



**Nevada Supreme Court
Access to Justice Commission
State Bar of Nevada**

Carson City: AOC Conference Room
Supreme Court Building, 2nd floor
201 S. Carson St.
Carson City, NV 89701

Las Vegas: AOC Conference Room, 17th Floor
Regional Justice Center
200 Lewis Ave., 17th Floor
Las Vegas, NV 89101

MINUTES
Thursday, February 5, 2009
1:30- 4 pm

Commission members in attendance:

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

Abbott Kimberly
Dahl Hon. Stephen
Doherty Hon. Francis
Elcano Paul
Ferenbach Cam
Gonzalez Hon. Betsy
Kandt W. Brett
Mucha Abbott Kimberly
Nielsen Ernest
Vogel Sheri Cane
Warden Tom

Marzec Kristina Commission Director

Non-voting members in attendance:

Candelaria Amber Director, Eighth Judicial District Family Law Self Help Center
Etkins Lynn Legal Aid Center of Southern Nevada
Ramm Sally Division for Aging Services

Members by phone:

Cooney Valerie
Johnson AnnaMarie
Puccinelli Hon. Andrew

Guests:

Baucum Suzan Executive Director, Nevada Law Foundation
Eglet Robert Vice-Chair, Nevada Law Foundation
Farmer Kimberly Executive Director, State Bar of Nevada

Members unable to attend (excused absences):

Desmond John
Steinheimer Hon. Connie
Thronson David

1. Minutes 10.23.08

Moved and approved to ratify minutes of last meeting.

2. Year in Review

Justice Douglas discussed progress on the preferred interest banking program, completion of the needs assessment, initiation of the emeritus program, and planning for expansion of the website. These projects need to move forward in 2009 and the supporting committees must meet the challenge of supporting ongoing initiatives by commitment from existing members and expansion of membership with motivated volunteers looking forward. The Justices both highly commended the Nevada Law Foundation's progress at strategic planning sessions held in December 2008 and January 2009, as well as dynamic momentum in the subsequent IOLTA campaign (presented by Robert Eglet later herein).

3. Discussion items

Senior Law Programs. The Commission engaged in significant and thoughtful discussion regarding the current status and related funding concerns of both senior law projects. Of concern is the continuing reduction in revenue streams from tobacco litigation funding, which is also affecting Title IIIB funds. The Commission voted in principal to approve a letter to appropriate parties, such as county and state administrators and legislators, emphasizing the importance of the senior law programs and encouraging continued funding at existing levels from both the Older Americans Act (Title IIIB) and from Independent Living Grants. Justice Douglas will take the matter under review as to the details and follow-up with Ernie Nielsen and Sugar Vogel.

Sugar reported the City of Las Vegas recently responded favorably to her position statement that IOLTA money must not be supplanting funds, and she is hopeful this bodes well for future growth of the senior law project as economic times improve. The situation in Washoe County is different, with the county currently in the process of requesting bids for potential outsourcing of the Washoe Senior Law Project. Paul Elcano noted in the interest of full disclosure that his program, Washoe Legal Services, intended to bid for that project. The pros and cons of outsourcing the Washoe Senior Law Project were discussed in detail, including experience, economies of scale, salaries, benefits, and overhead considerations. This discussion highlights a bigger picture concern, as noted by Judge Doherty, that in strained economic times civil legal services are identified as non-essential services--which presents an ever-present obstacle in the effort to shift the culture of pro bono.

Ultimately the Commission stated the paramount concern must be to ensure that any changes in administration did not result in any reduction in current funding or services available for senior programs.

Standardized Service Provider Statistic Reporting. Justice Douglas thanked the providers for the funding and service reports each has submitted at his request to date, and noted that supplemental requests for expanded information would be forthcoming. It is critical to build upon the information gleaned from the civil needs assessment, and continue to provide updated needs information from year to year. This information must be in a format that is useful on a national scale, and in a form that at least minimally can begin to compare like items. Going forward with funding and resource requests on a state-wide level mandates that the Commission have available current statistics showing existing funding, allocation to specific services, and future needs based on that information.

Provider Organization individual strategic plans and goals. The executive director group is tasked to continue working toward crafting a three to five year strategic plan, incorporating the idea of developing a more standardized reporting. Anna noted Nevada Legal Services is involved with an in-depth unmet needs study for LSC; the format could be used to illustrate a national model of statistics and reporting for civil legal needs. Anna will provide the report the provider group.

Ghost writing- potential rule change. The Court has requested that the Ethics and Professional Responsibility Committee research and develop a potential rule change to address unbundled legal services/limited representations in a potential state-wide rule. This subject was raised by a recent advisory ethics opinion addressing ghost-writing, and posed the question that bono fide 501(c) (3) legal aid providers and pro bono attorneys should be protected from any ethics concerns in providing such representation in pro bono matters.

