



Nevada Supreme Court Access to Justice Commission



Minutes

Thursday, July 9, 2015 9:30 am – 11:30 am

MOTIF Seattle - Seattle, Washington

Commission Members in Attendance

Chief Justice James Hardesty
Justice Michael Douglas
Ben Albers
John Desmond
Paul Elcano
Melanie Kushnir
AnnaMarie Johnson
Nic Danna
Melanie Kushnir
Julie Cavanaugh-Bill
Anne Traum
Wynn Tashman
Connie Akridge
Doreen Spears Hartwell
Judge Nathan Tod Young

Attending Guests

Kimberly Farmer
Senior Judge Betsy Kolkoski
Elana Graham
Barbara Buckley
Jim Puzey
Renee Kelly
Jim Berchtold

Staff Members Present

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

Call to Order/Roll Call

The Access to Justice Commission meeting was called to order at 9:58 am by Justice Douglas. A roll call was conducted thereafter.

Consent Agenda

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

Approval of March 13, 2015 ATJ Commission Minutes
Approval of March 20, 2015 ONE Promise Nevada Campaign Subcommittee Minutes
Approval of March 27, 2015 Rural Subcommittee Meeting Minutes
Approval of April 22, 2015 ONE Promise Nevada Campaign Subcommittee Minutes
Approval of May 13, 2015 IOLTA Program Interest Rate Review Meeting Minutes
Approval of June 17, 2015 ONE Promise Nevada Campaign Subcommittee Minutes



Nevada Supreme Court Access to Justice Commission

Minutes



There was one correction made to the March 13, 2015 Access to Justice Commission minutes: Judge Nathan Young's name should appear under "Commission Members in Attendance" as opposed to "Attending Guests." With that change, it was moved and seconded that the minutes from the previous meetings be approved. A vote was conducted and the matter passed unanimously.

Statewide Legal Service Delivery Reports

Legal Aid Center of Southern Nevada (LACSN) – Barbara Buckley and Melanie Kushnir provided the report for Legal Aid Center of Southern Nevada. The Civil Law Self Help Center statistics have doubled since the opening of the center in 2009, having served 54,000 people in 2014. The Family Law Self Help Center continues to grow, having served 37,000 people in 2014. The Family Law Self Help Center is now expanding to include more legal information with every family law form on its website. LACSN is now expanding in other areas of support, including assistance with the Guardianship Commission, which includes placing more guardianship information on the website. Also, LACSN is completing informational brochures on foster care for parents in the foster care system; these are webpages that will be turned into pamphlets. This project is currently in the development stage. LACSN has doubled the number of children receiving legal counsel in the last two years. Currently 800 children are represented by pro bono lawyers and the rest of the caseload is represented by LACSN staff. The Family Justice Project is continuing and has added staff to accommodate its expanding services. The Family Justice Project is scheduled to represent every child immigrant and starting September 1, 2015, in conjunction with Boyd School of Law, a general immigration class will take place every week alternating in English and in Spanish. Additionally, a new full time staff person has been hired – Pro Bono Recruitment Coordinator. The Bremer Whyte Brown & O'Meara law firm has recently committed to every lawyer in the firm taking a pro bono case. LACSN conducted a CLE there and the firm is taking the commitment very seriously. It is the hope that other firms will follow suit.

Nevada Legal Services (NLS) – AnnaMarie Johnson and Renee Kelly provided the report for Nevada Legal Services. NLS is working on various ways to reach out to various communities with assistance. NLS is currently working on a grant with a community organization to devise ways to assist immigrants with the naturalization process. The grant proposes that participants attend naturalization classes, and after completion of the classes, NLS will assist the participants through the naturalization process. The grant will focus on victims of domestic violence, particularly those who live in the rural areas. Additionally, NLS is working with the Ethiopian Community Development Center under a Healthy Families Grant to provide services to the Ethiopian and Nigerian communities in Las Vegas. Also, NLS is working in Winnemucca to develop a mediation program where pro bono attorneys will serve as mediators in family law and other types of cases. Coordination efforts are underway with Emily Reed at Washoe County Court to create a self-help center and NLS is currently working on the Court's most requested legal areas: unemployment, small claims and landlord tenant issues. Assistance is being provided in the form of informational packets and the establishment of a pro se clinic. Lastly, NLS is implementing a name change program in the north as well and is working with the court to review forms to accommodate gender neutral needs.

