produce significant cost savings for the courts as well. A recent study in California³⁶ has quantified the impact of similar self-help assistance programs operated by legal aid programs in cooperation with the courts in that state, as follows:

- **Legal workshops and clinics reduce the number of court hearings and the time spent by court staff at the public counter.** The resulting cost savings measured in the California study amounted to \$4.35 for every dollar spent on the clinics. Taking into account the savings accruing to litigants in not having to attend the eliminated court hearings, the benefits increased to \$7.70 for every dollar of expenditure.
- **One-on-one support and information provided to self-represented litigants promotes court efficiency and produces better outcomes for litigants.** In the California study, one-on-one assistance was estimated to eliminate at least one hearing per case and to save court

³² Testimony quoted in The Task Force to Expand Access to Civil Legal Services in New York: Report to the Chief Judge of the State of New York, November 2010, page 20.

³³ Source: MPLS' 2013 report to YCBF.

³⁴ Source: Extrapolated from MPLS' 2013 report to LSC on "Other Legal Services" provided. This figure includes the number of people provided with community legal education or referrals to other legal service providers including the private bar.

³⁵ Source: E-mail from PIRC Executive Director Mary Weaver, September 3, 2014.

³⁶ Source of the figures cited in this bullet list: Greacen, John, "The Benefits and Costs of Programs to Assist Self-Represented Litigants," California Administrative Office of the Courts, Center for Families, Children and the Courts; May 2009.

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time: 5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed pleadings. The court savings were estimated at \$1.81 to \$2.77 for every dollar spent on the services. Adding the savings accruing to the litigants increased the savings to a range of \$3.03 to \$3.85 per dollar spent.

In another study, assistance to self-represented litigants was found to produce better outcomes for litigants than they could have obtained without assistance. Between 64 and 80 percent of litigants receiving such assistance agreed “completely” or “somewhat” that they were able to achieve positive short-term outcomes, and 89 percent said they did better than they could have on their own.³⁷

- **Assistance to self-represented litigants aimed at resolving cases at the first court appearance reduces future court hearings.** The savings produced by the self help services were estimated at roughly \$2.22 for every dollar spent. When the costs to the litigants of attending the eliminated hearings were included, the benefit rose to \$7.14 per dollar spent on the services.

³⁷ Smith, Ken, “Evaluation of Law Help Ontario as a Model for Assisting Self-Represented Litigants in the Ontario Superior Court of Justice in Toronto;” *The Resource for Great Programs, Inc.*, November 2009, Exhibit 4.

V. The “Justice Gap:” A Comparison of Legal Needs with Legal Services Capacity in York County

A. Overview – The Unmet Need for Legal Assistance

Previous sections of this report have documented the economic and societal benefits that result from legal assistance for low-income York County residents. Legal assistance strengthens York County’s families and communities, and secures millions of dollars in federal and state benefits for which York County residents are eligible, but much more could be accomplished if legal services programs had the resources to address a bigger fraction of the need that exists.

We estimate that, on average, more than **nine out of ten** of York County’s poorest residents experiencing a legal problem do **not** receive individualized legal assistance because of a lack of resources available to providers. The majority of those in need do not even seek help because it is well known in the low-income community that legal service providers have enough resources to handle only emergency cases such as evictions and family matters where domestic violence is involved. If one has a legal problem outside those high-priority matters and cannot find the resources to hire a private lawyer, then self-representation or a long wait for legal aid is the only choice. The details of this computation are provided further below in this section.

B. The Need for Civil Legal Services in York County

In York County, 11.1 percent of residents³⁸ – about one in nine – are very low-income. The legal needs of this population are summarized in **Exhibit 16** (on the next page) and discussed in detail below.

- **48,500 York County residents** in 18,660 households live on “extremely low” incomes – that is, below 125 percent of the federal poverty limit.³⁹ There is no room in such a budget to pay for a private lawyer’s help in addressing a legal problem such as foreclosure or family dissolution. Accordingly, low-income residents can look only to providers of free or low-cost legal assistance, such as MPLS and PIRC, for help with these problems. More often than not, they are unable to get that help because the volume of legal needs exceeds the capacity of legal services programs to address it. In effect, they have limited access at best to the system presumed to provide “justice for all” members of our society.
- **Poverty is concentrated in York’s urbanized areas.** Most of York County’s poorest residents live in the city of York, where 42.5 percent of the population exists on incomes below the federal poverty line. In Red Lion, this percentage is about 15 percent. Elsewhere in the county, most areas lie below the county-wide average of 11 percent.⁴⁰
- **Approximately 19,000 “general” civil legal problems** are experienced every year by this population (see **Exhibit 16**). This figure is derived by extrapolating the findings of the ABA Legal Needs Survey regarding the incidence of legal problems in the low-income

³⁸ Source: York County Legal Services Task Force report, 2012.

³⁹ Ibid.

⁴⁰ Source: City-data.com, at http://www.city-data.com/county/York_County-PA.html

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population to the specific demographics of York County.⁴¹ This figure is undoubtedly a lower bound; it does not include the general legal problems of unauthorized immigrants, a significant population segment in York for whom reliable figures on general legal needs are not available.⁴² (The “justice gap” faced by immigrants for assistance with the specialized legal challenges they face are discussed later in this section.)

Exhibit 16:

**Incidence of Civil Legal Problems among
Low-Income Households in York County
(Excluding Immigration Legal Problems⁴³)**

Problem Area	Problems Per Year
A. Problems Historically Handled by Legal Services	
Financial/Consumer	3,200
Housing/Real Property	3,200
Family/Domestic	2,300
Employment-related problems	1,500
Health/Health Care-Related	1,200
Wills/Estates/Advance Directives	900
Public benefits problems	800
Children's Schooling	600
B. Other Legal Problems	
Community and Regional Problems	2,500
Personal/Economic injury	1,300
Small Businesses/farms	400
Other Civil Rights/Liberties	300
Misc.	800
Subtotal:	19,000

⁴¹ The figures on numbers of legal problems used in this section were extrapolated by The Resource from, “Legal Needs and Civil Justice. A Survey of Americans Major Findings from the Comprehensive Legal Needs Study,” Consortium on Legal Services and the Public for the American Bar Association (1994), applying the ABA study’s findings regarding the incidence of legal problems to the York County population that lives on incomes below 125 percent of the federal poverty guideline.

⁴² It is likely that the general civil legal needs of immigrants who are in the country without authorization go largely unaddressed. Unauthorized immigrants are reluctant to risk discovery and deportation by going to court or contacting lawyers. This population segment was not included in the sample for the ABA Legal Needs Study, and accordingly our figures on general civil legal needs in York County do not include unauthorized immigrants.

⁴³ See the previous footnote regarding the lack of information about the general civil legal needs of unauthorized immigrants.

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- **York County is home to approximately 5,000 unauthorized immigrants.**⁴⁴ In addition to the needs of these residents for assistance with “general” legal issues such as family, housing and consumer matters, unauthorized immigrants need highly specialized help in dealing with the complex legal issues regarding their rights to live and work in the United States. PIRC is the primary source of legal help for this population. At its current funding level, PIRC has the capacity to provide in-depth assistance to only a few dozen people in York County each year. Lacking access to legal assistance, families that include unauthorized immigrants live in constant fear of deportation, in addition to living with exploitation by unscrupulous employers who may use the threat of deportation to pay their immigrant workers substandard wages and no benefits, such as health care or retirement savings.
- **Another 7,700 residents of York County are authorized immigrants.**⁴⁵ Approximately 5,000 of those are eligible to naturalize – that is, they have resided in the U.S. for a sufficiently long period of time to be eligible to apply for citizenship.⁴⁶ Legal assistance to this naturalization-eligible group is a service not yet being provided by PIRC due to lack of resources. This represents a lost opportunity, not only for the immigrant families who remain non-citizens, but also for the York County economy as a whole, which is losing the economic benefits of higher consumer spending, business revenues, and tax payments resulting from the higher earning power of the new citizens.

⁴⁴ Source: Pennsylvania Immigration Resource Center, e-mail 7/29/2014 from Mary Weaver, Executive Director. As Ms. Weaver points out in that e-mail, reliable data for estimating the numbers of authorized versus unauthorized immigrants living in a specific area are not available. The figures provided here are rough estimates produced by applying statewide percentages provided by the American Community Survey (ACS) to the general population figures for York County.

⁴⁵ Source: US Census, American Community Survey, 2011. ACS data says that for York County, foreign born/not naturalized with lawful status population is 7,708.

⁴⁶ This figure was derived by extrapolating estimates by Pastor and Scroggins for the United States as a whole to York County. Those authors estimate that 65 percent of Legal Permanent Residents (8.53 million out of the total 13.07 million LPRs in the United States) are “eligible to naturalize.” See “Citizen Gain: The Economic Benefits of Naturalization for Immigrants and the Economy;” Center for the Study of Immigrant Integration, University of Southern California (USC), Table 1. Sixty-five percent of 20,000 is 13,000.

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C. The Gap Between Need and Capacity for Legal Assistance

Exhibit 17 below summarizes the capacity of the primary York County legal services programs to address the needs outlined in previous sections.

Exhibit 17: Capacity of Legal Services Programs Serving York County

Problem Area	Need Problems Per Year*	Capacity (People Provided with Individualized Legal Help in 2013)**				Total
		MPLS	YCVLP	PIRC***	Non-YCBF Funded	
A. Problems Historically Handled by Legal Services						
Financial/Consumer	3,200	159	79			238
Housing/Real Property	3,200	324	23			347
Family/Domestic	2,300	441	176			617
Employment-related problems	1,500	41	7			48
Health/Health Care-Related	1,200	13				13
Wills/Estates/Advance Directives	900					
Public benefits problems	800	141	32			173
Children's Schooling	600					
Subtotal	13,700	1,119	317			1,436
B. Other Legal Problems						
Community and Regional Problems	2,500					
Personal/Economic injury	1,300					
Small Businesses/farms	400					
Other Civil Rights/Liberties	300					
Misc.	800		3			3
Subtotal	5,300		3			3
Total	19,000	1,119	320			1,439

***Problems per Year** – Extrapolated from ABA Legal Needs Survey results, applying York County figures for "Low Income" population defined as 125 percent of the federal poverty level.

**** People Provided With Individualized Legal Help in 2013** – Consists of all cases on which activity was performed during the year, including cases carried over from the previous year as well as new cases opened during the year. Also includes clients not included in case statistics who were provided with individualized services addressing their legal problems through clinics staffed by pro bono or staff attorneys. Computed from programs' case statistical reports and 2013 final progress reports to YCBF. For MPLS, figure includes approximately 152 clients served by clinics not included in case statistical reports. Figures do not include people assisted by the York County Court Self-Help Center.

***** Immigration Not Included.** Immigration legal problems and legal services are not included in this table. Unauthorized immigrants were not included in the sample used in the ABA Legal Needs Study, our basis for estimating the incidence of legal need among the low-income population in York County.

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D. The Justice Gap

Exhibit 18 below summarizes the “justice gap” – the disparity between the incidence of general civil legal problems and the capacity of York County legal services programs to address them.⁴⁷ This table compares the estimated number of legal problems arising each year (as indicated in **Exhibit 17** above) with the number of problems that were addressed on an individualized basis by legal service providers in 2013.

**Exhibit 18:
The Justice Gap in York County**

Problem Area	Need Problems Per Year*	Capacity (People Provided with Individualized Legal Help in 2013)**	Disparity Between Need and Capacity	
			Problems Not Served	Unmet Need
A. Problems Historically Handled by Legal Services				
Financial/Consumer	3,200	238	2,962	93%
Housing/Real Property	3,200	347	2,853	89%
Family/Domestic	2,300	617	1,683	73%
Employment-related problems	1,500	48	1,452	97%
Health/Health Care-Related	1,200	13	1,187	99%
Wills/Estates/Advance Directives	900		900	100%
Public benefits problems	800	173	627	78%
Children's Schooling	600		600	100%
Subtotal	13,700	1,436	12,264	90%
B. Other Legal Problems				
Community and Regional Problems	2,500		2,500	100%
Personal/Economic injury	1,300		1,300	100%
Small Businesses/farms	400		400	100%
Other Civil Rights/Liberties	300		300	100%
Misc.	800	3	797	100%
Subtotal	5,300	3	5,297	100%
Total	19,000	1,439	17,561	92%

⁴⁷ The measures we used here as indicators of “legal problems addressed on an individualized basis” included both cases for which legal advice or representation was provided and instances of other forms of legal assistance, such as legal clinics, in which legal advocates provide individualized help to low-income people with their specific legal problems. Counted in the figures presented here were “handled” cases, which consisted of all cases on which activity was performed during the year, including cases closed during the year as well as new cases carried over into the next year. Also counted were clients of clinics staffed by pro bono or staff attorneys. These figures were computed from programs' case service reports and 2013 final progress reports to YCBF. For MPLS, figures include 152 clients served by clinics not included in case service reports. Not counted were visits by self-represented litigants to the York County Court Self-Help Center, which was launched in October 2013 and served clients for only the last few weeks in the year covered by our analysis.

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As **Exhibit 18** shows, York County’s low-income residents experiencing “general” civil legal problems each year receive individualized legal assistance in approximately only one out of ten matters. As discussed in the next subsection, this disparity is a result of years of chronic underfunding of legal assistance for low-income people in Pennsylvania and across the country.

The resources available for legal services historically have fallen far short of the amounts needed to fully serve even those who show up as applicants for legal assistance at legal services offices. Many of those who experience a legal problem do not bother to apply for legal assistance, because it is well known in the low-income community that legal service providers have only enough resources to handle emergency cases and a few other high-priority matters, the latter often requiring long waits for service. As a result, many of those experiencing legal problems attempt to resolve them on their own on a self-represented basis, or simply do nothing and hope for the best.⁴⁸

As indicated in Exhibit 17, the disparity in York County between need and capacity varies significantly by type of legal problem, ranging from 73 percent of family problems unaddressed at the low end to virtually all legal matters unaddressed in such areas as health care and children’s schooling.

Although exhibits 17 and 18 do not include immigration legal services, we believe there is also a significant un-met need in this area. In 2013, the year covered by our analysis, PIRC’s CPIP provided legal representation for 30 York County residents, including 20 “extended representation” cases and 10 “brief representation” cases. With an estimated 5,000 unauthorized immigrants residing in the county, the CPIP’s output represents less than one percent of those who potentially need its services each year. These numbers suggest to us that many low-income immigrants who are eligible for PIRC’s specialized legal assistance under the CPIP are either unaware of those resources or face substantial barriers in accessing them.

E. Cause of the Justice Gap and Efforts at Mitigating It

The principal cause of the justice gap is lack of adequate funding for civil legal assistance.

Against the backdrop of such pressing needs, funding shortfalls from state, federal and private sources have resulted in layoffs, salary reductions, and elimination of specific programs or entire legal aid offices. In Pennsylvania, despite a burgeoning demand for legal services, the Pennsylvania Legal Aid Network today employs 266 lawyers providing free legal services to people in poverty, down from 358 attorneys employed twenty two years ago, according to a national study.⁴⁹

Pennsylvania Supreme Court Chief Justice Ron Castille has argued that the solution is obvious: Pay for the services by carving out a dedicated line item in the state budget.

⁴⁸ This pattern is shown in study after study. See, for example, “Ocean-Monmouth Legal Services Legal Needs Assessment 2009,” by The Resource for Great Programs; page 17; available at: http://www.greatprograms.org/nlada_2009/Item%205_OMLS%20Final%20Legal%20Needs%20Study%20Report_August%2031_Sample.pdf.

⁴⁹ See “Cuts Threaten Civil Legal Aid,” Nabanita (Neeta) Pal, Brennan Center for Justice, April 22, 2011, at <http://www.brennancenter.org/analysis/cuts-threaten-civil-legal-aid>.

"We should be treating legal services for indigent individuals and families as an important government service," Justice Castille said. "Like roads, like police services, like the courts."⁵⁰ Judges interviewed said that the absence of adequate legal aid services is clogging the courts and forcing them to make decisions without having the necessary information.

The access-to-justice community in York County and across the state – including funders, service providers, courts, legislators, and bar leaders – has been working hard in recent years to address the need for more resources. Much has been accomplished, but much more is needed.

- **Within the constraints of available resources, York County’s legal services programs have taken significant steps to mitigate the justice gap.** For example, each provider strategically focuses its services on certain types of legal problems and refers people needing help outside its specialty areas to its partner agencies that might be able provide some of the assistance needed.
- **The providers coordinate their efforts closely to avoid duplication and maximize the benefits of specialization.** They have received strong support in this effort from the York County Bar Association and Foundation, which in the fall of 2012 formed a Legal Services Task Force to develop a strategic plan to meet the existing and emergent legal needs of low income people in York County.

The Impact of Pro Bono Assistance

York County law firms and individual private attorneys help to reduce the Justice Gap by providing *pro bono* services. Data provided by the YCBF-funded legal services programs indicate that in 2013, volunteer attorneys in York County donated a total of 2,960 hours of services valued at \$336,000.

Pro Bono Services by York County Private Attorneys in 2013

Cases Closed	320
Volunteer Attorneys	93
Hours Donated	2,960
Dollar Value*	\$336,000
* Estimated by programs at average billing rates charged by private attorneys for comparable services in York County	

Pro bono assistance is particularly important because York County is a relatively small community with only a handful of legal services organizations, a situation which often results in clients being turned away because a particular organization is already representing a party to the matter and therefore faces a conflict of interest. While the York County Bar Association has helped by setting up “conflict panels” of pro bono private attorneys, there still remains a significant gap between the need for these services and available capacity for meeting that need.

to

⁵⁰ As quoted in “Judges, lawyers say poor still lack sorely needed legal aid,” May 23, 2013 at <http://www.newsworks.org/index.php/local/the-latest/55137-judges-lawyers-say-poor-people-still-lack-sorely-needed-legal-aid>.

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- **The programs have deployed innovative service delivery methods as a strategy for maximizing services within the limits of available resources.** For example, in 2013, they collaborated to launch the York County Court Self-Help Center, which was established and is operated and funded by the Administrative Office of York County Courts, and launched with \$10,000 matching grants from the YCBF and the State Justice Institute.

Unfortunately, funding for these initiatives has diminished in recent years. The recession that began in 2009 continues to be felt in the form of shrinking government funding for legal assistance, continued historically low IOLTA funding, and pressure on private foundations to reduce grants.

F. Implications of the Justice Gap

The shortage of resources faced by legal services programs represents both a tragic flaw in the justice system and a lost opportunity for York County and its residents.

A flaw in the justice system: The chronic shortfall in legal services programs' capacity to help people in emergencies involving their legal rights and most basic survival needs leaves deep and lasting impacts on York County's low-income residents and local communities. Eviction, for example, splits families, uproots children, and destroys the ability of families to be self-sustaining. Without legal help, people in crisis clog the courts and further impair the ability of the justice system to perform its role of resolving conflicts fairly with due process of law.

A lost opportunity: Despite their inadequate budgets, legal services programs are producing profound economic and societal benefits for low-income York County residents and the entire community. Closing the gap between need and capacity would strengthen York County's families by enabling them to fairly resolve conflicts, escape domestic violence, and keep families intact. It would strengthen communities by securing millions of dollars in federal and state benefits for which York County residents are eligible but fail to receive because legal services programs lack the resources to address more than a fraction of the need that exists. And closing this gap would help the court system to address the congestion that arises from people attempting to navigate the courts on their own who lack the basic resources they need to have any chance of success.

Room for hope: If the economy continues to improve, it is possible that the funding challenge will diminish somewhat, as foundations see the value of their investments rise and IOLTA interest rates and revenues return to more "normal" levels. External events such as immigration reform may produce new opportunities for funding legal services to immigrants, although it would also increase demand for those services.

=The information revealed by our analysis regarding the previously unrecognized but extremely significant economic and societal impacts of legal assistance programs serving low-income people will provide powerful information for making the case that reducing the "justice gap" is not only the right thing to do but an excellent economic investment.

VI. Observations and Recommendations

The findings of this assessment regarding YCBF-funded legal services programs' impacts and accomplishments provide a strong basis for resource development efforts seeking additional funding, volunteers, and other resources for legal services in York County.

Based on the evidence produced by this study, we are making the following observations and recommendations, organized into three broad areas:

- Opportunities for expanding impacts specifically in York County;
- Opportunities for expanding impacts throughout the Central Pennsylvania region; and
- Steps for improving the tracking of economic benefits going forward

A. Opportunities for expanding impacts specifically in York County

As indicated in chapters II and III, the investments by YCBF and other funders in legal services programs are yielding high payoffs in both economic and social impact. With more resources these programs could accomplish even more. There is significant unmet need for their services. Additional funding would provide more advocates, who would serve more people and multiply the kinds of outcomes discussed in this report.

To capitalize on the opportunities identified in this study, the Legal Services Task Force could consider the following strategies having high potential for application in York County. Especially promising are areas combining *high unmet need* with *high economic impacts*, such as:

- **Continued foreclosure prevention legal assistance** modeled after multi-agency efforts that have proven effective elsewhere at minimizing the enormous costs and social disruptions caused to families, their neighbors, their lenders and their communities from home foreclosure.
- **Emphasis in fundraising efforts on legal aid's critical role in dealing with the issue of domestic violence.** Not only does legal aid provide emergency protection for victims of domestic violence but also plays a follow-up role in helping clients obtain divorce, custody, and child support that is crucial in enabling women and children struggling with the devastating impacts of domestic violence to become independent of their abusers, back in school, and back to work at their jobs. As our study has shown, this assistance enhances economic as well as physical self-sufficiency and helps to launch new lives for clients and their families as economically self-sustaining members of the community rather than remaining trapped as victims of a debilitating social reality.
- **Seeking funding for expanding legal assistance to immigrants.** More funding is needed to support PIRC's program services aimed at obtaining work permits for unauthorized immigrants and citizenship for legal permanent residents (LPRs). Both of these types of legal assistance can have a profound "catalyst" effect, opening the door to higher wages as well as additional benefits such as health insurance for immigrant families, with enormous economic ripple effects that benefit the entire community.
- **Expanding public benefits legal assistance,** aimed at increasing the numbers of low-income York County residents enrolled in programs such as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), and Medicaid, outcomes which bring

vitality needed state and federal dollars into York County. These are dollar benefits for which county residents are entitled under the law but currently are not getting. These dollars can be of enormous help in addressing the basic economic needs of especially vulnerable residents such as older adults, people with disabilities, and children, and in the process (through the economic multiplier effect) generate dollars for local businesses and jobs for working York County residents. Our study has indicated a significant un-met need for this type of legal assistance in York County.

- **Providing the health care eligibility that comes with public benefits**, which could provide many low-income York residents with the medical treatment they are able to get only in hospital emergency rooms at great community expense or not at all. By helping more people to achieve eligibility for Medicaid and other health insurance programs, often as a byproduct of obtaining work authorization for immigrants or public benefits such as SSI and SSDI, legal services advocates not only improve the health of low-income families but also generate dollar reimbursements to York County health care providers for services they currently have to write off.

B. Opportunities for expanding impacts throughout the Central Pennsylvania region

- **Consideration can be given to expansion of the economic impact analysis to cover the entire Central Pennsylvania legal service network, not just York County.**⁵¹ A broader analysis could use the data needed to place efforts to address the “justice gap” within a broader regional context. Since both MPLS and the CPIP serve not just York County but the entire Central Pennsylvania region, a broader, region-wide study would undoubtedly reveal an even greater economic impact and potentially bring in more partners and funding for the entire legal services delivery system.
- **A bigger impact:** If the analysis were to be expanded to cover the entire service areas of MPLS and PIRC, we have no doubt that the economic impacts that could be documented would be extremely compelling to legislators, funders, local bar associations, local governments, other regional foundations, courts, and other stakeholders of the legal services network.
- **A region-wide analysis could be efficiently done.** The experience that has been gained in this study provides templates and data that could readily be applied for an expanded analysis with relatively little additional effort.

C. Steps for improving the tracking of economic benefits going forward

Both MPLS and PIRC have been able to produce the kinds of data needed for this study. That said, further improvements in data production capacity could make it significantly easier for both programs to track their results going forward and to tell a more powerful story to their funders and partners in the future.

⁵¹ YCBF indicated at the onset that the scope of this study would be the economic impacts of legal assistance to York County residents, but that a broader-scope study would be considered as a possible later phase of the project to be funded separately.

- **MPLS: A good system is in place... Now advocates need to use it more consistently.** One impact of this study that we are hoping for is that lawyers and paralegals will see the importance of capturing accurate data when they close their cases. Their close attention to recording the benefits received by clients in each case will enhance the reliability and validity of information that can be documented regarding the impact of legal assistance that has been provided.
- **PIRC: The data systems are being put into place.** The program is in the process of installing a new casework tracking system that hopefully will make it much more efficient to capture and aggregate meaningful data about services and outcomes. PIRC leaders have indicated they have found this study to be helpful in identifying specific types of services and outcomes that will be useful to track on an ongoing basis to make the production of the kinds of data we have used in this study less burdensome in the future.

VII. Conclusion

This analysis has shown that the legal services programs funded by YCBF are providing essential services that help thousands of low-income residents of York County each year to address critical legal issues directly affecting their families, homes, incomes, jobs, and access to vital services. The gap between the need for these services and the capacity of these programs to address them is significant. The findings of this study have demonstrated that additional investments aimed at bridging the “justice gap” will not only help many more people, it will have dramatic economic impacts that benefit the broader community.

OCEAN-MONMOUTH LEGAL SERVICES



2009

LEGAL NEEDS ASSESSMENT



The Ocean-Monmouth Legal Services
Legal Needs Assessment

Final Report

by Ken Smith, Ph.D and Kelly Thayer, M.A.
The Resource for Great Programs, Inc.

February 17, 2010

Graphic design by Kaye Krapohl, BFA

Executive Summary

In 2005-2009 Ocean-Monmouth Legal Services engaged *The Resource for Great Programs, Inc.* to assist OMLS in carrying out a process for engaging major stakeholders in appraising the legal needs of eligible low income people in the OMLS service area. The study effort, which was completed in 2009, had five elements:

- An analysis of population characteristics and trends based on the most recent available Census data.
- An estimate of the incidence of legal problems among low-income households in Ocean and Monmouth counties based on the statewide legal needs assessment performed by the *Poverty Research Institute of Legal Services of New Jersey*.
- Focus group meetings in both counties, conducted by OMLS staff using a format and recording instrument developed with the help of *The Resource*.
- Face-to-face interviews with a range of community stakeholders including judges and other court staff, human service providers, shelter workers and other “community partners” with whom OMLS works frequently.
- Self-administered questionnaires completed by members of the general low-income population who received survey packets from community agencies such as family shelters and Community Action agencies.

The study had five broad findings:

1. The legal needs of the poor far exceed the resources available to meet them. In 2008, the cases handled by OMLS lawyers and paralegals addressed only nine percent of the legal problems estimated to occur among the more than 192,000 low-income residents of Ocean and Monmouth counties.

2. Low-income people face big challenges getting legal help when they need it. First is an “awareness gap” -- only half of the eligible population knows free legal assistance is available for those who qualify. Second, there are not nearly enough resources available to serve even those who apply. Together these challenges produce the result that only one of out of every three low-income people who have a legal problem in Ocean and Monmouth counties are able to obtain any legal help at all.

3. OMLS’ focus on six “core” legal problem areas must be maintained. In the focus groups, the community partners of OMLS affirmed that these six critical issues continue to have devastating consequences for the families and individuals affected unless people have immediate access to the highly effective legal assistance provided by OMLS lawyers and paralegals in these areas.

4. Six proposed new projects that OMLS was considering would address important issues and produce significant benefits for the client community. A high percentage of focus group participants -- 67 to 83 percent -- said that the projects would address problems of a lot of people they knew. These projects were subsequently implemented, incorporating feedback from the study.

5. OMLS’ strengths create opportunities for addressing the “Justice Gap.” OMLS focus resources on a core set of legal services that help people in crisis address emergency legal problems such as domestic violence, eviction and utility shut-offs. It is proactive -- its case output almost tripled between 2004 and 2008. It is effective -- in 2008, OMLS advocates helped their clients obtain \$1.2 million in direct payments for which they were eligible and achieved overall economic benefits for the community totaling \$9.2 million. OMLS makes the court system work more efficiently by providing preventative legal education, negotiating disputes and advising people against bringing non-meritorious cases. With more resources, OMLS could expand these benefits to a higher proportion of those who need them.

These findings suggest three opportunities for OMLS and its partners in the immediate future.

First Identify and seek funding to expand OMLS initiatives that have been especially successful.

OMLS should engage in a quick review of its current projects with the goal of creating a list of fundable efforts that are aligned with high priority legal needs as well as the successful outcomes it is already achieving in its advocacy work. OMLS has an opportunity to promote its significant achievements as “methods that work” and seek additional funding for continuing and expanding these initiatives. Especially promising are areas of OMLS’ work that generate additional income for clients, stimulate local economies and address widely acknowledged facets of the current economic crisis such as mortgage foreclosures, evictions, job losses and domestic violence exacerbated by the economic stress families are under.

Second Review and re-align priorities and strategies to take total impacts on clients’ situations into account. A review of priorities and strategies is a worthwhile discussion for the OMLS board and staff to have every few years. It could be especially useful in light of the information produced by this legal needs assessment. The study recommended that OMLS review its priorities in the context of a broader strategic review and re-alignment focusing on the findings of this study.

Third Launch an effort to make the legal service system more transparent and accessible to people experiencing legal problems. The client survey found -- and the focus groups confirmed -- that low-income people have difficulty obtaining legal help in Ocean and Monmouth counties. This situation is partly a matter of OMLS having insufficient legal resources to meet the need. However, it is also due to a lack of coherence in the



legal service system that leaves people confused about where they can go to seek help and what they can expect.

This is a challenge that could be addressed through a joint effort by OMLS and its partners to rationalize the intake system and provide more effective outreach to low-income residents in the two counties. It is also an opportunity, in that funding might be available for such an effort from entities that are concerned about increasing access to the justice system.

The study concluded that the vast disparity between the numbers of legal problems experienced by the poor and OMLS’ capacity to address them through traditional, one-on-one legal representation call for more creative and collaborative approaches that can bring new resources to bear on critical legal needs. Finding these solutions as well as continuing to provide high priority legal assistance should be the focus of OMLS’ strategic planning and advocacy efforts in 2010 and beyond.

Introduction

In 2005-2009, Ocean-Monmouth Legal Services (OMLS) engaged *The Resource for Great Programs, Inc.*¹ to: (a) design a process for engaging major stakeholders in appraising the legal needs of eligible low income people in the OMLS service area; (b) assist OMLS in collecting and analyzing the results; and (c) assist in a review of OMLS' priorities for addressing the low-income community's most critical legal needs.

This report describes the legal needs assessment process and summarizes its results. The findings and overall conclusions of the study are presented in the Executive Summary preceding this introduction. An overview of the methods used is summarized below in this Introduction and described in more detail in Appendix A. Section 2 of this report summarizes the major characteristics of the low-income population and the legal problems they experience as residents of Ocean and Monmouth counties, based on a detailed analysis that was performed in Phase One of this study. Section 3 discusses in more detail the "Justice Gap:" the disparity between the legal needs of the low-income population and the resources that are available in Ocean and Monmouth counties to address them. Section 4 highlights the capacities of OMLS that offer financial, human and institutional resources for narrowing the Justice Gap in the near future. Section 5 highlights the opportunities that arise from our assessment of needs and resources. Section 6 provides a brief conclusion.

Methods Used in the Study

The study, which was completed in 2009, included the following elements. (See Appendix A for a more detailed description of each element.)

- An analysis of population characteristics and trends based on the most recent available Census data.
- An estimate of the incidence of legal problems among low-income households in Ocean and Monmouth counties based on the statewide legal needs assessment performed by the Poverty Research Institute of Legal Services of New Jersey.

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- Focus group meetings in both counties, conducted by OMLS staff using a format and recording instrument developed with the help of The Resource.
- Face-to-face interviews with a range of community stakeholders including judges and other court staff, human service providers, shelter workers and other "community partners" with whom OMLS works frequently.
- Self-administered questionnaires completed by members of the general low-income population ("non-clients"), who received survey packets from community agencies such as Community Action agencies who, at the request of OMLS, distributed a total of 1,000 packets in their waiting rooms and, in some cases, by mail to their clients.

¹ The Resource for Great Programs is a national corporation dedicated to providing strategic support to networks of community-based organizations working in arenas having great impact on our society. For more information, refer to The Resource's Website, www.GreatPrograms.org.

2. The Face of Poverty in Ocean and Monmouth Counties

In 2000, one in six residents of Ocean and Monmouth counties was surviving on a marginal income of 200 percent of the Federal poverty threshold or less.

As shown in Exhibit 1 below, the low-income population numbers more than 192,000 people out of a total of 1.12 million people that live in the two-county area served by OMLS.²

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**Exhibit 1: People in Poverty in 2000
(200% Federal Poverty Guidelines)**

Region	Population 2000	Low-Income Population 2000	% Low-Income Population 2000
Monmouth County			
Freehold	48,875	7,112	15%
Monmouth Rural	177,528	17,573	10%
Bayshore North	127,800	17,492	14%
Red Bank	38,142	5,110	13%
Eatontown	22,752	3,680	16%
Shrewsbury River	36,232	2,705	7%
Long Branch	31,371	11,232	36%
Neptune/Asbury Park	80,005	22,273	28%
Spring Lake	55,578	6,253	11%
Monmouth Co. Subtotal	618,283	93,430	15%
Ocean County			
North Shore	36,346	6,311	17%
Toms River	193,675	32,749	17%
Lakewood	57,861	23,857	41%
Ocean Rural	81,373	13,716	17%
Bayville	31,689	5,124	16%
Pine Barrens	90,246	15,499	17%
South Shore	11,405	1,919	17%
Ocean Co. Subtotal	502,595	99,175	20%
OMLS Service Area Totals	1,120,878	192,605	17%

² The information in this section is a synopsis of a more detailed report on the demographics and legal needs of Ocean and Monmouth county residents performed in Phase One of this study. For more detailed data, analysis and maps please refer to Appendix B, the final report on Phase One.

A. Where they live.

The incidence of poverty is fairly equal between the two counties, with some deep pockets in particular regions of each county. Exhibit 1 provides data on the poverty population and rate for each region in the two counties, for each county, and for the OMLS service-area as a whole. Exhibits 2 and 3 are maps depicting the number of low-income people living in each county, displayed by region and further subdivided by zip code to identify just where poverty hits hardest.