Call to action/marketing. Robert Eglet confirmed that the Nevada Law Foundation accepted the Commission's request to be the investment arm for any funds raised as part of the needs assessment roll-out and marketing campaign. Tom Warden gave a review of the efforts to date to connect speakers with Rotarians and news outlets. Kristina gave a report on the plan of the communications subcommittee which was approved by the Commission, and also noted her presentation of the Needs Assessment at both sessions of Bridge the Gap was apparently well-received. Chief Justice Hardesty indicated it was time to move ahead, and stated his willingness to personally interview with live and print media. The Chief Justice also noted his recent State of the Judiciary address incorporated the importance of this initiative. Robert Eglet offered to merge the NLF IOLTA marketing with that of the Commission's initial larger needs assessment roll-out, through the provide pro bono assistance of his firm's PR representative, Sharon Cristal. Judge Gonzales provided a number of judges who indicated a willingness to make presentations. Chief Justice Hardesty indicated marketing should proceed full steam ahead with as big a splash as possible now on as many fronts as possible, with follow up every few months to keep the needs in the news and the public consciousness. Kristina and Tom will work with Sharon and the State Bar's marketing and press relations professional, Scott Roedder, to coordinate the schedules of the Commissioners and the media.

Bridge the Gap. Kristina presented the Civil Legal Needs Assessment at Bridge the Gap north and south, along with a brief presentation from Kim Abbott and Renee Kelly respectively on pro bono opportunities.

Statewide awards. Upon Cam Ferenbach's suggestion, the Commission agreed that since the State Bar annual convention has been moved to Lake Tahoe and attendance is expected to be more accessible to greater numbers of judges and lawyers, this would be the perfect venue to present 2008 statewide pro bono awards, time permitting. The Awards subcommittee indicated its dedication to making every effort to put the program together this year.

Rural services questionnaire. This project was conducted by Judge Stephen Dahl for the Access to Justice Commission, which has identified as an immediate priority the assessment, support, and expansion of civil legal services delivery to the indigent, seniors, women, and children in Nevada's rural areas. Judge Dahl wrote and sent questionnaires to every justice and municipal court outside of Las Vegas, North Las Vegas, Henderson, Reno and Sparks. 41 questionnaires were sent out and 37 courts from throughout the State responded. 32 of those responses came from Justice Courts. His report focused on those 32 responses, because the justice courts deal most directly with the issues that this Commission is attempting to address. In summary, the responses showed:

- All of the courts responding except for two are one judge courts;
- The vast majority of courts responding are open five days a week during regular business hours (around 8:00-5:00);
- Most courts reported having at least one full-time and one part-time employee, ranging up to 14 full-time employees;
- The populations served by the justice courts responding to the survey range from 500 to over 52,000;
- The distance between the court and the nearest court of similar jurisdiction ranges from 3 to 150 miles, averaging about 47 miles;
- The court schedules vary greatly between the different rural justice courts;
- 21 of the courts responding said that they have either a court website or access to a local government website;
- No court reported having true statewide video- conference capabilities or e-filing;
- All courts reported to some degree a lack of technological resources to support legal services delivery-- technology and infrastructure present the biggest challenges in the rurals;
- Very few courts reported legal aid attorneys have practiced before them, and very few reported having clinics, classes, or other brief-services or self-help services available;
- Rural judges are very concerned about these issues. They want to do more, and are frustrated by the hurdles- technological, geographical, and financial.

Legal Resources Brochure. Amber Candelaria, in a joint effort with Access to Justice, produced a Legal Resources Brochure intended for use by the courts and the public. She was commended for her efforts and the Commission unanimously approved the brochure, subject to any changes/additions to be submitted to Amber within a week. The brochure will be posted to the State Bar website and made available to the courts for distribution to the public.

Rural Services Delivery. Justice Douglas asked for recruitment names within fifteen days for the rural services delivery committee (as well as volunteers for any of the other committees). While service by existing members is appreciated, there is too much work for the same people to be spread even thinner. Chief Justice Hardesty noted pro bono lawyers, who already give of themselves through direct services, should be asked to donate time on Commission efforts as well. The 50 and 100 hour club pro bono lawyers would be an ideal group to approach.

4. Nevada Law Foundation Report

Robert Eglet gave an in-depth presentation of the Nevada Law Foundation materials in the agenda outlining the results from strategic planning, and, the goals of the foundation moving forward. Through direct campaigning, the NLF board has doubled attorney participation with preferred interest banks in the past few months. The NLF Board is asking to double its size by rule to provide for expansive fundraising efforts, double revenue within five years, and expand its endowment.

All agreed that it was critical to have open communications and cooperation between the Foundation, the State Bar, the Commission, and the Courts for the best results.

The Justices congratulated and thanked the Foundation for the energy, enthusiasm, and commitment evinced in recent months and pledged support of its ambitious and exciting goals to drastically increase IOLTA revenue, ensure 100% partnership with lawyers (absent a rule) within five years, and engage in fundraising for the direct benefit of legal services in the coming years.

Chief Justice Hardesty asked the Board of Governors to discuss supporting a minimum standards (comparability) rule, as well as a method for inventorying lawyer trust accounts to ensure compliance. The Commission stressed the point of such review was to make sure lawyers understand the recent conversion from opt-out (not questioning good faith judgments of nominal or short term standards). Further, the Chief suggested a partnership between the Nevada Law Foundation and the State Bar at dues-check off time to maximize resources and returns.

5. Reminder of 2009 Commission meetings

April 28, 2009 1-5

July 10, 2009 1-5

October 9, 2009 1-5

Location: videoconference by the AOC.

Meeting adjourned at 4 pm.