



## Nevada Supreme Court Access to Justice Commission

Friday, November 14, 2014 1:50 PM – 3:35 PM



### Video Conference

[Carson City](#) Supreme Court Law Library, Rooms 104/105  
[Elko](#) 4<sup>th</sup> Judicial District Court,  
[Las Vegas](#) Regional Justice Center, 17<sup>th</sup> Floor, AOC Rooms A & B  
[Reno](#) 2nd Judicial District Court, 75 Court Street, Room 220 B

## Minutes

### Commission Members in Attendance:

Justice Michael Douglas, Co-Chair  
Justice James Hardesty, Co-Chair  
Ben Albers  
John Desmond  
Hon. Patrick Flanagan  
Paul Elcano  
Anna Marie Johnson  
W. Brett Kandt  
Hon. Frank Sullivan  
Anne Traum  
Sugar Vogel  
Shaina Plaksin  
Connie Akridge  
Jeremy Reichenberg  
Hon. Connie Steinheimer  
Hon. Eileen Herrington  
Hon. James Wilson  
Hon. Leon Aberasturi  
Hon. Al Kacin  
Ron Spratt

### Attending Guests

Kimberly Farmer, Executive Director, State Bar of Nevada  
Barbara Buckley, Executive Director, Legal Aid Center of Southern Nevada  
Sally Ramm, Nevada Aging and Disability Services Division  
Shelly Newton, Clark County Law Library  
Summer Youngquist, Clark County Law Library

### Staff Members Present

Jamie Gradick, Rural Courts Coordinator, Administrative Office of the Courts  
Angela Washington, Access to Justice Director

### Call to Order/Roll Call

The Access to Justice Commission Meeting called to order at 1:50 pm by Justice Michael Douglas and a roll call was conducted thereafter.

### **IOLTA Program Interest Rate Review**

The Access to Justice Commission discussed the current IOLTA Program interest rate of .70% and whether same should be adjusted. Feedback from participating financial institutions was considered as well as a sampling of comparable rates on local bank products and IOLTA Program interest rates elsewhere. Interest rates and the IOLTA remittance impact were examined in determining the interest rate as well. After all items were considered, it was moved and seconded that the IOLTA Program interest rate be maintained at .70%. A vote was conducted and the matter passed unanimously.

### **Statewide Legal Service Delivery Reports**

*Legal Aid Center of Southern Nevada (LACSN)* – Barbara Buckley provided the report for Legal Aid Center of Southern Nevada. LACSN recently launched its new family law self-help center website which includes revamped family law forms used in Clark County and written instructions for each. The new family law self-help website joins the other support programs that LACSN offers, including two self-help centers, comprised of the family law self-help center and the civil law self-help center; thirty (30) free legal classes a month with the law school partnership and Nevada Legal Services; twenty (20) Ask-A-Lawyer programs a month; the Pro Bono Project volunteers and attorneys at LACSN.

*Nevada Legal Services (NLS)* – Anna Marie Johnson provided the report for Nevada Legal Services. Nevada Legal Services will be included in the next Help USA grant for supportive services to families. Nevada Legal Services will open a second clinic at the Help USA office and will have two attorneys serving veterans in that particular office in Las Vegas. Additionally, an NLS attorney was recently awarded the Champion of Service Award from HUD in November for his work in helping homeless veterans find housing. Also, NLS recently held Project Salute in northern and southern Nevada and had a great turnout. Lastly, the director of the Senior Law Project in northern Nevada won the district attorney's race and as a result, NLS is in the process of hiring a new directing attorney for the senior law project.

*Southern Nevada Senior Law Program (SNSLP)* – Sugar Vogel provided the report for Southern Nevada Senior Law Program. SNSLP continues to provide services for senior citizens that will assist them with maintaining their independence. For the last two years, SNSLP has been engaged in a Geriatric Adult Day Care Clinic at the two adult day cares in Clark County. SNSLP has observed that many of the senior citizens that attend are now requesting that their adult children join them for assistance. Additionally, SNSLP continues to be active in Guardianship Court. Lastly, two new developments were reported at the meeting: (1) SNSLP has filled a vacant lawyer position that has been vacant for a year. The position was filled with a recent Boyd Law School graduate who externed with SNSLP. And (2), SNSLP is starting a new partnership with Touro University, who in addition to their medical school, has developed an active adult learning center.

*Volunteer Attorneys for Rural Nevadans (VARN)* – Ben Albers provided the report for VARN. VARN was recently awarded the LAV Grant which will allow the organization to expand its services in the area of domestic violence. Additionally, VARN is scheduled to launch a new website the first week in December which will include more general information, referral information and a better system for clients to apply for services.