Exhibit 2

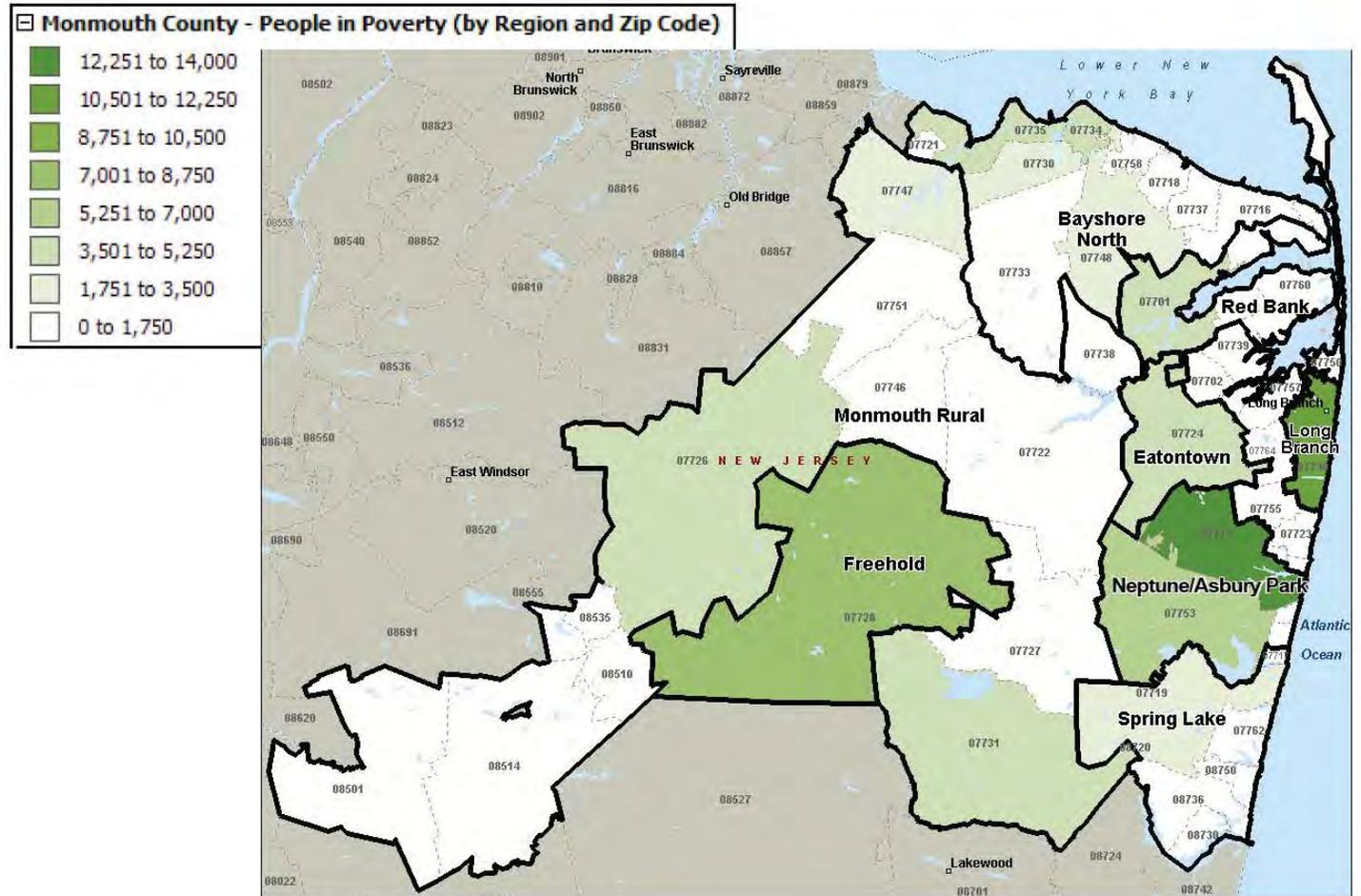
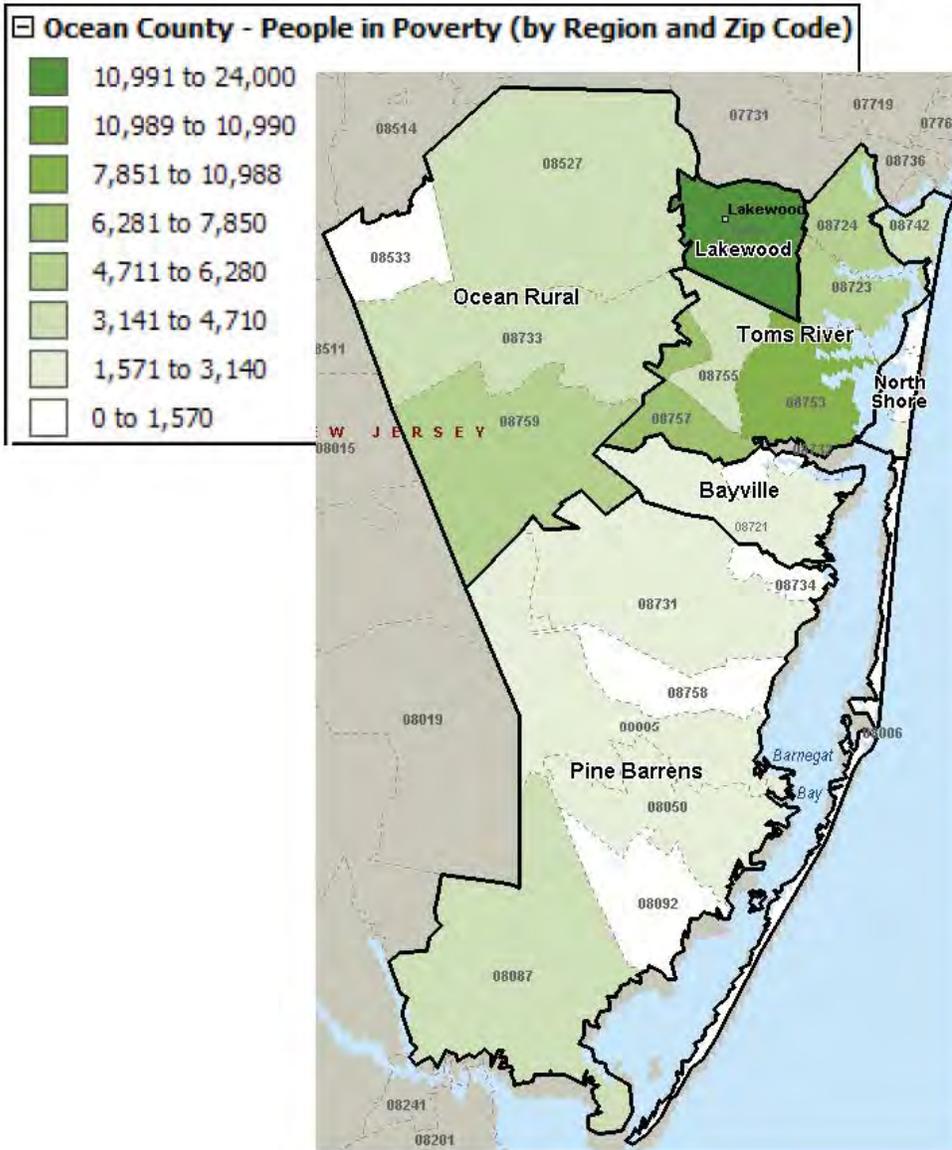


Exhibit 3



B. Ethnic minorities.

Although the plight of the low-income community is nowhere easy, for certain specific segments of the population the burdens are especially difficult. Ethnic minorities are disproportionately represented within the region’s low-income population (see Exhibit 4, on the next page).

People of Asian origin do better economically than population in Ocean and Monmouth Counties overall, but still struggle in Ocean County, albeit in relatively small numbers.

For Blacks and Hispanics, the poverty picture is bleak. Overall and area-wide, nearly four in ten Latino/Hispanic

individuals are low-income, nearly matching the rate for Blacks and far outpacing the incidence of poverty in the White population.

Poverty rates for Native Americans and Whites are much higher in Ocean County than in Monmouth County (see Exhibit 4).

The “other” category includes Native Hawaiians/Pacific Islanders, people self-identified as belonging to two or more ethnicities, and those listing their ethnicity as “other.” These individuals comprise one percent of the two-county population, or 2,722 people, and are about half as likely as Blacks or Latinos/Hispanics to live in poverty.

FACT SHEET INCIDENCE OF POVERTY AND LEGAL PROBLEMS IN THE OMLS SERVICE AREA

A. Poverty in Ocean and Monmouth Counties

- Number of low-income people in OMLS service area: 192,000
- Number of households: 73,800
- Major segments of the low-income population
 1. Children 61,271
 2. Seniors 33,123
 3. People with disabilities 49,892
 4. Men 79,411
 5. Women 113,194
- Minorities (non-Whites) 56,692

B. Legal Problems of the Poor

- Total number of legal problems in Ocean & Monmouth Counties each year 74,500
- Legal problems per 100 households per year 101
- Top 10 legal problems – number per year in service area --
 1. Family
 - Child support 6,438
 - Domestic violence 4,829
 - Custody 3,591
 - Divorce 3,467
 2. Public Benefits/Economic Security
 - Food stamps 5,077
 - Medicare/Medicaid 4,829
 - Social Security / SSI 3,962
 3. Housing
 - Utility shut-off 4,210
 - Eviction 5,324
 4. Consumer
 - Creditor harassment 4,829

C. Other population segments.

Children, seniors, people with disabilities and women are particularly vulnerable segments of the low-income population (see Exhibit 5 below).

Children. One in five children in the two counties under the age of 18 live in or near poverty, most of them in single-parent households. Across the two counties, more than 61,000 children are being raised in households that struggle to get by on gross incomes of \$3,000 per month or less for a family of four. For the typical single mother with three children, this creates enormous challenges in the day-to-day effort to keep food on the table, provide clothes and shelter for her children, help them stay in school, obtain decent healthcare, and provide safe, supportive childcare. When combined with endemic domestic violence, welfare-to-work requirements that do not always adequately accommodate childcare needs, the plight of low-income parents becomes especially dire.

People with disabilities. In both Ocean and Monmouth counties, people with disabilities have about the same poverty rate as the population as a whole. In addition to the tremendous day-to-day challenges many of these people face in dealing with the basic tasks that most of us take for granted, they also frequently struggle to meet unusually high (and sometimes catastrophic) health care costs, special transportation needs, educational barriers, and in some cases, discrimination in social settings and in the workforce. Meeting these challenges while living on an income that is barely adequate to provide shelter and food, much less (for adults with disabilities) help support a family, can be an enormous strain.

Exhibit 4: Ethnicity and Poverty in 2000

Ethnicity	Monmouth County		Ocean County		Totals	
	Low-Income Population	Poverty Rate	Low-Income Population	Poverty Rate	Low-Income Population	Poverty Rate
Asians	2,682	11%	1,286	19%	3,968	13%
Blacks	18,979	40%	6,114	42%	25,093	41%
Hispanics/Latinos	14,561	38%	9,695	39%	24,256	39%
Native Americans	177	24%	475	59%	652	42%
Whites	55,526	11%	80,387	18%	135,913	14%
Others	1,504	19%	1,217	31%	2,722	23%
Total	93,429	15%	99,174	20%	192,603	17%

Exhibit 5: Major Segments of the Poverty Population in 2000

Population Segment	Monmouth County		Ocean County		Totals	
	Low-Income Population	Poverty Rate	Low-Income Population	Poverty Rate	Low-Income Population	Poverty Rate
Children	29,500	18%	31,771	19%	61,271	22%
Seniors	13,103	17%	20,020	42%	33,123	18%
People with Disabilities	24,300	16%	25,592	39%	49,892	16%
Men	39,744	13%	39,667	59%	79,411	15%
Women	53,686	17%	59,508	18%	113,194	19%
All Segments	93,430	15%	99,175	20%	192,605	17%

WHAT THE POVERTY NUMBERS MEAN

The 2000 United States Census collected a wealth of information about the lives and livelihoods of those living within our nation's borders -- including statistics that help us create a portrait of poverty across Ocean and Monmouth counties.

The Census Bureau uses a set of money income thresholds that vary by family size and composition to define who is "poor" and who is not. For example, if the total income for a family or unrelated individual falls below the federal "100 percent of poverty" threshold, then the family or individual is classified as being "below the poverty level." The table below shows the federal income thresholds for a family of four:

Annual income of a family of four living at or near the federal poverty level (2009)

"Poverty" threshold	
100 percent of poverty	\$18,310
133 percent of poverty	\$24,352
200 percent of poverty	\$36,620

Low-income families frequently rely on minimum-wage jobs that offer few, if any, benefits and provide little or no long-term job security. Many low-income households are single-parent families, overwhelmingly headed by single mothers with children under 18, who must struggle to provide for their children's shelter, clothing, education, and food on their own, frequently without adequate access to affordable, reliable childcare.

For example, a single mother of three children, working at a minimum-wage job, would earn approximately \$14,000 a year, well below the federal poverty level of \$18,310. When the costs of rent, utilities, groceries, transportation, health care, and childcare in today's economy are taken into account, the desperate plight of low-income people in Ocean and Monmouth counties all too apparent.

Seniors. In spite of the safety net presumably provided by Social Security and a lifetime of hard work, one out of six seniors in the OMLS service area are living at or near the poverty line. More than 33,000 low-income seniors live in the region, almost two-thirds of those in Ocean County. Many of these live alone, and many face acute needs for health care and home-based assistance with basic living requirements, which they are often unable to pay for from meager incomes. Furthermore, seniors are especially vulnerable to fraudulent schemes and unscrupulous sales practices, which all too often leave them bereft of savings or a secure home.

Gender disparities in income. Females do not fare as well as males in poverty numbers or poverty rates, particularly in Ocean County. Still, it should be recognized that about one in seven males in the two counties lives in poverty and has a significant need for free legal and other human services.

Language Proficiency: More than 20,000 here only speak Spanish. U.S. Census data reports language proficiency for the total population (5 years and older) and not delineated by income status. That said, minority populations in Ocean and Monmouth counties (except for Asians) experience poverty at rates triple that of Whites. Therefore, it seems reasonable to extrapolate that these elevated poverty rates might also roughly hold true, if not soar even higher, for people possessing little or no English skills.

Thus, it is expected (and confirmed by OMLS) that the non-English speaking, low-income here pose special challenges to the civil justice system. Additionally, any Congressional restrictions on the kinds of legal assistance that federally-funded programs can provide to non-U.S. citizens make it particularly difficult to serve the needs of non-naturalized immigrant individuals and families.

3. The Legal Needs of the Poor: What the Studies Tell Us

The Resource developed a civil legal needs model and applied it to the Ocean-Monmouth poverty population data discussed earlier in this report to estimate the number and type of legal problems arising here each year.

We based our model on data from the 2002 report, “Legal Problems, Legal Needs,” produced by the Poverty Research Institute of the Legal Services of New Jersey (LSNJ), and data from the 1992-1996 reports from the “Comprehensive Legal Needs Study,” produced by the American Bar Association (ABA).

A. Methodology

The LSNJ Study provides a basis for estimating the number of legal problems, by type, likely to arise within a given low-income population (adults ages 18 and older). The LSNJ data is based on a statewide survey of 1,013 randomly selected adults living at or below 200 percent of the Federal Poverty Thresholds.

The ABA Study takes this further and allows us to estimate the number of legal problems, by subtype, likely to arise within a given low-income population (expressed

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as a number of households). The ABA data is based on 1,782 interviews nationwide with low-income households (those living at or below 125 percent of the Federal Poverty Thresholds) and 1,305 interviews nationwide with moderate-income households (those living above 125 percent of the Federal Poverty Thresholds but below \$60,000).

By inputting the poverty population data for Ocean and Monmouth counties into our model, we were able to derive a set of figures expressing the number and nature of civil legal problems that can be expected to arise annually here.



Exhibit 6: Legal Needs of the Poor Each Year
in Ocean and Monmouth Counties
(Extrapolated from the American Bar Association Legal Needs Study)

B. Findings

About 74,000 Legal Needs Occur Annually in Ocean and Monmouth Counties. Exhibit 6 shows the estimated incidence of specific types of legal need, with subtypes, on an annual basis in Ocean and Monmouth counties.

C. Analysis

Using the LSNJ Study’s and the ABA Study’s framework, our analysis finds that the 192,605 people (131,434 adults and 61,171 children) eligible, at 200 percent of the federal poverty thresholds, for legal assistance in Ocean and Monmouth counties experience an estimated 74,800 legal problems per year. These problems are distributed among the problem types shown below in Exhibit 6, with more than half of the matters expected to relate to consumer and housing issues.

In the next section of this report, we compare this estimate -- 74,800 legal problems per year -- with the capacity of legal assistance providers serving residents of Ocean and Monmouth counties to derive the “Justice Gap,” the disparity between the legal needs of the low income community and the resources available to meet them.

Type of Legal Need	Total Needs per 100 Households	Problems per Year in Ocean & Monmouth Counties
Financial/Consumer	17.0	12,545
Problems with creditors	6.0	4,428
Problems related to insurance	3.0	2,214
Problems obtaining credit	2.0	1,476
Tax problems	1.0	738
Bankruptcy-related problems	2.0	1,476
Problems related to contracts	2.0	1,476
Consumer fraud/defective products	0.7	517
Problems collecting on a debt	0.3	221
Housing/Real Property	17.0	12,545
Problems with landlord	3.0	2,214
Problems with utilities	3.0	2,214
Housing discrimination	2.0	1,476
Real estate ownership problems	1.0	738
Problems with tenants	0.8	590
Property rights issues	0.8	590
Real estate transaction	0.7	517
Mobile home/park problems	0.7	517
Problem with condo/coop boards	0.0	0
Community and Regional Problems	13.0	9,593
Inadequate policing	5.5	4,059
Inadequate municipal services	4.5	3,321
Environmental health hazards	1.5	1,107
Opposition to proposed facility	1.5	1,107
Family/Domestic	12.4	9,151
Household/marital dissolution	6.0	4,428
Problems with child support	4.0	2,952
Domestic violence	2.0	1,476
Prenuptial agreements	0.2	148
Elder exploitation/abuse	0.1	74
State intervention in family	0.1	74
Employment-related Problems	8.2	6,051
Discrimination in hiring	1.8	1,328
Problems with compensation	1.5	1,107
Discrimination on the job	1.5	1,107
Problems with working conditions	1.5	1,107
Workers' comp & unemployment	0.8	590
Job-related threats to privacy	0.3	221
Problems with pension plans	0.2	148
Problems with fringe benefits	0.2	148
Problems of self-employed	0.2	148
Farm worker problems	0.2	148
Personal/Economic Injury	6.9	5,092
Suffered injury	5.0	3,690
Victim of slander or libel	1.0	738
Charged with causing injury	0.9	664
Health/Health Care-Related	6.5	4,797
Problems with charges/payments	3.0	2,214
Barriers to health care	2.5	1,845
Violations of patient rights	0.5	369
Environmental health problems	0.5	369
Wills/Estates/Advance Directives	5.0	3,690
Wills/estate planning	2.0	1,476
Advance directives	1.0	738
Estate administration/inheritance	1.0	738
Vulnerable adult	1.0	738
Public Benefits Problems	4.0	2,952
Small Businesses/Farms	2.0	1,476
Need for advice	1.0	738
Other problems	1.0	738
Children's Schooling	3.0	2,214
Inappropriate discipline	1.0	738
Problems with enrollment	1.0	738
Poor quality education	1.0	738
Other Civil Rights/Liberties	1.4	1,033
Improper search or seizure	0.5	369
Free speech/regligion violation	0.4	295
Voting rights violations	0.3	221
Interference with other rights	0.2	148
Discrimination Related to the ADA	0.5	369
Legal Needs of Immigrants/Non English Speakers	0.9	664
Language-related problems	0.4	295
Immigration-related problems	0.3	221
Exploitation and other problems	0.2	148
Legal Needs of Native Americans	0.9	664
Military Personnel/Veterans Needs	0.9	664
Military service-related problems	0.5	369
Needs of veterans	0.4	295
Vocational Training-related Needs	0.9	664
OMLS Service Area Totals	101	74,800

4. The “Justice Gap:” Comparing the Need with Our Capacity to Address It

A. Overall Legal Need versus Capacity.

There is a huge gap between need and legal assistance capacity in Ocean and Monmouth counties. Exhibit 7 below presents a comparison of the model-derived estimates of legal need presented in Section 3 against the 2008 case statistics of OMLS. Overall, this comparison indicates that only about nine percent of the total demand for legal assistance in the region is being met through the legal representation of individuals provided by OMLS. Section “C” below provides further context regarding this figure.

Exhibit 7: Legal Problems Addressed by OMLS Direct Legal Representation in Ocean and Monmouth Counties

Legal Problems	
Legal problems per year in low-income households	74,800
Cases Completed in 2008 by OMLS	6,810
OMLS Case Output as Percentage of Total Demand	9%

B. Top Ten Legal Problems: Need versus Capacity.

Exhibit 8 provides a more detailed comparison between the incidence of the top ten legal problems shown in Exhibit 7 and the numbers of cases closed in those categories by OMLS in 2008.

As shown in Exhibit 8, OMLS meets the greatest proportion of demand in the “core service” areas where basic human needs of income, shelter and family security are at stake. These consist of housing, consumer and family (including divorce, custody and child support where domestic violence is involved). The area in which

Exhibit 8: Comparison Between Estimated Need and OMLS Case Output

Type of Legal Problem	Problems per Year in Ocean & Monmouth Counties	Cases Closed in 2008 by OMLS	Portion of Demand Met by OMLS Case Output
			<i>Percent</i>
Family	Child Support	6,438	9%
	Domestic Violence	4,829	12%
	Custody	3,591	10%
	Divorce	3,467	16%
Public Benefits/	Food Stamps	5,077	1%
Economic	Medicare/Medicaid	5,077	2%
Security	Social Security/SSI	3,962	4%
Housing	Utility Shut-off	4,210	1%
	Eviction	5,324	23%
Consumer	Creditor Harassment	4,829	14%

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the program meets the highest proportion of legal need is eviction defense (23 percent), followed by divorce (16 percent).

C. Analysis.

The finding that OMLS is meeting at best 23 percent of the need for civil legal assistance -- and in several areas only 16 percent or less -- could, at first blush, be considered discouraging. There are, however, several additional points that need to be made to place these figures in context.

First, the case statistics reflect only numbers of cases, not the magnitude of impact that legal assistance at a critical point can have on the lives of the people involved. The need in some cases is more compelling than others. For example, intervention in a domestic violence situation can have far-reaching consequences on the lives of an entire family, whereas a name change matter, which “counts” as a legal problem in the legal need statistics, might be regarded as important to the individual involved but considered a low priority by OMLS in comparison to the emergencies that appear every day in the program’s intake.

Another example of the differential impact of cases is provided by “broad scope work.” A precedent-setting case might consume hundreds of attorney hours and “count” in the statistics as only one case, but also address in a single action the legal problems of scores or even thousands of low-income people by altering the way a legal issue will be decided in the future.

Secondly, the case statistics do not capture services other than direct legal representation of individual clients. These other services include community legal information and referral of clients to other sources of help in the community. These services can reduce the severity of legal problems or prevent them

altogether, sometimes helping people to avoid situations that would otherwise require help from a lawyer. (Please see the sidebar, “OMLS Applies a Variety of Strategies for Addressing Legal Needs.”)

In addition, we should note that no single civil legal services program in New Jersey comes close to meeting the total need in a given service area. Statewide, according to the LSNJ Study, 415,000 New Jersey residents require civil legal help each year, but less than 20 percent receive it.

The LSNJ Study estimates that the Legal Services of New Jersey system provides direct assistance to approximately 50,000 people annually, with other non-profit legal services organizations and law schools assisting, at most, 10,000 more people. Reliable figures on the extent of private lawyer representation do not exist. The report found that the combination of pro bono, reduced-fee, and contingent or full-fee representation of low-income people likely does not

meaningfully close the statewide shortfall in legal assistance available to the poor.

The report recommends that legal services programs provide more information to the low-income public on legal rights, so that more people know when they have a legal problem, and know how legal assistance might help.

In addition, we recommend that the Ocean-Monmouth Legal Services community become even more adept in two important kinds of work: raising funds and deploying those funds in new ways that multiply their impact. We believe that by combining those two capacities, OMLS can make meaningful progress in the next decade toward the goal of “Full Access” – providing access for low income people, everywhere, to the level of legal help one needs to function as a responsible member, not a victim, in our society. This topic is addressed in further detail in Section 8: “Opportunities.”

OMLS APPLIES A VARIETY OF STRATEGIES FOR ADDRESSING LEGAL NEEDS

In 2008, OMLS completed 6,810 legal cases, which delivered direct benefits such as protection from domestic abuse, preservation of shelter and access to income to cover basic living needs, for approximately 13,300 people.

In addition to the impact of these services, some portion of the “gap” identified through the legal need statistics is met through OMLS’ other outreach serving an additional 12,800 people each year. For example, in 2007, OMLS staff made community legal education presentations attended by 4,040 people; offered self-help legal clinics attended by 450 others; and referred 2,360 people to other non-profit and private bar providers of civil legal services. The following are examples of this work.

1. Community Legal Education. In 2007 OMLS-conducted programs focused on the legal rights of individuals in family law/domestic violence; Elder Law; TANF/welfare reform; education law; health care access; and consumer law. More than 2,000 brochures, pamphlets, and other materials were distributed at these events or dropped off in bulk at various meeting centers.

Because of the use and impact of Eminent Domain (government taking of private property for public use) on low-income families and communities whose access to affordable housing is often threatened by beachfront development and “gentrification,” OMLS works closely with local groups, municipalities, the private bar and the courts to coordinate and conduct housing forums and community education forums on the rights of those affected by this government practice.

OMLS also reaches out to a growing and vulnerable senior population. For example, in 2007 the program increased its level of activity in the Ocean County Prosecutors Office’s Senior Scam task force. OMLS also joined the TRIAD organizations in both counties, which is a partnership between the State Police, Senior Service agencies and the senior citizen community. Finally, OMLS participated in a local radio broadcast that targets the senior population and provides information about services available to them.

2. Referral Activities. OMLS provides referrals for persons contacting OMLS with problems outside of the program’s priorities, or problems that are not legal at all. In 2007, for example, OMLS referred 2,360 people to other legal services providers and 120 people with non-legal problems to human service providers.

5. The Voice of the Low-Income Community: What the Survey Told Us

In 2007, low-income residents in Ocean and Monmouth counties were asked in a survey to provide information about the legal problems experienced by anyone in their household over the last two years. Almost 300 people responded to the survey, which was handed out to clients of community partner agencies serving the general low-income population in the geographic area covered by OMLS. This section outlines the key findings of the survey and describes the challenges they pose for stakeholders in the civil justice system in Ocean and Monmouth counties, including OMLS, the local leaders in the private bar, individual leadership law firms, the judiciary, and the partner agencies with whom OMLS works to serve the low-income community.

A. Profile of low-income households.

Our survey of low-income households provided further detail for the picture presented in Section 2 based on Census data.

(1) **Educational levels.** Most survey respondents had at least one high-school graduate in their household. As shown in Exhibit 9 below, 94 percent had at least a high-school education and 29 percent had attended one or more years of college.

Exhibit 9: Survey Respondents by Highest Educational Level in Household

Service Area	Highest Educational Level in Household			Total
	Grade School	High School	College	
Monmouth	10	65	30	105
Ocean	4	97	44	145
Not Specified	1	13	5	19
Total	15 6%	175 65%	79 29%	269 100%

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(2) **Employment and other characteristics.** Exhibit 10 below summarizes four other characteristics of the survey respondents' households. Forty-four percent of the households reported having at least one employed person. A slightly larger percentage (46 percent) was receiving public benefits. Thirty-eight percent of households were in public housing, or receiving housing subsidies. One in five households had at least one member who had significant disabilities.

Exhibit 10: Survey Respondents by Other Characteristics of Household

Service Area	At Least One Household Member Employed	At Least One Household Member Disabled	Receiving Public Housing, Subsidy	Receiving Government Benefits
Monmouth	53	22	41	51
Ocean	62	29	54	70
Not Specified	10	4	7	7
Total	125 44%	55 20%	102 38%	128 46%

B. Number of legal problems experienced by survey respondents.

Over half the respondents (55 percent) reported that someone in their household had experienced at least one legal problem within the previous two years (Please see Exhibit 11 on the next page). Twenty percent reported having had four or more legal problems during this time period.

Exhibit 11: Numbers Of Legal Problems Experienced By Survey Respondents

Number of Legal Problems	Households	Percent of Households
Zero	136	45%
Just One	53	18%
Two	31	10%
Three	19	6%

In total, 299 respondents reported 546 legal problems during the two-year period, an average of 0.9 legal problems per year per household. This average incidence of legal problems among the poor is of the same order of magnitude found in other legal needs studies; for example, the 1993 ABA study reported 1.01 legal problems per year per household.

C. Types of legal problems.

The graph in Exhibit 12 below shows the types and incidence of legal problems experienced by those who said their household had encountered at least one problem during the two-year period. It is worth noting that in all of these problem categories, the incidence of legal problems was higher in Ocean County than in Monmouth County.

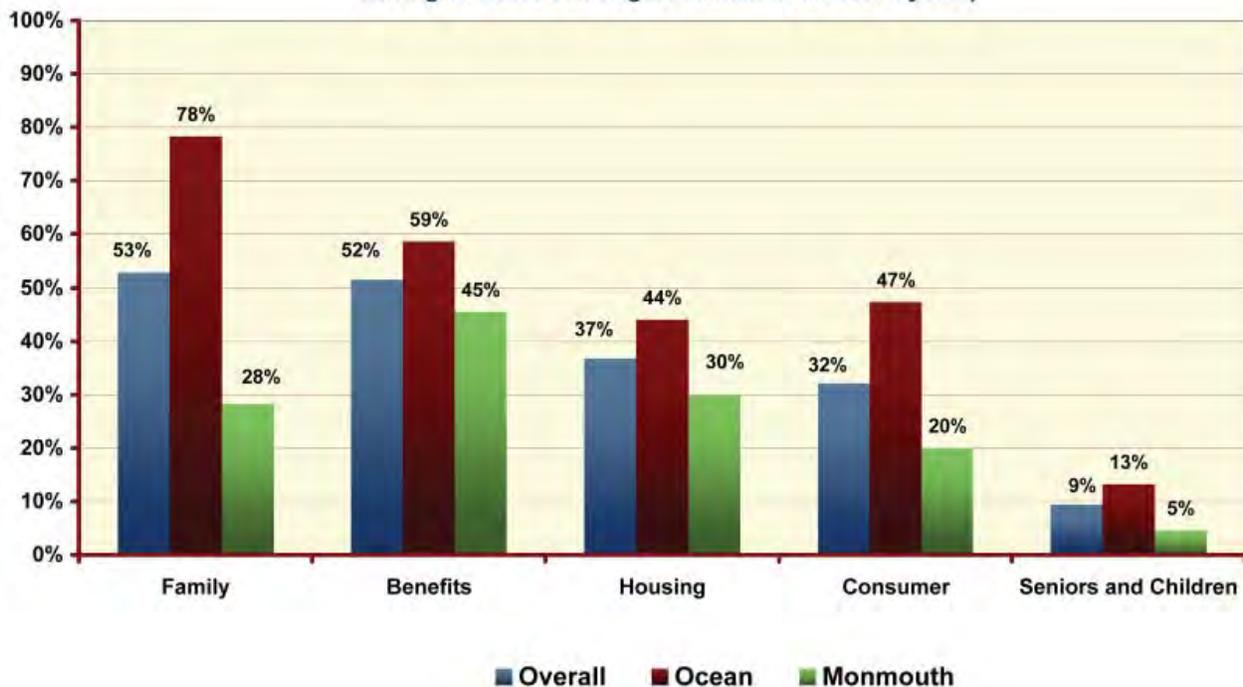
Family matters were most prevalent among respondents overall -- 53 percent reported their household encountered this problem type. Family problems were strikingly more prevalent among the households in Ocean County (78 percent) than in Monmouth County (28 percent).

Public benefits problems were almost as prevalent as family issues (reported in 52 percent of households), but the contrast between Ocean and Monmouth counties was not as great (59 percent in Ocean versus 45 percent in Monmouth) in the benefits area as in the family area.

Housing and consumer issues were also experienced by significant percentages of the households. Legal issues specifically experienced by seniors (such as nursing home issues) or children (such as education) were identified in a lower percentage of households.

Exhibit 12:

Incidence of Legal Problems by Problem Type and County
(100 percent = All Households in County That Reported Having At Least One Legal Problem in the last 2 years)



D. Legal help sought by those who experienced problems.

Of the households that had experienced at one or more legal problems, 49 percent sought legal help with them. Exhibit 13 indicates the various sources of legal help for which survey respondents applied. In addition to OMLS (47 percent of those seeking help), paid private attorneys were the most frequently-consulted source (21 percent of those seeking help), courthouse services (14 percent) and unpaid (pro bono) private attorneys (seven percent).

E. The challenges faced by those seeking help

(1) **The “Awareness Gap.”** Almost one out of every two survey respondents said they were unaware they could get free help from Legal Services if they had a legal problem. This finding from our survey confirms what legal needs studies across the country have consistently found: the availability of free legal assistance is not widely known among those eligible for this service.

(2) **Difficulty finding the help one needs.** Even those who know about legal assistance programs face significant hurdles in obtaining it. Exhibit 15 on the next page shows the various paths followed by those among survey respondents who had a legal problem and sought help.

Exhibit 13

Had Legal Problem(s) and Sought Legal Help From:

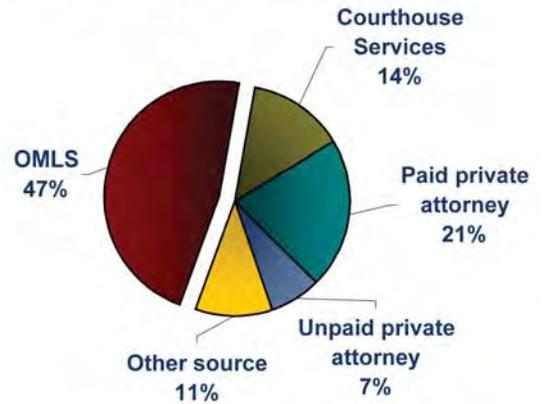


Exhibit 14: The "Awareness Gap"

Did you know that if you have a legal problem you can get free help from Legal Services?

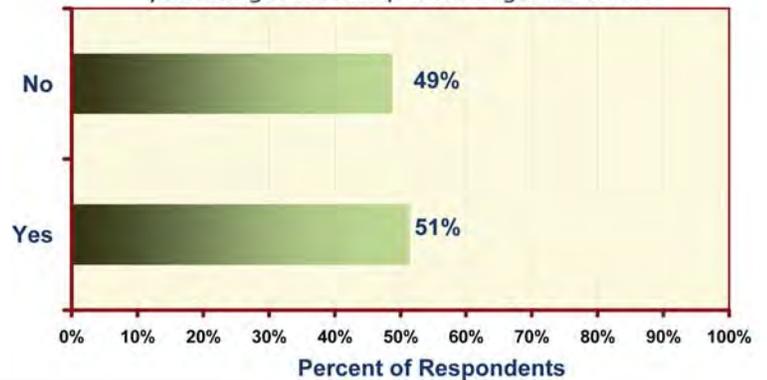
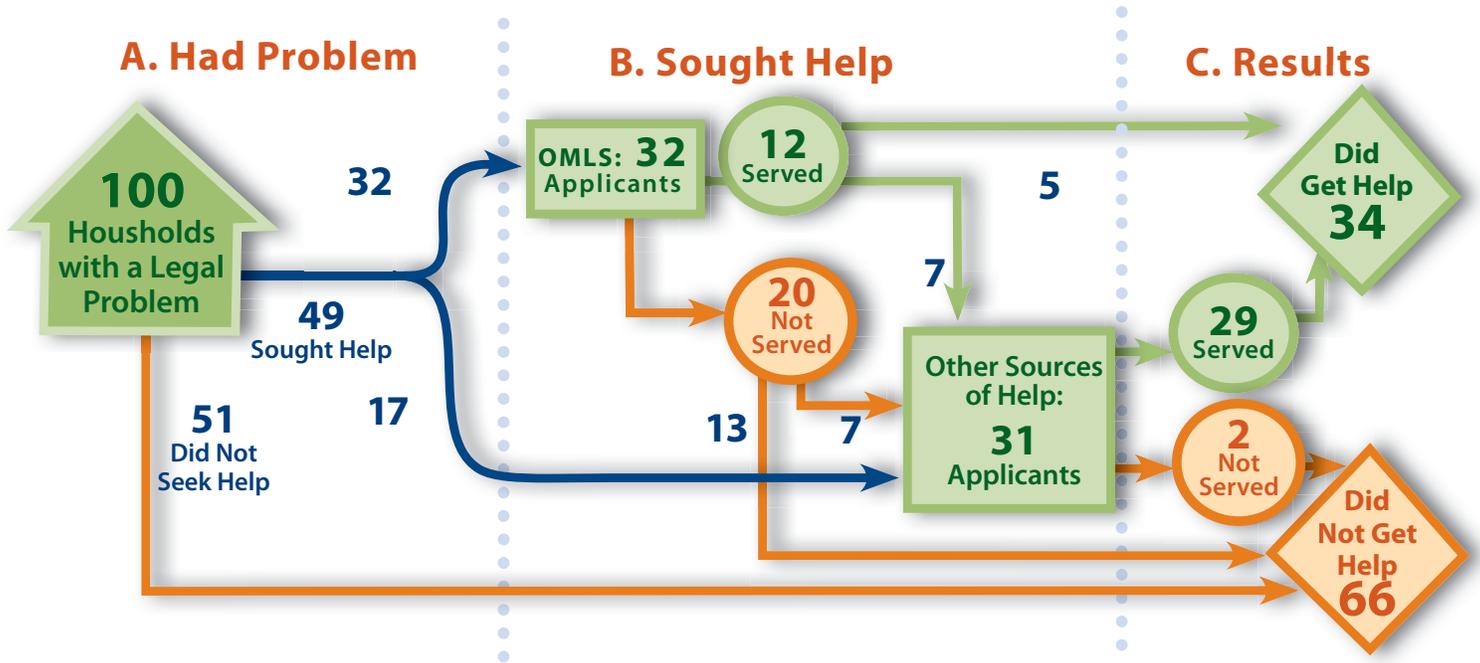


Exhibit 15: The Challenge of Obtaining Legal Help



As indicated in Exhibit 15, for every 100 households with a legal problem, 49 sought legal help. Thirty-two of those applied to OMLS while 17 sought help from other sources. Ultimately, 34 households received legal assistance; they comprised 34 percent of all those with legal problems and 69 percent of the 49 households with legal problems that sought help.

