



**Nevada Supreme Court
Access to Justice Commission
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, Nevada 89104**

**MINUTES
Friday, April 25, 2008
10:00 a.m.-1:00 p.m.**

Commission members in attendance:

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

Cooney	Valerie	
Dahl,	Hon. Stephen	
Elcano	Paul	
Ferenbach	Cam	
Johnson	AnnaMarie	
Mucha-Abbott	Kimberly	
Nielsen	Ernest	
Thronson	David	
Vogel	Sheri Cane	
Voy	Hon. William	
Warden	Tom	
Marzec	Kristina	Commission Director

Subcommittee members in attendance:

Buckley Barbara Executive Director, Clark County Legal Services

Phone Participants:

Allf Nancy President, State Bar of Nevada

Guests:

Farmer	Kimberly	Executive Director, State Bar of Nevada
Myers	Carolyne	Chair, Nevada Law Foundation
Neuff	Joan	Administrative Office of the Courts
Titus	Ron	Administrative Office of the Courts

Members unable to attend:

Desmond	John
Doherty	Hon. Frances
Glasson	Richard
Gonzalez	Hon. Betsy
Kandt	W. Brett

1. Call to order.

A regular meeting of the Nevada Supreme Court Access to Justice Commission convened at the Las Vegas Offices of the State Bar of Nevada on April 25, 2008. The meeting was called to order by Justice Michael Douglas at 10:10 a.m. and new Commission Director Kristina Marzec introduced.

2. Minutes

It was moved, seconded, and approved to ratify the minutes of the February 1, 2008, Commission meeting.

3. Project and goals

Justice Douglas addressed the Commission's 2008 *projects and goals* lists, noting some are follow-up items from last year, and others are new. Momentum is critical for the Commission, building on last year's successes now that the new Director is in place. A consensus on prioritization of the Commission's goals is needed. Today's discussions will be utilized toward that end.

(a) 501(c)(3)

Kristina Marzec provided an update on the status of the 501(c)(3) formation project being handled by Jones Vargas. Justice Douglas and she provided certain pending items to John Sande Jr, who is handling the project along with John Desmond and Elizabeth Fielder. Three items require Commission vote and potential subcommittee action: appointment of officers and the secretary, a stand-alone conflict-of-interest policy, and a position on potential efforts of the Commission to influence legislation.

There followed some discussion about the current IRS policies addressing 501(c)(3) entities, stricter standards, and tighter regulation. Justice Douglas noted this was a topic of discussion at a recent Consumer Credit and Counseling meeting. This item was held over for later in the meeting.

(b) Legal Needs Assessment

The Needs Assessment is on track to be presented in June and finalized by the end of summer.

Kroupa recently provided an invoice to the AOC. The amount went over contract, thus resulting in the AOC applying on the Commission's behalf for an SJI grant. Kimberly Farmer had previously entered into verbal discussions with Gene Kroupa who had indicated a willingness to meet us halfway with the overrun. Mr. Farmer noted once the grant is approved, the Commission should proceed with further negotiations on the overrun balance. Justices Douglas and Hardesty noted it is the Commission's intent to pay for work done.

Kroupa provided an invoice for \$13, 100, for which funds are currently in trust and available for payment by the AOC. It was moved, seconded, and approved that the AOC pay the \$13, 100 ASAP. The AOC was in attendance, represented by Joan Neuffer, Esq., and Ron Titus. The balance will be addressed once the SJI grant status is affirmed, projected for the end of April 2008.

Tom Warden and the Communications Subcommittee remain on board to go forward with a press campaign once the Civil Legal Needs Assessment is finalized.

(c) Cy pres. Justice Douglas noted the Nevada Justice Attorneys group (f/n/a the Nevada Trial Lawyers Association) was critical to this initiative. Ann Price McCarthy is currently handling president duties for that organization and should be contacted. Paul Elcano noted he has been and will continue to take point on this item.

(d) Large law firm initiative.

Justice Hardesty noted he had a very productive interchange with large firms last year. There were dollar commitments, agreements to form subcommittees; motivate other committees; and develop protocols. Those groups should reconvene immediately, and meet no less than twice a year. Summits should be rescheduled in the north and south. Those that attend should put together a list of what was covered and formulate action plans. By all accounts, everyone who attended last year was looking forward to another meeting. Those meetings must happen before the next Commission meeting.

Kimberly Abbott noted she had contact with Tom Ryan about other issues, and people were expecting more, particularly the law firm coordinators. They appreciate having that contact and commitment from the provider side.

Justice Hardesty stated the focus would be how to advance pro bono support, pool resources, advance money commitments, and advance participation commitment. He was approached by mid- and sole-practitioners about future meetings. If we can start channeling younger lawyers, matching up tasks with those lawyers, that will be helpful.

Barbara Buckley stated the top priorities are to get this back on track and clearly identify what the “ask” is going to be: designate a Pro Bono Coordinator, give money, devote time, or all the above.

Justice Douglas noted that Kristina Marzec needs to reach out to the Pro Bono coordinators and get their involvement on the Commission’s initiatives. Barbara Buckley commented pooling of pro bono hours is worthy of discussion. There are a small number of lawyers doing the lion’s share.

Justice Hardesty opined the “ask” should be that the Board of Governors doesn’t want to increase dues, but that doesn’t mean large law firms can’t be asked. Cam Ferenbach stated he liked the idea of pooling. Justice Hardesty stated large law firms are prepared to give hours and money so the Commission needs to do its work to help them do that. The goal is to make sure there is a net gain.