*Washoe Legal Services (WLS) and the I-80 Project* - Paul Elcano provided the report for Washoe Legal Services and the I-80 Project. WLS received money from the LAV Grant for domestic violence. Also, WLS started a capital campaign to raise \$300,000 to purchase the building they are in and as a result, raised

the money and retired the second mortgage on the building. The I-80 Corridor Project is fully implemented with a full time attorney in Elko, a part time attorney in Lander, a part time attorney in Pershing, a full time attorney in Humboldt, and a full time attorney in Lyon. The project was a result of seed money from an IOLTA grant in the amount of \$60,000; WLS raised \$240,000 in conjunction with the seed money. Also, WLS worked with county commissions and members of the judiciary in all counties and is very appreciative of the support of the judiciary in those counties.

### **Discussion Items**

#### *Statewide Service Delivery Plan*

Justice Hardesty provided an update on discussions centering on a Statewide Service Delivery Plan. He noted that the executive directors and board chairpersons of the legal service providers in the state met in June, July and September to discuss a statewide delivery plan for legal services and there has not been a plan that addresses the needs that exist or how those needs will be addressed. The group discussed the funds that are present for legal services and quantified how those funds are being used; the discussion included IOLTA and filing fees. The work on the statewide plan is ongoing and issues that are under consideration for the statewide plan are:

1. The Supreme Court Role in the drafting of a plan.
2. Legal Service Provider Standards and/or Qualifications.
3. The Delivery and Allocation of Services.
4. The Allocation of State and Federal Funds.
5. The Identification of New Resources and the Division of Resources.
6. Planning for Addressing Gaps in Services.
7. Pro Bono Expansion.

The group made a recommendation as to what the Access to Justice Commission would recommend to the Nevada Bar Foundation for the allocation of IOLTA revenue and reserves for the next year until the plan is furthered. These recommendations were made to Connie Akridge and Kim Farmer. Most of the assets of Justice League of Nevada have been transferred to the Nevada Bar Foundation and shortly thereafter, the Nevada Bar Foundation petitioned the Court suggesting a reserve of 10% of assets received. The order of the Supreme Court modifies the petition and adopts a \$600,000 reserve amount with an annual percentage amount. The work by the providers is ongoing and the hope is to reduce the discussions from the meetings to a statewide plan in writing that can be presented to the Commission for adoption at the next meeting.

There are concerns with the lack of a plan to address service needs throughout the state; however, having a plan will provide a more effective and efficient way to allocate resources and a more effective and efficient way to attack the rural communities' need of pro bono services. A statewide plan will also serve to find ways to increase alternative resources outside of IOLTA and filing fees. For the completion of the plan, it is important to establish standards for the recognized providers which should be subject to Supreme Court rule and it is important to make the legislative and executive branches aware of the importance of legal aid funding in order to protect what has already been established. The plan is important prospectively and is important to preserve and protect what is already in place. In addition to the background of the Statewide Service Delivery Plan, Justice Douglas suggested that members examine the materials associated with the legal services providers summit meetings, thanked the providers for their input and reiterated that more work will happen to solidify a statewide plan.

Discussion on the Statewide Service Delivery Plan included a discussion on service gaps and duplication of services. Both service gaps and duplication of services are happening at this point, however, it has been discovered that even with duplication of services, the public is still being underserved in some areas. If there are duplications, the goal is to make sure that those duplications are coordinated. An example of needed coordination rests within the rural areas of the state and insuring that communication continues with judges regarding current services. Additionally, the members discussed the advantages of a Statewide Service Delivery Plan as it pertains to the Nevada Bar Foundation and its fundraising capabilities and relationship building with IOLTA financial institutions. With a plan in place, members of the Nevada Bar Foundation will be able to communicate accomplishments and needs of legal aid as well as responsible and thoughtful use of legal aid funding and objectives of the Commission regarding legal aid in Nevada. Further, the Nevada Bar Foundation would benefit from the establishment of standards for providers as it would support the grant evaluation process.

Lastly, the group discussed how a Statewide Service Delivery Plan assisted with the push for funding from the Legislature in recent years and the Supreme Court's supervisory role in developing the Statewide Service Delivery Plan.

#### *Statewide Self Help Centers*

The establishment of statewide self-help centers was discussed among members of the Commission. Such self-help centers could possibly provide assistance with the completion of self-help forms, pre-filing mediation and auditing of pro per filings for verification of indigence status. A survey was conducted among those present to verify what self-help services were currently offered, particularly in the northern and rural areas of Nevada. VARN and NLS reported that both organizations provide self-help services in Carson City. Further, NLS offers self-help services in Minden and Pahrump as well. Lyon County has self-help forms available and a paralegal available to answer questions relative to the forms. Washoe County currently has a clinic in the law library and there is movement toward forms there as well. A committee was established to recommend a self-help center state model. The committee consists of: Jim Berchtold, Judge Frank Sullivan, Paul Elcano, Ben Albers, a Supreme Court law library representative, Judge Aberasturi, Judge Steinheimer, an additional Washoe County judge and legal aid representatives. Lynn Etkins will serve as the chairperson of the committee and Judge Al Kacin will serve as co-chair of the committee.