(3) **Lack of resources for providing legal services.** As indicated in Exhibit 15, two out of every three survey respondents who requested legal assistance from OMLS were turned away. Of the 20 people who were refused service, seven went on to seek help from other sources while 13 respondents -- 41 percent of those with legal problems who requested help from OMLS -- did not receive any help at all.

F. Challenges faced by the stakeholders of the civil justice system.

While the survey respondents were not asked to indicate the reasons why they were unable to receive legal assistance, we know from other studies and interviews with OMLS staff that many applicants must be turned away because limited resources require that only the most compelling cases be accepted. (Please see sidebar, "Lack of Resources Means Many Must Be Turned Away.")



The survey results raise a number of questions about access to the justice system for those in Ocean and Monmouth counties experiencing critical legal problems:

- How can the legal community get the word out about the availability of free legal assistance to the 49 percent who need this service but are unaware it exists?
- How can the resulting increase in demand be dealt with? Can OMLS and its partners find the resources and technical means to expand capacity or will they simply create a situation where more people must be turned away?
- Can the existing human and organizational resources be applied in more efficient and effective ways? Can OMLS and the “other sources” of legal help -- including the private bar and court-based service providers -- collaborate in a creating a strategic approach and system for providing legal help to those who need it in Ocean and Monmouth counties?

- How can the system as a whole be made more user-friendly so that obstacles to access -- including a lack of information about available resources and a lack of understanding about how the legal system works -- are cleared away for the low-income people who have a legal problem and need help in resolving it?

These are challenges that potentially can be addressed by the stakeholders of the civil justice system in Ocean and Monmouth counties, including OMLS; local bar leaders, the leading law firms; the judiciary; the funders of legal services; and the partner agencies with whom OMLS works to serve the low-income community. More is said about this in Section 8 of this report (“Opportunities”).

LACK OF RESOURCES MEANS MANY MUST BE TURNED AWAY

In a society that looks to the justice system for orderly and fair resolution of disputes, the need to ration scarce legal resources to those needing help means that for our most vulnerable residents, “Justice for All” is at most an empty promise.

The economic crisis of 2008-09 made worse a dilemma that OMLS has faced for many years: an overwhelming demand for legal assistance and too few resources to meet it.

The majority of applicants coming to OMLS for help must be turned away and many others do not apply, either because they are unaware they are eligible for free legal assistance or they have heard from friends that OMLS is severely constrained in the numbers of people it can serve.

Because of limited resources and restrictions imposed by funders, OMLS must turn away two out every three people who apply for services. To deal with an overwhelming number of applicants, OMLS uses a triage system to select only the most compelling cases for its limited resources. The applicants who are accepted have critical needs such as obtaining a restraining order against an abusive partner, stopping an eviction proceeding that threatens them with homelessness or intervening to cut the red tape that blocks access to critically needed disability income.

This leaves many people with un-met legal needs. Our survey has shown that the vast majority -- 66 percent -- of low-income residents of Ocean and Monmouth counties having a legal problem in any given year will not receive legal help with it from any source.

With the economic crisis, the “Justice Gap” has grown even wider in 2008 and 2009. OMLS advocates report a surge in applications for service, with the following characteristics:

- An increase in numbers and severity of domestic violence cases;
- More people who are either divorced or planning to get divorced continuing to live together because they can't afford to live separate and apart, with potentially disastrous consequences for themselves and their children.
- Landlords filing eviction complaints for non-payment of rent after one missed payment rather than waiting the normal two or three months before filing.
- A growing number of requests to file bankruptcy and steady increase in foreclosure cases.

6. The Partners' Perspective: What the Focus Groups Told Us

In July and August 2006, staff from OMLS conducted three focus group meetings as part of the needs assessment and priority setting process. These were small, informal meetings in which four to eight people who interact with the low income community on a day-to-day basis had an opportunity to provide a range of perspectives on what kinds of legal services are needed by their neighbors and clients.

The sessions were conducted by OMLS staff using scripts, data collection instruments and training supplied by The Resource, and the information was forwarded to The Resource for analysis. The three groups had four, six and eight people each. The meetings were designed to take 90 minutes to two hours. Each of the three focus groups had a facilitator and a recorder.

Focus groups were held in three locations: Toms River and Lakewood (both in Ocean County) and Freehold (in Monmouth County). All were held in the program's conference rooms. Lunch was brought in for each of the meetings.

A. Focus Group Participants

A total of 18 people participated in the focus group sessions. Three categories of people were invited to participate:

- People who live in the low-income community and hold leadership positions -- for example, serve on the board of a tenants' organization.
- People who work in the low-income community for example, manage a family shelter.
- People who see a lot of low-income people as customers -- for example, front-line staff in the courthouse.

OMLS managers in the offices serving each county worked with client board members to identify people to be invited. The intent was to wind up with participants who were "connected" into the low income community in the sense that they collectively know the community players and have a good sense of the situations with which community residents are faced. Exhibit 16 summarizes the participants according to the principal roles they play in the community.

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B. The six emergency, priority legal problems addressed by OMLS

In its priority planning process, OMLS had committed to placing high priority on six types of legal problems. These are legal issues that represent a personal crisis for a person or family, with major negative consequences if not attended to. These are situations which have a legal remedy as part of the solution. They are situations that call for an immediate and timely response. The focus group sessions reaffirmed the importance of continuing to place top priority on providing direct legal assistance in the six "emergency" areas:

1. **Loss of Housing**-- for example, eviction situations where representation is necessary to prevent homelessness.
2. **Family Crisis** -- for example, divorce and dissolution cases in which there is a substantial issue of custody or visitation, or a history of domestic violence.

Exhibit 16: Participants in the Focus Group Meetings

Type of Organization	Monmouth County	Ocean County	Total	Percent
Community College		1	1	6%
Court Staff	1	1	2	11%
General Human Svcs Agency	1	2	3	17%
Services to Special Population	1	4	5	28%
Specialized Legal Svcs Provider	1	1	2	11%
Domestic Violence Shelter		3	3	17%
Housing Advocacy Group		2	2	11%
Total	4	14	18	100%

- 3. **Loss of Basic Income** -- for example, termination or denial of TANF (welfare)/General Assistance benefits or SSI/Social Security benefits.
- 4. **Consumer Crisis** -- for example, confiscation of assets worth \$1,000 or more or bankruptcy cases when necessary to preserve the client’s home or income.
- 5. **Domestic Violence** -- for example, cases where a Temporary Restraining Order is needed to prevent an abusive partner from threatening the safety of a family or individual.
- 6. **Problems of the Elderly, Children, and Other Vulnerable People** -- for example, guardianship cases for frail and vulnerable elders, termination or denial of Medicare/Medicaid benefits; State of New Jersey “Charity Care” (free hospital services for certain low-income people)

Prevalence of the problems and community usage of OMLS’ services as a way of addressing them. The focus group participants were asked to respond to three questions that dealt with “prevalence” of the six emergency problems in the low-income community:

- How many of you know people who experienced this type of emergency in the past year?
- If “Yes,” in how many of the situations were the people known to use OMLS for legal assistance: “all,” “some” or “none.”
- In the situations where the person did not use OMLS, describe in a few words what the person did.

The responses are summarized in Exhibit 17, below.

Almost everyone (94 percent) knew someone who’d experienced domestic violence or some kind of family crisis. The other four emergencies were almost as prevalent; between 72 and 90 percent of participants knew people who had experienced them.

The percentage of people who used OMLS to address these emergencies varied widely according to the type of situation. A majority (56 percent) of those with consumer problems or domestic violence problems used OMLS to resolve them. Four out of ten with legal problems involving family crises (e.g., loss of child custody) used OMLS to address them.

At the other end of the scale, only one out of four or fewer of the people facing emergencies with housing or income used OMLS to resolve their legal problems. Emergencies that were unique to elderly, children or other vulnerable populations were even less likely to produce requests to OMLS for help.

Community awareness of OMLS’ six emergency services. Participants were then asked the following:

- How familiar were you before today that these were the priorities of the program?

As indicated in Exhibit 18 on the next page, every one of the participants were at least “somewhat” aware of the services provided by OMLS in the six priority areas. It was generally known among community leaders and helping agencies that if one has a domestic violence problem, or is being evicted, or has had disability benefits cut off, OMLS is a place you can go to get legal help.

Exhibit 17: Prevalence of the Six Emergencies and Community Usage of Legal Aid as a Way of Addressing Them

Type of Emergency	A. Prevalence: Participants who know people who've experienced it.	B. Legal Services Usage Participants who report that "all" or "some" people use legal services for this problem.
1. Loss of Housing	89%	22%
2. Family Crisis	94%	39%
3. Loss of Basic Income	89%	17%
4. Consumer Crisis	72%	56%
5. Domestic Violence	94%	56%
6. Problems of the Elderly, Children and Other Vulnerable People	50%	11%

Exhibit 18: Community Awareness of OMLS' Emergency Services

Percentage of participants aware of Legal Service's help for victims of the six emergencies		
"Aware"	"Some-what"	"Not Aware"
72%	28%	

The six emergency services indeed address the highest-priority needs of the region's population. The focus group participants affirmed that issues such as domestic violence, eviction from one's home and denial of benefit income needed for a family's basic survival are highly prevalent among their neighbors and clients.

It is less clear that people are using OMLS' emergency services. As indicated in the 'Legal Services Usage' column of Exhibit 17, the percentage of participants' neighbors and clients using OMLS to assist in these matters ranged from 11 to 56 percent.

This finding is consistent with the results of our survey of low-income people discussed in Section 5. There we found that only half of the low-income population knows this help is available and many of those who do know also are aware that OMLS is severely constrained in how many people it can serve and therefore do not apply for help.

In light of the prevalence of these problems and the dire consequences if left unaddressed, OMLS' policy of placing highest priority on these services is warranted and should be continued.

At the same time, more outreach is clearly needed to inform the people experiencing these problems that their situations are a high priority to OMLS and are likely to be accepted for service.

C. Community situations other than the six emergencies

Participants were asked to provide their perspectives on five other situations commonly faced by low-income people:

1. Having a legal emergency other than the six that OMLS regards as high-priority

2. Going to court without a lawyer
3. Having legal questions that don't require representation by a lawyer
4. Having a legal problem but not speaking English well
5. Searching for legal information on the Internet

The facilitator asked participants to provide their thoughts on three questions:

- How many of you know people who experienced this type of situation in the past year?
- If "Yes," in how many of the situations were the people known to use OMLS for legal assistance: "all," "some" or "none."



- In the situations where the person did not use OMLS, describe in a few words what the person did.

Exhibit 19 below summarizes responses to the above questions.

Almost everyone (89 percent) knew someone who'd gone to court without a lawyer. More than half knew someone who had legal questions but didn't need a lawyer to respond. Half knew someone who had a legal problem but didn't speak English well and thus was in need of translation assistance. Only 28 percent knew someone who had legal emergencies other than the six high-priority situations addressed by OMLS; these were scattered among a range of legal issues.

Compared with the six "core service" areas that were deemed high priority by OMLS, these "other" legal situations were much less likely to generate requests for legal assistance from those experiencing them. As indicated in Exhibit 19, the percentages of people having these situations who used OMLS for help ranged from a high of 22 percent down to only six percent.

Exhibit 19: Prevalence of Needs Other Than the Six Emergencies

Type of Legal Situation	A. Prevalence: Participants who know people who've experienced it.	B. Legal Services Usage: Participants who report that "all" or "some" people use legal services for this problem.
1. Other Legal Emergency	28%	17%
2. Went to Court Without a Lawyer	89%	17%
3. Had legal questions but didn't need a lawyer to respond	56%	6%
4. Had a legal problem but didn't speak English well	50%	6%
5. Searched for legal information on Internet	44%	22%

Community awareness of these other services provided by OMLS. Participants were then asked the following:

- How familiar were you before today that the program provided these kinds of services?

As indicated in Exhibit 20 below, 80 percent of the focus group participants were only "somewhat" aware of the services provided by OMLS in the areas mentioned. Twenty percent were unaware of these services.

Clearly, more outreach is needed if OMLS is to use strategies other than direct legal representation to address a greater proportion of the legal need that is out there. For example, people generally were not aware that OMLS offered clinics to help people proceed on a pro se basis with matters such as uncontested divorces that they could potentially handle on their own.

Exhibit 20: Community Awareness of Other Services Provided by OMLS

Percentage of participants aware of Legal Services help for people in "other" legal situations		
"Aware"	"Some-what"	"Not Aware"
	80%	20%

D. Effective referral.

One of the important roles OMLS plays is referring people to other organizations that can help them. Important objectives of the focus group process included getting community perspectives on the importance of this role, finding out what helping agencies were already in place and identifying potential referral partners for the future.

(1) **Referral resources already in place.** Participants were asked to identify the great resources in the community that low-income residents can turn to for help. The information from this exercise provided a valuable asset -- a listing of community resources that focus group participants clearly felt were of greatest value to low-income residents. A list of these resources is provided in Appendix B.

(2) **Implication:** OMLS can build upon this network. The list of referral agencies produced by the focus group meetings can be mined in the future to identify gaps either

in the network of helping agencies or in the community’s awareness of it. It provides a starting point for improving OMLS’s service of referring its clients to other agencies for assistance. It also offers an opportunity for collaboration with some of these agencies in grant proposals for projects that would provide access to help for low-income residents in areas where there currently is none.

E. Analysis and Summary.

The Focus Groups told OMLS that its’ priorities are right but more resources are needed in Ocean and Monmouth Counties.

Participants told OMLS that its focus on emergency representation addressing the legal crises faced by low-income families must be sustained, and additional resources in the form of funding and new collaborative initiatives with other community organizations are needed.

They said that the proposed new projects that OMLS is considering would address important issues and produce significant benefits for their neighbors and clients.

The focus groups identified the agencies that, in addition to OMLS, the community uses for help and that could serve as the backbone of a larger, more powerful referral network throughout the region.

It was clear from the focus group results that more effective outreach is needed, especially directed at the low-income population itself. While the focus group participants were largely aware of the six emergency areas representing OMLS’ top priorities, they were less certain that people



experiencing these emergencies were actually using the services offered by OMLS.

This is consistent with our findings in Section 5 that many low-income people are unaware of OMLS and many others do not apply for help because they think they would be turned away.

More effective outreach could bring in the people having the high-priority problems. At the same time, it is likely that more outreach would also increase the numbers of people applying for help with non-emergencies and for the “other” services offered by OMLS, such as pro se assistance, legal education and referrals. OMLS will need more resources across the board to address greater demand if it responds to the feedback offered by the focus groups about the legal needs of the low-income community in Ocean and Monmouth counties.



7. OMLS' Strengths Create Opportunities for Narrowing the Justice Gap

It is clear from our study that there is a wide gap between the need for legal assistance by low-income residents of OMLS' service area and the capacity of OMLS and its partners to address them. That said, OMLS has significant assets in seeking the resources it needs to substantially narrow that gap:

A. OMLS has the right strategic focus.

It focuses resources on a core set of legal services that help people in crisis address emergency legal problems such as domestic violence, homelessness, and loss of income. By addressing these critical issues, OMLS promotes the welfare and safety of low-income people and the larger community.

B. OMLS is working to increase access to legal assistance.

OMLS' case output almost tripled between 2004 and 2008. This achievement came as a result of concerted efforts by OMLS, working with its local and state partners, to expand access to services for its clients." What these case output numbers don't show is the impact on a growing

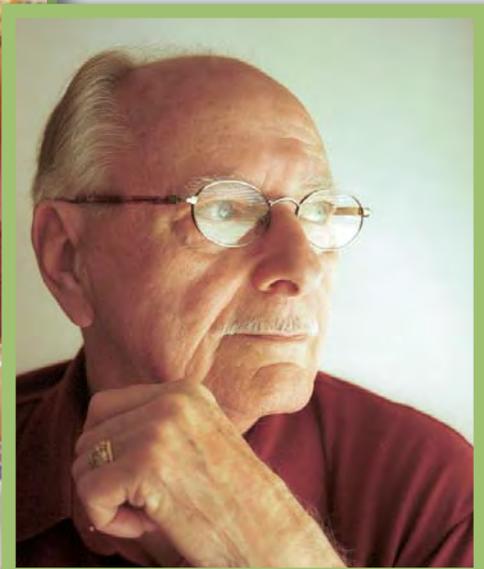
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number of clients who, as a result of these efforts, are now able to receive shelter, basic income, health care and personal safety as outcomes of the legal help they receive from OMLS.

C. OMLS is well known to partner agencies and leaders who work in the low-income community.

It has a good referral network. These relationships are valuable assets that can be built upon in the future. They provide opportunities for expanded outreach to low-income clients through presentations and appearances at partners' events. They create possibilities for joint funding proposals with these partners that offer efficiencies and synergies that could be attractive for funders.





D. There are other outcomes of OMLS' work that are not as well known.

These are more nuanced than can be conveyed by simple case statistics, and they should be promoted more aggressively in OMLS' resource development efforts. Four examples of these are as follows (please see Appendix C for the methods used in deriving the figures given here):

■ **Millions of dollars in additional income for low-income families is preserved or obtained each year through OMLS advocacy.**

For example, we estimate that in 2008, OMLS advocates obtained \$1.2 million in income for their clients in the form of benefits, Social Security Disability for people unable to work, Earned Income Tax Credits for the working poor and child support for children affected by family dissolution. This was achieved by helping clients to cut through red tape and overcome inappropriate or illegal denials by the agencies responsible for administering these programs. Without the work of OMLS, these clients would have burdened the welfare system and increased costs to taxpayers.

- **These dollars have a big Impact on local economies.** Every dollar received by clients as a result of OMLS advocacy circulates through the local economy, creating jobs and income for working residents of Ocean and Monmouth counties. We estimate that in 2008, this economic impact amounted to \$9.2 million and 216 jobs that would otherwise have been lost to the local communities served by OMLS.
- **OMLS saves taxpayers millions of dollars each year.** OMLS' advocacy in many cases prevents homelessness, avoids domestic violence, helps children stay in school and reduces the incidence of many high-cost social emergencies. We estimate that in 2008, more than \$1 million in savings for taxpayers resulted from OMLS advocates' work in the areas housing and family representation.
- **Greater efficiency in the court system.** By providing preventive legal education, negotiating solutions to disputes and advising people against bringing non-meritorious cases, OMLS advocates help their clients move smoothly through the court system, and enable the courts to function more smoothly than they otherwise would. Although difficult to quantify, this work clearly saves dollars for taxpayers and increases the numbers of people who can be served by the courts.

8. Opportunities: Additional resources would enable OMLS to have an even bigger impact.

Based on the findings of this legal needs assessment, we recommend that OMLS seek additional funding and seek additional partners in an expanded, strategically-focused effort to address the overwhelming need that clearly exists in Ocean and Monmouth counties. Three opportunities are especially promising.

A. Identify and seek funding to expand OMLS initiatives that have been especially successful.

OMLS should engage in a quick review of its current projects with the goal of creating a list of fundable efforts that are aligned with desirable outcomes it is already achieving in its advocacy work. OMLS has an opportunity to promote its significant achievements as “methods that work” and seek additional funding for continuing and expanding these initiatives. Especially promising are areas of OMLS’ work that generate additional income for clients, stimulate local economies and address widely acknowledged facets of the current economic crisis such as mortgage foreclosures, evictions, job losses and domestic violence



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exacerbated by the economic stress families are under.

OMLS’ apparent success in increasing case output over the past few years provides a point that should be stressed in seeking funding. Potential funders and partners should be impressed with the “bang for the buck” that OMLS is able to demonstrate.

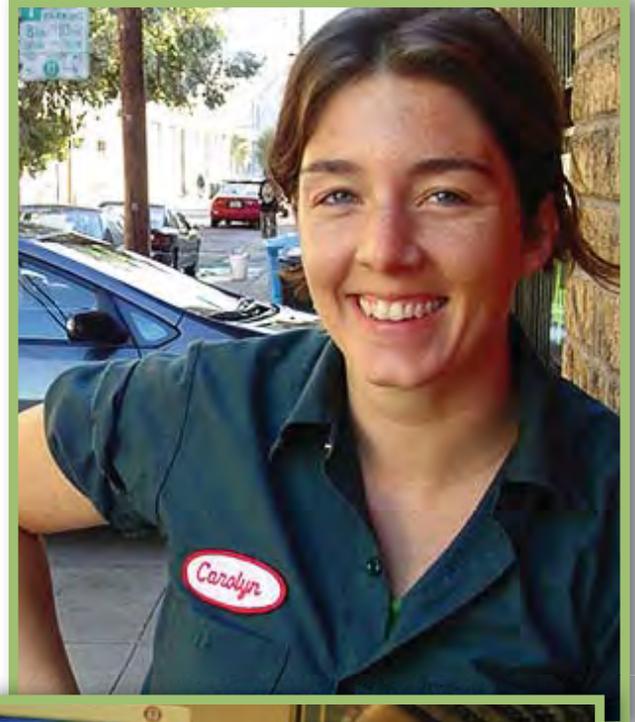
B. Review and re-align priorities and strategies to take total impacts on clients’ situations into account.

A review of priorities and strategies is a worthwhile discussion for the OMLS board and staff to have every few years. It could be especially useful in light of the information produced by this legal needs assessment.

We recommend that OMLS review its priorities in the context of a broader strategic review and re-alignment focusing on the findings of this study.

The survey in Section 5 and the focus group feedback in Section 6 make it clear that OMLS should continue to set a high priority on addressing legal emergencies experienced by low-income people. This doesn't mean, however, that current priorities have been endorsed by this study and should simply be continued.

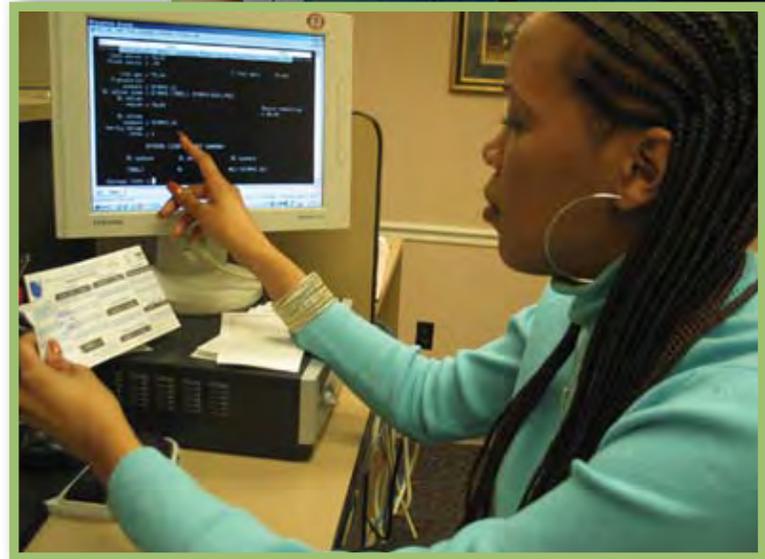
Some problems have legal solutions that can leverage bigger impacts than others. For example, saving a person's job can have broad ripple effects on the client's shelter situation, access to health care, family stability and educational prospects. Gaining or preserving disability benefits for a single client can stabilize his or her client's financial situation; hundreds of disability cases can provide broader economic payoffs for the entire low-income community and reflect a broad, conscious strategy decision by OMLS.



C. Launch an effort to make the legal service system more transparent and accessible to people experiencing legal problems.

The findings of the survey discussed in Section 5 suggest that low-income people have difficulty obtaining legal help in Ocean and Monmouth counties. This was confirmed by the focus group feedback discussed in Section 6, which indicated that the percentages of people experiencing legal emergencies who seek help from OMLS are fairly low.

This situation is partly a matter of OMLS having insufficient legal resources to meet the need. However, it is also due to a lack of coherence in the legal service system that leaves people confused about where they can go to seek help and what they can expect.



This is a challenge that could be addressed through a joint effort by OMLS and its partners to rationalize the intake system and provide more effective outreach to low-income residents in the two counties. It is also an opportunity, in that funding might be available for such an effort from entities that are concerned about increasing access to the justice system.

Summary and conclusion

It is clear that the vast disparity between legal needs and OMLS' capacity to address them call for more aggressive fundraising efforts and more creative and collaborative service delivery approaches. OMLS' first fundraising Gala in 2008 was a success, but only a start. With falling IOLTA income in 2009 and beyond, OMLS faces the likelihood of cuts in staff and services.

OMLS historically has worked closely with a wide range of community partners. The focus group sessions conducted in the needs assessment process have: (a) reinforced many of those relationships; (b) educated the participating stakeholders in the role OMLS can play in meeting the needs of the shared clientele; and (c) spurred new interest in exploring opportunities with OMLS for collaboration aimed at expanding capacity to address needs that currently are not being met. Eight out of ten agencies involved in these discussions saw high potential in exploring these opportunities further.

OMLS began to tap into this interest immediately after the focus group sessions were completed. Hopefully this effort will continue. Further strategic planning and priority setting discussions will present opportunities to re-engage these partners and generate momentum for joint efforts in the near future.

The relationships that were reinforced and the possibilities for effective, collaborative efforts to address the needs of the entire low-income community in a bigger way are perhaps the greatest benefits produced by this legal needs study.

We hope that the information provided in this report will provide insights that will energize and inform these efforts to shrink the "Justice Gap" in the immediate future. Ultimately, this is our vision for "Full Access:" that every resident of Ocean and Monmouth counties will be able to obtain the level of legal help he or she needs to function fully as a participant, not a victim, in our society.





Nevada Supreme Court Access to Justice Commission

RESOLUTION

WHEREAS, The Supreme Court of the State of Nevada adopted an order creating the Nevada Supreme Court Access to Justice Commission on June 15, 2006; and

WHEREAS, The Access to Justice Commission was created to address “the critical need for statewide strategic planning and coordination of efforts to expand services and improve access to justice” and to ensure that Nevadans have access to justice and the judicial system; and

WHEREAS, The Access to Justice Commission has long recognized that certain organizations provide legal aid services to persons who are in need of access to justice; and

WHEREAS, The Southern Nevada Senior Law Project was founded by the City of Las Vegas in 1978 to provide legal services at no cost to seniors age 60 and older; and

WHEREAS, The Southern Nevada Senior Law Project has provided free legal services to more than 100,000 seniors in Clark County; and

WHEREAS, While under the sponsorship of the City of Las Vegas the Southern Nevada Senior Law Project received all NRS 19.031 filing fees designated for the elderly in Clark County to provide legal services; and

WHEREAS, The Project was operated under the City for more than 30 years; however, during the recent recession, the City worked closely with the Project to transition to a 501(c)(3) non-profit organization and that transition was completed in 2012 to the Southern Nevada Senior Law Program; and

WHEREAS, The mission of the Program and the provision of legal services at no cost to seniors have not changed, and the Program remains committed to providing quality legal assistance and advocacy services to seniors of Clark County, enabling them to remain independent while protecting their assets and documenting their end-of-life wishes; and

WHEREAS, The Program works closely with the Access to Justice Commission and other public and community efforts to serve persons who could not otherwise obtain legal services and to provide information to assist in efforts to improve legal aid services in Nevada; and

WHEREAS, NRS 19.031 provides, in relevant part, for the collection of additional fees in civil actions to be distributed to providers of legal services to indigent and elderly persons through a program for legal aid organized under the auspices of a municipal program for legal services; and

WHEREAS, the Attorney General’s opinion dated May 13, 1996 provides that, “. . . until NRS 19.031 is amended to include a procedure for splitting fees among eligible legal aid programs, the county treasurer should continue paying the fees to the legal aid program which has been the historic recipient of the fees;”



Nevada Supreme Court Access to Justice Commission

RESOLUTION

NOW THEREFORE BE IT RESOLVED, That the Nevada Supreme Court Access to Justice Commission recognizes the Southern Nevada Senior Law Program as the provider of legal aid services to elderly persons organized in 1978 under the auspices of the City of Las Vegas; now therefore be it further

RESOLVED, That the fees collected in Clark County for the benefit of a provider of legal aid services for elderly persons pursuant to NRS 19.031 have been provided to the Southern Nevada Senior Law Program since 1983, when the fee explicitly set aside for the benefit of elderly persons was first enacted; now therefore be it further

RESOLVED, That the Nevada Supreme Court Access to Justice Commission supports the continued distribution of these fees collected pursuant to NRS 19.031, for elderly persons, in accordance with the original intent of that statute, to the original recipients of such funds, Southern Nevada Senior Law Program.

Approved June 10, 2016

Justice Michael L. Douglas, Co-Chair

Justice James W. Hardesty, Co-Chair



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

Capitol Complex
Carson City, Nevada 89710
Telephone (702) 687-4170
Fax (702) 687-5798

FRANKIE SUE DEL PAPA
Attorney General

BROOKE A. NIELSEN
Assistant Attorney General

May 13, 1996

Mr. Paul D. Johnson
Deputy District Attorney
Clark County District Attorney's Office
Post Office Box 552215
Las Vegas, Nevada 89155-2215

Dear Mr. Johnson:

You have posed the following question.

QUESTION

If a county has more than one qualified program for legal aid services, may the county treasurer divide the fees collected pursuant to NRS 19.031 and determine an amount to pay each program?

ANALYSIS

In your opinion request you concluded NRS 19.031 contemplates payment of fees to only one eligible legal aid program per county. You also suggest a legislative amendment to NRS 19.031 is needed to address and create a procedure for payment of fees if multiple legal aid programs exist within one county. We agree NRS 19.031 needs to be amended in order to clarify how fees should be divided if a county has multiple legal aid programs.

Until such time as the statute is amended, however, we believe the legal aid program which existed in your county at the time NRS 19.031 was originally enacted should continue to receive the fees collected pursuant to the statute.

NRS 19.031 was created through passage of S.B. 404 in 1975. (*See Minutes of May 12, 1975, hearing on S.B. 404 before Senate Committee on Judiciary at 587.*) In 1975, there was only one functioning legal aid services program in Clark County which was supported by federal

Mr. Paul D. Johnson
May 13, 1996
Page 2

funding. That program approached the legislature to supplement federal funding in order to maintain certain levels of service. The language regarding payment of fees set forth in S.B. 404 is substantially similar to the current language of NRS 19.031(3).

Although the statute has been amended from time to time, the legislature has never addressed the division of fees between multiple legal aid programs located within the same county.

At present, any attempt by this office to guide the county treasurer on how to split the fees among two or more legal aid programs would be pure guesswork. The only procedure provided by the legislature requires the treasurer to pay the collected fees to *the* program which existed at the time the statute was enacted. We cannot construe the statute by speculating that the legislature intended a radical departure from the original procedure set forth. *See National Mines Co. v. Sixth Judicial Dist. Ct.*, 34 Nev. 67, 77, 116 P.2d 996 (1911).

CONCLUSION

We conclude that until NRS 19.031 is amended to include a procedure for splitting fees among eligible legal aid programs, the county treasurer should continue paying the fees to the legal aid program which has been the historic recipient of the fees.

Cordially,

FRANKIE SUE DEL PAPA
Attorney General

By:


ROBERT L. AUER
Deputy Attorney General
Boards & Commissions Section
(702) 687-3522

RLA:dw

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800
RICHARD D. PERKINS, *Assemblyman, Chairman*
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MORSE ARBERRY, JR., *Assemblyman, Chairman*
Mark W. Stevens, *Fiscal Analyst*
Gary L. Ghiggeri, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
ROBERT E. ERICKSON, *Research Director* (775) 684-6825
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 25, 2003

Assemblyman Bernie Anderson
747 Glen Meadow Drive
Sparks, NV 89433-1536

Dear Assemblyman Anderson:

You have asked this office whether a board of county commissioners may distribute money collected pursuant to NRS 19.0312 to an organization that does not receive money pursuant to NRS 19.031.

NRS 19.0312 authorizes a board of county commissioners in a county which charges a fee pursuant to NRS 19.031 to impose an additional filing fee by ordinance to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence. NRS 19.0312 further provides that the fees collected must "be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent." Thus, according to the plain meaning of NRS 19.0312, as a condition to receiving money collected pursuant to NRS 19.0312, an organization must receive the money collected from the fee charged pursuant to NRS 19.031 for providing legal services to the indigent. *See, e.g., State v. Jepsen*, 46 Nev. 193, 196 (1922) ("Where the language of a statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for construction, and the courts are not permitted to search for its meaning beyond the statute itself.").

Section 26 of Article 4 of the Nevada Constitution requires the Legislature to provide "for the election of a Board of County Commissioners in each County, and such County Commissioners shall jointly and individually perform such duties as may be prescribed by law." It is well established that a county, acting through its board of county commissioners, may only exercise powers which have been expressly granted by the Nevada Legislature or which are necessarily implied to carry out the powers expressly granted. *State v. Lothrop*, 55 Nev. 405 (1934); *State v. Bd. of County Comm'rs.*, 22 Nev. 15 (1894); *Waitz v. Ormsby County*, 1 Nev. 370 (1865). Because it is a "creature of statute," a board of county commissioners may exercise only the special powers conferred upon it in NRS in the manner specified in NRS. *State v. Bd. of County Comm'rs.*, 22 Nev. at 18. The language of NRS 19.0312 clearly sets forth the intent of the Legislature that any fee imposed pursuant to NRS 19.0312 be used to adequately fund the organization operating the program for legal services that receives the money collected from the fee imposed pursuant to NRS

19.031 for programs for the indigent. Therefore, it is the opinion of this office that any attempt by a board of county commissioners to have the fee authorized pursuant to NRS 19.0312 given directly or indirectly to an organization which does not receive the money collected from the fee imposed pursuant to NRS 19.031 would clearly contravene the intent of the Legislature and would go beyond the statutory authorization provided to the board of county commissioners to impose a filing fee in NRS 19.0312.