Southern Nevada Senior Law Program (SNSLP) – Elana Graham provided the report for Southern Nevada Senior Law Program. In July, SNSLP started Medicaid fair hearings which, in addition to other issues, address long term health care issues. Also, SNSLP has coordinated with NLS with these programs; NLS provided training to SNSLP's attorneys for the program. One of SNSLP's attorneys has been named to serve on the Guardianship Committee. Very soon, SNSLP will be participating in an estate planning day with the Probate and Trust Section of the Bar, NLS and LACSN. In addition to traditional funding, SNSLP



Nevada Supreme Court Access to Justice Commission

Minutes



hosted its first tennis tournament and cocktail event. SNSLP's banker, Bank of Nevada was helpful in the execution of the event. The event yielded good attendance and revenue and provided a great deal of exposure for the organization. Also, SNSLP now has a program artist who is donating a percentage of his art show sales to SNSLP and he volunteered to do a presentation on his art at SNSLP's volunteer luncheon. SNSLP has had a good response from volunteer attorneys and recently had a request from a student at the law school to become an intern with SNSLP for forty hours a week. SNSLP currently has nine attorney volunteers. Lastly, SNSLP recently marked its first three years as a 501 (c)3 Nevada non-profit.

Volunteer Attorneys for Rural Nevadans (VARN) – Ben Albers provided the report for VARN. As a result of revamping the website, VARN has had a significant increase in people accessing services from VARN. As a result of a grant award from the Legal Assistance Victims Fund, VARN has been able to hire additional staff in order to answer the increased need. Additionally, VARN works very closely with domestic violence agencies and shelters in the rural communities. Historically, most of VARN's referrals would come through those agencies, but now, referrals are coming from the internet as well. VARN has made several presentations in rural communities about services and as a result, it has been able to better connect with the community and work together to provide services. Lastly, UNLV Boyd Law School has reached out to VARN to have people volunteer in the VARN office.

Washoe Legal Services (WLS) & the I-80 Corridor Project – Paul Elcano provided the report for WLS. Washoe County has about 16,000 unrepresented litigants going into Family Court; to date WLS has been unsuccessful in raising money to represent them, but is looking at ways to address the issue. WLS is providing child advocacy and represents about half of the children in the system (approximately 400). WLS recently added a new lawyer who is an estate trust expert and a longtime family lawyer in Reno. The new hire is doing estate work and wills in-house. There exists a significant need for indigents who have no money and who have rights to property when their family member dies; WLS is devising ways to address this need as well. WLS' immigration program is producing about forty-three cards a year, has represented seniors and has provided representation in guardianship proceedings, which has cut costs for the state. Regarding the I-80 Corridor Project, the lawyer in Lyon County is working full time and is handling about 55 children and other issues for the court, including guardianships. The client to lawyer ratio is lower in Lyon County because there is a great deal of traveling associated with this county; in other counties each attorney handles approximately 80 children. The attorney in Humboldt County is doing part time work and handles seniors and some children. The part time lawyer in Lander County is doing senior work. WLS just hired a second part time lawyer in Elko County to go along with a full time lawyer to handle 134 children in 432(b) proceedings. Filing fee revenue has dipped in Washoe County because fewer people are using the court system and because more people are using fee waivers; WLS has compensated for the drop in filing fee revenue by raising funds in other areas.

Discussion Items

Alternative IOLTA Program Models. Paul Elcano led the discussion regarding IOLTA Program Models. The alternative models include: 1) the advertisement of an Request for Proposal (RFP) and 2) the "One Bar, One Bank" model. The RFP model would allow all financial institutions to bid to become the one financial institution to hold all IOLTA accounts for a period of three years at a significantly increased interest rate. The "One Bar, One Bank" model would include shopping all bank products to qualifying lawyers so that, for example, home mortgages, home loans, and/or car loans would be available to qualifying lawyers at a reduced rate. Implementation of the proposals would require some public relations work from the Bar as it is foreseeable that there could be objection raised regarding moving



Nevada Supreme Court Access to Justice Commission

Minutes



IOLTA accounts to another bank. Discussion on this item included: 1.) whether a rule would need to be employed to support the new procedure; 2.) the need for an educational campaign; 3.) anticipated objections from the Bar, including Constitutional challenges, and the possibility for litigation; 4.) current participating financial institutions feedback with the Nevada Bar Foundation; their request for the logic of the rate and the setting of same and their relationships with the Access to Justice Commission; 5.) the historical background of Nevada's IOLTA Program and the assigned interest rate; 6.) whether the IOLTA interest rate should have been reduced in the past to support and/or preserve the relationships; and 7.) memorializing the rationale for the interest rate. The Commission suggested that continued legal research of potential ramifications of the proposal be conducted and that the discussion continue.

