

**Nevada Supreme Court  
Access to Justice Commission**



**State Bar Annual Convention, Santa Barbara  
Friday, June 20, 2008  
11:00 a.m.-2:00 p.m.**

**MINUTES**

**Commission members in attendance:**

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

Dahl                      Hon. Stephen  
Desmond                John  
Mucha Abbott        Kimberly  
Steinheimer            Hon. Connie  
Thronson                David

Marzec                  Kristina                  Commission Director

**Phone Participants:**

Cooney                 Valerie  
Elcano                  Paul  
Vogel                    Sheri Cane

**Guests:**

Farmer                  Kimberly                  Executive Director, State Bar of Nevada

**Members unable to attend:**

Doherty                Hon. Frances  
Ferenbach              Cam  
Gonzalez                Hon. Betsy  
Johnson                AnnaMarie  
Kandt                    W. Brett  
Nielsen                  Ernest  
Voy                        Hon. William  
Warden                  Tom

1.     Call to order

A regular meeting of the Nevada Supreme Court Access to Justice Commission convened during the State Bar of Nevada Annual Convention on June 20, 2008. Justice Michael Douglas called the meeting to order at 11:10 a.m.

2.     Minutes

It was moved, seconded, and approved to ratify the minutes of the April 25, 2008, Commission meeting with minor edits.

3.     Commission Documents

- **2008 Projects and Goals**

*Donations.* Judge Dahl noted processing state bar donations under Rule 6.1 remains unclear. Previous discussions included amending the rule to make clear donations to foundations would count towards \$500 dues check off. These are not currently solicited funds, and the discussion has not done anything to address county bars. David Thronson noted this might be incorporated into updating the mandatory pro bono reporting form, and finalization the issue of pooling pro bono hours. Moved and approved to add to the goals list.

*Emeritus.* The emeritus program remains a work in progress. With the rule now in place, proceed with policies, infrastructure, and marketing. Should include reach out to other bars, potential reciprocal plan with AZ, UT, and California, perhaps send out letters to lawyers who retired in the past three to five years, and utilization of eventual marketing resources for roll-out of IOLTA and the needs assessment.

*Fundraising.* Kimberly Abbott noted several funding sources identified at the Equal Justice Conference as low-hanging fruit were not in play in Nevada. Justice Douglas noted this has historically been a cultural consideration, discussions can begin but the Commission must be mindful those sources are currently budgeted to other programs.

*Rural Delivery.* Justice Douglas identified the need to get back on top of rural services delivery. John Sasser may be a good resource for activities in this regard. Judge Dahl agreed to coordinate activities to restructure rural delivery. Judge Dayson and Judge Gates to be contacted. David Thronson and Valerie Cooney volunteered. Judge Dahl will report back next Commission meeting. Discuss formation of separate Rural Services Delivery Committee next meeting.

Technology is a driving factor. Justice Hardesty noted the AOC IT staff are currently addressing technology in the rural courts. After that assessment is complete connectivity can be discussed. John Desmond to speak with his firm about donating equipment; technology changes so quickly that when upgrades are done, particularly in large firms, the old equipment has no resale value, seems ripe for donation.

After the above discussion, moved and seconded to approve the list with the additions and modifications identified.

- **Commission Composition**

There is a vacancy due to Judge Glasson resigning. Commission members to provide any formal written recommendations to either of the Justices. The open slot is for a limited jurisdiction judge who also serves as liaison to the Nevada Judges Association (Rule 15(2)(c) ). However, another option is to transfer Judge Dahl to this appointment and fill the Clark County Bar representative slot. Karl Nielsen is the current CCBA present, other options might be Frank Sullivan or Wayne Carter.

Justice Hardesty noted a large law firm representative would be useful. This would require a rule change.

Moved, seconded, and approved to further discuss expanding the Commission by rule at next meeting after receiving feedback on the issues discussed today.

#### 4. Large Law Firm Initiatives

Justice Hardesty provided an update. The meetings went well, with Las Vegas better attended due to short notice in the north. Most importantly, there was a good dialogue about IOLTA and interest rates, with candor from the managing partners on possible impact on banking relationships. Justice Hardesty will send out a letter to the attendees on Monday setting forth Nevada State Banks offer of .5 percent off the 30-day LIBOR. John Sande will address the Nevada State Bankers Association. All of the attendees in Las Vegas promised a pledge letter within 90 days. Some agreed to steering committees. Strong interest in allowing pooling of pro bono hours in the mandatory reporting structure.

Judge Dahl noted Ballard Spahr does a national quarterly pro bono letter. John Desmond reported Hale Lane is merging with Holland & Hart, who have mandatory 100 hours per lawyer per year and take it very seriously. Kimberly Abbott agreed, noting a close working relationship with Karla Kok. Holland and Hart has won many national awards.

Sugar Vogel stated this will be the first time in 22 years her agency has to outsource wills. Large Law Firms may be a resource for her. Kimberly observed coordinating attorney resources through her offices may be helpful. Justice Douglas and Justice Hardesty agreed to incorporate the information into Justice Hardesty's letter.