According to the information provided to this office, the current recipient of the money collected from the fee imposed pursuant to NRS 19.031 for providing legal services to the indigent in Carson City and Douglas County is Nevada Legal Services. In 1996, the Attorney General issued a letter to the Clark County District Attorney's Office pursuant to NRS 228.150, which requires the Attorney General to issue opinions to the district attorneys of this state, concerning the disbursement of money pursuant to NRS 19.031. In that letter the Attorney General agreed with the conclusion of the Clark County District Attorney's Office that the money collected pursuant to NRS 19.031 should not be split among various legal aid programs. Rather, the Attorney General stated that the money should be paid to the "legal aid program which has been the historic recipient of the fees." See Letter of Attorney General, May 13, 1996. p. 2 (Attachment A). We have not found any cases which interpret the manner in which money must be disbursed pursuant to NRS 19.031. In addition, the language of NRS 19.031 has not changed substantially since 1996. Therefore, because Nevada Legal Services is currently the only organization receiving money collected from the fee imposed pursuant to NRS 19.031 for legal services to the indigent in Carson City and Douglas County, it is the opinion of this office that the Board of County Commissioners in those counties may not remit any portion of a fee imposed pursuant to NRS 19.0312 to an organization other than Nevada Legal Services. In addition, it is the opinion of this office that those Boards may not require Nevada Legal Services to give a portion of the money it receives to any other organization.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Brenda J. Erdoes
Legislative Counsel

By 
Risa B. Lang
Principal Deputy Legislative Counsel



Nevada Supreme Court Access to Justice Commission Statewide Service Delivery Plan

Strategies for Legal Service Delivery in Nevada

THE NEVADA SUPREME COURT ACCESS TO JUSTICE COMMISSION
Membership

Justice Michael L. Douglas, Co-Chair

Justice James W. Hardesty, Co-Chair

Connie Akridge, Esq., President, Nevada Bar Foundation

Julie Cavanaugh Bill, Esq., Representative, State Bar of Nevada

James Conway, Esq., Executive Director, Washoe Legal Services

Nic Danna, Special Assistant Attorney General, Director, Office of Military Legal Assistance

John Desmond, Esq., Representative, Washoe County Bar

Hon. Patrick Flanagan, Chief Judge, Nevada Second Judicial District

Hon. Elizabeth Gonzalez, Nevada Eighth Judicial District

Doreen Hartwell, Esq., At Large Representative

AnnaMarie Johnson, Esq., Executive Director, Nevada Legal Services

Noah Malgeri, Esq., Pro Bono Project Director, Legal Aid Center of Southern Nevada

Julie Mogensen, Executive Director, Volunteer Attorneys for Rural Nevadans (VARN)

Jeremy Reichenberg, Esq., Representative, Young Lawyers Section, State Bar of Nevada

Ira David Sternberg, Southern Nevada Layperson

Hon. Connie Steinheimer, At Large Representative

Hon. Frank Sullivan, Representative, Clark County Bar Association

Hon. Thomas Stockard, Nevada Tenth Judicial District

Anne Traum, Esq., Faculty Representative, UNLV William S. Boyd School of Law

Alex Velto, Student Representative, UNLV William S. Boyd School of Law

Sugar Vogel, Esq., Executive Director, Southern Nevada Senior Law Program

Hon. James Wilson, Nevada First Judicial District

Hon. Nathan Tod Young, Nevada Ninth Judicial District

Additional Project Contributors

Hon. Barbara Buckley, Esq., Executive Director, Legal Aid Center of Southern Nevada

Maximiliano D. Couvillier III, Esq., Board President, Legal Aid Center of Southern Nevada

William Curran, Esq., Board Chairperson, Nevada Legal Services

James Puzey, Esq., Board President, Volunteer Attorneys for Rural Nevadans (VARN)

Senior Justice Miriam Shearing, Board President, Southern Nevada Senior Law Program

Angela Washington, Executive Director, Nevada Supreme Court Access to Justice Commission



Introduction

Rule 15, dated July 2006 of the Supreme Court of Nevada established the Access to Justice Commission (AJC) as it formally recognized the importance of access to justice in a democratic society. At the same time, the Supreme Court acknowledged the effectiveness of the access to justice commissions created in other jurisdictions to respond to the challenges of securing equal access to all. Rule 15 provides in part that the commission shall:

- (a) Assess current and future needs for the civil legal services for persons of Limited means in Nevada.
- (b) Develop statewide policies designed to support and improve the delivery of legal services.
- (c) Improve self-help services and opportunities for proper person litigants and increase pro bono activities.
- (d) Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society.
- (e) Investigate the availability of and pursue increased public and private financing to support legal services organizations and other efforts 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.

It is through the governance of Rule 15, that the Nevada Supreme Court Access to Justice Commission outlines strategies for effective service delivery in Nevada.

Overview of the Current State Plan Review Process

The Nevada Supreme Court Access to Justice Commission co-chairs Justice Michael Douglas and Justice James Hardesty organized a Commission subcommittee to closely examine legal service delivery in Nevada. The subcommittee consisted of legal service provider executive directors and their respective board chairpersons from Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, Volunteer Attorneys for Rural Nevadans and Washoe Legal Services. Of note, each organization is represented on the Commission and each organization has a significant legal services history in Nevada. The subcommittee met over 2014, 2015 and 2016 to discuss issues relative to legal service delivery including but not limited to organizational funding, an examination of current service delivery areas; overlap of services, and gaps and/or unmet legal service needs.

The subcommittee determined that the best course of action to address present concerns and to plan for the future was to develop a statewide service delivery plan that would (1) establish the legal services that are currently provided; (2) promote continued collaboration among current service providers and (3) outline strategies and procedures for issues that may present in the future.

Areas of Current Planning Focus

Following a review of areas of legal service delivery that could be modified to maximize delivery, the subcommittee identified six planning objectives for future service delivery to be addressed in the plan:

1. Evaluate and address civil legal service needs in all areas of the state;
2. Establish service delivery thresholds throughout the state;
3. Fortify pro bono involvement and self-help services;
4. Serve as a guide for the procurement of legal aid resources and for the protection of existing legal aid resources;
5. Establish legal service provider standards for current and future coalition members
6. Unify processes for civil legal aid throughout the state

PLAN FOR THE DELIVERY OF CIVIL LEGAL AID TO PERSONS OF LIMITED MEANS

Mission and Purpose

Access to justice is a fundamental principle in a democratic society. The need for statewide strategic planning and coordination of efforts to expand services and improve access to justice is critical to the many Nevadans in need of legal assistance and to Nevadans at large to ensure that equal justice under the law is a balanced standard among all citizenry. The Nevada Supreme Court Access to Justice Commission and its partners strive to evaluate and address civil legal needs across the state, create access to justice programs and fortify existing access to justice opportunities for all.

Nevada Coalition of Legal Service Providers

The vast majority of civil legal aid is delivered by a group of five independent non-profit legal service organizations that have historically delivered services to citizens of modest means in Nevada. These organizations are collectively recognized as the Nevada Coalition of Legal Service Providers (the Coalition). Though independent entities, the Coalition members collaborate to address civil legal needs across the state and to devise plans for addressing other civil legal delivery issues.





The Coalition consists of the following members:

Legal Aid Center of Southern Nevada

Legal Aid Center of Southern Nevada, a nonprofit law firm established in 1958, provides high quality legal counsel, advice and representation for low and moderate income community members unable to protect their rights because they cannot afford an attorney. Legal Aid Center serves residents of Clark County, Nevada; its main office is located at 725 E. Charleston Boulevard, Las Vegas, NV. Legal Aid Center also operates two Self-Help Centers which act as “legal emergency rooms”: the Civil Law Self-Help Center at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV, and the Family Law Self-Help Center at the Family Court, 701 N. Pecos, Las Vegas, NV.

In 2015, Legal Aid Center helped more clients than ever before in its history: over 121,000 individuals. Legal Aid Center provided attorneys to 4,752 child clients in the foster care system, providing the children a voice in their future and a much better chance to grow up with a loving family. Legal Aid Center represents victims of domestic violence and vulnerable primary caretakers with obtaining protective orders, divorce decrees, and custody of their children, allowing them to reclaim a life free from violence. Legal Aid Center provides immigration assistance to battered immigrants, victims of crime, and children. Legal Aid Center helps people targeted by predatory behavior violating Nevada’s consumer protection laws. The newest program assists the elderly and people with disabilities in guardianship court to ensure that they are not deprived of their civil liberties and life savings with no one by their side to protect their rights. Other services include assisting with educational issues, fraudulent sales practices, foreclosure, bankruptcy, and social security benefit denials

Legal Aid Center offers free community legal information classes in conjunction with the William S. Boyd School of Law. In 2015, 435 classes were offered, serving 4,600 individuals. Through its Pro Bono Project, 208 free “Ask a Lawyer” sessions were held, assisting 3,540 people. Topics included family law, foreclosure, landlord/tenant, small claims, veterans’ issues, federal court assistance, homeless assistance, probate, and small business issues. In 2015, 939 volunteer attorneys assisted 5,935 clients with their legal matters. Legal Aid Center is always responding to the changing needs in the community, experimenting with new programs, and striving to meet the unmet legal needs in southern Nevada community.

Nevada Legal Services

Nevada Legal Services, Inc. (NLS) is a non-profit organization that provides free legal services to low income Nevadans and serves all 17 counties in Nevada and all 23 reservations. In 2015 NLS served a total of 6,747 clients in individual cases, conducted 779 clinics and classes and saw 40,074 individuals in clinics and classes. Nevada Legal Services has offices located across the state including, administrative and litigation offices in Las Vegas, Nevada; a litigation office in Reno, Nevada; the Indian Law Project office in Reno, Nevada; the Senior Law Project office in Reno, Nevada; and satellite offices in Elko, Carson City, and Yerington, Nevada. Since 1981, NLS has provided direct representation of clients in Federal, State, and Tribal Courts, including all appellate courts as well as in administrative hearings in all public benefits areas, taxes, work cards and licenses.

In addition to direct representation services, NLS provides advice to clients who do not require legal assistance or to clients that NLS does not have the resources to represent. Additionally, a number of weekly and monthly classes on legal topics of interest to the client community are offered by NLS. The classes include information packets and forms allowing clients to assist themselves. Legal advice and representation in the following areas of law are regularly provided:

- Consumer Law, including garnishments, debt collection, repossessions, bankruptcy, and contracts;
- Education Law, including school expulsion and special education;
- Employment Law, including wage and hour claims, tax issues, and agricultural/farm worker issues;
- Family Law, including guardianship for adults, representation of wards, adoptions, ICWA cases, divorce, custody, and visitation;
- Health Law, including Medicaid issues, Medicare issues, nursing home issues, and home health care issues;
- Housing Law, including federal subsidized housing program, private landlord/tenant issues, habitability issues, mobile homes, mobile home park closures, and foreclosure;
- Income Maintenance, including TANF, SNAP (food stamps), county general assistance, unemployment benefits, Social Security, SSI, and Veteran's benefits;
- Individual Rights, including immigration/naturalization, mental health, disability rights, human trafficking, and civil rights;
- Juvenile Law, including guardianships for children and representation of parents in dependency and neglect cases.
- Miscellaneous areas of law, including representation for Nevada Tribes, representation in criminal matters in Tribal courts, estate planning, Elder abuse, community development, and representation of groups or non-profit organizations.

In addition to the types of cases listed above, Nevada Legal Services has the following specialty programs:

Indian Law Project: The Indian Law Project serves the 23 reservations in Nevada. The staff represents individuals in civil cases and criminal cases in Tribal courts. The staff also provides representation to Tribal governments in cases where Tribal sovereignty is at stake.

Pro Bono Project: The Pro Bono Project serves the entire State and recruits private attorneys to teach our clinics and classes and private attorneys that will accept cases for direct representation. The Project also produces a number of Continuing Legal Education classes for lawyers each year.

Low Income Tax Clinic: The LITC serves the entire State and represents individuals in tax issues before the IRS and in tax cases before the US Tax Court.



Nevada Supreme Court Access to Justice Commission Statewide Service Delivery Plan

Consumer Action Advocates: The CAA serves the entire State and represents clients facing foreclosure, clients with difficult consumer issues, and teaches classes on foreclosure prevention and consumer rights.

Veterans Assistance Project: The project serves the entire State and provides assistance in all legal areas to Veterans and their family members. The Project also conducts Project Salute each year on Veterans Day wherein private attorneys and NLS staff members volunteer their time to talk to Veterans about issue they may have with their Veteran's benefits. The Project also works with the Nevada Attorney General's Office of Military Legal Assistance on @EASE/CLAP. That program conducts monthly events where Veterans can have a will or other estate planning documents completed and receive advice on other legal topics.

The LGBTQ Project: This project serves mainly Clark County, but can serve other areas of the State if requests are made. The Project assists with name and gender marker changes and civil rights or discrimination cases.

Community Development Project: This Project serves Clark and Washoe Counties. The staff of the project represents community groups and non-profits, assists them in incorporating and getting their non-profit status, and serves as legal counsel for their projects. The Project is also working with Tenants Organizations on RAD conversion housing projects in Clark County.

Tenants' Rights Center: The Center serves Clark County and provides legal advice and brief service to tenants in private housing in eviction matters.

Senior Law Project: The SLP serves all residents of Washoe County aged 60 and older. There are no income or asset limitations with this Project. The SLP provides legal representation in all the areas of civil law mentioned above.

Senior Legal Helpline: This is a hotline for Seniors across Nevada to use to get answers on any legal topic. The hotline staff will make referrals to the offices if the Senior caller requires legal assistance.

Ryan White Part B Project: This Project provides representation to all Nevadans who have been diagnosed with HIV/AIDS. The Project focuses its work on insurance denials, Medicaid/Medicare denials, estate planning, guardianships and other family law matters, housing discrimination, and other discrimination issues. The Project also provides legal education classes to persons diagnosed with HIV/AIDS and their family members.

Nevada Legal Services has been recognized for its work locally and nationally. In 2015, NLS was awarded first place by the American Bar Association for Best Accomplishments during the 2015 Annual Pro Bono Week. Additionally, NLS has received yearly recognition from the Department of Housing and Urban Development for services to the homeless and victims of foreclosure and from US Vets for participation in the semi-annual Stand Down for Homeless Veterans. Also, Nevada Legal Services has received yearly recognition from Project Homeless Connect for work on the annual Stand Down for the

Homeless. Additionally, Nevada Legal Services has received recognition from Communities in Schools for the time volunteered by staff members. Staff members taught elementary students about the law and careers in the law.

Southern Nevada Senior Law Program

The Southern Nevada Senior Law Program (SNSLP) was founded in 1978 to provide free legal services to seniors age 60 and older. The Program was originally sponsored by the City of Las Vegas and operated under the City for more than 30 years. During the recession, the City was forced to suspend its sponsorship of the SNSLP. So as to continue providing these valuable legal services to seniors, the City of Las Vegas worked with the SNSLP to convert to a 501 (c) 3 non-profit organization. The SNSLP transitioned into a successful non-profit on July 1, 2012 with no interruption of services to the senior community. SNSLP is committed to providing free quality legal assistance and advocacy to seniors of

Clark County and to enable them to remain independent while protecting their assets and documenting their end of life wishes. Since its inception in 1978, SNSLP has served more than 100,000 seniors in Clark County. SNSLP is the only legal service provider in Clark County that exclusively serves seniors.

The Southern Nevada Senior Law Program offers a variety of legal services to assist senior citizens who often are experiencing health problems, the death of a spouse or loved one, financial distress due to fraud or catastrophe.

The Consumer Assistance Program helps with unresolved consumer protection issues, including everything from unscrupulous business transactions to outright fraud. Senior citizens are frequently targeted by persons who take advantage of trusting persons and the Program is sometimes the only avenue for the senior citizen to recover their money or property. The Consumer Assistance Program also works with housing issues, including HOA concerns and landlord/tenant disputes.

The Estate Planning Program provides seniors with information and assistance in preparing and documenting their end-of-life wishes. For many senior citizens, end-of-life decisions are stressful and scary. Being prepared and understanding what will happen to the estate helps the senior citizen prepare for the future so their affairs will be in order for their survivors.

The Healthcare Program addresses one of the most essential needs for senior citizens and helps address planning in the event of a catastrophic or major medical crisis. The Program assists seniors in preparing a Durable Power of Attorney for Healthcare and Directive to Physician. The documents, if prepared in advance, not only give the senior citizen some comfort in knowing that they will be taken care of but also makes the family, friends, and medical personnel aware of the senior citizen's desires when he or she cannot speak for him/herself.

Other services provided by the Program include assistance in guardianship issues, elder law rights and public entitlements including Social Security. The Program maintains an aggressive outreach program and regularly conducts seminars at community centers, health fairs and senior complexes. The Program also provides services to homebound clients.



Volunteer Attorneys for Rural Nevadans (VARN)

VARN incorporated in December 1996, with the stated purpose to provide pro bono legal services to low-income residents of rural Nevada, and received 501(c)(3) tax exempt status in 1997. VARN began the Pro Bono Project, providing free legal services to low-income residents of Carson City, Churchill, Douglas, Lyon, Storey, Humboldt, Pershing, Lander, Elko, and White Pine counties. Such legal matters included uncontested divorce, guardianship, name changes, bankruptcy, wills and estate matters, debt collection, foreclosure and simple real property disputes. VARN serves 15 rural counties of Nevada: Carson City, Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, and White Pine. VARN does not serve Clark or Washoe counties.

In 2001, in collaboration with the Nevada Network Against Domestic Violence (NNADV) and others, VARN developed a program to provide free legal services to victims of domestic violence living in rural counties. In 2002, VARN established the Domestic Violence Victim's Assistance Project (DVVAP). DVVAP provides legal services, including direct representation in all 15 rural Nevada counties, on matters that include paternity and child custody, child support, divorce, guardianship, adoption, and representation in protection order hearings.

In 2011, in response to an enormous need for legal services for immigrant victims of domestic violence, VARN created the Domestic Violence Rural Immigrant Integration Project (DVRIIP). As part of this project, in 2012, VARN obtained Bureau of Immigration Appeals (BIA) site recognition and staff accreditation, making it the only agency in rural Nevada to have recognition and accreditation. DVRIIP provides free civil legal services in family based immigration matters and to undocumented victims of domestic violence seeking legal status in the United States through the Violence Against Women Act (VAWA) Self-Petition and U-Visa processes. In 2015, VARN expanded the services provided to also include family law matters.

Located at 904 N. Nevada Street in Carson City, VARN provides free civil legal services to victims of domestic violence through the DVVAP program. Legal services include paternity and child custody, child support, divorce, guardianship, adoption, and representation in protection order hearings. VARN also provides free legal services to immigrant victims of domestic violence through the DVRIIP program. Legal services include assistance with U-Visas, VAWA self-petitions and family law matters.

VARN provides assistance to low-income individuals in uncontested civil legal matters through the Pro Bono Project. Legal services may include, but are not limited to, assistance with divorce, guardianship, name changes, bankruptcy, wills and estate matters, debt collection, foreclosure and simple real property disputes.

Finally, VARN holds Lawyer in the Lobby sessions twice a month in Carson City. Clients may sign up for a 20 minute consultation with a volunteer attorney to discuss their civil legal issue. In 2012, VARN obtained Bureau of Immigration Appeals (BIA) site recognition and staff accreditation, making VARN the only agency in rural Nevada to have recognition and accreditation.

In 2015, VARN provided legal services to 2,209 low-income residents and victims of domestic violence in rural Nevada. Of those, VARN provided direct legal services to 602 clients by placing 40 cases in the Pro Bono Project, assisting 375 participants in the Lawyer in the Lobby program, assisting 157 victims of domestic violence through the DVVAP program, and by assisting 30 immigrant victims of domestic violence through the DVRIIP program. VARN provided brief services, counsel & advice, and referral services to the remaining 1,607 clients.

Washoe Legal Services

"Washoe Legal Services helping the community" - Washoe Legal Services is a non-profit legal services agency that is dedicated to helping qualified residents of Washoe County, Nevada.

Since 1965, Washoe Legal Services has provided civil legal services at no charge to residents of Washoe County who cannot, without a lawyer, access or protect their basic needs. WLS provides a broad representation of services and programs.

Mission Statement

Washoe Legal Services provides free quality legal services and representation to qualified residents to enable them to receive justice in civil legal matters involving human needs and self-sufficiency. Washoe Legal Services also recruits attorneys to provide pro bono services to address unmet legal needs in the community.¹

Coalition Support

Support for the Coalition is provided by several entities through regular statewide legal need oversight, policy development, administrative and financial support. Support for the Coalition includes:

The Nevada Supreme Court Access to Justice Commission (Commission). Established in 2006, the Nevada Supreme Court Access to Justice Commission is comprised of jurists, attorneys, legal professionals and other community members whose primary focuses are to strengthen access to justice opportunities across the state, identify and address access to justice needs and disproportions and to support institutional legal aid organizations while promoting other legal service opportunities across the state. The Commission supports the Coalition through policy development and access to justice strategic planning, regular statewide legal needs assessment and oversight.

The State Bar of Nevada (the Bar). Founded in 1928, the State Bar of Nevada in its 2013-2018 strategic plan, lists as a strategic priority the support of access to justice and specifically notes within its plan its intention is to promote and support pro bono initiatives through the support the Nevada Supreme Court Access to Justice Commission. The Bar's support includes the funding of an Access to Justice Executive Director position that is dedicated to the support of the Nevada Supreme Court Access to Justice

¹ Washoe Legal Services <http://washoelegalservices.org/>



Commission. Additionally, the State Bar of Nevada provides financial support for the Commission's annual programming.

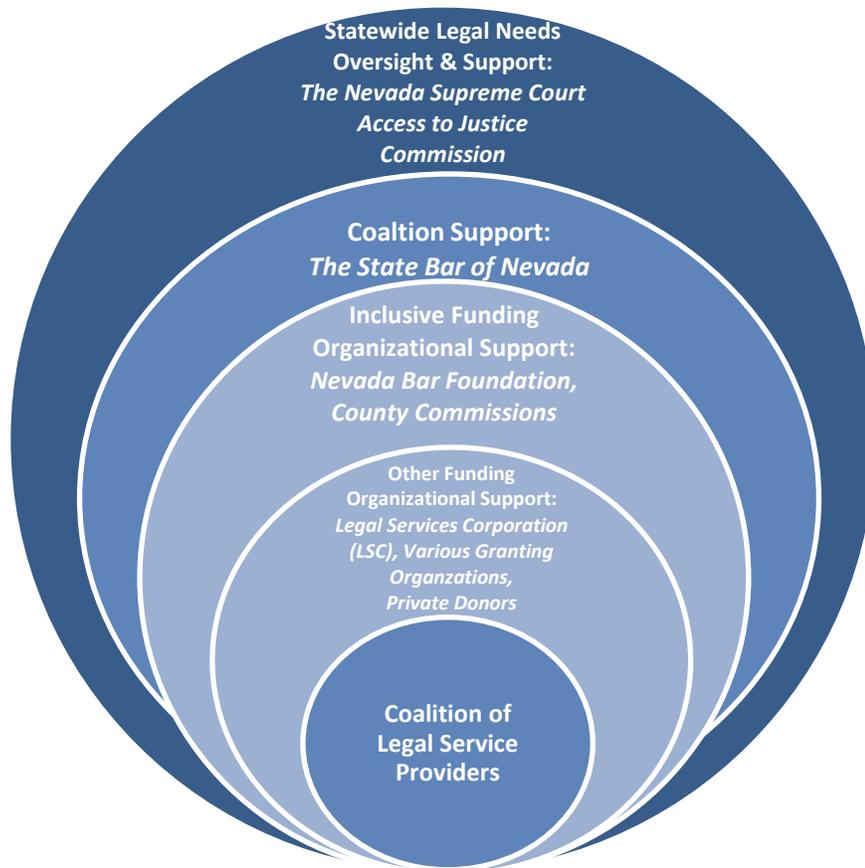
The Nevada Bar Foundation (the Foundation). The Nevada Bar Foundation, incorporated in 1997 as the 501(c)(3) charitable arm of the State Bar of Nevada, serves as the managing organization of the Interest on Lawyers Trust Accounts (IOLTA) Program. Management of the IOLTA Program includes monthly monitoring of fixed interest rate compliance and relationship management with the participating IOLTA financial institutions. The Nevada Bar Foundation annually grants funds raised through the IOLTA Program to legal aid organizations in the state of Nevada. In 2016, \$2,813,917 were granted to fourteen legal services organizations in Nevada; the Coalition of Legal Services Providers members were among the recipients of IOLTA grants in 2016 and every year the program has been in place. Additionally, the Nevada Bar Foundation will undertake the role of fundraiser in the near future. Fundraising efforts will support legal aid service providers in Nevada.

Legal Services Corporation (LSC). LSC is the single largest funder of civil legal aid for low-income Americans in the nation. Established in 1974, LSC operates as an independent 501(c)(3) nonprofit corporation that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 90 percent of its total funding to 134 independent nonprofit legal aid programs with more than 800 offices. Nevada Legal Services is the sole LSC funded organization in the state of Nevada. LSC promotes equal access to justice by awarding grants to legal services providers through a competitive grants process; conducting compliance reviews and program visits to oversee program quality and compliance with statutory and regulatory requirements as well as restrictions that accompany LSC funding, and by providing training and technical assistance to programs. LSC encourages programs to leverage limited resources by partnering and collaborating with other funders of civil legal aid, including state and local governments, Interest on Lawyers' Trust Accounts (IOLTA), access to justice commissions, the private bar, philanthropic foundations, and the business community.²

County Commissions. The Nevada Legislature enacted laws that provide the financial support of legal aid services in at least seven statutes. Most counties in the state of Nevada have enacted some, if not all of the statutes that direct a portion of filing fees to legal aid organizations. In 2014, more than \$7 million dollars were collected through filing fees in support of legal aid in the state of Nevada.

Various Granting Organizations and Private Donors. Each Coalition member pursues various granting opportunities regularly, including federal and state funding prospects. Additionally, each has developed and maintained relationships with private donors who donate to the legal aid organizations.

² *Who We Are: What is the Legal Services Corporation?* <http://www.lsc.gov/about-lsc/who-we-are>



Current Legal Services Delivery System in Nevada

For the purpose of this discussion, the current legal services delivery system will address the individual and collective methodologies and relationships of the members of the Coalition of Legal Service Providers. The Coalition of Legal Service Providers consists of nonprofit legal aid organizations that collaborate regularly on issues of funding and delivery of services independently and through the Nevada Supreme Court Access to Justice Commission. Independently, these organizations provide services to hundreds of thousands of Nevada residents annually and in doing so, partner regularly with one another in an effort to meet the demands of statewide legal services needs.

Legal Service Delivery

A commonality among the Coalition of Legal Service Providers' current delivery of service includes an established organizational structure that entails the employ and use of staff attorneys who provide civil legal services in various civil law subject matter areas. Additionally, the structure entails other supportive tools for individuals seeking legal services, including self-help centers, websites, legal forms provisions and assistance.

In addition to services offered by staff attorneys of the programs, four of the five members of the Coalition of Legal Services Providers maintain pro bono programs that recruit, support, train and retain volunteer attorneys. The volunteer attorneys of the pro bono programs assume cases that have been



screened and accepted by the legal aid organizations and additionally participate in legal aid clinics and outreach programs that are presented by the Coalition organizations that are not assigned to staff attorneys.

Additionally, regular reviews afford valuable opportunities to examine service delivery challenges. These challenges present themselves through feedback from governmental entities, local and national trends, observation and even reporting from the public. The latest reviews and reporting has exposed service delivery gaps across the state which generally implores additional legal services, including direct representation, self-help services and legal education in rural areas of the state. Additionally, an overlap of legal services in areas of the state has been noted as an additional challenge.

The Nevada Supreme Court's and Access to Justice Commission's Role in Overseeing the Delivery of Legal Aid Services in Nevada

The Nevada Supreme Court Commission on Access to Justice is established by Nevada Supreme Court Rule 15 and, as it is relative to the Commission's establishment, provides in pertinent part:

- 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.
 - c. Improve self-help services and opportunities for proper person litigants and increase pro bono activities.
 - d. Develop programs to increase public awareness of the impact that limited access to justice has on other government services and on society.
 - 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.

The establishment of the Nevada Supreme Court Access to Justice Commission and the defining of its purpose, as captured in Supreme Court Rule 15, provide the Nevada Supreme Court with the authority to oversee the delivery of legal services in Nevada. Furthermore, through the Access to Justice Commission, the Nevada Supreme Court has the responsibility to improve upon legal service delivery and to ensure thoughtful development of policies and effective delivery of legal services to persons of limited means in Nevada.

The Acknowledgment and Adoption of Legal Service Provider Standards

The Nevada Supreme Court Access to Justice Commission recognizes institutional legal services providers that have been established to address the civil legal needs of Nevada residents of limited means. Institutional legal services providers are distinguished from other legal services providers by their organizational structure and by the services that are provided by the organizations. In Nevada, the

Coalition of Legal Service Providers members are recognized as institutional legal services providers; the Coalition is comprised of: Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, VARN and Washoe Legal Services.

Institutional Service Organizational Structure

Generally, the structure of institutional legal service provider organizations contain a similar, if not the same organizational configuration. Additionally, institutional legal service providers respect similar, if not the same standards of practice, including state and national standards of practice such as the ABA Standards for Providers of Civil Legal Aid to the Poor and the LSC Performance Criteria. Other distinguishing organizational structure characteristics include, the compensation of staff and workload that reasonably enable the provision of uniformly high quality and effective and productive services and the requirement of ongoing training and participation in professional and leadership development activities of all staff that provides, supports or manages civil legal aid.

Hiring practices are closely followed by institutional legal services providers as well. These organizations ensure that an appropriately diverse staff is recruited, trained, supported and supervised and that the staff is provided with the necessary tools, including current technology to provide high quality effective and cost efficient legal services. Additionally, organization management information is transparent and frequently provided to partners and managers of the organization.

Staying current in new legal trends is integral to any practice of law and institutional legal service providers ensure that information about new developments in the law is regularly disseminated to all advocates and managers within the organization. Recognizing the importance of the management of resources, institutional legal services organizations make the most effective use of financial, volunteer and in-kind resources that are dedicated to legal services. Overall, the organizations ensure that services are provided in a cost-efficient manner to maximize access and to limit unnecessary administrative costs and other costs.

Institutional legal service providers recognize the importance of maintaining relationships with legal entities and individuals to facilitate access to justice for all. As such, these providers are supported by an organized bar and by the judiciary as both entities serve as leaders in the legal community and provide guidance to the private sector, legal aid providers, law schools, the executive and legislative branches of government. Further, in its guidance to the legislative branch of government, institutional legal services providers deliver support on state legal issues and also coordinate work accordingly to the affected client community.

Institutional Legal Service Provider Services

Institutional legal service providers employ staff attorneys for their programs much like other law firms. The difference between the institutional legal service provider and many other law firms is that the cases that are assumed by legal service providers are handled at no cost to the client. Staff attorneys could be assigned to a specific area of law or program within the organization or are general staff attorneys and are full time, part time or contract employees of the organization. Additionally,



institutional legal service providers generally have pro bono programs or regularly participate in and/or support pro bono programs. Pro bono programs are centered on the recruitment and retaining of attorneys to accept cases on a voluntary basis. Volunteer attorneys assume the cases and provide the requisite legal services at no charge to the organization or to the client. The legal services organization provides support to the volunteer attorneys in the form of training, mentoring and malpractice insurance coverage.

Partnering with law school programs, including clinics is another defining characteristic of institutional legal service providers as providers regularly support clinical programs through supervision; provide educational opportunities to law students through special events; and allow law students to participate in community legal educational classes. In addition, legal service providers provide regular intern opportunities for law students in their respective organizations.

Institutional legal service providers offer regular legal education workshops for the general public where members of the public are afforded the opportunity to attend regularly scheduled legal classes that address a variety of subjects at no charge. Classes are led by legal service provider organization staff attorneys or pro bono attorneys affiliated with the legal services provider and sometimes include the instructional assistance of law students.

Participation in and support of, self-help centers is another service provided by institutional legal service providers. Self-help centers provide the general public with legal information and forms so that an individual can represent himself in court. Additionally, as it relates to court forms, self-help centers provide assistance with the forms and instructions and referrals to court clerks for filing information. Also, self-help centers provide information on court rules, practices and procedures.

Current Delivery and Allocation of Legal Services

The majority of legal aid services are delivered throughout the state by the Nevada Coalition of Legal Service Providers (the Coalition), which include the following organizations: Legal Aid Center of Southern Nevada, Nevada Legal Services, Southern Nevada Senior Law Program, Volunteer Attorneys for Rural Nevadans (VARN), and Washoe Legal Services. Four of the five Coalition members have active pro bono programs and all of the members conduct regular outreach programming.

Specifically, the Coalition's legal services include:

Legal Aid Center of Southern Nevada (LACSN) is based in Clark County, Nevada and provides all of its services in Clark County. LACSN addresses a variety of legal issues, including appellate and child advocacy issues, special education rights, surrogate program, consumer rights, foreclosure issues, social security and bankruptcy matters, full representation guardianship, domestic violence, divorce, custody, and immigration. In addition to providing full representation services with the aforementioned subject matters, Legal Aid Center of Southern Nevada maintains a pro bono program, a civil law self-help center, family law self-help center, community legal education programs, and Ask A Lawyer sessions.

Nevada Legal Services (NLS) provides services to every county in Nevada and has eight offices across the state. NLS addresses a variety of legal issues including family law and consumer law, education, employment, housing, health, income maintenance, elder law, and Indian Law. In addition to these issues, Nevada Legal Services maintains a pro bono program and provides pro se clinics, community education, client outreach, agency outreach and a senior legal hotline.

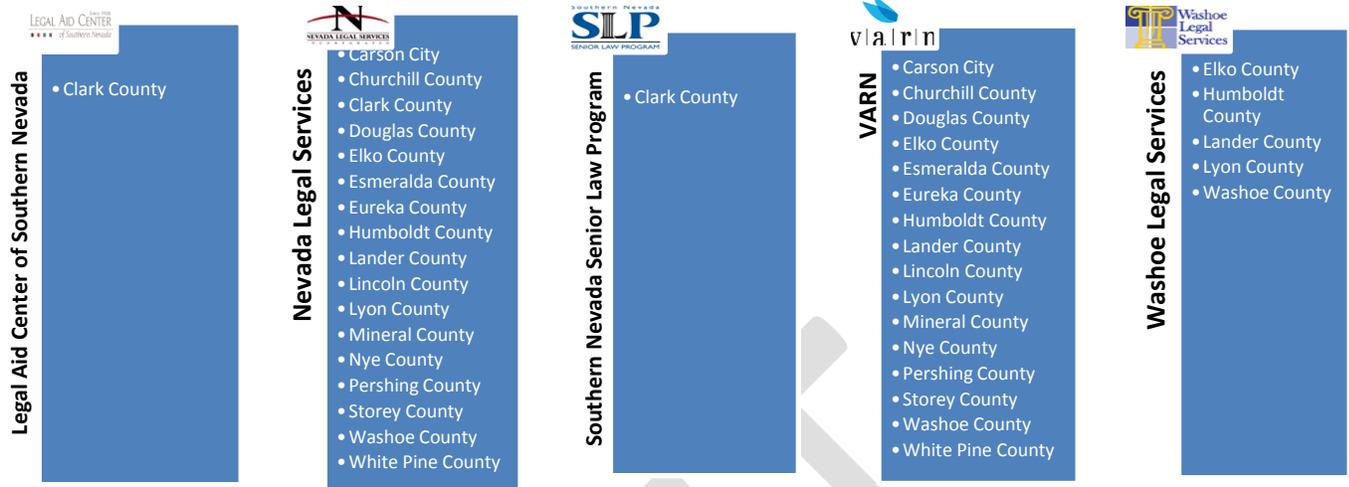
Southern Nevada Senior Law Program (SNSLP) is based in Clark County, Nevada and devotes all of its services to senior residents, age sixty-two and older living in the Clark County area. The Southern Nevada Senior Law Program provides services in estate planning and probate, planning for incapacity and advance directives, long term health care issues, real property, including home owners' associations (HOA's), foreclosure issues, guardianship issues, consumer, document preparation, private landlord/tenant, social security and public entitlements, prevention of elder abuse and name changes. Additionally, Southern Nevada Senior Law Program regularly conducts community outreach, and maintains geriatric legal clinics, monthly legal seminars, and Ask A Lawyer seminars.

Volunteer Attorneys for Rural Nevadans (VARN) is based in Carson City, Nevada and provides services to residents of all counties except Clark County. VARN provides domestic violence victim's assistance, domestic violence rural immigration integration, immigration as well as other services to clients seeking legal assistance. In addition to these services, VARN provides a monthly lawyer in the lobby clinic in Carson City and various legal fairs in many areas of the state. Also, VARN maintains a pro bono program.

Washoe Legal Services (WLS) is based in Washoe County and provides services to residents of Washoe, Elko, Humboldt, Lander and Lyon Counties. Washoe Legal Services offers services in child advocacy, family law, including domestic violence, immigration, consumer law, private housing, mortgage and foreclosure, bankruptcy, inmate assistance, guardianship, senior services and juvenile transition. In addition to the aforementioned services, Washoe Legal Services maintains a pro bono program and provides regular educational clinics addressing bankruptcy, divorce, TPO, legal forms and referrals for non-case clients.