#### **Reports**

##### *IOLTA Program/Nevada Bar Foundation Report*

Connie Akridge and Kim Farmer provided the report for the IOLTA Program and the Nevada Bar Foundation (NBF). The NBF Grants Subcommittee met to consider grant applications and the complete board decided the grant requests. There was \$2.824 million dollars available for grant funding, and the board voted to award the core legal service organizations 96% of the available funding, in the amount of \$2.603 million dollars and voted to award the remaining 4% to non-core legal service organizations, (a total \$106,908); there were five non-core grants that were not awarded. The total award amount included a reserve of \$600,000. At the time of the meeting, formal awards had not been made. Fruitful conversations between the Supreme Court and the NBF about the transition, startup and future of the NBF have taken place.

### *Rural Concerns Subcommittee*

The co-chairs of this subcommittee were not present for this portion of the meeting, however, Justice Douglas reported that much of the conversation from the subcommittee has centered on services around the I-80 Corridor.

### *Appellate Law Section*

Anne Traum provided the report for the Appellate Law Section. The Nevada Appellate Pro Bono Program was started in 2013 by the Supreme Court and the pro bono appellate committee and later partnered with Legal Aid Center of Southern Nevada (LACSN) to do the administrative work of the program, which includes screening clients for eligibility and making contact with volunteer lawyers. Since its inception, sixty-eight (68) parties have been referred to the program from the Nevada Supreme Court on a variety of issues. Fifty-five (55) parties have been placed, two cases are awaiting placement and 11 parties have been deemed income ineligible or nonresponsive. This year, the program has become part of the Partners in Pro Bono Program partnership between Boyd Law School and LACSN and as such, a student is placed with an attorney handling a case thereby allowing the student to have the one-on-one experience of handling a case. The Nevada Appellate Pro Bono Program has been recruited by the Federal District Court to organize a pro bono program there. The Federal Bar Association will be reaching out to members of the Bar, but will continue to work with LACSN following the same model as the Appellate Pro Bono Program.

In addition to the accomplishments of the Appellate Law Section, UNLV Boyd Law School celebrated the 15<sup>th</sup> Anniversary of the Clinic. Also of note, the law school received funding for two lawyer positions from the Justice Americorps Grant. These lawyers will work in the immigration clinic to provide services for unaccompanied minor immigrants.

### *PILA Report*

Shaina Plaksin provided the report for the Public Interest Law Association (PILA). PILA's Executive Summary was included in the November Access to Justice Commission meeting packet and includes the highlights of the organization for the year. Additionally, PILA's 16<sup>th</sup> Annual Auction is scheduled to take place February 19, 2015 at 5:30 pm at the Smith Center and will honor Judge Gonzalez. The Annual Auction raises money for public student grants.

### *Speakers Bureau*

Judge Frank Sullivan provided the report on the Speakers Bureau. There are many speakers prepared to provide talks on legal topics in the community, however, the challenge that the Speaker's Bureau has faced is securing invitations from civic organizations. Over the past year, most organizations visited by the Speaker's Bureau expressed interest on the topic of the appellate court. A strategic plan will need to be developed for the upcoming year that specifically addresses gaining inroads to organizations and a plan for meeting the goal of one law firm and one community organization each month. Additionally, a point person in northern Nevada will need to be established. The Speakers Bureau will utilize the civic groups contact list used for the Court of Appeals as a starting group for speaking venues.

### *Other Business*

*Pro Bono Week:* Pro Bono Week was another success on the part of the providers and attendance. Additionally, the CLE programs were well attended. 2015 CLE planning should include consideration of the timing of the CLE presentations as this year's CLE presentations took place directly after the Trial Lawyers Conference. Also, consideration should be given to having a presentation in a rural area,

possibly in person or through the utilization of technology. The Elko Bar Association would be a presentation audience option.

*Agenda Items:* Agenda items should be sent to the Access to Justice Director.

**Consent Agenda**

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

- Monday, March 31, 2014 ONE Promise Nevada Subcommittee Minutes
- Tuesday, May 27, 2014 IOLTA Rate Review Meeting
- Tuesday, June 10, 2014 Subcommittee on Rural Concerns Minutes
- Friday, July 11, 2014 ATJ Commission Meeting Minutes
- Thursday, August 28, 2014 ONE Promise Nevada Campaign Meeting
- Tuesday, September 30, 2014 ONE Promise Nevada Campaign Meeting
- Tuesday, October 28, 2014 Rural Concerns Subcommittee Meeting

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

The meeting was adjourned at 3:35 pm.