4. Legal Services Standing Committee items

(a) The Emeritus ADKT 425 is filed.

(b) Ghostwriting opinion. This is tabled for now. The Legal Services Providers should address this at the next executive meeting.

(c) Judge Dahl noted the Professionalism Summit did not address Pro Bono. It was agreed this will be followed-up with those responsible for the Summit in 2009.

5. Lawyers Helping Homeowners.

Joan Neuffer, attorney for the AOC, did a power-point presentation on Lawyers Helping Home Owners. Arizona and Ohio recently launched programs which were of interest to the AOC as a potential aid to Nevadans caught in the mortgage crisis. The Commission discussed the program, its potential in Nevada, and decided that other states' progress should be monitored before already stretched resources are devoted in Nevada.

A number of potential legislative approaches were also identified, such as giving the justice courts authority to review foreclosure cases and hear all defenses. Justice Hardesty noted that also applies to eviction issues. People have appellate rights in the district court, but then end with a bifurcated system on these types of cases.

6. Rural Services Delivery

Paul Elcano reported on the status of this item. He discussed the jurisdiction and resources of Nevada Legal Services and VARN and identified the framing issues to be: what services are being delivered, by whom, how those services are funded, and balancing quality of those services with the resources at hand. He also discussed Legal Services Corporation and how strictly services must be regulated to retain funding.

The discussions about VARN and Washoe Legal Services potentially joining up to come under the umbrella of Washoe Legal Service to provide service in the rurals was also addressed.

Valerie Cooney noted district court judges have a better view of the services provided than does limited jurisdiction courts. VARN does not provide overlap services in the rurals. VARN's pro bono project really services 5 counties, all close to Carson. A different model is needed for rural service delivery. The Domestic Violence assistance project is handled by VARN exclusively. NLS was active in Elko county for at least 20 years. VARN is looking into contracting with NLS to provide DV service in Elko. There is not an overlap, but rather truly a dearth in services for many areas of need.

AnnaMarie Thompson noted she has 9 attorneys for the whole state. In 2007, 1800 people were serviced, but NLS only appeared in court two times each in Esmerelda and Elko. They spend a great deal of time giving legal information and advice.

Valerie Cooney noted discussions about merging were very preliminary because they have to be cognizant of administrative costs. Quality of service delivered in a meaningful way is critical. Other vehicles in other areas don't translate well to this specialized area.

Justice Douglas wrapped up by stating a letter was written to judges, Barbara Buckley is speaking at the upcoming judicial summit, and Justice Gibbons filed ADKT 424 addressing use of electronic media to access the courts. The providers were requested to contact John McCormick to use the Regional Judicial Council to follow up on this item. The providers were also asked for a list of what services were provided in each of the counties, and how much annual filing fees each is receiving.

7. Nevada Law Foundation

Carolyne Myers gave a report on the information she learned at the IOLTA National meeting. She noted Alberta Canada collected 55 million; Manitoba 20 million; and Ontario 35 million. Florida collected 72 million and California 12 million.

Nevada is in the bottom lower third and we do have long way to go, but some of the things we are doing, are as well as could be expected. NLF will develop reserve fund policy within the next month. The Foundation hopes mandatory IOLTA will be very helpful but it is too early to tell. The most important goal right now is maximizing banking yields.

Paul Elcano gave a detailed report on the efforts of the banking subcommittee and discussions with local banks on potential avenues to raise IOLTA revenue yields. After discussion, Justice Douglas directed this item be put forth on the Large Law Firm agendas for additional development. The Board of Governors also needs to be involved and fully vet this issue.

Justice Hardesty noted SCR 78.5 is already in place to provide a mechanism for the State Bar to approve trust account banks and set forth attendant policies related thereto. Specifically, this initiative might not require a major change but rather a small tweak to existing rules.

Carolyne Myers stated Nevada Law Foundation very much wants to be equal partners in this and be an open book to the Commission. She requested that the Commission approve NLF going forward with Succession Planning in light of the substantial upcoming Board turnover.

Justice Hardesty noted his support of this approach. If NLF is able to function as an investment and fundraising arm of the Commission, it is not necessary to devote resources to 501(c)(3) issues.

Justice Hardesty moved that the Commission hold on the non-profit formation while it explores its forward relationship with NLF. Seconded and approved. Nevada Law Foundation may proceed with Succession Planning and report back to the Commission

8. Bar Dues Check-off

Whereas the Washoe and Eighth Judicial District Pro Bono Foundations are no longer active, Kimberly Farmer requested that the Commission verify the allocation of percentages of Bar Dues check-off funds under RPC 6.1(a)(3)(ii) as follows:

Rural counties: 100% to Volunteer Attorneys for Rural Nevadans

North counties: 50% to Washoe Legal Services
25% to Senior Law Project
25% to Nevada Legal Services

Southern counties: 50% Clark County Legal Services*
25% City of Las Vegas Senior Law Project
25% Nevada Legal Services

*Noted that CCLS receives 50% because it comprises both Clark County Pro Bono Project and Clark County Legal Services.

9. Other Business.

The next meeting of the Commission will be held at the State Bar annual convention in June 2008 in Santa Barbara, California. The meeting adjourned at 1 p.m.