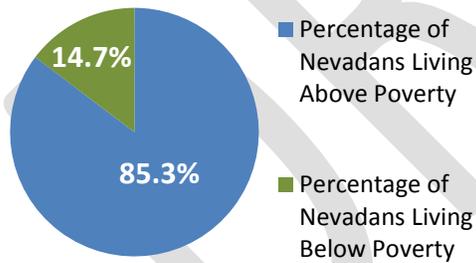
Legal Service Organization Statewide Presence



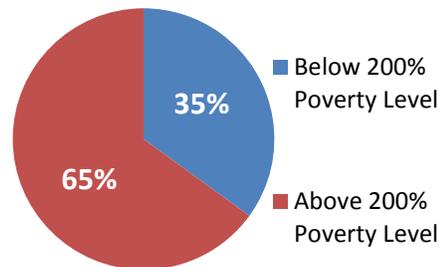
Coordination of Legal Services and Pro Bono Expansion¹

Effective legal service delivery requires a regular evaluation of service delivery to ensure that legal services are available to residents in all areas of the state. Nevada is 109,781 square miles and had an estimated population in 2015 of 2,700,551. Also, in 2015, Nevada saw a 14.7% poverty rate; there were approximately 426,730 Nevada residents who lived below the poverty level in 2015. As the area of the state is expansive and the population is large, coordination of services is necessary to provide effective legal service delivery to as many residents as possible in as much of the state as possible.

2015 Poverty Percentages³



2015 200% Poverty Percentages in Nevada⁴



³ United States Census Bureau, Quick Facts, Nevada, <http://www.census.gov/quickfacts/table/PST045215/32>

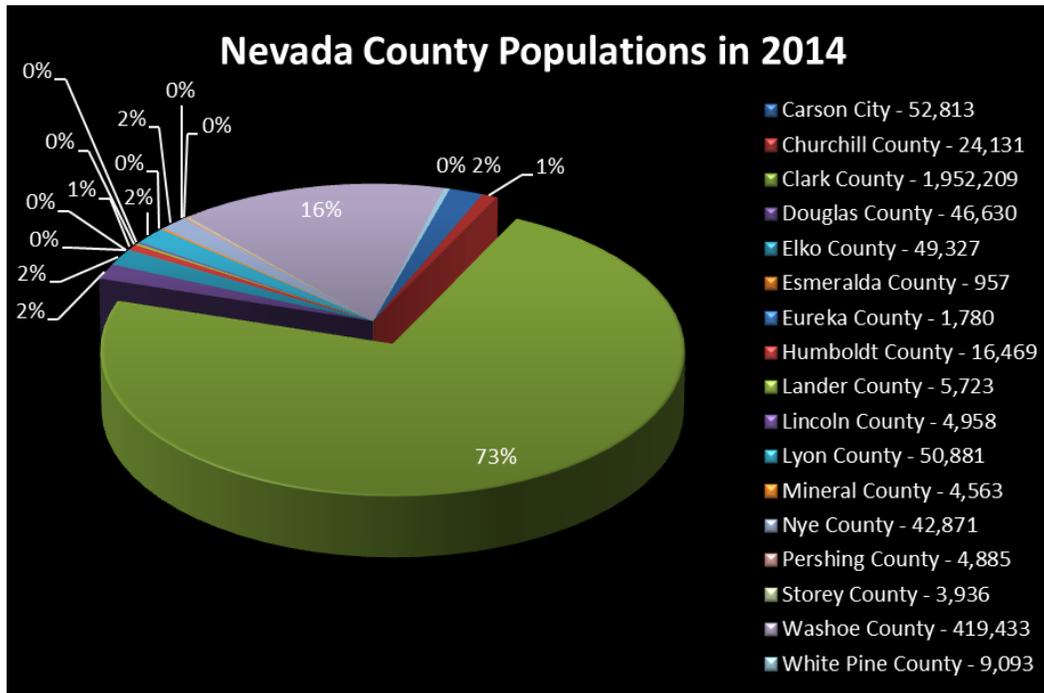
⁴ The Henry J. Kaiser Family Foundation, State Health Facts, <http://kff.org/other/state-indicator/population-up-to-200-fpl/?currentTimeframe=0&selectedDistributions=under-200percent&selectedDistributions=200percent&selectedDistributions=total&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

The Coalition of Legal Services Providers utilize the Federal Poverty Guidelines for determination of services. Generally, services are provided for individuals that meet or are very close to the 200% poverty level.

2015 Federal Poverty Guidelines⁷

Household Size	100%	150%	200%	250%
1	\$11,770	\$17,655	\$23,540	\$29,425
2	\$15,930	\$23,895	\$31,860	\$39,825
3	\$20,090	\$30,135	\$40,180	\$50,225
4	\$24,250	\$36,375	\$48,500	\$60,625
5	\$28,410	\$42,615	\$56,820	\$71,025
6	\$32,570	\$48,855	\$65,140	\$81,425
7	\$36,730	\$55,095	\$73,460	\$91,825
8	\$40,890	\$61,335	\$81,780	\$102,225

** For families/households with more than 8 persons, add \$4,160 for each additional person.*

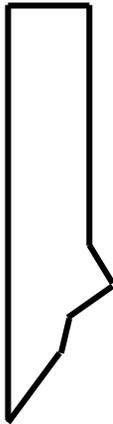


⁷ Section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C. 9902(2)) requires the Secretary of the Department of Health and Human Services to update the poverty guidelines at least annually, adjusting them on the basis of the Consumer Price Index for All Urban Consumers (CPI-U). The poverty guidelines are used as an eligibility criterion by the Community Services Block Grant program and a number of other Federal programs. The poverty guidelines issued here are a simplified version of the poverty thresholds that the Census Bureau uses to prepare its estimates of the number of individuals and families in poverty.



Service Delivery Zones

The Access to Justice Commission’s Coalition of Legal Service Providers has identified the need to eliminate or reduce the duplication of services through the creation of service zones. The service zones encompass one or more counties and employ the services currently offered by legal aid organizations including the 287 full time and 5 part time attorneys employed by the Coalition. Further, the creation of service zones provides opportunities for the Commission to examine ways that areas of services could be merged or allocated among existing legal service organizations, if needed. The service zones are established geographically and by current existing legal organizational presence.



Zone 1 – Washoe County. Zone 1 is currently serviced by Nevada Legal Services, VARN and Washoe Legal Services and with many, if not all direct representation service areas providing: child advocacy, consumer, domestic violence, education, elder law, employment family law, guardianship, health, housing, immigration, income maintenance, Indian Law, inmate assistance, juvenile transition and general legal services. In addition to the above services, Zone 1 has pro bono programs, pro se clinics, community education, client outreach, agency outreach and a senior legal hotline.

Zone 2 – Storey County, Douglas County, Churchill County and Carson City. Zone 2 is currently serviced by Nevada Legal Services and VARN. Direct representation service areas provided in Zone 2 include consumer, domestic violence rural immigrant integration, education, elder, employment, family, health, housing, immigration, income maintenance and Indian law.

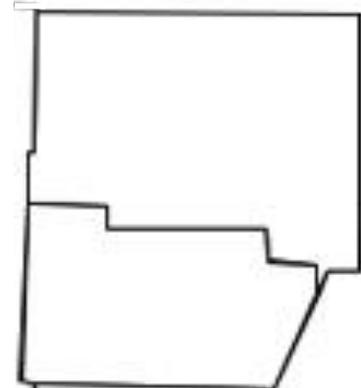
Additionally, pro bono programs are available in Zone 2.



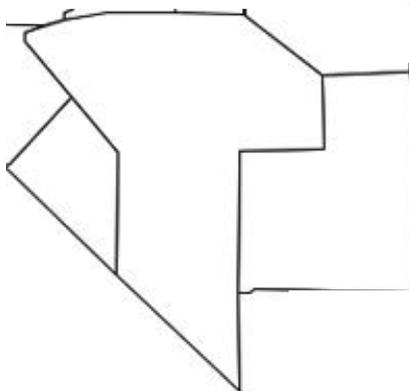


Zone 3 – Lyon and Mineral Counties. Lyon County is currently serviced by Nevada Legal Services, VARN and Washoe Legal Services while Mineral County is currently serviced by Nevada Legal Services and VARN. Direct representation service areas provided in Zone 3 include child advocacy, consumer law, domestic violence rural immigrant integration, domestic violence victim’s assistance, education law, elder law, employment law, family law, health law, housing law, immigration, income maintenance, and Indian Law. Also, pro bono programs, pro se clinics, community education, client outreach, agency outreach, and legal aid fairs are available in Zone 3.

Zone 4 – Humboldt and Pershing Counties. Humboldt County is currently serviced by Nevada Legal Services, VARN and Washoe Legal Services and Pershing County is currently serviced by Nevada Legal Services and VARN. Service areas provided in Zone 4 include child advocacy, consumer law, domestic violence victim’s assistance, domestic violence rural immigrant integration, family law, education law, elder law, employment law, housing law, health law, immigration, income maintenance, and Indian law.



Additionally, pro bono programs, pro se clinics, community education, client and agency outreach, legal aid fairs, and a senior legal hotline, are services available in Zone 4.



Zone 5 – Esmeralda, Nye and Lincoln Counties. Esmeralda, Nye and Lincoln Counties are currently serviced by Nevada Legal Services and VARN. Direct representation service areas provided in Zone 5 include domestic violence victim’s assistance, domestic violence rural immigrant integration, education, elder law, employment law family law, consumer law, health law, housing law, income maintenance, Indian Law.

In addition to direct representation, pro bono programs, pro se clinics, community education, client and agency outreach and a senior legal hotline are available services in Zone 5.



Zone 6 – Elko and Lander Counties. Elko and Lander Counties are currently serviced by Nevada Legal Services, VARN and Washoe Legal Services. Direct representation service areas in Zone 6 include child advocacy, consumer law, education, domestic violence victim’s assistance, domestic violence rural immigrant integration, elder law, family law, employment, health, housing, immigration, income maintenance, and Indian Law. In addition to direct representation, pro bono programs, pro se clinics, community education, client and agency outreach, and a senior legal hotline are available services in Zone 6.



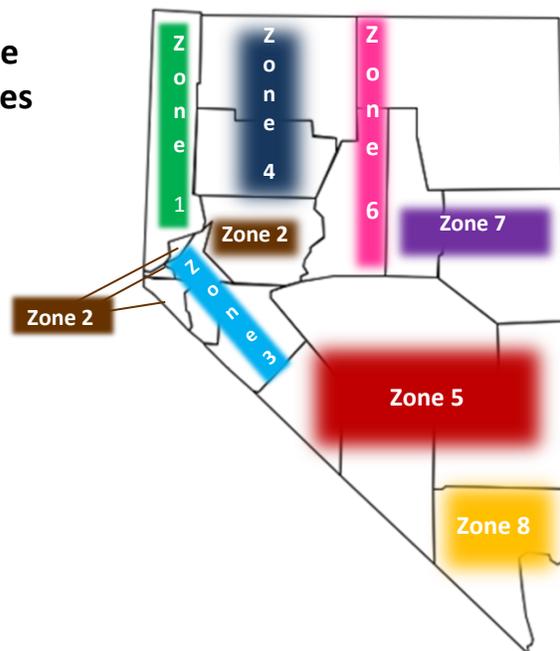
Zone 7 – Eureka and White Pine Counties. Eureka and White Pine Counties are serviced by Nevada Legal Services and VARN. Direct representation service areas in Zone 7 include consumer law, domestic violence victim’s assistance, domestic violence rural immigrant integration, education, elder law, employment law, family law, health law, housing law, immigration, income maintenance and Indian law. In addition to direct representation, pro bono programs, pro se clinics, community education, client and agency outreach and a senior legal hotline are available services in Zone 7.

Zone 8 – Clark County. Clark County is serviced by Legal Aid Center of Southern Nevada, Nevada Legal Services and Southern Nevada Senior Law Program. Direct representation service areas in Zone 8 include appellate, bankruptcy, child advocacy, consumer rights, custody, divorce, domestic violence, employment, estate planning and probate, foreclosure, full representation guardianship and guardianship issues, health, housing, immigration, incapacitation planning and advanced directives, income maintenance, Indian law, long term health care issues, private landlord/tenant, prevention of elder abuse and name changes, public entitlements, real property, social security, special education rights and a surrogate program.



In addition to direct representation, pro bono programs, pro se clinics, community education, client and agency outreach, document preparation, geriatric clinics, civil and family law self-help centers and a senior legal hotline are available services in Zone 8.

Legal Service Delivery Zones



Service Zones:

- Zone 1:** Washoe County
- Zone 2:** Carson City, Churchill, Douglas, and Storey Counties
- Zone 3:** Lyon and Mineral Counties
- Zone 4:** Humboldt and Pershing Counties
- Zone 5:** Esmeralda, Lincoln and Nye Counties
- Zone 6:** Elko and Lander Counties
- Zone 7:** Eureka and White Pine Counties
- Zone 8:** Clark County

Identifying and Addressing Gaps in Legal Service Delivery

Though thousands of Nevada residents are provided with legal services annually, regular reviews reveal pockets of geographic or subject matter areas that are not addressed for various reasons. In order to regularly identify and address unmet needs, the Nevada Coalition of Legal Service Providers, in conjunction with the Nevada Supreme Court Access to Justice Commission, will conduct an annual review of service delivery opportunities and unmet needs, as well as methods for addressing the unmet legal needs.

In addition to regular reviews of unmet legal needs, a comprehensive study of civil legal need in Nevada is imperative to ensure access to justice for all residents. The findings that are compiled through a formal civil legal needs study are designed to guide how, where, by and to whom legal services are delivered. Nevada was very fortunate to have a comprehensive civil legal needs study completed in 2008 and the Nevada Supreme Court Access to Justice Commission is prepared to sponsor another study to begin in 2017. The 2008 study compared with the new study will offer a comparison of how services are delivered as well as service delivery trends. Additionally a new civil legal needs study will highlight service delivery gaps that the current service delivery plan may have missed.

Improving Rural Client Service Delivery

Nevada is comprised of seventeen counties, of which, in 2014, thirteen counties had populations of 50,000 or less. The Nevada Supreme Court Access to Justice Commission, in its effort to ensure that all Nevadans have the opportunity to take full advantage of access to justice programs, have identified rural client service as a priority in access to justice initiatives. Currently, three members of the Coalition of Legal Service Providers regularly deliver legal services to residents of the rural counties of the state: Nevada Legal Services, VARN and Washoe Legal Services. A regular practice of these organizations



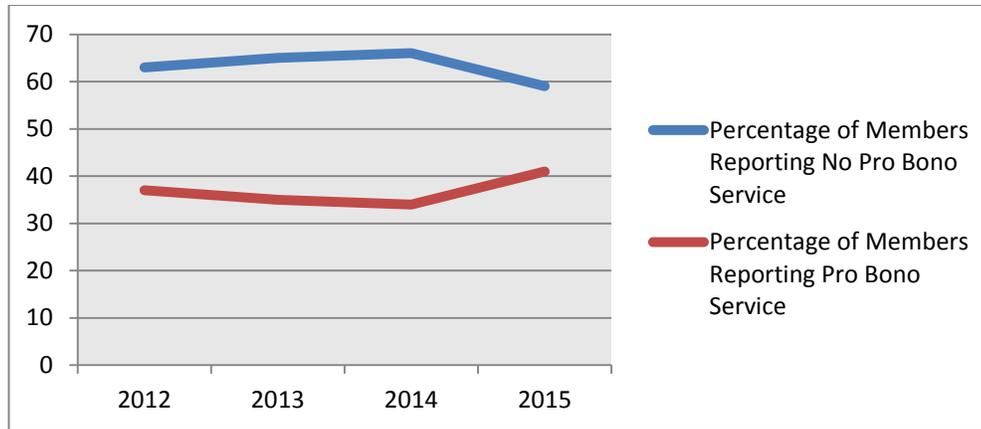
includes travel to rural areas of the state in order to provide legal services on a consistent basis so that the residents there will grow to rely upon the organizations' regular presence. Regular travel to these areas consumes a great deal of time and financial resources and as such, the Coalition regularly devises new and inventive means for addressing the legal services needs in these areas of the state. For example, legal fairs are conducted in rural areas of the state at least twice a year and Nevada Legal Services has undertaken a pro bono by phone program that is specifically designed for rural pro bono participation.

An additional challenge with rural client service delivery rests with the available resources in these areas of the state. Such resources may not exist or be as available compared to the urban areas of the state. In response, the Nevada Supreme Court Access to Justice Commission continues to work closely with the state's judicial districts to support those areas in need of resources. Explored assistance has included the bolstering of self-help programs, including forms websites and increased self-help clinics as well as the strengthening of court infrastructure that will provide direct assistance to those who seek legal services assistance.

Coordination of Legal Aid Organization Communications

Effective communication is a foundational necessity for any plan. Each member of the Coalition of Legal Services Providers has utilized its own communication plans to promote their services, recruit volunteers and donations and to educate the Bar as to the continuing need for legal services in the state. Talks among the participating organizations and regular volunteers revealed that a coordinated communications approach is necessary to avoid overwhelming potential donors, volunteers and other members of the Bar and is necessary to avoid confusion where possible. Two communications avenues have been adopted in an effort to address the concerns: (1) a sustainable pro bono marketing plan; and (2) a specialized pro bono marketing plan.

The sustainable pro bono marketing plan includes a concentrated focus that each member of the Coalition will adopt and promote among the members of the Bar. The ONE Promise Nevada Campaign and the Inspire One Initiative (The Ambassador Program) serve as components of the sustainable pro bono marketing plan adopted by the Coalition. Implemented in 2013, the ONE Promise Nevada Campaign encourages all members of the Bar to either assume one pro bono case, or participate in one legal clinic, or donate to the ONE Promise Nevada Campaign, or all of the above. With each member of the Coalition promoting the same program and communicating the same message, Nevada saw a gradual increase in pro bono participation. Prior to the implementation of the program, 37% of the Bar reported having provided pro bono in 2012; at the conclusion of 2015, 41% of the membership reported providing pro bono.



Further, over the course of the ONE Campaign, the Coalition has tracked the number of attorneys who participated in pro bono for the first time. The tracking of new attorneys proved to be a very important factor in deciphering whether the ONE Campaign message was being communicated well among the members. Between 2014 and 2015, the Nevada Supreme Court Access to Justice Commission saw 634 new attorneys that were recruited to provide pro bono service.

The Inspire One Initiative (*the Ambassador Program*) was initiated in 2015. Inspire One recruits the assistance of Bar members who are dedicated to pro bono volunteerism and asks that each serve as a pro bono “Ambassador” to assist with pro bono volunteer recruitment. The theory behind the development of the initiative was that new voices that are similarly situated with other Bar members were needed to educate and encourage their counterparts to provide pro bono services instead of the regular promoters to which so many Bar members have become accustomed. Both the ONE Promise Nevada Campaign and the Inspire One Initiative serve as marketing programs that are inclusive and sustainable.

In addition to a sustainable pro bono marketing plan, the Nevada Supreme Court Access to Justice Commission recognizes the need for specialized pro bono marketing that is designed to reach specific Bar membership groups such as practice sections and specialty bar associations. Discussions with Ambassadors have provided insight into the success or lack thereof of the pro bono message to attorneys who are not regularly involved with pro bono participation. Specifically, Ambassadors, who are members of these specialized groups, noted among other things, that reaching out to cultural and ethnic groups would be helpful and that working through county bar associations and State Bar of Nevada Practice Sections would be welcomed. As a result of the feedback, the Nevada Supreme Court Access to Justice Commission, through the Coalition has made pro bono volunteerism outreach to specialized groups a priority and will implement the following outreach methods to these organizations:

1. Conduct at least one regular meeting with practice section leadership to discuss access to justice and pro bono needs in Nevada. The meeting will include an appeal to the group for volunteer or financial support;
2. Dedicate regular meetings to specialty bar leadership to discuss access to justice and pro bono needs in Nevada.



Nevada Supreme Court Access to Justice Commission Statewide Service Delivery Plan

3. Include specialty bar leadership in outreach and educational activities, including Ambassador Lunches. Outreach will include a specialized presentations geared toward how specialty bars can assist, including proposals for pro bono training and specialty bar pro bono events.

Enhancement and Coordination of Pro Bono Support

The Nevada Supreme Court Access to Justice Commission has been fortunate to have developed long-standing relationships with many members of the State Bar who are dedicated to volunteering their time or donating other resources to the support of pro bono services in Nevada. However, in order to ensure that pro bono support not only continues, but also increases, it is imperative that existing programs and partnerships are strengthened and new pro bono concepts are developed.

The ONE Promise Nevada Campaign and the Inspire One Initiative are efforts that have been successful in promoting pro bono volunteerism across the state. Pro bono efforts could benefit significantly with an adjustment of the existing programs to include a rededication by the Coalition to the programs as well as a reintroduction of the programs to the Bar membership. The purpose of the rededication and the reintroduction would be to eliminate any staleness associated with the programs that has developed over the time that the programs have been in effect. Developing nuances of the programs or directing new focuses of each program may serve to preserve the original programs while maintaining a unified push from the Coalition to increase pro bono participation among the Bar membership and among specialized groups within the Bar.

The government attorney faction of the Bar membership historically has had low pro bono participation despite attempts to engage the group in more pro bono participation. The low participation may be partially attributed to an enduring misconception of an agency imposed inability of government attorneys to engage in pro bono service, despite the enactment of a statute that speaks directly to a government attorney's ability to do so:

NRS 7.065 Representation of indigent persons by attorneys in public employment. Except otherwise provided by a specific statute, any attorney employed by the State of Nevada or any agency or political subdivision of the State may represent an indigent person in any proceeding if:

1. The attorney first receives the permission of his or her supervisor, if any, to represent the person in that proceeding;
2. The interests of the indigent person in that proceeding do not conflict with the interests of the State or the attorney's employer;
3. The representation is provided through or in association with an organization that provides free legal assistance to the indigent persons; and
4. The attorney receives no compensation for the representation.

(Added to NRS by 1989, 201)

Moreover, to directly address the misconception, the co-chairs of the Nevada Supreme Court Access to Justice Commission have had conversations with leading governmental officials to directly address the pro bono participation of government attorneys. The conversations led to the drafting an attorney supplement for inclusion in the Nevada Attorney General Policy Manual:

2.6 Pro bono representation

The Office of the Nevada Attorney General strongly encourages pro bono legal service as an aspirational goal of all attorneys. While Nevada law generally prohibits the private practice of law by deputies attorney general, an exception exists for the representation of an indigent person if: 1) the attorney receives permission to represent the indigent person from his or her supervisor, 2) the interest of the indigent person do not conflict with the attorney's employer, 3) the representation is provided through an organization that provides free legal assistance to indigent persons, and 4) the attorney receives no compensation for the representation. Attorneys may request permission to provide pro bono representation by completing and submitting the appropriate form to the Chief of Staff. See Appendix G. All pro bono work must be performed while the attorney is not on duty, and use of any State office equipment must conform to the limited personal use guidelines outlined in section 6.1.1 of the AG Policy Manual. Because pro bono work is performed while the attorney is not on duty, such time is not tracked through the Office's attorney timekeeping system.

See RPC 6.1 (emphasizing that "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay," and setting forth aspirational goals); NRS 228.080(3) (deputies attorney general prohibited from the private practice of law except as authorized by statute); NRS 7.065 (authorizing State attorneys to represent indigent persons in certain circumstances); NAC 284.766 (providing that a State employee shall "devote his or her full time, attention and efforts to state employment" while on duty).

In addition to the work done by the Nevada Supreme Court Access to Justice Commission co-chairs, other members of the Commission regularly work with governmental agencies to encourage more participation among those employees. Though the Commission values the strides made in changing the perception of pro bono work within government agencies, greater exposure to pro bono opportunities is needed to encourage even more government participation. Further, in order to make pro bono opportunities more accessible, adjustments such as the organization of regular recruitment events geared specifically to government attorneys can be made to support this particular group. Further, the development of opportunities where the Commission and government agencies can partner is key to educating this faction of attorneys of available pro bono opportunities.

The UNLV William S. Boyd School of Law and the Nevada Supreme Court Access to Justice Commission, and specifically, the Coalition, have a long history of working together to achieve access to justice initiatives. Boyd School of Law regularly provides input, insight and support to statewide access to justice initiatives as the school and the school's Public Interest Law Association (PILA) hold seats on the Nevada Supreme Court Access to Justice Commission. Additionally, the Coalition has partnered with



Boyd School of Law on regular events such as clinical participation and community class instruction, and Boyd Law School students regularly serve as interns in offices of some of the Coalition members.

The UNLV William S. Boyd School of Law has been instrumental in creating a foundation for pro bono service and public interest law among its students by introducing the topics as early as the students' entry into law school and by reinforcing the concept throughout their tenure there. Also recently, the school furthered its dedication to the support of pro bono service and public interest law by establishing the Public Interest Law Advisory Board. The Board convenes quarterly to discuss ways in which the law school can not only support existing programs, but also ways that the law school can develop programs to assist with the need.

The Nevada Supreme Court Access to Justice Commission's further support of and partnering with the law school builds relationships with young attorneys, reinforces early in their careers the need to make pro bono participation a part of their professional lives and provides further exposure to the great need for support of pro bono participation. The Commission will seek to partner with the UNLV William S. Boyd School of Law to develop more opportunities for students to learn the many facets of the pro bono service, including the development of more exposure to members of the judiciary who promote pro bono services while developing a place for law students to more actively serve on statewide access to justice initiatives and pursuits. Additionally, the Nevada Supreme Court Access to Justice Commission recognizes the tremendous value that law students can bring to the introduction of creative practice styles, including electronic legal practice trends that are emerging.

Electronic legal services delivery is a growing trend within the country and is due to the vast use of online services and the use of smartphones. A study conducted by the Pew Research Center on U.S. Smartphone Use in 2015 revealed that nearly two-thirds of Americans now own a smartphone and 19% rely to some degree on a smartphone for accessing online services and information and for staying connected to the world around them. The Pew Research Center, a nonpartisan American "fact tank" based in Washington, D.C. provides information on social issues, public opinion, and demographic trends shaping the United States and the world through public opinion polling, demographic research, media content analysis and other empirical social science research. Findings from this report provided that 15% of Americans ages 18-29 are heavily dependent on a smartphone for online access; 13% of Americans with an annual household income of less than \$30,000 per year are smartphone-dependent; and 12% of African-American and 13% of Latinos are smartphone-dependent compared with 4% of whites. Lastly, the report provides that 43% of smartphone owners used their phones to look up information about a job, 40% used their phones to look up government services or information while 30% used their phone to take a class or get educational content.⁸ Recognizing the extensive use of technology and particularly the use of smartphones for the completion of regular, everyday tasks, the Nevada Supreme Court Access to Justice Commission has found it a priority to investigate technological methods as a means for furthering access to justice.

⁸ Pew Research Center, April, 2015. "The Smartphone Difference" Available at: <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>

The Nevada Supreme Court Access to Justice Commission introduced the concept of providing legal services via technological means several years ago. However, consumer feedback at the time supported a preference for a live person. As technology has emerged as a vehicle for the completion of many regular tasks, consumer opinion regarding online pro bono services may have changed. The American Bar Association and other groups have endorsed the use of an online pro bono program to reach more individuals in need of legal services and other organizations have developed the same. The Nevada Supreme Court Access to Justice Commission has undertaken the role of researching how these programs will benefit those in need of legal services and how existing legal services programs in Nevada will be affected by such programs. Further, the Commission will examine which technological programs best fit the legal services model in Nevada.

Strengthening and Coordination of Statewide Self Help Services

Self-help services in Nevada have served a tremendous role in the delivery of legal services to those in need. For example, legal services websites that provide tools for consumers who choose to represent themselves are in place across the state. These websites include issue and judicial district specific court forms and information, court programs and even referral information. Moreover, the Nevada Supreme Court has established a forms database on its website that includes a comprehensive list of issue and judicial district specific forms. Additionally, self-help centers are established and active in the 2nd Judicial District, Washoe County and in the 8th Judicial District, Clark County. In 2015, Washoe County assisted 12,913 people through the self-help center and in Clark County, 54,498 people were assisted in the Civil Law Self Help Center and 42,401 people were assisted in the Family Law Self Help Center. An examination of access to justice challenges across the state, which included feedback from judges in the rural areas of the state, revealed that more self-help services would benefit consumers who do not have access to regular legal services. A further analysis into the development of additional self-help services revealed additional challenges that the Commission designates as a priority in supporting existing self-help services and in establishing new connections to self-help services.

An assessment of existing self-help websites for the information and services that are currently provided is an important step in the development of enhanced or additional online self-help services. The assessment will provide direction on how the Commission wants to move toward the development of new websites or perhaps the replication of an existing website in various venues. Additionally, assessments will ensure that all sites have some commonality as to the services provided.

The Commission considered the advantages and disadvantages of establishing a system hub to connect various self-help websites across the state. Again, included in the consideration was valuable feedback from the judiciary in most areas of the state. Discussion among the judiciary and the Commission addressed the advantage of promoting uniformity across the state so that every resident would have access to these particular self-help tools. Additionally, a system hub would provide support to participating counties, particularly smaller or more rural counties. Lastly, the linkages to a system hub would promote the collaborative efforts of the judiciary and the Nevada Supreme Court Access to Justice Commission so that all entities are united in access to justice priorities. While many thought that the idea of establishing a central hub for a statewide self-help website portal would be a positive



move toward access to justice for all, it has become evident that challenges exist that would prevent a rapid movement in that direction. Judicial districts have been found to maintain various operating systems that are not compatible and further, some smaller judicial districts may not have the infrastructure to support a transition to an existing hub system or may not have the resources to change the system so that a transition can be made in the near future. With the challenges in mind, the Commission decided to start on a small scale to develop self-help websites in areas that have little or no self-help online tools in place. The development of the additional self-help websites has begun with a study of an existing self-help website and is then followed up with the modification of the website to meet the local needs of a judicial district that has no self-help website. It is the Commission's intent to encourage other judicial districts without online self-help services to follow and develop such a website in those respective areas of the state.

As it relates to self-help centers, there are three in the state that regularly provide services to several thousand residents annually. Much like existing self-help websites, an assessment of existing self-help centers will assist greatly with the promotion of uniformity so to ensure that existing centers have some commonality in the services provided to the consumers. Additionally, the creation of new centers in areas of the state, particularly in smaller areas of the state, is a goal of the Commission. Moreover, the Commission has established a subcommittee to study the establishment of new centers across the state and to create a plan for executing such. The Commission will continue to support the work of the subcommittee in establishing this goal.

The Adoption of a Business Plan for the Protection of Existing Filing Fees, Procurement of New Filing Fees and Allotment of Filing Fees

Legal services receive financial support through the donation of county filing fees. Statutes authorizing the donations provide for county commissions to impose an additional filing cost to aid in the expenses of proving pro bono programs and of providing legal services to children, the less advantaged and victims of domestic violence. The financial support is codified through the following Nevada Revised Statutes: NRS 4.071; NRS 19.0302; NRS 19.031; NRS 19.0312; NRS 19.0335; NRS 107.080 and NRS 247.305.

Statutory Filing Fee Provisions Supporting Programs For Legal Services

<p>NRS 4.071 <i>Additional fees to offset costs of providing pro bono programs and free legal services to certain victims.</i></p>	<p>County Commissioners may impose by ordinance a filing fee to offset a portion of the costs providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organizations operating the program for legal services that receives the fees charged pursuant to NRS 19.031.</p>
<p>NRS 19.0302 <i>Additional fees in civil actions: Special account for benefit of district court; certain amount to be remitted to organization that operates legal services in larger counties</i></p>	<p>In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that received the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent.</p>
<p>NRS 19.031 <i>Additional fees in civil actions: Programs for legal aid</i></p>	<p>Additional fees in civil actions; programs for legal aid (Indigent/Elderly).</p>
<p>NRS 19.0312 <i>Additional fees in civil actions: Pro bono programs and programs for abused or neglected children and victims of domestic violence.</i></p>	<p>Additional fees in civil actions; pro bono programs and programs for abused or neglected children and victims of domestic violence.</p>
<p>NRS 19.0335 <i>Additional fees in civil action involving multiple parties</i></p>	<p>Additional fees in civil action involving multiple parties [Effective through December 31, 2014, and after that date unless the provisions of Senate Joint Resolution No. 14 (2011) are approved and ratified by the voters at the 2014 General Election.] (Indigent/Elderly)</p>
<p>NRS 107.080 <i>Trustee's power of sale: Power conferred; required notices; contents of notarized affidavits; effect of sale; circumstance in which sale must be declared void; civil action for noncompliance with certain requirements; duty to post; duty to record; fees</i></p>	<p>Trustee's power of sale – (Sub. 11c – A fee of \$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.)</p>
<p>NRS 247.305 <i>Fees: Amount; collection; disposition of excess payment; payment to county treasurer</i></p>	<p>Fees: Amount; collection; disposition of excess payment; payment to county treasurer)(Sub. 4: A board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording an originally signed certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating a program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be sued to provide legal services for abused and neglected children.</p>



Nevada Supreme Court Access to Justice Commission Statewide Service Delivery Plan

Existing Filing Fee Allocations

Currently, the members of the Coalition of Legal Service Providers receive filing fee funding from several Nevada counties:

	Legal Aid Center of Southern Nevada	Nevada Legal Services	Southern Nevada Senior Law Program	Volunteer Attorneys for Rural Nevadans	Washoe Legal Services
Carson City		NRS 19.031		NRS 19.0312	
Churchill County					
Clark County	NRS 4.071 NRS 19.0302 NRS 19.031 NRS 19.0312 NRS 107.080 NRS 247.305		NRS 19.0335		
Douglas County					
Elko County		NRS 19.0302 NRS 19.031			
Esmeralda County					
Eureka County					
Humboldt County		NRS 19.031 NRS 19.0335 NRS 107.080			
Lander County					
Lincoln County					
Lyon County		NRS 19.031		NRS 19.031	
Mineral County					
Nye County		NRS 19.031 NRS 19.0335 NRS 107.080			
Pershing County		NRS 19.031 NRS 19.0335 NRS 107.080			NRS 247.305
Storey County		NRS 19.031 NRS 19.0335 NRS 247.305			
Washoe County					NRS 4.071 NRS 19.0312 NRS 107.080
White Pine County					

The allocation of the funding is a result of: (1) the approval of the funding through the enactment of an ordinance and (2) the Coalition members’ petition of the individual county commission to allocate the funding to their respective programs. Some of the allocations have been in place since the provisions of

the statutes were in enacted, while other allocations happened as late as two to three years ago. Further, Coalition members have historically collaborated on divisions of filing fees in counties where services are provided by more than one legal aid organization. In the spirit of maintaining the collaboration, existing filing fee divisions were revisited to ratify the original agreements among the organizations. Upon re-examination, no objections regarding divisions were raised among the Coalition members and as such, the existing division agreements among the members stand.

Continuation of Filing Fee Structure

In addition to the continued agreement among the members of the Coalition, the members found it important to display support of the existing filing fee structure and to demonstrate support of each other to Nevada counties. Moreover, an endorsement by the Nevada Supreme Court Access to Justice Commission is imperative in maintaining the agreements with the counties as well. The Commission's endorsement of the Coalition serves as notice that the work completed by the Coalition members is a part of a greater process that has examined the needs of the communities and provided a plan for addressing existing legal services issues. The Nevada Supreme Court Access to Justice Commission will support the continuation of the filing fee structures by providing the counties with an annual report of statewide legal services to the county commission and to the members of the judiciary whose judicial district is seated in those particular counties. The annual report will serve as an educational instrument for the counties and its elected officials as well as encouragement for allocating more available funds to the Coalition.

Should a suggestion to amend an allocated filing fee structure, or a question or concern arise from a county commission or other governmental entity regarding existing filing fee allocations, those suggestions or concerns shall be presented to the Coalition members and to the Nevada Supreme Court Access to Justice Commission. Upon receipt of the reported concern and all supporting documentation, the Commission will evaluate the course of action to be taken to address the concern with the commission or entity. A concerted effort to continue the existing filing fee funding is critical to the financial stability of the Coalition. The procurement of new filing fees and other filing fees in counties where there is no established structure is important as well.