Consolidation of Legal Aid Organization Communications. Ambassador meetings were conducted in the north and south to discuss the expansion of the ONE Campaign. One of the suggestions offered during those meetings was consolidating communications for pro bono. Legal aid providers are asked to look at ways to consolidate the communications and pro bono availability and perhaps put that on a single website. This is a work in progress and discussions will continue with the drafting of the legal services statewide plan.

National Pro Bono Website Project. This project started in Tennessee and the ABA has picked up the concept and is promoting it vigorously to get all 50 states involved. The anticipated cost is approximately \$1,500. A webinar is coming up soon to discuss the project further. More information on this project will be gathered and brought back to the Commission for further discussion.

Reports

Rural Subcommittee Report - Judge Young provided a brief report for the subcommittee noting that in the 9th Judicial District, work is being dedicated to an online forms bank, particularly in domestic relations cases. There are some funds available and the District is considering developing those forms. Also, the 9th Judicial District looking at guardianship classes; at that class, the director of the SAFE Program will instruct on guardianship. Justice Douglas noted that the Supreme Court library has placed all forms for each district online on the website. Also, it was reported that the subcommittee has developed a statewide legal aid brochure and the statutory county filing fee project is nearly complete, but assistance will be needed for those counties that are having a challenge with getting the information to the Commission.

Attorney General Military Pro Bono Program – Nic Danna provided the report for the Attorney General Military Pro Bono Program. The soft launch for the program was July 1st. Cases have been received through the program and once more cases have been received, a formal launch will take place. The Coast Guard has provided cases to the program as well as 29 Palms Marine Corps base in California. A larger launch date is in the works that will involve the media, however it was important to make sure that a viable product was in place before the actual launch. Chief Justice Hardesty expanded on the report to share that he had met with Attorney General Laxalt to expand the ONE Campaign. The meeting with Chief Justice Hardesty and Attorney General Laxalt resulted in an agreement for the Attorney General to formalize a written policy for the participation of public lawyers in pro bono, listing out the areas that they believe are permissible under the statute and will include taking pro bono cases. The Attorney General is scheduling a meeting with Chief Justice Hardesty and all of the D.A.'s at the D.A.'s meeting in Mesquite to encourage and get the D.A.'s to do what the Attorney General is doing. The Attorney General will communicate that he would like the public lawyers to participate in pro bono and that he would like each to do twenty hours per year. Also, Chief Justice Hardesty and Attorney



Nevada Supreme Court Access to Justice Commission



Minutes

General Laxalt will send out a joint letter to all of the public lawyers in the state, listing out the areas where they believe the public lawyers can provide pro bono services, including taking cases. This goes beyond the military plan, and actually supplements the plan.

IOLTA Program /Nevada Bar Foundation Report – Connie Akridge provided the report for the Nevada Bar Foundation. She noted that there was an anticipated \$40,000 increase in funds from 2014. Also, the recommendation will be made for a supplemental application for the Bank of America settlement dollars. This recommendation will go before the board for approval. Also, it was recently learned that funds from a Citibank settlement will be made available for application as well. Ms. Akridge reported on Nevada Bar Foundation assets, including the Colleague Fund. She noted that it was the Foundation understands that Colleague Fund dollars were solicited for pro bono and LRE support and includes: \$133,000 in unrestricted funds, \$333,000 in restricted funds and \$75,000 in pledged and uncollected funds. The Foundation will discuss how to resolve the issue of restrictions and will report back. Also, Ms. Akridge noted that the Foundation is in possession of funds associated with the sale of the Nevada Law Foundation building in the amount of \$728,639.00. There was discussion regarding the Nevada Law Foundation’s previous letter to the Colleagues regarding restrictions. Chief Justice Hardesty noted that through his conversation with the Nevada Law Foundation, it was his understanding that those who contributed to the Colleague Fund would likely waive any restrictions with contact.

UNLV Boyd Law School PILA – Wynn Tashman provided the report for PILA. PILA’s auction is set for March at the Smith Center. Also, PILA will host a Social Justice and Public Interest Law Retreat.

Justice Douglas reviewed the informational items and adjourned the meeting at 11:34 am.