Uniformity of procedures among *pro bono* coordinators, stronger commitment by the firms to the concept of steering committee, and honest analysis of types of cases the large law firms can handle were all strong talking points at the meetings.

Paul noted his organization traditionally has been a poor fit for large law firms, with the big issue today being domestic case appointments. Large law firms tend to want guarantee of litigation and court hearings, which does happen in DV cases. That might be the sell for volunteer hours from the large firms.

Justice Hardesty stated his hope for money pledges of \$100 per lawyer under Rule 6.1. Government lawyers make up about 8% of the membership; that group alone at \$100--or placement on non-adversarial services (to avoid conflict)--would be a great resource. Valerie noted some of her strongest volunteers are from the Attorney General's office.

Some discussion followed about government offices with a policy that government lawyers cannot handle *pro bono* cases due to perceived public perception that it is an inappropriate use of tax payer dollars. Justice Hardesty opined there is no reason to challenge these policies when RPC 6.1 clearly applies to all lawyers, and gives the option of donating money.

#### 5. Civil Needs Assessment

The final draft of the assessment was presented during the convention and was a rousing success to those who attended. Kristina will obtain and post the power point presentation on the ATJC page of the website.

We are in the home stretch. Follow-up meetings are planned by Kelly and Kristina to work with the providers and certain volunteer Commissioners to (1) complete phase 3 strategic planning, (2) address discrepancies in data collection and statistic reporting that became evident in the assessment, and (3) develop a cohesive message and executive summary with a view towards eventual marketing.

Justice Douglas noted the assessment is not about critiquing the providers or their process. The focus is and shall be the overwhelming unmet need and severe lack of resources. The legal services providers and what they do are among Nevada's best kept secrets. Now the challenge is to figure out the best way to use the information we have and ensure it does not negatively impact our providers.

Judge Dahl noted he did not see anything in the presentation that could be used against the providers. One goal that flows from this should be uniform reporting statistics for our providers so the data isn't comparing apples to oranges. Without that, someone will always have a concern about data manipulation. Judge Steinheimer wanted to make sure everyone identified from focus groups got a lawyer.

Moved, seconded, and approved to pass the draft assessment along to the final work groups. Final report, executive summary, and strategic planning piece will be presented for ratification at the next ATJC meeting. Eventual marketing roll-out, which will be further developed upon ratification of the Assessment, must include the rurals and Spanish-language mediums.

## 6. IOLTA Comparability

Paul Elcano gave a historical overview of the IOLTA banking subcommittee efforts. Carolyn Myers asked that the subcommittee be created to assist with the banking negotiations: Paul, Justice Hardesty, John Sande, and Steve Brown.

Justice Hardesty relayed the Nevada State Bank offer of .5 off the 30-Day LIBOR and his plans to use that offer to provide pressure on other banks. He suggests for right now, hold off on rule change discussions. See how far negotiations go and what kinds of offers are made. There may be some differences in what small and larger banks can offer. If we can get three banks to join the list and sent a letter to our members, that will give lawyers a chance to move and non-participating banks a chance to reconsider.

Moved, seconded, and approved that in the next month a letter will go out to the members signed by the justices with the participating banks we have on board at that point.

## 7. Prioritization of Commission Projects

Justice Douglas moved, and it was seconded and approved, that within the next six (6) months the following items need to be **finished or moving forward on independent initiative**: Needs Assessment; Rural Services Delivery; Nevada Law Foundation relationship with ATJC; IOLTA comparability; large law firm initiative; emeritus program; statewide fundraising; website expansion.

## 8. Technology

Valerie gave a verbal report on the technology delivery hearings held at the Equal Justice Conference. The hearings focused on presentations by a few states with a heavy on-line presence, integrating kiosk self-help in the courts, web-based support systems for LSC funded lawyers and programs, and technology-savvy users. Anyone interested can contact Valerie for the URLs.

## 9. 501(c)(3)

Moved, seconded, and approved to hold decision to form a 501(c)(3) for the Commission pending final determination of the Nevada Law Foundation's continuing role as the Commission fundraising and investment arm.

10. **Next Commission meeting**

Moved, seconded, and approved that the next meeting should be scheduled in September or October. Future meetings should utilize videoconferencing.

11. **Other business**

*Awards & recognition.* Judge Steinheimer stated there was poor attendance at the Washoe County Bar Luncheon pro bono awards and asked what the Commission was going to do about that statewide. Kimberly noted this was something that was being addressed by the Legal Services Delivery Committee, particularly Chris Reade, Renee Kelly, and herself. They had a proposal that needs to be brought back, suggesting a February statewide award where statistics for a full year can be taken into account. Local awards should be left intact. The ABA announced a National Pro Bono week, targeted for October 2009, which is still in the development phase.

*LAV grant.* This grant is submitted by Nevada Legal Services. While predictions are generally difficult, the providers are mildly optimistic. Word is there will be downward revisions, Washoe and VARN likely to be cut down.

**Meeting adjourned at 2:00 p.m.**