Coordination of Filing Fee Petition Process

As funding for legal services programs remains a very important part of addressing needs across the state, it is vital that efforts are made to benefit from all types of fees that are in place, but not allocated. Of the seventeen Nevada counties that are able to support legal services, and particularly, the Coalition of Legal Service Providers, through filing fees assessments, only nine currently do so. Additionally, of all of the counties, one county collects all seven of the available filing fee assessments, while the other sixteen counties do not have ordinances in place to collect and assess the funds. The Nevada Supreme Court Access to Justice Commission has recognized that there are extremely limited dollars available for legal services funding and obtaining those dollars is very competitive. Thus, the Commission and the



Coalition of Legal Service Providers identifies the petition for existing filing fees and other fees a priority for continued financial sustainment of legal services in Nevada.

The coordinated petition of county commissions for filing fees is imperative to maintaining effective collaboration among the members of the Coalition of Legal Service Providers. Thus, members have determined that effective communication with each other and with the Commission is key to maintaining the partnership they currently enjoy and as such, the members of the Coalition will closely examine the existing filing fees and other fees that are not currently assessed to determine how, when and by whom the fees will be pursued. Upon a Coalition member's determination that it will pursue an existing filing fee, or other existing fee, that member will provide written notification of its intent to the other Coalition members at least ninety days in advance. In the event there is a dispute for the pursued fees, the basis for the dispute and all good faith efforts to resolve the dispute will be communicated, in writing to the remaining Coalition members, to the Subcommittee on Funding and to the co-chairs of the Commission. In the event the dispute cannot be resolved by further discussions, the matter will be placed on the next Access to Justice Commission meeting for discussion and vote.

Review Process for Amendment of Filing Fee Plan

Legal services funding from filing fee allocations serve as consistent support for members of the Coalition and as such, any allocation adjustment must be carefully considered. Annually, the Coalition of Legal Service Providers will review existing allocations as well as fees that are not specifically allocated to the Coalition for consideration of: (1) determination of fee provisions that are not enacted by ordinance and a plan to petition for such; (2) petition of fees (with timetable) that are not allocated to a Coalition member; (3) re-allocation of existing fees to another Coalition member; or (4) in the case of a historical division among Coalition members, reconsideration of the division of filing fees. The review will result in a report prepared by the Coalition of Legal Service Providers and will be provided to the Nevada Supreme Court Access to Justice Commission for review and acceptance at the final meeting of the year.

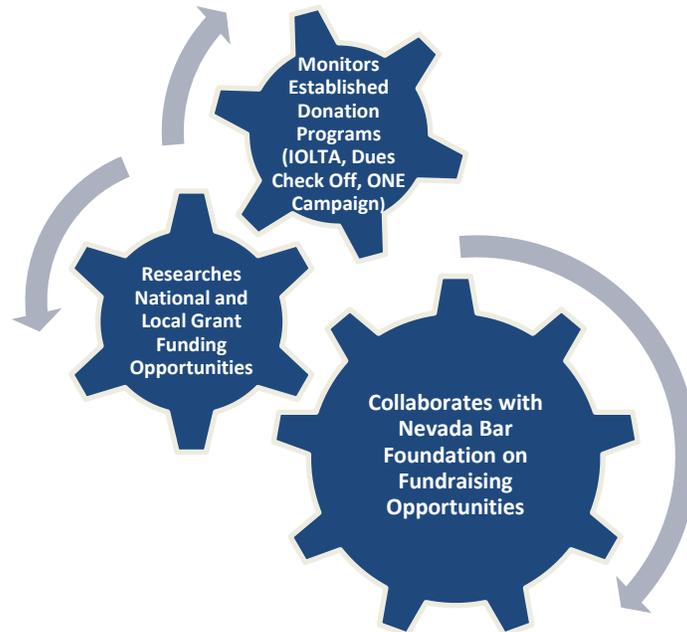
The Identification of New Funding Resources, the Allocation of Funding Resources and the Process for New Legal Aid Coalition Applications

Identification and Allocation of State and Federal Funds

The identification of new funding sources is vital to maintaining consistent annual budgets and to assuring support for program enhancement and development. As funding for legal services is limited and very competitive, the identification of new funding sources is essential for present sustainment and future growth. As such, the Nevada Supreme Court Access to Justice Commission has established the Subcommittee on Funding, which is dedicated to identifying potential state and federal funding for legal aid organizations. The subcommittee will work within and outside of the Commission to ensure a thorough review of available funding.

Outside of the Commission, the subcommittee will work closely with the Nevada Bar Foundation to discuss fundraising concepts and opportunities that will benefit the Coalition. As the Nevada Bar

Foundation is an independent entity, the subcommittee will also provide input and information relative to legal services to the Foundation as it develops fundraising initiatives. For example, in recent talks with the Nevada Bar Foundation, it was revealed that public relations is an existing challenge among the Coalition as many Bar members are not aware of the extensive legal services work that is done every year by the Coalition. Information provided by the Coalition provided insight to the Foundation about their work and their respective histories in Nevada.



In addition to working closely with the Nevada Bar Foundation, the Subcommittee on Funding will research and recommend national and local grant funding opportunities for the Coalition members and will monitor annual donations made through established giving programs including, the Interest on Lawyers Trust Accounts (IOLTA) Program, the Dues Check Off Program and the ONE Promise Nevada Campaign donations. The IOLTA Program is managed by the Nevada Bar Foundation. The Foundation maintains the relationships with the participating financial institutions and ensures that the institutions adhere to the fixed percentage rate that is set and reviewed by the Nevada Supreme Court Access to Justice Commission. The Dues Check Off Program is managed by the State Bar of Nevada which provides an opportunity for State Bar members to donate to legal services each year at license renewal time. Funds generated through the IOLTA Program are granted to the members of the Coalition as well as other legal service organizations in the state while funds generated through the Dues Check Off Program are designated for the members of the Coalition of Legal Services Providers. Significant funds have been raised through these programs over the years and have provided support to the Coalition:



Nevada Supreme Court Access to Justice Commission Statewide Service Delivery Plan

	Interest on Lawyers Trust Account (IOLTA) Program	Dues Check Off	Statutory County Filing Fees
2014	\$1,850,000	\$144,228.42	\$7,248,515 (FY 2014) <i>(\$8,869,416 total reported filing fee collections)</i>
2015	\$2,942,055	\$111,384.99	
2016	\$2,813,917	\$115,774.91	
Three Year Total	\$7,605,972	\$371,388.32	

Additionally, since its inception, approximately \$61,000 has been raised through ONE Promise Nevada donations. With the exception of the ONE Promise Nevada donations, all of the afore-mentioned funds provide annual support to the Coalition, as such, it is important that those programs are regularly monitored so as to ensure that consistent financial backing will continue. The combination of collaborating with the Nevada Bar Foundation, researching grant funding opportunities and monitoring established donation programs will encourage continued discussion and work toward funding for legal services. In addition to these functions, the Subcommittee on Funding will oversee the process for pursuit of statutorily enacted filing fees.

Upon a Coalition member’s determination that it will pursue an existing fee, that member will provide written notification of its intent to the other Coalition members, the Subcommittee on Funding and the Access to Justice Commission Co-Chairs, at least ninety days in advance of the pursuit. In the event there is a dispute for the pursued fees, the basis for the dispute and all good faith efforts to resolve the dispute will be communicated, in writing to the remaining Coalition members, to the Subcommittee on Funding and to the co-chairs of the Commission. In the event the dispute cannot be resolved by further discussions, the matter will be brought before the Nevada Supreme Court Access to Justice Commission for discussion and vote. The Nevada Supreme Court Access to Justice Commission will make the final decision on the allocation of funds.

Process for Recognition of New Coalition of Legal Service Providers Members

Organizations that are interested in being recognized as a member of the Coalition of Legal Service Providers may formally request membership through an application that provides organization information for review by the Nevada Supreme Court Access to Justice Commission. Information to be submitted to the Commission for review are:

Organization Credentials. Organizations seeking recognition shall submit State of Nevada Articles of Incorporation and proof of 501 (c)3 nonprofit status with the United States Internal Revenue Service. Also, organizations shall provide company financial statements and budget. Additionally, organizations shall present other legal services certifications, memberships and affiliations.

Statement of Established Legal Services and Practices. Organizations shall provide any client restrictions, including age, gender, sexual orientation, race or ethnicity. Additionally, a statement of cost for services shall be provided. A cost statement distinguishes whether clients will be responsible for no payment, partial or reduced payment, or full payment for legal services rendered in addition to

any assigned organization income guidelines for services. Also, organizations shall provide an outline of services provide and subject matter areas offered for service (for example, general legal services, family law, etc.) Lastly, the organization shall provide a statement of the geographical service area of the organization (E.g., Washoe County, Elko County, southern Nevada).

Other Pertinent Information. Organizations seeking recognition shall provide information on established partnerships with other community and legal organizations. Additionally, organizations shall provide information on funding sources, including government funding, if any. Lastly, organizations shall provide five professional references from five organizations.

Upon the submission of the afore-mentioned information to the Nevada Supreme Court Access to Justice Commission, the Commission will review and consider the applicant organization characteristics with the established Legal Services Provider Coalition standards to determine the fit of the organization with the Coalition.

Statewide Service Delivery Plan Oversight

The establishment of a Statewide Service Delivery Plan was not intended to serve as a final document, but rather as a living, breathing document that is regularly reviewed and amended. Moreover, as this document is the product of the Nevada Supreme Court Access to Justice Commission and serves to support the existing Coalition of Legal Service Providers and promote access to justice for all residents of Nevada, oversight of the plan will ultimately rest with the Nevada Supreme Court Access to Justice Commission.

The members of the Nevada Coalition of Legal Service Providers regularly collaborate on legal service delivery in Nevada and will continue to exert a good faith effort to continue the collaboration among the members. Should the need arise, the Nevada Supreme Court Access to Justice Commission will serve as the final decision for issues relative to the provisions established in this plan.

ⁱ According to The United States Department of Justice, 63 million Americans qualify for free civil legal assistance and more than 50% of those seeking civil legal help are turned away for lack of resources.

NEVADA SUPREME COURT

ACCESS TO JUSTICE COMMISSION

	LAST	FIRST	TITLE	POSITION	RULE SLOT	SCR 15	Term Exp.
1.	Douglas	Michael	Justice	Co-Chair	NV Supreme Court	2	
2.	Hardesty	James	Justice	Co-Chair	NV Supreme Court	2	
3.	Mogensen	Julie		Exec. Dir.	VARN	2(e)	7/1/18
4.	Desmond	John		Representative	Washoe County Bar	2(f)	7/1/18
5.	Flanagan	Patrick	Hon.	Chief Judge	Second JDC	2(a)	7/1/17
6.	Conway	James		Exec. Dir.	Washoe Legal Services	2(e)	7/1/18
7.	Johnson	AnnaMarie		Exec. Dir.	Nevada Legal Services	2(e)	7/1/20
8.	Danna	Nic		Special Assistant Attorney General Director of the Office of Military Legal Assistance	Nevada Attorney General	2(d)	7/1/18
9.	Malgeri	Noah		Pro Bono Project Director	LACSN	2(e)	7/1/20
10.	Cavanaugh-Bill	Julie		Representative	State Bar of Nevada	2 (f)	7/1/17
11.	Sternberg	Ira David			Layperson	2(h)	7/1/20
12.	Sullivan	Frank	Hon.	Representative	Clark County Bar Association	2(f)	7/1/20
13.	Traum	Anne		Faculty Representative	UNLV Boyd School of Law Clinical Program	2(g)	7/1/20
14.	Vogel	Sugar		Exec. Dir.	SNSLP	2(e)	7/1/18
15.	Velto	Alex		Student Rep.	UNLV – PILA, President	2(g)	7/1/20
16.	Akridge	Connie		501 (c)3 Rep.	Nevada Bar Foundation	2(e)	7/1/17
17.	Reichenberg	Jeremy		Young Lawyers Representative	SBN Young Lawyers Section	2(f)	7/1/17
18.	Gonzalez	Elizabeth	Hon.	District Ct. Judge	Eighth JDC	2(a)	7/1/17
19.	Steinheimer	Connie	Hon.	Rep.	At Large Representative	2(i)	7/1/18
20.	VACANT				Limited Jurisdiction Judge	2(c)	7/1/17
21.	Wilson	James	Hon.	District Ct. Judge	1st JDC, Carson City, Storey County	2(b)	7/1/17
22.	****Stockard	Tom	Hon.	District Ct. Judge	10th JDC, Churchill County		
23.	Young	Nathan Tod	Hon.	District Ct. Judge	9 th JDC, Douglas County		
23.	McEllistrem	Joseph	Dr.		Layperson	2(h)	7/1/18
24.	Spears Hartwell	Doreen			At Large Representative	2(i)	7/1/18
25.	VACANT				At Large Representative	2(i)	7/1/18

Appointments under this subsection may be rotated in less than four-year terms as the Commission deems necessary.

****Rule 15 provides for one additional judge to be selected from the 1st, 3rd, 4th, 5th, 6th, 7th or 9thJDC. Judge Stockard was appointed with Judge Wilson.*

PRO BONO DISTRIBUTIONS (Dues Check Off) – 2010-2016

	2010	2011	2012	2013	2014	2015	2016
LACSN	\$50,380.00	\$46,030.68	\$50,371.05	\$50,371.05	\$50,332.89	\$40,835.96	\$44,894.16
NLS, North	\$10,732.50	\$8,332.72	\$10,082.05	\$8,850.10	\$9,163.31	\$9,465.99	\$5,850.51
NLS, South	\$25,190.00	\$23,015.32	\$25,186.53	\$22,157.61	\$25,166.45	\$20,417.98	\$22,447.07
City of Las Vegas Senior Law Project/SNSLP	\$25,190.00	23,015.34	\$25,185.53	\$22,157.61	\$25,166.45	\$20,417.98	\$22,447.07
Senior Law Project Northern Nevada	\$10,732.50	\$8,332.72	\$10,082.05	\$8,850.10*	** (\$9,163.29)	** (Dissolved)	** (Dissolved)
VARN	\$11,546.50	\$7,922.75	\$8,004.68	\$6,974.17	\$6,851.01	\$6,971.96	\$11,931.33
WLS	\$21,465.00	\$16,665.45	\$20,412.71	\$17,700.20	\$18,326.61	\$13,275.12	\$8,204.77
Total	\$155,236.50	\$110,299.64	\$149,324.60	\$137,060.84	\$144,228.42	\$111,384.99	\$115,774.91

*Disbursed to NLS.

** Dollars will be distributed pending determination of receiving organization.

Distribution Divisions:

Rural Counties – 100% to Volunteer Attorneys for Rural Nevadans (VARN)

Northern Counties - 50% to Washoe Legal Services (WLS)
25% to Nevada Legal Services (NLS)
25% to designated senior organization - (2/3 to NLS; 1/3 to WLS per agreement 7/2015)

Southern Counties - 50% to Legal Aid Center of Southern Nevada (LACSN)
25% to Southern Nevada Senior Law Program (SNSLP)
25% to Nevada Legal Services (NLS)

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3
4 IN THE MATTER OF PROPOSED
ADOPTION TO THE RULES OF
5 PROFESSIONAL CONDUCT

ADKT No. 0520

FILED

OCT 13 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

6
7 PETITION TO ADOPT AN ADDITION TO THE NEVADA RULES OF
8 PROFESSIONAL CONDUCT REGARDING JUDICIAL LAW CLERKS LICENSED TO
9 PRACTICE LAW PERFORMING PRO BONO SERVICE

10 The Honorable Mathew Harter, a District Court Judge in the Eighth Judicial District
11 Court, accordingly a "Judge" pursuant to the Nevada Rules on the Administrative Docket
12 (hereinafter "NRAD") 1.2, in accordance with NRAD 3.2, does hereby petition the Nevada
13 Supreme Court to adopt a proposed addition to the Nevada Rules of Professional Conduct
14 (hereinafter "NRPC") regarding pro bono public service by judicial law clerks that are licensed
15 to practice law.

16 The proposed adoption addresses the ongoing dire need for additional pro bono services
17 by licensed attorneys, in accordance with the purposes as set forth in NRPC 6.1(c).

18 **RULE 6.6. Judicial Law Clerks Licensed to Practice Law.**

19 In jurisdictions which have established a Family Court pursuant to NRS 3.0105, a judicial
20 law clerk that is licensed to practice law:

- 21 a) Shall strive to provide pro bono service pursuant to Rule 6.1;
- 22 b) Must obtain in advance of performing the service, written permission from the district
23 judge in the department to which the judicial law clerk is assigned;
- 24 c) Are prohibited from appearing as counsel only in the division/court in which the law
25 clerk is employed, or in which the judge by whom the law clerk is employed, and
26 shall not perform any duties related to criminal law;
- 27

RECEIVED
OCT 13 2016
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

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- d) The pro bono service shall not interfere with the regular duties and responsibilities of the judicial law clerk;
 - e) The judicial law clerk will not be compensated, either monetarily or via some other benefit, for rendering the pro bono service;
 - f) None of the pro bono services provided will occur or take place at the workplace of the judicial law clerk; any related activities shall be at the workplace of the pro bono agency which assigned the matter or a neutral meeting place;
 - g) To avoid any appearance of impropriety, the court in which the law clerk appears shall not be made aware that the judicial law clerk is serving a different judge;
 - h) The judicial law clerk will not perform pro bono service in matters that involve a public controversy or involve litigation against any federal, state, or local government entity; and
 - i) The district judge to whom the judicial law clerk is assigned shall strive to be flexible in the law clerk's work schedule so that the law clerk may comply with this rule.

Finally, as she was actively involved with the undersigned in pro bono service and in the conception of this rule, it is respectfully requested that the proposed rule also include at the end:

"Editor's Note.--This rule shall be referred to as "Melanie's Rule" *in memoriam* of Melanie Kushnir (1973-2016)."

Based on the foregoing, it is respectfully requested that the Nevada Supreme Court adopt the above proposed addition (or a modified version thereof) to the Nevada Rules of Professional Conduct regarding pro bono public service by judicial law clerks licensed to practice law.

Respectfully submitted this 7th day of October, 2016.


MATTHEW HARTER
District Court Judge

Access to Justice Commission Report
October 25, 2016
3rd Quarter 2016

STATS

Consumer Rights Project - Cases other than BK, foreclosure, guardianship, social security				
Quarterly Stats				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of cases opened in quarter	400	402	528	
Number of cases closed in quarter	376	385	479	
Total open cases through end of quarter	128	132	219	
Bankruptcy Cases - Quarterly Stats				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of cases opened in quarter	50	59	54	
Number of cases closed in quarter	39	26	48	
Total open cases through end of quarter	61	89	87	
Foreclosure Cases - Quarterly Stats				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of cases opened in quarter	73	64	80	
Number of cases closed in quarter	63	75	91	
Total open cases through end of quarter	97	86	77	
Consumer Hotline Calls - Quarterly Stats				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
English	991	932	1087	
Spanish	47	35	41	
Emails	104	66	72	
Total Hotline	1,154	1,033	1200	
Social Security Project Cases - Quarterly Stats				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of cases opened in quarter	66	77	59	
Number of cases closed in quarter	64	89	108	
Total open cases through end of quarter	359	345	297	

Social Security Hotline Calls - Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Hotline	327	318	308	
Guardianship Advocacy Project – Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	21	25	30	
Number of cases closed in quarter	2	9	10	
Total open cases through end of quarter	27	43	63	

Family Justice Project Cases - Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	259	348	365	
Number of cases closed in quarter	266	336	342	
Total open cases through end of quarter	233	241	269	

Family Justice Project Hotline Calls - Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Hotline	107	130	141	

Immigration - Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	90	93	89	
Number of cases closed in quarter	44	56	53	
Total open cases through end of quarter	296	332	367	

Immigration Hotline Calls - Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Total Hotline	39	62	85	

Children’s Attorneys Project Cases Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	361	346	347	
Number of cases closed in quarter	291	433	422	
Total open cases through end of quarter	1,607	1,855	2,154	

Special Education Project Cases Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	13	8	10	
Number of cases closed in quarter	3	18	11	
Total open cases through end of quarter	23	13	12	

Surrogate Project Cases Quarterly Stats				
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Number of cases opened in quarter	18	20	14	
Number of cases closed in quarter	10	16	44	

Total open cases through end of quarter	133	138	110	
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Civil Law Self-Help Center Quarterly Statistics				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of clients served	14,387	14,753	15,931	

Family Law Self-Help Center Quarterly Statistics				
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr
Number of clients served	12,244	12,973	12,593	

Community Legal Education Program Attendance Statistics					
CLASS	JAN. - MAR.	APR. - JUNE	JULY - SEPT.	OCT. - DEC.	TOTAL FOR YEAR
Divorce	261	154	212		
Paternity/Custody	151	135	151		
Guardianship	71	72	91		
Spanish Family Law	159	189	114		
Bankruptcy	139	167	174		
Spanish Bankruptcy	11	11	18		
Small Claims	145	83	100		
Spanish Small Claims	3	5	6		
Foreclosure	5	9	18		
Collection Proof	20	33	15		
Record Sealing	143	196	184		
Immigration English	53	47	44		
Immigration Spanish	68	40	59		
TOTALS	1086	1141	1186		

Pro Bono Project Case Statistics by Quarter					
	1Qtr (Oct - Dec)	2Qtr (Jan - Mar)	3Qtr (Apr - Jun)	4Qtr (Jul - Sep)	TOTAL
Number of cases placed	202	215	219	209	845
Number of unique attorneys who accepted a new case	161	166	136	152	453
Number of Unique Active Cases (includes cases placed during quarter and cases placed in prior quarters that remained active for part of the quarter)	1,504	1,348	1,440	1,288	2,107
Number of unique attorneys with one or more active case	773	748	753	677	900

Number of cases closed	368	104	352	115	934
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Ask-A-Lawyer Pro Bono Project Quarterly Statistics (All Programs Combined)					
	1Qtr (Oct – Dec)	2Qtr (Jan - Mar)	3Qtr (Apr - Jun)	4Qtr (Jul - Sep)	TOTAL
Total Clients Served	895	996	954	804	3,649
Total Events Held	67	69	72	68	276
Total Unique Attorney Volunteers	111	80	83	73	194
Total Volunteer Hours	478.9	452.5	426.2	383.8	1,741.4

SPECIAL EVENTS AND OUTREACH

- 7/18/16 – Paralegals attended the Autism Safety Training
- 8/4/16 – Paralegals attended the Goodwill Career Connections
- 8/12/16 – CAP attended the 2016 Back to School Event
- 8/17/16 – FJP attended the Immigration Resource Fair
- 8/26/16 – Paralegal attended the Cambridge Back to School Fair
- 9/17/16 – Consumer attended the Housing Event for the City of Las Vegas
- 9/26/16 – Paralegal attended the PILA Outreach

HIGHLIGHTS

Consumer Case Highlights

Mr. Green came into our office in December 2015 seeking assistance with mediation. Mr. Green was/is on a very limited income fixed income of \$1100 per month. He has a renter who pays him \$700 each month. Mr. Green is 71 years old and purchased his home in 2001. His first mortgage was a 30 year loan at 7.5% interest and payments of \$881 monthly. It is an FHA loan. He later took out a second (we have no information on that loan). He had been a real estate agent and property manager but he lost his business with the real estate market crash and subsequent recession. He survived until 2013 at which time he stopped paying his mortgage. Before he defaulted, he attempted to modify his loan but Bank of America would not modify his loan because he was current. When they defaulted him, they still wouldn't work with him and eventually transferred servicing to Ocwen.

We put his financial packet together and represented him at mediation on April 5, 2016. Ocwen gave us the run around throughout the exchange of documents, asking for documents they already had in their possession, claiming they didn't get documents, etc. At the mediation, after a 30 day extension, Ocwen had nothing to offer, claiming that because of the rental income, they were having difficulty verifying Mr. Green's income. The mediator found that they had not participated in good faith and the certificate would not issue. I was advised by counsel that Mr. Green was being reviewed for a loan mod regardless of what happened at mediation. I did not have high hopes of a loan mod because his income is so low and it is an FHA loan and Ocwen was giving us such a run around. However, Mr. Green was offered an FHA HAMP modification two weeks after the mediation which lowers his payments to \$679 a month and reduces his interest rate to a fixed 3.875%. He signed the permanent loan modification documents today, September 6, 2016. (Bookout)

Family Justice Project Case Highlights

Client was brought here from an African country for marriage. The parties separated after 5 years, she ended up being homeless and went into medical hold because of psychosis. While she was at the hospital, her husband served her with divorce documents and obtained a default divorce from her with no community benefit to her and very limited contact with the child.

Client came into our office while living on the streets. We immediately prepared a motion to set aside the divorce, for visitation and for spousal support. The client obtained everything and more than she wanted. She currently has joint/joint of the child and receives \$886 in child support plus \$1,400 in spousal support. (Cetin)

Children's Attorneys Project Case Highlights

Nancy came into care several months ago just before turning 17. Her mom, who has severe schizophrenia, had to be hospitalized and there was no one to care for Nancy, who herself was having mental health issues. Nancy was in a catatonic state, mostly responding to internal stimuli and rarely interacting with those around her. Over time, and with therapy and medication adjustments, Nancy's mental health has improved significantly. However, in the meantime, she remained at Child Haven for 3 months and DFS tried to have her put in a residential treatment facility (RTC). CAP opposed RTC and requested a second opinion. CAP then objected to the fact that in completing the second opinion, the evaluator only consulted with the case worker. After the evaluator then interviewed Child Haven staff, CAP, and Nancy's treating psychiatrist and therapist, she reversed her opinion and did not recommend RTC. Subsequently, Judge Harcastle, sua sponte, made a lack of reasonable efforts finding based on Nancy's 3 months at Child Haven. Within a week of the finding, DFS found 3 families interested in fostering Nancy. She was placed with a foster family where she is attending school and doing well. (Abbott)

PRO BONO PROJECT

FISCAL YEAR 2015-2016 (Oct. 1 thru Sept. 30)

I. **Case Placements:**

During this quarter we placed 209 total cases.

- July – 68 Cases
- August – 76 Cases
- September – 65 Cases

II. **Pro Bono CLE Seminars:**

- July 27, 2016 – *The Effects of Domestic Violence on Children* (1.5 Credit Hours)
- August 12, 2016 – *As Judges See It: Top Mistakes Attorneys Make in Family Court* (3.0 Credit Hours)
- August 25, 2016 – *Basics of Representing Children in Abuse & Neglect Cases* (CLE at Dickinson Wright) (2.0 Credit Hours)
- August 29, 2016 – *Advocating for Child Victims of Sexual Abuse* (1.5 Credit Hours)
- September 7, 2016 - *Basics of Representing Children in Abuse & Neglect Cases* (3.0 Credit Hours)
- September 26, 2016 – *Understanding ICPC: Advocating for Children Moving Out of State* (1.5 Credit Hours)

III. **Volunteer of the Month Recipients:**

- July – Nicole Lovelock, Lovelock Hill Law
- August – Katherine Provost, Kainen Law Group
- September – Brenoch Wirthlin, Fennemore Craig

IV. **Additional Events:**

- September 8, 2016 – 3rd Annual Pro Bono Mixer
- September 29, 2016 - Partners in Pro Bono Orientation



530 South 6th Street
Las Vegas, NV 89101
Phone: (702) 386-0404
Fax (702) 388-1641

204 Marsh Ave., Ste.
101
Reno, NV 89509-1654
Phone (775) 284-3491
Phone (775) 883-0404
Fax (775) 284-3497

285 10th Street
Elko NV 89801
Phone (775) 753-5880
Fax (775) 753-5890

1155 E. 9th St. Ste. 25
Reno, NV 89512
Phone (775) 334-3050
Fax (775) 334-3056

209 N. Pratt St.
Carson City, NV 89701
Phone (775) 883-0404

720 Main St., Unit A
Yerington, NV 89447
Phone (775) 463-1222
Fax (775) 463-1212

October 19, 2016

Angela Washington
Executive Director
Access to Justice Commission
3100 W. Charleston Blvd.
Las Vegas NV 89102

Dear Angela and the Members of the Access to Justice Commission:

This letter will serve as the report for Nevada Legal Services on our progress and activities over the past few months.

NEW FUNDING INCREASES NLS CAPACITY

I am very excited to report that Nevada Legal Services is the recipient of a major grant award from the Nevada Attorney General's office. The grant is in the amount of \$5 million to be spent over a period of five years. The grant is coming from the National Mortgage Settlement funding. This grant, which begins July 1, 2017, allows NLS to greatly increase our services in rural Nevada. With this new funding, NLS will increase our office in Elko with a total of four attorneys and two support staff. NLS will open a new office in Pahrump that will be staffed with two attorneys and a legal secretary. NLS has never had an office in Pahrump. Our offices in Carson City and Yerington will each be adding attorneys to the office (currently the offices house only an intake paralegal). In addition, four attorneys and support staff will be added to our Las Vegas and Reno offices.

The only restriction on this new funding is the inability to use it for family law cases. We can represent adult wards in guardianship cases as that falls under the "preventing consumer fraud" section of the National Mortgage Settlement funding. We realize that family law is among the highest legal needs in the rural counties and we will work to raise other funding that will allow us to add family law to the priorities of our new staff.

The target client populations for the new funding are:

- Seniors, who can be represented regardless of income or assets;
- Veterans and Active Military members, regardless of income or assets;
- Low-Income Nevadans, with an income up to 400% of the Federal Poverty Guidelines.

The last category will allow NLS to serve a large majority of the working poor in rural Nevada.

We are currently advertising for the new attorney positions to begin July 1st. We are also looking for new office space in Pahrump, Elko, and Carson City.

NLS LAUNCHES CAPITAL CAMPAIGN

The month of October sees the public launch of our Capital Campaign to raise funds for a new Las Vegas office building. NLS' plan is to raze the office building on our lot at 530 S. 6th Street and construct a new, three-story, modern office space that will include plenty of

classroom space and meeting space for our community education classes. Our Las Vegas office has grown over the past two years and we are currently renting other offices in the downtown area to house staff. It is time for NLS to grow our space to accommodate our growing staff. The new building will be large enough to allow for further growth in the coming years. The Capital Campaign began quietly the hiring of a Director of Development at NLS, the recruiting of a Capital Campaign from among Las Vegas notables, and the completion of the staff and Board giving plan. NLS had 100% participation from both, with the NLS staff alone donating \$5,000 to the Capital Campaign. In October, NLS is unfolding the public portion of the Campaign. The goal of the campaign is to raise \$10 million in twenty-four months. If you are interested in donating or volunteering with the Campaign, please contact our Development Director, Kathleen Frantz.

Pro Bono Week

By the time you read this report, Pro Bono Week in Nevada will have just ended. NLS conducted thirty-five events across the State of Nevada as part of Pro Bono Week. We had a great turn out for our Pro Bono awards dinner in Elko on October 14th. Fifty-six people attended the awards dinner and a great time was had by all. The Reno Pro Bono awards luncheon has had 144 people RSVP for the luncheon as of the writing of this report and the Las Vegas Pro Bono luncheon has had 160 people RSVP for the luncheon as of the writing of this report. I've attached the entire schedule of Pro Bono events to this report.

Case Statistics

As of the date of this report, NLS has assisted 5,665 individuals with their legal matters. Fifty-five percent of the cases have been housing cases, with a surprising increase in mobile home issues this year. Consumer law, public benefits, and family law all come next at eight percent each. In addition to the cases opened by NLS staff members, NLS has assisted 543 individuals through our Pro Bono Program, with 243 cases still with the pro bono attorneys. The remaining cases have been closed and the work completed by the pro bono attorneys.

Finally, as of the writing of this report, NLS has conducted 723 clinics and community education classes across Nevada.

Medical/Legal Partnership with Northern Nevada Hopes

NLS has partnered with Northern Nevada HOPES to deliver legal services alongside medical care in regular medical clinics. Mike Palzes, our staff attorney funded through NLS' participation in Ryan White Part B – the State's payer of last resort insurance program for HIV/AIDS patients, is participating with Northern Nevada HOPES HIV/AIDS clinics on a monthly basis to meet with patients and doctors. This partnership will allow NLS to intervene early in clients' claims for disability, HIV related discrimination, insurance benefit denials, and other legal problems affecting their medical care. Close collaboration between the doctors and lawyers of our Ryan White Part B clients will facilitate better information sharing and efficiency of services. More specifically, the partnership will educate NLS on medical issues impacting the HIV positive community, while similarly educating medical providers about applicable laws and legal issues. Nevada Legal Services will work with each of Northern Nevada HOPES' four primary HIV/AIDS care

physicians, and expects to have completed a clinic with each physician within the first two months of the partnership.

Pro Bono Project

Seniors Outreach

Serving our Senior Nevadan residents is a very important part of our Pro Bono Unit's regular outreach efforts. As we consistently hold legal clinics and educational classes throughout Nevada, we find that seniors often have questions regarding simple estate planning. Given this need, on April 29, 2016, the Pro Bono Unit simultaneously held Pro Bono Estate Planning Events in 7 Northern Nevada counties and 8 cities/towns. Our final tally, after including the April 23, 2016 Las Vegas Pro Bono Estate Planning Event, meant that we had 25 Pro Bono Attorneys help serve a total of 47 seniors throughout Nevada by drafting their wills, powers of attorneys and other estate planning matters.

Veterans Outreach

One of the Pro Bono Unit's most exciting projects this year has been our partnership with the Attorney General's Office of Military Legal Assistance (OMLA). Beginning with our Reno kick-off outreach event in March, we have since held Civil Legal Assistance Outreaches for Veterans and Active Duty Military Members in Elko twice, North Las Vegas, Laughlin, Fallon, Pahrump, Carson City, and Las Vegas, with a total of 647 Veteran and Active Duty Military Members served. This project has been especially exciting, in that it has helped us to expand our Pro Bono Attorney Volunteer numbers by hosting specialized CLE trainings to attorneys who are introduced to Pro Bono work for the first time. This project has been going so successfully, we are almost finalizing our outreach schedule for 2017. Next year, we will hold a Veterans Civil Legal Assistance event in every Nevadan County and we hope to continue to expand our Pro Bono Volunteer numbers so that we have a ready pool of attorneys that are able to represent Veteran clients in any one of our courts throughout Nevada.

Women and Children Outreach

In May of this year, Step 2 Women's Rehabilitation Center in Reno reached out to Nevada Legal Services' Pro Bono Unit and asked that we come tour their facility. After doing this, the Director explained that for many of their women residents, worried about the custody issues and legal consequences for their children prevents these women from fully focusing on their much needed recovery. Often times it is simply the fear of the unknown, not understanding how the legal system works and wondering if they will ever regain parental custody and rights to their children after recovery. As such, Nevada Legal Services paired up with Washoe Legal Services and various Pro Bono Attorney Volunteers to plan a twice monthly outreach at Step 2. For the first outreach, we have a Pro Bono Attorney Volunteer present a legal educational seminar on family law matters, including custody, divorce, domestic violence, guardianship and child abuse. Two weeks later, NLS Pro Bono staff members return to Step 2 so that the women there can speak via phone to waiting Pro Bono Attorneys regarding the facts and specifics of their case. By educating themselves and learning their legal options, these women are able to ease their minds and begin focusing on their drug recovery. In meeting a need such as this, our Pro Bono Unit is very aware of the importance of educating Nevada professionals on Children Law issues and we look forward to hosting our First Annual Children's Law Institute in April of 2017.

Pro Bono NLS-Hosted CLE Opportunities

- On January 22, 2016, we held a 2.0 Ethics CLE and 1.0 Substance Abuse CLE in Las Vegas, taught in part by Nevada Supreme Court Justice Michael Cherry, which was attended by 14 attorneys.
- On February 5, 2016, in collaboration with the First Judicial District Bar Association's monthly luncheon, we held a 1.0 credit CLE on Landlord/Tenant Law in Carson City that was attended by 29 people.
- On February 8, 2016, we held a 4.0 CLE, including 1.0 Ethics, in Las Vegas, regarding Name Change, the REAL ID Act, and LGBT Ethical Issues. This CLE was attended by 18 attorneys.
- On March 14, 2016, we had a very successful 7.5 CLE, including 1.0 Ethics, held in Las Vegas, on Wills and Estate Planning, attended by 44 attorneys.
- On March 18, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Carson City at the Attorney General's Office, which was attended by 7 volunteer attorneys.
- On April 7, 2016, in collaboration with the Fourth Judicial District Bar Association's monthly luncheon, we held a 1.0 credit CLE on the Real ID Act in Elko that was attended by 17 attorneys.
- On April 8, 2016, we held a 7.0 CLE, including 1.0 Ethics, on Wills and Estate Planning in Reno that was attended by 16 attorneys.
- On April 25, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Reno at the Attorney General's Office, which was attended by 6 volunteer attorneys.
- On May 6, 2016, we held a 4.0 CLE on Bankruptcy 101 in Reno that was attended by 9 attorneys. We also held 3.5 CLE, including 0.5 Ethics, on Bankruptcy 102 that was attended by 8 attorneys.
- On May 19, 2016, we held a 1.0 CLE on Updates to Guardianship in Reno that was attended by 37 attorneys.
- On May 18, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Las Vegas at the Attorney General's Office, which was attended by 13 volunteer attorneys.
- On June 2, 2016, we conducted a 2.0 credit CLE on Landlord Tenant Law in Ely that was attended by 5 attorneys.
- On June 8, 2016, we conducted a 2.0 CLE in Las Vegas at the William S. Boyd School of Law that was attended by 11 attorneys.
- On July 11, 2016, we held a 2.0 CLE on Sealing Criminal Records in Reno that was attended by 19 attorneys.
- On July 22, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Las Vegas at the Attorney General's Office, which was attended by 3 volunteer attorneys.
- On July 25, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Carson City at the Attorney General's Office, which was attended by 5 volunteer attorneys.
- On August 12, 2016, in collaboration with the First Judicial District Bar Association's monthly luncheon, we held a 1.0 Ethics CLE in Carson City that was attended by 28 people.
- On August 17, 2016, we conducted a 3.0 credit CLE on Veterans Benefits in Reno, which was attended by 8 volunteer attorneys. We also held 2.0 CLE on Filing a VA Claim that was attended by 6 attorneys.
- On August 18, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Carson City at the Attorney General's Office, which was attended by 5 volunteer attorneys.
- On August 18, 2016, we conducted a 2.0 credit CLE on Simple Wills and Estate Planning in Las Vegas at the Attorney General's Office, which was attended by 15 volunteer attorneys.

On August 19, 2016, we conducted a 3.0 credit CLE on Veterans Benefits in Las Vegas, which was attended by 19 volunteer attorneys. We also held 2.0 CLE on Filing a VA Claim that was attended by 9 attorneys.

On August 25, 2016, we held a 2.0 CLE on Sealing Criminal Records in Las Vegas at the Clark County Public Defenders Office that was attended by 39 attorneys.

On August 26, 2016, we held a 2.5 CLE on the Basics of Guardianship in Reno that was attended by 7 attorneys.

Client Stories

Below is just a sampling of the types of cases for which clients sought our assistance.

NLS Defends Wrongful Eviction, Obtains Settlement for Fair Housing Act and False Claims Act Violations

Section 8 client contacted NLS for assistance after multiple problems with her Landlord, including a severe water leak and habitability issue. Tenant wanted out of her lease, but she and the Landlord were contesting who was responsible for the water leak. While NLS was trying to investigate the habitability issue, client was served with an eviction notice. Eventually, NLS learned that in addition to the habitability problems, Landlord charged the client a \$200 pet deposit and \$10/month in pet rent for the disabled tenant's emotional support animal. The Housing Authority had not approved the pet rent, so the landlord was requiring the tenant to pay \$10/month more than the rent payment approved by the Housing Authority.

NLS sent a demand letter informing the Landlord that the pet deposit and pet rent constituted violations of state and federal fair housing law and the federal False Claims Act, and demanding suspension of the eviction proceedings. In response to the demand letter, Landlord dismissed the eviction, agreed to a mutual rescission of the lease, and immediately returned to the tenant the \$200 pet deposit and the amount the tenant had paid towards pet rent. NLS negotiated a settlement agreement in which Landlord was required to pay tenant \$3,000 in damages in relation to tenant's state and federal claims.

NLS Sues Private Landlord for Blatant Discrimination Against HIV Positive Tenants and Prospective Tenants

HIV-positive client was receiving rental assistance from Northern Nevada HOPES (HOPES). As part of the rental assistance program, HOPES required the housing provider to execute a separate agreement authorizing HOPES to provide short term rental assistance to persons with HIV/AIDS, such as the client. When the client presented the agreement to the housing provider, the leasing manager confronted the client about her HIV status, asking the client, "Why did you not tell us you had HIV?" The client replied that she did not have to disclose her HIV status as part of the rental process. The leasing manager refused to sign the agreement; instead, she told the client that she "needed to speak with the owner about the situation," threatening, "you might not be able to stay here." HOPES interceded on the client's behalf, and the housing provider agreed to accept the client's rent and sign the agreement; however, before accepting the agreement, the leasing manager unilaterally increased the amount of client's rent. The leasing manager continued to harass the client with the aim of driving the client from her home. The leasing manager disclosed the client's HIV status to other residents, warning them to avoid the client because of her HIV status. The leasing manager also entered the client's

unit without permission when the client was away at work. She harassed the client's guests and, on several occasions, ordered the client's guests to leave the premises. Ultimately, the leasing manager sued to evict the client. Weeks before the housing provider instituted eviction proceedings, a local fair housing group sent fair housing testers to the housing provider. The tester who indicated he or she was HIV positive was told there were no apartments available, while the HIV negative tester was told apartments were available. A private fair housing attorney partnered with NLS to sue the housing provider in federal court for violation of the Fair Housing Act. The client is seeking monetary damages and a consent decree, which would require the housing provider's employees to undergo fair housing training and require the housing provider to provide each tenant with a copy of the HUD fair housing pamphlet. The case is currently in the discovery phase.

NLS Obtains Damage Award Against Landlord Who Illegally Locked Out Family

Low income client, his wife, and their two children lived in a privately owned and managed apartment. Client withheld rent in April 2016 because the landlord had not responded to client's numerous complaints regarding a severe mold infestation at the apartment. Landlord issued a 5-Day Notice to Pay Rent or Quit, but did not file a Landlord's Affidavit with the Court or obtain a Lockout Order from the Court. Instead, the landlord went to the apartment when client wasn't home and demanded that the client's wife and the children immediately exit the apartment. When the tenants complied with the Landlord's request, the Landlord immediately changed the locks to the apartment, leaving the tenants homeless and unable to access their possessions. NLS filed a Verified Complaint for Expedited Relief Following Illegal Lockout on behalf of the client. At the hearing on this Complaint, the Court awarded the client \$2,492 in damages related to the Illegal Lockout and ordered the Landlord to immediately restore possession of the apartment to the client. After returning to the apartment, the client and his wife determined that the numerous habitability violations rendered the apartment unsafe for their children. NLS assisted the client in negotiating a move-out agreement. Per this agreement, the Landlord was required to pay the \$2,492 in damages awarded by the Court before the client vacated the apartment, the Landlord waived all late fees and back rent allegedly owed by the client, and the Landlord returned the client's entire security deposit.

NLS Maintains Disabled Clients Subsidized Housing Through Reasonable Accommodation Request, Avoiding Homelessness

Client lived in a federally subsidized apartment complex for low income individuals who are elderly or disabled for approximately 6 years. Client's diabetes rendered him physically disabled, as it had resulted in an amputation and caused him to experience weakness, dizziness, and confusion when his blood sugar levels were too low. On one occasion, when client's blood sugar levels were dangerously low, client became disoriented and inadvertently left food unattended on the stove, which caused the apartment and surrounding areas to fill with smoke. The Landlord issued an eviction notice in relation to this incident. NLS submitted to the Landlord a request for a reasonable accommodation of the client's disabilities. NLS requested that, as a reasonable accommodation of the client's disabilities, the Landlord cancel the eviction and allow the client to remain in his home. Upon receipt of verification from the client's doctor that the client's disabilities should not prevent him from

being able to live independently, the Landlord granted the reasonable accommodation and cancelled the eviction.

NLS Maintains Section 8 Voucher for Disabled Client Despite Extensive Property Damage

Section 8 tenant suffering from poorly managed Schizophrenia was being terminated from the voucher program for eviction from her unit, which the landlord obtained as the result of severe property damage. During the RHA inspection, for example, the unit was found to have multiple holes in the walls, missing doors, a destroyed front door, smoke detectors, completely knocked out drywall, missing blinds, cabinet doors off hinges, clothes drying on a furnace, and other failures. NLS contacted the landlord who agreed to stipulate to dismissal of the eviction, despite the severe property damage, as client voluntarily vacated the unit. By some miracle, the landlord also recognized that the tenant was severely disabled, and agreed to forego collection of the damages, likely because recovery would be nearly impossible. NLS represented client in an Informal Hearing with Reno Housing Authority, and argued that the basis for termination was invalid as client was not technically evicted from the unit. NLS also asked that the termination be overturned as part of a reasonable accommodation request. At the Informal Hearing, the reasonable accommodation was granted and the termination was overturned, with an understanding that the client required better case services.

Discriminatory Landlord Seeking to Evict Client Rethinks Actions After Receipt of Fair Housing Complaint

Client with Major Depressive Disorder, General Anxiety Disorder, and physical disabilities was receiving rental assistance from Northern Nevada Adult Mental Health Services (NNAMHS). Client was also receiving mental health treatment and a monthly living stipend from NNAMHS. About a year prior, the housing provider considered serving the client with an eviction notice due to behavior exhibited by the client caused by her mental disabilities. However, the housing provider reached an agreement with the client which acknowledged her disabilities and a medication adjustment; however, this prior agreement was entered into prior to client seeking representation through NLS and conditioned the client's continued tenancy on the way she interacted with the housing provider's staff. Shortly after this agreement, NNAMHS provided the client with a caregiver to help her monitor her medication and act as an intermediary between the housing provider and client. Early this year, the housing provider began using a leaf blower by the client's window constantly, which severely triggered the client's anxiety and paranoia. At the advice of NNAMHS, the client tried to communicate with the housing provider about the leaf blowers through a neighborhood mediation clinic. The housing provider refused to participate in the medication and immediately served her with an eviction notice. NLS submitted a reasonable accommodation request to the housing provider on behalf of client, which they denied. NLS then sent a demand letter with a draft Complaint threatening to sue the housing provider in federal court for violations of the Fair Housing Act. As a result, the housing provider agreed to adjusting their leaf blower and rescinding the eviction notice. Negotiations are still in progress.

NLS Sues Landlord For Illegal Lock-out, Familial Based Discrimination, Emotional Distress

Our client, a single, working grandmother rented a small dwelling unit in a mobile home park in Fallon, NV. In order to protect them from a violent situation, the client agreed to take in her 10 month-old and two year-old grandchildren into her home on a temporary basis. When the owner and operator of the mobile home park saw the grandchildren at the client's unit, she began cussing and screaming at client, and accused the client of lying about how many occupants she had living in the unit. The owner was openly concerned that the children were causing damage to the unit. The client explained to the owner that the grandchildren were not staying with her permanently, but only on a temporary, emergency basis. The client even offered for the owner to come into the unit to see for herself that there was no damage. The next day, instead of her utility bill, the client found an unlawful 30 day eviction notice written on a strip of paper in her mailbox. The piece of paper stated that there were too many people in the unit and that the studio was "not suited for small children." As the owner never communicated to the client any restrictions on having children stay with her as guests, the client understood that having temporary guests, even guests who were children, was permissible. A week later, the owner texted the client that if she was out by the end of that week, without any damages to the property, she would not take the client to court to cover expenses for "changing the locks," whatever that means. Although she was trying to move, client never informed the owner or leasing manager that she was vacating the unit. However, because of how they were treating her, the client began sneak in at night only to sleep and be gone for most of the day. Approximately four days after receiving the text message from the owner, the client returned to her unit to get her medication, and baby food and diapers for her grandchildren. When she arrived, she attempted to use her key but the door knobs and locks had been changed without proper notice. The client knocked on the doors of owner and leasing manager, but no one answered. The client called 911. However, the police, while expressing that he was concerned the owner did not have a proper eviction order, could not assist allegedly because it was a "civil matter". The client attempted to get the remainder of her belongings and medication that was in the unit, but only 3 small boxes were returned to her. Despite the client's demands, the housing provider would not return the remainder of her belongings. The client, her two year-old grandchild, and her ten month-old grandchild, were forced to sleep in the car for two nights until she could secure a new place. Client finally sought assistance from NLS, who immediately filed a Verified Complaint for illegal lockout in Justice Court. When the expedited hearing in Justice Court was delayed by the housing provider, and the JP failed to recognize the severity and emergency nature of the proceeding, NLS re-filed in District Court, where the jurisdictional amount was higher, and added additional claims, including that the housing provider violated the Fair Housing Act, among other things. The District Court complaint sought compensation for the loss of all of her belongings and damages for the emotional distress that the illegal lock-out caused her. The early case conference was recently held, and trial has been set for April, 2017.

Disabled Client Is Accommodated After Rent Increase

Mentally disabled Section 8 tenant signed a new lease that increased the contract rent for the apartment by \$200/month. Due to tenant's mental disabilities, she did not realize that the increased rent exceeded the Housing Authority's payment standard. Because the increased contract rent exceeded the Housing Authority's payment standard, the client's portion of the rent increased by \$200, even though

her income had not increased. Due to the client's disabilities, she was unable to work and her only source of income was \$753/month in SSI payments. Because the increased portion of the client's rent was approximately 51% of her income, she was not able to afford it. NLS requested that the Housing Authority increase its payment standard for the client so that her portion of the rent would decrease.

NLS further requested that the landlord allow the client to terminate her lease early without having to pay the \$500 lease termination fee. The Landlord approved the reasonable accommodation request and the tenant was permitted to vacate the apartment after paying only four months of the increased rent without the termination fee so that she could obtain more affordable housing. The Housing Authority also approved the reasonable accommodation request by increasing the payment standard and reimbursing the client for the four months that she paid the increased rent.

NLS Dismisses Illegal Eviction and Improper Charges by Landlord

Disabled Veteran contacted NLS for assistance because his previous landlord obtained an eviction against him even though he had already vacated the unit. The landlord claimed the eviction was necessary because the tenant did not turn in his keys. Additionally, the landlord charged the tenant an additional months' rent. Tenant explained that he couldn't turn in his keys because the agent was never in the leasing office. Of course, eviction and rent was improper when tenant no longer had possession of the premises anyway. NLS was able to negotiate a set aside of the eviction and waive all costs the landlord alleged the tenant owed as a settlement of the matter.

NLS Sues Landlord Displacing Low-Income Tenants for Upscale "Student Housing"

NLS was contacted by ACTIONN, a community group assisting low-income and disabled tenants being evicted by their landlord to make way for a new student housing project. NLS investigated the development project, and the nature of any subsidies provided by the City to ensure compliance with state and federal laws on relocation and displacement. Ultimately it was determined that neither the City nor the landlord could be sued under federal and state relocation laws, but a number of tenants were under a lease agreement with their then landlord. Although the landlord forced tenants to sign a "lease amendment" agreeing to accept only a 30 day notice to vacate from their landlord, NLS argued that the amendment violated state law and was unenforceable. As such, the Landlord was in violation of their lease agreement, and had committed a deceptive trade practice in pressuring vulnerable tenants to sign. NLS brought suit for breach of lease and violation of the DTPA and was able to negotiate a settlement that assisted some tenants in relocating to other long-term housing.

NLS Defends Eviction and Sues Landlord For Breach of Lease, Retaliation, Trespass and Property Damage

Client's landlord sold his rental unit to a new owner, but explained that his rent and the terms of his then rental agreement would stay in place. When Client submitted his second month's rent, the new landlord demanded that he sign a new lease agreement. Client initially agreed, but after reading the terms of an extremely

landlord-friendly lease (which violated state law) he became wary and asked to take the lease home to review it. The agent for the landlord then grew agitated and demanded client leave the lease that was partially signed. Tenant refused and the owner of the property intervened, threatening that he would call his attorneys and the client “would be sorry.” Thirty minutes later client was served with a thirty day “no cause” eviction notice. The next day, client’s garden was destroyed by maintenance. Client contacted NLS who filed a tenant’s declaration in opposition to the summary eviction, and brought suit against the landlord for declaratory relief, breach of lease, trespass, retaliation, and destruction of property. The landlord agreed to dismiss the eviction and negotiate a move-out agreement that included \$2500 to client for damages.

NLS Sues to Protect Tribal Members’ Rights Under the Indian Civil Rights Act

The Reno-Sparks Indian Colony (RSIC) issues land assignments to their members so that they can reside on the Colony. Routinely, tribal members have homes on their assignments that they pay for under a contract with the tribal housing authority. Once the member has paid off the home to the housing authority, they are given full title to the home. Approximately 20 years ago, RSIC passed a land ordinance stating that all improvements on assignment land become the property of the Colony after a tribal member dies. Therefore, under the ordinance, a home that a tribal member owes outright cannot be bequeathed or sold to a private party, it simply reverts back to the Tribe. Neither the owners nor the estate of the owners are provided any compensation under the ordinance for this taking of their property. Several clients have contacted NLS for assistance with this issue because their family bequeathed them homes, which were awarded to them by the tribal court, but the Tribe has taken possession and refuses to allow them access. Moreover, the Tribe has not compensated them for the loss of their home. After extensive attempts to negotiate with the Tribe, NLS brought suit on their behalf under the Indian Civil Rights Act for unlawful takings without compensation and conversion. The Tribe filed a Motion to Dismiss alleging sovereign immunity. The Motion is currently being litigated.

NLS Saves Unemployed Client and Children from Eviction Under Unknown Provision of Tribal Law

In late December of 2015, the Ft. McDermitt Paiute Shoshone Housing Authority attempted to evict our client, E.N. The Authority alleged our client had not paid water bills and rent for months, totaling over \$500. At a hearing in January, we pointed out that the Ft. McDermitt code prevented eviction when the average temperature for a month was below the freezing mark. The case was continued until the spring. At the beginning of the hearing in the Spring, the Judge expressed his opinion that since the debts were not paid, the eviction should move forward. However, the tribal law and order code actually required that the court intervene and take all available methods to try and bring the tenant into compliance before eviction and provided that eviction shall only be available as a last resort. Because the Judge had previously warned the client that she had better pay her unpaid bills before the next appearance, he was very reluctant to give her another chance. However, after oral argument stressing that Court was obligated to follow the will of the tribal council in enacting the ordinance the Judge conceded. NLS was able to avoid homelessness for this unemployed client and her 3 children. Additionally, NLS was able to educate the court and the housing authority on these provisions of the law and order code.

NLS Obtains Dismissal of Multiple Criminal Counts For Speedy Trial Violation

Washoe Tribe of NV and CA vs. J.S.: J.S. was charged with Assault, Battery, Child Abuse, Criminal Mischief and Disorderly Conduct. It was alleged that J.S. assaulted two minors, punched one, and threw a rock through the window of their car as they drove away. NLS aggressively negotiated a settlement of the case. However, negotiations stalled because the Tribe insisted our client write a statement saying she did not have a right to tell the minors to leave the reservation. The client refused, as she did have the right to say that under the equivalent of the First Amendment of the Indian Civil Rights Act. After numerous delays, NLS filed a Motion to Dismiss for a Speedy Trial violation. The Judge denied the motion, finding that the defendant's absence at a previous hearing implicitly waived her speedy trial rights. The case was set for trial. On the date set for trial the Tribe had not secured the presence of the complaining witnesses and moved for a continuance. NLS renewed our motion to dismiss for failure to bring a speedy trial. In so doing, NLS pointed out that the Washoe Law and Order Code specifically allows defendants to miss hearings, so long as their presence is not necessary at the hearing. The judge finally dismissed the case with prejudice.

NLS Fights to Reunify Native American Family Despite Wrongful Actions of DCFS Aided By Senior Deputy Attorney General

In 2013, NLS represented the Lovelock Tribe in a Motion to Intervene under the Indian Child Welfare Act (ICWA) in a child abuse and neglect case in state court. The minor child was removed when the mother was arrested for violation of a drug court order and found to have left her child unattended while under the influence. Although the Mother said she left the child with another family member, and the decision seemed overly reactive, the Tribe initially concurred with the reunification plan of the Division of Child and Family Services (DCFS). The stated plan was for the mom to receive supports to assist her in her sobriety and maintain a home, and her child would be returned. Unfortunately the mother relapsed, and ultimately was unable to withstand the pressures of her reunification plan and a sober lifestyle. She disappeared for a year and made no efforts to communicate with DCFS. At this time the Tribe concurred that active efforts had been made to reunify and that the mother's parental rights could be terminated. However the State delayed filing the petition for unknown reasons. Meanwhile, the mother resurfaced in Reno, checked herself into Step2, an in-patient rehabilitation center that allows mothers to receive substance abuse treatment in a child friendly location. Mother reached out to DCFS in Fallon and asked to be given a reunification plan. Mother maintained her sobriety for over a year and did everything asked of her. Meanwhile, DCFS placed the minor child in a foster home and failed to offer any supports or reunification efforts to the mother. The Tribe objected to this, arguing that the mother should be given a chance, and that the ICWA required active efforts towards reunification. DCFS made token statements that reunification was possible, and represented that the case was on a "dual track" where reunification and or termination of parental rights were possible outcomes. However, it became clear later that DCFS never had any intention of reunifying the mother with her child as they took no actions towards reunification and eventually filed a petition to terminate her parental rights. Unfortunately, DCFS has made clear in its reports that it never intended to give this mother a chance, due to her extensive history of substance abuse and contact with DCFS. (She has had multiple cases and children already removed from her care).

The Tribe found this to unacceptable and moved to transfer. DCFS and the child's attorney contested the transfer, stating that the child bonded with the foster care placement, even though the child was not placed into foster care until after the mother re-surfaced, got sober, and began working a case plan. If DCFS has made any efforts at reunification, or even allowed visitation, this alleged bonding with the foster parents would not be an issue. Moreover, the new agency guidelines and regulations make clear that placement and bonding are NOT to be considered when ruling on a Tribe's Motion to Transfer. Although the Tribe already briefed and argued the transfer once, in the child welfare case, the Tribe had to go through the whole process again in the termination of parental rights case, against the Attorney General's Office. Unfortunately, the Attorney General, even though she has represented herself to be a supporter of ICWA, filed an Opposition that is unsupported by the law, opposing transfer for reasons that the BIA has clearly prohibited under the new guidelines and regulations. The transfer is set for oral argument, and the Tribe has to file a Motion in Limine, because the Attorney General has indicated that she wants to include witness testimony in the transfer hearing although it is clearly irrelevant to the issue of transfer. Unfortunately, this case exemplifies that the ills and prejudices befalling native families that prompted the ICWA are alive and well in rural Nevada, thanks in no small part to the Attorney General's office.

NLS Assists Community Preservation Group Establish 501(c)(3) Status

Our client started out as a group of citizens in Reno who were growing concerned with the state of disrepair that a local cemetery has been allowed to fall into over the past decades. As a preservation foundation, our client's efforts are to clean, maintain, and restore the Cemetery, a historical landmark near downtown Reno, to its previous grandeur. When the cemetery was established, a perpetual care fund was never put into place. Additionally over the years, inattentive owners and large amounts of vandalism have led to the plight of the cemetery. Members of the community came to NLS to see if our office could assist them with forming a 501(c)(3). Our client's goal in obtaining 501(c)(3) status with the IRS was to become more reputable in the community in order to facilitate more monetary donations and volunteers to assist with our client's goals. Our office was able to assist our client navigate through the state filing requirements, draft the corporate bylaws, prepare the IRS Application for Tax-Exempt Status, and all of the other minutiae that obtaining 501(c)(3) status requires. Our office submitted the application to the IRS, and our client has already received confirmation that the IRS has approved their organization as a public charity with 501(c)(3) status.

NLS Helps Local Business Grow and Hire First Employees

NLS was contacted by a locally owned microbusiness that provides a full service equine training center, providing lessons, horse training, horse showing, and stabling of horses. Prior to coming to NLS, the business was operating as a sole proprietorship, mostly on handshake deals with their clients and facility owners. The business was in need of assistance in regards to how to protect their assets, the hiring of employees v. independent contractors, assistance with a lease agreement for the equine facility the business uses, liability waivers, etc. Our office explained the different business structures and assisted the client into becoming an LLC. NLS also drafted an Operating Agreement for the LLC, drafted a Lease Agreement for the business to have between them and the owners of Equine Facilities, drafted a

contract for the LLC to have between them and their clients, drafted a Waiver of Liability form, and provided counsel on many other areas of law that a microbusiness typically runs into. The business is now recognized as its own entity and is no longer a liability for the owners, has a multi-year lease in place with the owners of the equine facility, and are looking to hire their first employees to assist with their growing business.

NLS Seals Criminal Records and Gives Longtime Victim of Human Trafficking and the Illegal Sex Industry a New Start

Susan was a longtime victim of human trafficking and the illegal sex industry, which she entered into at the age of sixteen in Los Angeles. She had a substantial criminal record spanning from the 1980's until the early 2000's consisting of several misdemeanors related to drug addiction and illegal prostitution. After successfully expunging all of her eligible California criminal records through self-help, Alice was referred to Nevada Legal Services by Bay Area Legal Aid for assistance with record sealing in Clark and Washoe Counties. Our office intervened to complete a Clark County record sealing case Alice had already filed but had issues with, and initiated two more petitions to seal records of Washoe Count arrests. Due to the length of Alice's record, the Second District Court called a hearing to review sealing of one of her cases in which Nevada Legal Services prevailed. In total, NLS assisted with the sealing of three Nevada criminal records, and provided support to the client throughout a lengthy job search in Northern California. With NLS' assistance, Alice was able to obtain a full-time file clerk position with the County of San Mateo. Upon closing the file, the client reported that this is only the second job she has had outside of sex work in her entire life and that she is extremely grateful for the opportunity to move forward.

NLS Seals Recovering Addict's Extensive Criminal Records Making Dream of Self-Sufficiency A Reality

Anne had a severe drug and alcohol problem in the early 2000's, from which she has been in recovery for approximately eight years at the time of this writing. During the height of her addiction, however, she had been arrested seven different times in Carson City, Douglas County, and Washoe County and had never been able to find full-time work because of her substantial criminal record. Our office intervened to seal each of Anne's criminal records in each jurisdiction, a process which took several months due to the high number of law enforcement agencies and courts involved. Eventually Nevada Legal Services succeeded in sealing each of Anne's records, enabling her to pass pre-employment background checks without issue. At the time of closing her case, Anne reported that she was entertaining multiple full-time offers in and around the Carson City area. According to the client, this was the first time she had been offered full-time work in well over ten years.

Sincerely,

Nevada Legal Services



AnnaMarie Johnson
Executive Director

Equal Access to Justice



Sunday, October 23rd – Saturday, October 29th

Schedule

Friday, October 14th	(Elko)	6:00 pm – 8:00 pm	Rural Nevada Champions of Justice Dinner <i>Sponsored by Nevada Legal Services</i>
Saturday, October 15th	(Winnemucca)	10:00 am – 4:00 pm	Veteran’s Clinic – National Guard Armory <i>Sponsored by Nevada Legal Services</i>
Thursday, October 20th	(Laughlin)	10:00 am – 12:00 pm	Ask-A-Lawyer Fair – American Legion Hall <i>Sponsored by Nevada Legal Services</i>
Friday, October 21st	(Pahrump)	11:00 am – 1:00 pm	Family Law Forms Clinic – Nye County Courthouse <i>Sponsored by Nevada Legal Services</i>
	(Winnemucca)	11:00 am – 2:00 pm	Ask-A-Lawyer Clinic, Humboldt County Courthouse <i>Sponsored by Nevada Legal Services</i>
Sunday, October 23rd			
Monday, October 24th	(Las Vegas)	10:00 am – 12:00 pm	Veterans Ask A Lawyer Clinic - HELP USA <i>Sponsored by Nevada Legal Services</i>
	(Reno)	11:30 am – 1:30 pm	Northern Nevada Champions of Justice Luncheon – Peppermill Spa & Casino <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	TBA	Foreclosure Educational Presentation <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	3:00 pm – 5:00 pm	Small Claims Presentation – Clark County Library <i>Sponsored by Nevada Legal Services</i>
Tuesday, October 25th	(Las Vegas)	10:00 am – 12:00 pm	How to Adjust to U.S. Citizenship Presentation – Hermandad Mexicana <i>Sponsored by Nevada Legal Services</i>
	(Carson City)	11:00 am – 2:00 pm	Ask-A-Lawyer, Supreme Court Law Library <i>Sponsored by Nevada Legal Services</i>
	(Elko)	2:00 pm – 4:00 pm	“How to Represent Yourself In Court” <i>Sponsored by Nevada Legal Services</i>
	(Fallon)	2:00 pm – 5:00 pm	Ask-A-Lawyer Event <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	3:00 pm – 4:00 pm	IRS Tax Collection Process & Options Presentation – Las Vegas Library <i>Sponsored by Nevada Legal Services</i>
	(Reno)	5:30 pm – 7:30 pm	Estate Planning Education Clinic <i>Sponsored by Nevada Legal Services</i>



Sunday, October 23rd – Saturday, October 29th

	(Las Vegas)	TBA	Annual Ask-A-Lawyer Event <i>Sponsored by Legal Aid Center of Southern Nevada</i>
	(Las Vegas)	TBA	Annual Event <i>Sponsored by UNLV William S. Boyd Law School</i>
Wednesday, October 26th	(Elko)	9:00 am – 4:00 pm	Sealing Criminal Records Self Help Clinic <i>Sponsored by Nevada Legal Services</i>
	(Yerington)	9:00 am- 11:00 am	Estate Planning Education Clinic <i>Sponsored by Nevada Legal Services</i>
	(Reno)	10:00 am – 4:00 pm	Ask-A-Lawyer/Self Help Clinic, 2nd Judicial Court <i>Sponsored by Nevada Legal Services</i>
	(Yerington)	1:00 pm – 4:00 pm	Ask-A-Lawyer <i>Sponsored by Nevada Legal Services</i>
	(Carson City)	5:30 pm – 7:00 pm	Educational Clinic <i>Sponsored by Nevada Legal Services</i>
Wednesday, October 26th (cont'd)			
	(Las Vegas)	TBD	Annual Ask-A-Lawyer Event <i>Sponsored by Legal Aid Center of Southern Nevada</i>
	(Henderson)	12:00 pm – 2:00 pm	Healthcare Directives Educational Presentation – Green Valley Library <i>Sponsored by Nevada Legal Services</i>
	(North Las Vegas)	12:00 pm – 2:00 pm	Estate Planning Clinic – Silvercrest Housing (2801 E. Equador Ave.) <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	3:00 pm – 5:00 pm	Sealing Criminal Records Educational Presentation – Clark County Law Library <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	TBA	Know Your Civil Rights – The Salvation Army Homeless Shelter <i>Sponsored by Nevada Legal Services</i>
Thursday, October 27th			
	(Gardnerville)	9:30 am – 11:00 am	Estate Planning Educational Clinic, Gardnerville Community Center <i>Sponsored by Nevada Legal Services</i>
	(Las Vegas)	10:00 am – 2:00 pm	Wills Carnival – East Las Vegas Community Center



Sunday, October 23rd – Saturday, October 29th

Sponsored by Nevada Legal Services, Southern Nevada Senior Law Program, Probate and Trust Section and the Nevada Attorney General's Office

- | | | |
|----------------|--------------------|--|
| (Hawthorne) | 11:00 am – 2:00 pm | Ask-A-Lawyer Clinic, Mineral County Courthouse
<i>Sponsored by Nevada Legal Services</i> |
| (Mesquite) | TBA | Estate Planning Educational Presentation – Location TBA
<i>Sponsored by Nevada Legal Services</i> |
| (Henderson) | TBA | Veterans Issues Presentation – Humana Wellness Center
<i>Sponsored by Nevada Legal Services</i> |
| (Gardnerville) | 1:30 pm – 4:30 pm | Ask-A-Lawyer Clinic, Gardnerville Community Center
<i>Sponsored by Nevada Legal Services</i> |
| (Elko) | 2:00 pm – 4:00 pm | Ask-A-Lawyer Clinic, Elko Public Library
<i>Sponsored by Nevada Legal Services</i> |
| (Las Vegas) | All Day | Will Drafting Event - East Las Vegas Community Center
<i>Sponsored by SNSLP, NLS and Young Lawyers Section</i> |

Friday, October 28th

Nevada Day

Saturday, October 29th

(Proposed) CIVIL LEGAL ASSISTANCE PROGRAM (@EASE) 2017 SCHEDULE

COUNTY	DATE	LOCATION	TIME	OTHER INFO
CLARK (N. Las Vegas)	Fri -Jan		10:00 – 2:00	
CLARK (Boulder City)	Sat - Jan		10:00 – 2:00	
CLARK (Laughlin)	Fri - Feb		10:00 – 2:00	
CLARK (Henderson)	Sat - Feb		10:00 – 2:00	
WASHOE (Reno)	Fri - Mar		10:00 – 2:00	
WASHOE (Sparks)	Sat - Apr		10:00 – 2:00	
NYE (Pahrump)	Fri-May		10:00 – 2:00	
CLARK (Las Vegas)	Sat - May		10:00 – 2:00	
WHITE PINE (Ely)	Fri - June		10:00 – 2:00	
LINCOLN (Caliente)	Sat -June		10:00 – 2:00	
CHURCHILL (Fallon)	Fri - July		10:00 – 2:00	
LYON (Fernley)	Sat - July		10:00 – 2:00	
HUMBOLDT (Winnemucca)	Fri - Aug		9:00 – 12:00	
LANDER (Battle Mtn)	Sat - Aug		2:00 – 4:00	
LYON (Yerington)	Fri - Sept		10:00 – 2:00	
MINERAL (Hawthorne)	Sat - Sept		10:00 – 2:00	
STOREY (Virginia City)	Fri - Oct		10:00 – 2:00	
CARSON(Carson City)	Sat - Oct		10:00 – 2:00	
DOUGLAS (Minden)	Fri - Nov		10:00 – 2:00	
LYON (Dayton)	Sat - Nov		10:00 – 2:00	
TBA				
ELKO (Elko)			10:00 – 2:00	
EUREKA (Eureka)			10:00 – 2:00	
PERSHING (Lovelock)			10:00 – 2:00	
CLARK (Mesquite)			10:00 – 2:00	
ESMERALA(Goldfield)			10:00 – 2:00	



Our goal is to increase our services to the community and increase the number of people who receive free legal assistance.



AnnaMarie Johnson
Executive Director



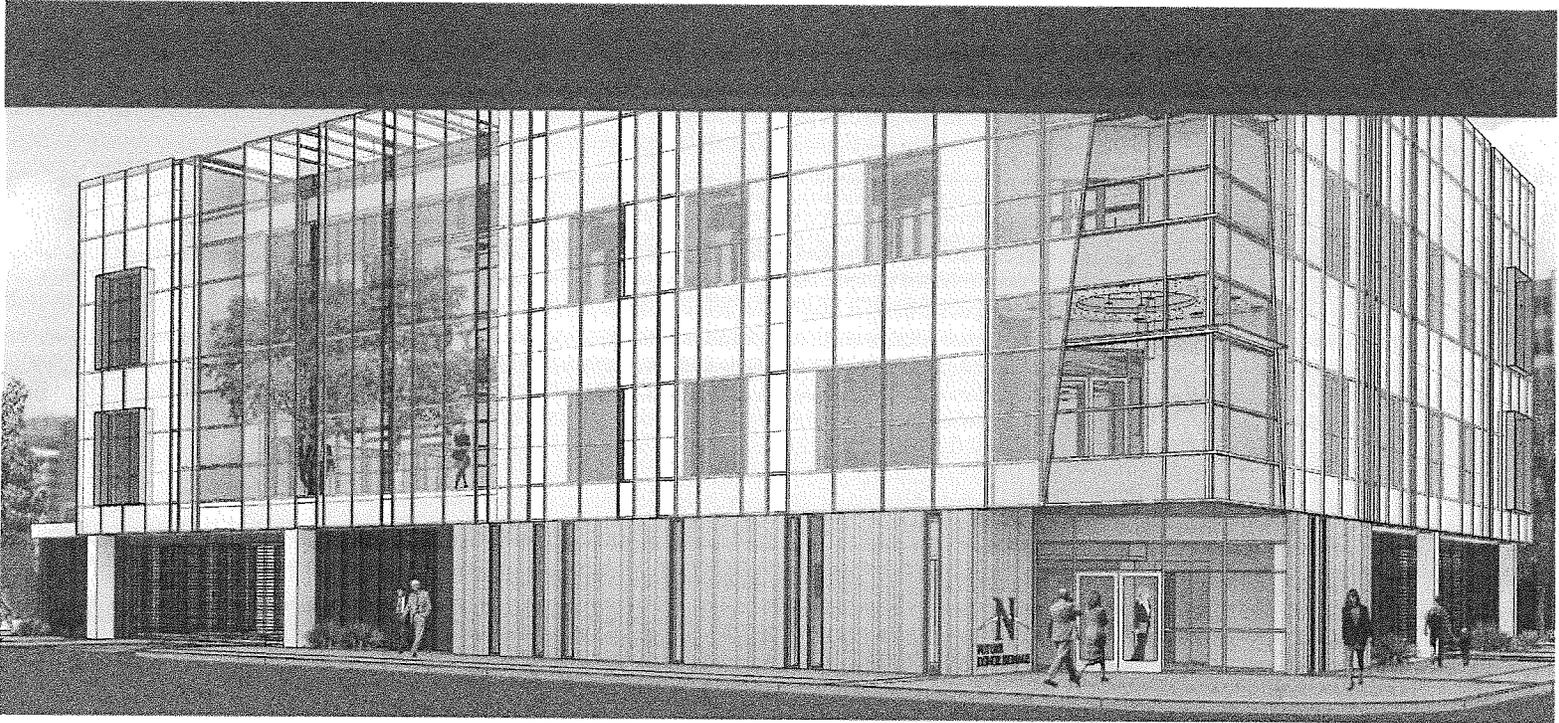
Making Justice Possible

Nevada Legal Services capital campaign is underway and the goal is to raise \$10 million for a new facility, which will feature an open, adaptable workspace to accommodate professional and support staff, legal and non-legal volunteers, interns. The facility will consist of 23,529 square feet of office and classroom space. We need to do this now because we continue to grow and need to space to serve more clients. Your donation to the campaign will make it possible for us to provide the best legal representation to those who need it the most!

To donate go to www.nlslaw.net or contact:
Kathleen Frantz 702-386-0404 x 119
email: kfrantz@nlslaw.net

Nevada Legal Services strengthens the community by ensuring fairness and providing equal access to justice for low-income Nevadans. We are a statewide organization serving all 17 counties in Nevada.

Nevada Legal Services
www.nlslaw.net



Making Justice Possible

Capital Campaign Donation/Pledge Form

Donate online at www.nlslaw.net or mail form to:
Nevada Legal Services
701 E. Bridger Street Suite 700
Las Vegas, NV 89101

Donor Contact Information (please print all information clearly)

Name: _____

Address: _____

City/State/Zip: _____

Phone: _____ Email: _____

This donation/pledge is made in honor/memory (circle one) of: _____

Please send notification of my gift to: _____

Address: _____

Donation Amount: \$ _____

Payment Form (circle one): Check VISA Mastercard American Express Discover

Card Number: _____ Expiration Date: _____ CVV Code: _____

Name as it appears on the card: _____

Signature: _____

Pledge Amount: \$ _____

to be split into ___ Monthly payments ___ Quarterly payments ___ Other: _____

Nevada Legal Services is a 501(c)3 non-profit. Tax Exempt #88-0176914. Your donation may be tax deductible, consult a tax professional.

Southern Nevada Senior Law Program

Program/ Delivery Report October, 2016

Southern Nevada Senior Law Program (SNSLP) continues to provide free legal services to residents of Clark County 60 years and older. Year to date, SNSLP has prepared 1,672 legal documents for seniors including 317 Wills, 493 Durable Powers of Attorney for Health Care, 309 Beneficiary deeds, and 124 Homesteads.

SNSLP's office is located on the corner of Las Vegas Boulevard and Bonneville in the Wells Fargo Building Las Vegas, Nevada 89101. The office address prior to July, 2016 was 530 Las Vegas Blvd., Suite 310. Effective July, 2016, the Clark County Fire Department changed the office address to 411 W. Bonneville Ave., Suite 310. There was no actual change in the office location; there was merely a change of official address.

SNSLP received a renewal of its Older Americans Act grant in the amount of \$200,000 for FY 17. Additionally, SNSLP received \$ 47,457 from the State of Nevada Independent Living Grant monies to expand its Elder Abuse Unit to assist victims of elder abuse and exploitation. SNSLP is coordinating its efforts to assist victims of elder abuse and exploitation with Las Vegas Metro Abuse and Neglect Detail, Clark County District Attorney, State of Nevada Attorney General, Elder Protective Services, etc.

SNSLP staff has grown with the addition of one part- time elder law attorney to assist seniors in Estate Planning, Medicaid, and Veterans' issues.

Executive Director Sugar Vogel attended the State Bar of Nevada Annual meeting in June, 2016. Two SNSLP elder law attorneys received training at the National Law and Aging Conference in Washington D.C. in October, 2016.

VARN Program Report

VARN has participated in quite a few (7) outreach events throughout the rural counties in recent months. Three events were in Carson City, one in Storey County, two in Churchill County and one in Lyon County. We also held our annual Legal Aid Fair in Carson City on Saturday, October 22 as part of Pro Bono Week. Though not as well attended as in years past, we assisted 30 people with their legal needs. We held our annual fundraiser to celebrate VARN's 20th Anniversary on October 20th and it was very successful! We honored Valerie Cooney and Odessa Ramirez as the founders of VARN, and we surpassed our goal of raising \$5,000. (We don't have the final total yet.) We hired a new legal assistant on July 1st, and our office has recently been blessed with another new baby! Kelli Gallimore will be returning from her maternity leave next week. Unfortunately, last month VARN learned that we were not awarded a grant from the Legal Assistance for Victims program for FY 2016. This has the potential to greatly impact our budget for 2017, but we are working on filling the gap with other grants and fundraising. We anticipate applying for LAV again in the next cycle.



October 26, 2016

Executive Director Report for November 4, 2016 ATJ Meeting

Washoe Legal Services has assisted over 6,000 individuals since January 1, 2016 and almost 7,000 individuals over the past 12 months. Of this total, approximately 5,000 individuals received some type of direct service and the rest were referred to other community agencies. During this time, WLS has represented almost 800 children and approximately 650 seniors. About 250 of these seniors received representation as protected persons in adult-guardianship proceedings. The remaining 400 seniors received assistance with probating small estates, preparing estate-planning documents, and advice/counsel regarding family law and/or consumer matters. WLS assisted 718 individuals with landlord-tenant issues and provided legal services to 387 domestic violence survivors.

WLS extended agreements to provide representation to children in 432b cases in Lyon, Humboldt, and Pershing Counties. Additionally, WLS entered into a new agreement with Elko County to allow the WLS child-advocacy attorney in Elko to move from part-time to full-time. One of our longest-serving child-advocacy attorneys (Larry Belasco) retired in June, and we were very fortunate to hire a replacement, Jennifer Christie, who has many years' experience working in child welfare law with the Washoe County District Attorney's Office. WLS recently applied for a grant from the BOA settlement funds to start a Medical Legal Partnership ("MLP") with Northern Nevada HOPES and several other healthcare providers such as the VA Hospital, the Sanford Center for Aging and Renown's Children's Health Institute. If the grant proposal is funded, it will create the first MLP in Nevada. WLS continues to recruit attorney volunteers to accept pro bono child advocacy cases and plans to start placing cases with these volunteers in early 2017.



To: Access to Justice Commission
 From: Anne Traum, Professor of Law
 Re: Update on the Nevada Appellate Pro Bono Program
 Date: October 28, 2016

Nevada Appellate Pro Bono Program

This Program continues to be a terrific success. The Nevada Supreme Court has referred 125 cases to the program since it started in August 2013. The Nevada Court of Appeals has referred 8 cases since the court was established in January 2015.

We dearly mourn the loss of Melanie Kushnir, who made this program work so seamlessly. After her untimely death, Sara Funtek at Legal Aid Center of Southern Nevada (LACSN) has stepped in and done a terrific job processing new referrals, recruiting volunteers and contacting litigants regarding eligibility screening and consent to pro bono counsel. The courts, LACSN, and the Appellate Litigation Section’s Pro Bono Committee Chairs meet regularly to discuss emerging issues.

Statistics since the program started in August 2013 (courtesy of LACSN):

Total Clients Referred to Pro Bono Program:	125
Supreme Court Cases:	117
Court of Appeals Cases:	8
Clients Placed with Pro Bono Attorneys:	97
Clients Referred that are on Waiting List (waiting for paperwork or attorney assignment):	3
Clients Referred that were NOT Placed with an Attorney (over income, refused pb representation, no client response):	25
Unique Attorneys Who Have Taken at least 1 Case:	73

Federal Pro Bono Pilot Program

There have been 39 cases referred to the program, which is administered by LACSN in the south and Nevada Legal Services in the north. Approximately two-thirds of the cases involve prisoner civil rights claims, while other cases concern a range of claims, including employment, employee benefits, social security, the Hague Convention, and veteran benefits.

The federal district court recognized its volunteer attorneys at the district conference in May 2016, and is working to promote the program and recruit more volunteers.

To date, some 20 volunteers have participated in the program, with several of them having taken on multiple cases.



To: The Access to Justice Commission
From: Angela Washington, Access to Justice Director
RE: ONE Campaign 2016 Pro Bono Participation Tracking

Below are 2016 pro bono participation numbers provided by the ONE Promise Nevada Campaign participating legal services organizations: Legal Aid Center of Southern Nevada (LACSN); Nevada Legal Services (NLS); Southern Nevada Senior Law Program (SNSLP); Volunteer Attorneys for Rural Nevadans (VARN) and Washoe Legal Services (WLS). The participating organizations provide monthly updates of the total number of pro bono volunteers as well as the number of new volunteers to the ONE Campaign. The numbers encompass volunteer attorneys who take one case and volunteer attorneys who participate in legal clinics.

The 2016 goal is a 15% increase in participation from the 2015 grand total participant number – 1,853.

2016 Pro Bono Tracking

2016												
	LACSN		NLS (North)		NLS (South)		SNSLP		VARN		WLS	
	New	Total	New	Total	New	Total	New	Total	New	Total	New	Total
Jan. 2016	23	96	3	29	2	6	0	0	0	2	0	0
Feb. 2016	19	93	2	36	2	16	0	0	0	2	0	1
March 2016	25	112	36	7	6	13	0	0	1	9	0	2
April 2016	22	102	1	25	27	15	0	0	0	2	0	0
May 2016	16	86	2	32	16	22	0	0	0	2	0	0
June 2016	16	94	2	22	4	7	0	0	1	3	0	0
July 2016	22	103	0	24	5	15	2	2	0	6	0	0
August 2016	6	91	0	25	3	7	0	0	0	7	0	0
Sept. 2016	9	89	0	17			0	0	0	4	0	0
Oct. 2016												
Nov. 2016												
Dec. 2016												
Total	158	866	46	263	65	101	2	2	2	37	0	3
Total New: 273 Grand Total: 1,272 <i>(2016 Goal – 1,853)</i>												
2015												
	LACSN		NLS (North)		NLS (South)		SNSLP		VARN		WLS	
	New	Total	New	Total	New	Total	New	Total	New	Total	New	Total
Jan. 2015	15	81	4	18	1	6	0	0	1	6	0	1
Feb. 2015	21	96	2	19	0	3	0	0	0	3	0	1



March 2015	18	99	2	20	3	7	0	0	0	8	0	5
April 2015	22	91	1	8	3	6	0	0	1	5	0	0
May 2015	25	91	0	9	0	6	0	0	1	7	0	1
June 2015	16	80	0	28	4	14	0	0	0	7	0	0
July 2015	19	93	1	24	2	4	0	0	0	5	0	0
August 2015	32	112	1	32	3	6	0	0	0	3	0	0
Sept. 2015	13	112	0	26	2	6	0	0	0	3	0	0
Oct. 2015	44	131	5	58	13	18	0	0	0	19	1	1
Nov. 2015	24	94	0	27	4	10	0	0	0	6	0	0
Dec. 2015	7	74	0	8	5	7	0	0	2	7	0	0
Total	256	1,154	16	277	40	93	0	0	5	79	1	9

Total New: 318 **Grand Total: 1,612**
(2015 New Attorney Goal: 347) *(2015 Grand Total Goal: 1,526)*

2014

	LACSN		NLS (North)		NLS (South)		SNSLP		VARN		WLS	
	New	Total	New	Total	New	Total	New	Total	New	Total	New	Total
Jan. - May 2014	84	379	15	53	26	43	0	0	5	21	4	9
June 2014	17	97	3	19	5	8	4	4	2	5	0	1
July 2014	21	98	1	13	6	14	2	2	0	4	0	3
August 2014	10	76	11	62	0	5	0	0	1	2	0	0
Sept. 2014	14	75			9	13	0	0	0	3	0	0
Oct. 2014	24	141			3	5	0	0	6	20	1	2
Nov. 2014	18	84	2	14	5	9	0	0	0	7	1	1
Dec. 2014	10	76	2	11	2	6	0	0	3	4	0	0
Total	198	1,026	34	172	56	103	6	6	17	66	5	14

Total New: 316 **Grand Total: 1,387**
(Total Reported Volunteers Through the Five Listed Above in 2013: 908) *(2014 Goal: 1,044)*

SECOND JUDICIAL DISTRICT COURT SELF HELP CENTER MONTHLY REPORT

JANUARY 1, 2016 - SEPTEMBER 30, 2016

NATURE OF PROBLEM	GENERAL PUBLIC	ATT / OTHER LEGAL PROF	TOTAL
Adoption - Adult	22	0	22
Adoption - Minor	65	0	65
Alimony / Spousal Support	20	0	20
Annulment	54	0	54
Answers / Oppositions	332	0	332
Appeals to Supreme Court	6	0	6
Case Management Conference	106	0	106
Child Support	406	0	406
Community / Separate Property	11	0	11
Court Hearings	619	0	619
Default	86	0	86
Divorce - Complaint	596	0	596
Divorce - Joint Petition	463	0	463
Domestic Partnerships	3	0	3
Domestic Violence / TPO	490	0	490
Ex Parte Motions	328	0	328
Emancipation	15	0	15
Grandparent's Visitation	52	0	52
Guardianship - Adult	126	0	126
Guardianship - Minor Child(ren)	542	0	542
Hague Convention	15	0	15
Indian Child Welfare Act	3	0	3
Jurisdiction - Child Custody	107	0	107
Jurisdiction - Family	39	0	39
Juvenile Delinquency	2	0	2
Juvenile Dependency	9	0	9
Legal Separation	63	0	63
Mediation	47	0	47
Military	10	0	10
Minor Marriage	1	0	1
Motion	1047	0	1047
Name Change - Adult	88	0	88
Name Change - Minor	72	0	72
Objection to Master's Recommendation	67	0	67
Partnership Dissolution	3	0	3
Paternity	63	0	63
Petition to Correct Birth Certificate	24	0	24
Petition to Domesticicate/Foreign Decree	39	0	39
Petition to Establish Cust/Vis	754	0	754
Pick Up Orders	13	0	13
Post or Pre-Nuptial Agreement	0	0	0
QDRO / Retirement	8	0	8
Settlement Conference	35	0	35
SRL	267	0	267
Stalking / Harassment	8	0	8
Stipulations	70	0	70
Subpoena / Deuces Tecum	23	0	23
Surrogacy	1	0	1
Termination of Parental Rights	127	0	127
Trial	9	0	9
Voluntary Dismissal / Withdrawal	52	0	52
Other	1388	4	1392
Notary	371	0	371
Spanish Speaking General Public	286	0	286
Nevada Legal Services Forms Clinic	64	0	64
Washoe Legal Services Forms Clinic	440	0	440
			9961

**Q-MATIC STATISTICS

DATE	MONDAY	TUESDAY	WED	THURS	FRIDAY	TOTAL
01/01/16 - 09/04/16	133	168	214	189	182	886
01/03/16 - 09/11/16	397	466	442	369	170	1844
01/10/16 - 09/18/16	493	439	466	362	203	1963
01/17/16 - 09/25/16	474	451	375	370	178	1848
01/24/16 - 09/30/16	526	372	341	276	80	1595
TOTAL	2023	1896	1838	1566	813	8136

*Q-MATIC INTERVAL TIMES

INTERVAL	01/01/16 09/04/16	01/03/16 09/11/16	01/10/16 09/18/16	01/17/16 09/25/16	01/24/16 09/30/16	TOTAL
8:00 AM - 10:00 AM	202	328	263	293	195	1281
10:00 AM - 12:00 PM	246	451	423	444	343	1907
12:00 PM - 3:00 PM	304	503	482	441	380	2110
3:00 PM - 5:00 PM	153	226	201	194	204	978
TOTAL	905	1508	1369	1372	1122	6276

TELEPHONE CALL STATISTICS

TIME	GENERAL PUBLIC	ATT / OTHER LEGAL PROF	TOTAL
8:00 - 10:00 AM	581	2	583
10:00 - 12:00 PM	352	0	352
12:00 - 3:00 PM	323	0	323
3:00 - 4:30 PM	264	1	265
TOTAL	1520	3	1523

WEBSITE DOWNLOADS

Packets / Forms	22,615
TOTAL	22,615

*Q-MATIC MALFUNCTION

5/15/16 - 5/28/16	No statistics recorded
6/01/16 - 6/30/16	No statistics recorded
7/01/16 - 7/31/16	No statistics recorded

**Q-MATIC MALFUNCTION

5/18/16 - 5/19/16	No statistics recorded
5/22/16 - 5/28/16	No statistics recorded
6/01/16 - 6/03/16	No statistics recorded

YEAR-TO-DATE STATISTICS FOR JANUARY-SEPTEMBER 2016

VISITS

GENERAL PUBLIC	TIME OF DAY	ATTORNEYS/LP	TIME OF DAY
Morning	1310	Morning	179
Late morning	3197	Late morning	350
Afternoon	3752	Afternoon	232
Late afternoon	3236	Late afternoon	133
Evening	1294	Evening	96
VISITS	12,789	VISITS	990
			TOTAL VISITS 13,779

REFERRED BY-GENERAL PUBLIC

REFERRING AGENCY	COUNT
Court	87
Internet	0
Friend	0
Social Agency	40
NLS	0
WLS	0
TOTAL REFERRALS	127

USAGE

ELECTRONIC	COUNT
Circulation of Books	217
Inhouse Usage	1619
Westlaw Searches	18,755
EBSCO	441
Internet/Contexte	786
Email-Ask a Librarian	67
TOTAL ELECT. USAGE	21,885

REFERENCE-GENERAL PUBLIC

REFERENCE QUESTIONS	COUNT
Adoption/Term. Parental Rights	74
Answer to Complaint	43
Appeal	25
Birth Certificate Changes	13
Checking out/renewal of Books	90
Child Support/Custody	250
Copier/Change	1152
Copies of Court Records	66
Criminal Law & Defense	72
Divorce/Annulment	211
Establishing Paternity	30
Evictions-Landlord/Tenant	54
Family Court Packets Sale/Assist	218
Family Court Procedure	592
Firearm Rights	7
Gender Reassignment	3
General Jurisdiction-Civil	69
General Research	372
Guardianship	234
Internet/Contexte	685
Lawyer in the Library Info.	1178
Medical Malpractice	14
Name Change	74
Notary	156
Personal Injury	10
Petition for Judicial Review	42
Probate/Wills/Estate Planning	141
Real Estate/Foreclosure	17
Referral to NLS/WLS Clinics	288
Rogue Title	222
Sealing of Criminal Records	129
Small Claims Procedure	42
Subpoena-Documents/Witnesses	13
TPO/Restraining Order	78
Veterans Rights/Benefits	22
Withdrawal of Counsel	8
Westlaw	230
Other	406
TOTAL	7330

REFERENCE-ATTORNEYS/LEGAL PROFESSIONALS

REFERENCE QUESTIONS	COUNT
Adoption/Term. Parental Rights	0
Answer to Complaint	0
Appeal	0
Birth Certificate Changes	0
Checking out/Renewal of Books	94
Child Support/Custody	0
Copier/Change	25
Copies of Court Records	3
Criminal Law & Defense	1
Divorce/Annulment	0
Establishing Paternity	0
Evictions-Landlord/Tenant	1
Family Court Packets Sale/Assist	0
Family Court Procedure	0
Firearm Rights	0
Gender Reassignment	0
General Jurisdiction-Civil	0
General Research	45
Guardianship	0
Internet/Contexte	101
Lawyer in the Library Info.	1
Medical Malpractice	1
Name Change	0
Notary	0
Personal Injury	0
Petition for Judicial Review	0
Probate/Wills/Estate Planning	0
Real Estate/Foreclosure	1
Referral to NLS/WLS	0
Rogue Title	1
Sealing of Criminal Records	0
Small Claims Procedure	0
Subpoena-Documents/Witnesses	0
TPO/Restraining Order	0
Veterans Rights/Benefits	0
Withdrawal of Counsel	0
Westlaw	354
Other	49
TOTAL	677
TOTAL REF. QUESTIONS	8007

REFERENCE-PHONE CALLS

GENERAL PUBLIC	COUNT	ATTORNEY/LP	COUNT
TOTAL	1128	TOTAL	119
TOTAL PHONE CALLS			1247

LAWYER IN THE LIBRARY

PARTICIPANTS	COUNT	PARTICIPANTS TURNED AWAY	COUNT
Lawyer in the Library-Family	469	Lawyer in the Library-Family	90
Lawyer in the Library-General	323	Lawyer in the Library-General	12
Lawyer in the Library-Probate	53	Lawyer in the Library-Probate	0
TOTAL ATTENDANCE	845	TOTAL TURNED AWAY	102

FAMILY LAW SELF-HELP CENTER STATISTICS

August 2016

8/1/2016 to 8/31/2016 (23 operating days)

General

Total number customer interactions (for month)	4602	Total number served in 2016	33,658
Total number of intake forms collected	80	% of parties returning forms	2%
Total number of intake forms sampled	80	% of collected forms sampled	100%

Biographical Data

Ethnicity:

White	22		28%
Black	16		21%
Hispanic	31		40%
Asian	4		5%
American Indian	1		1%
Other	4		5%
No Response Provided	2		3%

Age:

60 and over	8		11%
No Response Provided	4		5%

Sex:

Male	22		30%
Female	52		70%
No Response Provided	6		38%

Currently Employed?

Yes	50		68%
No	23		32%
No Response Provided	7		9%

Annual Household Income:

Under \$10,000	13		19%
\$10,000 to \$20,000	13		19%
\$20,000 to \$30,000	15		21%
\$30,000 to \$40,000	12		17%
\$40,000 to \$50,000	4		6%
\$50,000 plus	13		19%
No Response Provided	10		13%

Benefits Received:

Social Security/Disability	10		43%
Unemployment	2		9%
TANF/Food Stamps	15		65%
Subsidized Housing Benefits			0%
No Response Provided or No Benefits Received	57		71%

Education Level:

Less than High School	3		4%
High School/GED	23		33%
Some College	27		39%
College Degree	17		24%
No Response Provided	10		13%

Represented by an Attorney:

Yes	4		6%
-----	---	--	----

No	66		94%
No Response Provided	10		13%
Number of Visits to the SHC:			
One	25		35%
Two	18		25%
Three	14		20%
More	14		20%
No Response Provided	9		11%
Reason for Visit to the SHC:			
Adoption	1		1%
Annulment	1		1%
Child Support	4		5%
Custody	21		27%
Divorce	36		46%
Domestic Partnership			0%
Foreign Judgment			0%
Guardianship	9		11%
Juvenile Matters			0%
Legal Separation			0%
Name Change	3		4%
Paternity			0%
Termination of Parental Rights	1		1%
Visitation			0%
Other	3		4%
No Response Provided	1		1%
Satisfaction Data			
Out of total providing satisfaction information:			
Overall satisfaction:			
Very Satisfied	63		79%
Satisfied	17		21%
Unsatisfied			0%
Very Unsatisfied			0%
No Response Provided			0%
The staff was knowledgeable and listened to what I had to say:			
Strongly Agree	67		86%
Agree	11		14%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	2		3%
The staff's explanations and answers to my questions were clear and understandable:			
Strongly Agree	67		86%
Agree	11		14%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	2		3%
I understand the court process and my situation better now than before I came to the SHC:			
Strongly Agree	56		71%
Agree	21		27%

Disagree			0%
Strongly Disagree			0%
No Opinion	2		3%
No Response Provided	1		1%
The forms and other written materials at the SHC were clear, helpful, and instructional:			
Strongly Agree	58		75%
Agree	18		23%
Disagree	1		1%
Strongly Disagree			0%
No Opinion			0%
Did Not Receive Forms or Materials this Visit			0%
No Response Provided	3		4%
In filling out my forms today, the staff's assistance and direction was helpful:			
Strongly Agree	69		87%
Agree	9		11%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
Did not fill out forms during this visit	1		1%
No Response Provided	1		1%
The Family Law Self-Help Center's website was user-friendly and informative:			
Strongly Agree	43		54%
Agree	14		18%
Disagree	1		1%
Strongly Disagree			0%
No Opinion	2		3%
Have Not Visited the Website	19		24%
No Response Provided	1		1%
Other Comments and Suggestions			

Great customer service. Stephane was very helpful :)

Guadalupe was very kind

Guadalupe was very sweet and helpful.

Guadalupe is a great front desk asset. Very good customer service.

Guadalupe - was very helpful and kind to help me filled my paperwork. Thank you.

Gicola went out of her way to help with forms. Very pleasant & knowledgeable.

Very polite - very helpful!!!

Guadalupe was very helpful and very nice.

Staff was awesome and very helpful.

I'm beyond compelled, moved in gratitude to share about an employee that is a pillar to the Las Vegas community at large! Ms. Celina from self help has never failed to greet me with the most warmest embrace, and support while passing through my financial difficulties. She has the patience, care, concern of a saint. Thank you and shout out to Gicola! Very helpful and caring.

During the emotional and stressful time during my divorce, the Family Law Self Help gave me support and professional guidance to all of my needs. Giacola was extremely patient and helpful. Thanks for providing this service.

Guadalupe very friendly

This center is a blessing to have the help with forms

Guadalupe was very helpful thank you for helping clarify our concerns and questions during this difficult time

Staff was very friendly and answered my questions and guiding me were I had to go.

Muy amables on todos los que entramos en la oficina

Very hellful Gicol

3rd time is/was a charm! The ladies working @ the time I filled out this survey were very helpful. You need 6 "more" of these ladies

N/A

Erin helped me - perfect! Professional, friendly, knowledgeable. A pleasure to work with

Guadalupe is wonderful

I have come to rely on the self-help center. Everyone has been patient, kind and very informative. I

honestly don't know what I would have done without their services. I have much appreciate for amenity

Very knowledgeable, very helpful, very friendly staff!

Exelente

Guadalupe was very helpful and fully explain

Guadalupe was very sweet & helpful!

Guadalupe was very friendly, welcoming and helpful.

Keep up the good work

The lady Guadalupe was very informative kind and patient with all my inquiries. Wish her a wonderful life and career.

Amazing staff very helpful

Everyone was very helpful and made the process of divorce much easier. Thank you so much to all the staff. Especially Guadalupe! She was great!

All your staff are very friendly and helpful... God Bless all of you!

Cynthia was the person who helped me, and she was verry knowledagable and assisted by answering all my questions and gave further instructions on how to fill out the forms and where to take them once finished filling them out.

Just want say that Mrs. Guadalupe was so helpful with all my questions shes great person

Guadalupe was amazing and helpful and respectful the entire process. She double checked all of our paper work to make sure it is complete.

The staff was very helpful & long suffering.

Guadalupe was extremely informative & helped me thoroughly from beginning to end with my first family court custody filing experience.

The staff was able to assist much more than my past visits. And that was very helpful The staff is always pleasant and friendly and willing to help as fas as the law allow and the paperwork was much easier to fill out this time. Thank you.

la persona que me atendio fue muy clara y corter.

While the self help center on 29 Aug 2016 around 1300 hours I approached the counter on behalf of my disabled sister to ask a question. The lady I spoke with was Guadalupe. Guadalupe was not at all helpful. She didn't listen to what I had to say and rudely rushed me away from the counter. I was fortunate enough to have encountered Cynthia who was very helpful. She assisted me quickly and provided directions on where my sister needed to turn her forms in. Cynthia was great and deserves to be recognized.

I was so happy they are very helpful Guadalupe thank you

Although I am not a well educated individual the process that has been created is very difficult to do properly, even with proper help. I am thankful for the help that was provided but justice can't be served if justice isn't understood.

Guadalupe fue excepcional, me ayudo mucho y le estoy muy agradecida

No info about process to be seen on website.

Celina was very helfull and always willing to help with her I didn't need an att

Guadalupe is the best, I din't need on attorney

CIVIL LAW SELF-HELP CENTER STATISTICS

August 2016

8/01/2016 to 8/31/2016 (23 operating days)

General

Total number customer interactions (for month)	5783	Total number served in 2016	39,855
Total number of intake forms collected	104	% of parties returning forms	2%
Total number of intake forms sampled	104	% of collected forms sampled	2%

Biographical Data

Ethnicity:

White	30		30%
Black	47		47%
Hispanic	14		14%
Asian	1		1%
American Indian	1		1%
Other	6		6%
No Response Provided	5		5%

Age:

60 and over	16		16%
No Response Provided	2		2%

Sex:

Male	49		48%
Female	53		52%
No Response Provided	2		4%

Currently Employed?

Yes	44		43%
No	58		57%
No Response Provided	2		2%

Annual Household Income:

Under \$10,000	38		40%
\$10,000 to \$20,000	25		26%
\$20,000 to \$30,000	6		6%
\$30,000 to \$40,000	12		13%
\$40,000 to \$50,000	2		2%
\$50,000 plus	12		13%
No Response Provided	9		9%

Benefits Received:

Social Security/Disability	32		53%
Unemployment	3		5%
TANF/Food Stamps	34		57%
Subsidized Housing Benefits	3		5%
No Response Provided or No Benefits Received	44		42%

Education Level:

Less than High School	10		11%
High School/GED	32		36%
Some College	32		36%
College Degree	16		18%
No Response Provided or No Benefits Received	14		13%

Court Case Pending In:

District Court	19		20%
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Justice Court	66		70%
Las Vegas	9		14%
Henderson			0%
North Las Vegas			0%
Other			0%
No Case or No Response Provided	10		10%
Represented by an Attorney:			
Yes	2		2%
No	85		98%
No Response Provided	17		16%
Number of Visits to the SHC:			
One	45		49%
Two	23		25%
Three	12		13%
More	12		13%
No Response Provided	12		12%
Reason for Visit to the SHC:			
Appeal	4		4%
Auto Sale/Lease, Repair, Towing	2		2%
Consumer Debt or Loan			0%
Contract Dispute	2		2%
Employment Dispute	1		1%
Foreclosure Mediation Assistant			0%
Garnishment or Execution	2		2%
Harassment or Protection Order	8		8%
Homeowner Eviction	6		6%
Judicial Review	1		1%
Landlord/Tenant Dispute or Eviction	42		43%
Mediation			0%
Mobile Home Sales, Repairs, or Eviction	5		5%
Personal Injury/Property Damage	1		1%
Probate	5		5%
Small Claims Case	10		10%
Other	8		8%
No Response Provided	7		7%
Satisfaction Data			
Out of total providing satisfaction information:			
Overall satisfaction:			
Very Satisfied	95		95%
Satisfied	5		5%
Unsatisfied			0%
Very Unsatisfied			0%
No Response Provided	4		4%
The staff was knowledgeable and listened to what I had to say:			
Strongly Agree	90		91%
Agree	9		9%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	5		5%

The staff's explanations and answers to my questions were clear and understandable:			
Strongly Agree	85		85%
Agree	15		15%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	4		4%
I understand the court process and my situation better now than before I came to the Self-Help Center:			
Strongly Agree	81		81%
Agree	19		19%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
No Response Provided	4		4%
The forms and other written materials at the Self-Help Center were clear, helpful, and instructional:			
Strongly Agree	82		83%
Agree	17		17%
Disagree			0%
Strongly Disagree			0%
No Opinion			0%
Did Not Receive Forms or Materials this Visit			0%
No Response Provided	5		5%
In filling out my forms today, the staff's assistance and direction was helpful:			
Strongly Agree	89		90%
Agree	9		9%
Disagree			0%
Strongly Disagree			0%
No Opinion	1		1%
Did not fill out forms during this visit			0%
No Response Provided	5		5%
The Self-Help Center's website was user-friendly and informative:			
Strongly Agree	56		58%
Agree	13		13%
Disagree			0%
Strongly Disagree			0%
No Opinion	1		1%
Have Not Visited the Website	27		28%
No Response Provided	7		7%
Other Comments and Suggestions			

So very helpful especially Yolanda she was patient and helpful

The staff helped me immediately upon coming through the door and promptly answered my questions and printed me the required forms. All staff was very friendly and helpful. I am very appreciative of the assistance I was provided today.

The lady Pam was very polite and helpful continued to help even though I had a lot of question and had to return to her time and time again.

Very nice & very helpful. Thanks Pam.

The people working on 8/9/16 @ 1045 am were extremely friendly and helpful.

Very helpful!!!

I loved the Instruction brochure on how to fill out the forms.

Pam was very courteous and helpful

They really help me out to fullest they were very nice

I was happy with the whole process
La sra Yolanda es muy atenta y servicial
"Kat" helped me thanks
Great customer service, eager and willing to help. Keep it up. Yolanda
Yolanda very friendly very knowledgeable about my situation helped me understand what was going on
and gave me direction.
Muy excelente es personal.
The employees were very helpful.
Kat meow was the best at assisting me. I understand everything. She is the best. And good to look at.
Pam = Awesome! :)
It would be nice if there were lawyers to assist those who cannot afford them.
The staff is very helpful
Pam was the greatest person ever to help people in need
Great service. I had no idea this place was available!
Ms. Pam is the greatest
The staff is polite, attentive and ready to assist
very positive I was skittish fearful operative was warm cheerful prof Crisp yes welcome
Pam was very upbeat and happy about her job and was great
Pam was wonderful
They have helped me numerous times and I appreciate it
they told me where to go for my family and they was very nice they made me feel better when I was down
thank u
Right to the point - just what I wanted fast service Pam helped me - thanks for the fast service Pam!!!
The staff are the best in U.S.A. I love all of them they're the best.
Everyone was very helpful and attentive.
Thank you for your help today.
The staff member was very helpful
I felt very comfortable throughout my visit to the civil law self-help center.
You rock!
Pam was great at helping me and very courteous
Ms. Pam was very nice and help me thank God for woman like her
User - friendly people services
Helpful knowledgeable nice discrete.
All employees were very helpful and attentive. Made my process was better
I am very satisfied with all the services I've ever received from self help and Pam Pearson is very
knowledgeable and helpful.
Estoy muy satisfeino con el troto que ne recibid. Per porte de Yolanda que me ayudo con el problema
que tenia
All 3 times I came to self-help center I was clueless on my proceeding - employees in center where helpful,
polite and kind, I left very pleased with help
They are ready helpful dealing with my civil court history docs not meet property requirement
I've been in the new Justice Court twice and the help was awesome both times. Keep up the GOOD job!!
Ladies, and gentlemens.
Pam was great
I have used their services through out the years of being here in Nevada. I have never been familiar with
the court and they have been very helpful and courteous.
Amazing Thx. I should be getting a job soon and off disability after breaking my neck 10 yrs ago. 1 time in
my life I have a criminal record for battery against my mom, I pled no contest to avoid fighting her. Need
to get my record sealed
I came in to answer an eviction I really didn't want to. I didn't know what options if any I could utilize. A
staff member offered the services of a mediator: (Ms. Brenda) who helped me immensely. Now both
parties have agreed to work out a payment plan. Now no eviction on my record and no unnecessary

court dates.

The self-help center was patient and courteous with me today and very helpful

They really treat you with kindness and really gave great help to me and my son

One of the state offices that still has great customer services!

They was very nice and helpful

N/A I appreciate the help & better understanding to fill out the paper work I needed.

They are great and all deserve a bow from all citizens.